

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203
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Court of Appeals, State of Colorado
Decision by the Honorable Peter H. Ney
Chief Judge Hume and Justice Erickson concurring
Court of Appeals Case No. 02CA1164

Summit County District Court
The Honorable W. Terry Ruckriegle
District Court Case No. 01 CV 199

Appellants:

TOWN OF FRISCO, COLORADO, a home-rule
municipality; DICK BOYLAN

v.

Appellee:

HARRY BAUM

▲ COURT USE ONLY ▲

Case Number: 03SC181

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BRIEF OF AMICUS CURIAE THE COLORADO MUNICIPAL LEAGUE

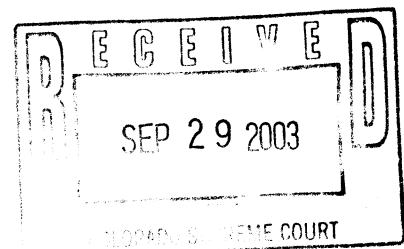


TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES	ii
I. INTERESTS OF THE LEAGUE	1
II. ISSUES PRESENTED FOR REVIEW	1
III. STATEMENT OF THE CASE.....	2
IV. SUMMARY OF ARGUMENT	2
V. ARGUMENT	3
A. <u>Fundamental principles of home rule dictate that the grant of exclusive original jurisdiction is proper.</u>	3
B. <u>The Colorado Constitution dictates that the grant of exclusive original jurisdiction is proper.</u>	4
C. <u>Even if conflict is perceived, Article XX Section 8 dictates a resolution in favor of the validity of exclusive original jurisdiction.</u>	5
D. <u>Even if conflict is perceived, the traditional home rule analysis dictates a resolution in favor of the validity of exclusive original jurisdiction.</u>	6
E. <u>Public policy dictates that municipal exercise of exclusive original jurisdiction is proper.</u>	8
VI. CONCLUSION.....	10
CERTIFICATE OF SERVICE	11
APPENDIX A.....	12

TABLE OF AUTHORITIES

CASES

Page

City and County of Denver v. State of Colorado, 788 P.2d 764, 767 (Colo. 1990).....6, 7

City of Colorado Springs v. Smartt, 620 P.2d. 1060, 1062 (Colo. 1980).....7

Moore v. City of Boulder, 484 P.2d 134, 136 (Colo. App. 1971).....7

Roosevelt v. City of Englewood, 492 P.2d 65, 70 (Colo. 1963).....7

Williams v. People, 38 Colo. 497, 88 P.463, 465 (1907).....7

Zavala v. City and County of Denver, 759 P.2d 664, 669 (Colo. 1988).....7

OTHER AUTHORITIES

Colo. Const., art. VI, § 13, 4, 6, 7

Colo. Const., art. VI, § 94, 5

Colo. Const., art. XX, § 63, 4, 5, 6, 8

Colo. Const., art. XX, § 85, 6, 7

Colo. Const., art. XX, § 93

Colo. Rev. Stat. § 13-10-1037

COMES NOW the Colorado Municipal League (“League”) by its undersigned attorney and, pursuant to Rule 29, C.A.R., submits this brief as *amicus curiae* in support of the position of Appellant, Town of Frisco (the “Town”).

I. INTERESTS OF THE LEAGUE

The Colorado Municipal League is a non-profit, voluntary association of 264 of the 270 municipalities located throughout the state of Colorado (comprising 99.99 percent of the total incorporated state population), including all 88 home rule municipalities, 175 of the 181 statutory municipalities, all municipalities greater than 2,000 in population, and the vast majority of those having a population of 2,000 or less. CML has been appearing as an amicus before the Colorado Court of Appeals and the Colorado Supreme Court for decades in appeals where a significant decision affecting Colorado municipalities is possible.

CML as an *amicus* would provide the Court with a statewide municipal perspective on the issues presented in this case, and would assure that the general interest of those other member municipalities is represented. CML members, particularly home rule municipalities, have a great deal at stake in the proper resolution of this matter.

II. ISSUES PRESENTED FOR REVIEW

Amicus curiae the League addresses only the first of the two issues presented for review pursuant to the Court’s Order of August 18, 2003 granting the Petition for Writ of Certiorari:

1. Whether a Colorado home rule municipality, pursuant to an express constitutional authorization to regulate and define the jurisdiction of its municipal court in local matters, may provide that its municipal court has exclusive original jurisdiction over a matter that arises under the charter, ordinances or other enactments of the municipality?

III. STATEMENT OF THE CASE

The League adopts and incorporates by reference the statement of the case as stated in the Opening Brief of the Town.

IV. SUMMARY OF ARGUMENT

The League adopts and incorporates by reference the Argument as stated in the Opening Brief of the Town, and adds the following.

The operation of municipal courts and the administration of justice in the state of Colorado would be significantly hampered if this Court were to uphold the decision of the Court of Appeals. The citizens of thirty-one home-rule municipalities in the state of Colorado have seen fit to grant, through their charter, "exclusive original jurisdiction" over matters arising under the charter or ordinances to their municipal courts. This is a valid exercise of home rule authority, granted to municipalities by their citizens through the Colorado Constitution, with which this Court should not interfere.

Because no conflict exists between the Constitutional provision granting home rule cities the authority to create and authorize municipal courts and any other constitutional or statutory provision, resort to external authority is not required to resolve the issue in favor of home rule municipalities exercising such authority.

However, even if such a conflict is perceived to exist, the Colorado Constitution, statutes, and case law are clear that the issue should be resolved in favor of the ability of home rule municipalities to exercise exclusive original jurisdiction in their municipal courts.

Furthermore, if the Court were to hold that such jurisdiction is not valid, state courts would be overburdened with the thousands of municipal cases tried and resolved by municipal courts every day.

V. ARGUMENT

A. Fundamental principles of home rule dictate that the grant of exclusive original jurisdiction is proper.

In general, municipal home rule is based upon the theory that the citizens of a municipality should have the right to decide how their local government is to be organized and how their local problems should be solved. The citizens of Colorado expressly recognized this in 1902 when they adopted Article XX of the Colorado Constitution.¹

This theory extends specifically to the creation and jurisdiction of municipal courts. The citizens of Colorado expressly recognized this in 1962 when they adopted Article VI, Section 1 of the Colorado Constitution. While granting authority to the district courts, the drafters of this amendment preserved the authority of municipal courts:

Section 1. Vestment of judicial power. The judicial power of the state shall be vested in a supreme court, district courts, a probate court in the City and County of Denver, a juvenile court in the City and County of Denver, county courts and such other courts or judicial officers with jurisdiction inferior to the supreme court, as

¹ Colorado citizens overwhelmingly approved Article XX as an amendment to the Colorado Constitution in 1902. Article XX consolidated the city and the county of Denver into one entity, granted the new entity the right to adopt a home rule charter, and provided in Section 6 for the adoption of home rule charters by certain other Colorado cities. In the decade following 1902, however, the Colorado courts took a restrictive view of the home rule powers granted in Article XX. In 1912, Section 6 of Article XX was substantially amended to provide a broader statement of home rule powers and to extend the right of home rule to any Colorado city or town having a population of in excess of 2,000. In 1970, as part of an overall effort to modernize local government, Article XX was again amended by the addition of a new Section 9. In general, Section 9 permitted any municipality, regardless of size, to adopt a home rule charter; permitted the adoption of a home rule charter at the time of incorporation; and required the legislature to establish procedures for adopting, amending, and repealing charters for existing and prospective home rule municipalities. Source: Home Rule Handbook: An Introduction to the Establishment and Exercise of Home Rule, 1999, Colorado Municipal League.

the general assembly may, from time to time establish; *provided, however, that nothing herein contained shall be construed to restrict or diminish the power of home rule cities and towns granted under Article XX, Section 6 of this constitution to create municipal and police courts.*

(Emphasis added).

The express language of Section 1 of Article VI, *adopted after* Article XX, Section 6, clearly demonstrates the intent to preserve home rule authority regarding municipal courts, despite the subsequent creation of and grant of authority to the district courts of the state.

B. The Colorado Constitution dictates that the grant of exclusive original jurisdiction is proper.

No conflict exists between a charter's grant of exclusive original jurisdiction to a municipal court and any state statute or constitutional provision. Thus it is not necessary for the Court to resort to principles of constitutional or statutory construction, or to an analysis of local versus statewide concern in order to uphold the charter provision granting exclusive original jurisdiction. Even were there a conflict, it is clear that the conflict should be resolved in favor of home rule authority.

Article XX, Section 6 of the Colorado Constitution grants home rule municipalities the authority to define and regulate the jurisdiction, powers and duties of their home rule municipal courts. Article VI, Section 9 of the Colorado Constitution grants district courts original jurisdiction over all civil cases, except as otherwise provided herein. And Article VI, section 1 contains the proviso that nothing within the article shall be construed to restrict or diminish the power of home rule municipalities to define and regulate the jurisdiction of their municipal courts.

The Court of Appeals in this case has created a conflict where none exists. The grant of broad original jurisdiction to the district courts in Article VI, Section 9 specifically carves out and preserves the previously granted authority for home rule municipalities by its own language.

Although it may be generally true that a municipality may not diminish the authority of a district court, where, as here, the Constitutional provision granting the district court authority in the first place specifically reserves and protects municipal authority, it cannot be argued that the general rule should control. Rather, the District Court correctly interpreted these constitutional provisions to mean that district courts have a general and uniform jurisdiction in all civil, probate and criminal cases, except where such jurisdiction is restricted or diminished by a home rule municipality as the result of its creation of a municipal court and the definition and regulation of the jurisdiction, power and duties of such court with respect to matters of local concern.

C. **Even if conflict is perceived, Article XX Section 8 dictates a resolution in favor of the validity of exclusive original jurisdiction.**

The citizen drafters of Article XX anticipated the possibility that other provisions of the Constitution might be interpreted as conflicting with the provisions of Article XX, and expressly provided that any such provisions would be superceded by Article XX:

Section 8. Conflicting constitutional provisions declared inapplicable.

Anything in the constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

One of the “matters and things by this amendment covered and provided for,” is the “creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof.” Colo. Const., art. XX, § 6. Even if this

Court accepts Appellee Baum's argument that a conflict exists, the express language of Section 8 provides the definitive resolution of such a conflict. This is particularly the case when Article XX Section 8 is considered in conjunction with the proviso of Article VI, Section 1. The plain language of the Constitution is clear as to how any such conflict should be resolved.

D. Even if conflict is perceived, the traditional home rule analysis dictates a resolution in favor of the validity of exclusive original jurisdiction.

Home rule cities are granted plenary authority by the Colorado Constitution to regulate issues of local concern. *See* Colo. Const., art. XX, § 6.

Whether the Court considers the substance of this dispute to be the jurisdictional authority of municipal courts, or a zoning matter, either way it is clearly a matter of purely local concern.

Considered as a matter of municipal court jurisdiction, with certain noted exceptions (salary payment, certain juvenile criminal matters, the right to trial by jury, and certain minimum rules of procedure), the Colorado Constitution and Colorado General Assembly agree that the nature, composition and jurisdiction of municipal courts is one of local concern. Analyzing this question according to the factors set forth in *Denver v. State* produces the same result. *City and County of Denver v. State of Colorado*, 788 P.2d 764, 767 (Colo. 1990). There is no need for statewide uniformity in the creation of municipal courts; the municipal courts have no jurisdiction and hence no impact on individuals living outside the municipal boundary unless such individuals engage in activities governed by municipal ordinance within the municipality. Historically, municipal courts have been the province of municipalities alone and not the state; there is no demonstrated need for the state to intervene to resolve conflict; and, as previously

noted, the Colorado Constitution has expressly reserved this area to the province of local governance. *City and County of Denver v. State of Colorado*, 788 P.2d 764, 767 (Colo. 1990).

While it may be that the jurisdiction of state courts is a matter of state concern, *Williams v. People*, 38 Colo. 497, 88 P.463, 465 (1907), jurisdiction of the municipal courts is a matter of local concern. And, should there be any real or perceived conflict, municipal court jurisdiction should be given precedence. See Colo. Const. Article XX, Section 8; Article VI, Section 1.

As a zoning matter, as the District Court in this case properly noted, zoning is undisputedly a matter of local concern. See *Roosevelt v. City of Englewood*, 492 P.2d 65, 70 (Colo. 1963); *Moore v. City of Boulder*, 484 P.2d 134, 136 (Colo. App. 1971); *City of Colorado Springs v. Smartt*, 620 P.2d. 1060, 1062 (Colo. 1980); *Zavala v. City and County of Denver*, 759 P.2d 664, 669 (Colo. 1988).

Nowhere in Colorado statutes, case law or constitution, is there any evidence that the jurisdiction of municipal courts is a matter of statewide concern or that a municipal court may not exercise exclusive original jurisdiction, regardless of whether that may operate to deprive a district court of jurisdiction to hear municipal ordinance violations in the first instance. In fact, strong evidence to the contrary exists in at least two of these three legal sources. As previously noted, the Colorado Constitution, in at least two places, notes the primacy of local authority in this area: Article XX, Section 8; and Article VI, Section 1. In addition, Colo. Rev. Stat. § 13-10-103 specifically states:

This article shall apply to and govern the operation of municipal courts in the cities and towns of this state. Except for the provisions relating to the method of salary payment for municipal judges, the incarceration of children provided for in sections 19-2-402 and 19-2-508, C.R.S., the appearance of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense as required by section 13-10-111, the right to a trial by jury for petty offenses provided for in section 16-10-109, C.R.S., rules of procedure promulgated by the supreme court, and appellate procedure, *this article may be*

superseded by charter or ordinance enacted by a home rule city. [emphasis added].

For the Court of Appeals and Appellee Baum's conclusion to be correct, instead of Article VI preserving the authority of municipal courts while granting authority to district courts; article XX Section 6's grant of municipal courts the authority to define and regulate the jurisdiction of municipal courts would have preserved the authority of district courts. This is clearly not the case, nor is it the intended result.

E. Public policy dictates that municipal exercise of exclusive original jurisdiction is proper.

The citizens of thirty-one home rule municipalities have seen fit to grant to their municipal courts exclusive original jurisdiction over matters arising from the charter and ordinances of the municipality. *See*, Appendix A. These thirty-one municipalities range from a population of 283,650 to one of 1,075; from metro area suburbs to small mountain towns. Appellee Baum is manifestly incorrect in stating that the "hundreds of C.R.C.P. 106(a)(4) actions" filed against home rule municipalities is somehow evidence that Frisco is the only city in Colorado with a grant of exclusive jurisdiction provision in its charter.

Municipal ordinance violations tried by such courts range from barking dog violations, operation of a skateboard in certain areas, using a public park as a golf driving range, violation of size limitations on garage sale advertising signs, and the regulation of exotic pets. The local sensibilities which dictate what is appropriate in these areas vary widely from town to city; from rural to urban; from mountain to plain. This variety is the heart of the concept of local control, and it is the reason why local ordinances on these topics are as varied as the citizens of our state.

In at least thirty-one municipalities, the citizens have recognized that such matters, on which the citizens have expressed themselves by charter, or the municipal governing body has legislated by ordinance, therefore are properly tried *first* in the municipal court, and have consequently granted exclusive original jurisdiction over such matters to the municipal court. To adopt the interpretation urged by Appellee Baum would thwart the prerogative of municipal citizens and do violence to the basic premise of local control.

Prohibiting municipal courts from exercising such jurisdiction would also have the unintended consequence of diverting some portion of these cases instance to an already overburdened state district court system. The result could not possibly represent an improvement in the efficient administration of justice statewide.

Nor would upholding exclusive original jurisdiction deprive any citizen of any constitutionally or statutorily guaranteed rights or privileges conferred upon all the citizens of the state by the General Assembly. The General Assembly has not purported to create a right for a citizen to have a matter arising under a municipal charter heard in the first instance by a district court. Were that so, a conflict might exist such that the rules of interpretation might be required to resolve it.

Exclusive original jurisdiction simply means that matters arising under the municipal charter or ordinance must be tried first in municipal court. Appeal to district court remains undisturbed, as do the principles of due process, right to trial by jury, and all other substantive rights conferred by either the Constitution or the General Assembly. In that regard, exclusive original jurisdiction in this instance can be analogized to a requirement to exhaust administrative remedies before proceeding to district court. Although a municipal court is a bona fide court of record, and part of the judicial branch, the practical effect of exclusive original jurisdiction in

this matter does not deprive a plaintiff of an opportunity to have a matter heard by the district court; it simply operates to require that the plaintiff first have the matter heard by the municipal court. This deference is exactly what the District Court referred to in dismissing the case.


VI. CONCLUSION

Any interpretation that does not allow a home rule charter to grant exclusive original jurisdiction to its municipal court over matters arising from the charter and ordinances of the municipality is fundamentally in conflict with the basic premise of home rule, and its more than ninety year history and interpretation in this state.

WHEREFORE, for all of the reasons set forth above, the League respectfully requests that this Court affirm the district court's order dismissing this case for lack of subject matter jurisdiction and reverse the decision of the Court of Appeals.

Respectfully submitted this 29th day of September, 2003.

COLORADO MUNICIPAL LEAGUE


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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2003, a true and correct copy of the foregoing **BRIEF OF AMICUS CURIAE COLORADO MUNICIPAL LEAGUE**, was placed in the United States mail, first class postage prepaid and addressed to the following:

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Appendix A

Excerpts from the Home Rule Charters of the following municipalities are attached. The excerpts include the title page of the charter as well as the provision discussing “exclusive original jurisdiction.”

Aspen
Aurora
Avon
Boulder
Breckenridge
Broomfield
Canon City
Central City
Crested Butte
Dacono
Delta
Dillon
Frisco
Golden
Grand Junction
Lafayette
La Junta
Lamar
Littleton
Minturn
Mountain Village
Mt. Crested Butte
Pueblo
Snowmass Village
Steamboat Springs
Sterling
Trinidad
Vail
Winter Park
Wray
Yuma

7-5-70
JUL 1 1970

CHARTER*

*Editor's note — The Charter of the City of Aspen was approved by the voters of the city at a special election held June 16, 1970. The charter provisions appear here as originally adopted. Any addition by the editor appears in brackets [].

- Art. I. General Provisions, §§ 1.1—1.4
- Art. II. Elections, §§ 2.1—2.6
- Art. III. Council, §§ 3.1—3.9
- Art. IV. Council Procedure, §§ 4.1—4.15
- Art. V. Initiative and Referendum, §§ 5.1—5.8
- Art. VI. City Administration, §§ 6.1—6.10
- Art. VII. Legal and Judiciary, §§ 7.1, 7.2
- Art. VIII. Boards and Commissions, §§ 8.1—8.4
- Art. IX. City Finances, §§ 9.1—9.14
- Art. X. Municipal Borrowing, §§ 10.1—10.8
- Art. XI. Public Utilities and Franchises, §§ 11.1—11.6
- Art. XII. Taxation, § 12.1
- Art. XIII. Miscellaneous Legal Provisions, §§ 13.1—13.12
- Art. XIV. Transition Period, §§ 14.1—14.6

PREFATORY SYNOPSIS

The Charter Convention of the City of Aspen, Colorado, herewith submit[s] to the voters of the City the Home Rule Charter which we have framed in conformity with Article XX of the Colorado Constitution.

Since its organizational meeting of March 26, 1970, the Convention 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 City of Aspen.

ARTICLE VII. LEGAL AND JUDICIARY

Section 7.1. City attorney.

The council shall appoint a city attorney to serve at the pleasure of council. He shall be an attorney-at-law admitted to practice in Colorado. The city attorney shall be the legal representative of the City and he shall advise the council and city officials in matters relating to their official powers and duties and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the city attorney such assistants as council may deem necessary, and may on its own motion or upon request of the city attorney in special cases employ special counsel to serve under the direction of the city attorney. Council shall establish compensation for the city attorney, his assistants and special counsel.

Section 7.2. Judiciary.

(a) *Municipal judge.* There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the city and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the council for a specified term of not less than two (2) years. The council may re-appoint the municipal judge 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 municipal judge shall be filled by appointment by the council for the remainder of the unexpired term. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado.

(b) *Deputy judges.* Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge when called upon to act by the municipal judge or the council. In the event that more than one municipal judge is appointed, the council shall designate a presiding municipal judge, who shall serve in his capacity during the terms for which he was appointed. The deputy municipal judges shall be attorneys admitted to practice in the State of Colorado and serve at the pleasure of the council.

(c) *Compensation.* The municipal judge shall receive a fixed salary or compensation set by the council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The deputy municipal judge may receive such compensation for services rendered as council may determine.

(d) *Removal.* Any municipal judge may be removed during his term of office only for cause. A judge may be removed for cause if:

- (1) He is found guilty of a felony or any other crime involving moral turpitude;
- (2) He has a disability which interferes with the performance of his duties, and which is, or is likely to become, of a permanent character;
- (3) He has willfully or persistently failed to perform his duties; or

PART I
AURORA CHARTER*

Prefatory Synopsis

Members of Charter Convention

Preamble

Article I. General Provisions

- 1-1. Name, boundaries.
- 1-2. Form of government.
- 1-3. General powers.
- 1-4. Present ordinances in force.
- 1-5. Construction of words.
- 1-6. Amending the Charter.
- 1-7. Invalidity of part.
- 1-8. Rights and liabilities continue.
- 1-9. Definitions.

Article II. Elections

- 2-1. General.
- 2-2. Election commission.
- 2-3. Powers and duties of commission.
- 2-4. Municipal elections.

Article III. Legislative Body

- 3-1. City council.
- 3-2. Mayor and mayor pro tem.
- 3-3. Qualifications of elective officers.
- 3-4. Wards.
- 3-5. Terms.
- 3-6. Salaries.
- 3-7. Vacancies.
- 3-8. Council meetings.
- 3-9. Powers of council.
- 3-10. Powers withheld from council.
- 3-11. Appointments by council.
- 3-12. Reserved.
- 3-13. Public employment system.
- 3-14. Police department, who constitutes, duties and powers.
- 3-15. Fire department, who constitutes, duties and powers.
- 3-16. Police and fire department, service requirements, disciplinary procedures, salaries.
- 3-17. Civil service commission, members, how appointed, duties, powers.

***Editor's note**—Printed herein is the city Charter, as approved by the voters of the city on June 27, 1961. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

9-5. Planning and zoning commission.

There is hereby created and established a Planning and Zoning Commission. The composition and terms of service for the commission shall be established by city ordinance. The city manager shall appoint an administrative officer to be an ex officio nonvoting member of the Commission.

The Planning and Zoning Commission shall exercise the functions and powers and perform the duties assigned to it by this Charter and the ordinances of the City. It shall prepare and submit to Council for its approval a master plan for the physical development of the city; it shall hold hearings relative to zoning and changes in the zoning ordinance and shall make recommendations thereon to Council; and it shall assist Council in considering and recommending a plan for capital improvements. Where not otherwise provided by Charter or ordinance, the Planning and Zoning Commission shall have the power, perform the functions, and follow the procedures set forth in the statutes of the State of Colorado. (Ord. No. CA75-2, 11-4-75; Ord. No. 87-202, § 37, 11-3-87; Ord. No. 89-87, § 1, 11-7-89; Ord. No. 91-47, § 1, 11-13-91; Ord. No. 93-75, § 1, 11-2-93)

ARTICLE X. LEGAL DEPARTMENT**PART 1. CITY ATTORNEY****10-1. Appointment.**

The city council shall appoint a city attorney who shall be the legal representative of the city and shall advise the council and city officials in matters relating to their official powers and duties. The city attorney shall be an attorney at law admitted to practice in Colorado, and have a minimum of five (5) years' experience in the active practice of law. The council may provide the city attorney with such assistants as council may deem necessary. Council shall establish compensation for the city attorney, his assistants and special counsel.

10-2. Duties.

The city attorney and the assistants shall represent the city in all legal proceedings, supervise the drafting of all ordinances and the preparation of all other legal documents. The city attorney shall attend all council meetings and shall perform all services incident to the position as may be required by this Charter or the ordinances of the city. (Ord. No. 87-202, § 38, 11-3-87)

10-3. Special counsel.

Council may, on its own motion or upon request of the city attorney, in special cases employ special counsel to serve under the direction of the city attorney. Special counsel engaged in regard to irregularities found by audit or any alleged dereliction in the duties of any officer or employee shall serve independently of the city attorney.

PART 2. MUNICIPAL COURT**10-4. Municipal court; judges; court administration.**

(a) *Establishment.* There is hereby established a municipal court vested with exclusive original jurisdiction of all cases arising under the Charter and the ordinances of the City of Aurora.

(b) *Municipal court judges.* Each judge of the municipal court shall have been a member of the bench or bar of Colorado for at least five (5) years before appointment. The city council shall be authorized to appoint a presiding judge who shall report directly to the city council on matters affecting the judiciary which shall include the judges, court bailiffs, and court reporters, or that staff which is from time to time assigned to support the municipal court

CHARTER FOR THE TOWN OF AVON, COLORADO
AS AMENDED JULY 24, 1984

TABLE OF CONTENTS

	Page
Prefatory Synopsis	C-5
Preamble	
CHAPTER I - NAME-BOUNDARIES	
Section 1.1 - Names and Boundaries.	C-8
CHAPTER II - MUNICIPAL POWERS	
Section 2.1 - Powers, Rights and Liabilities.	C-8
Section 2.2 - Form of Government.	C-9
CHAPTER III - ELECTIONS	
Section 3.1 - Laws Governing Elections.	C-9
Section 3.2 - Municipal Elections.	C-9
Section 3.3 - Precincts.	C-9
Section 3.4 - Non-Partisan Elections.	C-9
Section 3.5 - Recall.	C-10
CHAPTER IV - COUNCIL AND MAYOR	
Section 4.1 Town Council.	C-10
Section 4.2 - Terms of Office - Mayor and Councilmembers.	C-10
Section 4.3 - Election of Mayor.	C-11
Section 4.4 - Mayor--Powers and Duties.	C-11
Section 4.5 - Mayor Pro-Tem.	C-11
Section 4.6 - Qualifications.	C-11
Section 4.7 - Vacancies.	C-12
Section 4.8 - Compensation.	C-12
Section 4.9 - Powers of Council.	C-13
Section 4.10 - Oath of Office and Bond.	C-13
CHAPTER V - COUNCIL PROCEDURE	
Section 5.1 - Regular Meetings.	C-13
Section 5.2 - Special Meetings.	C-13
Section 5.3 - Business at Special Meeting.	C-14
Section 5.4 Quorum: Adjournment of Meeting.	C-14
Section 5.5 - Organization and Rules of Council.	C-14
Section 5.6 - Meetings to be Public.	C-14
CHAPTER VI - LEGISLATION	
Section 6.1 - Council Acts.	C-15
Section 6.2 - Voting.	C-15
Section 6.3 - Action by Ordinance Required.	C-15

action of any kind.

(d) The Personnel Merit Commission shall promulgate its own rules and regulations consistent with implementing ordinances adopted by Council. (Ord. 84-2 §1).

CHAPTER X

LEGAL AND JUDICIARY

Section 10.1 Town Attorney.

The Council shall appoint a Town Attorney to serve at the pleasure of Council. He shall be an attorney-at-law admitted to practice in Colorado, having been in active practice at least five years prior thereto. The Town Attorney shall be the legal representative of the Town and he shall advise the Council Town officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the Town Attorney such assistants as Council may deem necessary, and may on its own motion or upon request of the Town Attorney employ special counsel. Council shall establish compensation for the Town Attorney, his assistants and special counsel.

Section 10.2 Municipal Court.

(a) Municipal Judge. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the Town as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the Council for a specified term of not less than two years. The Council may reappoint the municipal judge 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 municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado, having been in active practice at least five years prior thereto.

(b) Deputy Judges. Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judge shall have all the powers of the municipal judge when called on to act by the municipal judge or the Council. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge,

TABLE OF CONTENTS
THE CHARTER
OF THE CITY OF BOULDER, COLORADO

	Section
ARTICLE I. CORPORATE NAME, BOUNDARIES, POWERS, RIGHTS, AND LIABILITIES	
Name-boundaries	1
Corporate powers-rights-liabilities	2
ARTICLE II. THE LEGISLATIVE BODY: ITS POWERS AND DUTIES	
Legislative officers-the council	3
Qualifications of council members	4
Terms of office-election-recall	5
Council judge of election	6
Compensation	7
Vacancies	8
Meetings of council	9
Rules-quorum	10
General powers of council	11
Specific duties of council	12
Powers expressly withheld from council	13
Selection and term of office of mayor	14
Powers and duties of mayor	15
Legislative procedure	16
Emergency measures	17
Publication of ordinances	18
Publication by reference	18A
Amendment or repeal	19
Ordinances granting franchises	20
Record of ordinances	21
ARTICLE III. ELECTIONS	
Municipal elections defined	22
Nomination by petition-requirements of petitions	23
Candidate's affidavit of consent	24
Requirements for signing petitions	25
City clerk's certificate of petition	26
Form of nomination petition	27
Time of completing the petition	28
Withdrawal from nomination	29
Preservation and filing of petitions	30
Election notices	31
General election regulations	32
Voting machines	33
Electors-form and marking of ballot	34
Counting ballots	35
Expenditure of money on elections-repealed	36
ARTICLE IV. DIRECT LEGISLATION	
The Initiative	
Power to initiate ordinances	37
Preparation of initiative petitions	38
Filing of petition	39
Submission of petition to council	40

The Municipal Court

Sec. 86. Municipal court judges.

The council shall appoint with power to remove, for cause, the judges of the municipal court and shall fix their salaries. (Amended by Ord. No. 5575 (1993), § 1, adopted by electorate on November 2, 1993.)

Sec. 87. Jurisdiction of municipal court.

Said municipal court shall have exclusive original jurisdiction to hear, try, and determine all charges of misdemeanor as declared by this charter, and all causes arising under any of the ordinances of the city for a violation thereof. There shall be no trial by jury, and there shall be no change of venue from said court. (Amended by Ord. No. 5575 (1993), § 1, adopted by electorate on November 2, 1993.)

ARTICLE VI. FINANCE AND RECORD

Sec. 88. Fiscal year same as calendar year.

The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

Sec. 89. Collection and custody of public moneys.

The director of finance and record shall have charge of the revenues and records of the city except as otherwise provided by this charter or by ordinance. All taxes, special assessments, and license fees accruing to the city shall be received or collected by officers of the department of finance and record. All moneys received by any officer or employee of the city or in connection with the business of the city shall be paid promptly into the city treasury.

The council shall by ordinance provide a system for the prompt collection and regular payment, custody, and deposit of all city moneys; shall require reasonable interest on daily balances; and shall require surety bonds of all depositors of city moneys. Deposits shall be made daily and in the name of the city.

Sec. 90. System of accounting.

The council shall by ordinance provide a system of accounting for the city, not inconsistent with the provisions of this charter, which may be recommended by the city manager, to conform as nearly as possible with the uniform system of municipal accounting.

Sec. 91. Assessment, levy, collection of taxes—equalization.

The council may by ordinance provide a system for the assessment, equalization, levy, and collection of all city taxes, not inconsistent with the provisions of this charter. Until the council shall otherwise by ordinance provide, the statutes of the State of Colorado now or hereafter in force shall govern the making of assessments by the assessor of the county in which the city is situated; the making of equalization by the board of county commissioners of said county; and the collection and payment to the city of taxes by the treasurer of said county for and on behalf of the city, as also in respect of the certification and collection of all delinquent charges, assessments, or taxes.

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BRECKENRIDGE
HOME RULE CHARTER

April 1, 1980

Section 7.6 DEPARTMENTS CREATED:

The administrative functions of the Town shall be performed by the departments existing at the time this Charter is adopted and such other departments as may be hereafter established by ordinance. The Council may, by ordinance, consolidate or abolish any of the said departments, whether set forth by this Charter or created by ordinance.

Section 7.7 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 Council, and at the expense of the Town.

ARTICLE VIII
LEGAL AND JUDICIARY

Section 8.1 TOWN ATTORNEY:

The Council shall appoint a Town Attorney to serve at the pleasure of the Council. He shall be an attorney-at-law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town and he shall advise the Council and Town officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the Town Attorney such assistants as Council may deem necessary, and may upon its own motion or upon request of the Town Attorney in special cases employ special counsel to serve under the direction of the Town Council. Council shall establish compensation for the Town Attorney, his assistants and special counsel.

Section 8.2 JUDICIARY:

(a) Presiding Municipal Judge. 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. The municipal court shall be presided over and its functions exercised by a judge, appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, re-appoint the Municipal Judge. Any vacancy in the office of Municipal Judge shall be filled by appointment by the Council for the remainder of the unexpired term.

(b) Deputy Judges. Council may appoint one or more deputy judges as it deems necessary. The Deputy Municipal Judges shall all have the powers of the Municipal Judge when called upon to act by the Municipal Judge or Council. In the event that more than one Municipal Judge is appointed, the Council shall designate a presiding Municipal Judge, who shall serve in this capacity during the term for which he was appointed. The Deputy Municipal Judges shall serve at the pleasure of the Council.

HOME RULE CHARTER

for the

CITY OF BROOMFIELD, COLORADO

May 30, 1974

Published by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

Charter - Municipal Administration - Section 8.8

(b) All departments of the City, except as otherwise provided in this Charter, shall be under the supervision and control of the City Manager, and he shall have the right to divide with Council approval such departments into separate divisions and to assign various functions and duties to the different departments and divisions.

CHAPTER IX

PERSONNEL

Section 9.1 Personnel Merit System.

(a) Within one year after the effective date of this Charter that City Council shall create and enact a Personnel Merit System and establish a Personnel Merit Commission composed of three (3) registered electors.

(b) The Personnel Merit System shall include all city employees within the provision including the police and fire department chiefs and exclude from the system shall be the City Manager, department heads excepting the police and fire department heads, elective officers, appointees of Council, appointed members of boards and commissions, persons employed to make or conduct a special inquiry, investigation, examination or installation or audit.

(c) The Personnel Merit Commission shall have jurisdiction and final authority to hear and determine appeals by any aggrieved employee who has been subject to disciplinary action of any kind.

(d) The Personnel Merit Commission shall promulgate its own rules and regulations consistent with implementing ordinances adopted by Council.

CHAPTER X

LEGAL AND JUDICIARY

Section 10.1 City Attorney.

The Council shall appoint a City Attorney to serve at the pleasure of Council. He shall be an attorney-at-law admitted to practice in Colorado. The City Attorney shall be the legal representative of the City and he shall advise the Council and City officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the City Attorney such assistants as Council may deem necessary, and may on its own motion or upon request of the City Attorney employ special counsel. Council shall establish compensation

for the City Attorney, his assistants and special counsel.

Section 10.2 Municipal Court.

(a) Municipal Judge. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the city and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the Council for a specified term of not less than two years. The Council may reappoint the municipal judge for a subsequent term or terms, except that the initial appointment may be for 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 municipal judge shall be filled by appointment by the council for the remainder of the unexpired term. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado.

(b) Deputy Judges. Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judge shall have all the powers of the municipal judge when called on to act by the municipal judge or the Council. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall be attorneys admitted to practice in the State of Colorado and serve at the pleasure of the Council.

(c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the Council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The deputy municipal judges may receive such compensation for services rendered as Council may determine.

(d) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed for cause if:

(1) He is found guilty of a felony or any other crime involving moral turpitude;

(2) He has a disability which interferes with the performance of his duties, and which is, or is likely to become, of a permanent character;

(3) He has willfully or persistently failed to perform his duties; or

(4) He is habitually intemperate.

PREAMBLE

THE CHARTER
OF THE
CITY OF CANON CITY,
COLORADO

PREAMBLE

We, the people of Canon City, under the authority of the Constitution of the State of Colorado, do ordain and establish for our municipal government, this Charter.

ARTICLE I
NAME, BOUNDARIES, RIGHTS,
POWERS AND LIABILITIES

Section 1 — NAME, BOUNDARIES

The municipal corporation, heretofore existing as a city of the second class in Fremont County, State of Colorado, and known as Canon City, shall remain and continue a body politic incorporated under this Charter and with the same name and boundaries, until changed in the manner authorized by law.

Section 2 — RIGHTS, LIABILITIES

By the name of Canon City, the City shall have perpetual succession; shall own, possess and hold all the property, real and personal, heretofore owned, possessed and held by said City, and shall assume and manage all trusts in any way connected therewith; and shall succeed to all rights and assume all liabilities thereof.

Section 3 — GENERAL POWERS

The City of Canon City shall have power to enact and to enforce all ordinances necessary to protect life, health and property; to prevent and summarily abate and remove nuisances; to preserve and promote good government, order, security, amusement, peace, quiet, education, prosperity and general welfare of said City and its inhabitants; to exercise all the municipal powers necessary or proper for the complete and efficient management and control of the municipal property and affairs of said City, to effectuate the due administration of the municipal government thereof; to exercise such powers as conduce to the public welfare, happiness and prosperity of said City and its inhabitants, and to enact and enforce any and all ordinances upon any subject pertaining thereto; provided that no ordinance shall be enacted inconsistent with the provisions of this Charter; and provided further, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted. It is intended by this Charter to grant to and bestow upon the inhabitants of the City of Canon City, and upon the City of Canon City full power of local self-government, and it shall have and exercise all powers of municipal government not prohibited to it by this Charter or by the provisions of the Constitution of the State of Colorado.

Section 4 — RESERVATION OF POWERS

The City shall have all powers that are or hereafter may be granted to the municipalities of every class by the Constitution

ARTICLE III

Section 5 — QUORUM — MEETINGS OPEN

Four members shall constitute a quorum to do business. All Council meetings at which legislative matters are discussed or passed upon shall at all times be open to the public; and all records and minutes of the meetings of the Council and of all actions taken therein shall be matters of public record, and shall be open at all times during office hours to the inspection of the public.

Section 6 — VOTE ON ALL MEASURES

Action of the Council shall be by ordinance, resolution or motion. Upon all legislative matters and matters involving the expenditure of City funds, the vote thereon shall be taken upon roll call by "Ayes" and "Nayes." The vote of each Council member thereon shall be recorded in the minutes of the proceedings of the Council.

All Councilmen, and in case of a tie, the Mayor, when present, shall be required to vote on all matters presented, unless a Council member shall be personally affected by the action, when the Council member may, upon request, be excused by action of the Council from voting.

Section 7 — MAYOR PRO TEM

The Council shall appoint one of its members as Mayor pro tem, and Vice-President of the Council, who shall have and shall exercise the same powers, authority and duties as the Mayor, when he shall be out of the City, or when the Mayor shall be unable to act because of disability.

ARTICLE IV DEPARTMENTS OF CITY GOVERNMENT

Section 1 — BRANCHES OF GOVERNMENT

The Government of the City shall be divided into three branches, viz: legislative, judicial, and administrative and executive.

Section 2 — LEGISLATIVE POWERS

All legislative powers and duties shall be exercised or performed by the City Council subject to referendum as herein provided, or by the people under the initiative powers provided for in this Charter.

Section 3 — JUDICIAL DEPARTMENT

The judicial department shall be a "Municipal Court" presided over by a "Municipal Judge," vested with exclusive original jurisdiction of all causes arising under this Charter and the ordinances of the City for violation or enforcement thereof. (As amended by general election certified November 3, 1981).

Section 4 — ADMINISTRATIVE POWERS

Except as may be otherwise provided in this Charter, the executive and administrative authority, powers and duties of the City under this Charter, shall be exercised or performed by the City Council, unless such authority, powers and duties

revised 1991

HOME RULE CHARTER

for the

CITY OF CENTRAL, COLORADO

December 3, 1991

Published by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

Section 7.8 Bonding of Employees.

Before any public official or employee of the City of Central be permitted to enter upon the duties of the office or position the person shall be bonded, at the expense of the city, in an amount and manner to be fixed by the council.

Section 7.9 Right to Pretermination Hearing and Appeal.

All nonprobationary city employees with the exception of the City Manager shall have the right to a pretermination hearing before the city council or such person or persons to which the council shall delegate this responsibility.

ARTICLE VIII

Legal and Judiciary

Section 8.1 City Attorney.

(a) The council shall appoint a City Attorney to serve at the pleasure of council. The City Attorney shall be an attorney-at-law admitted to practice in Colorado and have a minimum of five years' experience in the active practice of law. The City Attorney shall be the legal representative of the city and shall advise the council and city officials in matters relating to their official powers and duties, shall have the responsibility for prosecution of all matters in the municipal court, and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the City Attorney such assistance as council may deem necessary, and may on its own motion or upon request of the City Attorney in special cases employ special counsel to serve under the direction of the City Attorney. Council shall establish compensation for the City Attorney, the assistants and special counsel.

(b) The attorney-at-law employed by the city, as defined in 8-1(a), shall be an

attorney on a fixed salary. The sole and only client of the City Attorney shall be the City of Central. As such and during the tenure of any City Attorney, the City Attorney shall not otherwise engage in the practice of law for any other client and shall maintain the office of the City Attorney inside the boundaries of the city, at a place provided by the city. Upon the adoption of this amendment and anytime thereafter whenever there is a vacancy in the position of City Attorney, the City Manager shall promptly compile and provide a list of interested and qualified attorneys for the council to consider in its appointment of the City Attorney.

(c) For purposes of form only, upon the adoption of this amendment to Article VIII, the single paragraph that is currently all of Section 8.1 shall be lettered as paragraph (a) for reference purposes. (Amended by petition, 1-14-97 election)

Section 8.2 Judiciary.

(a) Municipal Court. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the Colorado Constitution and laws and the Charter and ordinances of the city and as may be conferred by law. The municipal court shall be a court of record. The municipal court shall be presided over and its functions exercised by a judge appointed by the council. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado and have a minimum of five years' experience in the active practice of law. Council may appoint one or more associate judges who shall have the same qualifications as the municipal judge, but may have a minimum of two years' experience. The municipal judge shall have the authority to appoint one or more municipal judges pro-tem who shall have the same minimum qualifications as an associate judge to serve in the absence of the duly



HOME RULE CHARTER

FOR

THE TOWN OF CRESTED BUTTE, COLORADO

PREAMBLE

We the people of Crested Butte, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish and adopt this home rule charter for the Town of Crested Butte.

AS FINALLY APPROVED BY THE CRESTED BUTTE CHARTER COMMISSION

ARTICLE 7

LEGAL AND JUDICIARY

Section 7.1 - Town Attorney. The Council shall appoint a Town attorney to serve at the pleasure of Council. He shall be an attorney-at-law admitted to practice in Colorado. The Town attorney shall be the legal representative of the Town and he 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 may provide the Town attorney such assistants as Council may deem necessary, and may on its own motion or upon request of the Town attorney in special cases employ special counsel to serve under the direction of the Town attorney. The Council shall establish compensation for the Town attorney, his assistants and special counsel.

Section 7.2 - Judiciary.

(a) Municipal Judge. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the Town and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the Council for a specified term of not less than two (2) years. The Council may re-appoint the municipal judge 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 municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term.

(b) Deputy Judges. The Council may appoint one or more deputy judges as it deems necessary to serve at the pleasure of the Council. The deputy municipal judges shall all have the powers of the municipal judge when called upon to act by the municipal judge or the Council. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed.

CHARTER
FOR THE CITY OF DACONO, COLORADO

as proposed by the
HOME RULE CHARTER COMMISSION

FEBRUARY 9, 1994

ordinance, unless the amendment or repeal is approved by a majority of the registered electors of the City voting thereon.

(b) No referred ordinance repealed by the registered electors of the City may be readopted by the Council during a period of three (3) years after the date of the election on the referred ordinance, unless the readoption is approved by a majority of the registered electors of the City voting thereon.

Section 5-6. Withdrawal of Petition. An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the City Clerk a written request for withdrawal signed by all persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

ARTICLE VI.

LEGAL AND JUDICIARY

Section 6-1. City Attorney. (a) The Council shall appoint a City Attorney to serve at the pleasure of the Council. The appointment or removal of the City Attorney shall require at least four (4) affirmative votes. The City Attorney shall be at all times while serving as City Attorney an attorney at law admitted to practice in Colorado.

(b) The City Attorney shall serve as the general counsel of the City, shall advise the Council and other City officials in matters relating to their official powers and duties, and shall perform such other duties as may be designated by the Council. The Council shall determine whether the position is full time or part time.

(c) The Council shall establish compensation for the City Attorney.

(d) The Council may employ such special counsel as may be recommended by the City Attorney or the Council.

Section 6-2. Municipal Court. (a) There shall be a municipal court vested with exclusive original jurisdiction over all matters arising under this Charter, the ordinances, and other enactments of the City.

(b) The municipal court existing on the effective date of this Charter shall continue as the municipal court for the City until changed as provided by this Charter.

THE CHARTER OF THE CITY OF DELTA

The Charter of the City of Delta was adopted at a special election held in the City of Delta on May 23, 1950 and has been amended several times. The following is a revised version of the Charter as such has been amended. Such Amendments to the Charter are indicated by the date the Amendment was approved in parentheses following the Section or Subsection affected.

(13) Provide for an independent audit;

(14) The Council shall not have the right or power to sell the City light plant or any other utility belonging to the City without such sale first being authorized by a majority vote of the qualified taxpaying electors as defined by the statutes of the State of Colorado. (Amended 11-1-66)

10. Deposit of Public Funds. City funds and monies may be deposited in banks or financial institutions as permitted by Colorado statutes and authorized by the City Council, but nothing herein contained shall make the Council or any member thereof, or the Director of Finance, personally liable to the City for loss of any funds so deposited. (Amended 11-5-85)

11. Investments. Moneys remaining in any City fund not required for current operation may be invested in one or more of the securities permitted by the statutes of Colorado governing investment of public funds. Such investments will take into account the time when moneys will be required for their intended purpose. Interest on such investments shall be credited to the fund to which the invested money belongs, if such can be determined, otherwise to the general fund of the City. The Council, or any member thereof, or the Director of Finance shall not be personally liable to the City for any loss incurred through investment of any funds as herein provided. (Amended 7-17-84)

12. Appointment and Removal of City Manager and Other Officers.

(1) CITY MANAGER. The Council shall appoint a City Manager who shall have the powers and perform the duties in this Charter provided. No Councilman shall receive such appointment during the term for which he shall have been elected.

(2) CITY ATTORNEY. The Council shall appoint a City Attorney who shall be a licensed attorney and who shall have practiced in the state for at least two years, who shall be the legal adviser of the Council and of all other City officials, and shall perform such other duties as required by ordinance. The Council may also employ special counsel.

(3) MUNICIPAL JUDGE. The Council shall appoint a Municipal Judge to preside over the municipal court of Delta and who shall have judicial powers, duties and limitations as are or may be provided by the statutes of the State of Colorado for police magistrates. Such judge shall have exclusive original jurisdiction in a summary manner to hear, try and determine all charges of the violation of ordinances. Appeals from said court shall lie with the County Court of Delta County. (Amended 7-17-84)

(4) (Repealed 4-2-96)

(5) Except as otherwise provided in this Charter, the Council shall have power to fix the salaries and official bonds of all officers and other employees of the City, and such salaries may be changed by resolution of the Council. The City Manager and all other officers and employees appointed by the

CHARTER
FOR THE TOWN OF DILLON, COLORADO

as proposed by the
HOME RULE CHARTER COMMISSION

March 1, 1993

Section 5-6. Withdrawal of Petition. An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the Town Clerk a written request for withdrawal signed by all persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

ARTICLE VI

LEGAL AND JUDICIARY

Section 6-1. Town Attorney. (a) The Council shall appoint a Town Attorney to serve at the pleasure of the Council. The appointment or removal of the Town Attorney shall require the affirmative vote of a majority of the entire Council. The Town Attorney shall be at all times while serving as Town Attorney an attorney at law admitted to practice in Colorado.

(b) The Town Attorney shall serve as the general counsel of the Town, shall advise the Council, the Town Manager, and other Town officials in matters relating to their official powers and duties, and shall perform such other duties as may be designated by the Council. The Council shall determine whether the position is full time or part time.

(c) The Council shall establish compensation for the Town Attorney.

(d) The Council may employ such special counsel as may be recommended by the Town Attorney or the Council.

Section 6-2. Municipal Court and Judiciary. (a) There shall be a municipal court vested with exclusive original jurisdiction over all matters arising under this Charter, the ordinances of the Town, other enactments of the Town, and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge, appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, re-appoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term.

(b) Each municipal judge and deputy municipal judge shall be at the time of appointment and throughout the term of office an attorney at law admitted to practice in Colorado, and shall have at least five (5) years experience in the active practice of law at the time of appointment.

CHARTER
FOR THE TOWN OF FRISCO, COLORADO

as proposed by the
HOME RULE CHARTER COMMISSION

August 1, 1988

registered electors voting thereon.

(b) No referred ordinance repealed by the voters may be readopted by the Council during a period of one (1) year after the date of the election on the referred ordinance, unless the readoption is approved by a majority of the registered electors voting thereon.

Section 5-6. Withdrawal of Petition. An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the Town Clerk a written request for withdrawal signed by all persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

ARTICLE VI

LEGAL AND JUDICIARY

Section 6-1. Town Attorney. (a) The Council shall appoint a Town Attorney to serve at the pleasure of the Council. The appointment or removal of the Town Attorney shall require the affirmative vote of a majority of the entire Council. The Town Attorney shall be at all times while serving as Town Attorney an attorney at law admitted to practice in Colorado.

(b) The Town Attorney shall serve as the general counsel of the Town, shall advise the Council, the Town Manager, and other Town officials in matters relating to their official powers and duties, and shall perform such other duties as may be designated by the Council. The Council shall determine whether the position is full time or part time.

(c) The Council shall establish compensation for the Town Attorney.

(d) The Council may employ such special counsel as may be recommended by the Town Attorney or the Council.

Section 6-2. Municipal Court. (a) There shall be a municipal court vested with exclusive original jurisdiction over all matters arising under this Charter, the ordinances, and other enactments of the Town.

RECEIVED NOV

1991

CHARTER
FOR
THE
CITY OF GOLDEN, COLORADO

Adopted by the GOLDEN CHARTER CONVENTION on October 5, 1967, by Authority of Article XX of the Constitution of the State of Colorado and approved by the CITIZENS OF GOLDEN, COLORADO at a Regular Election held on November 7, 1967.

compensation for the city attorney, his assistants and special counsel. Any agreement for compensation to special counsel shall be made only upon approval of council and prior to the service being rendered.

SECTION 9.2. JUDICIARY.

There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the city and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the council. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado and have a minimum of two years experience in the active practice of law. Council may appoint one or more deputy judges who shall have the same qualification as the municipal judge. The deputy municipal judges shall have all of the powers of the municipal judge when called upon to act by the municipal judge or the council. The municipal judge and deputy municipal judges shall serve at the pleasure of the council. The municipal judge shall receive a fixed salary or compensation set by the council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The deputy municipal judges may receive such compensation for services rendered as council may determine.

**CHAPTER X
BOARDS AND COMMISSIONS**

SECTION 10.1. RIGHT TO ESTABLISH.

Council shall have the power and authority to create boards and commissions including advisory and appeal boards. Advisory boards may be created by resolution. Appeal boards shall be created by ordinance, which shall set forth the powers and duties delegated to the board. Initial appointments by the council to any board or commission shall specify the term of office of each individual in order to achieve over-lapping tenure. All members, however, shall be subject to removal by the council. The council shall also make appointments to fill vacancies for the unexpired terms. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure except as otherwise directed by the council. All meetings of any board or commission shall be open to the public. Any board or commission created under this chapter which is not required by statute or this charter may be abolished by the council.

**CHAPTER XI
BUDGET CONTROL AND FINANCING**

SECTION 11.1. FISCAL YEAR.

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

THE CHARTER
OF THE
CITY OF GRAND JUNCTION,
COLORADO

AMENDED TO APRIL 6, 1999

Framed by the Charter Convention, August 6, 1909

By Authority of

ARTICLE XX OF THE CONSTITUTION

Adopted September 14, 1909

Revised, Compiled and Indexed

And Containing All Subsequent Amendments to Date

Official Copy, Printed and Published by Authority of
The City Council of the City of Grand Junction, Colorado

AS AMENDED TO APRIL 6, 1999

District Boundaries Re-established by
Resolution No. 134-00 Dated December 20, 2000

another is so designated, shall be ex officio City Treasurer. He shall be the head of the Finance Department of the City. He shall pay money from the City treasury upon warrant signed by the Manager and countersigned by the Finance Director and upon check signed by the Finance Director or his deputy. He shall have such other powers and duties as the Council may by ordinance provide.

67. Newspaper and Publication Fees.--All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising publicity affairs, or other publications required or authorized by this Charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the City of Grand Junction may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letterheads, or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be rendered to or paid by the city for such advertising or printing in excess of the said usual business rates, even though higher rates may be fixed by the general law for other cities of the state.

ARTICLE VIII

DEPARTMENT OF PUBLIC AFFAIRS

Sections 68 and 69 repealed.

70. Judge and Jurisdiction.--The judge of the municipal court of the city shall have all the jurisdiction, powers, duties and limitations of a police magistrate as provided in Sections 4931 to 4945, inclusive, of the Revised Statutes of Colorado, 1908, except as otherwise provided by this Charter, and shall have exclusive original jurisdiction to hear, try and determine all charges of misdemeanor as declared by this Charter, and all causes arising under this Charter or any of the ordinances of the city for a violation thereof. There shall be no trial by jury, and there shall be no change of venue from said court.

ARTICLE IX

CHARTER*

Prefatory Synopsis

Preamble

- Ch. I. Name and Boundaries, § 1.1
- Ch. II. Municipal Powers, §§ 2.1, 2.2.
- Ch. III. Elections, §§ 3.1—3.17
- Ch. IV. Organization of Government, §§ 4.1—4.15
- Ch. V. General Provisions Regarding Officers and Personnel of the City, §§ 5.1—5.12
- Ch. VI. The Council: Procedure And Miscellaneous Powers And Duties, §§ 6.1—6.9
- Ch. VII. Legislation, §§ 7.1—7.13
- Ch. VIII. General Finance—Budget, Audit, §§ 8.1—8.9
- Ch. IX. Taxation, §§ 9.1—9.3
- Ch. X. Borrowing Powers, §§ 10.1—10.4
- Ch. XI. Improvement Districts, §§ 11.1—11.4
- Ch. XII. Purchases—Contracts—Leases, §§ 12.1—12.3
- Ch. XIII. Municipal Utilities, §§ 13.1—13.6
- Ch. XIV. Public Utility Franchises, §§ 14.1—14.10
- Ch. XV. Municipal Court, §§ 15.1—15.3
- Ch. XVI. Miscellaneous, §§ 16.1—16.12
- Ch. XVII. Transitional Provisions, §§ 17.1—17.7

PREFATORY SYNOPSIS

In conformity with the provisions and under the authority granted to cities by Article XX of the Constitution of the State of Colorado, the twenty-one (21) delegates elected by the citizens of Lafayette, have formulated and submit herewith this Charter to meet the special needs of the City of Lafayette.

Since its organization on January 2, 1953, the Lafayette Charter Convention and its Committee have worked earnestly and unceasingly at the very difficult task assigned to them. In this process, the opinions and views of the people have been secured, public hearings held, suggestions and advice invited

*Editor's note—The Charter of the City of Lafayette was approved by the voters of the city in a special city election held on April 1, 1958. The charter provisions appear here as originally adopted and as subsequently amended. A historical citation follows each section that has been amended. Any addition made by the editor for purposes of clarity appears in brackets [].

City and its inhabitants, and any such systems, plants, works, or ways, or any contracts in relation or in connection therewith which may exist and which the City may desire to acquire or purchase, in whole or in part, the same or any part thereof may be purchased by the City.

Chapter XV

MUNICIPAL COURT

Section 15.1. Judicial department.

The Judicial Department shall be a "Municipal Court" presided over by a "Municipal Judge," vested with exclusive original jurisdiction of all causes arising under this Charter and the ordinances of the City for violation or enforcement thereof. The Council shall by ordinance establish a salary for the Municipal Judge, which shall not be a percentage of fines collected.

Such Municipal Judge shall be appointed by the City Council. He shall be a bona fide resident and qualified elector of the city and shall be at least twenty five (25) years of age at the time he shall assume the duties of his office. It is not required that said Municipal Judge be an elected, qualified and acting Justice of the Peace in any Justice Precinct embracing the City or a part thereof, but any such Justice of the Peace may be appointed to such office. The jurisdiction and powers and procedure in such municipal court and the manner of enforcement of its orders and judgments, shall be such as is provided for under the Statutes of the State of Colorado and the present ordinances of the City with respect to police magistrates, except as may be otherwise provided in this Charter or by ordinance hereafter enacted.

State law references—Municipal courts, § 13-10-101 et seq., C.R.S. 1973; effect of charter or ordinance, § 13-10-103.

Section 15.2. Penalty for violations.

The Council shall provide for the enforcement of its ordinances by fines or imprisonment or both; but no fine exceed-

HOME RULE CHARTER

for the

CITY OF LA JUNTA, COLORADO

April 30, 1968

Published by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

Charter - Personnel Merit System - §7.4

(b) Within fifteen (15) days following any such final hearing, the board shall submit its findings in writing to the Manager. The findings shall be advisory in nature except in the case where the aggrieved action is determined to be a result of religious or racial prejudice.

(c) If the board determines the aggrieved action to be a result of religious or racial prejudice and orders the reinstatement of such aggrieved employee, the Manager shall have the right, within fifteen (15) days to appeal such order to the Council for final action. Council shall have the power to overrule the board.

7.5 Implementation.

The Manager shall present to Council such rules and regulations as are necessary to implement and carry out the intent expressed in this chapter. Any ordinance adopted by Council under these Sections may be amended from time to time upon recommendation of the Manager and as Council deems advisable provided such changes are not inconsistent with the intent of this chapter.

CHAPTER VIII

Legal and Judiciary

8.1 City Attorney.

The Council shall appoint a City Attorney who shall be an attorney-at-law licensed to practice in the State of Colorado. The City Attorney shall advise the Council and City officials in matters relating to their official powers and duties, and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the City Attorney such assistants as Council may deem necessary, and may on its own motion or upon request of the City Attorney in special cases employ special

counsel. Council shall establish compensation for the City Attorney, his assistants and special counsel. Any agreement for compensation to special counsel shall be made only upon approval of Council and prior to the service being rendered.

8.2 Judiciary.

There is hereby established a municipal court vested with exclusive original jurisdiction of all causes arising under the Charter and ordinances of the City of La Junta, with power to impose imprisonment not to exceed one hundred eighty (180) days and a fine not to exceed two thousand dollars (\$2,000.00), or both, and to punish contempt of court by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed thirty (30) days, or both. The Council shall appoint one (1) or more judges for said court to serve at the pleasure of the Council, and the judge, or judges, shall receive such fixed compensation as may be established by resolution of the Council, but such compensation shall not be based upon the fees or fines assessed by the Court nor the number of cases handled. In the absence of the judge, or judges, so appointed, the Council shall designate one (1) or more substitute judges to serve. Terms of the municipal court and procedure therein shall be enacted by the Council, and the Council shall, by ordinance, provide for trial by jury and the imposition of costs. (Amended Nov. 5, 1991)

CHAPTER IX

Boards and Commissions

9.1 Council May Provide.

Council shall have the power and authority to create boards and commissions: (a) as may be required by statute; (b) advisory; (c) fact-finding; (d) appeal. Advisory boards may be created by resolution and all

Home Rule Charter
For The
City Of Lamar, Colo.

Adopted June 26, 1962

**ARTICLE X
LEGAL DEPARTMENT**

PART 1 - CITY ATTORNEY

- 10-1. Appointment.
10-2. Duties.
10-3. Special Counsel.

CITY ATTORNEY

10-1. APPOINTMENT.

The Council shall appoint a City Attorney, who shall be a resident of the City of Lamar, to serve at the pleasure of the Council, who shall be an attorney at law duly admitted to practice in the State of Colorado and who shall have a minimum of three years experience in active practice of law in this state. The Council may provide such assistants to the City Attorney as it may deem necessary and shall establish, by resolution, the compensation to be paid to the City Attorney and his assistants, as well as the compensation to be paid to any special counsel employed pursuant to any provision of this Charter.

10-2. DUTIES.

The City Attorney shall advise the Council and city officials relating to their powers and duties and he or his assistants shall represent the city in all legal proceedings, except as provided in this Charter. The City Attorney or his assistants shall supervise the drafting of all Ordinances and the preparation of all other legal documents. He or his assistants shall attend all Council meetings and shall perform all services incident to his position as may be required by this Charter or the ordinances of the city. Nothing herein shall prohibit the Utilities Board from employing separate counsel if it deems necessary.

10-3. SPECIAL COUNSEL.

Council may, on its own motion, or upon the request of the City Attorney, in special cases, employ counsel to serve under the direction of the City Attorney. Special counsel may be engaged in regard to irregularities found by audit, or any alleged dereliction in the duties of any officer or employee, or when the City Attorney has a conflict of interests, to serve independently of the City Attorney.

PART 2 — MUNICIPAL COURT

10-4. Establishment.

10-4. ESTABLISHMENT.

There is hereby established a Municipal Court vested with exclusive original jurisdiction of all causes arising under the Charter and ordinances of the City of Lamar. The Council shall appoint one or more judges for said court to serve at the pleasure of the Council, and the judge, or judges, shall receive such fixed compensation as may be established by resolution of the Council, but such compensation shall

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**LITTLETON
CITY
CHARTER**

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LITTLETON CITY CHARTER

The Council shall establish compensation for the City Attorney, his assistants and special counsel. The City Attorney shall serve at the pleasure of the Council.

Sec. 55. Duties.

The City Attorney shall represent the City in all legal proceedings and supervise the drafting of all ordinances and other legal documents. He shall attend all Council meetings and shall perform all services required by the Council, this Charter or the ordinances of the City. The Council may authorize the City Attorney to settle claims against the City and may make appropriations therefor.

Sec. 56. Suits.

When directed by the Council, the City attorney shall institute or defend any suit, action or proceeding on behalf of the City or any of its agencies.

Sec. 57. Special Counsel.

To take charge of any litigation or to assist the City Attorney, the Council may also employ other counsel whose compensation shall be fixed by the Council at the time of employment.

PART II. MUNICIPAL COURT

Sec. 58. Establishment; Appointment, Qualifications, Term, etc., of Judge.

There shall be a Municipal Court vested with exclusive original jurisdiction of all causes arising under the Charter and the ordinances of the City. The judge of the Court shall be a person possessing an LL.B. degree or admitted to practice law in Colorado and residing in the City or having a law office in the City. He shall be appointed by the Council for a term of two years from the date of appointment, and he may be removed at any time by unanimous vote of the entire Council. He shall receive such compensation as shall be fixed by the Council. Such compensation shall in no manner be contingent upon the amount of fees charged or collected. When necessary, the Council shall designate a reputable person with an LL.B. degree or admitted to practice law in Colorado, to serve in his stead. If, in the discretion of the Council, more than one judge is necessary, one or more additional judges may be appointed.

HOME RULE CHARTER

for the

TOWN OF MINTURN, COLORADO

April 6, 1982

Published by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

Charter - Administration - Section 5.3

Section 5.3 Town Clerk and Town Treasurer.

(a) The Council shall appoint a Town Clerk, who may also serve as Town Treasurer, 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 Town Clerk shall have power to administer oaths and take acknowledgments under the seal of the Town and shall perform such other duties as required by this Charter or the Council.

(b) The Council shall appoint a Town Treasurer, who may also serve as Town Clerk, who shall have charge of the financial records of the Town and shall collect, receive and disburse all monies belonging to the Town and shall have all other duties required to administer properly the financial affairs of the Town.

Section 5.4 Bonding of Employees.

All Town officials and employees dealing directly with municipal funds or substantial inventories of material and supplies shall post bond in an amount and under such conditions as required by the Council at the expense of the Town.

Section 5.5 Personnel Policies.

The Council, within six months of the adoption of this Charter, shall approve by ordinance or resolution a thorough Personnel Policies and Regulations Manual for the employees and officers of the Town of Minturn. The Personnel Policies and Regulations Manual shall contain provisions for employee classification, pay administration, employment practices, employee conduct, disciplinary actions, employee leave and fringe benefits and such other standard

personnel provisions as may be adopted by the Council.

ARTICLE VI

Legal and Judiciary

Section 6.1 Judiciary.

(a) Presiding Municipal Judge. There shall be a municipal court vested with exclusive original jurisdiction of all cases arising under the ordinances of the Town and may be conferred by law. The municipal court shall be a court of record and be presided over and its functions exercised by a judge appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, reappoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term.

(b) Deputy Judges. Council may appoint one or more deputy judges, as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall serve at the pleasure of the Council.

(c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the Council which shall not be increased or decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as the Council may determine.

TOWN OF MOUNTAIN VILLAGE

HOME RULE CHARTER TABLE OF CONTENTS

		Page
ARTICLE I.	GENERAL PROVISIONS	1
Section 1.1.	THE NAME OF THE TOWN	1
Section 1.2.	THE BOUNDARIES OF THE TOWN	1
Section 1.3.	LEGAL STRUCTURE OF THE TOWN	1
Section 1.4.	SIGNIFICANT CHARTER PROVISIONS	2
ARTICLE II.	CONDUCT OF TOWN ELECTIONS	3
Section 2.1.	ELECTION OF INITIAL TOWN COUNCIL	3
Section 2.2.	RULES FOR TOWN ELECTIONS	3
Section 2.3.	DATES AND TIMES FOR ELECTIONS	4
Section 2.4.	VOTER QUALIFICATIONS	4
Section 2.5.	QUALIFICATIONS FOR HOLDING OFFICE	5
Section 2.6.	VOTING PRECINCTS FOR TOWN ELECTIONS	6
Section 2.7.	ELECTIONS SHALL BE NON-PARTISAN	6
Section 2.8.	RECALL OF ELECTED OFFICIALS	6
ARTICLE III.	THE TOWN COUNCIL	7
Section 3.1.	ELECTION OF TOWN COUNCIL	7
Section 3.2.	TERMS OF OFFICE	7
Section 3.3.	VACANCIES	8
Section 3.4.	COMPENSATION OF TOWN COUNCIL	8
Section 3.5.	OATH OF OFFICE	9
Section 3.6.	TOWN COUNCIL SHALL RETAIN FULL HOME RULE LEGISLATIVE POWERS	9

d) **The Mayor and Town Manager.** The Town Manager shall be the chief administrative officer of the Town. The Town Manager shall work directly under the supervision of and shall report only to the Mayor.

e) **The Mayor and the Town Treasurer.** Under the direction of the Mayor, the Town Treasurer shall establish and supervise all of the Town's systems of accounting, collect monies and maintain custody over all assets of the Town, and provide such reports on the financial condition of the Town as required by the Mayor.

f) **The Mayor and the Town Clerk.** Under the direction of the Mayor, the Town Clerk shall keep a journal of all the proceedings of the Town Council and shall keep separate records of all ordinances and resolutions passed by the Town Council. The Town Clerk shall also administer oaths, maintain custody of the Town seal and shall take acknowledgments under the seal of the Town. The Town Clerk shall perform such other duties as prescribed by this Charter, by the Town Council, or by the office of the Mayor.

Section 6.3. BONDING OF CERTAIN EMPLOYEES.

All Town officers and employees who handle money or substantial property belonging to the Town shall post surety bonds in such amounts and under such conditions as determined by ordinance. The Town shall pay for the costs of such bonds.

ARTICLE VII.

THE JUDICIAL BRANCH OF GOVERNMENT.

Section 7.1. ESTABLISHING A MUNICIPAL COURT.

There shall be a municipal court which shall constitute the judicial branch of the government of the Town. The municipal court shall be vested with exclusive original jurisdiction over all cases arising under this Charter, under the ordinances duly enacted under this Charter, and as otherwise conferred under the law.

Section 7.2. THE MUNICIPAL JUDGE.

The municipal court shall be presided over, and its functions exercised, by the Municipal Judge.

PART I

HOME RULE CHARTER*

- Art. I. General Provisions
- Art. II. Elections
- Art. III. Council
- Art. IV. Council Procedure
- Art. V. Initiative and Referendum
- Art. VI. Town Administration
- Art. VII. Legal and Judiciary
- Art. VIII. Boards and Commissions
- Art. IX. Town Finances
- Art. X. Municipal Borrowing
- Art. XI. Taxation
- Art. XII. Public Utilities and Franchises
- Art. XIII. Miscellaneous Provisions
- Art. XIV. Transitional Provisions

ARTICLE I. GENERAL PROVISIONS

A. Name and boundaries.

The municipal corporation heretofore existing in Gunnison County, the State of Colorado, and known as the Town of Mt. Crested Butte, shall remain and continue as a body politic and corporate under this Charter and with the same name and boundaries.

B. Municipal powers.

The town shall have all the powers of local self-government and home rule and all power possible under the Constitution and the laws of the State of Colorado. The town shall and may exercise all municipal powers, functions, rights and privileges of every nature whatsoever. The enumeration of particular powers in this Charter shall not be deemed to be exclusive of others.

C. Rights and liabilities.

By the name of the Town of Mt. Crested Butte, the municipal corporation shall have perpetual succession; shall own, possess and hold all prop-

erty, real and personal, heretofore, owned, possessed and held by said Town of Mt. Crested Butte, 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 Mt. Crested Butte, may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; and may have and use a common seal and alter same at pleasure.

D. Form of government.

The municipal government provided by this Charter shall be known as council-manager government. Pursuant to the Charter provisions and subject only to limitations imposed by the State Constitution, the laws of the State of Colorado, and by this Charter, all powers shall be vested in an elective 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 if the manner

*Editor's note--The Charter for the Town of Mt. Crested Butte has been set forth herein as approved by the voters of the town at a special election held on August 27, 1974, and amended by elections held on November 4, 1980, and September 13, 1983. Use of brackets indicates editorial amendment, with the exception that obvious misspellings have been corrected without notation. Amendments to such Charter, enacted subsequent to 1983, are indicated by a history note parenthetically enclosed following the affected section, and disposition of amendatory material is shown in the Charter Comparative Table.

State constitutional law reference--Home Rule Cities and Towns, Colo. Const., Art. XX.

State law reference--Municipal Home Rule, C.R.S., § 31-2-201 et seq.

See amendment

service. Except for the purpose of inquiry, the council and its members, the mayor, and any council committee shall deal with the administrative service solely through the town manager and neither the council, its members, the mayor, nor the council committee thereof shall give orders to any of the subordinates of the town manager.

E. Town clerk.

The town manager shall appoint 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. He shall have power to administer oaths and take acknowledgements under seal of the town, and shall perform such other duties as required by this Charter, the council, or the town manager.

F. Departments created.

The administrative functions of the town shall be performed by the departments as may hereafter be established by ordinance. The council may by ordinance consolidate or merge any of the said departments, whether set forth by this Charter or created by ordinance.

G. 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 council, and at the expense of the town.

ARTICLE VII. LEGAL AND JUDICIARY

A. Town attorney.

The council shall appoint a town attorney to serve at the pleasure of council. He shall be an attorney-at-law admitted to practice in Colorado. The town attorney shall be the legal representative of the town and he shall advise the council and town officials in matters relating to their official powers and duties and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the town attorney such assistants as council may deem necessary, and may upon its own motion or upon request of the town attorney, in special cases,

employ special counsel to serve under the direction of the town attorney. Council shall establish compensation for the town attorney, his assistants and special counsel.

B. Judiciary.

1. *Presiding municipal judge.* There shall be a municipal court vested with exclusive original jurisdiction of all cases arising under the ordinances of the town, the Home Rule Charter, and others as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge, appointed by the council for a specified term of two (2) years. The council may, when his appointment for term of office expires, reappoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the council for the remainder of the unexpired term.

2. *Deputy judges.* Council may appoint one (1) or more deputy judges as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge when called upon to act by the municipal judge or council. In the event that more than one (1) municipal judge is appointed, the council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall be attorneys admitted to practice in the State of Colorado and shall serve at the pleasure of the council.

3. *Compensation.* The municipal judge shall receive a fixed salary or compensation set by the council, which shall not be increased or decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as council may determine.

4. *Removal.* Any municipal judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the council for cause if:

- a. He is found guilty of a felony or any other crime involving moral turpitude; or
- b. He has willfully or persistently failed to perform his duties; or
- c. He has disability which interferes with the performance of his duties, which is, or is likely to become, of permanent character.

CHARTER

City of
Pueblo, Colorado

Adopted April 6, 1954

CITY MANAGER

e. Keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council for adoption as he may deem necessary or expedient;

f. Except as herein otherwise provided, exercise supervision and control over all executive and administrative departments and agencies created herein or that may be hereafter created by the Council;

g. Be responsible for enforcement of all terms and conditions imposed in favor of the City or its inhabitants in any contract or public utility franchise and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same;

h. Participate in discussions of the Council in an advisory capacity;

i. Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

Section 4-6. Administrative Departments - There shall be the following Departments: Aviation, Finance, Fire, Health, Law, Parks and Recreation, Personnel, Police, Public Works, Purchasing, and such others as may be established by ordinance upon the recommendation of the City Manager.

Section 4-7. Directors of Departments - Each Department shall be headed by a Director appointed by and subject to the City Manager.

All persons appointed as Directors of Bureaus or Departments shall be selected on the basis of their training, experience, qualifications and fitness for the particular job to be performed. First consideration shall be given to persons already employed in the respective department at the time of the appointment.

Two or more departments may be headed by the same individual; the City Manager may head one or more departments. Directors of departments may also serve as chiefs of divisions.

Section 4-8. Departmental Divisions - The work of each department may be distributed among such divisions thereof as may be established by ordinance upon recommendation of the City Manager, or by regulations issued by the City Manager, pending passage of such an ordinance.

Section 4-9. Assignment of Employees - The City Manager shall have power, whenever the interest of the City requires, to assign any employee of one department to temporary performance of similar duties in another department.

ARTICLE 5 - Municipal Court

Section 5-1. Municipal Court* - There shall be a Municipal Court vested with exclusive original jurisdiction of all causes arising under the Charter and the

*As amended November 6, 1973, by a vote of 8,524 to 3,282.

TOWN OF SNOWMASS VILLAGE

HOME RULE CHARTER

1980

Published by
COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

Charter - Town Administration - Section 6.8

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.

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.

CITY OF STEAMBOAT SPRINGS

HOME RULE CHARTER

Accepted November 6, 1973

provided in this Charter or changed by ordinance.

Section 5.2 — Composition of Boards and Commissions:

The Council may by ordinance, create, establish or abolish such boards and commissions as it deems necessary, except that those boards and commissions established by Charter may not be abolished. The Council shall appoint the members of such boards and commissions. Terms and conditions of appointment shall be determined by Council and prescribed by ordinance. No City employee and no Councilman shall be appointed to a board or commission except as an ex-officio, non-voting member.

Section 5.3 Planning Commission:

There shall be and hereby is created a City Planning Commission as an advisory agency to assist the City Council in providing for the development of the City of Steamboat Springs and its metropolitan area.

The City Planning Commission shall consist of not fewer than five (5) nor more than (9) members, to be determined and appointed by the Council. Members shall reside in the City and if any member ceases to reside in the City his membership shall immediately terminate. Members shall serve without compensation except that commissioners may be reimbursed for Council-authorized expenses incurred in performance of City business. Vacancies shall be filled by the Council. Members of the City Planning Commission shall be appointed for a three-year term on a staggered basis.

The City Planning Commission may also serve as the zoning commission of the City and shall perform such other duties as the Council may prescribe.

ARTICLE 6 — LEGAL AND JUDICIARY

Section 6.1 — City Attorney:

The Council shall appoint a City Attorney to serve at the pleasure of Council. He shall be an attorney-at-law admitted to practice in Colorado. The City Attorney shall be the legal representative of the City and he shall advise the Council and City officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the City Attorney such assistants as Council may deem necessary, and may upon its own motion or upon request of the City Attorney, in special cases employ special counsel to serve under the direction of the City Attorney. Council shall establish compensation for the City Attorney, his assistants and special counsel.

Section 6.2 — Judiciary:

(a) **Presiding Municipal Judge:** There shall be a Municipal Court vested with exclusive original jurisdiction of all cases arising under the ordinances of the City and as may be conferred by law. The Municipal Court shall be

PART I

THE CHARTER OF THE CITY OF STERLING*

Preamble

- Art. 1. Name, Boundaries, Powers, Rights and Liabilities, §§ 1-1-1-4
- Art. 2. Municipal Officers, §§ 2-1-2-5
- Art. 3. City Council, §§ 3-1-3-18
- Art. 4. City Manager, §§ 4-1-4-9
- Art. 5. Budget, §§ 5-1-5-14
- Art. 6. Department of Finance and Records, §§ 6-1-6-10
- Art. 7. [Personnel], §§ 7-1-7-5
- Art. 8. Department of Public Works, §§ 8-1-8-10
- Art. 9. Department of Parks, Library and Recreation, §§ 9-1-9-6
- Art. 10. Department of Fire, §§ 10-1-10-3
- Art. 11. Department of Police, §§ 11-1-11-4
- Art. 12. The Municipal Court, §§ 12-1-12-3
- Art. 13. Elections, §§ 13-1-13-8
- Art. 14. Franchises and Public Utilities, §§ 14-1-14-10
- Art. 15. General Provisions, §§ 15-1-15-9

*Editor's note—Printed herein is the Charter for the City of Sterling adopted by the members of the Charter in convention on March 20, 1950 and adopted in a referendum on May 2, 1950. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

make rules and regulations, in conformity with the ordinances of the city, concerning the operation of the department and the conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders of the chief or to rules and regulations aforesaid, shall be ground for dismissal, or for other appropriate disciplinary action taken in accordance with the provisions of article 7 of this Charter.

Section 11-4. Special police officers.

Upon application of any individual, firm, corporation, or association, showing the necessity therefor, the chief of police may appoint one (1) or more special officers to be paid by the applicant. He may also appoint, at the request of the city manager, any employee of any department of the city as a special police officer. Special police officers shall take the oath required of members of the police force; shall wear when on duty, in full sight, a badge in the form prescribed by the chief; and while in or on the premises of the individual, firm, corporation, or association requesting his appointment, and in the case of a city employee while in performance of his official duties, shall have all the powers and duties of police officers of the city and shall be subject to the rules and regulations of the department of police. Such appointments shall be revocable by the chief of police at any time.

ARTICLE 12. THE MUNICIPAL COURT

Section 12-1. [Created; jurisdiction.]

There is hereby created a municipal court, vested with exclusive original jurisdiction over all causes and violations arising under the Charter and ordinances of the City of Sterling. The city council shall be empowered to enact ordinances affecting the municipal court.
(Ord. No. 23-1981, § 3, 8-25-81, election 11-3-81)

Section 12-2. [Rules of procedure.]

The statutes of the State of Colorado and the rules of the Colorado Supreme Court governing

the organizational and procedural aspects of municipal courts shall apply to the municipal court created by this article except when the city council has provided otherwise by ordinance in derogation of state statute and supreme court rule pursuant to the city's home rule powers provided by the constitution and statutes of the State of Colorado.

(Ord. No. 23-1981, § 3, 8-25-81, election 11-3-81)

Section 12-3. [Rights not to be abridged.]

No ordinance affecting the municipal court shall abridge the rights guaranteed by the constitutions of the United States and the State of Colorado.

(Ord. No. 23-1981, § 3, 8-25-81, election 11-3-81)

ARTICLE 13. ELECTIONS

Section 13-1. Applicability of general statutes.

Except as specifically provided herein or by ordinance, the general statutes relating to the nominations, registration of voters, the conduct of elections, the counting of votes, and the declaration of the result, shall be applicable to all general or special elections held in accordance with the provisions of this Charter. The council shall provide for the manner of holding city elections and such additional regulations in respect to elections, not inconsistent with this Charter, as may be necessary to accomplish the intent of this article. There shall be no use of the name of or affiliation with national political parties in municipal elections.
(Res. of 9-28-65, § 1, election 11-2-65)

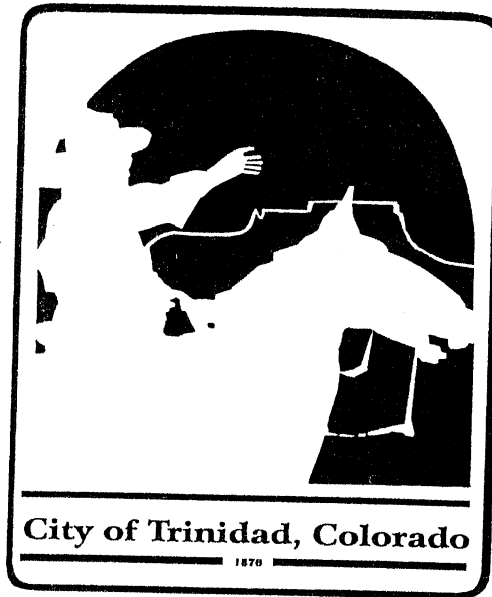
Section 13-2. Municipal elections.

A general municipal election shall be held on the first Tuesday in November of 1951, and on the first Tuesday in November of every second year thereafter. Special municipal elections shall be held when required by this Charter.

Section 13-3. [Reserved.]

Editor's note—This section on judges and clerks was repealed by Ord. No. 20-1983, § 3, 9-27-83 adopted in referendum held on November 1, 1983.

rec'd 10/98



**CHARTER
OF THE
CITY OF TRINIDAD
COLORADO**

**APPROVED BY THE
TRINIDAD HOME RULE CHARTER
COMMISSION**

AUGUST 9, 1993

**APPROVED BY THE
CITIZENS OF TRINIDAD**

NOVEMBER 2, 1993

CHAPTER VII

LEGAL AND JUDICIARY

- 7.1 **City Attorney, Appointment & Qualifications.** The Council shall appoint a City Attorney who shall serve at the pleasure of the Council. He/she shall have been a duly licensed attorney in the State of Colorado for at least two (2) years immediately prior to his/her appointment and shall have been actively engaged in the practice of law in the State of Colorado during such two (2) years. The Council shall fix the compensation of the City Attorney.
- 7.2 **Functions.** The City Attorney shall be the legal advisor of the Council, the Mayor, the City Manager and any other officers of the City. He/she shall draw all ordinances and other required legal documents and shall perform all such other services as may be required by this Charter, City ordinances or the Council. The City Attorney or other legal counsel retained by or on behalf of the City shall represent the City in any legal proceeding in which the City is a party.
- 7.3 **Special Counsel.** The Council may upon request of the City Attorney, City Manager, or of the Council itself, employ special counsel if it deems necessary or advisable.
- 7.4 **Municipal Judge.** There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the City of Trinidad and may be conferred by law. The municipal court shall be presided over and its functions exercised by

Return to CML

RECEIVED NOV 1991

*amended
1995.*



charter
of the
town of vail
colorado

**adopted by the
vail charter commission
july 31, 1972**

**approved by the
citizens of vail
november 19, 1985**

Section 6.5 — Town Clerk:

The town manager shall appoint 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. He shall have power to administer oaths and take acknowledgements under seal of the town, and shall perform such other duties as required by this Charter, the council, or the manager.

Section 6.6 — Departments Created:

The administrative functions of the town shall be performed by the departments existing at the time this Charter is adopted and such other departments as may be hereafter established by ordinance. The council may, by ordinance, consolidate or merge any of the said departments, whether set forth by this Charter or created by ordinance.

Section 6.7 — 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 council, and at the expense of the town.

**ARTICLE VII
LEGAL AND JUDICIARY**

Section 7.1 — Town Attorney:

The council shall appoint a town attorney to serve at the pleasure of council. He shall be an attorney-at-law admitted to practice in Colorado. The town attorney shall be the legal representative of the town and he shall advise the council and town officials in matters relating to their official power and duties and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the town attorney such assistants as council may deem necessary, and may upon its own motion or upon request of the town attorney in special cases employ special counsel to serve under the direction of the town attorney. Council shall establish compensation for the town attorney, his assistants and special counsel.

Section 7.2 — Judiciary Compensation:

(a) Presiding Municipal Judge. 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. The

HOME RULE CHARTER

TOWN OF WINTER PARK

**Approved by voters on
April 12, 1983**

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. He shall be an attorney-at-law admitted to practice in Colorado. The Town attorney shall be the legal representative of the Town and he shall advise the council and Town officials in matters relating to their official powers and duties and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the Town attorney such assistants as council may deem necessary, and may upon its own motion or upon request of the Town attorney in special cases employ special counsel to serve under the direction of the Town council. Council shall establish compensation for the Town attorney, his assistants and special counsel.

Section 7.2 Judiciary

- (a) Presiding Municipal Judge. 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. The municipal court shall be presided over and its functions exercised by a judge, appointed by the council for a specified term of two (2) years. The council may, when his appointment for term of office expires, re-appoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the council for the remainder of the unexpired term.
- (b) Deputy Municipal Judges: Council may appoint one or more deputy municipal judges as it deems necessary. All deputy municipal judges shall have the powers of the municipal judge when called upon to act by the municipal judge or council. The deputy municipal judges shall serve at the pleasure of the council.
- (c) Qualifications: All municipal judges shall be qualified according to ordinance.
- (d) Compensation. The municipal judge shall receive a fixed salary or compensation set by the council, which shall not be increased nor decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as council may determine.
- (e) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the entire council for cause if:
 - 1. He is found guilty of a felony or any other crime involving moral turpitude; or
 - 2. He has wilfully or persistently failed to perform his duties; or
 - 3. He has a disability which interferes with the performance of his duties which is, or is likely to become, of a permanent character.

CHARTER

of the



STATE OF COLORADO

OFFICIAL COPY

As Framed by the

CHARTER CONVENTION 1950

By Authority of Article XX of the Constitution
of the State of Colorado

Established July 31, 1886
Incorporated June 19, 1906
Filing No. 22230

Adopted by the Voters, October 24, 1950
Revised by the Voters, November 3, 1959
Revised by the Voters, August 17, 1976
Revised by the Voters, November 5, 1985

Section 11-3 **CHIEF OF POLICE.** The Chief of Police shall be in direct command of the Department of Police. He shall appoint and remove all employees of the department to their respective posts, shifts, details and duties. He shall make rules and regulations, in conformity with the ordinances of the City, concerning the operation of the department and the conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the department and the care and custody of all property used by the department. Disobedience to the lawful orders of the Chief or to the rules and regulations aforesaid shall be grounds for dismissal, or for other appropriate disciplinary action.

Section 11-4 **SPECIAL POLICEMAN.** Upon application of any individual, firm, corporation or association, showing the necessity therefor, the Chief of Police may appoint one or more special officers to be paid by the applicant. He may also appoint at the request of the City Manager, any employee of any department of the city as a special policeman. Special policemen shall take the oath required of members of the police force; shall wear when on duty, in full sight, a badge in the form prescribed by the Chief; and while in or on the premises of the individual, firm, corporation or association requesting his appointment, and in the case of a city employee while in performance of his official duties, shall have all the powers and duties of policemen of the city and shall be subject to the rules and regulations of the Department of Police. Such appointments shall be revocable by the Chief of Police at any time.

ARTICLE 12

MUNICIPAL COURT

Section 12-1 **COURT CREATED.** The existing Police Court of the City shall continue as provided by the general laws of the State of Colorado, until otherwise provided by ordinance. The Council will appoint with power to remove, for cause, the Police Magistrate and for his compensation, he shall receive a salary to be fixed by the Council.

Section 12-2 **JURISDICTION OF POLICE COURT.** Said Police Court shall have exclusive original jurisdiction to hear, try and determine all charges of any misdemeanor as declared by this Charter and all causes arising under any of the ordinances of the city for a violation thereof, and there shall be no change of venue from said Court.

Section 12-2-3 **DEMAND FOR JURY.** In all trials for any offense or offenses within the jurisdiction of said police court the defendant may demand a jury, which shall consist of six jurors, or a less number, not fewer than three, if the same can be agreed upon by the City and the accused, and thereupon the police magistrate shall issue a venire for the jury, and the jury shall be empowered and sworn as in cases of misdemeanors in courts of record under the laws of the State of Colorado.

Section 12-2-4 **JURY FEES.** (a) Each juror who is sworn as provided herein shall receive as a juror fee \$2.50 for each day or portion of a day that he so serves.

(b) Prior to the issuance by the court of the jury venire the party demanding such jury shall advance jury fees sufficient for one day's trial, such fees to be taxed as part of the costs.

Section 12-2-5 **VERDICT OF JURY.** Upon the jury returning their verdict of guilty the court shall record the same in the docket and proceed to render judgement including costs; but if the jury returns a verdict of not guilty said court shall record the same, and discharge the defendant or defendants without costs.

Section 12-2-6 **EXECUTION FOR FINES AND COSTS.** Upon the rendition of any judgment the Police Magistrate shall issue execution for the fine and costs, which shall be levied upon any personal property of the defendant or defendants, not exempt by law from execution, which said property may be sold for whatever it will bring in cash, after giving such notice of sale as is required for the sale of personal property under execution from courts of record under the laws of Colorado.

Section 12-2-7
SERVICE BY POLICE DEPARTMENT. All warrants, writs, and other process issued by the Police Magistrate shall be served and executed by any member of the Department of Police.

ARTICLE 13

ELECTIONS

Section 13-1 **APPLICABILITY OF GENERAL STATUTES.** Except as specifically provided herein, the general statutes relating to the nominations, registrations of voters, the conduct of elections, the counting of votes, and the declaration of the results, shall be applicable to all general or special elections held in accordance with the provisions of this Charter. The Council shall provide for the manner of holding City elections and such additional regulations in respect to elections, not inconsistent with this Charter, as may be necessary to accomplish the intent of this article. There shall be no use of the name of or affiliation with national political parties in municipal elections.

Section 13-2 **MUNICIPAL ELECTIONS.** A general municipal election shall be held on the first Tuesday after the first Monday in November of 1951, and on the first Tuesday after the first Monday in November of every second year thereafter. Special municipal elections shall be held when required by this Charter.

Section 13-3 **JUDGES AND CLERKS.** Not less than ten days before any election, the City Council shall select three election judges for each precinct and, when they deem it necessary, three additional counting judges and two clerks for each of the said precincts.

Section 13-4 **CANVASSING BOARD.** The City Council shall meet as a Canvassing Board and duly canvass the election returns within two days



YUMA
HOME RULE CHARTER

ADOPTED
September 16, 1981

AMENDED
AND APPROVED
April 7, 1992

service of Municipal Summonses and complaints within the City and for the performance of all functions directed at the preservation of the public's safety that the City Council may prescribe by Ordinance or Resolution.

ARTICLE VIII.
Legal and Judiciary

Section 8.1 CITY ATTORNEY

The Council shall appoint a City Attorney(s) to serve at the pleasure of the Council. He shall be an attorney-at-law admitted to practice in Colorado. The City Attorney shall be the legal representative of the City and he shall advise the Council and City officials in matters relating to their official powers and duties and perform such other duties as the Council may prescribe by ordinance or resolution. The Council may provide the City Attorney such assistants as the Council may deem necessary, and may upon its own motion or upon request of the City Attorney in special cases employ special counsel to serve under the direction of the City Council. Council shall establish compensation for the City Attorney, his assistants, and special counsel.

Section 8.2 JUDICIARY

(a) Presiding Municipal Judge. There shall be a Municipal Court vested with exclusive original jurisdiction of all cases arising under the ordinances of the City and as may be conferred by law. The Municipal Court shall be presided over and its functions exercised by a Judge, appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, re-appoint the Municipal Judge. Any vacancy in the office of Municipal Judge shall be filled by appointment by the Council for the remainder of the unexpired term.

(b) Deputy Judges. Council may appoint one or more Deputy Judges as it deems necessary. The Deputy Municipal Judges shall all have the powers of the Municipal Judge when called upon to act by the Municipal Judge or Council. In the event that more than one Municipal Judge is appointed, the Council shall designate a Presiding Municipal Judge, who shall serve in this capacity during the term for which he was appointed. The Deputy Municipal Judges shall serve at the pleasure of the Council.

(c) Compensation. The Municipal Judge shall receive a fixed salary or compensation set by the Council, which shall not be increased or decreased during his term of office. The Deputy Municipal Judges may receive such compensation for services rendered as Council may determine.

(d) Removal. Any Municipal Judge may be removed during his term of office only for cause. A Judge may be