

## GLOSSARY

Agenda	A written list of topics for discussion and/or action at a meeting of the governing body (or other board or authority). See sample agenda in Appendix ____.
Annexation	<p>Annexation is the legal method of expanding the municipal boundaries, making the incorporated municipal land area larger</p> <p>Title 31, Article 12, which applies to home rule and statutory municipalities, governs annexation. Additionally the Colorado Constitution at Article II, § 30 and, for Denver only, Colorado Constitution, Article XX, §1, governs annexation. These statutes establish the basic requirements and procedures to be followed to annex property to a municipality. Because of the complexity and lack of clarity in the annexation statutes, the clerk should work closely with the municipal attorney during any annexation proceeding. Special notice, hearing, and filing requirements apply to annexation proceedings. (FN: C.R.S. §§ 31-12-108 to 31-12-110, and 31-12-113.) For further information concerning annexation, see CML's Publication Annexation in Colorado (1991).</p>
Audit	The examination of the financial affairs of the municipality by an independent firm or outside agency
Balance Sheet	A statement of the assets, liabilities, and capital of the municipality at a particular point in time, detailing the balance of income and expenditure over the preceding period.
Beer and liquor licensing	<p>For more information on beer and liquor licensing, clerks should refer to CML's 1998 Liquor and Beer Licensing and Practice publication.</p> <p>Beer and liquor licensing is generally governed by the Colorado Liquor Code, (FN: Article 47 of Title 12.) the Colorado Beer Code, (FN: Article 46 of Title 12.) and by regulations under both codes. The Beer Code applies to 3.2 beer only. (FN: C.R.S. § 12-46-103(1).) Beer with a higher percentage of alcohol, as well as vinous and spirituous liquors, are regulated under the Liquor Code. (FN: C.R.S. § 12-47-103(2).) Both the Colorado Liquor Code and the Colorado Beer Code have been held to be of statewide concern, and neither statutory nor home rule municipalities may enact local ordinances or regulations which conflict with these statutes.</p> <p>The codes provide for both state and local licensing, but local licensing is for retail sale only. State licensing is through the Colorado Department of Revenue Liquor Enforcement Division. In municipalities, the licensing authority may be the governing body or it may be a separate body designated by charter or ordinance. (FN: C.R.S. §§ 12-46-103(4) and 12-47-103(17).) Local licensing authorities must apply statutory criteria in granting or denying licenses, but the criteria give the local authority considerable discretion in practice. Municipalities may impose business or occupation taxes/fees on retail beer or liquor outlets, (see section 8.3).</p> <p>The Liquor Code permits a local option election to prohibit or further restrict retail sales. (FN: C.R.S. § 12-47-105.) There is no similar provision in the Beer Code.</p> <p>The licensing procedure requires that an application (on forms prescribed by the state) be filed with the local authority. (FN: C.R.S. § 12-47-309(2).) The application must be accompanied by two distinctly different kinds of fees: "license fees" and "application fees." The local authority may set its own application fee pursuant to C.R.S. § 12-47-135(2), imposing up to a \$500 fee for a new license, transfer of ownership or location or for a delinquent renewal. There are statutory restrictions as to the circumstances under which license applications may be received and acted upon. (FN: C.R.S. §§ 12-47-304(3) to 12-47-313.) For example, an application may not be received or acted upon where the proposed location is in an area where the sale of liquor is not permitted by the particular zoning</p>
Budget	An annual blueprint for the municipality's revenue and expenditures. It will include last year's numbers as well as anticipated figures for the coming year.

Business licenses (see also licences and franchises)	<p>C.R.S. § 31-15-501(1)(c) grants municipal governing bodies the general power to “license, regulate, and tax, subject to any law of this state, any lawful occupation, business place, amusement, or place of amusements and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor[.]” These provisions also contain a number of other, more specific regulatory grants; see Section 8.3 regarding business and occupation taxes. Home rule municipalities are restricted in their power to impose licensing requirements by charter provisions, federal and state constitutional provisions, and pre-empting state legislation.</p> <p>Typical subjects of C.R.S. § 31-15-501(1)(c) licensing requirements include retail businesses in general, or particular businesses, occupations, or events such as contractors, pawnbrokers, auctioneers, parades, and circuses. Generally, the goal of licensing requirements may be either to regulate the business or to raise revenue, or both; but in some cases only revenue-raising measures are permissible.</p> <p>Pre-emption by state law is a legal issue that sometimes arises in connection with municipal licensing requirements. Where the state has adopted a comprehensive regulatory scheme, municipalities (including home rule municipalities) may be precluded from imposing additional licensing requirements, at least those regulatory in nature. Municipal requirements aimed solely at raising revenue may sometimes coexist with pre-empting state legislation.</p> <p>Municipalities frequently have ordinances requiring licenses for transient merchants or peddlers, often referred to as “Green River” ordinances. These ordinances may be affected by state and federal constitutional guarantees of freedom of speech or religion if they are being applied against door-to-door political canvassers, or solicitors for charitable or religious causes. Similar problems may be encountered where licensing conflicts with rights of free speech, for example, the licensing of handbill distributors or newspaper stands.</p>
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CAFR	Comprehensive Annual Financial Report
CFR	Code of Federal Regulations
CGFOA	Colorado Government Finance Officers Association ( <a href="http://www.cgfoa.org">www.cgfoa.org</a> )
Charter	A document required by home rule cities/towns that defines the powers and responsibilities of the local government. A charter must be approved through an election by a majority vote of the citizens.
City	Defined as a population of more than 2,000
CMCA	Colorado Municipal Clerks' Association ( <a href="http://www.cmca.gen.co.us">www.cmca.gen.co.us</a> )
CML	Colorado Municipal League ( <a href="http://www.cml.org">www.cml.org</a> )
Code of Ethics	The Code of Ethics identifies several rules of conduct for local government officials and employees. C.R.S. 24-18-101, et seq. & 24-18-201, et seq.
Codification	A process of organizing and arranging all legislation of a general and permanent nature into a Municipal Code.
Colorado Governmental Immunity Act	24-10-101 thru 24-10-120
Colorado Revised Statutes	C.R.S., the listing of all statutes (laws) applicable to Colorado.

Contracts	<p>Municipalities are granted the general power to enter into contracts as noted at C.R.S. § 31-15-101(1)(c). Home rule municipalities may enter into contracts for any public purpose unless restricted by a constitutional provision, charter provision, superseding state statute, or ordinance. A municipal governing body, in the exercise of its legislative power, cannot enter into a contract which will bind succeeding governing bodies, thereby depriving them of the unrestricted exercise of their legislative power.</p> <p>Municipal contracts are among the public records which the clerk is generally charged with preserving. Also, even contracts which contain a confidentiality clause may be subject to public inspection under the Open Records Act. In statutory cities under 10,000 in population, a statement concerning all “contracts awarded” must be published in the same manner as proceedings for the payment of bills. (FN: C.R.S. § 31-20-202; see Section 8.2.) C.R.S. § 29-1-205 requires informational filings with the Division of Local Government of all contracts between political subdivisions.</p>
Coordinated Election	An election wherein the municipality holds an election concurrent with and coordinated with the County election.
CORA / COML	Colorado Open Records Act/Colorado Open Meetings Law. 24-72-201 thru 24-72-206
Council/Manager form of government	The elected, governing body is responsible for the legislative functions of the municipality and the town/city manager provides professional management to the councilmembers/trustees.
De-Bruce	By election, opt out of TABOR limits on taxation
DEO	Designated election official
Dirt District	Bond issue to build infrastructure prior to development
DOLA	Department of Local Affairs, Colorado Dept of Revenue
Eminent Domain	<p>Eminent domain, or condemnation, is the taking of private property for public purposes. Both the federal and state constitutions require “just compensation” when property is condemned. (FN: U.S. CONST. amend. V; COLO. CONST. § 15.) Article XX, §1 of the Colorado Constitution specifically grants broad powers of eminent domain to home rule municipalities, both within and outside their boundaries.</p> <p>Basic statutory eminent domain procedures are set forth at C.R.S. §§ 38-6-101 to 38-6-122. Part 2, provides a separate procedure for condemnation of water rights. (FN: C.R.S. § 38-6-201 et seq.) Extraterritorial condemnation by a town is prohibited under Part 1 unless otherwise specifically authorized by law. (FN: C.R.S. § 38-6-101. Such “specific authorization” does exist for towns (and cities) for the purpose of constructing sewer lines, disposal works, electric lines, and related facilities as set forth in C.R.S. § 38-6-122. In addition, cities may condemn property outside their corporate limits for “boulevard, parkway, or park purposes” as provided in C.R.S. § 38-6-110 (subject to the five-mile limitation imposed by C.R.S. § 31-25-201(1)). ) C.R.S. § 38-6-101 provides that where special benefits are not to be assessed, (FN: See C.R.S. § 38-6-107.) the procedures of C.R.S. §§ 38-1-101 to 38-1-122 may be used as an alternative to the Article 6, Part 1 procedures. Municipalities owning electric power producing or distributing facilities are also authorized to exercise eminent domain power for utility lines along “any public highway” under Article 5 of Title 38. Municipalities also may acquire rights-of-way for the purpose of conveying water under the Colorado Constitution, Article XVI, § 7.</p>
Executive Session	A segment of a meeting of the governing body, closed to the public, to discuss specific topics prescribed by statute. 24-6-402
Fair Campaign Practices Act (FCPA)	A set of Federal rules governing contributions to political campaigns and reporting of same.
FR	Financial Reporting

Franchise	<p>A franchise is a special right granted by a municipality to a private company or other private entity to use public streets, alleys, or other public right-of-ways. 31-32-101 thru 31-32-105</p> <p>A franchise is a special right granted by a municipality to a private company or other private entity to use public streets, alleys, or other public right-of-ways. Historically, franchises were most commonly granted to public utilities such as electric and gas utilities and transportation systems. More recently, franchises for cable television have become commonplace in Colorado.</p> <p>Procedural requirements for granting franchises by statutory cities and towns are set forth at C.R.S. §§ 31-32-101 to 31-32-105. Three weekly publications must be made prior to the formal application for the franchise, which must be made at a regular meeting of the governing body. Adoption of an ordinance, with a two-reading procedure, is required to grant a franchise. The first publication must be at least two weeks prior to final passage. A majority vote of all members of the governing body is required.</p> <p>Additional substantive limitations on certain railroad and utility franchises are contained in C.R.S. §§ 31-15-706 and 31-15-707. These limitations include required consent of property owners, a twenty-five year limit, and a requirement that the municipality retain the right to purchase the facilities.</p> <p>Home rule municipalities are no longer required to grant a franchise by election because of a 1986 constitutional amendment. Presumably home rule cities may grant franchises by ordinance or resolution. A home rule charter provision still may require an election. In the event the home rule charter does not require an election, it may require a lesser number of registered electors to order a referendum on the ordinance than the five percent figure provided by the 1986 amendment. Finally, the ordinance granting a franchise in a home rule city, even if it contains an emergency clause, is still subject to referendum.</p> <p>Article II, § 11 of the Colorado Constitution prohibits grants of irrevocable franchises by the General Assembly. This has been held applicable to municipalities. Some legal observers think that express statutory authority is required for the grant of an exclusive franchise, at least by a statutory municipality. Colorado statutes do not expressly authorize exclusive franchise grants.</p>
Fund Accounting	Something that has me totally befuddled!
GAAP	Generally accepted accounting principles
GASB	Governmental Accounting Standards Board
Governing Body	City Council, Town Board of Trustees
Home Rule Municipality	Governed by a charter enacted by the municipality. 31-2-201 thru 31-2-225. See also CML's Home Rule Handbook
HUTF	Highway User's Tax Fund
IGA	Intergovernmental Agreement
IIMC	International Institute of Municipal Clerks ( <a href="http://www.iimc.com">www.iimc.com</a> )
Income Statement	A document generated monthly and/or annually that reports the earnings of the municipality by stating all relevant income and all expenses that have been incurred to generate that income
Initiative	The citizen initiative process is the direct power of the voters to propose a new legislative measure or course of action, in the form of an ordinance or resolution, and secure its submission to the Council/Board or the electorate for approval.

Land use regulation	<p>Land use regulation is perhaps the most important exercise of municipal police power. Police power is the extremely broad and sometimes vague general power to protect public health, safety, and welfare. (FN: C.R.S. § 31-15-103, 31-15-401.) Because police power regulation and restrictions on land use have major economic and political consequences, many municipal governing bodies devote substantial time and effort to the establishment and implementation of land use regulatory policies.</p> <p>Basic statutes governing municipal land use regulation are contained in Article 23 of Title 31. Part 2 deals with the planning commission and its adoption of a master plan and subdivision regulations. Part 3 deals with zoning, including the roles of the zoning commission and the board of adjustment. Powers under these two parts are independent, meaning that the creation of a planning commission is not necessarily required to exercise the zoning power; however, most municipalities do begin by creating a planning commission. Once a planning commission is created, it becomes the zoning commission for purposes of Part 3. (FN: C.R.S. § 31-23-306.) Some land use regulations of particular interest to clerks are:</p> <ul style="list-style-type: none"> <li>• C.R.S. § 31-23-203 sets forth requirements for the size and membership of the planning commission and permits all municipalities to vary its provisions by ordinance. Provisions requiring planning commission members to be residents of the municipality and prohibiting compensation of planning commission members cannot be varied by ordinance.</li> <li>• C.R.S. § 31-23-208 describes the notice and hearing requirements for the adoption of a master plan by a planning commission.</li> <li>• C.R.S. § 31-23-214 states the notice and hearing requirements for adoption of subdivision regulations by a planning commission. This provision also discusses the required submission of evidence by a subdivider regarding adequate utility procurement.</li> <li>• C.R.S. § 31-23-215 contains the notice and hearing requirements for planning commission review of particular subdivision plats.</li> <li>• C.R.S. §§ 31-23-220, 31-23-221, and 31-23-222 state notice and hearing requirements and other procedural requirements for approval of plats making reservations for future acquisition of streets.</li> <li>• C.R.S. §§ 31-23-304 and 31-23-305 provide the notice and hearing requirements for adopting and changing zoning provisions.</li> </ul>
Legal Publication	Publication of notices in a designated newspaper of record or by other electronic means in order to comply with legal requirements for a public notice.
Letter of Agreement	A document that states what has been agreed between organizations or between people.
Licenses and franchises see also business licenses, other types of licensing, beer and liquor	Licenses and franchises are part of a broad sphere of municipal regulatory activities that involve paperwork, publications, and hearings that are often the municipal clerk's responsibility. Additionally, C.R.S. § 31-4-215(1) provides that the duties of the clerk in a council-manager city include issuing licenses and collecting license fees.
Mayor/Council form of government	The Mayor is elected by the voters; the Mayor is considered either a "weak mayor" or "strong mayor" based on the powers of the office.
Mill Levy	The tax rate that is applied to the assessed value of a property. One mill is \$1 per \$1000 of assessed value.
Minutes	A recorded and/or written record of a meeting. See sample minutes in Appendix ____
Motion	The means by which business is brought before the assembly
MOU	Memorandum of Understanding -- a contract
Municipal Code	
Municipal Election	An election held within the municipality for the purposes of electing local members of the governing body and deciding other ballot issues. Title 31, Article 10
Ordinance	A document passed by the governing body to enact law prescribing a general rule of conduct which citizens are expected to follow

Other types of licensing	Apart from the statutory authority to license businesses and occupations discussed in Section 9.7, the general police power granted to municipalities by C.R.S. §§ 31-15-103 and 31-15-401 allows them to license other activities where control is necessary to protect the public health, safety, and welfare. Licensing of dogs, bicycles, and fireworks are examples of this type of licensing, with C.R.S. § 31-15-601 specifically authorizing licensing of building permits.
Person in Interest	The person who is the subject of the record, or any representative designated by that person
PILT	Payment in lieu of taxes (mostly used by County)
Plenary session	All parties in attendance
Police Power	Municipalities can tell people what to do
Proclamation	A public or official announcement, particularly one dealing with a matter of great importance.
Property	<p>C.R.S. § 31-15-101(1)(d) gives municipalities the general power to acquire, hold, lease and dispose of property, both real and personal. Home rule municipalities often have charter provisions governing municipal property. Article XI, § 2 of the Colorado Constitution, prohibiting municipalities from making any “donation or grant” to private entities, may apply where municipal property is disposed of without compensation, or for inadequate compensation.</p> <p>Statutes granting authority and providing procedures in connection with particular types of municipal property include C.R.S. §§:</p> <ul style="list-style-type: none"> <li>• 31-15-701 (public buildings)</li> <li>• 31-15-702 (streets and alleys)</li> <li>• 31-15-714 (city and gas interests in municipally owned land)</li> <li>• Parts 2 and 3 of Article 25 of Title 31 (parks)</li> <li>• Part 7 of Article 25 of Title 31 (cemeteries)</li> </ul> <p>See also Section 9.13 concerning municipal utility property.</p> <p>Statutory provisions for the disposition of municipal real property, by sale or lease, appear at C.R.S. § 31-15-713. Paragraph (a) requires an election to dispose of real property that is used or held for any governmental purpose. Property not so used or held may be disposed of merely by ordinance. (FN: C.R.S. § 31-15-713(b).)</p> <p>C.R.S. § 31-15-801 authorizes municipalities to acquire property (including land, buildings, and equipment) through long-term rental and leasehold agreements although lease/purchase agreements must be carefully structured to avoid debt problems. TABOR amendment limitations concerning multiple fiscal year obligations and associated public vote requirements must be considered in connection with lease/purchase arrangements.</p> <p>C.R.S. § 29-1-506 requires the governing body of each political subdivision to make an annual inventory of its real and personal property having an original cost that equals or exceeds an amount established by the governing body of each local government. Statutory authority for municipalities to insure their property appears at Article 13 of Title 29.</p>
Provisional Ballots	A ballot is used to record a vote when there are questions in regards to a given voter's eligibility
Public facilities	Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity
Public hearing	An official meeting where members of the public hear the facts about a planned road, building, etc. and give their opinions about the agenda item.
Public servant	A person who is employed by the government, either through appointment or election

Purchasing and public works	<p>There are surprisingly few statutory requirements as to purchasing supplies or services or contracting for public projects. C.R.S. § 31-15-201(e) authorizes, but does not require, municipalities to adopt ordinances providing that supplies shall be furnished by contract with the lowest bidder. Purchasing procedures are sometimes established locally, by charter provision, or by ordinance. CML's 1996 publication, <i>Municipal Purchasing: Organization, Techniques and Strategies for Public Procurement</i> provides more detailed information on purchasing procedures.</p> <p>The statutes provide a preference for Colorado labor on public works projects, violation of which will be punished criminally (Article 17 of Title 8). Article 19 of Title 8 provides that preference shall be given to a resident bidder over a nonresident bidder on a construction contract for a public project equal to any preference given by the nonresident bidder's state or country. A preference for resident commodities and services is given in Article 18 of Title 8, similar to the Article 19 preference for construction contracts.</p> <p>The only other statutory bidding requirement to be found is C.R.S. § 31-15-712, which requires that public improvement construction contracts of \$5,000 or more for cities (not towns) be let to "the lowest responsible bidder on open bids after ample advertisement." Further requirements for particular types of projects are found at C.R.S. §§ 31-25-503(2), 31-25-516, 31-25-611 (improvement districts), 31-35-602 (compulsory sewer sections), and 29-4-109 (housing projects).</p> <p>C.R.S. § 31-4-109 permits city councils of mayor-council cities to contract for professional services and to pay "such fees and charges as may be agreed upon." Thus, there appears to be no compulsory bidding or other restrictions for these cities in the area of professional services.</p> <p>C.R.S. § 18-8-308 is a criminal provision requiring disclosure of conflicts of interest in connection with government contracts, purchases, and other transactions. See above at Section 2.9 for more discussion of conflicts of interest.</p> <p>C.R.S. §§ 38-26-105 and 38-26-106 requires performance and payment bonds for</p>
Quorum	Minimum number of members of the governing body (or other board or authority) that must be present in order to take official action
Referendum	The practice of submitting to popular vote a measure passed on or proposed by the governing body
Resolution	A document adopted by the governing body to enact rules and procedures; less formal than an ordinance. Used to establish or update fees, to accept grants, to award contracts, to designate place of meetings or posting of notices
Retention Guide	Colorado Municipal Records Retention Schedule; may be adopted by a municipality to direct records retention periods
Severance Tax	a tax imposed upon nonrenewable natural resources that are removed from the earth.
'Shall' vs. 'May'	Shall' means must be done; 'may' means it is optional

Special Improvement District	<p>A mechanism to acquire certain kinds of public improvements and transfer all or part of the costs to property owners benefited by the improvements, through “special assessments” against the property.</p> <p>Municipalities can create special improvement districts as a mechanism to acquire certain kinds of public improvements and transfer all or part of the costs to property owners benefited by the improvements, through “special assessments” against the property. If bonds are to be issued to obtain money to finance the improvements, TABOR requires a public vote on the issuance of such bonds. For more information please see the CML publication TABOR: A Guide to the Taxpayer’s Bill of Rights.</p> <p>The most commonly used statutory authorization for special improvement districts is Part 5 of Article 25 of Title 31. Part 6 of Article 25 also uses the term “improvement districts” but involves ongoing districts with broader powers, including taxing power and the power to operate improvements. Fragmentary statutes authorizing municipalities to make improvements and assess costs against property owners appear at C.R.S. §§ 31-15-702(l)(b), 31-15-703, 31-15-704, and 31-15-401(1)(d).</p> <p>Special improvement districts should not be confused with special service districts organized under Title 32 as separate local governmental entities, although there are some cross-references between the two sets of statutes. Article XX, § 6 of the Colorado Constitution specifically grants home rule municipalities authority over special assessments for local improvements, and home rule municipalities frequently do provide their own procedures by charter provision or by ordinance.</p> <p>The process of creating a special improvement district can be started either by a petition of present owners or by resolution of the municipal governing body. (FN: C.R.S. § 31-25-503(1)(a) and (d).) When the district is initiated by petition, the petition must be signed by the “owners of property to be assessed for more than one-half of the entire costs estimated by the governing body to be assessed” (or, where two or more “assessment units” are included in the proposed district, in each such unit).</p>
Special Events License	
Special Service Districts	Separate local governmental entities (e.g., fire district)
Statute	A law passed by the legislative authority that governs a country, state, city, or county
Statutory Town or City	Subject to State statutes. Title 31, Title 24, Title 1
Strong mayor	A strong mayor form of government provides an elected mayor to have almost total administrative authority with a broad range of independence in the municipality.
Sunshine Law	A law that mandates that meetings of governmental agencies and departments be open to the public at large
TABOR	Taxpayer Bill of Rights, passed in 1992 in Colorado. This limits the amount of revenue a municipality (or the State) can retain
Town	Population of 2,000 or fewer
Treasurer’s Report	An income and expense statement and a balance sheet for the past fiscal year
Use Tax	Consumer use tax is payable to the state by individuals and businesses when sales tax is due but has not been collected. Individuals and businesses have always been required to pay sales or use tax on taxable purchases from out-of-state vendors if the item is sold, leased, or delivered in Colorado for use, storage, distribution, or consumption in the state.



Utilities	<p>The power to own and operate public utilities is specifically conferred upon home rule municipalities by Article XX, § 1 of the Colorado Constitution. Statutory grants of power to acquire, own, and operate utilities are found at C.R.S. §§ 31-15-707 to 31-15-709, 31-32-201, and 31-35-402. These statutes contain election requirements for acquisition of utilities other than water and sewer utilities. An election is also required for the disposition of utility property pursuant to C.R.S. § 31-15-713(a).</p> <p>Article V, § 35 of the Colorado Constitution has been held to prohibit Public Utilities Commission regulation of municipal utilities to the extent that they operate within the municipal boundaries. However, extraterritorial municipal utility services that are operated as “public utilities” are not constitutionally exempt from PUC regulation. The municipal provision of water service has been held to be in a different category from other utilities, however, because of the existence of C.R.S. § 31-35-402(1). This statute has been construed to prohibit PUC regulation of municipal water service regardless of whether that service is inside or outside municipal boundaries.</p> <p>There are federal and state constitutional constraints on the procedures used to terminate certain utility services for delinquencies. For this reason, municipal officials should work closely with the municipal attorney in situations where the possible termination of utility services arises.</p>
Weak mayor	The "weak" mayor in a mayor/council municipality has no formal authority outside of the council/board.
Work product	Materials which are deliberative or advisory in nature assembled for the benefit of elected officials for the purpose of assisting them in reaching a decision within the scope of their authority.