

**HOME RULE CHARTER
AND CODE
OF THE
TOWN OF SNOWMASS VILLAGE
COLORADO**

1994

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CHARTER TABLE OF CONTENTS

PREFATORY SYNOPSIS

PREAMBLE

ARTICLE I

GENERAL PROVISIONS

- Section 1.2 Rights and Liabilities
- Section 1.3 Form of Government
- Section 1.4 Powers
- Section 1.5 Purpose
- Section 1.6 Municipal Code
- Section 1.7 Master Plan

ARTICLE II

ELECTIONS

- Section 2.1 Colorado Municipal Election Laws Adopted
- Section 2.2 Municipal Elections
- Section 2.3 Nonpartisan Elections
- Section 2.4 Election Precincts
- Section 2.5 Reserved
- Section 2.6 Nominating Petitions
- Section 2.7 Recall

ARTICLE III

COUNCIL

- Section 3.1 The Council
- Section 3.2 Terms of Office
- Section 3.3 Powers of Council
- Section 3.4 Mayor
- Section 3.5 Qualifications
- Section 3.6 Compensation
- Section 3.7 Mayor Pro Tem
- Section 3.8 Vacancies
- Section 3.9 Oath of Office
- Section 3.10 Ethics

ARTICLE IV

COUNCIL PROCEDURE

- Section 4.1 Regular Meetings
- Section 4.2 Special Meetings
- Section 4.3 Quorum and Adjournment of Meeting
- Section 4.4 Meetings to be Public
- Section 4.5 Council Acts
- Section 4.6 Voting
- Section 4.7 Action by Ordinance Required
- Section 4.8 Form of Ordinance
- Section 4.9 Procedure
- Section 4.10 Emergency Ordinance
- Section 4.11 Adoption of Codes by Reference
- Section 4.12 Disposition of Ordinances
- Section 4.13 Public Records
- Section 4.14 Ordinance Review

ARTICLE V	INITIATIVE AND REFERENDUM
Section 5.1	General Authority
Section 5.2	Commencement of Proceedings: Petitioners' Committee; Affidavit
Section 5.3	Petitions
Section 5.4	Discretionary Suspension of Ordinances
Section 5.5	Submission to Registered Electors
Section 5.6	Results of Election

ARTICLE VI	TOWN ADMINISTRATION
Section 6.1	Town Manager
Section 6.2	Acting Manager
Section 6.3	Powers and Duties of the Town Manager
Section 6.4	Relationship of Council to Administrative Service
Section 6.5	Removal of Town Manager
Section 6.6	Town Clerk
Section 6.7	Town Treasurer
Section 6.8	Chief of Police
Section 6.9	Administrative Departments
Section 6.10	Bonding of Employees

ARTICLE VII	LEGAL AND JUDICIARY
Section 7.1	Town Attorney
Section 7.2	Judiciary

ARTICLE VIII	BOARDS AND COMMISSIONS
Section 8.1	Boards and Commissions
Section 8.2	Composition of Boards and Commissions
Section 8.3	Appointment and Terms of Office
Section 8.4	Procedure
Section 8.5	Vacancies

ARTICLE IX	TOWN FINANCING
Section 9.1	Fiscal Year
Section 9.2	Submission of Budget and Budget Message
Section 9.3	Budget Message
Section 9.4	Budget Content
Section 9.5	Capital Program
Section 9.6	Public Hearing
Section 9.7	Council Amendments
Section 9.8	Council Adoption
Section 9.9	Appropriations, Property Tax Levy
Section 9.10	Public Records
Section 9.11	Amendments After Adoption
Section 9.12	Administration of Budget
Section 9.13	Independent Audit

ARTICLE X	MUNICIPAL BORROWING
Section 10.1	Forms of Borrowing
Section 10.2	Short Term Notes
Section 10.3	Emergency Notes

Charter Table of Contents

Section 10.4	Anticipation Warrants
Section 10.5	General Obligation Bonds
Section 10.6	Revenue Bonds
Section 10.7	Industrial Development Revenue Bonds
Section 10.8	Special Assessment Bonds
Section 10.9	Anticipation Notes
Section 10.10	Refunding Securities
Section 10.11	Lease Purchase and Installment Purchase Agreements
Section 10.12	Limitations; Sale and Redemption of Obligations
Section 10.13	Municipal Utility System Defined

ARTICLE XI TAXATION

Section 11.1	Authority to Levy Taxes
--------------	-------------------------

ARTICLE XII UTILITIES AND FRANCHISES

Section 12.1	General Powers
Section 12.2	Utility Rates
Section 12.3	Use of Public Places by Utilities
Section 12.4	Granting of Franchises

ARTICLE XIII TRANSITION

Section 13.1	Status of Transitional Provisions
Section 13.2	Effective Date of Charter
Section 13.3	Prior Town Legislation
Section 13.4	Present Elected Officials to Continue in Office
Section 13.5	Continuation of Appointed Officers and Employees
Section 13.6	Continuation of Present Boards and Commissions

ARTICLE XIV CHARTER AMENDMENTS

Section 14.1	Charter Amendments
--------------	--------------------

ARTICLE XV SEVERABILITY

Section 15.1	Severability
--------------	--------------

CERTIFICATE OF FINAL ADOPTION

PREFATORY SYNOPSIS

The Charter Commission of the Town of Snowmass Village, Colorado, herewith submits to the voters of the Town the Home Rule Charter which we have framed in conformity with Article XX of the Colorado Constitution.

Since its organizational meeting of Thursday, April 10, 1980, the Commission has worked long and hard to achieve a simple and direct form of local government based on sound principles of public administration and tailored to the political needs of the electorate of the Town of Snowmass Village.

Of primary importance to the Commission is the encouragement by this Charter of the participation of every citizen on a continuing basis in the governmental process. Under provisions of this Charter, a basic Council-Mayor-Manager form of government is established. The Council is composed of seven (7) members which include the Mayor who is elected at large for a two year term. The Mayor also presides at Council meetings and possesses full voting powers of a Council Member. The six Council Members are elected at large for four year overlapping terms. A majority of the Council (three Council Members and the Mayor) are elected every two years, thereby ensuring continuity of government with maximum political responsiveness to the voters.

The Council is the policy determining body of the municipal government invested with full legislative powers. The administrative power is vested with the Town Manager who is appointed by and serves at the pleasure of the Council.

The biennial municipal election is set for the first Tuesday after the first Monday in November with the first election under this Charter to be held on November 2, 1982. The Charter provides that all elections are to be non-partisan. An election commission is established to ensure that fair elections are conducted in accordance with the Colorado Municipal Election Law.

Additional matters covered in this Charter for the future framework of Snowmass Village municipal government relate to general Council procedures, initiative and referendum powers of the people, Town administration guidelines, legal and judiciary appointments, municipal boards and commissions, Town finances, municipal borrowing procedures, public utilities, taxation powers, miscellaneous legal provisions and transition procedures.

The Charter vests the people of the Town of Snowmass Village with every political power permitted to any Home Rule Community under the Constitution of the State of Colorado. We believe this Charter provides a structure for quality government in the Town of Snowmass Village which will endure for many years to come.

PREAMBLE

We, the people of the Town of Snowmass Village, Colorado, under the authority of the Constitution of the State of Colorado and in order to exercise the rights, privileges and responsibilities of self-government granted to us by said Constitution, do ordain and establish this Home Rule Charter for the Town of Snowmass Village, Colorado.

**Article I
General Provisions**

The municipal corporation heretofore existing as a Town in the County of Pitkin, State of Colorado, and known as the Town of Snowmass Village, shall retain the same name and boundaries until changed in a manner authorized by law.

Section 1.2 Rights and Liabilities

By the name of the Town of Snowmass Village, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by said Town of Snowmass Village and shall assume and manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and shall assume and pay all bonds, obligations and indebtedness of said Town of Snowmass Village; may purchase, receive, hold and enjoy or sell and dispose of real and personal property; and may sue, defend, plead, and be impleaded in all courts and places and in all matters and proceedings; and may have and use a common seal.

Section 1.3 Form of Government

The municipal government provided by this Charter shall be a "Council-Mayor-Manager"

form of government. Pursuant to its provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers of the Town shall be vested in an elective Mayor and Council, hereafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the Town Manager who shall execute the laws and administer the Town government. All powers of the Town shall be exercised in the manner prescribed by this Charter or by ordinance.

Section 1.4 Powers

It is the intention of this Charter to confer upon the people of the Town of Snowmass Village the full right of self government on local and municipal matters and to that end to confirm unto the Town all governmental powers not prohibited by constitution. The Town may acquire property, including water rights within and without its corporate limits for any purpose deemed by the Council to be in the Town's best interest by purchase, gift, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as the Council may determine; and, except as prohibited by the Constitution of this State or restricted by this Charter, the Town may exercise all municipal powers, functions, rights and privileges of every nature whatsoever, including the establishment of or participation in trusts, funds, foundations or other entities designed to receive and expend funds for public purposes including the acquisition, construction, financing of or otherwise providing housing for residents of low and moderate income. The enumeration of particular powers by this Charter shall not be deemed to deny the Town any other power conferred by Article XX of the State Constitution, including the power to supersede by Charter or ordinance any law of this State now or hereafter in force insofar as it applies to local or municipal affairs.

Charter - General Provisions - Section 1.5

Section 1.5 Purpose

It is the purpose of this Charter to establish a basic governmental structure that will provide for the effective and efficient conduct of the business of the Town. It is intended that the Charter shall provide for the fullest possible participation in the affairs of the Town by every member of the community.

Section 1.6 Municipal Code

The Council shall adopt a municipal code containing procedures to implement this Charter, including but not limited to an administrative section describing at least the Planning, Transportation, Housing and Financial functions of the Town.

Section 1.7 Master Plan

The Council shall adopt and maintain a comprehensive Master Plan of the Town. No subdivision of land, zoning change or land development significantly affecting the Town shall be approved by the Council without considering the effect of such approval on the comprehensive Master Plan, as amended.

Article II Elections

Section 2.1 Colorado Municipal Election Laws Adopted

Town elections shall be governed by the Colorado Municipal Election Laws and the Fair Campaign Practices Act as now existing or hereafter amended or modified except as otherwise provided by this Charter or by ordinance hereafter enacted. (Amended by 11/6/90 election; amended by 11/5/02 election)

Editor's Note: The provisions of the Campaign Reform Act have been replaced by the Fair Campaign Practices Act.

Section 2.2 Municipal Elections

A regular municipal election shall be held on the first Tuesday after the first Monday in November, 1982, and biennially thereafter. Any special municipal election may be called by resolution or ordinance of the Council at least thirty (30) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose of such election. Polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

Section 2.3 Nonpartisan Elections

No candidate for any municipal office shall have a party affiliation listed on the ballot.

Section 2.4 Election Precincts

The Town shall constitute one voting precinct, provided that the Council may by ordinance, for the convenience of the registered electors, establish or abolish multiple precincts thirty (30) days or more prior to any election. The Council shall determine the maximum number of registered electors for each precinct and each precinct shall be as substantially equal in the number of registered electors as practicable. (Amended by 11/2/93 election)

Section 2.5 Reserved

Editor's Note: Former Section 2.5, Election Commission, was deleted by voters at the 11/8/94 election.

Section 2.6 Nominating Petitions

Notwithstanding the provisions of the Colorado Municipal Election Code, a registered elector may sign any number of nominating petitions regardless of the number of separate offices to be filled in any municipal election.

Section 2.7 Recall

Any elected officer of the Town may be recalled at any time after six (6) months in office by the registered electors entitled to vote for a successor of such incumbent as provided for in Article XXI of the State of Colorado Constitution. (Amended by 11/2/93 election)

**Article III
Council**

Section 3.1 The Council

The Town shall be governed by a Council of five (5), comprised of four (4) Council Members and one (1) Mayor, who shall be elected at large, unless otherwise provided by ordinance. (Amended by 11/8/94 election)

Section 3.2 Terms of Office

Terms of office of members of the Council, except for the Mayor, shall be four years and shall be overlapping.

Section 3.3 Powers of Council

The Council shall be the legislative and governing body of the Town and shall exercise all powers conferred to it by this Charter and shall adopt such ordinances and resolutions as it shall deem proper.

Section 3.4 Mayor

(a) The Mayor shall be elected for a term of two years.

(b) The Mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as shall be conferred on the office by this Charter, the ordinances of

the Town or by the Council. The Mayor shall have all the powers, rights, privileges and obligations of a Council Member including the right to vote on all matters. The Mayor shall be recognized as head of the Town government for all ceremonial and legal purposes and shall execute all legal instruments requiring official signatures. The Mayor shall be responsible for the efficient administration by the Town Manager of the affairs of the Town as required by this Charter and the policies and directives of the Council.

(c) No Mayor shall serve more than three consecutive terms.

Section 3.5 Qualifications

Each Council Member and the Mayor when nominated and elected shall be a citizen of the United States, a registered voter of this Town and shall have resided in the Town or any territory hereafter annexed for one year immediately preceding such election. The Council shall be the judge of the election and qualifications of its own members.

Section 3.6 Compensation

The members of the Council shall be entitled to receive such compensation as prescribed by ordinance, provided, however, that the compensation of any member during such member's term of office shall not be increased or decreased.

Section 3.7 Mayor Pro Tem

The Mayor Pro Tem shall be elected from the Council membership by a majority vote of the entire Council. Said elections shall take place at the organizational meeting following each general municipal election.

Charter - Council - Section 3.7

The Mayor Pro Tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire Council. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor. If a vacancy occurs in the office of Mayor Pro Tem, the Council shall elect a successor.

Section 3.8 Vacancies

An elected officer shall continue to hold office until a successor is duly qualified. An elective office shall become vacant whenever any officer is removed, recalled, dies, becomes incapacitated, resigns, ceases to be a resident of the Town or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining Council Members shall choose by majority vote a duly qualified person to fill such vacancy on an interim basis until the next municipal election. If three or more vacancies exist simultaneously the remaining Council shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety (90) days.

Section 3.9 Oath of Office

Before entering upon the duties of office, every Council Member, the Mayor and other Town Officers as defined by ordinance shall take, subscribe before and file with the Town Clerk an oath or affirmation supporting the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the Town and will faithfully perform the duties of the office.

Section 3.10 Ethics

The Council shall adopt by ordinance a code of ethics to govern its conduct and that of appointed officials of the Town.

Article IV Council Procedure

Section 4.1 Regular Meetings

The Council shall meet regularly at least twice each month at a day and hour to be fixed by resolution. Notice of all regular meetings shall be posted permanently in at least two locations in the Town ordinarily used for public notices. The agenda of each regular meeting shall be posted in a public place within the Town at least forty-eight (48) hours in advance of such meetings. The Council shall determine the rules and procedures governing meetings. The first regular meeting following each general municipal election shall be the organizational meeting of the Council.

Section 4.2 Special Meetings

Special meetings shall be called by the Town Clerk upon the request of the Mayor, of any two members of the Council or the Town Manager on at least forty-eight (48) hours' written notice to each member of the Council and posted in a public place within the Town. A special meeting, however, may be held on shorter notice or without written notice to Council members if a quorum of the Council approves. No business shall be transacted at any special meeting of the Council unless it has been stated in the posted notice of such meeting.

Section 4.3 Quorum and Adjournment of Meeting

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date. In the absence of all members the Town Clerk may adjourn any meeting for not longer than two weeks.

Charter - Council Procedure - Section 4.4

Section 4.4 Meetings to be Public

All regular and special meetings of the Council, except executive sessions as defined by ordinance, shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Section 4.5 Council Acts

The Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances and all other actions, subject to the provisions of Section 4.7, shall be in the form of resolutions or motions. A true copy of every resolution and ordinance adopted shall be numbered and recorded in the official records of the Town. Motions shall be used only as a means of calling for action on a resolution, ordinance or matter of procedure.

Section 4.6 Voting

The passage of every ordinance shall be determined by a roll call "yes" or "no" vote. Except as otherwise provided herein, every ordinance, resolution or motion shall require the affirmative vote of the majority of the members present and voting and the results of such vote shall be entered in the minutes of the Council proceedings and in the case of ordinances and resolutions set forth in such ordinance or resolution.

No member of the Council shall vote on a question in which such member has a direct personal or financial interest other than the common public interest or on any question concerning such member's own conduct, in which case the member shall disclose such interest to the Council. If two (2) or more members of the Council are disqualified from voting due to such personal or financial interest, an ordinance, resolution or motion shall require the affirmative vote of three

(3) members of the Council for final passage. On all other questions each member who is present shall vote when that member's name is called. Refusal to vote except when not so required by this paragraph shall, at the discretion of a majority of the Council, be considered grounds for removal from office.

Section 4.7 Action by Ordinance Required

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed or placing any burden upon or limiting the use of private property shall be by ordinance, provided, however, that this Section shall not apply to appropriations made in connection with the budget adoption as provided in Section 9.9, which may be done by resolution. Ordinances shall be confined to one subject matter.

Section 4.8 Form of Ordinance

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SNOWMASS VILLAGE, COLORADO. Except as otherwise provided in this article, all ordinances shall take effect fifteen (15) days after adoption, unless the ordinance shall specify a later effective date.

Section 4.9 Procedure

Except for emergency ordinances, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any meeting of the Council by any member;

Charter – Council Procedure - Section 4.9

(b) The ordinance shall be read in full or in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting said ordinance may be read by title only;

(c) Following the first reading, the title, a summary of the ordinance to be considered and the date on which the Council shall consider the ordinance shall be published in a newspaper of general circulation within the Town; except if the ordinance fails first reading, no publication or second reading shall occur;

(d) The ordinance shall be introduced a second time at a regular meeting of the Council for approval, rejection or other action as may be taken by vote of the Council. Upon adoption of an ordinance, a summary of the ordinance shall be published in a newspaper of general circulation within the Town and a true and accurate copy of the ordinance shall be posted in the office of the Town Clerk for 30 days. (Amended by 11/6/90 election)

Section 4.10 Emergency Ordinances

Emergency ordinances for the preservation of public property, health, welfare, peace or safety shall require the affirmative vote of three (3) members of the Council. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes or fixing rates charged by any Town owned utilities shall be adopted as an emergency measure. An ordinance authorizing a municipal borrowing in accordance with Article X of this Charter which merely provides for the levying of a tax or which contains covenants with respect to the levy or imposition of a tax to secure the repayment of such a borrowing shall not be deemed an ordinance levying taxes within the meaning of the preceding sentence. An emergency ordinance may be adopted at any meeting of the Council. However, there shall be no requirement for a public hearing, second reading

or first publication as provided in Section 4.9. One publication shall be required within ten (10) days after adoption. Such publication shall specify that the ordinance has been adopted as an emergency measure and has become effective upon passage. (Amended by 11/8/94 election)

Section 4.11 Adoption of Codes by Reference

Standard codes promulgated by the Federal Government, the State of Colorado, any municipality within the State of Colorado, recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the Town Clerk and provided that any penalty clause in any code may be adopted only if set forth in full and published in the adopting ordinance.

Section 4.12 Disposition of Ordinances

A true copy of every ordinance shall be numbered and recorded in the official records of the Town and authenticated by the signature of the Mayor or the Mayor Pro Tem and the Town Clerk.

Section 4.13 Public Records

All records of the Town shall be open for public inspection by any person at reasonable times except where otherwise provided by State or Federal law.

Section 4.14 Ordinance Review

All ordinances of a permanent nature shall be reviewed by the Council at least every five (5) years after passage and will expire five (5) years after adoption unless reenacted. (Amended by 11/6/90 election)

**Article V
Initiative and Referendum**

Section 5.1 General Authority

(a) Initiative. The registered electors of the Town shall have the power to propose any ordinance to the Council in accordance with the provisions of this article except ordinances relating to budget, appropriation of any revenues, levy of taxes or salaries of the Town officers or employees. If the Council fails to adopt said proposed ordinance, it shall be submitted without any change in substance to its title or text to the registered electors at a Town election for their acceptance or rejection.

(b) Referendum. The registered electors of the Town shall have the power to require reconsideration by the Council of any ordinance. If the Council fails to repeal an ordinance so reconsidered, the registered electors have the power to approve or reject it at a Town election in accordance with the provisions of this Article, provided that such power shall not extend to regularly adopted ordinances or emergency ordinances dealing with the budget, appropriation of any revenues, levy of taxes, calling of a special election or authorizing the issuance of local government district bonds payable primarily from special assessments, levying special assessments or ordinances to meet the contractual obligations of the Town. (Amended by 11/2/93 election)

**Section 5.2 Commencement of Proceedings:
Petitioners' Committee; Affidavit**

Any five registered electors may commence initiative proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee. Any five registered electors may commence referendum proceedings by filing with the Town Clerk no later than ten

(10) days after final adoption of the ordinance sought to be reconsidered an affidavit stating they will constitute the petitioners' committee. Referendum petitions must be filed within thirty (30) days after the final adoption by the Council of the ordinance sought to be reconsidered. (Amended by 11/2/93 election)

Section 5.3 Petitions

(a) Initiative and referendum petitions must be signed by registered electors of the Town equal in number to at least ten (10%) percent of the total number of registered electors in the last general municipal election.

(b) No ordinance shall be subject to a referendum election more often than once a year.

(c) Consistent with the provisions of this Charter, the Council shall prescribe by ordinance the form of petitions and the procedures for filing such petitions. (Amended by 11/2/93 election)

**Section 5.4 Discretionary Suspension of
Ordinances**

When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall continue in effect unless a majority of the Council votes to suspend the ordinance pending the election.

**Section 5.5 Submission to Registered
Electors**

The vote of the registered electors on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final Council vote thereon. If no regular Town election is to be held within the period prescribed in this subparagraph, the Council shall provide for a special election. Otherwise the vote shall be held at

Charter - Initiative and Referendum - Section 5.5

the same time of such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available to the public within fifteen (15) days before the election and also at the polls at the time of the election. (Amended by 11/2/93 election)

Section 5.6 Results of Election

(a) Initiative. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the registered electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(c) Repeal or Amendment. An ordinance adopted by the registered electors may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the registered electors may not be reenacted for a period of one year after the date of the election at which it was repealed. (Amended by 11/2/93 election)

Article VI Town Administration

Section 6.1 Town Manager

The Town Manager shall be the chief administrative officer of the Town. The Council, by a majority vote of its entire membership, shall appoint a Town Manager within a reasonable time whenever a vacancy exists in such position after appropriate public notice has been made. Such appointment shall be at a salary and

upon such terms as are fixed by the Council. The Manager shall be appointed without regard to any consideration other than fitness, competency, training and experience as a manager. No member of the Council shall be appointed Manager during the term for which that member shall have been elected.

Section 6.2 Acting Manager

The Council shall appoint an acting Town Manager during the period of vacancy in the office, or during the absence or disability of the Town Manager. Such acting Town Manager shall, while in such office, have all the responsibilities, duties, functions and authority of the Town Manager.

Section 6.3 Powers and Duties of the Town Manager

The Town Manager shall be responsible to the Council, under the general supervision of the Mayor, for the proper administration of all affairs of the Town placed in the Manager's charge, and to that end shall have the following powers, duties and responsibilities:

(a) The Town Manager shall be responsible for the enforcement of the laws, contracts and ordinances of the Town and the implementation of official policies and directives of the Council.

(b) The Town Manager shall have the power and authority to hire, suspend, transfer and remove Town employees except those specifically excluded by this Charter.

(c) The Town Manager shall exercise supervision and control over all executive and administrative departments.

(d) The Town Manager shall perform such other duties as may be prescribed by this Charter by ordinance, by other applicable laws, or as may be required by the Council, which are not inconsistent with this Charter.

Charter - Town Administration - Section 6.4

Section 6.4 Relationship of Council to Administrative Service

Neither the Council, its members, the Mayor, nor any Council committee shall dictate the appointment of any person to office by the Town Manager except as otherwise provided in this Charter, or in any way interfere with the Town Manager to prevent him from exercising his judgment in the appointment or employment of employees in the administrative service. Except for the purpose of inquiry, the Council, its members, the Mayor and any Council committee shall deal with the administrative service solely through the Town Manager.

Section 6.5 Removal of Town Manager

The Council at a regular or special meeting, may remove the Town Manager from office upon the affirmative vote of three-quarters ($\frac{3}{4}$) of the members of the Council present and voting. (Amended by 11/5/02 election)

Section 6.6 Town Clerk

The Town Manager, with the approval of the Council, shall appoint or remove a Town Clerk who shall be custodian of the Town seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The Clerk shall have the power to administer oaths and take acknowledgments under seal of the Town, and shall perform such other duties as required by this Charter, the Council, the Mayor or the Town Manager.

Section 6.7 Town Treasurer

The Town Manager, with the approval of the Council, shall appoint or remove a Town Treasurer. The Town Treasurer shall be responsible for the receipt and disbursement of all funds of the Town and such other duties and responsibilities as may from time to time be established by the Council by ordinance.

Section 6.8 Chief of Police

The Town Manager, with the approval of the Council, shall appoint or remove a Chief of Police who shall be chief conservator of the peace within the Town and shall have such related duties and responsibilities as the Council may from time to time establish by ordinance. (Amended by 11/8/94 election)

Section 6.9 Administrative Departments

The Administrative functions of the Town under the direction of the Town Manager shall be performed by such departments as may be hereafter established by this Charter or by ordinance.

Section 6.10 Bonding of Employees

All Town officials and employees dealing directly with municipal funds shall post bond in an amount and under such conditions as required by the Council.

Article VII Legal and Judiciary

Section 7.1 Town Attorney

The Council shall appoint a Town Attorney to serve at the pleasure of the Council. The Town Attorney shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town and shall advise the Council and Town officials in matters relating to their official powers and duties and perform such other duties as the Council may prescribe. The Council shall establish the compensation for the Town Attorney and any assistants or special counsel.

Charter – Legal and Judiciary - Section 7.2

Section 7.2 Judiciary

(a) Municipal Court. There shall be a municipal court vested with exclusive original jurisdiction of all cases arising under the ordinances of the Town and as may be conferred by law.

(b) Municipal Judges. The Municipal Court shall be presided over and its functions exercised by a judge or judges appointed by the Council for a specified term of not less than one year. The Council may reappoint the Municipal Judges for a subsequent term or terms, except that the initial appointment may be for a term of office which expires on the date of the organizational meeting of the Council after the next general election. Any vacancy in the office of a Municipal Judge shall be filled by appointment by the Council for the remainder of the unexpired term. The Council shall designate a presiding Municipal Judge who shall serve in such capacity during the term for which he was appointed.

(c) Qualifications. All Municipal Judges shall be attorneys admitted to practice in Colorado.

(d) Compensation. All Municipal Judges shall receive a salary or compensation set by the Council.

(e) Removal. Any Municipal Judge may be removed from office only for cause. The following shall constitute cause for removal:

(1) Conviction of a felony or any other crime involving moral turpitude;

(2) A disability which interferes with the performance of his duties provided by ordinance, and which is, or is likely to become, of a permanent character;

(3) Willful or persistent failure to perform the duties of the office.

Article VIII Boards and Commissions

Section 8.1 Boards and Commissions

It is the intent of this Article to insure the participation of citizens on a continuing basis in the governmental process. To this end, the Council shall establish and maintain a Planning Commission and a Financial Advisory Board and shall cause to be established such boards and commissions as the Council deems necessary including advisory and appeal boards. All boards and commissions shall be created by ordinance which shall set forth their powers and duties.

Section 8.2 Composition of Boards and Commissions

Each permanent board or commission shall consist of at least five (5) members. No Town officer or elected official shall serve on any permanent board or commission. All members of all boards and commissions except those specifically designated as "advisory" shall be residents and registered voters of the Town.

Section 8.3 Appointment and Terms of Office

All members of all boards and commissions shall be appointed by the Town Council. Initial appointments shall specify the term of office of each individual in order to achieve overlapping terms. Thereafter, the term of office shall not exceed three (3) years.

Section 8.4 Procedure

Each board and commission shall elect its own chairman and vice chairman from among its members and shall operate in accordance with its own rules of procedure except as otherwise provided by ordinance. All meetings of any board or commission shall be open to the public.

Charter - Boards and Commissions - Section 8.5

Section 8.5 Vacancies

Whenever a vacancy occurs on any board or commission, the Council shall give public notice of such vacancy and encourage volunteers to seek appointment to such board or commission.

Article IX Town Financing

Section 9.1 Fiscal Year

The fiscal year of the Town will commence on January 1st and terminate on December 31st. (Amended by 11/5/02 election)

Section 9.2 Submission of Budget and Budget Message

The Town Manager shall submit to the Council the proposed budget for the ensuing fiscal year and an accompanying message by a date to be determined by the Council.

Section 9.3 Budget Message

The Town Manager's message shall explain the budget both in fiscal terms and in terms of the fundamental and discretionary work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Town Manager deems desirable, or the Council may require.

Section 9.4 Budget Content

The budget shall provide specific information on the sources, uses and balances of all financial resources presented in generally accepted

municipal accounting classifications for the ensuing fiscal year and projected in general terms for a minimum of an additional four years. There shall be included a means for the accumulation of reasonable contingencies for unforeseen emergency expenditures or reductions in revenue. Utilities owned and operated by the Town shall be budgeted in the manner acceptable for planning, reporting, operations and auditing.

Section 9.5 Capital Program

(a) The Town Manager, with direction from the Council, shall prepare and submit to the Council a long range capital program projected for a minimum of five (5) years simultaneously with his recommended budget.

(b) The capital program shall include:

(1) Summary of its contents:

(2) A list of all capital improvements including repair and replacement of all capital items which are proposed to be undertaken during the following fiscal years with appropriate supporting information as to the necessity for the improvement, repair or replacement;

(3) Cost estimates, method of financing and recommended schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

Such information shall be revised and/or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Charter - Town Financing - Section 9.6

Section 9.6 Public Hearing

A public hearing on the proposed budget and proposed capital program shall be held by the Council on any date at least fifteen (15) days prior to the final day established by law for the certification of the ensuing year's tax levy to the county. Notice of the time and place of such hearing shall be published one time in a newspaper of general circulation within the Town and posted in one public place within the Town at least fifteen (15) days prior to the hearing. Fifteen (15) days prior to the hearing, the Town Manager shall distribute a summary of the budget and capital program to the news media and organizations designated by the Council.

Section 9.7 Council Amendments

After the public hearing any taxpayer of the Town shall have the right to register a recommendation on the budget and capital program to the Council and the Council may adopt the budget with or without amendment. The total proposed expenditures and provisions of contingencies in the budget shall not exceed the total estimated revenues including surpluses from prior years.

Section 9.8 Council Adoption

The Council shall adopt the budget by resolution prior to the date set for certification of the mill levy. If it fails to adopt the budget by this date, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year until such time as the Council adopts the budget for the ensuing fiscal year.

Section 9.9 Appropriations, Property Tax Levy

Adoption of the budget by the Council shall constitute appropriation of the amounts specified therein for the purposes set forth in the budget. The proceeds of any municipal borrowing

authorized by Article X of this Charter shall not be subject to any requirement of prior budgeting or appropriation as a condition to their expenditure. The amount necessary to repay any such municipal borrowing (including interest thereon) need not be budgeted or appropriated in full in the year in which the borrowing occurs; however, amounts necessary to pay debt service shall (except to the extent they may be payable from other legally available funds in the first year) be budgeted and appropriated on an annual basis, provided that no failure to budget and appropriate such annual debt service amounts shall affect the enforceability of any covenants of the Town to make such payments. The Council shall certify the property tax levy to the County as required by law.

Section 9.10 Public Records

Copies of the adopted budget and capital program shall be public records. Summaries shall be made available to the public in the municipal office and shall be distributed by the Town Manager to the news media and organizations designated by the Council.

Section 9.11 Amendments After Adoption

(a) Supplemental appropriations. If the Town Manager certifies that there are available for appropriation revenues in excess of those established in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency public appropriations. To meet a public emergency affecting life, health, property or public peace, the Council may make emergency appropriations. Such appropriations may be made by an emergency ordinance in accordance with the provisions of Section 4.10. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes as provided in Section 10.3 of this Charter.

Charter - Town Financing - Section 9.11

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. Any time during the fiscal year the Town Manager may transfer part or all of any unencumbered appropriation balance between programs within a department, office or agency and, upon written request by the Manager, the Council may by ordinance transfer part or all of any encumbered appropriation balance from one department, office or agency to another.

(e) Limitation and effective date. No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the appropriating ordinance.

Section 9.12 Administration of Budget

(a) No payments shall be made or obligations incurred against any allotment or appropriation except in accordance with appropriations duly made unless the Town Manager first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that such sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter

shall be void and any payments so made shall be illegal. Such action shall be cause for removal of any employee who knowingly authorized or made such payment or incurred such obligation and such employee shall also be liable to the Town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such act was made or approved by ordinance.

(b) The Town Manager shall submit a monthly budget report in a form prescribed by the Council.

Section 9.13 Independent Audit

An independent audit shall be made of all Town accounts at least annually, within six (6) months after the end of the fiscal year, and more frequently if deemed necessary by the Council. The Council shall select a certified or registered public accountant with experience in municipal accounting to perform the audit. Copies of such audit shall be made available for public inspection at the municipal office.

Article X Municipal Borrowing

Section 10.1 Forms of Borrowing

The Town may borrow money and issue any legally recognized security subject to the limitations contained in this Charter.

Section 10.2 Short Term Notes

Short term notes may be secured in any manner determined by the Council including a pledge of the full faith and credit and the general taxing power of the Town. Short term notes shall mature and become payable no later than the last day of the fiscal year next succeeding the fiscal year in which they are issued.

Charter – Municipal Borrowing - Section 10.3

Section 10.3 Emergency Notes

Emergency notes may be issued pursuant to Section 9.11 (b) of this Charter and may be secured in any manner determined by the Council including a pledge of the full faith and credit and the general taxing power of the Town. The aggregate principal amount of emergency notes outstanding shall not exceed at any time the amount which may be retired with the proceeds of a two (2) mill general property tax levy. Emergency notes may be renewed from time to time as the needs of the Town require. Emergency notes and any renewed notes shall mature and be paid no later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.

Section 10.4 Anticipation Warrants

Anticipation warrants shall be issued in anticipation of and shall assign taxes or revenues which have been levied or imposed by the Town. Taxes which may be assigned to pay anticipation warrants include, but shall not be limited to, ad valorem taxes constructively received by the Town and excise taxes. Anticipation warrants shall mature within such period as may be determined by the Council.

Section 10.5 General Obligation Bonds

Except for obligations authorized in Sections 10.2, 10.3, 10.4, 10.10 and 10.11 of this Charter, or as provided in this Section below, no bonds or other obligations to which the full faith and credit of the Town is pledged or which are payable in whole or in part from the proceeds of general property taxes shall be issued until the question of their issuance shall be submitted to a vote of the qualified electors of the Town at a regular or special election and approved by a majority of those voting thereon. General obligation bonds of the Town issued for the purpose of acquiring, constructing, improving or extending any municipal utility system, as

defined in Article XII, or of acquiring water and the rights thereto may be issued under this Section without an election.

Section 10.6 Revenue Bonds

Revenue bonds issued for the purpose of acquiring, constructing, improving or extending any municipal utility system or other income producing project may be made payable solely from the net revenues derived from the operation of such system or project. Any two or more of such systems or projects may be combined, operated and maintained jointly, in which case such revenue bonds shall be made payable out of the net revenues derived from the operation of the joint enterprise. Neither a failure of the Town historically to have maintained a special fund for any such existing municipal utility system or other income-producing project nor a previous commingling of revenues derived from the operation thereof with the general fund of the Town shall prevent a pledge of such revenues for the payment of revenue bonds issued pursuant to this Section, provided that such a special fund is created prior to or contemporaneously with the issuance of such revenue bonds and thereafter maintained separate and apart from the general fund.

Revenue bonds issued for any public purpose of the Town (including those specified in the preceding paragraph) may be made payable solely from the proceeds of any tax, other than a general property tax, imposed by the Town or the State of Colorado or any agency thereof. Neither a failure of the Town historically to have maintained special funds into which the proceeds of such existing taxes are deposited nor a previous commingling of such tax proceeds with the general fund of the Town shall prevent a pledge of such revenues for the payment of revenue bonds issued pursuant to this Section, provided that such special funds are created prior to or contemporaneously with the issuance of such revenue bonds and thereafter maintained separate and apart from the general fund.

Charter - Municipal Borrowing - Section 10.6

Nothing herein shall be construed so as to prevent the issuance of revenue bonds pursuant to this Section for any of the purposes specified in the first paragraphs of this Section which are payable from both systems or project revenues and the proceeds of the taxes herein specified. Revenue bonds issued pursuant to this Section may also be secured by a pledge of the full faith and credit of the Town or of general property taxes; however, except for such bonds issued for the purpose of acquiring, constructing, extending or improving any municipal utility system, as defined in Article XII, no such bonds shall be issued until the question of their issuance shall have been approved at an election as required by Section 10.5 of this Charter. Revenue bonds issued pursuant to this Section may also be secured by a pledge of governmental grants received or to be received from the United States of America or any agency thereof or from the State of Colorado or any agency thereof or by a pledge of such grant receipts together with any other revenues or taxes as herein provided.

Section 10.7 Industrial Development Revenue Bonds

Industrial development revenue bonds may be issued as provided by Colorado statute or as otherwise provided by ordinance.

Section 10.8 Special Assessment Bonds

The Town shall have the power to create local improvement districts and to assess the cost of the construction or installation of special or local improvements of every character against benefitted property within such districts in the Town, as follows:

(a) By order of the Council, upon two-thirds vote of all members thereof, subject to protest by the owners of property scheduled to bear a majority of the assessment burden under the method of apportioning assessments as proposed by Council, or

(b) On a petition by the owners of a majority of the land area of the land owners residing therein.

In either event, a public hearing shall be held at which all interested parties may appear and be heard. The right to protest and notice of public hearing shall be given as provided by ordinance. Such improvements shall confer special benefits to the real property within said district and may confer general benefits to the Town at large. The Council shall have the power by ordinance without an election to prescribe the method of making such improvements or assessing the cost thereof consistent with the special benefits conferred and of issuing bonds for the cost of constructing or installing such improvements, including the costs incidental thereto.

Where all outstanding bonds of a local improvement district have been paid and any monies remain to the credit of the district, they shall be transferred to a special surplus and deficiency fund. Whenever there is a deficiency in any local improvement district fund to meet the payment of outstanding bonds and interest due thereon the deficiency shall be paid out of said surplus and deficiency fund. Whenever a local improvement district has paid and cancelled three-fourths of its bonds issued and for any reason the remaining assessments are not paid in time to pay the remaining bonds of the district and the interest due thereon and there are not sufficient monies in the special surplus and deficiency fund, then the Town may pay said bonds when due and the interest due thereon, and reimburse itself by collecting the unpaid assessments due said district.

In consideration of any general benefits conferred on the Town at large from the construction or installation of improvements in local improvement districts, the Council may levy general property taxes on all taxable property within the Town at a rate not exceeding four (4)

Charter - Municipal Borrowing - Section 10.8

mills in any one year to be disbursed as determined by the Council for the purpose of paying for such benefits, for the payment of any assessment levied against the Town itself in connection with bonds issued for local improvement districts or for the purpose of advancing monies to maintain current payments of interest and principal of bonds issued for any local improvement districts hereinafter created. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein, provided that in lieu of such tax levies the Council may annually transfer to such special fund any available monies of the Town but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited. No assessment by the Town of its own property pursuant to this Section shall be considered or held to create an indebtedness of the Town or to require an election; however, if the Council elects to issue limited tax bonds secured by a pledge of all or a part of the four (4) mill tax levy authorized in this Section for the purpose of providing funds to pay any such assessment or the costs of any improvement conferring general benefits on the Town at large, it shall do so only after the question of the issuance of such limited tax bonds has been approved at an election as provided in Section 10.5 of this Charter.

Section 10.9 Anticipation Notes

Anticipation notes may be made payable from the proceeds of any obligations to be issued by the Town and may also be made payable from any other tax or revenue source (other than the general property tax) which is legally available for such purpose. Anticipation notes shall be issued as provided by ordinance.

Section 10.10 Refunding Securities

General obligation refunding securities and refunding revenue securities may be issued as provided by Colorado statute or as otherwise provided by ordinance.

Section 10.11 Lease Purchase and Installment Purchase Agreements

The Council may enter into lease purchase and installment purchase agreements as a means of acquiring any real or personal property for public purposes. Such agreements may include an option or options to purchase and acquire title to such property. No such agreement shall be made for a term exceeding the useful life of the property or forty (40) years, whichever is the lesser, except for land leases. The Council may pledge the full faith and credit and the general taxing power of the Town to the payment of its obligations under any such agreement and may enter into such covenants regarding the rights of the lessor vendor in the property upon default as the Council may deem necessary or appropriate. The Council may also provide for any limited source of payment it may determine. Nothing herein shall be construed to alter the requirements of this Charter with respect to the levy or imposition of any tax pledged to the payment of such agreements as herein provided. Any property acquired or used by the Town under the provisions of this Section shall be considered municipal property and shall be exempt from general property taxes during the term of any such agreement.

Section 10.12 Limitations; Sale and Redemption of Obligations

There shall be no limitation on the amount of bonds or other securities the Town may issue, except as may be stated in the documents pertaining thereto, provided that the notice of any election or any ordinance to authorize the creation of any debt pledging Town tax revenues shall contain the following information:

(a) The amount of the total valuation for assessment of the taxable property within the Town as shown by the last assessment thereof;

Charter - Municipal Borrowing - Section 10.12

(b) The amount of the Town's total bonds outstanding and unrefunded as of the date of the resolution calling an election or ordinance authorizing the bonds and the amount thereof assuming the issuance of the proposed bonds;

(c) With regard to general obligation bonds, the percentage of debt to assessed valuation, and with regard to bonds pledging tax revenues other than from ad valorem taxes, the percentage of debt to the most previous year's revenue from the particular tax source pledged;

(d) Bond rating information, if any;

(e) The actual dollar amount of annual debt service expressed as a percentage of the current year's budgeted expenditures and the source of revenue to repay such indebtedness;

(f) A statement of justification for incurring the particular indebtedness.

All obligations issued pursuant to the provisions of this Charter shall be sold at public or private sale to the best advantage of the Town at, above or below par. Bonds may contain provisions for redemption prior to maturity with or without the payment of a premium. The maximum premium payable on prior redemption of any general obligation bonds may, but need not be specified in the bond question approved by the qualified electors.

**Section 10.13 Municipal Utility System
Defined**

As used in this Article X, "Municipal Utility System" means any water, sanitary sewer, storm drainage, heat, power, light, communication or transportation system and any other system now or hereafter commonly classified as a utility system which is owned by the Town and operated for the benefit of the Town or its inhabitants.

**Article XI
Taxation**

Section 11.1 Authority to Levy Taxes

The Council may by ordinance levy and collect taxes for municipal purposes which may include, but shall not be limited to, general ad valorem property taxes and excise taxes (such as sales taxes, use taxes, bed taxes, occupation taxes and land transfer taxes.)

No new excise tax shall be levied nor shall the rate thereof be increased after the adoption of this Charter until such tax or increase shall have been approved by a majority of the qualified electors voting at a regular or special election.

The ad valorem tax levy in any fiscal year when applied to the total valuation for assessment of the Town shall be reduced so as to prohibit the levying of a greater amount of revenue than was levied in the preceding year plus ten percent, except to provide for the payment of bonds and the interest thereon paid from ad valorem tax revenue, unless a greater levy is approved by a majority of the qualified electors of the Town voting at a regular or special election called for the purpose of approving such increased levy.

**Article XII
Utilities and Franchises**

Section 12.1 General Powers

The Town shall exercise all municipal powers with regard to all utilities and franchises including without limitation all powers now existing which may be hereafter provided by the Constitution and statutes. The right of the Town to construct, lease, purchase, acquire, condemn or operate any public utility, work or way is expressly reserved. Except as otherwise provided by Constitution or this Charter, all powers

Charter – Utilities and Franchises - Section 12.1

concerning the granting, amending, revoking or otherwise dealing in franchises, shall be exercised by the Council. No utility may be acquired unless approved by the majority of the qualified electors voting in a general or special election called for the purpose of approving such acquisition, purchase or construction.

Section 12.2 Utility Rates

The Council shall by ordinance establish rates, rules and regulations and extension policies for services provided by Town-owned utilities both within and outside the corporate limits of the Town.

Section 12.3 Use of Public Places by Utilities

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the Town harmless from all damages arising from said use. Every such public utility may be required by the Town to permit joint use of its property and appurtenances located in the streets, alleys or other public places of the Town by the Town and by other utilities insofar as joint use may be reasonably practicable.

Section 12.4 Granting of Franchises

(a) No franchise shall be granted that exceeds twenty (20) years except upon approval by a majority of the electors voting thereon.

(b) The Council shall establish by ordinance the terms, fees, compensation, conditions and any other matters related to the granting of franchises.

Article XIII Transition

Section 13.1 Status of Transitional Provisions

The purpose of this Article is to provide for an orderly transition from the present Town government of Snowmass Village to a home rule government under the provisions of this Charter. This Article shall constitute a part of this Charter during the transition period only to the extent required to accomplish that purpose.

Section 13.2 Effective Date of Charter

This Charter shall become effective immediately upon voter approval, except that those provisions of Article IX relating to the preparation and submission of the budget and capital program shall become effective for the next fiscal year following the Charter election. Those provisions in Article III relating to the election

of the Council shall become effective at the first general election scheduled under this Charter to be held on November 2, 1982. The three candidates who received the highest number of votes in the April, 1980, election shall serve until the November, 1984, election. The other three candidates elected in the April, 1980, election shall serve until the November, 1982, election. The Mayor elected in the April, 1980, election shall serve until the November, 1982, election.

Section 13.3 Prior Town Legislation

All ordinances and resolutions of the Town which are not inconsistent with this Charter and which are in force and effect at the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

**Section 13.4 Present Elected Officials to
Continue in Office**

The present Town Council and Mayor in office at the time of the adoption of this Charter shall continue at their present salaries to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices.

**Section 13.5 Continuation of Appointed
Officers and Employees**

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the Town shall continue in that Town office or employment which corresponds to the Town office or employment which they held prior to the effective date of this Charter as though they had been appointed or employed in the manner provided in this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body, shall hold such position only at such pleasure regardless of the term for which originally appointed.

**Section 13.6 Continuation of Present Boards
and Commissions**

All boards and commissions in existence at the time of the adoption of this Charter shall continue to function under the provisions of this Charter pending review by the Council. The duties, organization and the terms of office of all members of such boards and commissions shall be conformed to the provisions of Article VIII of this Charter within ninety (90) days.

**Article XIV
Charter Amendments**

Section 14.1 Charter Amendments

This Charter may be amended at any time in the manner provided by the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

**Article XV
Severability**

Section 15.1 Severability

If any provision, section or act of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a Court of competent jurisdiction, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided that such remaining portions or applications are not determined by the Court to be invalid or inoperable and to this end of the provisions, Sections and Articles of the Charter are declared to be severable.

Charter - Certificate of Final Adoption

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Town of Snowmass Village Charter Commission, duly elected by the people of the Town of Snowmass Village, Colorado, at the regular election held on April 1, 1980, under authorization of Article XX of the Constitution of the State of Colorado, to prepare a Home Rule Charter for the Town of Snowmass Village, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the convention on the 28th day of July, 1980, for submission to the people of the Town of Snowmass Village at a special election to be called by the present Board of Trustees of the Town.

Executed in triplicate at the Town of Snowmass Village, Colorado, this 28th day of July, 1980.

Richard E. Slaughter

Kenneth Sontheim

William Lippman

James Light

Ruth Kevan

Guy DeCarlo

Harry Truscott

Jean Rawlins

Jennifer Bagley

STAFF CREDITS

David J. Myler, Town Attorney
John B. Young, Town Manager
Sharon H. Dicker, Administrative Assistant