HOME RULE CHARTER

November, 2014

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City of
Evans, Colorado

CHARTER
OF THE
CITY OF EVANS

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PREFACE

Evans is at the beginning point of an expansion program. In order to take full advantage of this expansion, it is necessary that we modernize our system of local government.

At the present time we operate under the authority of the Legislature of the State of Colorado. It is desired that we change this form of Government and operate under the Home Rule Charter, which will give the local citizens control of local affairs.

Under date of February 21st, 1973, an election was held to form a Charter Convention. At this election 21 local citizens were selected to draft a Home Rule Charter. The subsequent pages in this book are the results of efforts of the members of the Home Rule Charter Convention to submit to the Council and voters.

The proposed Charter provides for a Council-Manager form of City Government, the Council to be composed of 7 members with a term of 4 years for each councilman and 2 years for Mayor, 2 members to be elected from each Ward, and Mayor elected at large. Provision is made for overlapping terms, with an election each 2 years, and the Mayor has a vote on every issue. This will eliminate delays due to a tie vote.

The City Council will have all policy making and legislative power in the City. They will appoint the City Manager, City Attorney, Municipal Judge and members of the advisory boards and commissions. Your elected committee has discussed and passed affirmatively on every item in the proposed Charter. Differences of opinion have been thrashed out, so that the proposed Charter has the entire support of the Committee.

The Charter Committee feels we have submitted a sound and effective Government proposal for the City of Evans, and respectfully presents this Charter application to the voters of Evans for their approval.

CHARTER
OF THE
CITY OF EVANS, COLORADO
PREAMBLE

We, the people of Evans, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish, and adopt this Home Rule Charter for the City of Evans.

CHAPTER I
GENERAL PROVISIONS

1.1 NAME AND BOUNDARIES. The municipal corporation heretofore existing as the "City of Evans" in Weld County of Colorado shall remain and continue as a politic and corporate and under this Charter shall be known as the "City of Evans" with the same boundaries until changed in a manner authorized by law.

1.2 FORM OF GOVERNMENT. The municipal government provided by this Charter shall be known as the "Council-Manager Government." The municipal government provided by this charter shall not be changed except by Charter Convention and by a majority vote of qualified electors at any election. Pursuant to the provisions of the Constitution of the State of Colorado and subject only to limitations imposed therein and by this Charter, all powers of the City shall be vested in an elective City Council.

1.3 MUNICIPAL POWERS. The City shall have all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all powers which are granted to Home Rule Cities by the Constitution of the State of Colorado.

1.4 PRESENT ORDINANCES IN FORCE. All ordinances of the City of Evans in force shall continue in force at the time this Charter becomes effective; shall continue in force except insofar as they conflict with provisions of this Charter, or until they shall be amended or repealed by ordinance enacted under authority of this Charter.

1.5 AMENDING THE CHARTER. Amendments to this Charter may be framed and submitted to the electors through petitioning the Council, or by the Council on its own initiative, in accordance with the provisions of Article XX of the Constitution of the State of Colorado. Nothing contained in this Charter shall be construed as preventing the submission to the people of more than one Charter amendment at any one election.

CHAPTER II
ELECTIONS

2.1 REGULAR MUNICIPAL ELECTIONS. Regular municipal elections shall be held on the first Tuesday following the first Monday in April in the even numbered years commencing with 1974 and bi-annually thereafter.

2.2 SPECIAL MUNICIPAL ELECTIONS. Special City elections shall be held when called by resolution of the Council at least 45 days in advance of such election, or when required by this Charter or Statute. Any resolution calling a special election shall set forth the purpose of such election.

2.3 LAWS GOVERNING ELECTIONS. Regular and Special Municipal elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may by ordinance establish election procedures, the method for registration of electors, the number, qualifications and compensation for election of Judges and Clerks, and the boundaries of election Wards.

2.4 NOTICE OF ELECTION.[38] The City Clerk shall provide notice of election in accordance with federal, state, or municipal law, whichever is applicable

2.5 ELECTION JUDGES.[27] The Council may by resolution delegate to the City Clerk the authority and responsibility to appoint and establish compensation for election judges.

2.6 RECALL FROM OFFICE. Every Elective City Officer of the City of Evans, Colorado, may be recalled from office at any time after he has held office for six months, by the electors of the City of Evans, by recall petition filed with the City Clerk, with signatures of qualified electors equal in number to twenty-five per cent of the entire vote cast at the last preceding General Municipal election for all candidates for the position which the incumbent sought to be recalled occupies.

Such petitions shall contain a general statement of not more than two hundred words, of the grounds on which the recall is sought, and may be on one or more sheets of paper. Each signer of such petition shall add to his signature the date of his signing, his place of residence and street number. The persons circulating such petitions shall subscribe to an oath on each sheet of paper that the signatures thereon are genuine.

The procedure hereunder to effect the recall of an elective officer shall be, as far as applicable, by the method provided in Article XXI, and Section 4 thereof, of the Constitution of the State of Colorado, known as "Recall from Office", with power in the City Council to provide by ordinance such other and further procedure as it may deem necessary.

CHAPTER III
COUNCIL-MAYOR

3.1 CITY COUNCIL. The City Council shall consist of seven members, one of whom shall serve as Mayor. The City Council shall constitute the legislative and governing body of the City and shall have power and authority, except as otherwise provided in this Charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem necessary.

3.2 WARDS.[32,18] The City shall be divided into three Wards. Changes in the boundaries of Wards may be made by ordinance adopted by the City Council, which changes shall be made at least 90 days prior to any regular municipal election. Wards shall be comprised of compact and contiguous territory so as to contain as nearly possible an equal number of inhabitants. The City Council shall, as deemed necessary, readjust the Ward boundaries to comprise compact and contiguous territory for each ward to contain as nearly as possible an equal number of inhabitants.

3.3 QUALIFICATIONS. No person shall be eligible to the office of Mayor or Councilman unless he is a citizen of the United States, at least eighteen years of age, shall be a qualified elector of the City of Evans, shall have been for thirty days immediately preceding such election a resident of his or her Ward. (Applied only to Ward Councilman). A person who has been convicted of a felony shall not be eligible to become a candidate for a City Office. No elected official shall hold any other elective public office.

3.4 TERMS.[45] The term of office of the Councilmen hereafter to be elected in accordance with the provisions of this Charter shall commence at the hour of 7:30 p.m. on the next Tuesday of April following their election, and shall continue during the term for which they shall have been elected and until their successors shall have been elected and qualified. In the year 1974, the first municipal election shall be held under the provisions of this Charter at which one Councilman shall be elected from each Ward for a term of four years and every four years thereafter. In the year 1976, the second municipal election shall be held under the provisions of this Charter in which one Councilman shall be elected from each Ward for a term of four years and every four years thereafter, and in the year 1976, the Mayor shall be elected for a term of two years. At every subsequent bi-annual election a Mayor shall be elected for a term of two years. For purposes of applying Article XVIII, Section 11 of the Colorado Constitution regarding limitation on terms, Council members filling partial terms of office and Council members filling vacancies, whether by election or appointment, are not deemed to have served a term in office. In no event shall a Council member serve more than ten continuous years, whether by election or appointment, regardless of whether a portion of that period was a partial term

3.5 VACANCIES.[39,19,4] If a vacancy occurs in the office of the Mayor or Councilman, the Council shall appoint an eligible person to fill such vacancy within ninety days after the Council receives notice of such vacancy. Such appointment shall continue until the next

Regular Municipal Election subject to the qualification provisions of Section 3.3. If the office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for the office is held at the time at which it would have been held if no vacancy had occurred. Candidates for an election in a Ward for which there has been an appointment to fill a vacancy shall designate on their nomination petition, prior to circulation, whether they are a candidate for a two- (2) year term or a four- (4) year term. Any such vacancy shall exist when an elective officer fails to qualify within thirty days after his term would commence under Section 3.4, dies, resigns, is removed from office, moves his permanent residence from the City, moves his permanent residence from the Ward, (applies only to Ward Councilmen), absents himself continuously therefrom for more than two months, is convicted of a felony or is judicially declared mentally ill. Council may declare a vacancy if a Council Member is absent from four of six consecutive regular Council meetings unless the absences are excused by resolution. Council vacancies shall be established by competent evidence thereof and placed on record in the City Council's minutes.

3.6 COMPENSATION OF MAYOR AND COUNCILMEN. The members of the City Council shall receive such compensation as the City Council shall by ordinance prescribe; provided, however, they shall neither increase nor decrease the compensation of any member of the Council during his term.

3.7 OATH OF OFFICE. Before entering upon the duties of his office, every officer designated by this Charter shall take, subscribe, and file with the City Clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the Ordinances of the City of Evans, Colorado, and will faithfully perform the duties of the office. The Oath of Office must be filed with the City Clerk within ten days from the date of his appointment, or within ten days from the date prescribed in this Charter to take office. Failure to file an oath or affirmation within the allotted time as prescribed by this Charter shall be interpreted as a declination of the office by the officer. The office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which the officer may qualify as above set forth.

3.8 APPOINTIVE BOARDS AND COMMISSIONS. Unless otherwise required by this Charter or by Law, all Boards and Commissions shall be appointed by the Council and shall have such power and perform such duties as are prescribed by this Charter or by ordinance, and unless otherwise provided by this Charter any member of a Board or Commission may be removed by the Council for cause after public hearing.

3.9 MAYOR. The Mayor shall preside over meetings of the City Council and have the same right to speak and vote therein as any other member. He shall be recognized as head of the City Government for all ceremonial purposes. He shall execute and authenticate legal instruments requiring his signature as such an official. The City Council within their membership, shall elect, at their first meeting following their election, a Mayor-Pro Tem who shall become acting Mayor with the same duties as provided for the Mayor in his absence or disability. The Mayor shall in no case have the power to veto. The Mayor shall be a

conservator of peace, and in emergencies may exercise within the City the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder.

3.10 MEMBERSHIP RULES. Except as otherwise provided in this Charter, the Council shall be the judge of the elections and qualifications of its own members, shall determine its own rules of procedure, and may compel the attendance of absent members in such manner and under such penalties as the Council may provide.

3.11 POWER TO MAKE CONTRACTS. The Council may enter into contracts and leases on behalf of the Municipal Government; all written contracts, to which the Municipal Government is a party, shall be approved as to form by the City Attorney and as to substance by the City Manager. Nothing shall prevent the making of contracts or spending of money for capital improvements to be financed in whole or in part by issuance of bonds, nor making of contracts or leases or for services for a period exceeding the budget year in which such contract is made, if otherwise permissible under this Charter.

3.12 CONTRACTS WITH OTHER GOVERNMENTAL BODIES.[20] The Council by resolution may enter into contracts with other governmental bodies to furnish governmental service and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

3.13 REGULAR MEETINGS. The Council shall provide by ordinance for the time and number of regular Council meetings or meetings each month provided the Council may, by resolution, change the time and place of any particular regular meeting. The agenda shall be posted or published, at the discretion of the City Council, twenty-four hours prior to any regular meeting.

3.14 SPECIAL MEETINGS. Special meetings of the Council shall be called by the Clerk on a written request of the Mayor, or by any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

3.15 MEETING TO BE PUBLIC.[5] All regular and special meetings of the Council and those of any board, commission, or committee of the City shall be open to the public, except for executive sessions. Citizens shall have a reasonable opportunity to be heard under such rules and regulations as Council may prescribe. Any meeting may be recessed by a two-thirds affirmative vote of the members present to an executive session, provided there is a quorum, and such meeting, shall be closed to the public, for any of the following purposes:

(a) The purchase, acquisition, lease, transfer or sale of real, personal or other property interests.

(b) Conferences with an attorney to receive legal advice on specific legal questions.

(c) Matters required to be kept confidential by Federal or State law, rules or regulations.

(d) Specialized details of security arrangements or investigations.

(e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators.

(f) Personnel matters, unless the employee who is the subject of the personnel matter requests that the meeting be held in public.

(g) Consideration of any documents that are required to be confidential under the "Open Records Act."

No final policy decision, resolution, rule, ordinance or regulation and no action approving a contract or other formal and legally binding act shall be adopted at any executive session.

3.16 CONFLICT OF INTEREST. No members of the Council shall be interested directly in any contract with the City. No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct.

3.17 BOARD OF HEALTH. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council may constitute the Board of Health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statutes. The Council may by ordinance designate and appoint an existing area-wide health department as the City Health Department.

CHAPTER IV
GENERAL ADMINISTRATIVE ORGANIZATION

4.1 ADMINISTRATIVE DEPARTMENTS.[6] The Administrative functions of the City shall be performed within the Administrative Departments that exist on the effective date of this Charter. The City Council may establish, alter, consolidate, or abolish Administrative Departments by ordinance. All Administrative Departments shall be under the supervision and control of the City Manager.

4.2 OPERATION OF DEPARTMENTS. All Departments of the City except as otherwise provided in this Charter, shall be under the supervision and control of the City Manager, and he shall have the right to divide such departments into separate divisions and to assign the various functions and duties to the different departments and divisions.

4.3 CITY MANAGER - APPOINTMENT AND QUALIFICATIONS.[40,21] The Council may appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his actual experience in and his knowledge of accepted practice in respect to the duties of his office as hereafter set forth. At the time of his appointment, he need not be a resident of the City or State, but during tenure of office he shall reside within the City. The City Manager shall be a full time employee and may engage in other business and employment activities, but only upon approval of a majority of the entire City Council. His salary shall be fixed by the Council. Upon such termination, the Council may in its discretion, provide termination pay.

4.4 CITY MANAGER - FUNCTIONS AND DUTIES. The City Manager shall be the chief administrative officer of the City government. His functions and duties shall be:

[22,7](a) To be responsible to the Council for efficient administration of all departments of the City government except the City Attorney and the Municipal Judge.

(b) To see that all laws and ordinances are enforced.

(c) To appoint the heads of the several City departments whose appointment is not otherwise specified in this Charter, and to direct and supervise such department heads.

(d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts, or agreements.

(e) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.

(f) To recommend an annual budget to the Council and to administer the budget as

finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial conditions and needs of the City.

(g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote.

(h) To exercise and perform all administrative functions of the City that are not imposed by this Charter or ordinance upon some other official. Not counteracting any other provision in this Charter, the Manager may, in the event of an emergency, at his discretion, exercise complete administrative authority over any department, department head, or City employee and all City owned property. The City Manager shall determine when such emergency exists.

(i) To be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by the Council and which shall conform to generally accepted principles and procedures of governmental accounting. He shall submit financial statements to the Council monthly, or more often as the Council directs.

(j) To act as Purchasing Agent for the City and in such capacity to purchase all supplies and equipment and dispose of the same in accordance with procedures established by the Council.

(k) To establish, subject to approval by the Council, appropriate personnel rules and regulations governing officers and employees of the City.

(l) To perform such other duties as may be prescribed by the Charter or required of him by ordinance or by direction of the Council.

(m) The City Manager shall prepare an annual report of the affairs of the City including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk.

4.5 ACTING CITY MANAGER. The Council may appoint or designate an Acting City Manager during the period of vacancy in the office or during the absence of the City Manager from the City or disability of the City Manager. Such Acting City Manager shall, while he is in such office, have all the responsibilities, duties, functions, and authority of the City Manager.

4.6 RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE.[8] Neither the Council nor any of its members shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other City officer to prevent him from exercising his judgement in the appointment or employment of employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall

deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

4.7 CLERK - FUNCTIONS AND DUTIES.[9]

(a) The City 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 and shall be appointed and removed by the City Manager with the approval by a majority vote of all members of the City Council.

(b) The Clerk shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for.

(c) The Clerk shall certify by his signature all ordinances and resolutions enacted or passed by the Council.

(d) The Clerk shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.

(e) The Clerk shall have power to administer oaths of office.

(f) The Clerk shall perform such other duties as may be prescribed for him by this Charter, by the Council or by the City Manager.

4.8 THE TREASURER - FUNCTIONS AND DUTIES.

[10](a) The City Manager shall appoint a City Treasurer to perform duties required by law, by City ordinances, and such other duties as may be required by the City Manager. The appointment or removal of the City Treasurer by the City Manager shall be subject to approval by a majority vote of all members of the entire City Council.

(b) The Treasurer shall have the custody of all monies of the City, any bond pertaining solely to the Clerk, and all evidences of indebtedness belonging to the City or held in trust by the City.

(c) The Treasurer shall collect all monies of the City, the collection of which is not provided for elsewhere by Charter or ordinance. He shall receive from other officers and employees of the City all money belonging to and receivable by the City that may be collected by such officers, employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer after collection or receipt.

(d) The Treasurer shall keep and deposit all monies or funds in such manner and

only in such places as the Council may determine and shall report the same in detail to the City Manager.

(e) The Treasurer shall disburse all City funds in accordance with the provisions of this Charter and procedures to be established by the Council.

(f) As directed by Council, The Treasurer may be in charge of investing any and all surplus City funds including surplus water and sewer utility funds as such surplus water and sewer utility funds are established.

(g) The Treasurer shall perform such other duties as may be prescribed for him by this Charter, by the Council or by the City Manager.

(h) The Council, on recommendation of the City Manager, may authorize the same person to serve as City Treasurer and City Clerk.

4.9 CITY ATTORNEY.

(a) The Council shall appoint a City Attorney for an indefinite term. The City Attorney shall be an attorney at law admitted to practice law in the State of Colorado and have a minimum of five years experience in the active practice of law. The Council may provide the City Attorney with such assistance as the Council may deem necessary.

(b) The City Attorney shall act as legal advisor to, and be attorney and counsel for the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the City 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 City Attorney shall prosecute ordinance violations and he shall conduct for the City 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.

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

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

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

(g) Upon recommendation of the City Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist and counsel with the City Attorney therein.

(h) The compensation of the City Attorney shall be set by the Council. No compensation to special legal counsel shall be paid except in accordance with an agreement between the Council and the City Attorney or special counsel, before the service has been rendered, for which such compensation is to be paid.

4.10 ACTING OFFICERS - DEPUTIES. During the absence or disability of any appointed officer provided for in this Chapter, any other person may be designated to serve. Such person shall, while he is in such office, have all the responsibilities, duties, functions, and authority of that office. The Council may provide for Deputy City Clerk and Deputy City Treasurer, as needed, with such duties, functions, and authority as the City Manager or Council shall determine.

CHAPTER V
MUNICIPAL COURT

5.1 MUNICIPAL COURT.

[11](a) There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the City, subject to appeal to the appropriate Court in the manner provided by law for appeals from Municipal Court to the appropriate Court. The Court may punish contempt of Court by fine and/or imprisonment in an amount and length as allowed for by law; may enforce its orders and judgement in like manner as a Court of record may do, and as provided by general law; and may render final judgement on any forfeited bond or recognizance returnable to such Court, subject to appeal as in other cases.

(b) When the Municipal Judge or Judges are not immediately available for purposes of admission to bail of persons arrested and brought to the Municipal Court or jail on charges of violating a municipal ordinance or code, such persons may be admitted to bail pursuant to Court Rule, by the Municipal Court Clerk, a Deputy Municipal Court Clerk or other responsible and appropriate officer designated by the Judge or Judges. The court shall provide by rule for the conditions and circumstances under which such admission to bail will be granted pending appearance before the Judge. Bail so required may be, at the election of the accused, in the form of a cash security, real property or tangible or intangible personal property, and acceptable corporate surety bond or adequate and acceptable private sureties. In cases when so permitted, under the rules established by the Court, bail may be upon personal recognizance without security or surety.

5.2 PRESIDING OFFICER - QUALIFICATIONS AND COMPENSATION. The Municipal Court shall be presided over and its functions exercised by one or more Judges. The Judge or Judges shall be an Attorney at Law admitted to practice law in the State of Colorado. The Judge or Judges shall be appointed by the Council to serve at the pleasure of the Council. The Council shall designate the presiding Judge. Each Judge shall receive a fixed salary or compensation, not dependent upon the outcome of the matters to be decided, and to be fixed by the Council from time to time. In the event all regularly appointed Judges are absent, disqualified or unable to act in any matter or case, the Mayor may call any eligible person to act and serve temporarily.

(a) The Council shall provide a suitable place and all supplies and things necessary for the proper functioning of the Court.

(b) The forms of the Complaint and all other rules, procedures and proceedings in the Municipal Court shall be fixed by the presiding Municipal Judge. The costs

and fees in the Municipal Court shall be fixed by the presiding Municipal Judge with the approval of the Council by resolution.

[33](c) There shall be provided a Clerk of the Municipal Court and such deputies as is deemed necessary. The Municipal Court Clerk and the Deputy Municipal Court Clerks shall have such duties and authority as fixed by this Charter, by ordinance or by rules of the Municipal Court.

5.3 PROCESS JURISDICTION. Summons, complaints, citations, and warrants or any other process of the Municipal Court may be served on any person anywhere in the State of Colorado.

CHAPTER VI
PERSONNEL AND CAREER SERVICE

6.1 PERSONNEL MERIT SYSTEM.[28] Council may establish a system for employment and promotion of City Employees based on personnel merit. Such system shall include at least the following:

(a) Employment and promotion in the City Government based on individual merit.

(b) Just and equitable incentives and conditions of employment.

(c) Classification and compensation according to duties and responsibilities.

(d) Provisions for systematic tests and evaluations if necessary for appointments, promotions, and other personnel actions based on merit principle.

(e) Continuity of employment based on behavior, performance of work and necessity for performance of work.

(f) Dismissal and disciplinary procedures shall be established, publicized and observed.

6.2 ADMINISTRATION. The Manager shall administer the system with fairness to all and in a manner designed to stimulate high morale of the employees. Nothing herein shall preclude the Manager from the appointment of, removal of, and discipline of employees included under the merit system or at his discretion to delegate authority to do so.

6.3 EMPLOYEES INCLUDED.[12] All employees of the City shall be included within the provisions of the merit system, except the City Manager, elective officers, appointees of Council, appointed members of boards and commissions, persons employed to make or conduct a special inquiry, investigation, examination or installation, or audit.

6.4 EMPLOYEE GRIEVANCES.[23] The City Council shall provide for a system of appeal for employees to grieve any adverse action taken against an employee that results in loss of employment, pay, or benefits that assures each employee an opportunity to protect his constitutional rights in accordance with current law.

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

6.6 SURETY BONDS. Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by the way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will on demand deliver over to his successor in office, or other proper officer or an agent to the City, all books, papers, monies, effects, and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the City, or any proper officer or agent thereof, all monies received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, City employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. The Clerk shall be custodian of all bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk. In the event the offices of Clerk and Treasurer are held by the same person, then the City Manager shall be custodian of any bonds pertaining to the Clerk and Treasurer.

6.7 DELIVERY OF OFFICE. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his superior all books, papers, monies, and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the statute. Any employee found guilty by competent tribunal of violating this provision may be punished by fine or imprisonment, or both, as determined by the Court.

6.8 CONFLICTING INTEREST PROHIBITED.[14] The use of public office for private gain is prohibited. No member of the Council, shall act in such a manner which results in conflicting interest. Conflicting interest shall include but is not limited to the following:

(a) Acting in official capacity on matters in which the official has a substantial private financial interest clearly separate from that of the general public.

(b) The acceptance of gifts and other things of substantial value, which would tend to improperly influence a reasonable person in an official position to depart from the faithful discharge of his public duties; or which he knows, or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action which has been taken.

(c) Disclosure or use of confidential information acquired in the course of official duties in order to substantially further personal financial interests.

(d) Engaging in a financial transaction for private business purposes with a person whom the official inspects or supervises in the course of official duties.

(e) Performing an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the official either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

(f) Taking action on any contract or proposed contract made on behalf of the City by an official having personal or private interest in such contract.

(g) Any elective official of the City holding any appointive office or being employed by the City during the term for which said elective official was elected.

6.9 COMPENSATION OF OFFICERS AND EMPLOYEES. The compensation of all officers and employees of the City whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan which may be adopted by the Council. The respective salaries and compensation of officers and employees, as fixed by, or pursuant to, this Charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services. Such fees, commissions and compensation shall belong to the City and shall be collected and accounted for by such officers or employees, and be paid into the City Treasury and a statement thereof filed periodically with the City Manager. Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in behalf of the City.

6.10 ANTI-NEPOTISM.[15] The City Manager shall take such steps as may be necessary to ensure that no relatives are placed in supervisory-subordinate relationships.

CHAPTER VII
LEGISLATION

7.1 PRIOR CITY LEGISLATION. All valid by-laws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. If any such ordinance, resolution, rule or regulation provided for the appointment of any officers or members of any board or commission shall, hereafter be appointed by the Council.

7.2 REPEAL. Those provisions of any effective by-law, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

7.3 ORDINANCES AND RESOLUTIONS. All official action by the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be done so by this Charter or by State or Federal laws pertaining to the internal affairs or concerns of the City Government. In addition to such acts of the Council as may be required by other provisions of the Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. Each ordinance shall be identified by a short title and by number and by a code section number, when a codification of ordinances is completed.

7.4 FORM OF ORDINANCES. All ordinances shall be introduced in written form and no ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Evans, Colorado".

7.5 PROCEDURE FOR PASSAGE OF ORDINANCES.

[29](a) An ordinance may be introduced at any regular or special meeting**.** It may be passed on first reading by the affirmative vote of not less than a majority of the members elected to the Council at the meeting at which it is introduced.

(b) After the passage of an ordinance on first reading, the ordinance shall be posted and the title published as required in this Charter.

(c) No ordinance may be passed on second and final reading earlier than ten days after the first reading, provided this provision shall not apply to emergency ordinances.

[29](d) An ordinance may be passed on second and final reading by the affirmative vote of not less than a majority of the members elected to Council. An ordinance

may be amended after first reading and passage and before second reading and final passage, provided said amendment or amendments do not change the stated purpose of the ordinance. The text of any such amendment or amendments shall be read in full.

(e) The effective date of all ordinances shall be on the date of final passage unless another date is prescribed therein.

(f) The "Yes" and "No" votes shall be taken upon the passage of all ordinances, resolutions, and motions and entered upon the journal of the Council proceedings. A Councilman shall be excused from voting on matters involving the consideration of his own official conduct, or where his financial interests are involved.

7.6 PASSAGE OF EMERGENCY ORDINANCES. An ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety with the reason specified within the ordinance, may be enacted at the regular or special meeting at which it is introduced by five affirmative votes without any requirement of prior posting or publication and without any requirement of a second reading and passage. Such emergency ordinances, after passage, shall be posted and the title published as required by this Charter.

7.7 POSTING AND PUBLICATION. The full text of each ordinance after passage on first reading and before second reading and final passage, and after second reading and final passage shall be posted in the City in such places as are designated by resolution of the Council. The title of each ordinance and a statement that the ordinance is on file in the City Clerk's office for public inspection shall be published in a newspaper legally qualified for City publications as provided in this Charter after first passage and before second passage and again after second and final passage.

7.8 AMENDMENT OR REPEAL. No ordinance, section or sub-section thereof shall be amended, superseded, or repealed except by an ordinance regularly adopted. No ordinance shall be amended by reference to its title only, but the revised sections or sub-section of the ordinance, as amended, shall be re-enacted. However, an ordinance, section or sub-section thereof may be repealed by reference to its title and ordinance or code number only.

7.9 RECORDING OF ORDINANCES. All ordinances shall be recorded by the Clerk in a book called "The Ordinance Book" and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation.

7.10 PENALTIES FOR VIOLATION OF ORDINANCES.[16] Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall be at the discretion of the Municipal Judge, but shall not exceed a fine of one thousand dollars ($1,000), or imprisonment, or both, which may be allowed by law.

7.11 ADOPTION BY REFERENCE.

(a) The City is hereby authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. However**,** the title of every primary code and every secondary code which is incorporated in any such adopting ordinance, shall be specified in the title of the ordinance.

(b) After the first reading of the adopting ordinance, the Council shall schedule a public hearing concerning the adopting ordinance and of the code and any secondary codes to be adopted thereby. Notice of the hearing shall be published twice in a newspaper meeting the requirements for publication of ordinances, once at least eight days preceding the hearing, and once at least fifteen days preceding it. The notice shall state the time and place of the hearing, that copies of the adopting ordinance, of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the City Clerk and open to public inspection. The notice shall also contain a description which the Council deems sufficient to give notice to interested persons of the purpose of the code and of any secondary code incorporated thereby by reference, the subject matter of each such code, the name and address of the agency by which each has been promulgated, or municipality which has enacted such code, and the date of publication of such code or codes, and in the case of a code of any municipality as they existed and were effective at a given date.

(c) After the hearing, the Council may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances; provided, nothing in this Charter shall be deemed to permit the adoption by reference of any penalty clause which may appear in any code which is adopted by reference. Any such penalty clause may be enacted only if set forth in full in the adopting ordinance. It is further provided that all changes or additions to any code made by the Council shall be set out in full in the adopting ordinance.

(d) The adopting ordinance shall be posted and the title of the ordinance shall be published as is provided in the case of any other ordinance. Not less than three copies of the adopting ordinance together with three copies of each primary code, and of each secondary code pertaining thereto, all certified to be true copies by the Mayor and the City Clerk, shall be on file in the office of the City Clerk prior to the enacting of the adopting ordinance on first reading and shall remain on file prior to the public hearing and following adoption after the public hearing. Following the adoption of any code, the City Clerk shall at all times maintain a reasonable supply of copies of the primary code and of any secondary code incorporated in it by reference, available to the public at a moderate price. The Council shall not be required to read the code text at the meetings at which the adopting ordinance is passed on first and second readings, provided said codes and primary codes, if any, are on file in the office of the City Clerk, as herein provided.

(e) If, at any time, any code which the City has previously adopted by reference, shall be amended by the agency or municipality which originally promulgated, adopted, or enacted it, then the Council may adopt such amendment by reference through the same procedure as required for the adoption of the original code; or an ordinance may be enacted in regular manner setting forth the entire text of such amendment.

(f) Copies of such codes in published form, duly certified by the City Clerk and the Mayor of the City, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this State.

7.12 DEFINITIONS. As used in the text of this Charter, the following terms shall have the meanings indicated, unless the context requires otherwise:

(a) "Code" shall mean any published compilation of statutes, ordinances, rules, regulations, or standards adopted by the Federal government or the State of Colorado, or by an agency of either of them, or by municipality within the State of Colorado, or by any state or nationally recognized organization, institution or agency, such as, but not limited to the Pacific Coast Building Officials Conference and the National Fire Protection Association. It shall include any codification or compilation of existing ordinances of the adopting municipality.

(b) "Primary Code" shall mean any code which is directly adopted by reference in whole or in part by any ordinance passed pursuant to this Charter.

(c) "Secondary Code" shall mean any code which is incorporated by reference directly or indirectly, in whole or in part, in any primary code or in any secondary code.

7.13 SEVERABILITY OF ORDINANCES. 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. Each ordinance shall be deemed to have included as a part of it this severability provision even though this severability provision is not set out in the ordinance, unless an ordinance shall expressly provide that this severability provision is not applicable.

7.14 CODIFICATION OF ORDINANCES. The Council may direct and complete the codification of all ordinances of the City and shall provide for the subsequent amendments thereto so that such amendments may readily be made a part of such published code and maintained thereafter in current form. Any such codification may originally include provisions not previously contained in ordinances of the City.

The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefore and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such codification other provisions of this Charter for publication notwithstanding.

The copies of the ordinances and of the codification thereof, and of provisions adopted by reference may be certified by the Clerk, and when so certified, shall be competent evidence in all Courts and other legally established tribunals as to the matter contained therein.

7.15 INITIATIVE AND REFERENDUM. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided. The referendum provision of this Charter shall not apply to any ordinance which contains therein a declaration that said ordinance is necessary for the immediate preservation of the public peace, health or safety, nor shall the referendum provision apply to appropriations for the support and maintenance of any City department.

7.16 INITIATORY AND REFERENDARY PETITION. An initiatory or referendary petition shall be signed by not less than ten percent of the number of persons who were registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the City Clerk.

Any such petition shall be addressed to the Council and may be aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposed to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code section it proposes to have repealed.

Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the City Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of qualified electors of the City, the City Clerk shall notify forthwith by registered mail the person filing such petition and fifteen days from such notification shall be allowed for filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the Council at its next regular meeting.

7.17 COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS. Upon the presentation to the Council of an initiatory or referendary petition by the City Clerk, the Council shall, within thirty days, either:

(a) Adopt the ordinance as submitted by an initiatory petition.

(b) Repeal the ordinance, or part thereof, referred to by a referendary petition; or

(c) Determine to submit the proposal provided for in the petition to the electors.

7.18 SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCE TO ELECTORS. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next Municipal election held in the City for any other purpose or, in the discretion of the Council, at a special Municipal election called for that purpose. In the case of an initiatory petition, if no Municipal election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special Municipal election within sixty (60) days from such date of presentation for the submission of the initiative proposal. The result of all Municipal elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon.

7.19 MISCELLANEOUS PROVISIONS ON INITIATORY AND REFERENDARY PETITIONS.[42] An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Chapter or if submitted to the electorate by the Council on its own motion. If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

CHAPTER VIII
GENERAL FINANCE - BUDGET - AUDIT

8.1 FISCAL YEAR. The fiscal year of the City and of all its agencies shall begin on the first day of January of each year and end on the thirty-first day of December of the same year.

8.2 BUDGET PROCEDURES. [34] The City Manager shall prepare and submit to the City Council on or before the fifteenth of October of each year a recommended budget covering the next fiscal year, which shall include therein at least the following information:

[17](a) Detailed estimates with his supporting explanations of all proposed expenditures for each department, office, and agency of the City; and for the Court, showing the expenditures for corresponding items for the last preceding fiscal year in full; and estimated expenditures for the balance of the current fiscal year.

(b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any.

(c) Detailed estimates of all anticipated revenues of the City from sources other than taxes with a comparative statement of the amounts received by the City from each of the same similar sources for the last preceding fiscal year in full, and for the current fiscal year to September first, and estimated revenues for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit of the end of the current fiscal year.

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.

(f) Such other supporting information as the Council may request.

8.3 SCHEDULE OF CAPITAL OUTLAY. If required by the Council, by resolution or ordinance, the City Manager shall submit to the Council simultaneously with his recommended budget, a schedule showing all recommended capital outlay expenditures during the following five fiscal years.

8.4 PUBLIC BUDGET HEARING. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing and notice that the proposed budget is on file in the office of the Clerk shall be published at least ten days in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than ten days prior to such hearing.

8.5 ADOPTION OF BUDGET.[24] The City Council, by resolution, shall adopt an annual budget and shall make annual appropriations pursuant to procedures outlined by State law.

8.6 BUDGET CONTROL.[25] Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from funds of the City except in accordance with an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year, except that money from the contingency fund may be transferred by ordinance at any time during the year. The Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety. Except in those cases where there is no logical account to which an expenditure can be charged, expenditure shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the appropriation for the contingency fund (or other similar fund) shall be transferred to the logical account and the expenditure then charged to such account.

The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the General Fund, except any such balance in the Utilities Fund shall become a part of the same fund for the next fiscal year

If the City Council fails to adopt a budget before certification of the mill levy as provided under State law, then one hundred percent (100%) of the amounts appropriated in the current fiscal year for operation and maintenance expenses shall be deemed reappropriated for the purposes specified in such last appropriation ordinance.

8.7 SINKING FUNDS. The Council may by ordinance provide for sinking or special funds, to provide for monies held in trust, for depreciation and obsolescence of structures, machinery and equipment, for debt service, and for local improvements.

8.7-1 EMERGENCY CONTINGENCY FUND.[44,35,26,1] The Council shall establish an Emergency Contingency Fund. Beginning with the fiscal year 1987 and annually thereafter, the Council shall budget and appropriate to said fund an amount equal to five percent (5%) of the estimated General Fund revenues, until such fund is equal in amount to twenty-five percent (25%) of actual General Fund expenditures of the preceding year. Any time the Emergency Contingency Fund is less than twenty-five percent (25%) of actual General Fund expenditures of the preceding year, the Council shall again budget and appropriate funds, not exceeding five percent (5%) of estimated General Fund revenues, until such fund is again equal to twenty-five percent (25%) of actual General Fund expenditures of the preceding year. At any time the Emergency Contingency Fund exceeds $1,000,000 any funds exceeding $1,000,000 may, by Council approval, be transferred to the general fund.

No funds shall be expended from the Emergency Contingency Fund unless such expenditure is first approved by an ordinance declaring an emergency and setting forth the facts constituting such emergency. Such ordinance must be passed by five affirmative votes of the Council.

8.8 DEPOSITORY. The Council shall designate depositories for City funds and shall provide for the regular deposit of all City monies. The Council shall provide for such security for City deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

8.9 INVESTMENTS. Subject to the provisions of this Charter, monies remaining in any fund which the City Treasurer may determine will not be required to be disbursed for a period of thirty days or more thereafter, may in the discretion of the City Treasurer, and with City Council approval, be invested in one or more of the securities permitted by the statutes of Colorado governing investment of public funds, or in bonds payable out of the revenues of any service or facility furnished by the City; or in general obligation bonds of the City. Interest on such investments shall be credited to the fund to which the invested money belongs, if such can be determined, otherwise to the General Fund of the City. City funds may be placed in any savings account that is guaranteed by the Federal Savings and Loan Insurance Corporation for no greater amount than is guaranteed in each bank.

8.10 INDEPENDENT AUDIT, ANNUAL REPORT. Subject to the provisions of this Charter, independent audits shall be made of all City accounts at least annually, and more frequently if deemed necessary by the Council, and has to be returned within 120 days. Such audits shall be made by Certified or Registered Public Accountants, experienced in municipal accounting, selected by the Council.

8.11 COPIES OF AUDIT. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk.

CHAPTER IX
TAXATION

9.1 COLLECTION OF TAXES. Until the Council shall otherwise provide by ordinance, the County Treasurer shall collect City taxes in the same manner and at the same time as State taxes are collected.

In like manner the Council may provide for collection of special improvement assessments by said Treasurer. All laws of this State for the assessment of property and the levy and collection of general taxes, sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes of the City as of such general taxes, except as modified by the Charter. The County Treasurer shall report and pay to the City the amount of tax collections of the City for the preceding month. The estimated costs of tax collections and losses shall be included in the budget.

9.2 LIMITATION ON TAX POWERS OF CITY. No sales tax or cigarette tax shall be adopted until it shall have been approved by five affirmative votes of the Council.

9.3 AUTHORITY TO ACQUIRE PROPERTY. In addition to all other power which it has to acquire property, the City of Evans is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and/or special assessments. The City may also dispose of any property acquired under this authority.

9.4 CITY ASSESSOR. The Council, by ordinance, may provide for the assessment of property within the City for municipal taxation and the levy and collection of taxes thereon for municipal purposes and special assessments for local improvements.

CHAPTER X
MUNICIPAL BORROWING

10.1 FORMS OF BORROWING. The City may borrow money and issue the following 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 Bonds and other like securities

10.2 SHORT-TERM NOTES. The Municipal Government upon the affirmative vote of five members of the Council, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or the revenues and to issue short-term notes to evidence the amount so borrowed. Such short-term notes shall mature before the close of the fiscal year in which the money is so borrowed, and shall not be extended or funded except in compliance with Section 10.3, "General Obligation Bonds" of this Chapter.

10.3 GENERAL OBLIGATION BONDS.[2] No Bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (Ad Valorem) property taxes or to which the full faith and credit of the City are pledged, shall be issued, except in pursuance of an ordinance nor until the question of their issuance shall at a special or general election be submitted to a vote of the qualified electors and approved by a majority of those voting on the question; provided that such securities issued for acquiring water and water rights thereto, or acquiring, improving or extending a municipal water system, sanitary sewer system, sewage disposal system or any combination of such purposes, may be so issued without an election.

10.4 LIMITATION ON INDEBTEDNESS. The aggregate amount of bonds or other evidences of indebtedness shall not exceed fifteen percent of the actual valuation of the taxable property within the City as shown by the last preceding assessment for City purposes; provided, however, that in determining the amount of indebtedness, there shall not be included within the computation, bonds or other evidences of indebtedness outstanding or authorized water works system or the municipal storm sewer, sanitary sewer, combined storm and sanitary sewers or sewage disposal systems, short-term notes, local improvement securities, or securities payable solely from the revenues of an income-producing system, utility, or other project.

10.5 REVENUE BONDS. The City in pursuance of an ordinance may borrow money, issue bonds, or otherwise extend its credit for the purpose of purchasing, constructing, condemning, otherwise acquiring, extending or improving a water, electric, gas or sewer system, or other public utility or income producing project; provided that the bonds or other

obligations shall be made payable solely out of the revenues derived from the operation of such system, utility, or other such project; and provided, further, that any two or more of such systems, utilities and projects may be combined, operated and maintained as joint municipal systems, utilities or projects, in which case such bonds or other obligations shall be made payable solely out of the net revenue derived from the operation of such joint systems, utilities or project. No election shall be necessary to authorize the bonds.

10.6 REFUNDING BONDS. The City, pursuant to ordinance, may issue its bonds or other securities without an election for the purpose of refunding outstanding general obligation bonds, general obligation waterbonds or revenue bonds, or other such securities, and it shall be the duty of the Council to refund such securities whenever it determines it is advantageous and favorable to the City to do so. Any such refunding revenue securities shall be payable solely from the net revenues of the system, utility or other income producing project acquired, extended or improved, with proceeds from issuance of the securities so refunded. The period of payment of refunding bonds shall not exceed the estimated life of the facilities financed by the bonds being refunded and in no case for a longer term than thirty years from the date of the refunding bonds.

The proceeds derived from the issuance of any refunding bonds under the provisions of this section shall either be immediately applied to the payment, or redemption, and retirement of the bonds to be refunded, and the costs and expenses incident thereto, or shall immediately be placed in escrow to be applied to the payment of said bonds upon their presentation therefore, and the costs and expenses incident thereto, as may be provided by the City Council. Any funds of the City legally available therefore may be placed in any escrow account established under the provisions of this section, and may be used for the purposes specified in the escrow agreement, if such procedure is deemed by the City Council to be in the best interests of the City.

10.7 BONDS LIMITED TO LIFE OF THE PROJECT. The ordinance authorizing the issuance of general obligation or revenue bonds or other such securities shall state the estimated period of usefulness of the property or improvements for which issued, and the term of any such bonds shall not exceed such estimated period. No bonds shall be issued for a term longer than thirty years from the date thereof.

10.8 BONDS - INTEREST, SALE. The terms and maximum interest rate or general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold to the best advantage of the City; provided that any refunding bond may be exchanged dollar for dollar for a bond refunded. All bonds may contain provisions for calling the same at designated interest periods prior to the final due date. The bonds may be sold at private sale.

10.9 LONG TERM RENTALS AND LEASEHOLDS. In order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes, the City 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 of not exceeding the useful life of such property, and in no case

exceeding forty years. Each such agreement and the terms thereof shall be concluded by an ordinance, duly enacted by the City. No such ordinance shall take effect before thirty days after its passage. The Council is authorized and empowered to provide for the payment of said rentals from a general levy imposed upon both personal and real property included within the boundaries of the City, or by imposing rates, tolls, and service charges for the use of such property or any part thereof by others, or from any other available municipal income, or from any one or more of the above sources. The obligation to pay such rentals shall not constitute an indebtedness of the City within the meaning of the constitutional limitations on contracting of indebtedness by cities. Property acquired or occupied pursuant to this Charter shall be exempt from taxation so long as used for authorized governmental or proprietary functions of the City.

CHAPTER XI
IMPROVEMENT DISTRICTS

11.1 SPECIAL AND LOCAL IMPROVEMENT DISTRICTS AND CONSTRUCTION OF IMPROVEMENTS THEREIN. The Council shall have the power to establish, by ordinance, improvement districts for the construction of special or local improvements of every kind and character in the following manner to-wit:

(a) On a petition by the owners of more than fifty-one percent of the area of the proposed district, provided that such majority shall include not less than fifty-one percent of the landowners.

(b) By order of the Council upon its determination that such improvement is necessary for the preservation of the public welfare.

A public hearing shall be held at which all interested parties may appear and be heard. The City shall fix the time and place for such hearing. The improvement district proposal shall be published in a newspaper of general circulation in the City and shall fix the time and the place for such hearing. Publication shall take place not less than seven days nor more than fourteen days prior to said hearing, and during this period a notice or summary thereof shall be mailed to each property owner affected. At the conclusion of the public hearing the Council shall consider all protests and shall establish or reject all or any part of the proposed district as the interests of the petitioners and the general public may best be served.

The establishing ordinance shall prescribe the method and manner of making such improvements, the letting of contracts therefore and the assessing of the cost thereof. The ordinance shall provide for issuing and paying special improvement bonds to defray the costs and expenses of the organization of said district and of the construction or installation of said improvements. Property owners shall have the right to pay their individual assessments in full prior to certification of the assessment to the County and such payment in full shall be subject to a discount in an amount to be set by Council, not to exceed their proportionate share of the bond interest plus the cost of annual collection.

11.2 SPECIAL OR LOCAL IMPROVEMENT DISTRICT BONDS - GENERAL BENEFITS. In consideration of general benefits conferred on the City at large from the construction or installation of improvements in special or local improvement districts, the Council may levy annual taxes on the taxable property within the city, not exceeding three mills in any one year to be disbursed as determined by the Council for the purpose of paying for such benefits, for the payment of any assessments levied against the City itself in connection with bonds issued for special or local improvement districts and for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of bonds issued for any special or local improvement district hereafter created.

11.3 LOCAL IMPROVEMENTS. The power to create special local improvement districts, to assess the costs of the construction of public improvements of a local and municipal character or any part thereof against benefited property therein, and to issue special or local improvement bonds, is vested in the Council. The cost of that part of local improvement which is of a special benefit to particular real property may be assessed against the real property as benefited. The procedure governing the creation of special or local improvement districts, the assessment of a part or all the cost against the benefited property, and the issuance of special local improvement bonds shall be governed by general law relating to special or local improvements in cities and towns, unless prior to the initiation thereof, the Council by ordinance has prescribed a different procedure thereto, and except insofar as general law has been superseded by this Charter or by ordinance. The Council may prescribe the procedure to be followed in the construction of special or local improvements, assessments of the cost, time of payment thereof, foreclosure, and all other matters relating to the mechanics of levying and paying assessments.

11.4 SURPLUS AND DEFICIENCY FUND.[30] Where all outstanding bonds have been paid in a special or local improvement district and any money remains to the credit of the district, it shall be refunded to the current property owners in the district.

11.5 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 issue or collection of any bonds, or the levy or collection of any assessments, authorized by this Chapter, or for any other relief against any acts or proceedings done or had under this Chapter, or of the City, with reference thereto, whether based upon irregularities or jurisdictional defects, shall be maintained, unless commenced within thirty days after the performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XII
ZONING

12.1 PLANNING COMMISSION.[43,36,31] There shall be a City Planning Commission which shall consist of five members, at least four of whom shall be qualified electors residing within the City and all of whom shall be appointed by the City Council for a term of five years, none of whom shall hold any other position with the City. One member who does not reside within the City may be appointed, as long as he or she is a qualified elector residing within the Evans urban growth area as shown in the Comprehensive Plan. Three members of the Commission shall constitute a quorum. Any member of the Commission may be removed by the Council for cause, after public hearing, if a hearing is requested by such member. The Commission shall adopt rules of procedure (bylaws), which shall include its process for election of a Chairperson and Vice-Chairperson, scheduling of meetings, and proceedings of meetings. All meetings and records of the Commission shall be open to the public. City staff shall keep minutes of the Commission's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its official actions.

12.2 PLANNING COMMISSION, TERM OF MEMBERS, VACANCIES. [43] Repealed by a vote of citizens on April 6, 2010.

12.3 PLANNING COMMISSION - POWERS AND DUTIES.[43] The Council shall, by ordinance, provide for the powers and duties of the Planning Commission.

12.4 DIRECTOR OF PLANNING.[43] Repealed by a vote of citizens on April 6, 2010.

12.5 ZONING BOARD OF APPEALS.[46,43,31] There shall be a Zoning Board of Appeals which shall consist of five members, all of whom shall be qualified electors residing within the City and all of whom shall be appointed by the City Council for a term of five years Members of the City Council shall be prohibited from serving on the Zoning Board of Appeals. Three members of the Board shall constitute a quorum. Any member of the Board may be removed by the Council for cause, after public hearing, if a hearing is requested by such member. The Board shall adopt rules of procedure (bylaws), which shall include its process for election of a Chairperson and Vice-Chairperson, scheduling of meetings, and proceedings of meetings. All meetings and records of the Board shall be open to the public. City staff shall keep minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its official actions.

12.6 THE COMPREHENSIVE PLAN.[43] The Council shall adopt, by ordinance, rules, procedures, and requirements for the adoption of the Evans Comprehensive Plan.

12.7 PLATTING AND SUBDIVISIONS CONTROL.[43] The Council shall adopt, by ordinance, rules, procedures, and requirements for the adoption of the Evans Comprehensive

Plan.

12.8 REGULATIONS GOVERNING SUBDIVISION OF LAND. [43] Repealed by a vote of citizens on April 6, 2010.

12.9 ZONING ORDINANCE. [43] For the purpose of promoting the health, safety, morals, or general welfare of the City, the Council shall, by ordinance, establish zoning districts and permitted uses in such districts and regulate the location, heights, bulk, aesthetics, design, and size of buildings and other structures; design and size of bufferyards, setbacks, landscaping, and other open spaces; off-street parking; the density of population; and the uses of buildings, structures, and land. The Council shall adopt, by ordinance, rules, procedures, and requirements for the processing of applications for variances to such requirements.

12.10 POWERS OF CITY COUNCIL IN SLUM CLEARANCE AND REHABILITATION OF BLIGHTED AREAS.[43] The Council may adopt, modify, and carry out plans for clearance of slum and rehabilitation of blighted areas within the City consistent with the Colorado Urban Renewal Law.

12.11 HOUSING.[43] The Council may provide, by ordinance, for sale of sanitary housing accommodations for families of low income and for such purpose may prepare plans for housing projects, authorize the construction, reconstruction, alteration or repair of any housing constructed or acquired by the City. All property both real and personal acquired, owned, leased, rented or operated for housing projects shall be deemed public property for public use and the providing of safe and sanitary housing for families of low income is hereby declared to be a public use and public purpose. The Council may enter into agreement with the Weld County Housing Authority, or similar agency, for the provision of such housing.

12.12 ZONING PROCEDURE. [43,31] The Council shall, by ordinance, adopt procedures for the establishment and amendment of zoning of property within the City.

CHAPTER XIII
BOARDS AND COMMISSIONS[3]

13.1 GENERAL PROVISIONS. Notwithstanding any provisions in Sections 3.8, 6.4, 12.1, 12.2, 12.3, 12.4, 12.5, or any other Charter provision or ordinance in conflict herewith, the qualifications, number, term, power, duties, and procedures of all boards and commissions shall be established by the Council.

13.2 CREATION. Advisory boards may be created by resolution. All other boards shall be created by ordinance.

13.3 BOARDS ABOLISHED. The Council may abolish any board or commission not required by statute or this Charter as it deems advisable.

CHAPTER XIV
UTILITIES AND FRANCHISES

14.1 POWERS. The City Council shall have and exercise with regard to all utilities and franchises, all municipal powers, including without limitation, all powers now existing and which may be hereafter provided by the Constitution of the State of Colorado and Statutes of the State of Colorado. The right of the City to construct, purchase or condemn any public utility, work or way, is expressly reserved.

14.2 WATER RIGHTS. The City shall have the power to own and control water rights and to exchange water rights owned by it for water rights owned by other municipalities or quasi-municipal corporations or by other persons, and to pur-chase, obtain or acquire water and water rights from any source including such existing water rights as may be used upon any land which is annexed to the City from time to time.

14.3 CONSOLIDATION. The City shall have the right to contract with municipalities or quasi-municipal corporations or any other persons for the purpose of forming consolidated water or sewer districts or for furnishing any municipal service.

14.4 EXTENSION OF TERRITORY. With respect to any franchise, after negotiation or mutual agreement, the Council may by ordinance extend the area including streets, alleys or public places and property not embraced in such franchise when public convenience and necessity requires, subject to the terms and conditions of such original franchise, and co-extensive with the terms thereof, without a vote of the qualified electors.

14.5 RAILROAD TRACKS AND CROSSINGS. Council may require by ordinance and by fair apportionment of the cost, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare: and to construct and maintain all street crossings, bridges, viaducts, and other conveniences in good condition with proper approaches and safety devices.

14.6 REVOCABLE LICENSE. After public hearing, Council by ordinance may grant a license, revocable for cause, to lay sidetracks, and switches along, or across any public thoroughfare, in accordance with standards and procedures to be adopted by Council.

14.7 REVOCABLE PERMITS. Council may grant permits for the temporary use or occupancy of any street, alley or public place. Such permits shall be revocable by Council at any time whether or not the right is expressly reserved in the permit.

14.8 TERM OF COMPENSATION AND RESTRICTION. No franchise shall be granted for a period longer than twenty years or without reserving to the City such fair fee arising from the use thereof as shall be provided in the grant of such franchise. This compensation shall not exempt the grantee or his assignees from any lawful assessment upon his property or from other tax not related to the franchise privilege, or pertaining to the physical operation thereof, but shall exempt the grantee or his assignees from any occupancy tax, license, tax, permit

charge, inspection fee, or similar tax on the privilege of doing business or in connection with the physical operation thereof, as shall be fixed in the grant of any franchise. The franchise fee established by ordinance shall be paid as provided and be subject to mutual periodic re-negotiation, and failure to pay such fee shall result in forfeiture of franchise at the option of Council. Assignment or leasing of a franchise shall be considered a forfeiture unless application therefore be made to the City, and consent given by the Council by ordinance with such change of conditions or terms as they deem necessary. Council reserves the right to deny any assignment of franchise.

14.9 FRANCHISE RECORDS. The Council shall cause to be kept in the office of the City Clerk an indexed franchise record in which shall be transcribed copies of all public utility franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignors. The records 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, and copies of all annual reports, and such other matters of information and public interest as the Council may from time to time require.

14.10 LIMITATIONS. The granting of franchises by the City shall be limited only by the provisions of the Constitution and applicable Statutes of the State of Colorado as now in effect or as hereafter amended and shall be submitted to the vote of the people when required by constitutional provision.

14.11 EXISTING FRANCHISE. All franchise ordinances of the City 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.

CHAPTER XV
MISCELLANEOUS

15.1 VESTED RIGHTS CONTINUED. After the effective date of this Charter the City shall be vested with all property, monies, contracts, rights, credits, effects and the records, files, books, and papers belonging to it under and by virtue of operation under statutes governing second class cities.

No right or liability, either in favor of or against the City, existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be the debts and liabilities of the City, and all fines and penalties imposed at the time of such change shall be collected.

15.2 SUNDAYS AND HOLIDAYS. Whenever the date fixed by this Charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

15.3 PENALTIES FOR VIOLATION OF CHARTER.[37] Any violation of a provision of this Charter shall be deemed a misdemeanor, and shall be tried in the Municipal Court. Any person convicted of such violation may be punished as provided in the Evans Municipal Code, but to be no more than the maximum permitted for fines and punishment as provided under state law. Any officer or employee of the City so convicted may be deprived of his office or employment and may be ineligible for any City office or employment for two years thereafter. The power to suspend or remove an elected official, City Manager, City Attorney, board or commission member, or any other official appointed by the Council, convicted under this section shall be vested in the Council.

15.4 EMINENT DOMAIN. In carrying out the powers and duties imposed upon it by this Charter or by the general statutes, the City shall have power to acquire within or without its corporate limits, lands, buildings, water, water rights and water storage rights, water and sewer properties, and other properties, and any interest in land and air rights over land, and may take the same upon paying just compensation to the owner as provided by law.

15.5 CHAPTER TITLES AND SUBHEADINGS. The Chapter Titles and Sub-Headings 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.

15.6 AMENDING THE CHARTER. Amendments to this Charter may be framed and submitted to the electors through petitioning the Council or by the Council on its own initiative in accordance with the provisions of the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If there is any conflict or

inconsistency between amendments voted upon at the same election and more than one be adopted, then the amendment receiving the largest number of votes shall prevail.

15.7 ACTIONS: NOTICE OF INJURY. No Action for the recovery of compensation for personal injury, death or property damage against the City on account of its negligence, shall be maintained unless written notice of the time, place and cause of injury, death or property damage is given to the City Clerk by the person injured, his agent or attorney, within sixty days of the occurrence causing 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 any inaccuracy in stating the time, place or cause of injury, if it is shown that there was no intent to mislead and that the City, in fact, was not misled thereby. This provision shall not be construed as a waiver of any governmental immunity the City may have.

15.8 INVALIDITY OF PART. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, article or part of this Charter, such judgement or decree shall not affect, impair, invalidate or nullify the remainder of this Charter, but the effect thereof shall be confined to the clause, sentence, paragraph, section, article or part of this Charter so adjudged to be invalid or unconstitutional.

15.9 DEFINITIONS. As used in this Charter the following words and phrases shall have the following meanings:

(a) 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.

(b) The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

(c) All references to section numbers shall refer to section numbers of this Charter.

(d) Appropriation: The authorized amount of funds set aside or allocated for expenditure during a specified time and for a specified purpose.

(e) Ballot: Not limited to a piece of paper but may include any mechanical means such as voting machines, through which a voter expresses and records his choice thereon.

(f) City: The City of Evans, Colorado, a municipal corporation.

(g) Council: The City Council of the City of Evans, Colorado.

(h) Employee: Any person in municipal service who is not an officer.

(i) Franchise: A special privilege granted by the City permitting the continuing use of public property such as City streets.

(j) Election: The municipal election held every two years at which candidates for elective offices of the City are voted upon.

(k) May: Construed as permissive.

(l) Officer: Any person who is elected to office or appointed by Council, including appointees to Boards and Commissions.

(m) Person: Is intended to have a broad definition not limited to such as is herein enumerated but to include at least the following: individual, corporation, association, political sub-division, state agency, singular or plural of each.

(n) Public Utility: Public utility or public utility corporations shall mean any person, firm, or corporation, operating heat, power or light systems, communications systems, water, sewer or scheduled transportation systems, and serving or supplying the public. It shall not include any person, firm or corporation owning or operating sidetracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines, and shall not include municipally-owned utilities.

(o) Quorum: Shall mean a majority of the members of the Council, board, commission or similar body present for a meeting.

(p) Qualified Elector: A resident of the City who is qualified to vote under the Constitution and statutes and of the State of Colorado.

(q) Shall: Construed as mandatory.

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

CHAPTER XVI
TRANSITIONAL PROVISIONS

16.1 STATUS OF TRANSITIONAL PROVISIONS. The purpose of this Chapter is to provide for an orderly transition from the present City Government to a Home Rule Government under the provision of this Charter. This Chapter shall constitute a part of this Charter during the transition period.

16.2 TRANSITION PERIOD. Six months from the effective date of this Charter shall be known as the "transition period". During this period all officers and employees shall proceed with due diligence to put into effect the provisions of this Charter. During the transition period the Council shall designate by resolution provisions of the Charter to become operative. Resolutions shall fix the dates on which and the agency or agencies to which each provision becomes operative. Until superseded by the Charter, or any provision thereof, the State Statutes shall be in effect.

16.3 PRESENT COUNCIL AND MAYOR TO CONTINUE IN OFFICE. The Council and Mayor or their appointed successors, in office at the time of the adoption of this Charter shall serve and carry out the functions, powers, and duties of their offices until their term of office expires.

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

NOTES OF REFERENCE

1. Added Section 8.7-1 by vote of citizens on April 8, 1986 requiring an Emergency Contingency Fund and providing that expenditures from said funds may only be made with the unanimous consent of the City Council.

2. Section 10.3 amended by vote of citizens on April 8, 1986, to include sanitary sewer systems and sewage disposal systems as exceptions to the general rule that general obligation bonds be approved by the voters.

3. Chapter 13 amended by vote of citizens on April 8, 1986, to provide that the qualifications, number, term, powers, duties and procedures of all boards and commissions be established by City Council.

4. Section 3.5 amended by vote of citizens on April 7, 1992, to require the City Council to fill a vacancy within forty-five (45) days, if such occurs in the office of the Mayor or Councilmen; and to require a Councilman or Mayor to become qualified to serve within thirty (30) days after him term would begin, after election.

5. Section 3.15 amended by vote of citizens on April 7, 1992, to require all meetings of the City Council or of any City Board, Commission, or Committee be open to the public except for negotiations on real estate transactions and certain other similar negotiations, conferences with an attorney, matters required by law to be confidential, security or investigatory matters, personnel matters, and consideration of any documents required by law to be confidential.

6. Section 4.1 amended by vote of citizens on April 7, 1992, to eliminate the Utilities Department, allow administrative functions and departments to be established and changed by City Council, and further provide that all departments be under the supervision of the City Manager.

7. Section 4.4(a) amended by vote of citizens on April 7, 1992, to delete any reference to the Utilities Director.

8. Section 4.6 amended by vote of citizens on April 7, 1992, to delete any reference to the Utilities Director.

9. Section 4.7 amended by vote of citizens on April 7, 1992, to delete the prohibition against the City Clerk from being appointed City Manager and further delete any reference to the City Clerk acting as City Treasurer.

10. Section 4.8(a) amended by vote of citizens on April 7, 1992, to require the appointment or removal of the City Treasurer to have the approval of a majority of the City Council.

11. Section 5.1(a) amended by vote of citizens on April 7, 1992, to eliminate the restrictive limitations of a maximum fifty dollar ($50.00) fine and five (5) days imprisonment on the Municipal Court for punishment for contempt.

12. Section 6.3 amended by vote of citizens on April 7, 1992, to place department heads within the merit system.

13. Section 6.4(b) & (c) amended by vote of citizens on April 7, 1992, to expand the definition of discrimination on the basis of employment to include race, color, sex, age, religion, national origin, and mental or physical handicap.

14. Section 6.8 amended by vote of citizens on April 7, 1992, to prohibit members of the City Council from engaging in activities designated as conflicts of interests including accepting gifts, using the position on Council to advance a private financial interest, and improper use of confidential information.

15. Section 6.10 amended by vote of citizens on April 7, 1992, to charge the City Manager with the responsibility of ensuring that related persons are not employed in a supervisory/subordinate position.

16. Section 7.10 amended by vote of citizens on April 7, 1992, to permit ordinances to have maximum penalties as provided by State Law, the present maximum penalties being a one thousand dollar ($1,000.00) fine and/or one (1) year imprisonment.

17. Section 8.2(a) amended by vote of citizens on April 7, 1992, to eliminate references to a Utilities Budget and eliminate the requirement that the City Manager submit a report of expenditures through September 1st, on the 15th of September each year.

18. Section 3.2 amended by vote of citizens on April 2, 1996, be to delete the designation of Ward boundaries but continue to permit the City Council, by Ordinance, to alter the three (3) Ward boundaries so as to contain approximately the same number of voters in each ward.

19. Section 3.5 amended by vote of citizens on April 2, 1996, to clarify the term of office for which a successor is to be elected for the next regular election.

20. Section 3.12 amended by vote of citizens on April 2, 1996, to provide that the City Council may enter into contracts with other governmental agencies by Resolution rather than by Ordinance.

21. Section 4.3 amended by vote of citizens on April 2, 1996, to provide that the City Manager may engage in other business and employment activities, but only upon approval of a majority of the entire City Council.

22. Section 4.4(a)amended by vote of citizens on April 2, 1996, to clarify present language providing that the City Manager be responsible for all City departments except for that of the City Attorney and Municipal Judge.

23. Section 6.4 amended by vote of citizens on April 2, 1996, to delete the specific provisions regarding appeal of employee grievances relating to discrimination and instead provide that the City Council shall adopt a system of appeal for employees to grieve any adverse action against them.

24. Section 8.5 amended by vote of citizens on April 2, 1996, to provide that the City Council shall adopt an annual budget and that annual appropriations shall be made pursuant to procedures outlined by State law.

25. Section 8.6 amended by vote of citizens on April 2, 1996, deleting the provision restricting the transfer of monies from one fund to another until after the first of July of the current fiscal year and further deleting the requirement that the City Manager submit monthly reports to the City Council showing the relationship between the estimated and actual revenue expenditures to date and providing specifically that if the City Council fails to adopt a budget prior to certification of the mill levy, then 100% of the amounts appropriated in the current fiscal year will be reappropriated for the subsequent fiscal year.

26. Section 8.7-1 amended by vote of citizens on April 2, 1996, reducing the required Emergency Contingency Fund from fifty percent (50%) of General Fund Expenditures to twenty-five percent (25%) and further providing that the City Council may transfer any excess amounts in the Emergency Contingency Fund to the General Fund.

27. Section 2.5 amended by vote of citizens on April 7, 1998, to eliminate the requirement for an Election Commission and allow the City Clerk to appoint and establish compensation for City Election Judges

28. Section 6.1, first sentence, amended by vote of citizens on April 7, 1998, to eliminate the requirement that the City Council act only by ordinance to establish an employee Personnel Merit System.

29. Section 7.5, subsections (a) and (d), amended by vote of citizens on April 7, 1998, to eliminate the requirement of orally reading ordinances at City Council meetings but retain the requirement that the full text of the ordinance be posted.

30. Section 11.4 amended by vote of citizens on April 7, 1998, to eliminate the requirement that the City pay any deficiency in special improvement district bond payment and require that any excess money collected be reimbursed to the current property owners in the district.

31. Chapter XII amended by vote of citizens on April 7, 1998, to designate the Director of Planning as the technical advisor to the Planning Commission (to be appointed by the City Manager), to make minor corrections to the text of the Chapter and to change certain language in the text so that it is gender neutral.

32. Section 3.2 amended by vote of citizens on April 2, 2002, to allow readjustment of Ward boundaries at least 90 days prior to any municipal regular election and allow the City Council to readjust the Ward boundaries, as deemed necessary, to comprise compact and contiguous territory for each ward to contain as nearly as possible an equal number of inhabitants.

33. Section 5.2(c) amended by vote of citizens on April 2, 2002, to change the position of the Clerk of the Municipal Court from a position appointed by the City Council to an employment position that falls under the Personnel Merit System.

34. Section 8.2 amended by vote of citizens on April 2, 2002, to correspond with the State statute deadline for submitting the annual budget to City Council.

35. Section 8.7-1 amended by vote of citizens on April 2, 2002, to allow City Council to approve emergency expenditures by five affirmative votes of the City Council.

36. Section 12.1 amended by vote of citizens on April 2, 2002, to allow any qualified elector of the City except a paid employee to be a member of the Planning Commission.

37. Section 15.3 amended by vote of citizens on April 2, 2002, to increase the maximum penalty permitted by Municipal Court to make them consistent with state law which is currently $1,000 and one year imprisonment.

38. Section 2.4 amended by vote of citizens on April 8, 2008 to have the City Clerk give Notice of Election in accordance with federal, state, or municipal law, whichever is applicable.

39 Section 3.5 amended by vote of citizens on April 8, 2008 to change the time period from 45 to 90 days to fill a vacancy on the City Council and change the time period from six to two months that a Council member can be continuously absent without being disqualified from office

40. Section 4.3 amended by vote of citizens on April 8, 2008 to be consistent with federal law and allow the City Council to terminate the City Manager without the option of the City Manager to force a public hearing prior to termination.

41. Section 5.4 Violations Bureau was deleted by vote of citizens on April 8, 2008.

42. Section 7.19 amended by vote of citizens on April 8, 2008 to permit an ordinance enacted by City Council to be effective unless there is a majority vote of the citizens to either amend or repeal such ordinance.

43. Chapter XII amended by vote of citizens on April 6, 2010 to be consistent with current law and provisions for subdivisions, zoning, housing, blight, the Comprehensive Plan, the Zoning Board of Appeals, and the Planning Commission; to clarify that Planning Commissioners may not hold any other position with the City whether paid or unpaid; to amend provisions regarding the City Council overruling a recommendation of the Planning Commission or Zoning Board of Appeals to allow such by majority vote of the entire Council; to add a provision that one member of the Planning Commission and one member of the Zoning Board of Appeals may be non-residents of the City provided that such members reside within the urban growth area of the City; and to make other miscellaneous changes designed to clarify and make these provisions consistent with current law and procedure.

44. Section 8.7-1 amended by vote of citizens on November 6, 2012 that the Emergency Contingency Fund be amended to provide for a ceiling of $1,000,000 to be accumulated in such fund allowing any funds exceeding $1,000,000 to be transferred to the General Fund, effective January 1, 2013.

45. Section 3.4 amended by vote of citizens on November 4, 2014 to clarify that Council

members filling partial terms and filling vacancies will not be deemed to have served a term in office for purposes of determining term limits, and further providing that in no event shall a person serve more than ten continuous years as a Council member regardless of whether they are appointed or elected.

46. Chapter 12 amended by vote of citizens on November 4, 2014 to require members of the Planning Commission and the Zoning Board of Appeals to be qualified electors residing within the City and to allow such members to hold other board or commission positions in the City.

THE CITY OF EVANS, COLORADO
CHARTER CONVENTION
CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Evans Charter Convention, duly elected by the people of Evans, Colorado, at a special election held on February 21, 1973, under the Authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Evans, do hereby certify that the foregoing of the Proposed Charter as finally approved and adopted by the members of the Convention on the 30th day of April, 1973, for submission to the people of Evans at a special election to be held on June 12, 1973.

Done in triplicate at Evans, Colorado on the 30th day of April, 1973.

GARRY G. EWING, Chairman

NELLIE DILL, Vice-Chairman

GERALD W. LOTT, Vice-Chairman

EVELYN CASTEEL, Secretary

ROBERT L. ASBURY
EUALINE BROWN
EDWARD L. BROYLES
RETHA M DORSEY
CHARLES E. ERICKSON
RICHARD C. GRAMS
MARIE JORDAN
PAUL A. KEENER

GERALD KREUTZER
JOHN JOE LOVATO
RALPH R. LYMAN
MARTHA MINNING
JOAN M. ROBERTS
RALPH SCHULTZ
WALLACE SHORT
LILLIAN G. THOMPSON

ROGER L. WOOD