


**CITY MANAGER'S OFFICE MEMORANDUM
#38-2019**

DATE: August 12, 2019

TO: Honorable Mayor Antonio B. Esquibel and City Council Members

FROM: Heather Geyer, City Manager
Johanna Small, City Clerk 

SUBJECT: CR-92 – November 5, 2019 Ballot Question – Gender Neutral City Charter Language

PURPOSE

To consider approving a ballot question for the November 5, 2019 election to change current City Charter language to a gender neutral form.

BACKGROUND

At a study session on July 22, 2019, Council provided staff with direction to bring the potential ballot question forward for consideration. Currently, the language in the City Charter refers to the male gender in references to positions to include Mayor, City Council and City Manager. Gender-neutral or gender-inclusive language avoids a bias towards a particular sex or social gender. A copy of the City Charter is included in Attachment 1 with gender-specific language highlighted for your reference.

The proposed ballot language is as follows:

QUESTION NO. ____: (Gender Neutral Charter Language)

Shall the City of Northglenn Home Rule Charter be amended to make the language throughout the Charter gender neutral?

STAFF RECOMMENDATION

This memorandum is being provided for informational purposes only.

BUDGET/TIME IMPLICATIONS

A regular municipal election will be held on November 5, 2019 for the purpose of electing a Mayor and four City Council members. It is anticipated that the cost of the election will be \$20,000. Pursuant to the Coordinated Election IGAs, additional costs may be incurred for extraordinary ballot question length which results in increased printing costs. Staff does not anticipate that the ballot question as drafted will affect the cost of the election. The City Clerk is required to certify the City's ballot content to the counties no later than 3:00 p.m. on September 6, 2019. If CR-92 is approved, the ballot question will be certified to the counties on or before September 6.

STAFF REFERENCE

For additional information, please contact Heather Geyer, City Manager at hgeyer@northglenn.org or 303.450.8706.

ATTACHMENTS

1. Northglenn City Charter



Charter of the City of Northglenn, Colorado

THE CITY OF NORTHGLENN
INCORPORATED – APRIL 19, 1969

CITY CHARTER

ADOPTED - April 29, 1975

AMENDMENTS

Amended at § 10.3	-	November 1981
Amended at § 9.1	-	October 1982
Amended at § 3.4	-	August 1984
Amended at § 2.6	-	November 1985
Amended at § 14.3	-	November 1985
Amended at § 3.8	-	November 1999
Amended at § 7.3	-	November 2001
Repealed § 2.5	-	November 2001
Repealed § 2.6	-	November 2001
Repealed § 8.9	-	November 2001
Repealed § 9.1	-	November 2001
Repealed Article X	-	November 2001
Amended at § 6.1	-	November 2003
Amended at § 6.11	-	November 2003
Amended at § 6.12	-	November 2003
Amended at § 2.3	-	November 2004
Amended at § 2.7	-	November 2005
Amended at § 8.6	-	November 2005
Amended at § 8.17	-	November 2005
Amended at § 3.4	-	November 2008
Amended at § 4.1	-	November 2008
Amended at § 6.1	-	November 2008

Amended at § 6.4 - November 2008
 Amended at § 3.4 - November 2009
 Amended at § 3.5 - November 2009
 Amended at § 4.2 - November 2009
 Amended at § 6.11 - November 2009
 Amended at § 11.5 - November 2009
 Amended at § 11.7 - November 2009
 Amended at § 5.3 - November 2017

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CITY OF NORTHGLENN - HOME RULE CHARTER

ARTICLE I

GENERAL PROVISIONS

P R E A M B L E

WE, the People of the

CITY OF NORTHGLENN

IN ORDER to promote responsive and responsible self-government, to encourage active participation of all citizens, to reaffirm our faith in the soundness of representative government, to provide harmony, safety and goodwill for all persons living, working or visiting within, to cultivate and preserve our natural resources, environment and aesthetic qualities of life to fulfill the necessary and required services based upon principles of prudent fiscal policies, and to recognize the intrinsic soundness of commerce, industry and the free enterprise system as being fundamental and necessary to this community and its future;

DO ORDAIN and establish this Charter under the authority granted to us by the Constitution of the State of Colorado, for the municipal government of

THE CITY OF NORTHGLENN

Section 1.1 – Name and Boundaries:

The Municipal Corporation heretofore existing in Adams County, State of Colorado, and known as the City of Northglenn, shall remain and continue as a body politic and corporate under this Charter with the same name and boundaries until changed in a manner authorized by law.

Section 1.2 – Municipal Powers:

The City 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 City 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.

Section 1.3 – Rights and Liabilities:

By the name of the City of Northglenn, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal, heretofore owned, possessed and held by said City of Northglenn shall assume and manage and dispose of all trust 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 City of Northglenn; by the name of the City of Northglenn, may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter same at pleasure.

Section 1.4 – 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 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 City Manager who shall execute the laws and administer the city government. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not so prescribed, then in such manner as may be prescribed by ordinance.

ARTICLE II

ELECTIONS

Section 2.1 – Colorado Municipal Election Laws Adopted:

City elections shall be governed by the Colorado Municipal Election Laws as now existing or hereafter amended or modified, except as otherwise provided by this Charter, or by ordinance hereafter enacted.

Section 2.2 – Non-Partisan Elections:

All special and general elections shall be non-partisan. No candidate for any municipal office shall run under any party label.

Section 2.3 – Municipal Elections:

A general municipal election shall be held on the first Tuesday in November of every odd-numbered year. Any special municipal election may be called by resolution or ordinance of the City Council at least 45 days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. Polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 2.4 – Election Districts:

The City is hereby divided into four districts whose boundaries shall be the same as presently established. Changes in the boundaries of districts may be made by ordinance adopted by the City Council which changes shall be made at least 180 days prior to any regular municipal election. Districts shall be contiguous and compact, and shall have approximately the same number of voters and shall be periodically reviewed to assure equality of representation.

Section 2.5 – Election Commission:

REPEALED – November 6, 2001

Section 2.6 – Disclosure:

REPEALED – November 6, 2001

Section 2.7 – Recall:

(a) Any incumbent of an elective office may be removed from office by the qualified electors of the City after **he** has held office for six months. The procedure hereunder to effect the recall of an elective officer shall be as follows:

(b) A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding election for all candidates for the position which the incumbent sought to be recalled occupies, demanding an election of the successor to the officer named in such petition, shall be filed in the office in which the petitions for nominations to office held by the incumbent sought to be recalled are required to be filed provided, if more than one person is required by law to be elected to fill the office of which the person sought to be recalled is an incumbent, then the said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding general election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office, at the last preceding general election; and such petition shall contain a general statement, in not more than two hundred words, of the ground or grounds on which such recall is sought, which statement is intended for the information of the electors,

and the electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of such ground or grounds assigned for such recall, and said ground or grounds shall not be open to review.

(c) The procedures for the recall of members of the City Council shall, except as otherwise provided in the Charter, be the procedures for the recall of municipal officials set forth in the State Statutes.

ARTICLE III

THE CITY COUNCIL

Section 3.1 – The City Council:

The legislative affairs of the City shall be vested in a City Council, which shall consist of nine members, one of whom shall serve as Mayor. Two Council Members shall be elected from each of the four districts. The Mayor shall be elected, as hereinafter provided, from the City at large.

Section 3.2 – The Mayor:

(a) The Mayoral candidate receiving the highest number of votes shall be elected Mayor.

(b) The Mayor shall preside at meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or the ordinances of the City. He shall have all of the powers, rights, privileges and obligations of a council member. He shall be recognized as the head of the City Government for all ceremonial and legal purposes and he shall execute and authenticate legal instruments requiring his signature as such official.

Section 3.3 – Mayor Pro-Tem:

The mayor pro-tem shall be elected by Council from its own membership. Said election shall take place at the organizational meeting following each general municipal election. The mayor pro-tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire Council. In the absence or disability of the mayor, the mayor pro-tem shall perform all duties and have all powers of the mayor. In the event of a vacancy in the office of the mayor pro-tem, the Council shall choose a successor.

Section 3.4 – Terms of Office:

Two (2) City Council members shall be elected from each of the four wards and shall serve staggered terms as set forth herein, and the Mayor shall be elected at large. The candidate for Councilperson in each ward receiving the highest number of votes shall be elected for a four (4) year term at each regular election. The Mayor shall be elected at the November election and every four (4) years thereafter, for a four (4) year term. Commencing with the November, 2011 regular election, elected officials shall assume office at the first meeting of the City Council following certification of election results.

Section 3.5 – Qualifications:

Each Council member and the Mayor when nominated and elected shall be a qualified elector of the City, and shall have resided in the City for a minimum of one year immediately preceding such election. In addition, Council members representing each of the four wards when nominated and elected shall have resided in their respective ward a minimum of 32 days immediately preceding nomination.

Section 3.6 – City Employees:

No City employee shall hold an elected City post.

Section 3.7 – City Council Honorarium:

City Council members shall be paid an honorarium commensurate with his present salary; the Mayor shall receive an honorarium in an amount equal to City Council members, together with an additional forty percent (40%), and the mayor pro-tem shall receive an additional fifteen percent (15%); method of payment shall be prescribed by ordinance. City Council may, by ordinance, increase the honorarium in an amount not to exceed ten percent (10%) per term, provided that the honorarium of any member may not be increased or decreased during

his term of office, nor shall any increase be acted upon or effective within sixty (60) days prior to any general election; authorization for increase of the honorarium in excess of ten percent (10%) must be submitted to a vote of the people at the next regular election of the City. City Council expenditures required for meetings and other expenses in the course of Council business may be paid from City funds, when appropriations for such expenses have been passed by resolution in advance and such expenditures are covered by appropriate vouchers submitted to the City Manager.

Section 3.8 – Vacancies:

A Councilman shall continue to hold his office until his successor is duly qualified. A City Council seat shall become vacant whenever any councilman is recalled, dies, becomes incapacitated, resigns, or ceases to be a resident of the City, or of his or her district, or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining councilmen shall appoint, by majority vote, a duly qualified person to fill such vacancy. He shall serve the unexpired term so vacant until the next general municipal election. If no appointment is made in the time required, City Council shall, at the next regular meeting, call a special election to be held not later than 75 days from said regular meeting to fill such vacancy provided there will not be a general municipal election within ninety (90) days.

Section 3.9 – Oath of Office:

Before entering upon the duties of his office, every councilman shall take, subscribe before, and file with the City Clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter, and the ordinances of the City, and will faithfully perform the duties of the office.

Section 3.10 – Powers expressly withheld from Council:

The Council shall deal with the administrative service solely and directly through the City Manager, and neither the Council, its members, nor committees shall either dictate the appointment or direct or interfere with the work of any officer or employee under the City Manager.

ARTICLE IV

COUNCIL PROCEDURE

Section 4.1 – Regular Meetings:

The City Council shall meet in regular council sessions for business at least twice each month at a day and hour to be fixed by the rules of Council. The Council shall determine the rules of procedure governing meetings. Commencing with the November 2011 regular election, the first meeting following certification of election results of the regular election shall be the organizational meeting of the Council, and the Council may also consider any other business at the organizational meeting.

Section 4.2 – Special Meetings:

Special meetings shall be called by the City Clerk on the written request of the Mayor or of any two members of the Council, or the City Manager, on at least 24 hours written notice to each member of the Council, served personally or left at his usual place of residence, or by any means determined by the Council to provide adequate notice; a special meeting, however, may be held on shorter notice if a quorum of the Council consents.

Section 4.3 – Business at Special Meetings:

No business shall be transacted at any special meeting of the Council unless it has been stated in the notice of such meeting. Any other business which may lawfully come before a regular meeting other than that for which a special meeting was called may be transacted at a special meeting if all the members of the Council present consent.

Section 4.4- Quorum-Adjournment of Meeting:

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all

Council meetings, but in the absence of a quorum those present may adjourn any meeting to a later time or date, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one week.

Section 4.5 – Meetings to be Public:

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe, provided, however, that Council may meet in executive session for the following purposes:

- (a) Personnel matters.
- (b) Review of applications for any appointive position; interviews and appointments shall be conducted at an open meeting.
- (c) Claims against the City, whether in litigation or otherwise.
- (d) Legal consultation and advice.
- (e) Litigation.
- (f) Deliberation and/or review of any matters heard by the Council in a quasi-judicial capacity.
- (g) Negotiations concerning the purchase, sale, lease or other acquisition of real or personal property, or interests therein, or concerning any contracts except those required to be the subject of competitive bidding.

No formal action shall be taken in any executive meeting of the City Council.

Section 4.6 – Council Acts:

The City Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every resolution as hereafter adopted shall be numbered and recorded in the official records of the City.

Section 4.7 – Voting:

The vote by “yes” and “no” shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the entire City Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the Council shall vote on any question in which he has a substantial personal or financial interest, other than the common public interest, or on any question concerning his own conduct, and in said instances the member shall disclose this interest to the Council. On all other questions, each member who is present shall vote when his name is called. Any member refusing to vote except when not so required by this paragraph shall be deemed delinquent in his duties.

Section 4.8 – Action by Ordinance Required:

In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance; provided, however, that this section shall not apply to the budget adoption in Article VIII. Ordinances

making appropriations shall be confined to the subject of appropriation.

Section 4.9 – Forms of Ordinance:

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO. Except as otherwise provided in this article, all ordinances shall take effect five (5) days after publication following final passage. The provisions of ordinances shall be severable unless otherwise declared.

Section 4.10 – Procedure:

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular meeting of the City Council by any member thereof.

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

(c) After the first reading of the ordinance, the same shall be approved or rejected by a vote of the Council.

(d) If the ordinance is approved on first reading, it shall be posted in full pursuant to resolution of council unless otherwise provided herein. The Council shall set a day, hour, and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first posting.

(e) The ordinance shall be introduced at Council a second time, at a meeting not earlier than seven (7) days after first posting, for final approval, rejection, or other action as may be taken by vote of the Council.

(f) Except as otherwise provided herein, an ordinance, if amended, shall be published after final passage, but if not amended, it shall be published either by title or in full as the Council may determine.

(g) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

Section 4.11 – Emergency Ordinances:

Emergency ordinances for the preservation of public property, health, peace, or safety shall be approved only by the unanimous vote of **councilmen** present or a vote of five (5) **councilmen**, whichever is less. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any city-owned utility shall ever be passed as an emergency measure. An emergency ordinance shall require passage at one (1) meeting of Council. However, neither a public hearing nor a first publication as provided in Section 4.10 shall be required. An emergency ordinance shall take effect upon final passage. Publication shall be within 10 days after passage, or as soon thereafter as possible.

Section 4.12 – Codification:

The Council shall cause the ordinances of a general and permanent character to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 4.13. Review and codification of ordinances shall be accomplished at least every ten years.

Section 4.13 – Codes:

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

Section 4.14 – Disposition of Ordinances:

A true copy of every ordinance, as adopted by Council, shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor pro-tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the City, shall be separately numbered and recorded commencing with Peoples' Ordinance No. 1.

Section 4.15 – Public Records:

All public records of the City of Northglenn shall be open for inspection by any person at reasonable times in accordance with state statutes existing at the present time or hereafter enacted.

ARTICLE V

INITIATIVE AND REFERENDUM

Section 5.1 – General Authority:

(a) Initiative. The electors of the City shall have power to propose any ordinance to the City Council, in accordance with the provisions of this article of the Charter, except budget, capital program, appropriation or levy of taxes, or salaries of employees. In the event City Council fails to adopt said proposed ordinance without any change in substance, the said proposed ordinance shall be submitted to the electors at a City election for their acceptance or rejection.

(b) Referendum. The electors of the City shall have the power to require reconsideration by the City Council of any ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, in accordance with the provisions of this article of this Charter; provided that such power shall not extend to the budget, appropriation, levy of ad valorem taxes and those taxes required to be voted on by the people pursuant to this Charter, calling a special election, or authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, or ordinance to meet the contractual obligations of the City.

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

(a) Any five (5) electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and

setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 5.3 – Petitions:

(a) Number of Signatures. Initiative and Referendum petitions must be signed by qualified electors of the City in number to at least ten percent (10%) of the total number of qualified electors voting at the last general municipal election.

(b) Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that **he** personally circulated the petition, the number of signatures thereon, that all signatures were affixed in **his** presence, that **he** believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after the adoption by the Council of the ordinance sought to be reconsidered.

(e) Time for Filing Initiative Petitions. Initiative petitions must be filed within one hundred eighty (180) days after issuance of the petition blanks to the petitioners' committee.

Section 5.4 – Procedure After Filing:

(a) Certificate of Clerk. Amendment. Within ten (10) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional forms within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 5.3, and within five (5) days after it is filed the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present his certificate to the City Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) City Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days

after receiving a copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court Review: New Petition. A final determination as to sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 5.5 – Referendum Petitions: Suspension of Effect of Ordinance:

When a referendum petition is filed with the City Clerk the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of sufficiency of the petition, or
- (b) The petitioners' committee withdraws the petition, or
- (c) The Council repeals the ordinance, or
- (d) Thirty (30) days have elapsed after a favorable vote of the City Council on the ordinance.

Section 5.6 – Action on Petitions:

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner provided in Article IV or reconsider the re-

ferred ordinance by voting on the question of its repeal; provided, however, that the City Council shall have power to change the detailed language of any proposed initiative ordinance so long as the general character of the measure will not be substantially altered; and provided further that repeal of any referred ordinance may be effected only by a three fourths majority vote of the entire City Council.

(b) Submission to Voters. The vote of the qualified electors on a proposed or referred ordinance shall be held not less than 30 days and not later than 90 days from the date of the final City Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the City Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.

(c) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least three members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 5.7 – Submission by City Council:

The City Council, on its own motion, shall have the power to submit to a general or special election any proposed ordinance or question to a vote of the people.

Section 5.8 – Results of Election:

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

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

(c) An ordinance adopted by the electorate may not be amended or repealed for a period of twelve (12) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of twelve (12) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this article, or if submitted to the electorate by the Council on its own motion.

(d) Any number of proposed ordinances may be submitted at the same election.

ARTICLE VI

CITY ADMINISTRATION

Section 6.1 – City Manager–Qualifications and Appointment:

(a) The City Manager shall be the chief administrative officer of the City. As such, he shall possess, have and exercise all the administrative powers vested in the City. He shall be chosen by the City Council solely on the basis of his administrative qualifications. The choice need not be limited to the inhabitants of the City or State. The City Council shall by ordinance establish residency requirements for the City Manager.

(b) His salary shall be fixed by the City Council. He shall be appointed for an indefinite period, and shall be removable by the Council at pleasure.

(c) The City Manager may appoint a department head to function in his capacity during short absences.

Section 6.2 – City Manager–Special Powers and Duties:

The City Manager shall have the special powers and duties hereinafter enumerated, and shall be directly responsible to the Council for the proper administration thereof, to-wit:

(a) To see that all laws and ordinances governing the City are enforced.

(b) To appoint and to remove, except as otherwise provided in this Charter, all directors of departments and other departmental employees.

(c) To exercise control and supervision over all departments.

(d) To make reports and attend meetings as required by Council.

(e) To recommend to the Council for adoption such measures as he may deem necessary or expedient.

(f) To keep the Council fully advised as to the financial condition of the City.

(g) To see that all franchise rights and provisions are justly enforced.

(h) To prepare and submit to the Council an annual budget.

(i) To prepare the agenda for all regular and special meetings of Council.

(j) To perform such other duties as may be prescribed by this Charter, or required of him by ordinance or resolution of the Council.

Section 6.3 – City Attorney–Qualifications and Duties:

(a) The City Council shall appoint a City Attorney to serve at the pleasure of the Council. He shall be an attorney at law admitted to practice in the State of Colorado.

(b) The City Attorney shall be the legal representative of the City and he shall advise the City Council and City officials in matters relating to their official powers and duties and perform such other duties as City Council may prescribe by ordinance or resolution.

(c) The City Council may provide the City Attorney such assistants as the City 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.

(d) City Council shall establish compensation for the City Attorney, his assistants and special counsel.

Section 6.4 – City Clerk:

(a) The City Council shall appoint a City Clerk who shall be custodian of the City Seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The City Clerk shall have the power to administer oaths and take acknowledgements under Seal of the City and shall perform such other duties as required by this Charter or Ordinance. All records shall be made available for public inspection when and if requested, subject to the Colorado Open Records Law.

(b) The City Clerk may employ such deputies and other employees of the City Clerk's Office as the City Clerk deems necessary and appropriate, and such employees shall be employees of the City of Northglenn, but subject to the direction of the City Clerk.

Section 6.5 – Departments Created:

(a) The administrative functions of the City shall be performed by the Departments existing at the time this Charter is adopted, to-wit: Police, Finance, Public Works, Community Development and Parks and Recreation. Upon recommendation of the City Manager, the City Council may, by ordinance, establish, consolidate, merge or abolish departments, whether set forth in this Charter or created by ordinance. The Department Directors shall perform such duties as prescribed by Council or the City Manager.

(b) All appointments of Department Directors shall be made by the City Manager. The dismissal of Department Directors shall be accomplished by the City Manager subject to the advice and approval of City Council. The following Departments and Directors are hereby created:

Section 6.6 – Department of Finance:

The Department of Finance shall be supervised by a Director of Finance who shall also be the City Treasurer. He shall keep and supervise all accounts, receive and have custody of all monies of the City, make and keep public records of the City not specifically entrusted to any other department by this Charter or by ordinance, and perform such other duties pertaining to the Department of Finance as required by this Charter, the City Council or the City Manager. The City Manager may also appoint a deputy or deputies to serve under the supervision of the Director of Finance who shall have authority to act in the absence of the Director of Finance.

Section 6.7 – Department of Public Works:

(a) The Department of Public Works shall be supervised by a Director of Public Works who shall, under the direction of the City Manager, have responsibility for the Department of Public Works and shall be a Registered Professional Engineer, licensed to practice in the State of Colorado.

(b) The Director of Public Works shall perform such duties as may be prescribed for him by this Charter, by the City Council upon recommendation by the City Manager, or by the City Manager.

Section 6.8 – Community Development Department:

(a) The Department of Community Development shall be supervised by a Director.

(b) The Director of the Department of Community Development shall have the following responsibilities:

(1) To advise the City Manager on any matter affecting the physical development of the City.

(2) To recommend to the City Manager a Comprehensive Plan and modifications thereof.

(3) To participate in the preparation and revision of the capital improvement program.

(4) To advise the City Planning Commission and Board of Adjustment in the exercise of their responsibilities and in connection therewith to provide necessary staff assistance.

(5) To provide for building control and inspections as indicated by City Ordinances.

(c) The Director of the Department of Community Development shall maintain a current Comprehensive Plan and modifications thereto.

Section 6.9 – Department of Parks and Recreation:

(a) Organization of Department: The chief administrative officer of the Department shall be the Director of Parks and Recreation.

(b) Functions of the Department: Under the direction of the City Manager, the Parks and Recreation Department:

(1) Shall supervise, administer and maintain all park property and recreation facilities.

(2) Shall supervise, administer and execute all park and recreation programs, plans, functions and activities of the City.

Section 6.10 – Police Department:

(a) Chief of Police: The Police Department shall be supervised by a Director, who may also be known as the Chief of Police.

(1) Except as otherwise provided in this Charter, he shall, in times of public danger or emergency, have exclusive power to deputize, appoint, and administer the oath of office to any necessary and additional policemen, patrolmen or firemen, as the nature of the emergency may require during the period of such public danger or emergency.

(2) Unless otherwise provided by City Council, the Chief of Police shall also serve as Director of Civil Defense.

(b) Functions, Duties and Powers of Department of Police: The duties of the Police Department, and of each officer in the Department, shall be to enforce all laws in the City of Northglenn, including ordinances of the City of Northglenn, statutes of the State of Colorado, statutes of the United States of America, the Constitution of the State of Colorado, and the United States Constitution; to keep the peace, to protect persons and property, to prevent crime, to apprehend persons reasonably believed to have committed crimes, and to promote justice.

(c) All police officers of the Department shall have all powers with respect to the service of criminal process and the

enforcement of criminal laws as are customarily vested in police officers.

(d) The Chief of Police may create or abolish, from time to time, such bureaus and divisions within the Department as he shall deem necessary and proper to the proper organization of the Department.

Section 6.11 – Municipal Court:

(a) There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the City, subject to appeal to the District Court. The Court may enforce its orders and judgments in like manner as a Court of record may do, and as provided by general law, and may render final judgment on any forfeited bond or recognizance returnable to such Court subject to appeal as in other cases.

(b) Presiding Officer – Qualifications and Compensation:

(1) The Municipal Court shall be presided over, and its functions exercised by a Judge, who shall be a licensed member of the Bar of this state in good standing, appointed by City Council, for a term of up to two years. The Judge shall receive a fixed salary or compensation, not dependent upon the matters to be decided by the Judge. The rules of procedure, costs and fees in the Municipal Court shall be prescribed by ordinance.

(2) 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. The qualifications of such deputy judges shall be the same as for the municipal judge.

(c) Penalty for Violations: The City shall have the power to punish violations of its ordinances by fine or imprisonment or both. The City may also enforce its ordinances by any legal means.

(d) Violations Bureau: The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations or ordinances and regulations of the City, or parts thereof, as prescribed in the ordinance establishing such Bureau. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

Section 6.12 – Insurance:

The City shall at all times carry insurance, or participate in a self insurance pool, in an amount determined by the Council, indemnifying the City against employee theft or embezzlement.

ARTICLE VII

PURCHASES – CONTRACTS – LEASES

Section 7.1 – Purchase and Sale of Property:

(a) The City Manager shall be responsible for the purchase and sale of all City property.

(b) Comparative prices shall be obtained for the purchase or sale in an amount not in excess of the dollar value established by ordinance by the City Council for all materials, supplies and public improvements.

(c) In all sales or purchases in excess of the amount established by ordinance by City Council;

(1) The sale or purchase shall be approved by the City Council.

(2) Sealed bids shall be obtained, except that where the Council shall determine by majority resolution of those present at the meeting that the public interest will be best served by joint purchase with, or purchase from another unit of government; and

(3) The requirements of this section shall be complied with. No sale or purchase shall be divided for the purposes of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other City work by any City agency without competitive bidding.

(d) Purchases shall be made from the lowest competent bidder meeting specifications, and, unless the Council shall

determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City. The City may accept or reject any and all bids.

(e) All purchases, contracts, leases and sales shall be evidenced in such manner as may be provided by ordinance.

(f) The purchase and sale of all City property shall be subject to the provisions of this Article.

(g) Detailed purchasing, lease, sale and contract procedures shall be established by ordinance.

Section 7.2 – Emergency Purchases:

In case of emergency affecting the public peace, health or safety, the Council may waive all provisions for competitive bidding and direct the purchasing agent to purchase necessary supplies in the open market.

Section 7.3 – Contracts:

(a) All contracts and leases to which the City is a party when this Charter becomes effective shall remain in full force and effect for the life of the contract or lease.

(b) The authority to contract on behalf of the City is vested with the City Manager and shall be exercised in accordance with the provisions of Statute and of this Charter, provided that any contracts in excess of the City Manager's spending authority as provided by this Charter or by the Municipal Code must be approved by the City Council.

(c) Any contract or agreement in an amount in excess of the amount fixed by ordinance made with form or terms other than the standard City purchase order form, shall, before

execution, be submitted to the attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such an opinion shall be filed with the office of the City Clerk, together with a copy of the opinion.

(d) Before any contract, agreement or purchase order is entered into which obligates the City to pay an amount in excess of the dollar value established by ordinance, the accounting officer of the City or the City Manager shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase of construction of, a public improvement unless such purchase or construction is being financed by an installment contract. Certification by the accounting officer of the City or by the City Manager shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

(e) No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations imposed by ordinance.

(f) No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him when the dollar value is less than the limitation imposed by ordinance.

(g) No compensation shall be paid to any contractor except in accordance with the terms of the contract.

(h) No contract shall be made with any person, firm or corporation who is in default to the City.

Section 7.4 – Sale or Lease of Property:

(a) City Council may sell, exchange or dispose of public utilities, or permanent public buildings or real or personal property currently in use for public purposes, with or without first obtaining the approval of a majority of the electors voting thereon, as shall be determined by the Council and enacted by ordinance.

(b) The Council may lease, for such term as Council shall determine, which may include a term in excess of one year, any real or personal property to or from any person, firm or corporation, public or private, governmental or otherwise, and such lease shall not be considered a debt of the City, and shall not be included as part of the indebtedness of the City for purposes of determining any debt limitation thereof.

ARTICLE VIII

CITY FINANCES

Section 8.1 – Fiscal Year:

The fiscal year of the City shall begin on the first day of January and end on the last day of December unless otherwise set by ordinance.

Section 8.2 – Submission of Budget and Budget Message:

The City Manager, prior to the beginning of each fiscal year, shall submit to the City Council the budget for said ensuing fiscal year and an accompanying message.

(a) The budget and all accounting records of the City shall be prepared and maintained in accordance with generally accepted accounting principles.

(b) In any year in which a general property tax levy is anticipated, such budget shall be submitted no later than the twentieth day of September of each year.

Section 8.3 – Budget Message:

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

Section 8.4 – Budget Content:

The budget shall provide a complete financial plan of all Municipal funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as will facilitate compliance with the State of Colorado Uniform Accounting Law. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated revenue, expenditures and encumbrances of the preceding fiscal year, estimated revenue, expenditures, and encumbrances for the current year, and it shall indicate in separate sections:

(a) Anticipated revenues and estimated fund balances at the beginning of the ensuing fiscal year;

(b) Proposed expenditures for current operations during the ensuing fiscal year, detailed by fund and by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures, including any deficit fund balances;

(c) Required expenditures for debt service.

(d) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(e) The total of proposed expenditures shall not exceed the total of estimated revenue.

Section 8.5 – Capital Projects Program:

(a) Submission. The Manager, with such assistance as the City Council may direct, shall prepare and submit to the City Council a five-year capital projects program simultaneously with his recommended budget.

(b) Contents. The capital projects program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the following fiscal years, with appropriate supporting information as to the necessity for the improvement.

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

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 8.6 – Budget Hearing:

A public hearing on the proposed budget and proposed capital projects program shall be held by the City Council on any date at least fifteen days prior to the final day established by law for the certification of the ensuing year's tax levy to the County. Notice of the time and place of such hearing and that the budget is on file in the office of the City Clerk for public inspection shall be given in the manner prescribed by ordinance.

Section 8.7 – Council Amendments:

After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service or for estimated cash deficit. No amendment to the budget shall increase the authorized expenditures to any amount greater than the total amount of estimated revenue.

Section 8.8 – Council Adoption:

The City Council shall adopt the budget by resolution pursuant to law. If it fails to adopt the budget by this date, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly until such time as the City Council adopts the budget for the ensuing fiscal year.

Section 8.9 – Property Tax Levy:

REPEALED – November 6, 2001

Section 8.10 – Contingencies:

The budget may include an item for contingencies. Expenditures and encumbrances shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the expressed approval of the City Council, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 8.11 – Public Records:

Copies of the budget and the capital projects program as adopted shall be public records and shall be made available to the public in the municipal building.

Section 8.12 – Amendments After Adoption:

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

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the peace of the citizens of Northglenn, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. Budget provision for the payment of such emergency notes and related interest in the next succeeding fiscal year shall be mandatory.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, **he** shall report to the City Council without delay, indicating the estimated amount of deficit, any remedial action taken by **him** and **his** recommendation as to any other steps to be taken. The City Council shall then take such further action as it deems

necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

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

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

Section 8.13 – Administration of Budget:

(a) Work Programs. The City Manager may require each department, office or agency to submit work programs for the ensuing fiscal year, showing the allocation of its fund requests by activity, by period, or by other measure appropriate to the administration of such work program. **He** may revise such work programs at or after the time of adoption of the budget, or during the fiscal year, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 8.13, after approval by the City Council in cases of transfer of funds from one department to another.

(b) Payments and Obligations Prohibited. No payments shall be made or obligation incurred against any appropriation except in accordance with the budget duly adopted and unless the Manager or Finance Director first certifies that there

is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed by special assessments, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such act was made or approved by ordinance.

(c) Monthly Budget Report. The City Manager shall submit to the City Council such reports as he deems appropriate or as requested by the City Council in the form of a monthly budget report.

Section 8.14 – Independent Audit:

An independent audit shall be made of all City accounts at least annually, and more frequently if deemed necessary by the City Council. Such audit shall be made by certified or registered public accountants, experienced in municipal accounting selected by the Council. Copies of such audit shall be made available for public inspection at the Municipal building.

Section 8.15 – Investments:

Subject to the provisions of this Charter, monies remaining in any fund which the Director of Finance may determine will not be required for current expenditures may, as provided by resolution, be invested in one or more of the securities permitted by the Statutes of Colorado governing investment of public funds. Interest on such investments shall be credited to the fund to which the invested money belongs.

Section 8.16 – Deposits:

City funds may be deposited in any account that is insured by an agency of the United States Government, but the amount of such deposit shall not exceed the amount that is so insured unless securities of the United States Government or the State of Colorado, equal to such excesses, are pledged as security for the account, pursuant to law.

Section 8.17 – Water and Sewer Utility Fund:

(a) There is hereby established a dedicated water and sewer utility fund to account for all activities and revenues associated with providing water and wastewater services including, but not limited to, water conservation efforts, the acquisition of water rights, maximization of storage facilities, provision of water and wastewater services and the construction, operation, administration, maintenance, repair and replacement of the water supply, distribution system, collection system and treatment facilities. Specifically excluded from the fund are all urban drainage facilities, programs, revenues and expenses.

(b) The revenues referred to in Section (a) are defined as: All fees, rates, toll charges, availability fees, tap fees, connection fees, penalties, grants, loans, surcharges, investment income, any voter authorized sales taxes dedicated to water acquisition or capital charge reduction, including food and other sources established by the Council now or in the future for the exclusive use of the fund.

(c) The City Council, City Manager and other administrative officials are prohibited from expending, transferring or loaning any revenues or unencumbered appropriation balance of the fund permanently or temporarily for any purpose not reasonably related to the purpose of the fund, notwithstanding any Charter provisions to the contrary.

ARTICLE IX

TAXATION

Section 9.1 – Authority to Levy Taxes with Limitation on Powers:

REPEALED – November 6, 2001

Section 9.2 – Collection of Taxes:

(a) Unless otherwise provided by ordinance, the County Treasurer shall collect City ad valorem taxes in the same manner and at the same time as general ad valorem taxes are collected. In like manner the City Council may provide for collection of special improvement assessments by said Treasurer.

(b) All laws of this State for the assessment of property and the levy and collection of ad valorem taxes, sales of property for taxes, and the redemption of the same, shall apply and have full force and effect in respect to taxes for the City as to such general ad valorem taxes, except as may be modified pursuant to this Charter.

Section 9.3 – Authority to Acquire Property:

In addition to all other power which it has to acquire property, the City is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and delinquent special assessments. The City may also dispose of any property acquired under this authority in like manner as any other property.

Section 9.4 – Assessments:

Assessments of real and personal property within the City for ad valorem taxes shall be made by the County Assessor.

Section 9.5 – Existing Taxes:

All taxes levied or imposed by ordinance at the time of the effective date of this Charter shall remain in full force and effect unless or until repealed by City Council, any other provisions of this Charter to the contrary notwithstanding.

ARTICLE X

MUNICIPAL BORROWING

REPEALED – November 6, 2001

ARTICLE XI

UTILITIES AND FRANCHISES

Section 11.1 – City Powers, Functions and Authority:

(a) The City Council shall have and exercise with regard to all public utilities and franchises all Home Rule municipal powers, functions, and authority now existing and which may be hereafter provided by the Constitution and the Statutes of the State of Colorado.

(b) Subject to the laws of the State of Colorado applicable to the Home Rule Cities and the Constitution of the State of Colorado, the City Council, upon obtaining a majority vote of the qualified electors of the City, shall have the power and authority within or without the territorial limits of the City to construct, condemn, purchase, acquire and lease public utilities and cable television assets, equipment and everything in relation to or in connection therewith, in whole or in part, for the use of the City and its inhabitants.

(1) The term “public utility” or “public utility corporation” when used in this Charter shall mean any person, firm or corporation operating a heat, power, gas or light system, a communication system, or a water sewer or scheduled transportation system, and serving or supplying the public. It shall not include any person, firm or corporation owning or operating sidetracks or switches for the accommodation of manufacturing plants and business houses or private telephone lines and shall not include City of Northglenn owned utilities.

(c) The City shall have the power to own and control water rights and to exchange water rights owned by it for water rights owned by other municipalities or quasi-municipal corpora-

tions or by other persons, and to purchase, obtain or acquire water and water rights from any source including such existing water rights as may be used upon any land which is annexed to the City from time to time. The City shall have the right to contract with municipalities or quasi-municipal corporations or any person for the purpose of forming consolidated water or sewer districts or for furnishing any municipal service.

(d) Any exercise of authority pursuant to this Charter, subsequent to acquisition of facilities hereunder, shall be administered through a regular department of the City government under the management and supervision of the City Manager.

(e) The City Council, by ordinance, upon recommendation of the City Manager, may authorize the extension of any City service or City owned facilities, provided under authority of this Charter, to consumers outside the corporate limits of the City, under such terms and conditions as may be agreed upon, subject to laws applicable to Home Rule Cities.

(f) The City shall have all the powers under the State Constitution and Laws to regulate the use and exploration of all energy resources for the general benefit and welfare of the citizens.

Section 11.2 – Use of Public Places by Utilities:

(a) No public utility, whether it has a franchise or not, may use the City streets, alleys, bridges and other public space (air, surface or underground) except upon such terms, conditions or requirements as are provided by the City Council or by the City Manager, and such public utility shall pay that part of the cost of improvement or maintenance of City streets, alleys, bridges and other public space as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use.

(b) Every such public utility may be required by the City to permit joint use by the City and by other public utilities of its property and appurtenances located in the City streets, alleys or other public space insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore.

(c) In the absence of agreement and upon application by any public utility or by the City, the City Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, and the arbitration award shall be final.

Section 11.3 – Utility Rates:

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

(b) The City shall have the power to regulate the rates and charges of any utilities within the City not regulated by the Public Utilities Commission of the State of Colorado.

Section 11.4 – Present Franchises:

All franchise ordinances and agreements of the City in effect at the time this Charter is effective shall remain in full force and effect in accordance with their respective terms and conditions unless modified by another franchise.

Section 11.5 – Grant of Public Utility Franchises:

(a) Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance.

(1) With respect to any franchise, after mutual agreement with the holder of the franchise, the City

Council may, by ordinance extend the area served by the franchise, including streets, alleys, public space and property not originally embraced in such franchise, when public convenience and necessity requires, subject to the terms and conditions of such original franchise, and co-extensive with the terms thereof. Provided, however, that if provision is made for such extension of facilities in the original franchise agreement, City Council need not act by ordinance to permit such extension and the holder of the franchise may proceed to extend such facilities in accordance with the terms and conditions of the original franchise.

(2) For purposes of this Charter, cable television and garbage, trash or rubbish disposal shall not be deemed to be public utilities.

(b) No exclusive franchise shall be granted.

(c) No franchise shall be granted without reserving to the City such fair fee arising from the use thereof as shall be fixed in the grant of such franchise.

Section 11.6 – Compensation for Franchises:

Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the franchise and no other compensation shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges or other impositions levied by the City Council not levied on account of the use granted by the franchise.

Section 11.7 Conditions of Franchises:

All public utility franchises granted after the effective date of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, except as otherwise provided by the Statutes of Colorado applicable to Home Rule Cities and the Constitution of the State of Colorado; but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

(a) The ability to repeal and revoke the same for failure of the grantee to comply with the provisions thereof.

Section 11.8 – Matters in Charter Not to Impair Right of City Council to Insert Other Matters in Franchise:

The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the City Council to insert in such franchise or grant such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, rentals, charges, control, forfeitures or any other provision whatever, as the City Council shall deem proper to protect the interest of the people.

Session 11.9 – Assignment and Leasing of Franchises:

(a) No franchise granted by the City shall be leased, assigned or otherwise alienated without the approval of City Council given by ordinance, and no negotiation with the lessee or assignee on the part of the City to require the performance of any act or the payment of any compensation by the lessee or assignee shall be deemed to operate as such consent. Any assignment, lease or sale of such franchise without the consent of the City shall, at the option of the City Council, operate as a forfeiture of such franchise.

(b) The right of City Council to deny any assignment, lease or sale of a franchise is reserved.

(c) City Council, upon approving any such assignment, lease or sale of franchise, may impose such reasonable conditions and terms deemed necessary.

Section 11.10 – Railroad Facilities:

Subject to the Statutes of Colorado, applicable to Home Rule Cities, City Council may require, upon fair apportionment of the cost, subject to arbitration, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; to construct and maintain in good condition with proper approaches and safety devices those street crossings, bridges, viaducts or other conveniences affected by railroad or other transportation system rights-of-way; and to take such other measures for the protection of the health, safety, and welfare of the public as are deemed necessary by City Council.

Section 11.11 – Revocable Permits:

The City may grant a permit at any time for the temporary use or occupation of any street, alley or City owned place, provided such permit shall be revocable by the City at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

Section 11.12 – Franchise Records:

(a) The City Council shall cause to be kept in the office of the City Clerk an indexed franchise record which shall contain copies of all public utility franchises granted by the City.

(b) The index shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises, shall include a convenient reference to all actions at

law affecting the same, copies of all annual reports and such other information as the City Council or City Manager may require.

ARTICLE XII

BOARDS AND COMMISSIONS

Section 12.1 – General Provisions:

(a) All existing Boards and Commissions, including the City Planning Commission, Board of Adjustment and the Recreation Board shall continue as established by ordinance or agreements, except as otherwise provided by ordinance or this Charter.

(b) The City Council shall have the power and authority to create such Boards and Commissions as it may desire or require, provided no such Board or Commission shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter.

(c) Unless otherwise provided by this Charter by general law applicable to Home Rule Cities, or by ordinance, the following provisions shall apply:

(1) Boards and Commissions shall be appointed by the City Council and have such powers and perform such duties as are required by this Charter or by City Council.

(2) Advisory Boards or Commissions may be created by motion or resolution and all other Boards or Commissions shall be created by ordinance.

(3) Initial appointments by the City Council shall specify the term of office of each individual and such appointments, in the discretion of the City Council, may provide for overlapping tenure. City officials ap-

pointed to the Planning Commission or Board of Adjustment shall serve in an ex-officio capacity only.

(4) Board members may be removed from office only for neglect of duty or malfeasance.

(5) The City Council shall make appointments to fill vacancies for unexpired terms.

(6) Each Board or Commission shall choose its own officers, adopt its own rules of procedure and recommend the removal of any member who displays a lack of interest in its proceedings.

(7) All meetings of the Boards and Commissions shall be held in conformity with Article IV, Section 4.5 of this Charter.

(8) Copies of records and minutes of meetings of all Boards or Commissions shall be placed and kept in the office of the City Clerk for public inspection.

(9) Reports from such Boards or Commissions shall be made as the City Council may require.

(d) Any Board or Commission created under this Charter and which is not otherwise required by this Charter or by general law applicable to Home Rule Cities may be abolished by City Council in the same manner as the Board or Commission was created.

(e) Any requirement included in (c) and (d) above which is in conflict with the provision for the Citizens' Affairs Board shall not apply thereto.

ARTICLE XIII

CITIZENS' AFFAIRS BOARD

Section 13.1 – Establishment:

There is hereby created the Citizens' Affairs Board, hereinafter called "Board".

Section 13.2 – Intent:

It is declared by the people of the City of Northglenn that their intent in creating the Board is to provide a body within the City government to which citizens of the City and other interested persons may freely present complaints and proposals. It is their further intent that such body be composed of people who are not otherwise involved in the day-to-day operations of City government, so that those persons regularly involved in City government may devote adequate time to their regular duties. It is their intent that the Board have no power to administer or legislate, or to interfere with those persons who do have the administrative and legislative powers. It is their further intent that the Board shall always be authorized to make public any complaints and proposals which it shall receive, and to publicize any findings and recommendations the Board shall make.

Section 13.3 – Appointments:

The original Board shall be appointed by the Mayor and shall have the approval of the City Council, and shall be composed of five qualified electors of the City who are in sympathy with the intent and purposes of this provision of the Charter. The first members of the Board shall be appointed within thirty days of the effective date of this Charter. One of them shall be appointed for a one-year term, one for a two-year term, one for a three-year term, one for a four-year term, and one for a five-year term. Thereafter upon the expiration of the term of a member of the Board, **his** successor shall be appointed for a

term of five years. Board members may be removed from office only for neglect of duty or malfeasance. Upon the death, resignation, or removal from office of a member of the Board, the Mayor shall appoint a successor to serve the unexpired portion of the term. All subsequent appointments or reappointments by the Mayor to the Board shall be subject to approval by the Board.

Section 13.4 – Districts Represented:

Each district shall be represented on the Board by at least one Board member residing in such district.

Section 13.5 – Residence in District:

If a Board member changes **his** place of residence from the district in which **he** resided at the time of **his** appointment, **he** shall no longer hold office and a successor shall be appointed from the same district if that district would otherwise not have representation on the Board.

Section 13.6 – Residence in City:

If a Board member changes **his** place of residence from the City of Northglenn **he** shall no longer hold office, and a successor shall be appointed.

Section 13.7 – Contractors and Employees:

A Board member shall not be a contractor of the City. Any Board member who, after **his** appointment, becomes an officer, employee or contractor of the City, shall be automatically removed from office and a successor appointed.

Section 13.8 – Compensation:

The members of the Board shall serve without salary.

Section 13.9 – Meetings:

The Board shall meet at least once each month in an announced public meeting at a place within the City designated by the Board. All meetings shall be open to the public.

Section 13.10 – Officers – rules:

The Board shall choose its own officers from its own members and adopt its own rules of procedure. Three members shall constitute a quorum of the Board.

Section 13.11 – Function:

The Board shall be an advocate in behalf of the citizens of Northglenn. The Board shall receive and consider complaints and proposals from the citizens of the City concerning the City and its government.

Section 13.12 – Procedure:

The Board should direct all inquiries and requests to the City Manager, who shall refer the inquiries and requests to the proper City employee. The employees of the City shall provide the Board with the most complete cooperation in answering inquiries of the Board and in supplying requested documents to the Board. The term “employee” as used in this Section does not include the Mayor and the members of the City Council.

Section 13.13 – Reports and findings:

The Board may, after due consideration of any complaint or proposal, report its findings and recommendations to the Mayor, the City Council, and the person or group who presented such complaint or proposal.

Section 13.14 – Miscellaneous:

This article shall, in all respects, be self-executing. However, nothing herein shall be construed to prohibit the City

Council from appropriating monies to the Board for necessary staff assistance, supplies and equipment, or personal expenses.

ARTICLE XIV

MISCELLANEOUS LEGAL PROVISIONS

Section 14.1 – Eminent Domain:

The City shall have the right of eminent domain as provided by the Constitution and the Statutes of the State of Colorado.

Section 14.2 – Reservation of Power:

The power to supersede any law of this State now or hereafter in force, insofar as it applies to local or municipal affairs shall be reserved to the City, acting by ordinance, subject only to restrictions of Article XX of the State Constitution.

Section 14.3 – Liability of City:

No action for recovery of compensation for personal injury, death, or property damage against the City on account of its negligence shall be maintained unless written notice of the alleged time, place and cause of injury, death, or property damage is given to the City Clerk by the person injured, his agent, or attorney, within 180 days of the occurrence causing the injury, death, or property damage as required by the Colorado Governmental Immunity Act.

Section 14.4 – Bequests, Gifts, and Donations:

The City Council, on behalf of the City, may receive or refuse bequests, gifts, and donations of all kinds of property in fee simple or in trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Section 14.5 – Severability of Charter Provisions:

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 14.6 – Charter Amendments:

This Charter may be amended at any time in the manner provided by the Constitution or Statutes of the State of Colorado.

Section 14.7 – Interpretations:

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word “person” may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 14.8 – Definitions:

As used in this Charter the following words and phrases shall have the following meaning:

- (a) Appropriation. The authorized amount of monies set aside for expenditures during a specified time for a specific purpose.

(b) City. The City of Northglenn, Colorado, a municipal corporation.

(c) Council. The City Council of the City of Northglenn, including the Mayor, unless provided otherwise.

(d) Manager. The City Manager of the City of Northglenn appointed pursuant to Section 6.1(a).

(e) Franchise. An irrevocable privilege granted by the City permitting a specified use of public property for a specified length of time.

(f) Employee. A person employed by the City of Northglenn.

(g) General Municipal Election. A municipal election held every two years at which candidates for elective offices of the City are voted upon in accordance with this Charter.

(h) Officer. Any person elected to office or appointed by City Council, including appointees to Boards and Commissions.

(i) Constitution. The Constitution of the State of Colorado.

(j) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.

(k) Qualified Elector. A person qualified to vote in municipal elections under the Constitution and Statutes of the State of Colorado, or ordinances of the City of Northglenn.

ARTICLE XV

TRANSITION PERIOD

Section 15.1 – Effective date:

This Charter shall become effective immediately upon voter approval.

Section 15.2 – Prior City Legislation:

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

Section 15.3 – Present Elected officials to Continue in Office:

The present elected City Officials in office at the time of the adoption of this Charter whose offices are continued by the provisions of this Charter, shall continue at their present salaries, to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices. The functions, powers and duties of the present elective officers whose offices are abolished or appointive pursuant to the provisions of this Charter shall cease upon the appointment of officers to perform such functions pursuant to the Charter.

Section 15.4 – Continuation of Present Boards & Commissions:

All Boards and Commissions in office at the time of adoption of this Charter shall continue to function with their present powers and duties as provided in the respective ordinances.

Section 15.5 – Continuation of Appointed Officers and Employees:

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

Section 15.6 – Saving Clause:

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the City of Northglenn and individuals, corporations or public agencies.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Northglenn Charter Convention, duly elected by the people of Northglenn, Colorado, at a special election held on August 6, 1974, or duly appointed according to law, under authorization of Article XX, Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Northglenn, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Convention on the 3rd day of December, 1974, for submission to the people of Northglenn at a special election to be held pursuant to Colorado Revised Statutes, Article 139-90-7, as amended.

Executed in triplicate at Northglenn, Colorado, this 4th day of December 1974.

E. E. Woody Curtis (Chairman)

Jack Strimbu (Vice-Chairman)

Eleanor M. Wyatt (Secretary)

Dalrie A. Berg
John M. Hutchins
Raymond DeWeese
Oscar Niemeier
L.T. Hall
Catherine Oetting
David Cran
Dennis A. Bean
Patrick Shanley

Ruth Holton
William A. Sheppard, Jr.
Carl R. Fox
Robert Moderhak II
Joseph Villarreal
Hugo G. Rodeck
Gerald A. Holtgrewe
Audrey Himmelmann
Steven E. Stegall

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SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-92
Series of 2019

Series of 2019

A RESOLUTION SUBMITTING A BALLOT QUESTION REGARDING AMENDMENT OF THE CITY'S HOME RULE CHARTER TO THE ELECTORS OF THE CITY OF NORTHGLENN AT THE NOVEMBER 5, 2019 REGULAR MUNICIPAL ELECTION TO MAKE THE LANGUAGE OF THE NORTHGLENN HOME RULE CHARTER GENDER NEUTRAL

WHEREAS, Section 14.6 of the City of Northglenn Home Rule Charter (the "Charter") permits amendment to the Charter to be accomplished by any means authorized by state law or the state constitution;

WHEREAS, pursuant to Article XX, Section 5, of the Colorado Constitution, the City Council may, on its own initiative, submit by ordinance or resolution any charter amendment as a question to the voters at any general or special state or municipal election so long as the election is held not sooner than thirty (30) days following submission of the question to voters;

WHEREAS, the City Council wishes to submit to the City's voters a question that would amend the Charter to make the language throughout the Charter gender neutral; and

WHEREAS, the November 5, 2019 regular election will be held more than thirty (30) days following submission of the following question to voters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. At the regular municipal election of Tuesday, November 5, 2019, the following question shall be submitted to the registered electors of the City of Northglenn, Colorado:

QUESTION NO. ____: (Gender Neutral Charter Language)

Shall the City of Northglenn Home Rule Charter be amended to make the language throughout the Charter gender neutral?

DATED at Northglenn, Colorado, this ____ day of _____, 2019.

ANTONIO B. ESQUIBEL
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney