

HOME RULE CHARTER

for the

CITY OF LA JUNTA, COLORADO

April 30, 1968

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HOME RULE CHARTER

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CITY OF LA JUNTA
HOME RULE CHARTER

PREFATORY SYNOPSIS

Pursuant to the adoption of Home Rule by the citizens of La Junta, Colorado on November 7, 1967, the Charter Convention members were elected at a special election on January 23, 1968, under the authority and method provided in Article XX of the Constitution of the State of Colorado.

The delegates of the Convention have viewed their task as one (1) of great responsibility. Their goals for the city government of La Junta were not confined to the present, but were set out to last for many generations. They do not, however, present a document which will stand forever, thus, there is provided a method to amend this Charter by popular election to meet these needs as they arise.

The Charter Convention drafted this document after extensive research into other city governments, and upon the advice of members of the city government of La Junta, legal counsel and authorities in various fields.

The Charter provides for the continuation of our present council-manager form of city government. The Council is composed of seven (7) members, to be elected two (2) from each of three (3) wards of the City and one (1) from the City at large. Provision is made for over-lapping terms, with a majority of the Council to be elected every two (2) years.

The Charter provides for the retention of the Board of Public Utilities Commissioners, composed of three (3) members elected by the voters and two (2) members to be appointed by the City Council.

The City Council will have all policy making and legislative power in the City. It will appoint the City Manager, City Attorney, Municipal Judge and members of advisory boards and commissions.

The direct democratic techniques of initiative and referendum and recall have been included in the Charter. Such provisions provide the means by which the people can, if necessary, directly control the policies of their city government at all times, enact or reject legislation as they see fit and remove any elected official who fails to perform his duties properly.

The Convention sincerely feels that the City of La Junta will, under this Charter, have a sound and effective government and respectfully presents this Charter to the voters of La Junta for their approval.

The proposed Charter was adopted by the electors at a special election on April 30, 1968.

PREAMBLE

We, the people of La Junta, 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 La Junta.

CHAPTER I

Name-Boundaries

1.1 Name-Boundaries.

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

CHAPTER II

Municipal Powers

2.1 Form of Government.

The municipal government provided by this Charter shall be the council-manager form of government.

2.2 Municipal Powers, Rights and Liabilities.

By the name of the City of La Junta the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City of La Junta and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said City of La Junta; may in the name of the City of La Junta, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure. The seal shall be designed with antelope engraved in the center and contain the words; "City of La Junta" and "Seal."

The City shall have all the power of local self-government and home rule and all power possible for a city to have, under the Constitution of the State of Colorado. The City shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the City. All ordinances of the City of La Junta in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provisions of this Charter or shall be amended or repealed by ordinances enacted under the authority of this Charter.

CHAPTER III

Elections

3.1 Elections.

The first election under this Charter shall be the first Tuesday after the first Monday in November, 1969. Seven (7) councilmen shall be elected as follows: two (2) councilmen shall be elected from each ward and one (1) councilman shall be elected at large. The one (1) from each ward receiving the highest number of votes shall be elected for a four-year term, and the remaining councilmen from each ward and the councilman elected at large shall be elected for a two-year term; thereafter councilmen elected from wards shall be elected for a four-year term and the councilman at large for a two-year term. Those elected shall take office at the conclusion of the transaction of any "old business" as set forth on the published agenda at the regularly scheduled Council meeting next following the election. (Amended November 7, 1989)

3.2 General Municipal Elections.

General Municipal Elections shall be held on the first Tuesday in November in odd numbered years commencing with 1971 and biennially thereafter. General Municipal Elections may also be held on the first Tuesday after the first Monday in November of even numbered years and at any other time as may be allowable by law. The terms of councilmen elected at any general municipal election held in any odd numbered calendar year shall commence at the regularly scheduled Council meeting next following the election at the conclusion of the transaction of any "old business" as set forth on the published agenda. (Amended November 7, 1989; November 8, 1994)

3.3 Special Municipal Elections.

Special Municipal Elections shall be held when called by resolution of the Council, or by ordinance, at least forty (40) days in advance of such election, or when required by this Charter or statute. The resolution calling a special election shall set forth the purpose of such election. Any councilman elected at a special municipal election shall take office at the conclusion of the transaction of any "old business" as set forth on the published agenda at the regularly scheduled Council meeting next following his election, and shall serve until the next general municipal election. (Amended November 7, 1989)

3.4 Laws Governing Elections.

Special and general municipal elections shall be governed by the Colorado Municipal Election Law, as now existing or hereafter amended or modified, and the Colorado Uniform Election Code, as now existing or hereafter amended or modified, except as otherwise provided in this Charter, by State law, or as Council may prescribe by ordinance. The Council may by ordinance establish the method for the registration of electors; the number, qualifications and compensation for election judges and clerks; and the boundaries of election precincts. The Council may by ordinance establish an election commission with such powers, duties, terms and qualifications as provided by ordinance. (Amended November 8, 1994)

3.5 Non-partisan Elections.

All special and general municipal elections for elective office of the City shall non-partisan.

3.6 Recall.

Any elected officer of the City of La Junta may be recalled from office at any time after holding office for six (6) months by the qualified electors of the City in the manner herein provided.

Procedure. The procedure hereunder to effect the recall of any elective officer shall be as follows:

A petition signed by qualified electors equal in number to twenty-five per centum (25%) of the entire ballots cast at the last preceding election for all candidates for the office which the incumbent sought to be called occupies, demanding a recall of the officer named in said petition, shall be filed in the office of the City Clerk, provided required by law to be elected to fill the office of which the person sought to be recalled is an incumbent, then the said petition shall be signed by electors equal in number to twenty-five per centum (25%) of the entire ballots cast at the last preceding election for all candidates for the office, said entire vote being divided by the number of all officers elected to such office; and such petition shall contain a general statement in not more than two hundred (200) words of the ground or grounds on which such recall is sought.

When such a petition is filed with the City Clerk, he shall notify the Council and the Council shall set a date for a recall election to be held within ninety (90) days after the filing of the petition.

The ballot upon which such proposed recall is submitted shall state the reasons set forth in the petition for demanding such recall and there shall also be printed thereon the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" Following such question shall be the words "Yes" and "No" on separate lines, with a blank space to the right of each in which the voter shall indicate, by marking a cross (X), his vote for or against, such recall.

In the event that an officer is recalled by a majority vote of those voting on the question, the office or offices shall be deemed vacant, and shall be filled as provided in this Charter for the filling of vacancies.

3.7 Implementation.

The Council shall make such additional rules and regulations as are necessary to implement the above procedure.

CHAPTER IV

Council

4.1 The Council.

The legislative affairs of the City shall be vested in a Council consisting of seven (7) councilmen all of whom shall be nominated and elected as herein provided.

4.2 Powers of Council.

The Council shall have all municipal powers, including without limitation, all powers as conferred by general law except as limited by this Charter. The Council, or a committee thereof duly authorized by it, shall have power to investigate the official acts and conduct of any officers of the City, and may compel the attendance and testimony of witnesses and the production of books and documents.

4.3 Qualifications.

Each councilman, when nominated and elected, shall be a qualified elector of the City of La Junta, a citizen of the United States for at least five (5) years, and shall have resided in the City for one (1) year immediately preceding such election. No councilman shall be a salaried employee of the City during his term of office. The Council shall be the judge of the election and qualifications of its own members.

4.4 Compensation.

The members of the Council shall receive no compensation. The mayor and councilman may, upon order of the Council, be paid such necessary bona fide expenses incurred in service on behalf of the City as are authorized and itemized.

4.5 Mayor.

The councilman-at-large shall be the mayor. The mayor pro tem shall be elected by Council at the first meeting upon taking office, and shall serve at the pleasure of the Council. The mayor shall preside at the meetings of the Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or the ordinances of the City. The mayor shall have all of the powers, rights and privileges of a Council member and shall vote in the same manner as other Council members. The mayor shall be recognized as the head of the City government for all ceremonial purposes by the courts for serving civil process and by the government for purposes of military law. In the case of a vacancy in the office of mayor, the Council shall choose the successor as provided in Section 4.6. In the event that the City Council must choose a successor as provided in Section 4.6, then that appointment shall apply to the position of councilman-at-large, but not to the position of mayor. As to unexpired term, the position of mayor shall remain unfilled and all duties of the mayor shall be performed by the mayor pro tem until the next regularly held election as provided by this Charter. In the absence of the mayor, the mayor pro tem shall perform all the duties and have all the powers of the mayor. The mayor shall be a conservator of the 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 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. Except as may be required by statute, the mayor shall exercise only such power as this Charter or the Council shall specifically confer upon him. (Amended November 7, 1989)

4.6 Vacancies.

An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns or ceases to be a resident of the City or of the ward from which he was elected, or is convicted of a felony. In case of a vacancy, the remaining councilmen shall choose by majority vote, and within thirty (30) days after such vacancy occurs, a duly qualified person to fill such vacancy. He shall serve until a successor, elected at the next ensuing special or general municipal election, whichever first occurs, has been duly qualified. If three (3) or more vacancies exist simultaneously, the remaining councilmen shall at the next regular meeting of Council, call for a special election to fill such vacancies, provided there will not be a general election within ninety (90) days.

CHAPTER V

Council Procedure

5.1 Regular Meetings.

The Council shall meet regularly on the first and third Monday of each month at an hour to be fixed from time to time by the rules and procedures of each Council. In the event a regular Council meeting shall fall on a national holiday, Council shall meet on the following Tuesday. The Council shall determine the rules of procedure governing meetings. (Amended Nov. 3, 1987)

5.2 Special Meetings.

Special meetings shall be called by the clerk on the written request of the mayor, or any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence, and by one (1) publication of notice thereof published not less than twenty-four (24) hours prior to said meeting.

5.3 Business at Special Meetings.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council are present consent thereto and all the members absent file their written consent.

5.4 Quorum/Adjournment of Meeting.

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number

may adjourn any meeting to a later time or date, and in the absence of all members the clerk may adjourn any meeting for not longer than one (1) week.

5.5 Council Acts.

The Council shall act only by ordinance, resolution or motion enacted at regular or special meetings. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. Ordinances making appropriations shall be confined to the subject of appropriation.

5.6 Voting.

The vote by "Yes" or "No" shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage; provided, however, that ordinances authorizing the borrowing of money, except where the borrowing has been authorized at an election pursuant to Section 11.3 or where the borrowing has been authorized by ordinance voted upon pursuant to the provisions of Section 5.13, shall require an affirmative vote of at least two-thirds of the members of the entire Council voting upon final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be recorded in the affirmative.

5.7 Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act 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.

5.8 Form of Ordinance.

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

Procedure. Except for an emergency ordinance, and ordinance making general codification of ordinances, or ordinances adopting standard codes, the following procedure shall be followed:

- (a) Introduction at any regular or special meeting by any member of the Council.
- (b) Reading in full or by title where copies are available to the Council and those in attendance.

- (c) Approval or rejection on first reading by a roll call vote of the Council.
- (d) If passed on first reading, it shall be published in full unless otherwise provided in this Charter.
- (e) Introduction a second time, at a regular meeting not earlier than seven (7) days after publication, for the final passage, rejection, or other action by a roll call vote of the Council. Such meeting may be the same meeting at which any public hearing on the bill is held.
- (f) An ordinance may be amended before final passage by a roll call vote of the Council.
- (g) Unless otherwise provided in this Charter, an ordinance, if amended, shall be published in full after final passage. If not amended, it shall be published either by title or in full as the Council may determine.
- (h) Any publication by reference shall contain a summary of the subject matter of the ordinance and a notice that copies of the ordinance are available at the office of the City Clerk.

5.9 Emergency Ordinances.

Emergency ordinances for the preservation of public property, health, peace, or safety shall be approved only by a two-thirds vote of the councilmen present at a regular or special meeting. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, authorizing the borrowing of money, or levying taxes or special assessments passed an emergency measure. An emergency ordinance may be introduced and finally passed at one (1) meeting. An emergency ordinance shall take effect upon passage. Publication after final passage shall be as provided in Section 5.8(g) and (h).

5.10 Codification.

Within three (3) years after the effective date of this Charter, the Council shall direct and complete the recodification of the permanent ordinances of the City and shall cause a recodification to be made at least every ten (10) years. All additions or amendments to the Code shall be adopted by ordinance, and when passed in such form as to indicate the intention to make the same a part of the municipal code, shall be deemed to be incorporated in such Code.

5.11 Codes.

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

5.12 Disposition of Ordinances.

A true copy of every ordinance as adopted by the Council shall be numbered and recorded in

the official records of the City. Its adoption and publication shall be authenticated by the signature of the mayor, or mayor pro tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the qualified electors of the City, shall be separately and successively numbered and recorded as Peoples' Ordinance No. _____.

5.13 Initiative and Referendum.

Any proposed ordinance may be submitted to the Council by petition signed by qualified electors of the City equal in number to the percentage herein required. Initiative petition accompanying the proposed ordinance signed by qualified electors of the City equal in number to 15% of the total vote cast in the last general municipal election, shall be filed with the City Clerk at least sixty (60) days prior to any general or special municipal election, and shall contain a request that said proposed ordinance be submitted to a vote of the people if not passed by the Council. The Council shall within thirty (30) days after the attachment of the clerk's certificate of sufficiency to the accompanying petition either (a) pass said ordinance without alteration, or (b) call a special election, unless a general municipal election is fixed within ninety (90) days thereafter, and at such special or general municipal election, said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

An initiated ordinance shall be published in like manner as other proposed ordinances. The ballot upon which such proposed ordinance is submitted shall state briefly the nature and it shall contain the words "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." If a majority of the qualified electors voting thereon shall vote in favor thereof, the same shall thereupon without further publication become an ordinance of the City.

The referendum shall apply to all ordinances passed by the Council, except ordinances fixing the rate of taxation on property each year for municipal purposes, making the annual appropriation, calling a special election, authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, emergency ordinances and ordinances to meet contractual obligations of the City. If, at any time within thirty (30) days after the final passage of an ordinance to which the referendum is applicable, a petition signed by qualified electors equal in amount to at least ten percent of the total vote cast in the last general municipal election to be presented to the Council protesting against the going into effect of any ordinance, the same shall thereupon be suspended and the Council shall reconsider such ordinance; and if the same be not entirely repealed shall submit the same to a vote of the qualified electors of the City in a manner as provided in respect to the initiative at the next general municipal election, or at a special election called therefor. If a majority of the qualified electors vote in favor of such ordinances, it shall go into effect without further publication. The Council, on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to a vote of the people in a manner as in this Charter provided. If provisions of two (2) or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

Within ten (10) days from the filing of any initiative or referendum petition, the City Clerk shall ascertain whether the petition is signed by the requisite number of qualified electors, and if sufficient, shall attach thereto his certificate of sufficiency showing the result of such examination. If the petition is insufficient, he shall forthwith in writing notify one (1) or more of

the persons designated as filing the same on the petition. The petition may then be amended within ten (10) days from the filing of the certificate. The City Clerk within five (5) days after such amendment, shall make the examination of the amended petition and attach thereto his certificate of the result. If still insufficient, he shall return the petition to one (1) of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same purpose, but such petition shall not be refiled within one (1) year after return by the clerk.

An ordinance adopted by the electorate may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six (6) months after the date of the election at which it was repealed, provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electorate by the Council on its own motion.

The Council shall make such additional rules and regulations as necessary to implement these provisions.

CHAPTER VI

Manager

6.1 Manager.

The Council shall, within a reasonable time, whenever a vacancy occurs, upon a vote of the majority of the entire Council, appoint a manager who shall be the chief executive and administrative officer of the City. Such appointment shall be without definite term at a salary to be fixed by the Council. The Manager shall be chosen by the Council on the basis of his education, executive and administrative qualifications with particular emphasis on actual experience and knowledge of the accepted practice in respect to the duties of the office. At the time of his appointment, the Manager need not be a resident of the City or State, but during his tenure of office he shall reside within the City. No councilman shall be appointed Manager during or within one (1) year after the termination of his term as a member of the Council.

6.2 Absence of Manager.

To perform his duties during his temporary absence or disability, the Manager shall designate by letter filed with the City Clerk, a qualified administrative City employee. In the event of failure of the Manager to make such a designation, the Council may by resolution appoint a qualified administrative City employee or other person to perform the duties of the Manager until he shall return or his disability shall cease.

6.3 Powers and Duties.

The Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty and be required to: (a) be responsible for the enforcement of the laws and ordinances of the City; (b) appoint,

suspend, transfer and remove all employees of the City, except as otherwise provided herein, subject to the personnel regulations of the City adopted by the Council; (c) make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform; (d) prepare a proposed budget annually and submit it to Council, and be responsible for the administration of the budget after its adoption; (e) prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year and upon request of the Council make written or verbal reports at any time concerning the affairs of the City under his supervision; (f) keep the Council advised of the financial condition and future needs of the City and make such recommendations to the Council for adoption as he may deem necessary or expedient; (g) exercise supervision and control over all executive and administrative departments and recommend to Council any proposal he thinks advisable to establish, consolidate or abolish administrative departments; (h) be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same; (i) attend Council meetings and participate in discussions with the Council in an advisory capacity; (j) inform the public as directed by the Council concerning plans and activities of the Council and of the City administration; (k) establish a system of accounting and auditing for the City which shall reflect the financial condition and financial operation of the City, and establish cost accounting systems whenever practicable; (l) provide for engineering, architectural, maintenance, construction, work, equipment and services required by the City; and (m) perform such other duties as may be prescribed by this Charter or by ordinance, or required of him by Council and not inconsistent with this Charter.

6.4 Removal of.

The Council at its pleasure at a regular meeting or a special meeting, may, upon a vote of the majority of the entire Council, remove the Manager from office.

6.5 Council Not to Interfere.

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, employment by the Manager, or in any manner take part in the appointment or removal of employees in the administrative service of the City, except as otherwise provided in this Charter. The Council and its members except for the purpose of inquiry, shall deal with that portion of the administrative service for which the Manager is responsible, solely through the Manager, and neither the Council nor any member thereof shall give orders privately to any employee of the City either publicly or privately. Any violation of the provisions of this section by a member of the Council shall constitute misconduct and shall be punishable in such manner as may be in the discretion of the other members of the Council.

6.6 City Clerk.

The Manager shall appoint a City Clerk, who shall be custodian of the City Seal. The clerk shall keep a journal of Council proceedings, record all ordinances, motions and resolutions in full and shall perform such other duties as required by this Charter, the Council and the Manager.

6.7 City Treasurer.

The Manager shall appoint a City Treasurer. The Treasurer shall: have the custody of all monies of the City and all evidences of indebtedness belonging to the City or held in trust by the City; collect all monies of the City, the collection of which is not provided for elsewhere by Charter or ordinance; 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 and employees, including fines, license fees, taxes, assessments and all other charges; keep and deposit all monies or funds in such manner and in such places as the Council may determine and shall report the same in detail to the City Manager; disburse all City funds in accordance with the provisions of this Charter and procedures to be established by the Council; may, as directed by the Council, be in charge of investing any and all surplus City funds including surplus utility funds established by the Utilities Board; and perform such other duties as may be prescribed by this Charter, the Council or the City Manager. The same person may serve as City Treasurer and City Clerk.

6.8 Bonding of Employees.

Before any officer or employee of the City who handles City funds or substantial inventories of materials and supplies shall be permitted to enter upon the duties of his office or employment, he shall obtain and file with the City Clerk, a fidelity bond in an amount to be fixed by the Council, at the expense of the City.

CHAPTER VII

Personnel Merit System

7.1 Personnel Merit System.

Council may by ordinance, 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 for appointments, promotions and other personnel actions based on merit principle.
- (e) Continuity of employment based on behavior, performance or work and necessity for performance of work.

7.2 Administration of.

The Manager shall administer the system with fairness to all and in a manner designed to stimulate high morale of the employees. Subject to the provisions of Section 7.4, 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.

All employees of the City shall be included within the provisions of the merit system, except the 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.

7.3 Employees Included.

Council may appoint a personnel merit appeals board consisting of three (3) members who shall be taxpaying electors of the City and serve without compensation. No member of the board shall hold other elective or appointive office or be a salaried City employee during his tenure.

7.4 Appeals Board.

(a) An aggrieved employee may appeal any action relating to suspension, dismissal, or demotion, by filing within thirty (30) days from such aggrieved action a written request with the Manager. The board shall investigate and hear all appeals of aggrieved employees covered under the merit system.

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

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

7.5 Implementation.

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

CHAPTER VIII

Legal and Judiciary

8.1 City Attorney.

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

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

8.2 Judiciary.

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

CHAPTER IX

Boards and Commissions

9.1 Council May Provide.

Council shall have the power and authority to create boards and commissions: (a) as may be required by statute; (b) advisory; (c) fact-finding; (d) appeal. Advisory boards may be created by resolution and all other boards shall be created by ordinance. The ordinance shall set forth the powers and duties delegated. Boards and commissions created under this chapter which are not required by statute, or otherwise provided for in the Charter, may be abolished as Council deems advisable.

CHAPTER X

Budget Control and Financing

10.1 Fiscal Year.

The fiscal year of the City shall begin on the first day of January, and end on the 31st day of December each year.

10.2 Budget Procedure.

The Manager shall prepare and submit to the Council on or before the twelfth of September each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

(a) Detailed estimates with his supporting explanation of all proposed expenditures for legal and judiciary, for each department, office and agency of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to the first day of the month immediately preceding the date of submission of the budget to the Council 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 all 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 estimated revenues for the current fiscal year;

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

(e) An estimate of revenues necessary to meet proposed expenditures;

(f) As a part of the budget message, the Manager shall present a program of proposed capital improvement projects and shall recommend to Council those projects to be undertaken during the ensuing year or years and the method of financing same;

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

10.3 Public Hearing.

A public hearing on the proposed budget shall be held by the Council on a date prior to October 15th. Notice of the time and place of such hearing shall be published one (1) time at least ten (10) days prior to the hearing, and copies of the proposed budget shall be on file for public inspection at the office of the City Clerk during normal office hours.

Prior to adoption of the final budget, the Council may insert new items of expenditure or may increase, decrease or strike out items of expenditures, except that no item budgeted for debt service shall be reduced. If Council shall decrease the total proposed expenditures, such decrease shall be reflected in the full proposed revenue. If Council shall increase the total proposed expenditures, such increase shall be reflected in the tax levy or by appropriate changes in other revenues.

10.4 Adoption of Budget and Appropriation.

Not less than sixty (60) days prior to the first day of the next fiscal year, Council shall adopt the budget by resolution, and pass on first reading an ordinance for the annual appropriation.

10.5 Public Record.

The budget, the Manager's report provided in Section 10.9, the audit report provided in Section 10.10, and the minutes of all Council meetings including motions, resolutions, ordinances

and the vote thereon shall be a public record in the office of the City Clerk and shall be open to public inspection during normal business hours.

10.6 Certification of Tax Levy.

Not later than October 31st, or such date as may be required by state law, the Council shall fix the amount of tax levy which shall be assessed upon each dollar of assessed valuation of all taxable property within the corporate limits of the City, and shall cause the same to be certified to the county as required by law. If Council shall fail in any year to make such levy as above provided, the rate last fixed shall be the rate of the ensuing fiscal year, which rate shall be levied as by law provided.

10.7 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 for the City as of such general taxes except as modified by this 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.

10.8 Capital Improvements Fund.

The Council may establish a fund to be known as the capital improvements fund for the purpose of paying the cost of capital improvements. The Council shall have power to define the rules and regulations pertaining to such fund by ordinance, and shall have power to transfer from time to time moneys from the general fund to the capital improvements fund. Appropriations for construction and other permanent improvements from the capital improvements fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; encumbered balances from projects accomplished or abandoned shall be used for payment of any outstanding bond indebtedness of the City, or if none, to any other fund. Any unappropriated or unencumbered balance in the capital improvements fund may be transferred by the Council to any fund, or used to pay outstanding bonded indebtedness of to City. The Council shall also have power to transfer, from time to time, any portion of the general fund surplus not otherwise appropriated, to the capital improvements fund.

10.9 Budget Control.

(a) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Manager shall submit to the Council data showing the relation between the estimated and/or actual revenue and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to avoid expenditures exceeding revenues.

(b) The Council, subject to the limitations imposed by powers vested in the Board of Public Utilities Commission and Library Board, may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the City, but such additional expenses shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as anticipated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety, and may by resolution transfer any unencumbered appropriation balance or any portion thereof from one (1) account, department, office, fund or agency to another in accordance with recommendations of the Manager.

10.10 Audit.

The Council shall provide for an independent annual audit of all City accounts, and more frequent audits as may be determined necessary by the Council. Such audits shall be made by a certified public accountant or firm of certified public accountants, selected by the Council.

10.11 No Liability Without Appropriation.

Except to satisfy principal and interest obligations incurred pursuant to Article XI and except as herein otherwise specifically provided, the City expenditures in any one (1) year shall not be increased over and above the amount provided in the annual appropriation ordinance, and no contract involving the expenditure for any improvement to be paid out of the general or special funds of the City or defraying the expenses and liabilities of the City shall exceed, in any one (1) year, the amount provided in the annual appropriation ordinance to be paid out of the said general and special funds so appropriated and set apart, but the said several funds shall be maintained for, used and devoted to the particular purposes specified in the annual appropriation ordinance.

10.12 Taxation.

No City income tax or City occupational tax shall hereafter be levied except by vote of the taxpaying electors of the City.

CHAPTER XI

Municipal Borrowing

11.1 Forms of Borrowing.

The City may borrow money and issue the following securities to evidence such borrowing:

Short term notes;

General obligation bonds and other like securities;

Revenue bonds and other like securities; and Local improvement bonds and other like securities.

11.2 Short-term Notes.

The municipal government upon the affirmative vote of four (4) members of the City Council, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other 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 11.3 "General Obligation Bonds," of this Chapter.

11.3 General Obligation Bonds.

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 taxpaying electors and approved by a majority of those voting on the question (except as provided in Sections 11.6, 11.9 and 11.10); provided that such securities issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system, or any combination of such purposes, may be so issued without an election.

11.4 Limitation on Indebtedness.

The aggregate amount of bonds or other evidences of indebtedness shall not exceed ten percent (10%) of the assessed 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, securities outstanding or authorized to be issued pursuant to Section 11.5, Section 11.6, Section 11.9 or Section 11.11 of this Chapter. (Amended Nov. 5, 1991)

11.5 Revenue Securities.

The City, pursuant to an ordinance, may borrow money and issue securities made payable solely from any revenues other than the proceeds of the general ad valorem property tax, or any combination of such revenues. No election shall be necessary to authorize the securities unless a petition requesting that an election be held is filed with the City Clerk within twenty (20) days of the date of publication of the ordinance authorizing the issuance of securities, and signed by qualified voters at least equal in number to ten percent of the votes cast at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Chapter V of this Charter and all laws thereunto enabling, the City Council shall submit the question of issuing such securities to the qualified voters at the next general municipal election, or at a special election called for that or any other purpose. In the event a petition is so filed, the securities shall not be issued unless approved by a majority of the qualified voters voting on the question. Revenue securities shall be excluded for purposes of computing outstanding indebtedness within the limitations of Section 11.4. (Amended Nov. 5, 1991)

11.6 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 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 bonds or other refunding revenue securities shall be payable solely from revenues other than the proceeds of the general ad valorem property tax. Refunding bonds shall not extend beyond the period of usefulness estimated at the time of financing, and in no case for a longer term than thirty (30) years from the date thereof. (Amended Nov. 5, 1991)

11.7 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 forty (40) years from the date thereof.

11.8 Bonds, Interest, Sale.

General obligation or revenue bonds or other securities may be sold at public or private sale, at, above, or below par, and on such terms as the Council may by ordinance determine. (Amended Nov. 5, 1991)

11.9 Local Improvements.

The power to create local improvement districts to assess the cost of the construction of public improvements of a local and municipal character or any part thereof against benefited property therein, and to issue local improvement bonds or warrants, is vested in the City Council without the necessity of an election upon petition. The cost of that part of local improvement which is of special benefit to particular real property shall be assessed against the real property so benefited. The procedure governing the creation of local improvement districts, the assessment of cost against the benefited property and the issuance of local improvement bonds or warrants shall be governed by general law relating to local improvements in cities and towns, unless prior to the initiation thereof the City Council by ordinance has prescribed a different procedure therefor, and except insofar as general law has been superseded by this Charter or by ordinance. The City Council may prescribe the procedure to be followed in the construction of local improvements. (Amended Nov. 5, 1991)

11.10 Surplus and Deficiency Fund.

Where all outstanding bonds or warrants have been paid in a local improvement district and any money remains to the credit of the district, it shall be transferred to a special surplus and deficiency fund, and whenever there is a deficiency in any improvement district to meet the payment of outstanding bonds or warrants, the deficiency shall be paid out of the fund.

11.11 Long Term Rentals and Leaseholds.

In order to provide necessary lands, 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 or acquire title to such leased or rented property within a period not exceeding the useful life of such property, and in no case exceeding forty (40) years. No election shall be necessary to authorize such lease, nor shall the obligation to pay such rentals be taken into consideration in determining debt limitation pursuant to Section 11.4.

CHAPTER XII

Utilities and Franchises

12.1 Powers.

The City and Board of Public Utilities Commissioners, in this Chapter referred to as "Utilities Board," 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 the Statutes of the State of Colorado. The right of the City and Utilities Board to construct, purchase, or condemn any public utility, work or way, is expressly reserved.

12.2 Water Rights.

The City and Utilities Board shall have the power to acquire, own and control water, water wells, water rights and to exchange water and water rights owned by it for water and water rights owned by other municipalities or quasi-municipal corporations or by other persons, and to purchase, obtain or acquire water, water wells and facilities 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.

12.3 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.

12.4 Rates.

The Utilities Board shall establish rates for services provided by City-owned utilities.

12.5 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 coextensive with the terms thereof, without a vote of

the qualified taxpaying electors.

12.6 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.

12.7 Revocable Licenses.

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.

12.8 Revocable Permits.

Council may grant permits for the temporary use or occupation 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.

12.9 Term, Compensation and Restriction.

No franchise shall be granted for a period longer than twenty (20) 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. For the purposes of this Charter any permit or license granted for cable television shall not be deemed to be a public utility. 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 the occupancy tax, license tax, 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 therefor be made to the City, and consent given by the Council by ordinance, with such change of conditions or terms as they may deem necessary. Council reserves the right to deny any assignment of franchise.

12.10 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 assignees. The record shall be a complete history of all 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.

12.11 Public Utility Franchises and Renewals.

Public utility franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance and no franchise shall be granted except upon the vote of the taxpaying electors. No exclusive franchise shall be granted. No franchise election shall be held until the applicant deposits the cost thereof with the City Manager in an amount determined by said City Manager. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the clerk his unconditional acceptance of all terms of such franchise.

12.12 Existing Franchises.

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.

12.13 Utilities Board.

(a) Creation of Utilities Board. There shall be and hereby is created a Board of Public Utilities (herein called Utilities Board) of five (5) members. The membership of the Utilities Board shall consist of the mayor, one (1) councilman appointed by the Council, and three (3) citizen members elected by the qualified electors of the City for a term of six (6) years to succeed the member whose present or future term of office expires at that time. The mayor and one (1) councilman appointed to the Utilities Board shall serve during the terms of their office. All citizen members serving on the Utilities Board shall continue to serve on the Utilities Board for their unexpired terms.

(b) Vacancies. Vacancies (for positions other than those occupied by councilman at large) shall occur when any of the members dies, moves from the City, or becomes incapacitated. In case other vacancy occurs in the office of one (1) of the members elected to office by the qualified electors of the City, a majority of the remaining members of the board shall appoint a successor from the duly qualified electors of the City to fill the vacancy and serve for the balance of the term. In case the vacancy occurs in the office of the members elected by the Council, the Council, by a majority vote of the total membership thereof, shall elect one (1) of its members to fill the vacancy so occurring and to serve the balance of the term.

(c) Organization of Board. The Utilities Board shall annually elect from its citizen members, a chairman and from its members a vice-chairman to serve for a term of one (1) year. The members of the Utilities Board, including the mayor and council member of the Board, shall be reimbursed for such expense as shall be provided for as separate items in the annual Utilities Department budget.

(d) General Powers. Subject to the limitations contained in this Charter, the Board shall have and exercise the following powers of the City of La Junta granted by the Constitution and laws of the State of Colorado: To fix the rates charged for services rendered by any public utility operated by the City. All such rates shall be uniform as far as practicable and as low as good service will permit, after making adequate provisions for depreciation of the utility and after

making similar provisions for the payment of the principal or any interest on any bonds which are payable, in whole or in part, from the revenues of such utility, in accordance with the ordinances authorizing the issuance of such bonds. To provide for all utility so as to insure its efficient operation, the costs of all such extensions and betterments to be paid from the revenues derived from the operation of the utility; provided, that no extensions or betterments to any such utility shall be made except in accordance with the terms of the ordinances, if any, authorizing the issuance of bonds payable, wholly or in part, from the revenues derived from the operation of such utility. To purchase and lease all supplies and equipment necessary or proper for the efficient and economical operation of any public utility owned and operated by the City. To sell and dispose of all equipment and supplies not used or fully usable in connection with the operation of any such public utility; and provided further, that such sale or disposal shall be made only in accordance with the terms and provisions of any ordinances authorizing the issuance of bonds payable, in whole or in part, from the revenues of such utility; and provided further, that neither the Council nor the Board shall have power to mortgage, pledge, or otherwise encumber such utility or any part thereof but the Council may pledge the net revenue derived from the operation thereof to the payment of revenue bonds. To determine and by resolution establish the policy or policies of utilities owned by the City. Upon all matters and things referred to in this article requiring approval of the Council, the Board of Public Utilities Commissioners shall act in an advisory capacity to the Council.

(e) **Manager.** The City Manager shall be the operating manager of any utilities owned or acquired by the City.

(f) **Rates and Charges.** All utility rates shall be sufficient in amount to provide good service to the customers, to pay all bonded indebtedness, to pay refunds to developers, to cover the cost of operation, maintenance, additions, extensions, betterments and a reasonable return on the City's investment in utility properties to the City annually or a sum equivalent to a franchise tax on revenues collected within the City limits on such amounts as the Council and Utilities Board shall from year to year determine.

(g) **Budget.** The Utilities Board shall annually cause a budget to be prepared in accordance with the requirements of a departmental budget as set out in this Charter, which budget after approval by the Utilities Board shall be submitted to the City Manager for inclusion in the City Budget. The Utilities budget shall be subject to modification, reduction, or increase as may be determined by the Council following the budget hearing.

(h) **Limitation on Expenditures.** The Utilities Board shall not authorize or permit expenditures in excess of the amounts authorized in the approved utilities budget, except as requested by the Utilities Board and approved by the Council. (Amended November 7, 1989)

12.14 Abolishing the Board.

The Council shall not have the power to abolish the Utilities Board.

CHAPTER XIII

Reserved

CHAPTER XIV

General Provisions

14.1 Eminent Domain.

The City shall have the right of eminent domain.

14.2 Restriction on Sale of Park Property.

Real property owned, purchased, or granted for use and used by the City for park purposes shall not be sold or conveyed without a majority vote of the qualified electors voting on the question.

14.3 Conveyances.

All conveyances of interest in land by the City shall be signed by the mayor, or mayor pro tem, or a commissioner duly appointed by the City Council to convey, and attested by the City Clerk under the Seal of the City.

14.4 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 one hundred eighty (180) 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. (Amended Nov. 7, 1989)

14.5 Co-operative Contracts.

The Council may, by ordinance, enter into contracts or agreement with other governmental units or persons for the joint use of buildings, equipment or facilities, or for furnishing or receiving commodities or services.

14.6 Bequests, Gifts or Donations.

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

gift, bequest or trust, or Council may delegate such power to persons as may be deemed advisable. Charitable property shall include but not be limited to hospitals, nursing homes and like properties.

14.7 Continuity of Government.

The Council shall have the power to provide for continuity of government of the City of La Junta in the event of natural or enemy caused disaster. Such power shall be employed in a manner which will preserve representative government in the City, and which will provide an orderly line of succession of officers notwithstanding the provisions of this Charter.

14.8 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 judgment 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.

14.9 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 (1) Charter amendment at any one (1) election. If there is any conflict or inconsistency between amendments voted upon at the same election and more than one (1) be adopted, then the amendment receiving the largest number of votes shall prevail.

14.10 Chapter Titles and Sub-headings.

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.

14.11 Construction of Words.

Words used in this Charter importing singular or plural number shall be construed so that one (1) number includes both; words importing masculine gender shall be construed to apply to feminine gender as well; and the word person shall be extended to include persons, firms and corporations; provided, that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction, or where subject matter or content is contrary thereto.

14.12 Definitions.

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

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

(b) 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.

(c) City. The City of La Junta, Colorado, a municipal corporation.

(d) Council. The City Council of the City of La Junta.

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

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

(g) General Election. The municipal election held every two (2) years at which candidates for elective offices of the City are voted upon.

(h) May. Construed as permissive.

(i) Officer. Any person who is elected to office or appointed by Council, including appointees to boards and commissions.

(j) 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 subdivision, state agency, singular or plural of each.

(k) Publication. Publication in any legal newspaper having a general circulation in the City.

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

(m) Qualified Taxpaying Elector. Any qualified elector who in the twelve months last preceding the election at which the vote is offered shall have paid a property tax on property in the City of La Junta.

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

(o) Shall. Construed as mandatory.

(p) 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 XV

Transitional Period

15.1 Status of Transitional Provision.

The purpose of this article is to provide for an orderly transition from the present City government to a Home Rule Government under the provisions of this Charter. This article shall constitute a part of this Charter during the transition period.

15.2 Transition Period.

The period from the effective date of this Charter to November 18, 1969, shall be known as the "transition period." During this period all officers and employees shall continue as such, except as otherwise provided in this Charter and shall proceed with due diligence to put into effect the provisions of this Charter. During the transition period the Council shall designate by resolution any provisions of the Charter not to be operative and shall fix the dates on which such provision becomes operative. The State statutes shall be in effect as to inoperative provisions until such provisions become operative.

15.3 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 continue to serve and carry out the functions, powers and duties of their offices until November 18, 1969.

15.4 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 effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective by-law, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

15.5 Local Improvements.

Local improvements not completed on the effective date of this Charter shall be governed until completed by the ordinance under which they were commenced.

15.6 Present Appointed Board and Commission Members to Continue in Office.

The present appointed members of boards and commissions of the City shall continue to serve and carry out the functions, powers and duties as such until expiration of their respective terms and the appointment of their successors.

15.7 Saving Clause.

This Charter shall not affect any suit or action pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing

contracts between the City of La Junta and individuals, corporations or public agencies.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the La Junta Charter Convention, duly elected by the people of La Junta, Colorado at a special election held January 23, 1968, under authorization of Article XX, Constitution of the State of Colorado, to frame a Home Rule Charter for the City of La Junta, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by members of the Convention on the 29th day of February, 1968, for submission to the people of La Junta at a special election to be held April 30, 1968.

Done in triplicate at La Junta, Colorado, this 29th day of February, 1968.

/s/ John R. Stewart
Chairman and President

/s/ Majorie Allen White
Secretary

/s/ Jack S. Marshall
Vice President

/s/ Dorothy Allen

/s/ George Benschmidt

/s/ Spencer Burtis

/s/ Al Burtis

/s/ Peggy B. Davidson

/s/ James J. Driscoll Jr.

/s/ Edward L. Garlington

/s/ Elmer A. Holbrook

/s/ Carl Hedlund

/s/ David Lance

/s/ James H. MacDonald

/s/ Jay W. Miller

/s/ W. L. McDivitt

/s/ Winifred McKenzie

/s/ Robert Rollins

/s/ Ed Stark

/s/ Robert M. Travis

/s/ Ralph N. Wadleigh

State of Colorado)
) ss.
County of Otero)

Subscribed and sworn to before me this 29th day of February, 1968.

My commission expires June 15, 1970.

(Seal)

/s/ Michael De Lorenzo
Notary Public