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## CHAPTER 2.04

### City Council

#### **2.04.010 Established; authority.**

(a) The City Council shall consist of the Mayor and City Council persons. Two (2) Council persons shall be elected from each of the three (3) wards of the City and one (1) from the City at large.

(b) The corporate authority of the City is by law vested in the City Council. The Council shall be the body of final responsibility in all matters affecting the City and shall have all powers and be subject to responsibilities and limitations, which may be granted or imposed by law. (Ord. 1081 §§11, 12, 1992; Ord. 1022, 1990; prior code §2-1)

#### **2.04.020 Joint conference committee of City Council and Board of Public Utilities Commissioners.**

(a) Whenever a dispute arises between the City Council and the Board of Utility Commissioners concerning the recommendations of the Utility Board as to budgetary considerations, but excepting utility rate issues, as perceived by either the City Council or the Board of Utility Commissioners, either entity may request a meeting with the other entity.

(b) Should the City Council fail to adopt the Utility Board's proposed fund authorizing resolution typically considered by the City Council for incorporation into the budgetary process, and where the City Council shall not adopt the Utility Board's proposed fund authorizing resolution as relates to any Utility Board funds (water, sewer, sanitation and electricity), then the City Council shall refrain from taking any further action for fifteen (15) calendar days to afford the Board of Utility Commissioners to request a meeting as contemplated herein.

(c) When either entity requests a meeting pursuant to Subsection (a) or (b) above (hereinafter referred to as *Requesting Board*), the request shall be in writing and must be made in open session of the entity requesting the meeting.

(d) Thereafter, the Requesting Board shall deliver to the other entity (hereinafter referred to as *Receiving Board*) the written request for the conference.

(e) The Requesting Entity must place in writing, at the time of request, the issue to be discussed, as well as the position of the Requesting Board.

(f) Thereafter, the Receiving Board shall acknowledge receipt of the request at its next regularly scheduled meeting.

(g) The Requesting Board and Receiving Board shall jointly schedule a joint meeting of both entities, which must occur within fifteen (15) days.

(h) At the meeting, the discussions shall be made on an informal basis and there shall be no formal actions taken. The meeting shall be in the form of a work session.

- (i) The entities may either accept or reject the proposal from this joint conference committee.
- (j) After discussion concerning the positions of the Requesting Board and the Receiving Board, the recommendations shall be returned to the respective entities for action as that respective entity may deem appropriate. (Ord. 1466 §1, 2008)

## **CHAPTER 2.08**

### **City Manager**

#### **2.08.010 Duties.**

(a) The City Manager shall be the Chief Administrative Officer of the City and shall be responsible solely to the City Council for all affairs placed in his or her charge. He or she shall have all the rights and authority, be subject to all responsibilities and have the duties which may be granted or imposed by law or by the City Council.

(b) The City Manager is granted the authority to establish such methods of handling details of administration as will, in his or her opinion, best promote efficiency in the City government. (Prior code §2-2)

#### **2.08.020 Supervision of City departments.**

(a) All departments of the City, except the City Attorney and the Municipal Judge, shall be under the control and supervision of the City Manager.

(b) The City Attorney and police magistrate shall be under the supervision of the City Council and shall perform such duties as are imposed by law or ordinance or assigned by the City Council. (Ord. 1114 §§4, 5, 1994; Ord. 1081 §§13, 14, 1992; prior code §2-3)

## **CHAPTER 2.12**

### **City Attorney**

#### **2.12.010 Duties.**

The City Attorney shall attend all regular and special meetings of the City Council and shall give his or her opinion upon all legal questions submitted to him or her by the Council. He or she shall advise all City officers and committees of the Council, when requested, upon all questions of law pertaining to the official duties of such officer or committee. He or she shall draft all ordinances, contracts, leases, conveyances and all instruments of writing required of him or her by the City Council. He or she shall have the right to be heard upon all questions before the City Council, when the legality of any such proposed action shall be called in question. He or she shall have the control of all litigation in which the City may be interested as a party thereto or otherwise, and to that end shall appear in the higher court when required, subject to the general direction of the City Council. In addition to his or her regular salary, for his or her services in courts of record and such other services

as he or she shall render, which are not enumerated or contemplated in this Section, he or she shall receive such additional compensations as the City Council shall determine. (Prior code §2-9)

## **CHAPTER 2.16**

### **City Departments**

#### **2.16.010 Created.**

There are created the following departments of the City, each of which shall be headed by a director:

(1) The Department of Finance and Accounting, which shall be directed by the City Treasurer and Director of Finance. The City Treasurer/Director of Finance, as head of the Department of Finance and Accounting, shall keep and supervise all accounts and have custody of all public money of the City; apportion and collect special assessments; issue licenses and collect the proper fees therefor; and perform such other duties as may be assigned by law, this Code or other City ordinance or the City Manager.

(2) The Department of the City Clerk shall be directed by the City Clerk. The City Clerk shall be clerk of the City Council and Board of Utilities Commissioners; make and keep a journal of proceedings of the Council and Board of Utilities Commissioners; have custody of all public records of the City not specifically entrusted to any other office and perform such other duties as may be assigned by law, this Code or other City ordinance or the City Manager.

(3) The Police Department, which shall be under the charge of the Director of Public Safety. The duties of such department shall be those assigned by law, this Code, other City ordinances or by the City Manager.

(4) The Fire Department, which shall be under the charge of the Director of Public Safety. The duties of such department shall be those assigned by law, this Code, other City ordinances or by the City Manager.

(5) The Department of Public Works, which shall be under the charge of the City Manager. Such department shall consist of the following bureaus, which are hereby created, and each of which shall be under the immediate control of a supervisor:

a. Engineering and Inspection Bureau. The bureau shall consist of an engineering and planning section, the functions of which shall include planning and designing additions to City facilities and drafting specifications for equipment and materials, and a control section, the functions of which shall include the inspection and control of planning and zoning ordinances, building, plumbing, gas and electrical ordinances and all City services, whether furnished by the City or private utilities or others, including but not limited to the following:

1. Pavements, including driveways, curbing, gutters and sidewalks;
2. Sanitary and storm sewers;

3. Gas, water and electrical systems and appliances.

b. Street Maintenance and Repair Bureau. The functions of the bureau shall include street, alley and sewer construction, maintenance and repair.

c. Park and Cemetery Bureau. The functions of the bureau shall consist of park and cemetery construction and maintenance.

d. Sanitation Bureau. The functions of the bureau shall include the disposal and collection of garbage and refuse and sanitary sewage disposal and, in general, the enforcement, with the assistance of the Police Department, of all matters relating to the public health of the City.

e. Equipment Maintenance Bureau. The functions of the bureau shall include the maintenance and repair of all City tools and vehicular and construction equipment.

f. Airport Bureau. The functions of the bureau shall include management, operation and maintenance of a municipal airport. (Ord. 1364 §§A—D, 2003; Ord. 948 §1, 1987; prior code §2-4)

**2.16.020 Supervision.**

All of the departments created in Section 2.16.010 shall be under the direct control and supervision of the City Manager and shall be responsible to him or her. In addition to the functions and duties therein described for them, they shall perform such duties as are assigned by law, this Code or other City ordinance or the City Manager, and in general the administrative organization of the City shall be as outlined by an organizational chart on file with the City Clerk. (Prior code §2-5)

**2.16.030 Deputy department heads.**

The City Manager is granted authority to appoint deputies to the department heads designated in Section 2.16.010. Such deputies shall have the authority given their superior in the event any or all of the directors of departments shall be absent or are unable to act for any reason. (Prior code §2-6)

**2.16.040 Bonds.**

All officers and employees of the City who, in the opinion of the City Manager, should be bonded for the protection of the City, shall be bonded in such amounts as the City Manager shall recommend to the City Council. The costs of any such bonds shall be borne by the City. (Prior code §2-7)

**2.16.050 Board of Public Utilities Commissioners and Board of Trustees of Woodruff Memorial Library.**

The Board of Public Utilities Commissioners of the City, and the Board of Trustees of the Woodruff Memorial Library shall continue to exist and shall exercise all of the powers, and be possessed of all duties and responsibilities, respectively, with which they have been charged. (Prior code §2-8)

**2.16.060 Purchasing.**

All purchases of material, supplies and equipment of every kind and character for City departments which are subordinate to the City Manager shall be made by the officer designated as City Purchasing Agent and shall be made in the manner required by the City Manager. (Prior code §2-10)

**CHAPTER 2.20**

**Planning Commission**

**2.20.010 Created.**

A Planning Commission is created for the City. (Prior code §2-13)

**2.20.020 Composition.**

The Planning Commission shall consist of seven (7) members selected as follows: four (4) ex officio members consisting of the Mayor, one (1) administrative official selected by the Mayor, one (1) member of the City Council selected by the Mayor and one (1) member of the City Council to be selected by the City Council; and three (3) members to be appointed by the Mayor. All members shall be bona fide residents of the City and appointed members shall hold no other municipal office; except that one (1) of such members may be a member of the Zoning Board of Adjustment or Appeals. All members shall serve without compensation. (Ord. 584 §1, 1967; prior code §2-14)

**2.20.030 Term of office.**

The terms of ex officio members shall correspond to their official tenures; except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor appointing him or her. The term of each appointed member shall be six (6) years or until his or her successor is appointed; except that the terms of one-third ( $\frac{1}{3}$ ) of the members first appointed shall be two (2) years, one-third ( $\frac{1}{3}$ ) four (4) years and one-third ( $\frac{1}{3}$ ) six (6) years. (Prior code §2-15)

**2.20.040 Powers and duties.**

The duties of the Planning Commission shall be such as are prescribed by the laws of the State. In carrying out such duties, the Commission shall follow the procedure outlined by the laws of the State. (Prior code §2-16)

## CHAPTER 2.24

### Board of Public Utilities Commissioners

#### 2.24.010 Created.

There is created a nonpolitical Board of Public Utilities Commissioners, consisting of five (5) members, to have complete charge and control of formulating policy for any utilities owned by the City. (Prior code §2-17)

#### 2.24.030 Filling vacancies.

The Commissioners shall serve as members of the Board of Public Utilities Commissioners without compensation. Each member shall serve until his or her successor is duly elected and qualified. (Ord. 1081 §§16, 17, 1992; prior code §2-19)

#### 2.24.040 Meetings; officers.

The Board of Public Utilities Commissioners shall hold one (1) regular meeting each month at such time and place as it may provide by resolution. The chairman of the Board shall have the privilege of voting on all questions that may come before the Board. A majority of the Board shall constitute a quorum and all action by the Board shall be taken by a majority thereof and not otherwise. All meetings shall be open to the public. The chairman or any three (3) commissioners, shall have the power to call special meetings upon twenty-four (24) hours' written notice served upon each Commissioner, either in person or by leaving a copy of such notice at his or her residence. (Ord. 1144 §§1, 2, 1995; prior code §2-20)

#### 2.24.050 Powers and duties.

The Board of Public Utilities Commissioners shall have the following powers:

- (1) To fix the rates charged for services tendered 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 provision for depreciation of the utility and after making similar provisions for the payment of the principal of and 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.
- (2) To provide for all reasonable extensions and betterments to any such public 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.
- (3) 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.

(4) To sell and dispose of all equipment and supplies not used or fully usable in connection with the operation of any such public utility; provided 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 the Board shall have no power to mortgage, pledge or otherwise encumber such utility or any part thereof or the revenues derived from its operation.

(5) Upon all matters and things referred to in this Chapter requiring approval of the City Council, the Board of Public Utilities Commissioners shall act in an advisory capacity to the City Council. (Ord. 1144 §§3, 4, 1995; prior code §2-21)

**2.24.051 Oversight of funds.**

The powers and duties enumerated in Section 2.24.050 above shall include the delegation to the Board of Public Utility Commissioners to have oversight of the City Sewer Fund, Water Fund, Electric Fund and Sanitation Fund and all operations associated therewith. All expenditures and rates shall be established for each of the funds pursuant to the requirements of Chapter 2.24 of this Title, or Chapter 11 of the City Charter. (Ord. 1219 §1, 1998)

**2.24.060 Legal advisor and funds custodian.**

(a) The City Attorney shall be the legal advisor of the Board of Public Utilities Commissioners and shall render all legal services required by the Board without additional compensation, unless such additional compensation is first authorized by the City Council.

(b) The City Treasurer shall act as the legal custodian for any funds under the control of the Board. The Board shall render a monthly statement to the City Council, which statement shall cover in detail the financial operations of the Board. The accounts of the Board shall annually be audited by a certified public accountant satisfactory to the City Council. (Prior code §2-22)

**2.24.070 Operating manager.**

The City Manager shall be the operating manager of any utilities owned or acquired by the City, with the powers, duties and responsibilities given him or her by statute. (Prior code §2-23)

**CHAPTER 2.28**

**Board of Health**

**2.28.010 Membership.**

The Mayor and City Council shall constitute the Board of Health of the City, and may appoint any physician, officer of the City or any federal, state or county health officer to serve as health officer of the City, as, in the discretion of the Board, may seem to the best interest of the City. The Board of Health may confer upon the health officer all the powers and duties conferred upon the Board by this Code or other City ordinances in any wise pertaining to public health and sanitation in the City, with full authority to enforce the provisions of this Code or such other ordinances. (Prior code §2-25)

**2.28.020 Powers and duties.**

(a) The Board of Health shall make such regulations respecting nuisance, source of filth and cause of sickness within its jurisdiction and on board of any cars or train of cars as it shall judge necessary for the public health and safety. The Board shall have full power to take all measures necessary to promote the cleanliness and salubrity of the City, to abate nuisances of every description on public and private property, to prevent the introduction, within the City, of malignant, contagious and infectious diseases, to remove or otherwise dispose of any person attacked by such disease and adopt, in reference to such persons, any regulation, restriction or measures deemed advisable.

(b) The Board of Health may make such rules and regulations, in relation to the care and cleaning of privies and water closets within the City, as it may deem advisable for the preservation of the health of any of the inhabitants thereof and may declare any such privy or water closet a nuisance and may order abatement thereof. (Prior code §2-26)

**CHAPTER 2.32**

**Merit Appeals Board**

**2.32.010 Created.**

There is created a Personnel Merit Appeals Board for the City comprised of three (3) taxpaying electors of the City who are not in any manner connected with the City as an officer, agent, appointee or employee. (Ord. 714 §1, 1976)

**2.32.020 Appointment.**

The Board shall be appointed for two-year terms as follows: one (1) member selected by the City Council, one (1) member selected by the City Employees' Association and the third selected by the other two (2). (Ord. 714 §2, 1976)

**CHAPTER 2.36**

**Tree Board**

**2.36.010 Created.**

There is created and established a City Tree Board for the City, which shall consist of eight (8) members who are residents of the La Junta area, who shall be appointed by the Mayor with the approval of the City Council. (Ord. 903, 1985; Ord. 743 §1, 1977)

**2.36.020 Term of office.**

The term of the six (6) persons to be appointed by the Mayor shall be three (3) years, except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy

occurs during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. 743 §2, 1977)

**2.36.030 Compensation.**

Members of the Board shall serve without compensation. (Ord. 743 §3, 1977)

**2.36.040 Powers and duties.**

(a) It is the responsibility of the Board to study, investigate, counsel and develop and/or update annually a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets, alleys and all City-owned property. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the Comprehensive City Tree Plan for the City.

(b) The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Ord. 743 §4, 1977)

**2.36.050 Operation.**

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of these members shall be a quorum for the transaction of business. (Ord. 743 §5, 1977)

**CHAPTER 2.38**

**Historic Preservation Advisory Board**

**2.38.010 Purpose.**

The purpose for the Historical Preservation Advisory Board is to promote the public health, safety and welfare through:

(1) The protection and preservation of the historic and cultural heritage of the City by providing for the designation of the historic buildings, landmarks, sites and districts (collectively referred to hereinafter as "Historic Sites") in accordance with this Chapter;

(2) The enhancement of property values and the stabilization of historic neighborhoods, sites of historic events and the like;

(3) The increase of economic and financial benefits as a result of the attraction of tourists and visitors to the City; and

(4) The provision of educational opportunities to increase public appreciation of the City's unique heritage. (Ord. 1397 §1, 2004)

**2.38.020 Board established.**

The Historic Preservation Advisory Board is hereby created to be known as the City's Historic Preservation Advisory Board (the "Board"), which shall have principal responsibility for matters of historic preservation as set forth in Sections 2.38.040 through 2.38.100 herein.

(1) Membership. The Board shall consist of the duly appointed and then-serving members of the Planning Commission.

(2) Compensation. All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred by Board members in the performance of their duties as Board members. (Ord. 1397 §1, 2004)

**Section 2.38.030 Meetings.**

The Board shall hold at least one (1) regularly scheduled meeting annually or as necessary to take action on pending matters. Minutes shall be kept of all Board meetings. The Board shall comply with all requirements of the Open Public Meetings Act (Sections 24-6-401 and 24-6-402 et seq. C.R.S.) applicable to " local public bodies " as defined in that Act. (Ord. 1397 §1, 2004)

**2.38.040 Powers and duties.**

(a) The Board shall:

(1) Review applications for designation of sites as being historic pursuant to this Chapter and make recommendations to the City Council as to whether the City Council should, by resolution, designate the site described in the application for such designation based upon the criteria established in Section 2.38.050, below.

(2) As needed, review the criteria for designation of historic sites set forth in Section 2.38.050 and make recommendations to the City Council for amendments thereto which the Board believes appropriate or necessary.

(b) In addition to the above duties, the Board may, at its discretion:

(1) Advise and assist owners of historic properties on the physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the Colorado and National Registers of Historic Places.

(2) Develop and assist in public education programs, including but not limited to walking tours, brochures, a marker program of historic properties, lectures and conferences.

(3) Conduct surveys of historic sites for the purpose of defining those of historic significance and prioritizing the importance of identified historic sites.

(4) Advise the City Council on matters related to preserving the historic character of the City.

(5) Pursue financial assistance for preservation-related programs.

(6) Perform duties or functions as assigned by the City Council.

(7) Establish additional rules of operation that are consistent with its duties as enumerated herein. (Ord. 1397 §1, 2004)

### **2.38.050 Criteria for designation of historic sites.**

In order to qualify for designation as a historic site pursuant to this Chapter, the site must be determined to have historic significance due to one (1) or more of the following factors:

(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, County, State or United States of America.

(2) Its location as a site of a significant historic event.

(3) Its identification with persons who significantly contributed to the culture and development of the City, County, State or United States of America.

(4) Its exemplification of the cultural, economic, social or historic heritage of the City, County, State or United States of America.

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(6) Its embodiment of distinguishing characteristics of an architectural type or specimen.

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City, County, State or United States of America.

(8) Its embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.

(9) Its relationship to other distinctive areas that are eligible for preservation according to a plan based on a historic, cultural or architectural motif.

(10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City. (Ord. 1397 §1, 2004)

### **2.38.060 Designation of historic sites.**

(a) Recommendation for designation of historic sites. Pursuant to the procedures hereinafter set forth in this Section, the Board may, by written recommendation to the City Council, propose the designation as a historic site of any building, landmark, site or district meeting the criteria set forth in Section 2.38.050 above. Each such designation recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the location and boundaries of the historic site. The designation recommendation may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the historic features of the site. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Section.

(b) Notification requirements. The site included in any such designation shall be subject to the notification requirements set forth in Section 2.38.090 below.

(c) Procedures for designating historic sites for preservation. Applications for designation must be made to the Board. The Board may require that such application be made in such form as specified by the Board. Application shall be made only by the owners of one hundred percent (100%) of the historic site for which an application is submitted.

(1) Board review. The Board shall review the application for conformance with the criteria for designation established in Section 2.38.050. The Board shall consider the application at a regularly scheduled or special meeting. The Board shall approve, modify and approve, or disapprove the application. The Board shall notify the City Manager within seven (7) days of any decision approving or disapproving an application.

(2) City Council action: Unless an application is withdrawn by the applicant within sixty (60) days of the date on which the City Council is advised of any decision of the Board recommending approval or disapproval of an application, the City Council shall approve, modify and approve or disapprove the proposed designation. The City Council shall advise the Board of its decision regarding the designation. (Ord. 1397 §1, 2004)

#### **2.38.070 Limitation on resubmission and reconsideration of proposed designations.**

Whenever the Board or City Council disapproves an application for designation of a historic site, no person shall submit an application that is the same or substantially the same for at least six (6) months from the effective date of the final City action on the original application. (Ord. 1397 §1, 2004)

#### **2.38.080 Amendment of designation.**

Designation of a historic site may be amended to add features or property to the site under the procedures prescribed in Section 2.38.060 for initial designations. (Ord. 1397 §1, 2004)

#### **2.38.090 Notification.**

Any owner filing an application for designation of property under this Chapter shall, as a part of the application, agree to notify the Board of the owner's intention to alter, demolish, move or remove the site subject to the application at least thirty (30) days prior to undertaking any such work. Any such owner shall be responsible for notifying any subsequent purchaser of the property of this notification requirement, and the Board may revoke the designation of the site hereunder unless the subsequent purchaser agrees in writing to the provisions of this Section. (Ord. 1397 §1, 2004)

#### **2.38.100 Revocation of designation.**

Upon receipt of an application from the then-current owners of a site which has been designated as historic pursuant to this Chapter for revocation of that designation, the Board shall advise the City Council of such application and the City Council may remove the designation. In addition, upon learning of the alteration, demolition, movement or removal of a site which has been designated as historic pursuant to this Chapter, or a violation of Section 2.38.090 of this Chapter, the Board shall,

following at least fifteen (15) days' written notice to the then-current owners of the site subject to the designation, conduct a hearing to determine whether it should recommend to the City Council that the historic designation of the site involved be removed. Following such hearing, the Board shall transmit its written recommendation to the City Council, which shall, within sixty (60) days thereafter, determine whether to accept the recommendation and remove the designation. The City Council shall notify the Board and property owners of its decision regarding revocation of the designation. (Ord. 1397 §1, 2004)

## **CHAPTER 2.40**

### **City Employee's Retirement Program**

#### *I. General Provisions*

##### **2.40.010 Title.**

The retirement income plan as set forth in this Chapter shall be known as the City Retirement Plan and is referred to in this Chapter as the *Plan*. (Ord. 763(part), 1978; Ord. 672 Art. 1, §1, 1973)

##### **2.40.020 Governing body.**

The governing body of the City Retirement Plan shall be composed of seven (7) incumbent City Councilmen and the three (3) publicly elected members of the Board of Public Utilities Commissioners and their successors in office. (Ord. 672 Art. 1 §2, 1973)

##### **2.40.030 City Board of Retirement.**

The management of the retirement system set forth in this Chapter shall be vested in a City Board of Retirement consisting of seven (7) members, one (1) of whom shall be a member of the City Council; one (1) of whom shall be a member of the Power Board; two (2) of whom shall be City employees selected by City employees; one (1) of whom shall be the incumbent president of the City Employees Association; one (1) of whom shall be a qualified elector of the City not connected with the City, ratified by City employees; and one (1) of whom shall be the City Manager. The Board of Retirement shall by its own rules establish staggered two-year terms and its Board members and their successors shall be selected as set forth in this Section. (Ord. 1126 §§2, 4, 1994; Ord. 672 Art. 1, §3, 1973)

##### **2.40.040 Definitions.**

Unless the context otherwise requires, the definitions and general provisions contained in this Section govern the construction of this Chapter.

(1) The masculine pronouns wherever used shall be interpreted to include the feminine, and singular words to include the plural.

(2) *Beneficiary* means and includes the member's estate, his or her dependents, persons who are the natural objects of the member's bounty and any persons designated by the member to share in the benefits of the plan after the death of the member.

(3) *Board or Retirement Board* means the City Retirement Board as established in Section 2.40.030.

(4) *City* means City of La Junta.

(5) *Compensation* means, in reference to salaried employees, the regular salary, or in reference to hourly employees, the hourly rate multiplied by the number of hours in the regular work week, paid to the employee before any payroll deduction for income tax, Social Security, group insurance or any other purpose, but excluding bonuses, extra pay, overtime pay and contributions by the City under this plan or the like.

(6) *Effective date of this plan* means February 1, 1982.

(7) *Entrance date* means January 1st of any calendar year.

(8) *Governing body* means the City Council and the Board of Public Utilities Commissioners of the City.

(9) *Member* means any person included in the membership of this Plan as provided in Section 2.40.050 through 2.40.060.

(10) *Past service* means the period of service rendered by an employee prior to the effective date of the Plan, for which credit is allowed.

(11) *Permanent, full-time employee* means any person employed to work indefinitely and who is normally required to work at least one thousand (1,000) hours per year, excluding authorized vacation periods and excluding the appointed City officials.

(12) *Retired member* means a former member whose employment has terminated by reason of retirement or disability and who is receiving or is entitled to receive, or whose beneficiary or estate is entitled to receive, benefits under this Plan.

(13) *Retirement benefit* means any retirement benefit provided for in Sections 2.40.120 through 2.40.170.

(14) *Vested member* means a former member whose membership service has terminated by reason other than retirement or disability and who has elected to leave his or her accumulated contributions on deposit and who is entitled to receive, or whose beneficiary or estate is entitled to receive benefits under this Plan. (Ord. 905 §1, 1985; Ord. 836 §1, 1982; Ord. 763(part), 1978; Ord 722(part), 1977; Ord. 672 Art. 1, §4, 1973)

## II. Membership

### 2.40.050 Eligibility.

Except as provided in Section 2.40.060, all employees shall be eligible to become participants on the initial entrance date and all subsequently hired employees shall be eligible to become participants on the entrance date coincident with or next following the completion of six (6) months of service;

except, however, that if an employee has completed said eligibility requirements while on leave of absence authorized in writing by the employer or while on military leave, he or she shall not be eligible to become a participant under this Chapter until the first entrance date coincident with or next following his or her return to the regular performance of his or her duties with the employer. (Ord. 763(part), 1978; Ord. 672 Art. 2, §1, 1973)

**2.40.060 Age or length of service.**

No one who has less than six (6) months' service or who is under twenty-one (21) years of age on the annual entrance date shall be entitled to become a participant in the Plan. (Ord. 722(part), 1977; Ord. 672 Art. 2, §2, 1973)

*III. Retirement Dates*

**2.40.070 Normal retirement.**

The normal retirement date of a member shall be the first day of the calendar month coincident with or next succeeding his or her sixty-fifth birthday. (Ord. 672 Art. 3, §1, 1973)

**2.40.080 Early retirement.**

On written application to the Retirement Board and with its consent, a member who has attained the age of sixty (60) years and has completed ten (10) years of credited service may elect to retire as of the first day of any calendar month, which shall not be less than thirty (30) days nor more than ninety (90) days after filing of the application with the Retirement Board. The action of the Retirement Board in granting or denying such an application shall be nondiscriminatory. (Ord. 672 Art. 3, §2, 1973)

**2.40.090 Delayed retirement.**

Subject to the consent of the Retirement Board, a member may continue in the employment of the City after his or her normal retirement date. Such consent shall not be granted for more than one (1) year at a time, and renewed consent shall be required for a member to delay his or her retirement for more than one (1) year. If the retirement of a member is delayed under this Section, his or her delayed retirement date shall be the first day of the month coincident with or next following the date of his or her actual retirement. As a condition precedent to continuance in employment beyond the normal retirement date, the member shall file with the Retirement Board the written designation of a beneficiary, whether or not the member elects one (1) of the optional benefits in accordance with Sections 2.40.130 through 2.40.170. (Ord. 672 Art. 3, §3, 1973)

**2.40.100 Disability retirement.**

Upon written application to the Retirement Board, a member who has become permanently incapacitated from the performance of duty from any cause shall be granted a disability retirement. This disability retirement date shall be the first day of a month coincident with or next following the date upon which the disability is determined by the Board to have occurred. The Retirement Board shall have the sole authority to make the factual determination of eligibility of a member for a

disability retirement date, but such determination shall be made in a nondiscriminatory manner. (Ord. 672 Art. 3, §4, 1973)

**2.40.110 Retirement date.**

A member's retirement date shall be his or her normal retirement date, his or her early retirement date, his or her delayed retirement date, or his or her disability retirement date, whichever is applicable. (Ord. 672 Art. 3, §5, 1973)

*IV. Benefits*

**2.40.120 Distribution.**

(a) Distribution to the participant or the estate of a beneficiary of the participant shall be made from the account of the participant to the extent thereof, subject to the vesting provisions of Sections 2.40.260 through 2.40.290 in any one (1) or more of the following methods:

- (1) Cash; or
- (2) In equal installments over a fixed period of time.

(b) The distribution of the participant's account to the extent thereof, subject to the vesting provisions of Sections 2.40.260 through 2.40.290, shall be made by the Trustee as follows:

- (1) In one lump sum; or
- (2) In equal installments over a fixed period of time. (Ord. 905 §1, 1985; Ord. 836 §2, 1982; Ord 763(part), 1978; Ord 672 Art. 4, §1, 1973)

*V. Optional Benefits*

**2.40.170 Beneficiary.**

The designated beneficiary shall be the spouse of the member, if living at the time the optional retirement benefit is elected, or with the written approval of the Retirement Board, the designated beneficiary may be any of his or her children, either natural or adopted, parents, brothers or sisters. If the designated beneficiary dies prior to the due date of the first payment of retirement benefits under the Plan and no new beneficiary has been designated, retirement benefits shall be paid in a lump sum to the estate of the beneficiary. (Ord. 905 §1, 1985; Ord. 672, Art. 5 §5, 1973)

## *VI. Contributions*

### **2.40.180 Membership contributions.**

Any qualified person who becomes a member shall, as a condition of membership, contribute by payroll deduction an amount equal to three percent (3%) of compensation. A member may make voluntary contributions in the following manner:

- (1) Voluntary contributions shall be made by payroll deduction once a month.
- (2) The amount of each such contribution shall be equal to a percentage, not to exceed thirty-three percent (33%), of the member's earnings for the month in which the contribution is made; but in no event to exceed seven thousand five hundred dollars (\$7,500.00) in any one (1) year. (Ord. 905, §1, 1985; Ord. 672 Art. 6, §1, 1973)

### **2.40.190 City contributions.**

The City will from time to time, at least annually, make contributions to the Trustee in an amount equal to five percent (5%) of the compensation of the members. (Ord. 905 §1, 1985; Ord. 672 Art. 6, §2, 1973)

### **2.40.200 Application for forfeitures.**

Any amount forfeited because of the termination of employment of a member prior to his or her having acquired a vested right to retirement benefits, or for any other reason, shall not be applied to increase the benefits which would otherwise be payable to any other member. The amounts so forfeited shall be applied as soon as possible to reduce the contributions required to be made by the City or may be used to pay reasonable and necessary administrative expenses of the Plan incurred by the City. (Ord. 672 Art. 6, §3, 1973)

## *VII. Administration*

### **2.40.220 Management.**

The Retirement Board shall have all powers necessary to effect the management and administration of the Plan in accordance with its terms, including but not limited to, the following:

- (1) To establish rules and regulations for the administration of the Plan, for managing and discharging the duties of the Board, for the Board's own government and procedure in so doing, and for the preservation and protection of the trust fund;
- (2) To interpret the provisions of the Plan and to determine any and all questions arising under the Plan or in connection with the administration thereof. A record of such action and all other matters properly coming before the Board shall be kept and preserved;
- (3) To determine the amount of the member's contributions to be withheld by the City in accordance with the Plan and to maintain such records of accumulated contributions as are necessary under the Plan;

(4) To determine all consideration affecting the eligibility of any employee to be or become a member of the Plan;

(5) To determine the credited service of any member and to compute the amount of retirement benefit or other sum, payable under the Plan to any person.

(6) To authorize and direct all disbursements of retirement benefits and other sums under the Plan; and

(7) To serve as Trustee under the Plan. (Ord. 763(part), 1978; Ord. 672 Art. 7, §1, 1973)

#### **2.40.230 Control.**

The Retirement Board shall have the power to employ such counsel and agents, and to obtain such clerical, medical, legal, accounting, investment advisory, custodial and actuarial services it may deem necessary or appropriate in carrying out the provisions of the Plan. (Ord. 672 Art. 7, §2, 1973)

#### **2.40.240 Investments.**

The Trustee shall invest the trust fund, irrespective of any rules of law governing the investment of trust funds, in any manner deemed advisable and shall have the following powers, rights and duties: Subject to the provisions and limitations expressly set forth in this Chapter, the Trustee shall have, in general, the power to do and perform any and all acts and things in relation to the trust fund in the manner and to the same extent as an individual might or could do with respect to his or her own property. Without limiting the generality of the foregoing, the Trustee may invest in bonds, notes, mortgages, commercial paper, preferred stocks, common stocks or other securities, rights, obligations of property, real or personal, including shares and certificates of participation issued by investment companies or investment trusts. (Ord. 763(part), 1978; Ord 672 Art 7, §4, 1973)

#### **2.40.250 Duties of Trustee.**

The duties of the Trustee shall include but not be limited to the following:

(1) It shall receive from the City the City's contribution to the trust fund established in this Chapter;

(2) It shall receive all of the income from the trust fund;

(3) It shall pay out of the trust fund, upon written instructions from the Retirement Board, the funds required for payments under the Plan;

(4) It shall invest and reinvest the corpus and income of the trust fund subject to the requirements of the Plan, as directed by the Retirement Board and set forth in the trust agreement;

(5) It shall maintain such records and accounts of the trust fund and shall render such financial statements and reports thereof as may be required from time to time by the Retirement Board. (Ord. 672 Art. 7, §5, 1973)

## *VIII. Severance Benefits*

### **2.40.260 Coverage.**

Benefits shall be paid under this Chapter for severance of employment of a member only for reasons other than retirement, disability, death or discharge for dishonesty. (Ord. 722(part), 1977; Ord. 672 Art. 8, §1, 1973)

### **2.40.270 Less than five years of service.**

In the event that a member shall resign or be discharged from the service of the City prior to his or her normal retirement date and has less than five (5) years of credited service, he or she shall receive his or her accumulated contributions plus earnings. (Ord. 763(part), 1978; Ord. 722(part), 1977; Ord. 672 Art. 8, §2, 1973)

### **2.40.280 Five or more years of service.**

A member who has accumulated five (5) years of credited service shall be fully vested. (Ord. 836 §4, 1982; Ord. 763(part), 1978; Ord. 722(part), 1977; Ord 672 Art. 8, §3, 1973)

### **2.40.290 Disability retirement.**

Any employee who retires prior to normal retirement age by reason of disability shall be one hundred percent (100%) vested. (Ord. 763(part), 1978; Ord. 672 Art. 8, §4, 1973)

## *IX. Death Benefits*

### **2.40.300 Death of a member before normal retirement date.**

In the event that a member of the Plan dies prior to his or her normal retirement date, there shall be paid to the beneficiary designated by him or her, if said beneficiary is living, otherwise to his or her estate, the amount of the member's contribution plus earnings thereon, together with the amount of the City's contribution plus its earnings. (Ord. 763(part), 1978; Ord. 672 Art. 9, §1, 1973)

### **2.40.310 Death of a member between normal and delayed retirement dates.**

In the event that a member continues in the City's employment after his or her normal retirement date, and dies before actually retiring, then he or she shall be deemed to have retired on the first day of the calendar month in which he or she dies. Payments shall be made in accordance with this option to the beneficiary designated by the member as required in Section 2.40.120. (Ord. 1126 §§2, 5, 1994; Ord. 672 Art. 9, §2, 1973)

### **2.40.340 Death of a vested member before normal retirement date.**

In the event that a vested member dies prior to his or her normal retirement date, there shall be paid to the beneficiary designated by him or her, if living, otherwise to his or her estate, the amount of the member's contributions plus earnings thereon, together with the amount of the City's contribution plus its earnings. (Ord. 763(part), 1978; Ord. 672 Art. 9, §5, 1973)

**2.40.350 Uniform Simultaneous Death Act.**

The provisions of any law of this State providing for the distribution of estates under the Uniform Simultaneous Death Act, when applicable, shall govern the distribution of money payable under this system. (Ord. 672 Art. 9, §6, 1973)

*X. Rights Inalienable*

**2.40.360 Retirement allowances and rights inalienable.**

Members, retired members, vested members and their beneficiaries under the Plan are restrained from selling, transferring, anticipating, assigning, hypothecating or otherwise disposing of their retirement benefit, prospective retirement benefit or any other rights or interests under the Plan, and any attempt to anticipate, assign, pledge or otherwise dispose of the same shall be void. Said retirement benefit, prospective retirement benefit and right and interest of said members, retired members, vested members or beneficiaries shall not at any time be subject to the claims of creditors or liabilities or torts of said members, retired members, vested members or beneficiaries, nor be liable to attachment, execution or other legal process. (Ord. 672 Art. 10, §1, 1973)

**2.40.370 Bankruptcy.**

If any member, retired member, vested member or beneficiaries shall become bankrupt or attempt to anticipate, assign or pledge any benefits under the Plan, then such benefits shall, in the discretion of the Retirement Board, cease, and in that event the Retirement Board shall have authority to cause the same, or any part thereof, to be held or applied to or for the benefit of such member, his or her spouse, his or her children or other dependents, or any of them, in such manner and in such proportions as the Retirement Board may deem proper. (Ord. 672 Art. 10, §2, 1973)

*XI. Modification or Termination*

**2.40.380 Continuation of plan.**

It is the expectation of the City that it will continue this Plan and the payment of its contributions under the Plan indefinitely, but continuance of the Plan is not assumed as a contractual obligation of the City. (Ord. 672 Art. 11, §1, 1973)

**2.40.390 Amendment.**

(a) The governing body reserves the right to alter, amend or terminate the Plan or any part thereof in such a manner as it may determine, and such alteration, amendment or termination shall take effect upon notice thereof from the governing body to the Trustee; provided that no such alteration or amendment shall provide that the retirement benefit payable to any retired member shall be less than that provided by his or her accumulated contributions or affect the right of any member to receive a refund of his or her accumulated contributions; and provided further that no alterations, amendment or termination of the Plan or any part thereof shall permit any part of the trust fund to revert to or to be recoverable by the City or be used for or diverted to purposes other than exclusive benefits of members, retired members, vested members or beneficiaries under the Plan.

(b) In the event of termination or complete discontinuance of contributions hereunder, the right of each employee to benefits accrued to the date of such termination or discontinuance to the extent then funded or the rights of each employee to the amount credited to his or her account at such time are nonforfeitable. (Ord. 672 Art. 11, §2, 1973)

## *XII. Police Pensions*

### **2.40.400 Deductions from salary of policemen.**

The City Treasurer shall deduct each month from the salary of all policemen the same percentage thereof as would be deducted from such salaries under the provisions of the Federal Insurance Contributions Act and shall deposit the same in the Policemen's Pension Fund of the City. (Prior code §11-2)

### **2.40.410 Contributions by City.**

The City Treasurer shall pay from the General Fund of the City each month into the Policemen's Pension Fund such amount as shall be necessary to insure the payment of the pensions and allowances provided in Section 31-30-301 *et seq.*, C.R.S.; provided that such amount shall be not less than the total amount deposited each month to such fund by deduction from the salaries of policemen. (Ord. 1126 §1, 1994; Prior code §11-3)

### **2.40.420 Payments to policemen upon termination of employment.**

Upon the termination of employment of a policeman from the Police Department, there shall be paid to such terminated policeman an amount equal to three and one-half percent (3½%) per year on the amounts theretofore contributed by the policeman to the fund; provided that upon reemployment of such policeman thereafter, he or she must repay to the fund the amount he or she received upon termination of his or her employment. (Prior code §11-4)

### **2.40.430 Limitation on depletion of Police Pension Fund.**

The Policemen's Pension Fund shall not be depleted by payment of pensions and allowances, to less than an amount equal to the total contributions, plus three and one-half percent (3½%) per year thereon, contributed by policemen currently contributing to the fund. (Prior code §11-5)

### **2.40.440 Management and administration of Police Pension Fund.**

The Policemen's Pension Fund shall, subject to the limitations provided in Sections 2.40.400 through 2.40.440, be managed, administered, used and disbursed under the direction of the existing Board of Trustees of the Policemen's Pension Fund. (Prior code §11-6)

*XIII. Firemen's Pensions*

**2.40.450 Deductions from firemen's salaries.**

The City Treasurer shall deduct each month from the salary of all paid firemen the same percentage thereof as would be deducted from such salaries under the provisions of the Federal Insurance Contributions Act and shall deposit the same in the paid Firemen's Pension Fund of the City. (Prior code §12-16)

**2.40.460 Contributions by City.**

The City Treasurer shall pay from the General Fund of the City, each month, into the paid Firemen's Pension Fund, such amount as shall be necessary to insure the payment of the pensions and allowances provided for paid firemen in Section 31-30-401 *et seq.*, C.R.S.; provided that such amount shall not be less than the total amount deposited each month to such fund by deduction from the salaries of paid firemen. (Ord. 1126 §1, 1994; Prior code §12-17)

**2.40.470 Payments to firemen upon termination of employment.**

Upon the termination of employment of a paid fireman from the Fire Department of the City, there shall be paid to such terminated fireman an amount equal to three and one-half percent (3½%) per year on the amounts theretofore contributed by the fireman to the paid Firemen's Pension Fund; provided that upon reemployment of any such fireman thereafter, he or she must repay to the fund the amount he or she received upon termination of his or her employment. (Prior code §12-18)

**2.40.480 Maximum allowable depletion of paid Firemen's Pension Fund.**

The paid Firemen's Pension Fund shall not be depleted by payment of pensions and allowances to less than an amount equal to the total contributions, plus three and one-half percent (3½%) per year thereon, contributed by paid firemen currently contributing to the fund. (Prior code §12-19)

**2.40.490 Administration of paid Firemen's Fund.**

The paid Firemen's Pension Fund shall, subject to the limitations provided in Sections 2.40.450 through 2.40.490, be managed, administered, used and disbursed under the direction of the existing Board of Trustees of the Firemen's Pension Fund. (Prior code §12-20)

**CHAPTER 2.44**

**La Junta Capital, Inc.**

**2.44.010 Established authority.**

(a) La Junta Capital, Inc., is a nonprofit corporation organized under the laws of the State pursuant to the Colorado Non-Profit Corporation Act.

(b) The Articles of Incorporation of La Junta Capital, Inc., require that the members of La Junta Capital, Inc., be appointed by the City Council. (Ord. 1025, 1990; Ord. 1017, 1990)

**2.44.020 Membership.**

Pursuant to the Articles of Incorporation of La Junta Capital, Inc., the Board of Directors of said organization shall consist of no less than three (3) and no more than seven (7) members. (Ord 1025, 1990; Ord. 1017, 1990)

**2.44.030 Term.**

The Board of Directors shall be appointed by City Council for respective terms of three (3) years. (Ord. 1025, 1990; Ord. 1017, 1990)

**2.44.040 Limitations.**

No elected official of the City may serve as a director of said corporation. (Ord. 1025, 1990; Ord. 1017, 1990)

**2.44.050 Duties.**

The duties of the directors shall be those as are prescribed by the Bylaws and Articles of Incorporation of the corporation, and as may be required pursuant to any contracts entered into by the corporation thereto. (Ord. 1025, 1990; Ord. 1017, 1990)

**CHAPTER 2.48**

**Municipal Judge, Acting Municipal Judge and Municipal Court Clerk**

**2.48.010 Designation.**

The City Council by resolution shall designate persons to serve as Municipal Judge, Acting Municipal Judge and Clerk of the Court. The resolution to appoint the same to serve in said capacities shall be for an indefinite term, to be concluded by further resolution of the City Council. (Ord. 1036, 1991)

**2.48.020 Salaries.**

The salaries for the above named positions shall be those salaries as set forth and approved in the budget of the City Council each respective calendar year. Said salary levels shall be those set forth and enumerated in the budget and shall become effective on January 1 of the budgeting year, and the implementation of those pay levels shall not require further specific actions by the Council. (Ord. 1036, 1991)

**2.48.030 Rules of procedure.**

For any matter initiated by the issuance of a summons or summons and complaint, the procedure of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. For any civil action filed in the Municipal Court, the procedure of the Municipal Court shall be in accordance with the Colorado Rules of Civil Procedure as promulgated by the Colorado Supreme Court. (Ord. 1390, 2004)

## **CHAPTER 2.49**

### **Municipal Court Costs**

#### **2.49.010 Collection of court costs.**

In the event that any case is brought before the Municipal Court wherein the party has not paid the matter by penalty assessment prior to the court date, or wherein there has been a determination by the Municipal Court of guilt, or wherein there has been an imposition of sentence associated with a determination of guilt by trial, a determination of guilt by plea arrangement or a determination of guilt by default, there shall be imposed upon the said defendant, in addition to any fines imposed, the additional sum of fifteen dollars (\$15.00) per case as court costs, the same to be paid and collected prior to any fine levied, assessed or penalized in conjunction with said determination, entry or plea of guilt. (Ord. 1100 §1, 1993)

#### **2.49.020 No court costs.**

In the case of issuance of any penalty assessment, and if the assessment is paid prior to the court date set forth in the "penalty assessment-summons and complaint" form, no court costs shall be assessed, as required pursuant to Section 2.49.010 above. (Ord. 1100 §2, 1993)

#### **2.49.030 Fines in contested penalty assessment cases.**

Wherever a penalty assessment has been issued, and wherever the defendant elects to proceed to hearing or trial; or takes any other actions which involves any court action (other than payment of the penalty assessment prior to the court hearing) and wherein the Court thereafter must handle the matter in a fashion similar to the issuance of a summons and complaint rather than by administrative disposition of the penalty assessment, the fine and sentences authorized to be imposed shall be those imposed by limit of the Charter of the City and shall not be restricted or limited by the amount set forth on the penalty assessment. (Ord. 1100 §3, 1993)

#### **2.49.040 Stay of execution.**

(a) Wherever a defendant, having been found guilty, or having entered a plea of guilty to any charge before the Municipal Court, and upon which a sentence is entered or an entitlement or obligation becomes due to be performed by the defendant in partial satisfaction of the entry of a plea of guilty, or a determination of guilty, or in conformance with any other plea arrangement and wherein any defendant is not able to pay costs associated therewith at the time of entry of the plea of guilty, determination of guilt or execution of any plea arrangement, the defendant is hereby authorized to apply for a stay of execution.

(b) An entitlement to a stay of execution shall be at the sole discretion of the Clerk, Municipal Attorney or Municipal Judge. (Ord. 1100 §4, 1993)

#### **2.49.050 Costs for stay of execution.**

Whenever a stay of execution pursuant to Section 2.49.040 is granted to a defendant at the request of the defendant, an additional administrative charge of ten dollars (\$10.00) shall be assessed against

said defendant in addition to any fine heretofore assessed, and in addition to the court costs required pursuant to Section 2.49.010. Said sum shall be collectible in a manner and fashion as any other fine or levy of court costs as provided for by Charter or by ordinance of the City. (Ord. 1100 §5, 1993)

**2.49.060 Other costs.**

Whenever the Clerk of the Court, in the collection of fines, court costs or restitution which have been levied upon a defendant, must rely upon the judicial process to assist in the collection of those fines or court costs, the Clerk of the Court is authorized to add additional sums to those fines and court costs already due and owing by the defendant to the City. Those court costs shall be as follows:

- (1) For issuance of a "Debtor's Exam," ten dollars (\$10.00).
- (2) For issuance of a "Writ of Garnishment," fifteen dollars (\$15.00).
- (3) For service of process (by sheriff or private process server) for service of a Writ of Garnishment or Debtor's Examination, the sum of ten dollars (\$10.00) or the actual amount paid for services, whichever is greater.
- (4) A five-dollar surcharge for persons convicted of a violation of which community service is ordered or imposed pursuant to Section 1.09.010 *et seq.*, of the Code as to any violation of the Code. (Ord. 1100 §6, 1993)

**CHAPTER 2.53**

**Senior Citizens Center Advisory Board**

**2.53.010 Established.**

The La Junta Senior Citizens Center Advisory Board is hereby established. (Ord. 1127, 1995)

**2.53.020 Prior Board.**

The prior board known as "La Junta Senior Citizen Center," comprised of citizens to the "La Junta Senior Citizen Center Constitution and By-Laws" revised April 1988, is hereby replaced by the La Junta Senior Citizens Center Advisory Board. (Ord. 1127, 1995)

**2.53.030 Nature of the Board.**

The Board shall be advisory in nature and shall have no powers other than those enumerated herein. (Ord. 1127, 1995)

**2.53.040 Effective date; termination.**

The existence of the Board shall continue from the effective date of the ordinance codified herein until such time as amended, changed or terminated by act of the City Council. (Ord. 1127, 1995)

### **2.53.050 Powers and duties.**

The Board shall have the following powers and duties:

- (1) Schedule meetings to collect and evaluate user input from the Community Center concerning the functions of the Center.
- (2) Provide the City Manager with input of the desires of the users of the Center.
- (3) Provide the City Council, through the City Manager, with input concerning the desires of the users of the Center.
- (4) Advise the designated representative of the City Manager concerning activities to be held at the Center.
- (5) Advise the Council, City Manager and the City Manager's local representative concerning the desires of the users of the Center.
- (6) Make recommendations to the City Manager concerning possible capital expenditures for the Center.
- (7) Make recommendations to the City Manager concerning functions to be conducted at the premises and other use of the premises.
- (8) Conduct regular meetings of the Board.
- (9) Elect officers to control the financing of the Senior Citizens Center funds (non-City).
- (10) Retain such funds as may be collected in conjunction with activities occurring at the Senior Citizens Center.
- (11) Use funds collected through Senior Citizens activities in furtherance of other activities.
- (12) Assist the City by expanding services to the senior citizens through use of the Senior Citizens Center.
- (13) Hold regular meetings no less frequently than semiannually with the users of the Senior Citizens Center to determine their wishes and to ensure that senior citizen members of the community are served, irrespective of race, age, religion, creed, national origin or color.
- (14) Collect minimal membership fees from senior citizens belonging to the Senior Citizens Center for use as set forth above.
- (15) Ensure that all senior activities of the Senior Citizens Center are properly administered, so as to provide maximum utility to the senior citizens of the City.
- (16) Promote rules and regulations for the use of the Senior Citizens Center, subject to Council approval. (Ord. 1127, 1995)

**2.53.060 Powers and duties excluded or reserved.**

The following powers and duties shall be specifically reserved to the City:

(1) To own the building, all personal property located thereon, and the entity known as the La Junta Senior Citizens Center, as it now exists.

(2) To determine any capital expenditures for the building.

(3) To determine the overall use of the building, to include long-term uses of the building, remodeling, upkeep of the building, and other matters associated with maintenance of the building.

(4) To decide, in its sole discretion all matters of budget with regard to the maintenance of the building.

(5) To determine what, if any, revenues shall be spent by the City in the maintenance of the building.

(6) To control all aspects of any full-time City employees located upon the premises known as the La Junta Senior Citizens Center.

(7) To determine the appropriate uses of the building and any assets thereto.

(8) To appoint representatives to the Board.

(9) To allow City auditors, at the expense of the City, to audit any funds controlled or held by the Board in the use or operation of this facility.

(10) To continue the facility, and the operation thereof, for so long as the City, in its own determination, appropriates funds therefor.

(11) To exclusively control any transit operations or bus service operations that may be housed within this building. (Ord. 1127, 1995)

**2.53.070 Membership.**

The membership of the Board shall consist of the following:

(1) One (1) appointee of the City Council, whose term shall commence with the appointment hereof and continue during the elected term of that Council member's tenure as a City Council member.

(2) The City Manager or his or her designee.

(3) Five (5) members selected from the City or its surrounding area, as may be appointed by the City Council, for terms of three (3) years each; except as to the following initial term as defined in subparagraph (4) below.

(4) Two (2) members shall be appointed for an initial term of three (3) years, to expire on December 31, 1997; two (2) members shall be appointed for a term of two (2) years, to expire on December 31, 1996; and one (1) member shall be appointed for a term of one (1) year, to expire on December 31, 1995. Thereafter, the provisions of subparagraph (3) above shall apply. (Ord. 1127, 1995)

**2.53.080 Annual report to City Council.**

On an annual basis, the Board shall report the following to the City Council:

- (1) Number of persons served;
- (2) Recommendations, if any, concerning the operation of a local community senior citizens facility;
- (3) Recommendations, if any, concerning the use of entities in which the City may contract with regard to the operation of a local community senior citizens facility;
- (4) Recommendations, if any, concerning procedures, guidelines and other matters associated with the operation of local community senior citizens facility. (Ord. 1127, 1995)

**2.53.090 Meeting compliance.**

All meetings of the Board shall comply with the Open Session Requirements as set forth in Title 24, C.R.S. (Ord. 1127, 1995)

**CHAPTER 2.56**

**Special Investigation Account**

**2.56.010 Establishment of account.**

A Special Investigation Account is hereby established in the office of the Finance Director for the use of the Police Department. (Ord. 1107 §1, 1993)

**2.56.020 Source of funds.**

The revenue to support the fund will be derived from proceeds of public nuisance seizures which will be obtained in accordance with Section 16-13-301 *et seq.*, C.R.S., under the title of "Abatement of Public Nuisance"; Section 16-13-501 *et seq.*, C.R.S., under the title of "Forfeitures"; together with any grants, gifts and victimization funding received by said agencies from outside sources or legislatively. No revenues of the City will be used to support the account. The Police Department, in conjunction with the District Attorney's office of the Sixteenth Judicial District, will seek seizures of vehicles, real property and personal property used in the conduct of criminal activity pursuant to Sections 16-13-301 *et seq.*, and 16-13-501, C.R.S., and outside grants and gifts that may be made available as a result of a strong public desire to fight substance abuse and to deal with the issue of victimization. The proceeds from sales of such property shall be deposited into the account subject to the limitations enumerated herein. (Ord. 1107 §2, 1993)

**2.56.030 Disposition of forfeited property.**

(a) No forfeited property shall be used nor shall any forfeited proceeds be expended unless such use or expenditure has been approved by the committee on disposition of forfeited property which is created in Subsection (b) below.

(b) There is hereby created a committee on disposition of forfeited property. The committee on disposition of forfeited property shall meet as necessary to approve the use of forfeited property or the expenditure of forfeited proceeds.

(c) The composition of the committee shall include the District Attorney of the Sixteenth Judicial District, the Director of Public Safety and the City Manager. (Ord. 1384 §§1—4, 2004; Ord. 1107 §3, 1993)

**2.56.040 Purposes of expenditures.**

(a) Funds in the special investigation account may be used for the following purposes: (1) buying suspected drugs and contraband from suspects in criminal investigations; (2) making payments to informants in criminal investigations; (3) acquisition or lease of materials, services or property and the maintenance thereof, which if obtained through normal City purchasing procedures might jeopardize the integrity of undercover criminal investigations; (4) other expenditures necessary for undercover criminal investigations; and (5) training of law enforcement personnel and staff in the special needs related to substance abuse and victimization. Funds will not include costs normally incurred by the Police Department for operations which are regularly funded by their normal operating budgets.

(b) Among the types of expenses for special investigations which will be paid through the account are the following:

- (1) Overtime incurred by City personnel during the course of a special investigation to be paid through the City (normal salaries of personnel assigned will not be paid from this fund);
- (2) Employment of consultants and auditors;
- (3) Purchase of specialized investigative equipment (to include maintenance and repair of said equipment);
- (4) Training in the use of specialized equipment;
- (5) Supplying of monies to be used in the purchases or agreement to purchase drugs or other contraband;
- (6) Informant fees and costs;
- (7) Travel and per diem costs for investigators;
- (8) Rental costs of items required for investigators;
- (9) Other costs directly related to a special investigation; and

- (10) Dealing with the issue of victimization by criminal events.

The above list is not intended to be comprehensive. (Ord. 1107 §4, 1993)

**2.56.050 Funds deposited.**

Upon receiving funds pursuant to court orders in public nuisance abatement actions, the Police Department shall deliver such funds to the Finance Director for deposit in the *Special Investigation Account*. Any interest which accrues from the deposit of funds in the Special Investigation Account shall be retained in such account. (Ord. 1107 §5, 1993)

**2.56.060 Accounting and administration.**

Procedures for accounting and administration of the Special Investigation Account shall be established by agreement between the Director of Public Safety and the Finance Officer. The account shall be audited from time to time by the City's designated certified public accountant. (Ord. 1384 §§1, 2, 2004; Ord. 1107 §6, 1993)

**2.56.070 Accounting.**

The Finance Director is hereby designated as Account Fiscal Officer. The Account Fiscal Officer shall be primarily responsible for all accounting with regard to the administration of the account. The Account Fiscal Officer shall have the following duties:

- (1) Establish accounts with a local bank to provide for the deposit, disbursement and investment of monies of the fund;
- (2) Be the signatory on the account and be responsible for all checks from or on that account;
- (3) Establish a formal accounting system in accordance with acceptable accounting practices;
- (4) Provide reports of the entire account to the City Manager on an annual basis and at all other times as requested by the City Manager;
- (5) Require an audit of the account, annually, by an independent auditor with proper qualifications; and
- (6) Act as custodian of any equipment or vehicles which have been purchased with fund monies when such are not being used in an investigation. (Ord. 1107 §7, 1993)

**2.56.080 Powers of the committee.**

The committee shall have the power to:

- (1) Approve or disapprove applications for expenditure of monies from the fund;
- (2) Approve or disapprove investigations to be conducted with the use of fund monies;

(3) Have the ability for preauthorization of fund expenditures in anticipation of upcoming approved investigations; and

(4) Approve or disapprove purchases to be made with fund monies. (Ord. 1107 §8, 1993)

#### **2.56.090 Execution of checks for expenditures.**

All authorizations for expenditures shall be executed by check bearing dual signatures. Dual signature authority shall be evidenced by one (1) signature representing City management and by one (1) signature representing the Police Department. The Finance Director and City Manager are authorized to execute the check on the behalf of the City management. The Director of Public Safety and the Assistant Director of Public Safety are authorized to execute checks on behalf of the Police Department. (Ord. 1384 §§1—4, 2004; Ord. 1107 §9, 1993)

#### **2.56.100 Abeyance procedures.**

In the event that, at any time during the operation and management of this fund, any person associated with the fund, to include the Director of Public Safety and Assistant Director of Public Safety, Mayor, City Manager, Finance Director, any City Council member, City Attorney, District Attorney of the Sixteenth Judicial District or other supervisory personnel of the City, who has reason to believe that any funds herein are being misapplied or misappropriated in any fashion not consistent with the terms and provisions of this Chapter, said matters shall be immediately brought before the City Council at its next regularly scheduled meeting. Upon majority vote of the City Council, operations may be suspended until an investigation has been completed and a full accounting has been made. (Ord. 1384 §§1—4, 2004; Ord. 1107 §10, 1993)

#### **2.56.110 Reporting of forfeited property.**

Each seizing agency which receives any property or proceeds which have been forfeited pursuant to this Chapter or any other state statutes, or any statute of the United States, shall, for each fiscal year commencing on or after July 1, 1992, submit a written report of any forfeited monies or property received during such fiscal year to the City Council and to the State Department of Local Affairs. Such report shall include an accounting of how any forfeited monies or property were expended during such fiscal year. The City Council shall report in its primary financial statements concerning the acquisition, disposition and status of forfeited property, and such information shall be subject to audit. (Ord. 1107 §11, 1993)

## **CHAPTER 2.60**

### **Library Advisory Board**

#### **2.60.005 Library created.**

This Chapter reaffirms the prior establishment of a library within the City, pursuant to its Home Rule Charter and the subsequent amendments of the Charter authorizing the library to become a subdivision of the City. (Ord. 1110, 1993)

**2.60.010 Board created.**

There is created a nonpolitical board (hereinafter referred to as "Board") consisting of five (5) members who serve in advising the City concerning the formulation of a policy for the City library. (Ord. 1110, 1993)

**2.60.020 Members.**

The Mayor shall appoint, with the approval of a majority of the City Council, five (5) members to the Board. The term of the office of two (2) of the Trustees so appointed shall expire on the first Monday in January, 1995; the term of office of two (2) of the Trustees so appointed shall expire on the first Monday in January, 1996; and the term of office of the other Trustee so appointed shall expire on the first Monday in January, 1997. Each year thereafter, there shall be appointed, in a similar fashion, a Trustee or Trustees to fill the expiring terms. The new term of each appointee appointed in 1995 and thereafter shall be for a term of three (3) years. (Ord. 1110, 1993)

**2.60.025 Qualifications of appointees.**

The Mayor shall consider nominations for appointment to the Board from those candidates who are residents in or near the City. (Ord. 1110, 1993)

**2.60.030 Filling vacancies.**

The Trustees shall serve as members of the Board of the Library Trustees without compensation. Each member shall serve until his or her successor is duly appointed as provided in Section 2.60.020. Any vacancy occurring in the membership of the Board shall be filled in accordance with the procedures set forth in Section 2.60.020, and the Mayor shall appoint a successor to fill the vacancy and to serve for the balance of the unexpired term. (Ord. 1110, 1993)

**2.60.040 Meetings; officers.**

The Board shall hold one (1) regular meeting each month at such time and place as it may provide by resolution, and such special meetings as it may from time to time determine necessary, provided that all such meetings shall comply with the Open Session Requirements as set forth in Title 24, C.R.S. On an annual basis, the Board shall elect from its membership a chairperson, vice chairperson and secretary. A majority of the Board shall constitute a quorum and all action by the Board shall be taken by a majority thereof and not otherwise. (Ord. 1110, 1993)

**2.60.050 Powers and duties.**

The Board shall have the following powers:

(1) In all cases, unless otherwise specifically enumerated in Section 2.60.010 through Section 2.60.075 herein, the Board shall act as advisor to the City Manager and to the City Council on matters associated with the library.

(2) The Board shall compile and edit comments, complaints, suggestions and other information from the users of the library, as concerns the operation, management and use of the

library facility; with that information to be edited and forwarded to the City Manager for consideration.

(3) The Board shall establish in writing, subject to approval by City Council, a formal procedure by which complaints or objections from citizens concerning the type of and/or content of materials available to the public at the library are received, reviewed and given fair and impartial hearing. The Board shall have exclusive authority to determine whether such materials shall be retained.

(4) The Board shall make a written annual report to the City Council not later than July 31 of each calendar year, in which the Board shall:

- a. Assess the strengths and weaknesses of the library's service to the community;
- b. Make recommendations on short- and long-term goals that will improve library service;
- c. Make prioritized recommendations on capital improvements needed to improve the library; and
- d. Recommend such other policies, programs, procedures or guidelines which, if adopted, would enhance the operation of a local community library.

(5) The Board shall assist the City Manager or the City Council, on a requested case-by-case basis, in matters requested of the Board by the City Manager or City Council;

(6) The Board shall make recommendations concerning any proposed budget for the library.

(7) The Board shall act, if requested by the City Manager, to assist in the selection process for screening of applicants for various professional positions within the library staff. (Ord. 1110, 1993)

#### **2.60.055 Limitations of powers.**

(a) All budgetary powers, expenditures and revenues shall be exclusively controlled by the City Council.

(b) All personnel matters shall be exclusively controlled by the City Manager.

(c) Except as provided in Section 2.60.010 through Section 2.60.075 herein, all other actions of the Board are restricted to matters of an advisory nature, and in the manner of recommendation. Nothing contained herein shall provide, create or include to the Board any control over any employees of the library facility, or over the expenditure of funds of the library. (Ord. 1110, 1993)

#### **2.60.060 Legal advisor, personnel manager and funds custodian.**

(a) The City Attorney shall be the legal advisor of the Board and render all legal services required by the Board without additional compensation, unless such additional compensation is first authorized by the City Council.

(b) The City Manager shall act as an ex officio member of the Board. The City Manager shall attend all regularly scheduled Board meetings and shall make himself or herself available for purposes of consultation and advisement concerning the implementation of any policy of the City. The City Manager shall not have a vote in any matters being considered by the Board.

(c) The City Treasurer shall act as the legal custodian for any funds generated through operation of the library. The accounts of the library shall annually be audited by a certified public accountant satisfactory to the City Council. (Ord. 1110, 1993)

**2.60.065 Personnel.**

All personnel of the library shall be personnel subject to the terms and provisions of the Personnel Policy adopted and/or amended from time to time by the City Council. The City Manager shall have sole and exclusive authority over said employees. (Ord. 1110, 1993)

**2.60.070 Operating manager.**

The City Manager shall be the operating manager of any library facility, with the powers, duties and responsibilities given him or her by statute, charter or ordinance. (Ord. 1110, 1993)

**2.60.075 Noninterference.**

Except as provided in Section 2.60.050, neither the Board nor any of its members shall direct or request that it take part in the employment or removal of any employees of the library in the administrative service of the City. Violation of any provision of this Section by a member of the Board shall constitute misconduct and shall be punishable in such a manner as may be at the direction of the members of the City Council. (Ord. 1110, 1993)

**CHAPTER 2.63**

**Recreation Advisory Board**

**2.63.010 Established.**

The La Junta Recreation Advisory Board is hereby established. (Ord. 1337, 2002)

**2.63.020 Prior Board.**

The prior board known as "La Junta City Recreation Board," comprised of citizens of the City of La Junta, is hereby replaced by the La Junta Recreation Advisory Board. (Ord. 1337, 2002)

**2.63.030 Nature of the Recreation Advisory Board.**

The Recreation Advisory Board shall be advisory in nature and shall have no powers other than those enumerated herein. (Ord. 1337, 2002)

**2.63.040 Effective date; termination.**

The existence of the Recreation Advisory Board shall continue from the effective date of the ordinance codified herein until such time as amended, changed or terminated by act of the City Council. (Ord. 1337, 2002)

**2.63.050 Powers and duties.**

The Recreation Advisory Board shall have the following powers and duties:

- (1) Schedule meetings to collect and evaluate user input from the community concerning the functions of the recreational facilities.
- (2) Provide the City Manager with input of the desires of the users of the recreational facilities.
- (3) Provide the City Council, through the City Manager, with input concerning the desires of the users of the recreational facilities.
- (4) Advise the designated representative of the City Manager concerning activities to be held at the recreational facilities.
- (5) Advise the City Council, City Manager and the City Manager's local representative concerning the desires of the users of the recreational facilities.
- (6) Make recommendations to the City Manager concerning possible capital expenditures for the recreational facilities.
- (7) Make recommendations to the City Manager concerning functions to be conducted at the premises and other use of the recreational facilities.
- (8) Conduct regular meetings of the Recreation Advisory Board.
- (9) Elect officers to make nonbinding recommendations concerning the financing of the City's Recreation Department funds.
- (10) Assist the City by expanding services to the community through use of the recreational facilities.
- (11) Hold regular meetings no less frequently than annually with the users of the recreational facilities to determine their wishes and to ensure that members of the community are served, irrespective of race, age, religion, creed, national origin or color.
- (12) To ensure that all recreational activities of the Recreation Department are properly administered, so as to provide maximum utility to the citizens of the City.
- (13) To promote rules and regulations for the use of the Recreation Department, subject to City Council approval. (Ord. 1337, 2002)

**2.63.060 Powers and duties excluded or reserved.**

The following powers and duties shall be specifically reserved to the City:

- (1) Ownership of any buildings, all personal property and recreational facilities.
- (2) Determination of any capital expenditures for the facilities.
- (3) Determination of the overall use of the facilities, to include long-term uses of the facilities, remodeling, upkeep of the facilities and other matters associated with maintenance of the facilities.
- (4) Decide, in its sole discretion, all matters of budget with regard to the maintenance of the facilities.
- (5) Determine what, if any, revenues shall be spent by the City in the maintenance of the facilities.
- (6) Control all aspects of any full-time City employees located upon the premises of the Recreation Department.
- (7) Determine the appropriate uses of the facilities and any assets thereof.
- (8) Appoint representatives to the Recreation Advisory Board. (Ord. 1337, 2002)

**2.63.070 Membership.**

(a) The membership of the Board shall consist of the following:

- (1) One (1) appointee of the City Council, whose term shall commence with the appointment hereof and continue during the elected term of that Council member's tenure as a City Council Member.
- (2) City Manager or his or her designee.
- (3) Five (5) members selected from the City or its surrounding area, as may be appointed by the City Council, for terms of three (3) years each; except as to the following initial term as defined in Subsection (b) below.

(b) Two (2) members shall be appointed for an initial term of three (3) years to expire on December 31, 2003; two (2) members shall be appointed for a term of two (2) years to expire on December 31, 2004; and (1) one member shall be appointed for a term of one (1) year to expire on December 31, 2005. Thereafter, the provisions of Subsection (a)(3) above shall apply. (Ord. 1337, 2002)

**2.63.080 Annual report to City Council.**

On an annual basis, the Recreation Advisory Board shall report the following to the City Council:

- (1) Number of persons served;
- (2) Recommendations, if any, concerning the operation of local community recreational facilities;
- (3) Recommendations, if any, concerning the use by entities with which the City may contract with regard to the operation of local community recreational facilities; and
- (4) Recommendations, if any, concerning procedures, guidelines and other matters associated with the operation of local community recreational facilities. (Ord. 1337, 2002)

**2.63.090 Meeting compliance.**

All meetings of the Recreation Advisory Board shall comply with the Open Session Requirements as set forth in Title 24, C.R.S. (Ord. 1337, 2002)

**CHAPTER 2.70**

**Property Management Fund**

**2.70.010 Fund established.**

A Property Management Fund is hereby created for the handling, control, maintenance, sale, disposition and improvement of the below-listed real property assets of the City. This Chapter shall apply to the following City Council real properties:

- (1) All unsold houses at Prairie View Heights, to include the following lots:

Lot 2	303 Burshears Blvd., La Junta
Lot 30	305 Burshears Blvd., La Junta
Lot 29	307 Burshears Blvd., La Junta
Lot 23	308 Burshears Blvd., La Junta
Lot 28	309 Burshears Blvd., La Junta
Lot 27	311 Burshears Blvd., La Junta
Lot 31	402 Kiva Court, La Junta
Lot 32	404 Kiva Court, La Junta
Lot 5	405 Kiva Court, La Junta
Lot 6	407 Kiva Court, La Junta
Lot 7	409 Kiva Court, La Junta
Lot 8	411 Kiva Court, La Junta
Lot 34	414 Kiva Court, La Junta
Lot 10	415 Kiva Court, La Junta
Lot 35	416 Kiva Court, La Junta
Lot 36	418 Kiva Court, La Junta
Lot 37	420 Kiva Court, La Junta
Lot 13	421 Kiva Court, La Junta
Lot 38	422 Kiva Court, La Junta
Lot 39	424 Kiva Court, La Junta
Lot 40	426 Kiva Court, La Junta
Lot 26	428 Kiva Court, La Junta

- (2) Administration building at Prairie View Heights, 200 Burshears Blvd., La Junta;
- (3) Dormitory units at Prairie View Heights, 427 Prairie View Court, La Junta;
- (4) Building at 30246 First Avenue, La Junta Industrial Park, La Junta;
- (5) Building at 28057 Railroad Avenue, La Junta Industrial Park, La Junta;
- (6) Building at 28050 Railroad Avenue, La Junta Industrial Park, La Junta;
- (7) Building at 27750 Railroad Avenue and 27781 Railroad Avenue, La Junta Industrial Park, La Junta;
- (8) Building at 27505 Otero Avenue, La Junta Industrial Park, La Junta;
- (9) Building at 27764 Otero Avenue, La Junta Industrial Park, La Junta;
- (10) Building at 27957 Otero Avenue, La Junta Industrial Park, La Junta;
- (11) Blue metal building (West), 30117 5th Avenue, La Junta Industrial Park, La Junta;
- (12) Blue metal building (East), 30119 5th Avenue, La Junta Industrial Park, La Junta;
- (13) Green metal building, 27954 Railroad Avenue, La Junta Industrial Park, La Junta;
- (14) Tin storage building (#1) South, 27786 Railroad Avenue, La Junta Industrial Park, La Junta;
- (15) Tin storage building (#2) North, 27902 Railroad Avenue, La Junta Industrial Park, La Junta;
- (16) Building at 30270 First Avenue, La Junta;
- (17) Building at 27850 Harris Road, La Junta;
- (18) Building at 27977 Harris Road, La Junta;
- (19) Building at 30174 6th Avenue, La Junta Industrial Park, La Junta;
- (20) Building at 30105 6th Avenue, La Junta Industrial Park, La Junta;
- (21) Building at 615 Raton Avenue, La Junta;
- (22) Building at 702 W. 5th Street, La Junta;
- (23) First and Raton parking lot (15 E. First Street), La Junta;
- (24) Building at 4th and Gardner lot, La Junta;

- (25) All hangers, T hangers and support buildings located on the tarmac of the City Airbase;
- (26) Building at 27700 Frontage Road, La Junta;
- (27) All unimproved lots located at the Industrial Park, La Junta, Colorado; and
- (28) Other properties as the City may add to the fund, from time to time, by ordinance of the City Council. (Ord. 1347 §1, 2003)

**2.70.020 Effective date.**

The provisions of this Chapter shall become effective January 1, 2003. (Ord. 1347 §§1, 2, 2003)

**2.70.030 Revenues.**

All revenues resulting from the use or sale of the assets set forth above shall be allocated to this fund. Those revenue sources include (but are not limited to) the following:

- (1) Rental income from current and future leaseholds;
- (2) Gain from the sale of assets;
- (3) Interest income;
- (4) Miscellaneous income;
- (5) Transfers from retained earnings (from various other funds);
- (6) Other funds as the City Council may direct. (Ord. 1347 §§1, 3, 2003)

**2.70.040 Expenditures.**

(a) *Expenditures and expenses*, as used herein, includes all capital improvements, betterments, acquisition expenses, operating expenses and maintenance expenses.

(b) All expenditures and expenses required for the operation and maintenance of the above-defined assets shall be allocated to the fund and shall include but not be limited to the following items:

- (1) Administrative expenses in an amount no greater than fifteen percent (15%) of the total administrative expenses of the City for the current budgeted year, as to the following line items:
  - a. Salaries;
  - b. Benefits;
  - c. FICA;
  - d. Group insurance;

- e. Pension;
  - f. Work compensation;
  - g. City benefits on accrued leave;
  - h. Medicare;
  - i. Supplies;
  - j. Utilities;
  - k. Telephone; and
  - l. Computer costs.
- (2) Building maintenance.
  - (3) Ground maintenance.
  - (4) Salary, benefits for "special" service employees.
  - (5) Utility costs.
  - (6) Contract services.
  - (7) Property taxes (real and personal).
  - (8) Miscellaneous expenses.
  - (9) Advertising.
  - (10) Property insurance and casualty insurance.
  - (11) Freight.
  - (12) Outside services: audit, legal, engineering and other professional requirements.
  - (13) Uniforms.
  - (14) Uncollectible accounts.
  - (15) Safety.
  - (16) Depreciation expense.
  - (17) Economic development activities related to existing properties.
  - (18) Indebtedness repayment.

(c) It is the intention of the City Council that all expenditures and expenses incurred (for any reason as relates to the above properties) are hereby authorized and shall be allocated to the fund without being subject to the provisions of Section 2.70.070.

(d) Nothing contained herein shall restrict the fund from establishing borrowings (and for the repayment thereof) for related municipal purposes as allowable by law and as approved by the City Council. (Ord. 1347 §§1, 4, 2003)

**2.70.050 Minimum retained earnings.**

As an operating guideline, maintenance of minimum retained earnings shall be no less than twenty-five percent (25%) of the previous year's gross operating income of the fund. This minimum retained earnings balance shall be invaded only when extraordinary needs exist as declared by resolution of the City Council. (Ord. 1347 §§1, 5, 2003)

**2.70.060 Retained earnings.**

(a) *Retained earnings* are defined as all surpluses resulting from the application of revenues from Section 2.70.030 above after allocation of expenses required by Section 2.70.040 above.

(b) Retained earnings may be used for any local economic development purpose as the same may be declared by the City Council. (Ord. 1347 §§1, 6, 2003)

**2.70.070 Amendment.**

Provisions of Sections 2.70.010 through 2.70.070, inclusive, may be amended only upon passage of amendments by ordinance in accordance with the City Charter, and only after a vote of no less than two-thirds ( $\frac{2}{3}$ ) of the City Council. (Ord. 1347 §§1, 7, 2003)

**CHAPTER 2.83**

**La Junta Municipal Airport Advisory Board**

**2.83.010 Established.**

The La Junta Municipal Airport Advisory Board is hereby established. (Ord. 1410, 2005)

**2.83.020 Nature of Board.**

The Board shall be advisory in nature and shall have no powers other than those enumerated herein. (Ord. 1410, 2005)

**2.83.030 Effective date; termination.**

The existence of the Board shall continue from the effective date of the ordinance codified herein until such time as amended, changed or terminated by act of the City Council. (Ord. 1410, 2005)

**2.83.040 Definitions.**

The following definitions will apply to Sections 2.83.010 through 2.83.090, inclusive. Words and phrases used in this Chapter shall have the meanings ascribed as follows:

(1) *Airport facilities* means those improvements located within the industrial park that are used exclusively for operation of the airport facility, to include runways, approaches, tarmac, T-hangars, hangars, buildings, approach equipment and lighting. *Airport facilities* does not include buildings or other real estate used by the City or other businesses that are not directly related to the airfield operation.

(2) *Personal property* means only personal property owned by the City. (Ord. 1410, 2005)

**2.83.050 Powers and Duties.**

The Board shall have the following powers and duties:

(1) Schedule meetings to collect and evaluate user input from the community concerning the functioning of the airport facilities.

(2) Provide the City Council, through the City Manager, with input concerning the desires of the users of the airport facilities.

(3) Advise the designated representative of the City Manager concerning activities to be held at the airport facilities.

(4) Make recommendations to the City Manager concerning possible capital expenditures for the airport facilities.

(5) Make recommendations to the City Manager concerning functions to be conducted at the airport and other uses of the airport facilities.

(6) Conduct regular meetings of the Board.

(7) Assist the City in expanding services to the community through use of the La Junta Municipal Airport facilities.

(8) Hold periodic meetings with the users of the La Junta Municipal Airport facilities to determine their wishes and to ensure that members of the community are served, irrespective of race, age, religion, creed, national origin or color. (Ord. 1410, 2005)

**2.83.060 Powers and duties excluded or reserved.**

The following powers and duties shall be specifically reserved to the City:

(1) Ownership of any buildings, all personal property and airport facilities.

(2) Determination of any capital expenditures for the facilities.

(3) Determination of the overall use of the facilities, to include long-term uses of the facilities, remodeling, upkeep of the facilities and other matters associated with maintenance of the facilities.

(4) Decide, in its sole discretion, all matters of budget with regard to the maintenance of the facilities.

(5) Determine what, if any, revenues shall be spent by the City in the maintenance of the facilities.

(6) Control all aspects of any full-time or part-time City employees located upon the premises of the La Junta Municipal Airport.

(7) Determine the appropriate uses of the facilities and any assets thereto.

(8) Appoint representatives to the La Junta Municipal Airport Advisory Board. (Ord. 1410, 2005)

#### **2.83.070 Membership.**

The membership of the La Junta Municipal Airport Advisory Board shall consist of the following:

(1) One (1) appointee of the City Council whose term shall commence with the appointment hereof and continue during the elected term of that Council Member's tenure as a City Council Member.

(2) The City Manager or his or her designee.

(3) Five (5) members selected from the City, or its surrounding area, as may be appointed by the City Council, for terms of three (3) years each, except as to the following initial term as defined in Paragraph (4) below.

(4) Two (2) members shall be appointed for an initial term of three (3) years to expire on December 31, 2008; two (2) members shall be appointed for a term of two (2) years to expire on December 31, 2007; and one (1) member shall be appointed for a term of one (1) year to expire on December 31, 2006. Thereafter, the provisions of Paragraph (3) above shall apply. (Ord. 1410, 2005)

#### **2.83.080 Annual report to City Council.**

On an annual basis, the Board shall report the following to the City Council:

(1) Number of aircraft served;

(2) Recommendations, if any, concerning the operation of a local community airport facility;

(3) Recommendations, if any, concerning the use of entities with which the City may contract with regard to the operation of airport facilities;

(4) Recommendations, if any, concerning procedures, guidelines and other matters associated with the operation of the La Junta Municipal Airport. (Ord. 1410, 2005)

**2.83.090 Meeting compliance.**

All meetings of said Board shall comply with the Open Session Requirements as set forth in Title 24, C.R.S. (Ord. 1410, 2005)