

APPENDIX I

TOWN OF PARKER

HOME RULE CHARTER

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With all good faith in the citizens and the future of the Town of Parker, the nine Charter Commission members, elected by the people, have drafted this Home Rule Charter in conformity with Article XX of the Constitution of the State of Colorado and the Municipal Home Rule Act of 1971.

The Charter reflects the Commission's philosophy that the Town belongs to the citizens thereof, not the state or federal government, and as such follows the American doctrine where the electors control the government rather than the government dictating to the citizens.

This document defines a Council-Mayor form of government. The Mayor and Council are elected every four (4) years on a rotating basis to ensure continuity of government. The Council is charged with the legislative responsibilities of policy making. The administration of these policies is the duty of the Mayor or Town Administrator. The Mayor presides at Council meetings and is the political leader of the Town.

The democratic techniques of initiative and referendum and recall have been included in the Charter. These provisions provide the means by which the people can, if necessary, directly control the policies of their town government, enact or reject legislation as they see fit, and rid themselves of an elected official who fails to perform his duties properly. In addition, other safeguards have been included in the Charter to prevent abuse of any office in the Town.

As members of the Charter Commission, we viewed our task as one of great responsibility. We have not limited our goals for the town government of Parker to a consideration of the present, but have extensively considered the future needs of the Town and envision continued growth and progress for the Town.

In our effort to submit the best possible Charter to the people of Parker, the Charter Commission has studied the Charters of several other Colorado cities, has invited suggestions and advice from the citizens of Parker, and has employed legal counsel in evolving the final draft of the Charter.

This Charter provides a simple, direct and responsible form of local government. It is respectfully submitted to the citizens of Parker.

Article I

General Provisions

Section 1.1 Name and Boundaries.

The municipal corporation heretofore existing as the Town of Parker, Douglas County, State of Colorado, shall remain and continue a body politic and corporate and under this Charter be known as the Town of Parker, with boundaries the same as presently established, until changed in a manner authorized by law.

Section 1.2 Powers.

The Town shall have all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado. The enumeration of particular powers under this Charter is not exclusive of others.

Section 1.3 Rights and Liabilities.

By the name of the Town of Parker, a municipal corporation, the Town shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the Town, and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities of the Town; shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of the Town; may sue and defend; may purchase, lease, receive, hold and enjoy, or sell and dispose of real and personal properties; may establish municipal water works, sewage disposal works, and water and sewer systems; shall have a common seal and alter the same at pleasure and to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Colorado Constitution and Title 31, Colorado Revised Statutes, as the same now exist or as they may either hereafter be amended. (Amended by election, 4/7/98)

Article II

Elections

Section 2.1 Colorado Election Laws Adopted.

Town elections that are not coordinated with Douglas County shall be governed by the Colorado Municipal Election Code, as amended, except as otherwise provided by ordinance hereafter enacted. Town elections that are coordinated with Douglas County shall be governed by the Uniform Election Code, as amended, except as otherwise provided by ordinance hereafter enacted. (Amended by special election, 6/20/00)

Section 2.2 Registration, Judges, Clerks, and Election Commission.

The Council may by ordinance establish the method for the registration of electors, the qualifications and compensation of election judges and clerks, and the boundaries of election districts.

The Council may by ordinance establish an Election Commission with such powers, duties, terms and qualifications as provided by such ordinance. (Amended by special election, 6/20/00)

Section 2.3 Election Day.

A regular Town election shall be held on the Tuesday following the first Monday in November commencing in the year 2000 and in each even numbered year thereafter. The term of any Mayor or Councilmember that ends in April of 2000 shall be extended until the regular Town of Parker election held on the Tuesday following the first Monday in November, 2000; and the term of any Councilmember that ends in April of 2002 shall be extended until the regular Town of Parker election held on the Tuesday following the first Monday in November, 2002. (Amended by special election, 6/20/00; amended by special election, 11/3/98)

Section 2.4 Hours of Voting.

Hours of voting for polling places for all Town elections shall be governed by the Colorado Municipal Election Code, as amended, or the Uniform Election Code, as amended, whichever Election Code shall apply to the particular election, except as otherwise provided by ordinance. (Amended by special election, 6/20/00)

Section 2.5 Elective Officers.

The elective officers shall be a Mayor and six (6) Councilmembers, each of whom shall be a registered elector of the Town and shall have resided in the area comprising the Town at the time of nomination or appointment for not less than one (1) year. The Mayor shall be elected from the Town at large. If voting districts have been established pursuant to Section 2.6 of this Charter, Councilmembers from any district shall be elected in the manner provided by ordinance. Elections shall be non-partisan. (Amended by special election, 6/20/00; amended by special election, 11/3/98)

Section 2.6 Districts.

The Town shall constitute one (1) voting district, provided that the Council may, for the convenience of voters, establish additional districts in the manner provided by ordinance. The districts so established by ordinance shall remain for subsequent elections unless provided otherwise by ordinance. Districts shall be contiguous and compact wherever possible and shall have approximately the same number of voters. (Amended by special election, 6/20/00)

Section 2.7 Mayor & Town Councilmember's Terms of Office.

The Mayor and the six (6) Trustees holding office at the time of the adoption of this Charter shall remain in office until the first regular Town election to be held under this Charter on the Tuesday following the first Monday in April in the year 1984. At that time the terms of Mayor and the terms of the present members of the Board of Trustees (who shall become known as Town Councilmembers) shall be as follows:

- a. The term of office for Mayor of the Town of Parker, commencing with the election held in the year 1984, shall be for four (4) years. Thereafter, election for the Mayor shall be held at the regular municipal election every fourth year.

b. The members of the Town Council, commencing with the 1986 municipal election shall be elected for a four-year term of office.

c. At the regular municipal election in the year 1984, the Town Council of the Town of Parker shall be elected for the following terms of office:

1. Those nominees seeking election for the Town Council who receive the first, second and third largest number of votes each shall be elected for a four-year term of office.

2. Those nominees seeking election for the Town Council who receive the fourth, fifth and sixth largest number of votes shall be elected for a two-year term of office.

3. In the event there is a tie for the persons receiving the third and fourth largest number of votes, then there shall be a drawing by lot pursuant to the Colorado Municipal Election Code, at the first regular meeting of the Town Council thereafter; the winner of said lot drawing shall serve a four-year term and the loser a two-year term of office.

4. Those persons whose term of office is determined to be four (4) years shall thereafter have their position as a member of the Town Council until the regular municipal election in the year 1988 and every fourth year thereafter. Those persons whose term of office is determined to be two (2) years shall have their position as a member of the Town Council until the regular municipal election in 1986 and every fourth year thereafter. By this means, overlapping terms of office will be established. (Amended by special election, 11/3/98)

Section 2.8 Nomination Petition; Required Signatures.

The nomination petition for each candidate for Mayor shall be signed by not fewer than twenty-five (25) registered electors of the Town, and for each candidate for the Council to be elected from a district not fewer than twenty-five (25) registered electors from such district. Unless and until Council districts are created, each candidate for the Council shall submit a nomination petition containing not fewer than twenty-five (25) signatures of registered electors from the Town as a whole. The filing of petitions shall be governed by the Colorado Municipal Election Code, as amended, or the Uniform Election Code, as amended, whichever Election Code shall apply to the particular election, except as otherwise provided by ordinance. (Amended by special election, 6/20/00; amended by election, 4/7/98)

Section 2.9 Vacancies.

a. An elected officer shall continue to hold his office until his successor is duly qualified, except that an elective office shall become immediately vacant whenever an elective officer fails or refuses to qualify, dies, resigns, is removed from office, is incapacitated to an extent which prohibits him from properly performing his duties as an elective officer, absents himself continuously from the Town for more than three (3) months without a leave of absence given by a majority vote of the entire Town Council in office at the time the vote is taken, is convicted by a court of law of any act constituting misconduct in office, or constituting a felony, is judicially declared mentally ill, or moves from the Town, or, if the Town has been divided into districts, moves from the district from which he was elected.

b. The existence of a vacancy shall be established by competent evidence thereof placed on record in the Town Council minutes. The Town Council shall determine the validity of the evidence and decide when a vacancy exists.

c. In not less than ten (10) days nor more than thirty (30) days after a vacancy in an elective office occurs, the remaining Councilmembers shall either appoint an eligible person as defined in Article III, to fill such vacancy to serve until the next regular municipal election, or call a special election to fill the vacancy. The decision whether to appoint or to call a special election, and the decision who to appoint, if applicable, shall be made by two-thirds ($\frac{2}{3}$) vote of the entire Town Council.

1. If the Town Council does not fill the vacancy by appointment within thirty (30) days after the vacancy occurs, the Town Council shall order an election.

2. A special election to fill a vacancy under paragraph 1 of this subsection (c) shall be: called within ninety (90) days of the effective date of the vacancy; held as soon as practicable; and conducted under either the Municipal Election Code or the Uniform Election Code. In order to maintain staggered terms, the person elected to fill a vacancy at any special election called pursuant to this subsection (c) shall serve only the remaining portion of the original four-year term of office in which the vacancy occurred. (Amended by special election 11/01/05; amended by special election, 11/6/01; amended by special election, 6/20/00)

Section 2.10 Special Election.

Any special Town election may be called by resolution of the Council at least thirty (30) days in advance of such election. The resolution calling a special Town election shall set forth the purpose or purposes of such election.

Section 2.11 Recall.

Every elected public official of the Town of Parker may be recalled from office after holding office for at least six (6) months. The procedure to effect the recall of any elected public officer shall be as follows:

a. A petition, signed by registered electors of the Town of Parker equal in number to twenty-five percent (25%) of the entire vote cast at the last preceding election for all candidates for the position for which the incumbent sought to be recalled occupies, demanding an election of the successor to the officer named in said petition, shall be filed in the office of the Town Clerk, provided that in the event a member of the Town Council is sought to be recalled, then the said recall petition shall be signed by registered electors of the Town entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five percent (25%) 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 (1) of the officers thereof, said entire vote being divided by the number of all officers elected to such office. The recall petition shall contain a general statement, in not more than two hundred (200) words, of the ground or grounds on which recall is sought, which statement is intended for the information of the registered electors, and the registered 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.

b. The procedure for recall of elected officials shall be that set forth in Part 5 of Article 4 of Title 31, Colorado Revised Statutes, as the same now exists or may in the future be amended; provided, however, that authority is specifically vested in the Town Council to adopt a comprehensive ordinance which will set forth the procedures to be utilized in the recall of elected officials within the Town of Parker. (Ord. 1.76, §1, 1994)

Article III

Town Council

Section 3.1 Town Council.

All powers of the Town not otherwise limited or conferred upon others by this Charter shall be vacated in a Town Council. The Council shall consist of six (6) members but may be increased or decreased after published notice and public hearing, by ordinance passed by a two-thirds ($\frac{2}{3}$) majority vote of the entire Council. Any such increase or decrease in the number of Councilmembers shall not become effective until the next regular municipal election following the passage of the ordinance.

The Council shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare and property; to declare, prevent and summarily abate and remove nuisances; to preserve and enforce good government, general welfare, order and security of the Town and the inhabitants thereof; to enforce ordinances and regulations by ordaining fines not exceeding one thousand (\$1,000) dollars or imprisonment not exceeding one (1) year, or both fine and imprisonment for each and every offense; to provide for the granting of probation and the conditional suspension of sentences by the Municipal Court; and to delegate to boards and commissions, within limitations of the Constitution and this Charter, such functions, powers and authority of the Town as it deems proper and advisable. No enumeration or particular powers granted to the Council shall be construed to impair any general grant of power herein contained or granted by the State Constitution, nor to limit any such grant of powers of the same class or classes as those so enumerated. (Ord. 1.76, §1, 1994)

Section 3.2 Qualifications of Councilmembers.

Each Councilmember when nominated and elected shall be a registered elector of the Town and shall have resided in the Town for one (1) year immediately preceding such election. In addition, should districts be established pursuant to this Charter, each Councilmember who is elected from a district shall also be a resident of the Town for one (1) year and a registered elector of that district for not less than six (6) months immediately preceding such election. No Councilmember shall be a salaried employee of the Town during his term of office, be a relative of another Councilmember, as defined by ordinance, during his term of office, nor perform personal services for the Town for which he is compensated, during his term in office, other than as provided in Section 3.6. No candidate for Town Council shall be a relative of a Councilmember, as defined by ordinance. The Town Clerk shall be the judge of the qualification of Councilmembers and candidates for Town Council, except as

otherwise provided by ordinance. (Amended by special election 11/01/05; amended by special election, 6/20/00; amended by special election, 11/3/98)

Section 3.3 Mayor Pro Tem.

A Mayor Pro Tem shall be elected by the Council from its own membership at the first meeting following each biennial election. The Mayor Pro Tem shall serve until the Council meeting following the next regular Town election, and shall act as Mayor during the absence or disability of the Mayor. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted herein to Councilmembers.

Section 3.4 Conflict of Interest.

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. No member of the Council shall have any material or significant financial interest, direct or indirect, or any apparent conflict of interest with the Town. In the event that any Councilmember or any member of his family has or could potentially be construed as having such interest, said Councilmember shall declare such interest. If any Councilmember declares or fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest. When such conflict of interest is established, the remaining Councilmember shall take any action they deem to be in the best interests of the Town, including but not limited to rendering contracts void, which contracts were entered into without knowledge of a conflict of interest. (Amended by special election, 11/3/98)

Section 3.5 Oath of Office.

Before entering upon the duties of his office the Mayor and every Councilmember shall take, subscribe before and file with the Town Clerk an oath or affirmation that he will support the Constitution of the United States of America, the Constitution of the State of Colorado, this Charter and the ordinances of this Town, and will faithfully perform the duties of the office. (Amended by special election, 11/3/98)

Section 3.6 Compensation of Councilmembers.

The members of the Council shall receive such compensation as the Council shall by ordinance prescribe; provided, however, they shall neither increase nor decrease the compensation of any member during his term of office, except, however, members of the Council whose terms do not expire at the next election shall receive the same salary as that provided for incoming members, for the remainder of their terms of office. Councilmembers may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the Town as are authorized by the Town Council. (Amended by special election, 11/3/98)

Section 3.7 Council Meetings.

The Council shall meet regularly at least once each month at a day and hour and place to be fixed by the rules and proceedings of each Council. The Council shall prescribe the rules of procedure governing meetings. All regular and special meetings of the Council shall be open to the public, and citizens and employees shall have a reasonable opportunity to be heard. Four (4) members of the Council shall constitute a quorum unless additional members are added pursuant to Section 3.1 of this Article. Written minutes of the proceedings of each meeting shall be kept by the Clerk and signed by the Mayor.

A majority of the members of the Council may, by vote, request the attendance of its members and other officers of the Town at the next regular or a special meeting of the Council. Any member of the Council or other officer who, when notified of such request for his attendance, fails to attend such meeting for reasons other than confining illness or absence from the Town, or because said Councilmember is attending a meeting as a representative of the Town, shall be deemed guilty of misconduct in office unless excused by the Council.

The presiding officer shall enforce orderly conduct at meetings.

Four (4) members of the Council shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Town Clerk may adjourn any meeting for not longer than one (1) week. (Amended by special election, 11/3/98)

Section 3.8 Special Meetings.

Special meetings of the Council shall be called by the Town Clerk on the oral request of the Mayor, or of any two (2) Councilmembers, on at least seventy-two (72) hours' notice to each member of the Council. Written notices of any special meeting shall be posted in two (2) public places at least seventy-two (72) hours prior to the meeting. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

Section 3.9 Emergency Meetings, Study Sessions, Executive Sessions.

a. Emergency meetings. An emergency meeting may be held if a quorum of the Council consents and if all Councilmembers are notified if practical. Such meetings may be called for the purpose of preservation or protection of public health, welfare, peace, safety or property. Maximum practical notice shall be given to the public stating the purpose, time and place of any such meeting, including posted notice as provided in this Charter.

b. Study sessions. The Council may hold such study sessions as the Mayor or any two (2) Councilmembers may request upon at least seventy-two (72) hours' notice to each member. No quorum shall be required at any study session and no legally binding or formal action shall take place at any such session.

c. Executive sessions. The Town Council shall not hold executive sessions except as allowed by state statute under Colo. Rev. Stat. §24-6-402(4), as amended. (Amended by special election, 11/3/98; amended by election, 4/7/98)

Section 3.10 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 a majority of the entire Council to be adopted. Every resolution and motion shall require the affirmative vote of a majority of the members present and voting unless required otherwise in this Charter. No member of the Council shall vote on any question in which he has a personal or financial interest other than the common public interest or on any questions concerning his own conduct, and in such instances the member shall disclose his interest to the Council. On all other questions, each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this Paragraph shall be guilty of misconduct in office. At the request of any member of the Council, any vote shall be taken simultaneously in a manner prescribed by the Council; provided, however, that the vote of each member shall be publicly announced immediately thereafter. (Amended by special election, 11/5/96)

Article IV

Town Administration

Section 4.1 The Mayor.

The Mayor shall be the presiding officer of the Council and the recognized head of the Town government for all legal and ceremonial purposes. He shall have no vote upon any question except in the case of a tie-vote, when he shall be allowed to vote. The Mayor shall have the authority within twenty-four (24) hours to veto any ordinance or resolution passed by the Council. In the event of such a veto, the resolution or ordinance shall be void and of no effect unless the Council shall at a following regular meeting approve the ordinance or resolution by a two-thirds ($\frac{2}{3}$) majority vote of the total Council. All contracts in writing binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring his signature shall be signed by the Mayor (or person acting as Mayor as provided in Section 3.3) except as otherwise provided by ordinance and attested by the Town Clerk under the Seal of the Town. (Amended by special election, 11/5/96)

Section 4.2 Town Administrator.

The Town Administrator shall be the chief administrative officer of the Town and shall serve at the pleasure of the Council. The Council, by a majority vote, shall appoint a Town Administrator without a definite term and at a salary fixed from time to time by the Council. (Ord. 1.81, §1, 1995)

Section 4.3 Compensation of Mayor.

The Mayor shall receive such compensation as the Council shall by ordinance prescribe; however, they shall neither increase nor decrease the compensation of the Mayor during his term of office. The Mayor may, upon order of the Council, be paid such necessary bona fide expenses as are incurred in service on behalf of the Town and as are authorized by Town Council.

Section 4.4 Powers and Duties of Town Administrator.

The Town Administrator shall be responsible to Council and perform such duties as provided by ordinance. (Ord. 1.81, §1, 1995)

Section 4.5 Delegation of Duties.

The Town Administrator may only delegate the powers and duties enumerated in Section 4.4 to the extent allowed by ordinance. (Ord. 1.81, §1, 1995)

Section 4.6 Departments Created.

The administrative functions of the Town may be performed by including but not limited to the following departments: Water and Sanitation, Fire, Streets, Police, Finance, Executive, Parks and such other departments as are or may be established by this Charter or by ordinances of the Town. The Town, within a reasonable time, shall provide policies and procedures for such departments created. The Council may by ordinance create, consolidate or merge any of the departments, whether set forth in the Charter or created by ordinance, in order to achieve more efficient operation or administration. All departments of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the Mayor. The Council may by ordinance or personnel regulations provide for the manner in which the department heads supervise, control and discipline employees of departments that are created by this Charter or by ordinance. (Ord. 1.62 §1, 1994)

Section 4.7 Repealed by Ord. 1.81 §1, 1995.

Section 4.8 Town Clerk - Functions and Duties.

The Town Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings. The Clerk shall be custodian of the Town Seal and shall affix it to all documents and instruments requiring the seal and shall attest the same. The Clerk shall also be custodian of all papers, documents and records pertaining to the Town, the custody of which is not otherwise provided for. The Clerk shall certify by the Clerk's signature all ordinances and resolutions enacted or passed by the Council. The Clerk shall provide and maintain in the Clerk's office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. The Clerk shall review for sufficiency all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. Nothing contained herein shall require the Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Clerk. The Clerk shall have power to administer oaths of office. The Clerk shall perform such other duties as may be prescribed for the Clerk by this Charter or the Town Administrator. (Amended by election, 4/7/98; Ord. 1.62 §5, 1994)

Article V

Appointed Officials

Section 5.1 Time of Appointment.

At its first meeting after each regular Town election, the Council shall appoint the officials hereinafter enumerated in this Article or such others as are hereinafter established by ordinance with the powers and duties herein specified. Such appointments shall be at the pleasure of the Council, at such compensation as the Council may by resolution from time to time establish.

Section 5.2 Repealed by Ord. 1.62 §4, 1994.

Section 5.3 Repealed by Ord. 1.62 §4, 1994.

Section 5.4 Town Attorney; Functions and Duties.

a. The Council shall appoint a Town Attorney to serve at the pleasure of Council. The Town Attorney shall be a licensed attorney-at-law admitted to practice law in the State of Colorado, and shall have a minimum of five (5) years' experience in the practice of law in the field of municipal law. The Town Attorney may, with the consent of Council, designate any and all assistants deemed necessary by the Town Attorney. Council shall establish compensation for the Town Attorney, his assistants and any special counsel.

b. The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and the Mayor. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested and shall file with the Clerk a copy of all written opinions given by him.

c. The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Council or by the Mayor and shall promptly give his opinion as to the legal consequences thereof.

d. The Attorney shall prosecute ordinance violations, and he shall conduct for the Town cases in court and before other legally constituted tribunals. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

e. The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the Town.

f. The Attorney shall perform such other duties as may be prescribed for him by this Charter or by the Council.

g. Upon the recommendation of the Attorney or upon its own initiative, the Council may appoint one (1) or more assistant attorneys to handle any matter in which the Town has an interest or to assist and counsel with the Attorney therein. (Amended by special election, 11/5/96)

Article VI

Boards and Commissions

Section 6.1 General Provisions for Boards and Commissions.

Unless otherwise provided by this Charter, all boards and commissions shall be appointed by the Council and shall have such powers and perform such duties as are provided by this Charter or by ordinances. Members of boards and commissions need not reside within the Town boundaries of the Town of Parker except that members of the Planning Commission and/or the Board of Adjustment must reside within the Town as provided in this Charter. Initial appointments by the Council shall specify the term of office of each individual and provide for overlapping tenure, and thereafter all appointments shall be for the full term specified. All members shall be subject to removal by a two-thirds ($\frac{2}{3}$) majority vote of the entire Council. The Council shall make appointments to fill vacancies for any unexpired terms.

All existing boards and commissions shall continue, except as otherwise provided in this Charter or changed hereafter by ordinance. (Amended by election, 11/7/00)

Section 6.2 Board of Adjustment and Appeals.

There is hereby created and established a Board of Adjustment and Appeals which shall consist of the number of members which the Council may specify by ordinance from time to time. Such members shall be appointed by the Council for overlapping terms of three (3) years. Each member shall be a registered elector of the Town.

The Board shall have the power to hear and determine appeals from refusals of building permits, violation of the zoning ordinance and to make exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. However, it shall be the Planning Commission and not the Board of Adjustment and Appeals who shall hold hearings to consider variances from the strict application of the Town zoning ordinance and who shall make recommendation to the Council pertaining to the same. The findings and decisions of the Board shall be final, subject only to judicial review.

The Board shall keep minutes of its proceedings, show the vote taken and keep records of its examinations and other official actions. Every order, requirement, decision or determination of the Board shall be filed in the office of the Clerk.

The Board shall exercise the functions and powers and perform the duties assigned to it by this Charter and the ordinances of the Town.

Section 6.3 Planning Commission.

The Planning Commission shall consist of not less than five (5) nor more than nine (9) regular members as the Council may determine by ordinance from time to time. The Council shall also provide for as many alternate members as it may determine necessary. Members of the Planning Commission shall be appointed by the Council for overlapping terms of three (3) years. Each member shall be a registered elector of the Town and, in addition, shall have resided in the area

comprising the Town at the time of his appointment for at least one (1) year immediately preceding the date of his appointment. If any member ceases to reside in the Town, his membership shall immediately terminate and the Council shall fill all vacancies created.

The Planning Commission shall exercise the functions and powers and perform the duties assigned to it by this Charter and the ordinances of the Town. It shall prepare and submit to the Council for its approval a master plan for the physical development of the Town and areas adjacent thereto. All plats of proposed subdivisions shall be submitted to it for recommendations and approval before being presented to the Council for its approval. The Commission may hold a hearing or hearings relative to zoning, changes in the zoning ordinance and zoning variances, and may make recommendations thereon to the Council. (Ord. 1.76, §1, 1994)

Article VII

Ordinances

Section 7.1 Ordinances, Resolutions and Motions.

The Council shall act only by ordinance, resolution or motion. All legislative enactments of a permanent nature shall be by ordinance; all other actions, except as provided in this Charter, may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one (1) subject, except in case of repealing ordinances. Ordinances making appropriations shall be confined to the subject of the appropriation, but may include more than one (1) appropriation.

Section 7.2 Voting.

The vote by "yes" and "no" shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of a majority of the entire Council in order to be adopted. Every resolution and motion shall require the affirmative vote of a majority of those members present and voting unless provided otherwise in this Charter. Every member when present shall vote upon ordinances, resolutions and motions unless he shall have a personal interest therein or shall otherwise have been excused from voting by the members of the Council pursuant to the provisions of this Charter. (Amended by special election, 11/5/96)

Section 7.3 Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act creating an indebtedness, authorizing the borrowing of money, levying of tax, and for the establishment of any rule or regulation for the violation of which imprisonment may be imposed, shall be by ordinance. (Amended by special election, 11/3/98)

Section 7.4 Form of Ordinance.

The enacting clause of all ordinances shall be: "THE COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:"

Section 7.5 Procedure of Passage.

The course that an ordinance shall take for passage shall be:

- a. Introduction at a regular or special meeting by any member of Council by title only or in full text.
- b. Passage or rejection by a roll call vote of the Council.
- c. After final passage by a roll call vote of the Council, the ordinance shall be published, but publication of the title thereof, together with a statement that the full text is available for public inspection and acquisition in the office of the Town Clerk, shall be sufficient publication.
- d. An ordinance when finally passed shall take effect and be in force ten (10) days after publication, except for ordinances necessary for the immediate preservation of public peace, health or safety, which ordinances shall take effect immediately after final passage. Publication of ordinances shall be within ten (10) days after final passage. A recitation in any such excepted ordinance that the Council deems the passage of said ordinance to be for the immediate preservation for the public peace, health or safety shall be conclusive.
- e. In no event shall any ordinance be introduced at a regular or special meeting by any member of the Council unless the Council has had copies of the entire text of the ordinance available to them at least four (4) days prior to said meeting. In addition, an agenda describing any ordinances which the Board may consider at that meeting should be published in a newspaper of general circulation in the Town at least two (2) days prior to the meeting unless this requirement becomes a financial burden to the Town. If the Council finds that publishing such an agenda creates a financial burden on the Town, then notice of any ordinances pending shall be posted two (2) days before the meeting in two (2) public places.

Section 7.6 Emergency Ordinances.

Emergency ordinances for the preservation of public health, welfare, peace, safety or property shall be approved by a majority vote of the entire Council. The facts showing such urgency and need shall be specifically stated in the ordinance itself. No ordinance making a grant of any special privilege or fixing rates charged by any Town-owned utility shall ever be passed as an emergency ordinance. No ordinance authorizing borrowing money or incurring indebtedness, except as provided otherwise in this Charter, shall ever be passed as an emergency ordinance. An emergency ordinance shall take effect upon passage and for information purposes shall be posted or published in full immediately after passage. An emergency ordinance shall not be in effect longer than ninety (90) days after passage, unless the Council by subsequent ordinance shall affirm the same. (Amended by election, 4/7/98)

Section 7.7 Enactment of Codes and Amendments Thereof by Reference.

Standard codes promulgated by the federal government, State of Colorado or by any agency of either of them, or by any municipality, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted with or without amendments by reference using the same procedure as outlined in 7.5 above; provided that the publication of the ordinances adopting any

said code shall advise that copies and amendments are available for inspection at the office of the Town Clerk, and provided that any penalty clause in any code may be adopted only if set forth in full and published in the adopting ordinance.

Section 7.8 Recording of Ordinances, Public Record.

All ordinances shall be recorded by the Town Clerk in a book called "The Ordinance Book," and it shall be the duty of the Mayor and Town Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate any ordinance shall not invalidate it nor suspend its operation.

All public records of the Town of Parker shall be open for inspection by any person at reasonable times in accordance with applicable law.

No ordinance, section or subsection thereof shall be amended, superseded or repealed except by an ordinance regularly adopted.

Section 7.9 Severability of Ordinances.

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance 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 ordinances are declared to be severable.

Article VIII

Enforcement of Laws and Ordinances

Section 8.1 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 Town. The powers of and the procedure in the Municipal Court and the manner of enforcement of its orders and judgments shall be as provided for under the statutes of the State of Colorado and the Colorado Municipal Court Rules of Procedure as now in effect or as hereafter adopted, unless superseded by ordinance presently enacted or hereafter enacted. The Municipal Court shall be a qualified Municipal Court of record and all proceedings therein and evidence at trials shall be kept by verbatim record by either an electronic or stenographic means.

b. The Council shall provide a suitable place and all supplies and personnel necessary for the proper functioning of the Court.

c. The Council shall provide for the enforcement of its ordinances by fine, imprisonment, public service or any combination of the three (3). However, for any one (1) offense, no fine exceeding one thousand dollars (\$1,000.00), nor imprisonment exceeding one (1) year, and no public service exceeding one hundred (100) hours or any combination of the three (3) shall be provided for, levied or imposed by ordinance or by the Municipal Court.

d. The Council may provide by ordinance for the enforcement of its ordinances by fine or public service or both for persons under the age of eighteen (18) years and over the age of ten (10) years. However, for any one (1) offense, no fine exceeding three hundred dollars (\$300.00) and no public service exceeding one hundred (100) hours or a combination of the two (2) shall be provided for, levied or imposed by ordinance or by the Municipal Court, for any person over ten (10) years of age but under eighteen (18) years of age. In no event shall any ordinance or Municipal Court sentence pertaining to persons over ten (10) years of age but under eighteen (18) years of age include the possibility of imprisonment. (Ord. 1.76, §1, 1994)

Section 8.2 Municipal Judge.

a. The Municipal Court shall be presided over by a judge who is an attorney at law admitted to practice before the Supreme Court of the State of Colorado. He shall be appointed by the Council to serve for a term to be determined by the Council. All judges appointed under this section shall receive a fixed salary or compensation as determined by the Council, not dependent upon the outcome of the cases or matters to be decided. Nothing in this Section shall be interpreted to mean that the Council may not appoint as many municipal judges as it deems necessary for the proper function of the Court. If, however, the Council shall appoint more than one (1) judge, it shall designate who shall be the chief or senior judge.

b. In the event all regularly appointed judges are absent, disqualified or unable to act in any particular case, the Council may call any eligible person, as defined in Section 8.2 (a) above, to act and serve temporarily as a substitute judge.

c. The forms of summons and complaint in all rules, procedures and proceedings in the Municipal Court shall be fixed and determined by the presiding Municipal Judge unless the Council, by ordinance, determines otherwise.

d. The presiding judge shall determine the method of summoning jurors and witnesses, of securing the presence of accused persons and shall determine the costs for docket fees, witness fees, jury fees, transcript costs, appeal costs and other costs, unless Council by ordinance determines otherwise.

e. Any Municipal Judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the Council for cause if:

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

Section 8.3 Department of Police.

a. There is hereby created a Department of Police, the director of which shall be the Chief of Police who shall be an employee of the Town.

b. The Chief of Police shall be in direct command of the Department of Police. He shall assign all members of the Department to their respective posts, shifts, details and duties. He shall make rules and regulations affecting his Department, in conformity with the ordinances, resolutions and personnel policies of the Town, concerning the operation of the Department and conduct of all employees. He shall be responsible for the efficiency, discipline and good conduct of the Department and for the care and custody of all property used by the Department.

c. Before entering upon the duties of his office, every police officer, including the Chief of Police, shall take and subscribe before a judge or the Town Clerk an oath or affirmation that he will support the Constitution and the laws of the United States and of the State of Colorado, the Charter and ordinances of the Town, and will faithfully perform the duties of the office upon which he is about to enter.

d. The Department of Police shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, the enforcement of the laws of the State and of the ordinances of the Town as provided by this Charter and all rules and regulations made in accordance therewith, and such other functions as the Mayor and Council may prescribe for public safety. All members of the Department shall have all powers with respect to the service of criminal process and the enforcement of criminal laws as are vested in police officers in the State of Colorado.

e. The Chief of Police, with approval of the Mayor, may appoint such special policemen, patrolmen or auxiliary force, with or without compensation, as may be deemed necessary, all of whom shall have the same responsibility, functions, duties and powers as do other members of the Police Department, unless changed by the Council upon recommendation of the Mayor. However, no special policeman, patrolman or auxiliary force may assume any responsibility, function or duty of the Police Department without adequate training as described in the personnel policy for the Police Department which is approved by the Council. (Ord. 1.62 §2, 1994)

Article IX

Town Finances

Section 9.1 Fiscal Year.

The fiscal year of the Town, and all of its agencies, shall begin on the first day of January and end on the thirty-first of December of each year.

Section 9.2 Annual Budget.

A proposed budget for the ensuing fiscal year shall be presented to the Council on or before the fifteenth day of October of each year. (Ord. 1.62 §3, 1994)

Section 9.3 Budget Hearing.

The Council shall hold a public hearing on the proposed budget on or before the 15th day of November of each year. Notice of the time and place of such hearing shall be published at least once

seven (7) days prior to such hearing, and copies of the proposed budget shall be made available to the public by depositing them in the office of the Clerk.

The Council may at any time before final adoption increase, decrease, add or strike out any item in the budget.

Section 9.4 Scope of Annual Budget.

The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the manager deems desirable or the Council may require. 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 income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- a. Anticipated revenues classified as cash surplus, miscellaneous revenues and amount to be received from property tax; cash surplus being defined for purposes of this Article as the amount by which cash is expected to exceed current liabilities and encumbrances at the beginning of the ensuing fiscal year;
- b. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, department and agencies in terms of their respective work programs, and the method of financing such expenditures;
- c. A reasonable provision for contingencies which shall not be available for expenditures except as provided in this Section;
- d. Required expenditures for debt service, judgments, cash deficit recovery and statutory expenditures;
- e. 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; and
- f. Anticipated net surplus or deficit for the ensuing fiscal year for each utility owned or operated by the Town, if any, and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures and provision for contingencies shall not exceed the total of estimated revenues.

Section 9.5 Adoption of Budget and Appropriation.

Not later than the 15th day of December of each year, the Council shall adopt on final reading an ordinance for the budget and an ordinance for the annual appropriations. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public in the

office of the Town Clerk. If the Council fails to adopt a budget by this date, the amounts appropriated for the operation of the various departments and areas of the Town during the prior fiscal year shall be deemed adopted for the current fiscal year on a month to month basis, with all items prorated accordingly until such time as the Council adopts the budget for the current fiscal year.

Section 9.6 Certification of Tax Levy.

As required by law, the Council shall fix the amount of tax levy which shall be assessed, if any, upon each dollar of assessed valuation of all taxable property within the incorporated limits of the Town, and shall cause the same to be certified to the County as required by law. If the Council should fail in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as by law provided.

Section 9.7 General Fund.

There is hereby established a fund to be known as the General Fund. All revenues not specifically allocated to any other fund shall be placed in the General Fund. All general functions of the Town shall be financed by expenditures from the General Fund.

Section 9.8 Contingencies.

The General Fund may contain an item for contingencies, or the Council may by ordinance establish a separate fund to be known as the Contingency Fund.

Section 9.9 Special Funds.

In addition to funds provided for in this Charter, the Council may by ordinance establish special funds as it deems necessary and appropriate. The ordinance establishing such funds shall clearly state the purpose for the fund.

Section 9.10 Public Improvements Fund.

There is hereby established a fund to be known as the Public Improvements Fund for the purpose of paying the cost of capital improvements. The Council shall have power to define the rules and regulations pertaining to such fund by ordinance, and shall have power to transfer from time to time monies from the General Fund to the Public Improvement Fund. Appropriations for construction or other permanent improvements from the Public Improvements Fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; unencumbered balance from projects accomplished or abandoned shall be used for payment of any outstanding bonded indebtedness of the Town, or if none, transferred to any other fund. Any unappropriated or unencumbered balance in the Public Improvements Fund may be transferred by the Council to any fund, or used to pay outstanding bonded indebtedness of the Town.

Section 9.11 Transfer of Funds.

The Council may by resolution transfer any unencumbered appropriation, balance or portion thereof from one (1) department, office or agency to another.

Section 9.12 Increase or Reduction of Appropriations.

The Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the Town. Such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year exceed the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health, safety or property.

If at any time during the fiscal year it appears probable to the Mayor that the revenues available will be insufficient to meet the amount appropriated, he shall provide a report to the Council without delay indicating the estimated amount of deficit and his recommendations as to any steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one (1) or more appropriations.

Section 9.13 Departmental Appropriations Revert.

Any annual departmental appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year shall revert to the General Fund.

Section 9.14 Publication of Expenditures.

Expenditures authorized to be made need not be published, but the Clerk shall maintain a record on file of same, which shall at all reasonable times be available for public inspection.

Section 9.15 Independent Audit.

An independent audit shall be made of all Town accounts at least once annually and more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants selected by the Council who shall complete the audit within one hundred twenty (120) days after the close of the fiscal year. Copies of such audit shall be made available for public inspection at the office of the Town Clerk.

Section 9.16 Expenditure of Revenues.

The Town shall be authorized to collect, retain and expend all of the sales and use tax revenues and all revenues generated from building fees and recreational center user fees of the Town during 1994 and each subsequent fiscal year, notwithstanding any limitation contained in Article X, §20 of the Colorado Constitution and without limiting in any year the amount of other revenues that may be collected and spent by the Town under Article X, §20 of the Colorado Constitution or any other law. (Ord. 1.62 §6, 1994)

Article X

Municipal Borrowing

Section 10.1 Forms of Borrowing.

The Town may borrow money and issue the following or other like bonds or securities to evidence such borrowing:

- a. Short term notes;
- b. General obligation bonds and other like securities;
- c. Revenue bonds and other like securities;
- d. Local improvement district securities;
- e. Refunding securities;
- f. Long term leases.

Section 10.2 Short Term Notes.

The Town, upon authorization of Council, may borrow money without an election in anticipation of the collection of taxes or other revenues and may issue short term notes in evidence of the amount so borrowed. The short term notes shall mature within twelve (12) months from the date on which the money was borrowed. Nothing under this Charter shall be construed to allow the refinancing of such short term notes the effect of which would be to allow the repayment of principal and interest on a date later than twelve (12) months from the date on which the money was borrowed.

Section 10.3 General Obligation Bonds and Other Like Securities.

No securities or other evidence of indebtedness payable in whole or part from the proceeds of the general property tax of the entire Town, or to which the full faith and credit of the Town is pledged, shall be issued, except in pursuance of an ordinance nor until the question of their issuance shall be approved by a vote of the registered electors. The question of their issuance shall be considered at a special or regular election of the registered electors and approved by a majority of those voting thereon. However, such securities issued for the purpose of acquiring, improving or extending any municipal utility system, including, but not limited to, water and sewer systems, may be issued without an election.

Section 10.4 Revenue Bonds and Other Like Securities.

The Town, pursuant to an ordinance and without an election, may borrow money and issue securities made payable solely from revenues other than the proceeds of the general property tax of the entire Town including, without limiting the generality of the foregoing: revenues derived from the operation of the project or capital improvement acquired with the securities proceeds, or from other project or improvements, or from the available proceeds of taxes which may be imposed, or from any part or combination of such sources. Interim securities may be issued in anticipation of the securities described in this Charter and may be made payable in whole or in part from the proceeds of such anticipated securities.

Section 10.5 Industrial Development Revenue Bonds.

Industrial development revenue bonds may be issued by the Town as provided by Colorado Statutes as it exists and may be amended hereafter.

Section 10.6 Improvement Bonds.

The Town shall have the power to create improvement districts and to assess the cost of the construction or installation of improvements of every character against benefited property within such districts in the Town. The Town shall have the authority by ordinance and without an election to issue bonds to pay for the entire cost of such improvements.

Section 10.7 Long Term Rentals and Leaseholds.

In order to provide the necessary land, buildings, equipment and other property for governmental or proprietary purposes, the Town is hereby authorized to enter into long term rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such leased or rented property within a period not exceeding the useful life of the property, and in no case exceeding forty (40) years. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the Council.

Section 10.8 Refunding Securities.

The Town, pursuant to an ordinance, may issue its securities without an election for the purpose of refunding outstanding securities as the same mature or in advance of maturity (but without impairing then outstanding contractual rights) by means of an escrow or otherwise; and it shall be the duty of Council to issue such refunding securities whenever it determines it is to the best advantage of the Town to do so. Any such refunding securities (other than utility refunding securities) issued for the purpose of refunding revenue securities, if such refunding securities are issued without an election, shall be payable from sources other than the general property taxes of the Town.

Section 10.9 Limitations.

Taking into consideration the provisions of Section 10.3 of this Charter, which require an election of the Town prior to the issuance of general obligation bonds, there shall be no limitation on the amount of bonds or other securities the Town may issue except as may be stated in the documents pertaining thereto. All bonds or other securities issued pursuant to the provisions of this Charter shall be sold at public or private sale to the best advantage of the Town at, above or below par. Bonds may contain provisions for redemption prior to maturity with or without the payment of a premium. The maximum premium payable on proper redemption of any general obligation bonds may, but need not, be specified in the bond question approved by the registered electors.

Section 10.10 Terms and Disposal of Securities.

The terms and interest rates of securities shall be fixed by the ordinance authorizing the borrowing, and such securities shall be sold or exchanged to the best advantage of the Town, as determined by Council.

Section 10.11 Assumption of Indebtedness.

Nothing herein shall be construed to limit the power of the Town by ordinance upon approval of the registered electors at a general or special election, to assume part or all of the indebtedness of special taxing districts if the boundaries thereof lie wholly or partly within the Town.

Article XI

Taxation

Section 11.1 Authority to Levy Taxes.

a. Subject to the provisions of Section 11.3 of this Charter, the Council will have authority to levy and impose taxes for municipal purposes including but not limited to an ad valorem tax, excise tax, sales tax and use tax, and to provide for their collection. Furthermore, the Council shall have authority to levy and provide for the collection of special assessments for local improvements as provided in this Charter or by ordinance.

b. Subject to Section 11.3, all authority exercised by Council pursuant to this Section shall be done by ordinance.

Section 11.2 Collection of Taxes.

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

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

Section 11.3 Limitation on Town Tax Powers.

No additional sales tax, additional use tax, or an increase in the *ad valorem* property tax mill levy shall be adopted until it shall have been approved by a majority of the registered electors of the Town who vote at a regular or a special election held for that purpose. (Amended by election, 4/7/98)

Section 11.4 Authority to Acquire Property.

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

Section 11.5 Town Assessor.

The Council may appoint a Town Assessor to provide for: the assessment of property within the Town for municipal taxation, the levy and collection of taxes for municipal purposes, and special assessments for local improvements.

Section 11.6 Base Mill Levy.

For the purposes of establishing a base number for the ad valorem property tax described in Section 11.3 of this Charter, a two (2) mill ad valorem property tax shall be deemed to have been approved by this Charter; provided however, that no ad valorem property tax shall be levied pursuant to this Section or Section 11.3 of this Charter without public notice and a public hearing thereon and an ordinance approving the same.

Article XII

Improvement Districts

Section 12.1 Power to Construct Improvements and Create Improvement Districts.

a. The Town shall have the power to create improvement districts within the Town and to contract for, construct or install improvements of every character within the Town and within designated districts within the Town. The Town shall have authority to assess the cost of the improvements wholly or in part upon property specially benefited in such district and to issue bonds for the entire cost theretofore.

b. The Council shall by ordinance prescribe the procedure for: creation of districts, notice, the method and time for filing protest and disposition thereof, the method and manner of making such improvements, letting contracts therefor, assessing the cost thereof, and issuing and paying bonds for costs and expenses of the organization of said districts and of construction or installation of said improvements.

Section 12.2 Creation of Improvement Districts.

Improvement districts created pursuant to this Charter may be created by:

a. Ordinance, subject however to protest by the owners of a majority of all property benefited and constituting a basis of assessment, as the Council may determine; or

b. By the owners of not less than fifty percent (50%) of the area to be assessed in the proposed district, provided that such majority shall include not less than fifty percent (50%) of the assessed valuation of the real property in the proposed district.

Section 12.3 Surplus and Deficiency Fund.

All improvements, except that the Town may contribute to the cost thereof, shall be paid for in public improvement bonds and all monies collected on account of the assessment for any improvements shall be applied to the payment of the bonds and interest issued therefor, until the payment of all said bonds. Where all outstanding bonds of a special or local improvement district have been paid and any monies remain to the credit of the district, they shall be transferred to a special surplus and deficiency fund.

Whenever there is a deficiency in any improvement district fund, the deficiency shall be paid out of the surplus and deficiency fund.

Whenever an improvement district has paid and cancelled three-fourths ($\frac{3}{4}$) of its bonds issued, and for any reason the remaining assessments are not paid in time to take up the remaining bonds of the district and the interest due thereon, and there is not sufficient monies in the special surplus and deficiency fund, then the Town may pay said bonds when due and the interest due thereon, and reimburse itself by collecting the unpaid assessments due said district.

Section 12.4 Improvement District Securities; Levy for General Benefit; Pledge of Credit.

a. In consideration of general benefits conferred on the Town at large from the construction or installation of improvements in special or local improvement districts, the Council may, in its discretion, contract by ordinance prior to the issuance of any securities of any improvement district, that the payment of such securities, both as the principal, interest and costs appertaining thereto become due, is additionally secured by a special fund herein created, and pursuant thereto may levy annual taxes on all taxable property within the Town at a rate not exceeding two (2) mills in any one (1) year, to be disbursed as determined by the Council: for the purpose of paying for such improvements, for the payment of any assessment levied against the Town itself in connection with said securities issued for a special or local improvement district, for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of said securities, or for any prior redemption premium appertaining to such securities. No general or special election shall be required for any tax levy under this Section.

b. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified in this Section; provided however, that in lieu of such tax levies, the Council may annually transfer to such special fund any available money of the Town, but in no event shall the amount transferred in any one (1) year exceed the amount which would result from a tax levied in such year as herein limited. As long as any securities issued for improvement districts hereafter organized remain outstanding, the tax levy or equivalent transfer of money to the special fund created for the payment of said securities shall not be diminished in any succeeding year until all of said securities and the interest thereon shall be paid in full, unless other available funds are on hand therefor, so such securities and interest are paid by the Town as provided above.

c. After the securities have been retired in full, any monies remaining in such special funds shall be transferred to the surplus and deficiency fund.

d. Securities of any improvement district payable from special assessments, which payment may be additionally secured as provided in this Section, shall not be subject to any debt limitation nor affect the Town's debt incurring power, and such securities shall not be held to constitute a prohibited lending of credit or donation, or to contravene any constitutional, statutory or Charter limitation or restriction.

Section 12.5 Review of Improvement District Proceedings.

No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity or enjoin the performance of any act, or the issuance or collection of any bonds or the levy or collection of any assessments, authorized by this Article or for any other relief against any acts or proceedings done or had under this Article, whether based upon irregularities or jurisdiction defects, shall be maintained, unless commenced within thirty (30) days after the passage of the resolution or ordinance complained of, or else it shall be thereafter perpetually barred.

Article XIII

Franchises and Public Utilities

Section 13.1 Town Powers.

a. The Town shall have and exercise with regard to all utilities and franchises all municipal powers, functions and authority now existing and which may be hereafter provided by the State Constitution and state statutes.

b. The Town shall have power and authority, within or without the territorial limits of the Town, to construct, condemn, purchase, acquire and lease public utilities and assets, equipment and everything in relation to or in connection therewith, in whole or in part, for the use of the Town and its inhabitants.

c. Except as otherwise provided by the State Constitution or this Charter, all powers concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Council.

Section 13.2 Grant of Public Utility Franchises.

a. Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the Constitution and statutes which may be applicable to home rule cities as now in effect or as hereafter amended and shall be submitted to the vote of the people if required by the State Constitution.

b. No exclusive franchises shall be granted.

Section 13.3 Water Rights.

The Town shall have the power to buy, exchange, lease, sell, own, control and otherwise deal in water rights.

Section 13.4 Utility Rates.

The Council shall, by ordinance, establish rates, rules and regulations for services provided by municipally owned utilities. If the Council desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

Section 13.5 Term, Compensation, and Restriction.

No franchise, lease or right to use the streets or the public places or property of the Town shall be granted for a term which exceeds twenty (20) years, except as provided by ordinance hereafter enacted. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the franchise at the option of Council. This provision shall not except the grantee from any lawful taxation upon his or its property, nor from any license, charges or other impositions levied by the Council, not levied on account of the use granted by the franchise. (Amended by special election 11/01/05.)

Section 13.6 Franchise Review.

Each franchise granted under the provisions of this Charter shall include a section specifying a periodic review of said franchise.

Section 13.7 Assignment of Franchise.

Any assignment or leasing of a franchise shall be considered a forfeiture unless consent is given by the Council by ordinance.

Section 13.8 Common Use of Facilities.

The Council shall have the power to require any holder of a franchise from the Town, or other public utility, to allow the use of the right-of-way, poles, wire and trenches by any franchise holder or the Town itself. The Council in its discretion may require payment of a reasonable rental for the use of any rights-of-way, poles, wires and trenches of any franchise holder and by any franchise holder. The Town may, under the terms prescribed by the Council, allow any franchise holder to use rights-of-way, poles, wires and trenches of Town-owned utilities.

Section 13.9 Franchise Records.

The Council shall cause to be kept in the office of the Town Clerk and open to the public for view, a franchise record in which shall be transcribed copies of all franchises granted by the Town. The record shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions at law affecting the same, copies of all annual reports and such other information and matters of public interest as Council may from time to time require.

Section 13.10 Existing Franchises.

All franchise ordinances of the Town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

Section 13.11 Revocable Permits.

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

Article XIV

Initiative and Referendum

Section 14.1 General Authority.

a. Initiative. The registered electors of the Town shall have the power to propose any ordinance or change in this Home Rule Charter to the Council, in accordance with the provisions of this Article

of the Charter, except: ordinances concerning the budget, capital program, appropriation of any revenues or salaries of Town officers or employees. In the event Council fails to adopt any proposed ordinance or Charter change as submitted, the ordinance or proposed Charter change shall be submitted to the registered electors at a Town election for their acceptance or rejection.

b. Referendum. The registered electors of the Town shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal such an ordinance, to approve or reject the same at a municipal election, in accordance with the provisions of this Charter; provided that such power shall not extend to the following: budget, capital program, appropriation of any revenues, calling of a special election, authorization of the issuance of securities, or ordinances to meet the contractual obligations of the Town. (Ord. 1.76, §1, 1994)

Section 14.2 Petitioners' Committee Affidavit.

Any five (5) registered electors of the Town may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating that:

(a) They will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form,

(b) Stating their names and street addresses and specifying the address to which all notices to the Committee are to be sent. The petition shall set out in full the proposed initiative or citing the ordinance sought to be reconsidered. (Amended by election, 4/7/98)

Section 14.3 Petitions.

a. Number of signatures: Initiative petitions must be signed by registered electors of the Town in number equal to at least fifteen percent (15%) of the total number of registered electors of the Town, which number shall be based on the number of registered electors in the Town thirty (30) days prior to the first signature on the petition. Referendum petitions must be signed by registered electors of the Town in a number equal to at least ten percent (10%) of the total number of registered electors of the Town, which number shall be based on the number of registered electors in the Town thirty (30) days prior to the first signature on the petition.

b. Form and content: All pages of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in nonerasible ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or proposed Charter amendment sought to be considered.

c. Affidavit of circulator: Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating:

1. That he personally circulated the petition, the number of signatures thereon,
2. That all signatures were affixed in his presence,

3. That he believes them to be the genuine signatures of the persons whose name they purport to be,

4. That all signatures are of persons who are registered electors within the Town of Parker,

5. That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered or of the proposed Charter amendment.

d. Time for filing referendum petitions: Complete referendum petitions must be filed within thirty (30) days after adoption by the Council, at a regular meeting, of the ordinance sought to be reconsidered. (Ord. 1.76, §1, 1994)

Section 14.4 Procedure After Filing.

a. Certificate of Clerk, amendment: Within ten (10) days after a petition is filed, the Town 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 certified 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 Town Clerk within two (2) working days after receiving the copy of the Town Clerk's 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 14.3, and within five (5) days after it is filed, the Town 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 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 Town Clerk shall promptly present his certificate to the Council, and such certificate shall then be a final determination as to the sufficiency of the petition.

b. 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) working days after receiving the copy of such certificate, file a request that the petition be reviewed by the Council. The Council shall review the petition 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 the insufficiency 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; however, no petition for the same purpose may be filed for sixty (60) days if it is deemed insufficient after having already been filed, deemed insufficient, refiled as a supplementary petition and found insufficient even with the supplementary petition.

Section 14.5 Referendum Petitions.

When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall remain in effect until such time as:

- a. The Council shall suspend the ordinance pending an election, or
- b. The ordinance shall be voted down in an election held for that purpose, or
- c. A court order reverses the ordinance.

Section 14.6 Action of Petitions.

a. Action by Council: When an initiative or referendum petition has been finally determined sufficient, the Council shall, within thirty (30) days, either:

1. Adopt the ordinance as submitted by the initiatory petition, or
2. Repeal the ordinance, or part thereof, referred to by referendum petition, or
3. Determine to submit the proposal provided for in a petition to the registered electors of the Town; provided, however, the Council shall have power to change the detailed language of any proposed initiative ordinance and to affix the title thereto, 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 majority vote of the entire Council.

b. Submission to voters: The vote of the registered electors on a proposed or referred ordinance or amendment to the Charter shall be held not less than thirty (30) days and not more than ninety (90) days from the date of the final Council action thereon, described in Section 14.6 a. above. If no regular municipal election is to be held within the period prescribed in this Subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance or of the proposed Charter amendment shall be made available to the public within a reasonable time before the election and also at the polls at the time of the elections.

c. Withdrawal of petitions: No initiative or referendum petition may be withdrawn once it has been deemed sufficient by the Town Clerk.

Section 14.7 Results of Election.

a. Initiative: If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

c. Amendment or repeal: An ordinance adopted by the electorate may not be amended or repealed for the period of six (6) 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 six (6) 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 initiative procedure in accordance with

the foregoing provisions of this Article, or if submitted to the electorate by the Council on its own motion. A proposed ordinance or proposed Charter amendment which fails at the election held to consider it shall not be refiled as an initiative petition for at least six (6) months after the election held to consider said ordinance or Charter amendment.

Article XV

Miscellaneous Provisions

Section 15.1 Disconnection.

Anything to the contrary notwithstanding under the statutes of the State of Colorado now existing or as they may hereafter be amended, no territory may be disconnected from the Town without having first submitted the question of any such disconnection for approval of all the registered electors of the Town.

Section 15.2 Purchase, Sale or Lease of Real Property.

The Council by ordinance may purchase, sell, exchange or dispose of any interest in real property, except that any sale of public parks shall be approved by a vote of the registered electors. The Council by ordinance may lease, for such a term as the Council shall determine, any real property to any person, firm or corporation, public or private.

Section 15.3 Notice Required on Negligence and Tort Actions.

No action for the recovery of compensation for personal injury, or death or property damage against the Town on account of its negligence or tort, shall be maintained unless written notice of the alleged time, place and cause of injury, death or property damage is given to the Town Clerk by the person allegedly injured or whose property was allegedly damaged, his agent or attorney, or the personal representative for the person who has died, within one hundred eighty (180) days of the occurrence which allegedly caused the death, injury or property damage. Any action pursuant to this Section must be commenced within two (2) years of the occurrence or of the accidents which allegedly caused the injury, death or property damage. The notice given under the provisions of this Section shall not be deemed invalid or insufficient solely by reason of inaccuracy in stating the time, place or cause of the injury, death or property damage, if it is shown that there was no intention to mislead and that the Town was, in fact, not misled thereby. This provision shall not be construed as any waiver of any governmental immunity the Town may now have or which may become available to any Colorado municipality in the future.

Section 15.4 Fidelity Bonds.

Before any officer or employee of the Town who handles Town funds shall be permitted to enter upon the duties of his office or employment, he shall obtain and file with the Town Clerk a fidelity bond from a bonding company authorized to do business in the State of Colorado, in any amount to be fixed by the Council. The cost of such bonds shall be borne by the Town.

Section 15.5 Right of Eminent Domain.

The Town shall have the right of eminent domain for all municipal purposes whatever, either within or without the limits of the Town.

Section 15.6 Contracts With Other Governmental Entities.

The Council may by ordinance enter into contracts or agreements with other governmental or quasi-governmental entities for the mutual benefit of the entities.

Section 15.7 Bequests, Gifts and Donations.

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

The Council shall provide in each annual budget for the amount, if any, of money and Council may have available to donate for public, charitable or other purposes. Any gift or donation the Council, on behalf of the Town, may make shall be by ordinance.

Section 15.8 Contracts for Purchases, Lease, and Construction of Public Works.

The Council may establish by ordinance procedure for entering into contracts for purchases, contracts for leases and contracts for construction of public works. Public bids or competitive proposals shall be required for any contracts for the construction of public works in the manner established by ordinance. (Amended by special election 04/5/05.)

Section 15.9 Annexation and Zoning.

In all proceedings for the annexation of territory to the Town, the Council shall require concurrent zoning of the same, and no territory shall be annexed unless the zoning is established immediately thereafter. No new annexations of territory that will require concurrent zoning which includes any residential use will be made to the Town unless two-thirds ($\frac{2}{3}$) of the entire Council approves the annexation ordinance. (Amended by regular election, 11/6/01; Ord. 1.76, §1, 1994)

Section 15.10 Amendment.

In addition to the provisions otherwise stated in this Charter, this Charter may be amended in the manner provided by Article XX of the Constitution of the State of Colorado at any general election or special election called for such purpose:

- a. Upon questions which may be submitted to the electors by a majority of the Council, or
- b. Upon questions which may be submitted by the electors. If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the greatest number of votes shall prevail on the conflicting issue.

Section 15.11 Retirement Plans.

This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the Town and any officer or employee by reason of any retirement or pension plans in effect.

Section 15.12 Effect of State Statutes.

The power to supersede any law of the State of Colorado now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the Town, acting by ordinance, subject only to restrictions of the State Constitution and subsequent amendments to this Charter and by ordinance.

Unless otherwise provided by this Charter or by ordinances adopted by the Council hereunder, the statutes of the State of Colorado shall be in effect.

Section 15.13 Severability.

If any provision, article, section, sentence, clause or part of this Charter, or the application thereof to any person or circumstance, is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the Charter as a whole or any part hereof other than the parts so adjudged to be invalid, and to this end the provisions of this Charter are declared to be severable.

Section 15.14 Emergency Powers.

In case of riot, insurrection or extraordinary emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life and property. Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council who may take such action as it deems necessary. In the event it becomes necessary, the line of succession provided below in this Charter shall be followed.

Section 15.15 Continuity of Government.

The Council shall have the power to provide for the continuity of government of the Town of Parker in the event of natural or enemy caused disaster. Such power shall be employed in a manner which will preserve representative government to the Town of Parker and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem and shall then revert to the Councilmembers by order of seniority, then through an orderly line of succession of the administrative department heads. (Amended by special election, 11/3/98)

Section 15.16 Chapter Titles and Subheadings.

The Chapter titles and subheadings are inserted for convenience and reference only and shall not be construed to limit, describe or control the scope or intent of any provision therein.

Section 15.17 Construction of Words.

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 "person" may extend to and be applied to bodies politic and corporate and to partnerships as well as individuals.

Section 15.18 Indemnification of Mayor and Council.

The Council may by ordinance indemnify any Councilmember, the Mayor, any employee or any appointed official who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding by reason of the fact that he is or was an officer of the Town, against expenses (including attorney's fees), judgements, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in the best interest of the Town and had no reasonable cause to believe his conduct was unlawful. (Amended by special election, 11/3/98)

Section 15.19 Personnel Manual.

The Council shall cause to be prepared a Personnel Manual for the Town which shall provide policies and guidelines for all Town employees and their supervisors. Said Personnel Manual shall be approved by the Council and shall be in full force and effect no later than six (6) months from the date of the approval by the registered electors of this Charter.

Article XVI

Transition Period

Section 16.1 Purpose of Transitional Provisions.

The purpose of this Article is to provide for an orderly transition from the present Town government of Parker to a Home Rule Town government under provisions of this Charter. The provisions of this Article shall constitute a part of this Charter only to the extent necessary to accomplish that purpose.

Section 16.2 Effective Date of Charter.

This Charter shall become effective immediately upon voter approval at a regular or special election held for the purpose of considering this Charter.

Section 16.3 Continuation of Present Elected Officials.

The present Town Board of Trustees and the Mayor in office at the time of the adoption of this Charter shall become the Council and the Mayor and shall continue to serve and carry out the functions, powers and duties of Council offices until their successors assume such duties, after the regular municipal election held in April of 1984.

Section 16.4 Continuation of Appointed Officers and Employees.

All appointive officers and all employees of the Town at the time this Charter is adopted shall continue in that office or employment which corresponds to the Town office or employment which they held prior to the effective date of this Charter. They shall, in all respects, be subject to the provisions of this Charter, as though they had been appointed or employed in the manner provided in this Charter, except that any officer or employee who holds a position which this Charter provides to be held at the pleasure of Council shall hold such position only at such pleasure regardless of the term for which he was originally appointed.

Section 16.5 Continuation of Prior Town Legislation.

All bylaws, ordinances, resolutions, contracts, rules and regulations of the Town in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with the provisions of this Charter, or shall be amended or repealed by ordinance enacted under authority of this Charter.

**THE TOWN OF PARKER
CHARTER COMMISSION**

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Town of Parker Charter Commission, duly elected by the people of Parker, Colorado, at a special election held on August 9, 1983, under the authorization of Article XX of the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Parker, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Charter Commission on the 5th day of December, 1983, for submission to the people of Parker at a special election to be held on February 7, 1984.

Done in triplicate at Parker, Colorado, the 5th day of December, 1983.

/s/ Carol A. Baumgartner

/s/ Linda Hicks

/s/ Warren Dale Brinker

/s/ Frederick W. Meyers

/s/ Doris E. Brooks

/s/ Larry L. Myers

/s/ Sharon L. Deetz

/s/ Mary Ann Waterman

/s/ Kathy Karinen

/s/ Cheryl L. Torpey, Town Attorney

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