

**CITY OF STEAMBOAT SPRINGS**  
**HOME RULE CHARTER**

**Accepted November 6, 1973**

**CITY OF STEAMBOAT SPRINGS**  
**HOME RULE CHARTER**

**Accepted November 6, 1973**

# **CITY OF STEAMBOAT SPRINGS HOME RULE CHARTER**

## **TABLE OF CONTENTS**

|   |          |
|---|----------|
| <b>PREFATORY SYNOPSIS</b>                 | <b>1</b> |
| <b>PREAMBLE</b>                           | <b>1</b> |
| <b>ARTICLE 1 - GENERAL PROVISIONS</b>     | <b>2</b> |
| Section 1.1 - Name and Boundaries         |          |
| Section 1.2 - Municipal Powers            |          |
| Section 1.3 - Rights and Liabilities      |          |
| Section 1.4 - Form of Government          |          |
| <b>ARTICLE 2 - ELECTIONS</b>              | <b>3</b> |
| Section 2.1 - Laws Governing Elections    |          |
| Section 2.2 - Regular Municipal Elections |          |
| Section 2.3 - Special Municipal Elections |          |
| Section 2.4 - Nonpartisan Elections       |          |
| Section 2.5 - Districts                   |          |
| Section 2.6 - Elective Officers           |          |
| Section 2.7 - Nominating Petitions        |          |
| Section 2.8 - Term of Office              |          |
| Section 2.9 - Election Commission         |          |
| Section 2.10 - Recall                     |          |
| <b>ARTICLE 3 - COUNCIL</b>                | <b>5</b> |
| Section 3.1 - Council Powers              |          |
| Section 3.2 - Council President           |          |
| Section 3.3 - Council President Pro Tem   |          |
| Section 3.4 - Regular Meetings            |          |
| Section 3.5 - Special Meetings            |          |
| Section 3.6 - Emergency Meetings          |          |
| Section 3.7 - Meetings to be Public       |          |
| Section 3.8 - Quorum                      |          |
| Section 3.9 - Oath of Office              |          |
| Section 3.10 - Vacancies                  |          |
| Section 3.11 - Compensation               |          |
| Section 3.12 - Conflict of Interest       |          |

|                  |   |  |           |                   |   |   |           |
|------------------|---|--|-----------|-------------------|---|---|-----------|
| <b>ARTICLE 4</b> | - | <b>CITY ADMINISTRATION</b>                               | <b>7</b>  | <b>ARTICLE 9</b>  | - | <b>CITY FINANCES</b>  | <b>19</b> |
| Section 4.1      | - | City Manager: Appointment, Qualifications and Removal    |           | Section 9.1       | - | Fiscal Year   |           |
| Section 4.2      | - | City Manager: Powers and Duties                          |           | Section 9.2       | - | Provision for Tax System  |           |
| Section 4.3      | - | Relationship of Council to Administrative Service        |           | Section 9.3       | - | Capital Program   |           |
| Section 4.4      | - | Manager Pro Tem  |           | Section 9.4       | - | The Budget  |           |
| Section 4.5      | - | City Clerk   |           | Section 9.5       | - | Budget Hearing  |           |
| Section 4.6      | - | City Treasurer   |           | Section 9.6       | - | Council Amendments  |           |
| Section 4.7      | - | Bonding of Employees                                     |           | Section 9.7       | - | Council Adoption  |           |
| Section 4.8      | - | Departments Created                                      |           | Section 9.8       | - | Property Tax Levy   |           |
|                  |   |  |           | Section 9.9       | - | Public Records  |           |
| <b>ARTICLE 5</b> | - | <b>BOARDS AND COMMISSIONS</b>                            | <b>10</b> | Section 9.10      | - | Amendments after Adoption   |           |
| Section 5.1      | - | Existing Boards  |           | Section 9.11      | - | Independent Audit   |           |
| Section 5.2      | - | Composition of Boards and Commissions                    |           | Section 9.12      | - | Appropriation of Unexpended Funds   |           |
| Section 5.3      | - | Planning Commission                                      |           | Section 9.13      | - | Contingency Expenditures  |           |
|                  |   |  |           | Section 9.14      | - | Special Funds   |           |
| <b>ARTICLE 6</b> | - | <b>LEGAL JUDICIARY</b>                                   | <b>11</b> | <b>ARTICLE 10</b> | - | <b>MUNICIPAL BORROWING</b>  | <b>21</b> |
| Section 6.1      | - | City Attorney  |           | Section 10.1      | - | Forms of Borrowing  |           |
| Section 6.2      | - | Judiciary  |           | Section 10.2      | - | Short –Term Notes   |           |
|                  |   |  |           | Section 10.3      | - | General Obligation Securities   |           |
| <b>ARTICLE 7</b> | - | <b>LEGISLATION</b>                                       | <b>12</b> | Section 10.4      | - | Revenue Securities  |           |
| Section 7.1      | - | Prior City Legislation                                   |           | Section 10.5      | - | Long-Term Rentals and Leaseholds  |           |
| Section 7.2      | - | Ordinances, Resolutions and Motions                      |           | Section 10.6      | - | Refunding Securities  |           |
| Section 7.3      | - | Action by Ordinance Required                             |           | Section 10.7      | - | Limitation on Indebtedness  |           |
| Section 7.4      | - | Voting   |           | Section 10.8      | - | Terms and Disposal of Securities  |           |
| Section 7.5      | - | Form of Ordinances                                       |           | Section 10.9      | - | Election Required   |           |
| Section 7.6      | - | Procedure  |           | Section 10.10     | - | Assumption of indebtedness  |           |
| Section 7.7      | - | Emergency Ordinances                                     |           |                   |   |   |           |
| Section 7.8      | - | Codification   |           | <b>ARTICLE 11</b> | - | <b>IMPROVEMENT DISTRICTS</b>  | <b>23</b> |
| Section 7.9      | - | Codes  |           | Section 11.1      | - | Power to Create Special or Local Improvement Districts                                      |           |
| Section 7.10     | - | Amendment or Repeal                                      |           | Section 11.2      | - | Creation of Special or Local Improvement Districts  |           |
| Section 7.11     | - | Posting and Publication by Reference or Title            |           | Section 11.3      | - | Improvement District Securities; Levy for General Benefit to Special Fund; Pledge of Credit |           |
| Section 7.12     | - | Disposition of Ordinances                                |           | Section 11.4      | - | Transfers from Unencumbered Special or Local Improvement District Funds                     |           |
|                  |   |  |           | Section 11.5      | - | Payment of Securities by City   |           |
| <b>ARTICLE 8</b> | - | <b>INITIATIVE AND REFERENDUM</b>                         | <b>15</b> | Section 11.6      | - | Review of Improvement District Proceedings  |           |
| Section 8.1      | - | General Authority  |           |                   |   |   |           |
| Section 8.2      | - | Petitioner’s Committee; Affidavit                        |           | <b>ARTICLE 12</b> | - | <b>FRANCHISES AND PUBLIC UTILITIES</b>  | <b>26</b> |
| Section 8.3      | - | Petitions  |           | Section 12.1      | - | City Powers   |           |
| Section 8.4      | - | Procedure after Filing                                   |           | Section 12.2      | - | Grant of Public Utility Franchises  |           |
| Section 8.5      | - | Referendum Petitions; Suspension of Effect of Ordianance |           | Section 12.3      | - | Water Rights  |           |
| Section 8.6      | - | Action on Petitions                                      |           |                   |   |   |           |
| Section 8.7      | - | Submission by Council                                    |           |                   |   |   |           |
| Section 8.8      | - | Results of Election                                      |           |                   |   |   |           |

- Section 12.4 - Utility Rates
- Section 12.5 - Term, Compensation, and Restriction
- Section 12.6 - Franchise Review
- Section 12.7 - Assignment of Franchise
- Section 12.8 - Common Use of Facilities
- Section 12.9 - Franchise Records
- Section 12.10 - Existing Franchises
- Section 12.11 - Revocable Permits

**ARTICLE 13 - MISCELLANEOUS PROVISIONS 28**

- Section 13.1 - Eminent Domain
- Section 13.2 - Conveyances
- Section 13.3 - Reservation of Power
- Section 13.4 - Liability of City
- Section 13.5 - Contracts With Other Governmental Units
- Section 13.6 - Purchase, Sale or Lease of Real Property
- Section 13.7 - Bequests, Gifts and Donations
- Section 13.8 - Continuity of Government
- Section 13.9 - Severability of Charter
- Section 13.10 - Amending the Charter
- Section 13.11 - Posting Procedure
- Section 13.12 - Publication Procedure and Requirements
- Section 13.13 - Requirements for Council Action
- Section 13.14 - Interpretations
- Section 13.15 - Definitions
- Section 13.16 - Saving Clause

**ARTICLE 14 - TRANSITION PERIOD 31**

- Section 14.1 - Purpose of Transition Provisions
- Section 14.2 - Effective Date of Charter
- Section 14.3 - Transition Election
- Section 14.4 - Council President and Council President Pro Tem
- Section 14.5 - First Election Commission
- Section 14.6 - Continuation of Present Elected Officials
- Section 14.7 - Special Council Duties During Transition
- Section 14.8 - Continuation of Appointed Officers and Employees

**CERTIFICATION OF FINAL ADOPTION**

**PREFATORY SYNOPSIS**

On June 19, 1973, the citizens of Steamboat Springs, Colorado, selected Home Rule as the type of government for their City and elected a twenty-one-member Charter Commission to draft the Charter.

This Charter provides that all powers of the City shall be vested in an elective Council which shall enact local legislation and determine policies. A City Manager will be appointed by and serve at the pleasure of the Council, and he shall be responsible for the administrative functions of the City. With this form of government it is hoped that the growth and quality of the life in Steamboat Springs will continue in a peaceful and progressive manner for the benefit of all who live in this unique mountain city.

The underlying concept of this document is the need for a flexible and responsive government. Such a philosophy emphasizes popular involvement and encourages citizen participation in all matters of local and municipal concern. It is the intent of this Charter and Home Rule to permit the elected officers to operate freely in the implementation of the needs and desires of the people of this City, and to preserve all powers delegated to the people by the Constitution of the United States and permitted by the Constitution of the State of Colorado.

This Charter is hereby respectfully submitted to the citizens of Steamboat Springs for their approval.

**PREAMBLE**

We, the people of the City of Steamboat Springs, Colorado, under the authority of the Constitution of the State of Colorado and the Municipal Home Rule Act of 1971, and in order to exercise the rights, privileges and responsibilities of self-government granted to us by the said Constitution and Act, do ordain and establish this Home Rule Charter for the City of Steamboat Springs, Colorado.

**FOOTNOTE(S):**

--- (1) ---

Editor's note—Printed in this part is the city charter which was approved by the voters at an election held on November 6, 1973. History notes show the legislation proposing amendments and the date the voters approved the amendments. Catchlines are printed in boldface type. Except as otherwise stated in this note or in editor's notes in the charter, the charter is published as enacted and amended. Material added by the editor is encased in brackets and obvious misspelling errors have been corrected.

## ARTICLE 1 - GENERAL PROVISIONS

### Section 1.1 - — Name and Boundaries:

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

### Section 1.2 - — Municipal Powers:

The City shall have all the power of local self-government and home rule and all power possible for a city to have, under the Constitution of the State of Colorado. The City shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado. The enumeration of particular powers in this Charter shall not be deemed to be exclusive of others.

### Section 1.3 - — Rights and Liabilities:

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

### Section 1.4 - — Form of Government:

The municipal government provided by this Charter shall be known as Council-Manager government. Pursuant to the Charter provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers shall be vested in an elective Council which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager who shall execute the laws and administer the City government. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not so prescribed, then in such manner as may be prescribed by ordinance or resolution, or as provided by other applicable law.

## ARTICLE 2— - ELECTIONS

### Section 2.1 - — Laws Governing Elections:

City elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance.

### Section 2.2 - — Regular Municipal Elections:

Regular municipal elections shall be held on the first Tuesday in November in the odd-numbered years commencing with 1975 and biennially thereafter.

(Ord. No. 1958, § 1, 8-17-04)

### Section 2.3 - — Special Municipal Elections:

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

### Section 2.4 - — Nonpartisan Elections:

All regular and special municipal elections for elective office of the City of Steamboat Springs shall be nonpartisan.

### Section 2.5 - — Districts:

The city is hereby divided into three districts, the boundaries of which shall be determined by the Council. Each district shall be contiguous and shall include as nearly as possible the same number of qualified electors. The Council shall examine the voter population districts at least every five (5) years to ensure that boundaries are changed, if such change is deemed necessary by Council.

### Section 2.6 - — Elective Officers:

The elective officers shall be seven Council Members, whose eligibility to hold municipal office shall be determined by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except that a candidate for Council Member need only be a resident of the district which he will represent at the time his nominating petition is filed. Two Council Members shall be elected from each district and one Council Member from the City at large. All Council Members shall be elected by the voters of the entire City.

(Res. No. 89-41, 11-7-89)

### **Section 2.7 - — Nominating Petitions:**

The nominating petitions for each candidate shall be signed by not fewer than twenty-five (25) qualified electors from the district in which the candidate resides, except for a candidate for Council Member-at-Large whose petition may be signed by not fewer than twenty-five (25) qualified electors from the entire City. Nominating petitions shall be filed not later than thirty (30) days prior to a municipal election.

(Res. No. 89-41, 11-7-89)

### **Section 2.8 - — Term of Office:**

Except for the transition election as provided in Section 14.3 of this Charter, the Council Member-at-Large shall be elected for a two-year term and each district Council Member shall be elected for a four-year term. One candidate from each district and the Council Member-at-Large shall be elected in each regular election to fulfill the requirements of this Charter. The newly elected Council Members shall take office at the first regular meeting following their election.

(Res. No. 89-41, 11-7-89)

### **Section 2.9 - — Election Commission:**

An Election Commission is hereby created, consisting of the City Clerk and two qualified electors of the City, who during the term of office, shall not be City officers or employees or candidates or nominees for elective City office. These two members shall be appointed by the Council within ninety (90) days following a regular municipal election, for a term of two (2) years and shall serve without compensation, except that the first Election Commission shall be appointed as provided in Section 14.5.

The City Clerk shall be chairman. The Election Commission shall have charge of all activities and duties required of it by statute and this Charter relating to the conduct of elections in the City. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

The Commission shall provide procedures to establish proof of residency qualification. The Election Commission shall provide for: ballots and sample ballots or voting machines; the determination of the winner by lot in the event of a tie vote; the canvass of returns; and the issuance of appropriate certificates.

### **Section 2.10 - — Recall:**

Any elected officer of the City may be recalled at any time after six months in office by the qualified electors entitled to vote for a successor of such incumbent as provided for in Article XXI of the State of Colorado Constitution. The Council may provide alternate recall procedures by ordinance, provided such procedures are consistent with the Constitution and this Charter.

## **ARTICLE 3— - COUNCIL**

### **Section 3.1 - — Council Powers:**

The legislative affairs of the City shall be vested in a Council consisting of seven (7) Council Members. The Council shall constitute the governing body of the City, and shall have all municipal powers including, without limitation, all powers as conferred by general law except as limited by this Charter, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(Res. No. 89-41, 11-7-89)

### **Section 3.2 - — Council President:**

The Council shall elect a chairman from among the duly elected Council Members at its organizational meeting. The Chairman shall act as the Council President and shall serve at the pleasure of the Council for a two-year term, except as provided in Section 14.4. He shall preside at meetings of the Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or by ordinance. He shall have all the powers, rights, privileges and duties of a Council Member including the same rights as other councilmen to speak and vote. He shall be recognized as the head of the City government for all ceremonial and legal purposes, and he shall execute and authenticate legal instruments requiring his signature as such official. In the event of a vacancy in the office of Council President, the Council shall choose his successor.

(Res. No. 89-41, 11-7-89)

### **Section 3.3 - — Council President Pro Tem:**

The Council shall elect a vice-chairman from among the duly elected Council Members at its organizational meeting. The vice-chairman shall act as the Council President Pro Tem and shall serve at the pleasure of the Council for a two-year term, except as provided in Section 14.4. The Council President Pro Tem shall serve in the temporary absence or disability of the Council President and at such time shall perform all duties and have all powers of the Council President. In the event of a vacancy in the office of Council President Pro Tem, the Council shall choose his successor.

(Res. No. 89-41, 11-7-89)

### **Section 3.4 - — Regular Meetings:**

The Council shall meet regularly at least once each month at a day and hour to be fixed by the rules of Council. The Council shall determine the rules of procedure governing meetings.

**Section 3.5 - — Special Meetings:**

Special meetings shall be called by the City Clerk at the request of any two (2) members of the Council or the City Manager, on at least seventy-two (72) hours' notice to each member of the Council. Notice to the public shall be posted as provided in Section 13.11.

**Section 3.6 - — Emergency Meetings:**

An emergency meeting may be held if a quorum of the Council consents and if all Council Members are notified if practical. Such meetings may be called for the purpose of preservation of public health, welfare, peace, safety or property. Maximum practical notice shall be given to the public stating the purpose, time and place of any such meeting, and such notice shall be posted as provided in Section 13.11.

(Res. No. 89-41, 11-7-89)

**Section 3.7 - — Meetings to be Public:**

All regular, special and emergency meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

**Section 3.8 - — Quorum:**

A majority of the Council members shall constitute a quorum. A quorum shall be present at all regular, special and emergency meetings. Council may act only at regular, special or emergency meetings.

**Section 3.9 - — Oath of Office:**

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

(Res. No. 89-41, 11-7-89)

**Section 3.10 - — Vacancies:**

A Council Member's office shall become vacant whenever he resigns, dies, is recalled, or becomes a nonresident of the City or the district from which he was elected or appointed, except if he becomes a nonresident of the district from which he was elected or appointed due to a change in district boundaries he shall continue in office until his term expires. A vacancy which occurs shall be filled by a majority vote of the remaining Council within thirty (30) days after such vacancy occurs, provided there will not be a regular municipal election within ninety (90) days.

If three (3) or more vacancies exist simultaneously, the remaining Council Members shall call a special election to fill such vacancies, provided there will not be a regular municipal election within ninety (90) days.

The Council shall appoint a person who resides in the same district in which the vacancy has occurred.

If a Council office is vacated during the first two years of a four-year term, the term of the newly appointed Council Member shall expire at the next regular election, and the qualified electors shall elect a Council Member to complete the final two years of that term.

(Res. No. 89-41, 11-7-89)

**Section 3.11 - — Compensation:**

The Council shall receive such compensation as Council shall prescribe by ordinance, provided, however, any such proposed Ordinance shall be submitted to a vote of the qualified electors in accordance with Section 8.7 hereof and approved by a majority of the qualified electors before being finally adopted by the Council. The Council Members may, upon approval of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

(Ord. No. 660, § 1, 1979; Res. No. 89-41, 11-7-89)

**Section 3.12 - — Conflict of Interest:**

No member of the Council during his term of office shall be a compensated employee of the City nor shall he have any material or significant financial interest direct or indirect or any apparent conflict of interest with the City. In the event that any Council Member or any member of his family has or could potentially be construed as having such interest, said Council Member shall declare such interest. If any Council Member fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest. When such conflict of interest is established, the remaining Council Members shall take any action they deem to be in the best interest of the City.

(Res. No. 89-41, 11-7-89)

**ARTICLE 4— - CITY ADMINISTRATION**

**Section 4.1 - — City Manager: Appointment, Qualifications and Removal:**

The Council shall appoint by majority vote of the entire Council a City Manager as soon as possible but within six (6) months after any vacancy exists in such position. The Manager shall be appointed with regard to fitness, competency, training and



experience in professional urban administration. Such appointment shall be without definite term and shall be at a salary to be fixed from time to time by the Council. No member of the Council shall be appointed Manager during his term of office nor within two (2) years after the expiration of his term of office. The City Manager shall devote his entire business time to the administration of the City, shall hold no other paid position during his term of office, and shall have no financial interest direct or indirect with any firm or corporation which may have contracts or franchises with the City.

The Council, at a regular or special meeting, may, upon the vote of the majority of the entire Council, remove the City Manager from office. Upon such termination, the Council may in its discretion provide termination pay. If removed at any time after six (6) months of service, the City Manager may demand written charges and a public hearing before the Council, and the same shall be given to him prior to his final removal. Pending such hearing, the Council may suspend him from office with or without pay.

### **Section 4.2 - — City Manager: Powers and Duties:**

The City Manager shall be the administrative head of the City and shall be responsible to the Council for the proper administration and execution of all affairs of the City. His duties shall include but not be limited to the following:

- (a) Be responsible for the enforcement of the laws and ordinances of the City;
- (b) Hire, suspend, transfer and remove City employees;
- (c) Make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform;
- (d) Cause a proposed budget to be prepared annually and submitted to the Council and be responsible for the administration of the budget after its adoption;
- (e) Prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year and, upon request of the Council, make written or verbal reports at any time concerning the affairs of the City under his supervision;
- (f) Keep the Council advised of the financial condition and future needs of the City and make such recommendations to the Council for adoption as he may deem necessary or expedient;
- (g) Establish a system of accounting and auditing for the City which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the City;
- (h) Exercise supervision and control over all departments, and recommend to the Council any proposal he thinks advisable to establish, consolidate or abolish departments;
- (i) Be responsible for the enforcement of all terms and conditions imposed in favor

of the City in any contract or public-utility franchise, and upon knowledge of any violation thereof, report the same to Council for such action and proceedings as may be necessary to enforce the same;

- (j) Provide for engineering, architectural, maintenance, and construction service required by the City;
- (k) Attend Council meetings and participate in discussions with the Council in an advisory capacity;
- (l) Serve in an ex-officio, nonvoting capacity on all present and future boards, committees, and commissions of the City;
- (m) Perform other such duties as may be prescribed by this Charter, by ordinance or required of him by Council and which are not inconsistent with this Charter.

### **Section 4.3 - — Relationship of Council to Administrative Service:**

Neither the Council nor its members shall dictate the appointment of any person to office by the City Manager except as otherwise provided in this Charter or in any way interfere with the City Manager or other appointed City officer to prevent him from exercising his judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor its members shall give orders to any of the subordinates of the City Manager.

### **Section 4.4 - — Manager Pro Tem:**

The City Manager shall designate by letter filed with the City Clerk a qualified City employee as Manager Pro Tem to serve in his temporary absence or disability. While serving in the capacity of City Manager the designated employee shall exercise all responsibilities, duties, functions and authority of the City Manager. No member of the Council, during his term of office or for two (2) years thereafter, may be appointed as Manager Pro Tem. Should the City Manager fail to designate a Manager Pro Tem, the Council may make such appointment.

### **Section 4.5 - — City Clerk:**

The City Manager shall appoint a City Clerk who shall be custodian of the City seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The City Clerk shall have power to administer oaths and take acknowledgements under the seal of the City, and shall perform such other duties as required by this Charter or the City Manager.

**Section 4.6 - — City Treasurer:**

The City Manager shall appoint a City Treasurer who also may serve as City Clerk. The City Treasurer, under the direction of the City Manager, shall have charge of the financial records of the City and shall collect, receive, and disburse all monies belonging to the City and shall have all other duties required to administer properly the financial affairs of the City.

**Section 4.7 - — Bonding of Employees:**

All City officials and employees dealing directly with municipal funds shall post bond in an amount and under such conditions as required by Council, and at the expense of the City.

**Section 4.8 - — Departments Created:**

The administrative functions of the City shall be performed by the departments existing at the time this Charter is adopted and such other departments as may be hereafter established by ordinance. The Council may, by ordinance, consolidate, merge or abolish any of the said departments.

**ARTICLE 5— - BOARDS AND COMMISSIONS**

**Section 5.1 - — Existing Boards:**

All existing boards and commissions shall continue, except as otherwise provided in this Charter or changed by ordinance.

**Section 5.2 - — Composition of Boards and Commissions:**

The Council may by ordinance, create, establish or abolish such boards and commissions as it deems necessary, except that those boards and commissions established by Charter may not be abolished. The Council shall appoint the members of such boards and commissions. Terms and conditions of appointment shall be determined by Council and prescribed by ordinance. No City employee and no Council Member shall be appointed to a board or commission except as an ex-officio, nonvoting member.

(Res. No. 89-41, 11-7-89)

**Section 5.3 - — Planning Commission:**

There shall be and hereby is created a City Planning Commission as an advisory agency to assist the City Council in providing for the development of the City of Steamboat Springs and its metropolitan area.

The City Planning Commission shall consist of not fewer than five (5) nor more than (9) members, to be determined and appointed by the Council. Members shall

reside in the City and if any member ceases to reside in the City his membership shall immediately terminate. Members shall serve without compensation except that commissioners may be reimbursed for Council-authorized expenses incurred in performance of City business. Vacancies shall be filled by the Council. Members of the City Planning Commission shall be appointed for a three-year term on a staggered basis.

The City Planning Commission may also serve as the zoning commission of the City and shall perform such other duties as the Council may prescribe.

**ARTICLE 6 - — LEGAL AND JUDICIARY**

**Section 6.1 - — City Attorney:**

The Council shall appoint a City Attorney to serve at the pleasure of Council. He shall be an attorney-at-law admitted to practice in Colorado. The City Attorney shall be the legal representative of the City and he shall advise the Council and City officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the City Attorney such assistants as Council may deem necessary, and may upon its own motion or upon request of the City Attorney, in special cases employ special counsel to serve under the direction of the City Attorney. Council shall establish compensation for the City Attorney, his assistants and special counsel.

**Section 6.2 - — Judiciary:**

(a) Presiding Municipal Judge: There shall be a Municipal Court vested with exclusive original jurisdiction of all cases arising under the ordinances of the City and as may be conferred by law. The Municipal Court shall be presided over and its functions exercised by a judge, appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, reappoint the Municipal Judge. Any vacancy in the office of Municipal Judge shall be filled by appointment by the Council for the remainder of the expired (sic) term.

(b) Deputy Municipal Judges: Council may appoint one or more deputy municipal judges as it deems necessary. All deputy municipal judges shall have the powers of the Municipal Judge when called upon to act by the Municipal Judge or Council. The deputy municipal judges shall serve at the pleasure of the Council.

(c) Compensation: The Municipal Judge shall receive a fixed salary or compensation set by the Council, which shall not be increased nor decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as Council may determine.

(d) Removal: Any municipal judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the entire Council for cause if:

- 1. He is found guilty of a felony or any other crime involving moral turpitude; or

2. He has wilfully or persistently failed to perform his duties; or
3. He has a disability which interferes with the performance of his duties which is, or is likely to become, of permanent character.

## ARTICLE 7— - LEGISLATION

### Section 7.1 - — Prior City Legislation:

All valid laws, ordinances, including existing emergency ordinances, and resolutions of the City which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective valid law, ordinance or resolution which are inconsistent with this Charter shall be repealed.

### Section 7.2 - — Ordinances, Resolutions and Motions:

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

### Section 7.3 - — Action by Ordinance Required:

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property without the consent of the owner, shall be by ordinance.

### Section 7.4 - — Voting:

The vote by “yes” or “no” shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the minutes of the Council proceedings. Except as provided in Section 7.7, every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the Council shall vote on any question in which he has a conflict of interest, other than the common public interest, or on any question concerning his conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this Charter, shall be considered delinquent in his duties and an affirmative vote shall be cast and recorded in his name.

### Section 7.5 - — Form of Ordinances:

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not.

### Section 7.6 - — Procedure:

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

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

(b) The ordinance shall be read in full or, in cases where copies of the ordinance are available to the Council and are, or have been made available to the public, said ordinance may be read by title only.

(c) After the first reading of the ordinance, the same shall be approved with or without amendment, rejected, or tabled by vote of the Council.

(d) If the ordinance is approved on first reading, it shall be posted and published in full or by title, unless otherwise provided in this Charter. The Council shall hold a public hearing on the ordinance not earlier than four (4) days after first publication, and notice of said public hearing, specifying the day, hour, and place of the same, shall be included in the posting and first publication.

(e) If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment, or rejected, by vote of the Council.

(f) The ordinance shall be introduced and read, in the manner provided in Section 7.6(b), a second time at the public hearing for final approval, rejection, or other action as may be taken by vote of the Council.

(g) Except as otherwise provided in this Charter, an ordinance shall be posted and published, in full or by title, after final passage, and if amended subsequent to its last posting and publication, shall state that the same has been amended and shall contain a summary of the subject matter of said amendment.

(h) All ordinances shall take effect five (5) days after publication following final passage, except as otherwise provided in this Charter.

### Section 7.7 - — Emergency Ordinances:

Emergency ordinances for the preservation of public health, welfare, peace, safety, or property shall be approved by a majority vote of the Council Members present at any meeting at which the said emergency ordinance is introduced. The facts showing such urgency and need shall be specifically stated in the ordinance itself.

No ordinance making a grant of any special privilege or fixing rates charged by any City-owned utility shall ever be passed as an emergency ordinance. No ordinance authorizing borrowing money or incurring indebtedness, except as provided in Section 9.10(b), shall ever be passed as an emergency ordinance. An emergency ordinance shall take effect upon passage and for information purposes shall be posted or published in full immediately after passage. An emergency ordinance shall not be in effect longer than ninety (90) days after passage, and shall not again be passed as an emergency ordinance.

(Res. No. 89-41, 11-7-89)

### **Section 7.8 - — Codification:**

The Council shall cause the ordinances to be codified and thereafter maintained in current form. Each Council shall review the ordinances and examine them for current need. The Council may, by ordinance, prescribe the procedures for the enactment and any requirements for public notice of ordinances making general codification of existing ordinances.

### **Section 7.9 - — Codes:**

Standard codes, promulgated by the Federal Government, the State of Colorado or by any agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted with or without amendment by reference thereto in an enacting ordinance and without reading and publishing or posting such codes in full. Such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. However, the title of every primary code and every secondary code which is incorporated in any such adopting ordinance, shall be specified in the title of the adopting ordinance. The enactment of ordinances adopting any said code or codes shall be as provided in Section 7.6 herein, and the posting and publication thereof shall advise that copies and amendments are available for inspection at the office of the City Clerk. Any penalty clause in said codes may be adopted only if set forth in full in the adopting ordinance, and the same shall be posted and published along with the adopting ordinance or the title thereof.

### **Section 7.10 - — Amendment or Repeal:**

No ordinance, section or subsection thereof shall be amended, superseded, or repealed except by an ordinance regularly adopted. No ordinance shall be amended by reference to its title only. The revised sections or subsections of the ordinance, as amended, shall be reenacted. However, an ordinance, section or subsection thereof may be repealed by reference to its title and ordinance or code number only.

### **Section 7.11 - — Posting and Publication by Reference or Title:**

Whenever an ordinance shall be posted or published by reference or by title, the posting and publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk. The posting and publication

of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

### **Section 7.12 - — Disposition of Ordinances:**

An ordinance as adopted shall be authenticated by the signature of the Council President and the City Clerk. A true copy of every such authenticated ordinance shall be numbered and recorded in the official records of the City. Attached to each ordinance and made a part thereof, shall be the certificate of publication or certification by the City Clerk that the same has been posted.

## **ARTICLE 8— - INITIATIVE AND REFERENDUM**

### **Section 8.1 - — General Authority:**

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

(b) Referendum: The registered electors of the City shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal election, in accordance with the provisions of this article of this Charter; provided that such power shall not extend to the budget, capital program, appropriation of any revenues, levy of taxes, calling a special election, or authorizing the issuance of securities (except as provided in Section 10.9), or ordinances to meet the contractual obligations of the City.

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.2 - — Petitioners' Committee; Affidavit:**

Any five (5) registered electors of the City may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

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

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.3 - — Petitions:**

(a) Number of Signatures: Initiative petitions must be signed by registered electors of the City in number to at least fifteen (15) per cent of the total number of electors registered to vote at the last regular municipal election. Referendum petitions must be signed by registered electors of the City equal in number to at least ten (10) per cent of the total number of electors registered to vote at the last regular municipal election.

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

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

(d) Time for Filing Referendum Petitions: Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered, except as otherwise provided in this Charter.

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.4 - — Procedure after Filing:**

(a) Certificate of Clerk: Amendment: Within ten (10) days after a petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) days after receiving the copy of the City Clerk's certificate and files a supplementary petition upon additional forms within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.3, and within five (5) days after it is filed the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the City Clerk shall promptly present his certificate to the Council, and such certificate shall then be a final determination as to the sufficiency of the petition.

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

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

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

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.5 - — Referendum Petitions; Suspension of Effect of Ordinance:**

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

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws petition, or
3. The Council repeals the ordinance, or
4. Certification of a favorable vote of registered electors of the City on the ordinance.

Emergency ordinances shall continue in effect unless the majority of the entire Council votes to suspend the ordinance pending an election.

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.6 - — Action on Petitions:**

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

1. Adopt the ordinance as submitted by an initiatory petition; or
2. Repeal the ordinance, or part thereof, referred to by a referendum petition; or
3. Determine to submit the proposal provided for in a petition to the registered electors of the City; provided, however, that the Council shall have power to change the detailed language of any proposed initiative ordinance and to affix the title thereto, so long as the general character of the measure will not be substantially altered; and provided further, that repeal of any referred ordinance may be effected only by a majority vote of the entire Council.

(b) Submission to Voters: The vote of the registered electors on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final Council vote thereon. If no regular municipal election

is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may at its discretion provide for special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.

(c) Withdrawal of Petitions: An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of registered electors by filing with the City Clerk a request for withdrawal signed by a majority of the petitioners' committee. With the consent of the majority of the Council and upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.7 - — Submission by Council:**

The Council on its own motion, shall have the power to submit at a regular or special election any proposed ordinance or any question to a vote of the registered electors.

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

### **Section 8.8 - — Results of Election:**

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

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

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

(Ord. No. 2266, § 1(Exh. A), 11-3-09)

## **ARTICLE 9— - CITY FINANCES**

### **Section 9.1 - — Fiscal Year:**

The fiscal year of the City shall commence on the first day of January or on such date each year as shall be fixed by Council by ordinance.

### **Section 9.2 - — Provision for Tax System:**

The Council shall have the authority to levy and impose taxes for municipal purposes and to provide for their collection.

No sales tax, use tax, excise tax, gross receipts tax, or income tax shall be adopted until it shall have been approved by the qualified electors of the City at a regular or special election.

### **Section 9.3 - — Capital Program:**

The City Manager shall prepare a long-range capital program and submit same to Council two (2) weeks prior to submission of budget.

### **Section 9.4 - — The Budget:**

The City Manager shall prepare and submit to the Council not fewer than seventy-five (75) days prior to the beginning of the fiscal year a budget and accompanying explanation. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or as the Council may require. In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activity and object. It shall begin with a clear, general summary of its contents and shall be so arranged as to show comparative figures for income and expenditures of the preceding fiscal year.

### **Section 9.5 - — Budget Hearing:**

A public hearing on the proposed budget and proposed capital program shall be held by Council before the final adoption of the same. Notice of the time and place of such hearing shall be posted, and such notice shall be published at least one (1) time, at least seven (7) days prior to the hearing, and the notice shall state that the proposed budget and capital program are on file in the office of the City Clerk.

### **Section 9.6 - — Council Amendments:**

After the public hearing the Council may adopt the budget with or without amendment. In amending the budget, Council may add or increase programs or amounts and may delete or decrease programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit. If total proposed expenditures are increased or decreased by more than five (5) per cent, another public hearing shall be held.

### **Section 9.7 - — Council Adoption:**

The Council shall adopt the budget by ordinance on or before the first day of the new fiscal year. If it fails to adopt a budget by this date, the amounts appropriated for the operation during the prior fiscal year shall be deemed adopted for the current fiscal year on a month-to-month basis, with all items in it prorated accordingly until such time as the Council adopts the budget for the current fiscal year.

### **Section 9.8 - — Property Tax Levy:**

Adoption of the budget by Council shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. Council shall cause the property tax to be certified to the county for collection, as required by law.

### **Section 9.9 - — Public Records:**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public in the office of the City Clerk.

### **Section 9.10 - — Amendments after Adoption:**

(a) Supplemental Appropriations: If, during the fiscal year, the City Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. This section shall not be construed to limit emergency appropriations under the provisions of Section 9.10, subsection (b).

(b) Emergency Appropriations: To meet a public emergency affecting public health, peace, welfare, safety or property the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 7.7. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by emergency ordinance, authorize the issuance of short-term notes.

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

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

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

### **Section 9.11 - — Independent Audit:**

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

### **Section 9.12 - — Appropriation of Unexpended Funds:**

An annual appropriation or any portion thereof remaining unexpended and unencumbered at the close of the fiscal year shall lapse and revert to the general fund, or to a special fund if the Council so directs.

### **Section 9.13 - — Contingency Expenditures:**

The Council may provide in the budget for reasonable contingency accounts in any City funds; and Council, by ordinance, may establish a separate fund to be known as the Contingency Fund.

### **Section 9.14 - — Special Funds:**

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

## **ARTICLE 10 - — MUNICIPAL BORROWING**

### **Section 10.1 - — Forms of Borrowing:**

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

- (a) Short-term notes;
- (b) General obligation securities;
- (c) Revenue securities;

- (d) Local improvement district securities;
- (e) Refunding securities;
- (f) Long-term leases.

**Section 10.2 - — Short-Term Notes:**

The City, upon authorization of the Council, may borrow money without an election in anticipation of the collection of taxes or other revenues and issue short-term notes to evidence the amount so borrowed. The short-term notes shall mature within eighteen (18) months from the date on which the money was borrowed.

**Section 10.3 - — General Obligation Securities:**

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

**Section 10.4 - — Revenue Securities:**

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

**Section 10.5 - — Long-Term Rentals and Leaseholds:**

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

**Section 10.6 - — Refunding Securities:**

The City, pursuant to ordinance, may issue its securities without an election for

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

**Section 10.7 - — Limitation on Indebtedness:**

Except as provided by this Charter, there shall be no limitation on the authority of the City to incur indebtedness or to issue securities.

**Section 10.8 - — Terms and Disposal of Securities:**

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

**Section 10.9 - — Election Required:**

An election shall be necessary to authorize revenue securities or general obligation utilities securities if a petition requesting that an election be held is filed with the City Clerk within fifteen (15) days after final publication of the ordinance authorizing the issuance of such securities and signed by qualified electors in accordance with Article 8 of this Charter.

**Section 10.10 - — Assumption of indebtedness:**

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

**ARTICLE 11— - IMPROVEMENT DISTRICTS**

**Section 11.1 - — Power to Create Special or Local Improvement Districts:**

(a) The City shall have the power to create special or local improvement districts within designated areas in the City, to contract for, construct or install special or local improvements of every character within such districts, to assess the cost thereof, wholly or in part upon the property benefited in such districts, and to issue special improvement securities therefor.



(b) The Council shall, by ordinance, prescribe the method and manner of creating such improvements, of letting contracts therefor, issuing and paying securities for construction or installation of such improvements, including the cost incidental thereto, for assessing the costs thereof and for all things in relation to the authority herein created.

(c) Except as otherwise provided by Charter or by ordinance, the Statutes of the State of Colorado shall govern the creation and organization of special or local improvement districts, the assessment of costs, the issuance of securities therefor and all things in relation thereto.

**Section 11.2 - — Creation of Special or Local Improvement Districts:**

Special or local improvement districts created pursuant to this Article may be so created by:

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

(b) On a petition by the owners of not less than fifty (50) per cent of the area to be assessed in the proposed district, provided that such majority shall include not less than fifty (50) per cent of the assessed valuation of the real property in the proposed district.

**Section 11.3 - — Improvement District Securities; Levy for General Benefit to Special Fund; Pledge of Credit:**

(a) In consideration of general benefits conferred on the City at large from the construction or installation of improvements in special or local improvement districts, the Council may contract by ordinance prior to the issuance of any securities of any special or local improvement district, that the payment of such securities, both as the principal, interest and costs appertaining thereto become due, is additionally secured by a special fund herein created, and pursuant thereto may levy annual taxes on all taxable property within the City at a rate not exceeding two (2) mills in any one (1) year, to be disbursed as determined by the Council, for the purpose of paying for such improvements, pursuant to Section 11.5, for the payment of any assessment, levied against the City itself in connection with said securities issued for special or local improvement districts, for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of said securities or for any prior redemption premium appertaining to such securities.

(b) The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified in this Section, provided, however, that in lieu of such tax levies, the Council may annually transfer to such special fund any available money of the City, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited. As long as any securities issued for special or local improvement districts hereafter organized, remain outstanding, the tax levy or equivalent transfer of money to the special fund created for the payment of said securities shall not be diminished in any succeeding

year until all of said securities and the interest thereon shall be paid in full, unless other available funds are on hand therefor, or such securities and interest are paid by the City as provided in Section 11.5.

(c) After the securities have been retired in full, any monies remaining in such special funds shall be transferred as provided in Section 11.4.

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

**Section 11.4 - — Transfers from Unencumbered Special or Local Improvement District Funds:**

When all outstanding securities of a special or local improvement district have been paid and money remains to the credit of the district or in a special fund created pursuant to Section 11.3 for the said securities issued, it may be transferred, in whole or in part, by ordinance, to a surplus and deficiency fund, and whenever there is a deficiency in any special or local improvement district fund to meet the payment of outstanding securities and interest due thereon, the deficiency shall be paid out of the said fund. The Council may by ordinance, subject to outstanding contractual obligations, transfer all or part of any unencumbered balance from a special or local improvement district fund or a special fund created pursuant to Section 11.3 to any other City fund.

**Section 11.5 - — Payment of Securities by City:**

Whenever a special or local improvement district has paid and cancelled three-fourths ( $\frac{3}{4}$ ) of its securities issued and for any reason the remaining assessments are not paid in time to redeem the final securities of the district, the City shall pay the securities when due from funds created pursuant to this Article and reimburse itself by collecting the unpaid assessments due the district.

**Section 11.6 - — Review of Improvement District Proceedings:**

No action or proceeding, at law or in equity, to review any acts of [or] proceedings or to question the validity of, or enjoin the performance of the issue or collection of any securities, or the levy or collection of any assessments authorized by this Article; or for any other relief against any acts or proceedings of the City done or under this Article, shall be maintained against the City, unless commenced within thirty (30) days after the performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

## ARTICLE 12— - FRANCHISES AND PUBLIC UTILITIES

### Section 12.1 - — City Powers:

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

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

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

### Section 12.2 - — Grant of Public Utility Franchises:

(a) Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the City shall be limited only by the provisions of the Constitution and Statutes applicable to Home Rule Cities as now in effect or as hereafter amended and shall be submitted to the vote of the people when required by constitutional provision.

(b) No franchise election shall be held until the applicant deposits the cost thereof with the City Treasurer in an amount determined by the City Treasurer and approved by the City Manager.

(c) No exclusive franchises shall be granted.

### Section 12.3 - — Water Rights:

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

### Section 12.4 - — Utility Rates:

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

### Section 12.5 - — Term, Compensation, and Restriction:

No franchise, lease, or right to use the streets, or the public places or property of the City shall be granted which exceeds twenty (20) years. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the

franchise at the option of Council. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges, or other impositions levied by the Council, not levied on account of the use granted by the franchise.

### Section 12.6 - — Franchise Review:

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

### Section 12.7 - — Assignment of Franchise:

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

### Section 12.8 - — Common Use of Facilities:

The Council shall have the power to require any holder of a franchise from the City, or other public utility, to allow the use of its rights-of-way, poles, wires and trenches by any franchise holder, or the City itself, upon payment of a reasonable rental therefor; and the City may, under the terms prescribed by the Council, allow such franchise holders to use rights-of-way, poles, wires, and trenches of the City-owned utilities.

### Section 12.9 - — Franchise Records:

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

### Section 12.10 - — Existing Franchises:

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

### Section 12.11 - — Revocable Permits:

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

## ARTICLE 13— - MISCELLANEOUS PROVISIONS

### Section 13.1 - — Eminent Domain:

The City shall have the right of eminent domain both within and without its corporate limits.

### Section 13.2 - — Conveyances:

All conveyances of interest in land by the City shall be signed by the Council President or Council President Pro Tem and attested to by the City Clerk under the Seal of the City.

### Section 13.3 - — Reservation of Power:

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

### Section 13.4 - — Liability of City:

No action for recovery of compensation for personal injury, death, or property damage against the City on account of its negligence or other tort shall be maintained unless written notice of the alleged time, place and cause of injury, death or property damage is given to the City Clerk by the person injured, his agent, or attorney, within one hundred eighty (180) days of the occurrence causing the injury, death, or property damage. The notice given under the provisions of this section shall not be deemed invalid or insufficient solely by reason of an inaccuracy in stating the time, place, or cause of injury, if it is shown that there was no intent to mislead and that the City in fact was not misled thereby. This provision shall not be construed as a waiver of any governmental immunity the City may have now or in the future.

(Res. No. 89-41, 11-7-89)

### Section 13.5 - — Contracts With Other Governmental Units:

The Council, may, by resolution or by ordinance, enter into contracts or agreements with other governmental units or special districts for the use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services.

### Section 13.6 - — Purchase, Sale or Lease of Real Property:

The Council by ordinance may purchase, sell, exchange, or dispose of any interest in real property, except any sale of public parks shall be approved by a vote of the qualified electors. The Council, by ordinance, may lease for such a term as the Council shall determine, any real property to any person, firm or corporation, public or private. The effective date of any sale or lease must be at least thirty (30) days after passage by Council, and Council shall not sign any such contractual document prior to the thirty (30) day period.

### Section 13.7 - — Bequests, Gifts and Donations:

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

### Section 13.8 - — Continuity of Government:

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

### Section 13.9 - — Severability of Charter:

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

### Section 13.10 - — Amending the Charter:

This Charter may be amended at any time in the manner provided by State Statutes. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

### Section 13.11 - — Posting Procedure:

When Council posts any legal notices, ordinances or other documents the procedure shall be:

(a) Council shall designate by ordinance no fewer than three (3) public places within the City where such posting shall be done. If any posting place is to be changed, Council shall make such change by ordinance.

(b) Posting shall take place as soon as practical after a Council action requiring posting. Such postings shall remain in place until the election, meeting, or public hearing has taken place or until a budget, ordinance, or other act has been adopted or rejected, except as otherwise provided in this Charter. Ordinances passed by Council shall remain posted for ten (10) days after the effective date of the ordinance.

(c) Proof of posting shall be attested to by the City Clerk, and shall be prima facie evidence of such posting when annexed to a true copy of the same and specifying the times of posting.

The intent of this provision is to provide the public with notice of intended or accomplished acts of Council, and to that end, Council shall provide as much notice as is reasonable when no time period is specified.

**Section 13.12 - — Publication Procedure and Requirements:**

(a) Any requirements contained in this Charter or ordinance of the City for publishing legal notices, ordinances or other documents of the City shall be met by publishing in a newspaper published in the English language for the dissemination of news of a general character and which newspaper has had a general circulation in the City for at least one (1) year immediately preceding the time that a legal notice, ordinance or other document is published therein.

(b) The affidavit of the printer or publisher of such newspaper, or his foreman or principal clerk, attached to a printed copy of such publication taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

(c) In any case in which this Charter or City ordinance requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing, that such notice was mailed, shall be prima facie evidence of such mailing.

The intent of this provision is to provide the public with notice of intended or accomplished acts of Council, and to that end, Council shall provide as much notice as is reasonable when no time period is specified.

**Section 13.13 - — Requirements for Council Action:**

When this Charter requires a majority vote of the entire Council four (4) affirmative votes or four (4) negative votes are required; any other action by Council requires a majority vote of the Council Members present.

(Res. No. 89-41, 11-7-89)

**Section 13.14 - — Interpretations:**

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

**Section 13.15 - — Definitions:**

As used in this Charter the following words and phrases shall have the following meanings, except as otherwise specifically provided or indicated by the context:

(a) Appropriation—The authorized amount of funds set aside or allocated for

expenditure during a specified period of time for a specified purpose.

(b) City—The City of Steamboat Springs, Colorado, a municipal corporation.

(c) Constitution—The Constitution of the State of Colorado.

(d) Council—The City Council of the City of Steamboat Springs, Colorado.

(e) Franchise—A special privilege granted by the City permitting the specified and continuing use of public property for a specified length of time and involving the element of regulation.

(f) General property or ad valorem tax—A tax levied on property in the form of a percentage of the value of the property.

(g) Public Utilities—Any person, firm or corporation which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need.

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

(i) Organizational Meeting—The first meeting following each regular municipal election and the transition election, or such other meeting as may be specified by Council.

(j) Qualified Elector—A person who is qualified and registered to vote in elections of the City pursuant to the Colorado Municipal Election Law as now existing or hereafter amended or modified.

(k) Regular Election—A municipal election held every two (2) years at which candidates for elective offices of the City are voted upon in accordance with this Charter.

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

**Section 13.16 - — Saving Clause:**

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

**ARTICLE 14— - TRANSITION PERIOD**

**Section 14.1 - — Purpose of Transitional Provisions:**

The purpose of this Article is to provide for an orderly transition from the present

Town government of Steamboat Springs to a City government under provisions of this Charter. The provisions of this Article shall constitute a part of this Charter only to the extent necessary to accomplish that purpose.

**Section 14.2 - — Effective Date of Charter:**

This Charter shall become effective immediately upon filing of the Charter with the Secretary of the State of Colorado following voter approval.

**Section 14.3 - — Transition Election:**

The first municipal election for Councilmen following the adoption of this Charter shall be held on January 8, 1974. The terms of office shall be as follows:

(a) Councilman-at-Large—Term expires at the first regular meeting following the regular municipal election in November 1975.

(b) District Councilmen—In each District the term of each candidate for Councilman receiving the highest number of votes shall expire at the first regular meeting following the regular municipal election in November 1977. The term of each district candidate receiving the next highest number of votes shall expire at the first regular meeting following the regular municipal election in November 1975.

**Section 14.4 - — Council President and Council President Pro Tem:**

Terms expire at the first regular meeting following the regular municipal election in November 1975.

**Section 14.5 - — First Election Commission:**

The first Election Commission under this Charter shall be appointed within ten (10) days of adoption of this Charter and shall serve until completion of the regular election in November 1975.

**Section 14.6 - — Continuation of Present Elected Officials:**

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

**Section 14.7 - — Special Council Duties During Transition:**

The Council shall immediately set the boundaries of the districts required by Section 2.5 of the Charter. The Council shall immediately seek applications for a City Manager as provided in Section 4.1 of this Charter.

**Section 14.8 - — Continuation of Appointed Officers and Employees:**

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

# CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

| Ordinance Number | Election Date | Section   | Section this Charter |
|------------------|---------------|-----------|----------------------|
|                  | 11-6-73       | 1.1-14.8  | 1.1-14.8             |
| 89-41(Res.)      | 11-7-89       |           | 2.6-2.8              |
|                  |               |           | 3.1-3.3              |
|                  |               |           | 3.6                  |
|                  |               |           | 3.9-3.12             |
|                  |               |           | 5.2                  |
|                  |               |           | 7.7                  |
|                  |               |           | 13.4                 |
|                  |               |           | 13.13                |
| 660              | - -79         | 1         | 3.11                 |
| 1958             | 11-2-04       | 1         | 2.2                  |
| 2266             | 11-3-09       | 1(Exh. A) | 8.1-8.8              |

THE CITY OF STEAMBOAT SPRINGS  
 CHARTER COMMISSION  
 CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Steamboat Springs Charter Commission, duly elected by the people of Steamboat Springs, Colorado, at a special election held on June 19, 1973, under the authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Steamboat Springs, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Charter Commission on the 17<sup>th</sup> day of September, 1973, for submission to the people of Steamboat Springs at a special election to be held on November 6, 1973.

Done in triplicate at Steamboat Springs, Colorado, the 17<sup>th</sup> day of September, 1973.

James B. Goodwin James B. Goodwin, Chairman    Paul Smith Paul Smith, Vice Chairman    Geneva B. Canetti Geneva B. Canetti, Secretary

Kjell H. Bakke Kjell H. Bakke    James M. Barrows James M. Barrows    C. W. Davis C. W. Davis    Carolyn Jean Farrell Carolyn Jean Farrell

William R. Haight William R. Haight    Eileen M. Hiatt Eileen M. Hiatt    Arloa Kupilik Arloa Kupilik    John Orrell John Orrell

Glen Paulk Glen Paulk    Lee A. Powell Lee A. Powell    Helen B. Richards Helen B. Richards    William E. Rorex William E. Rorex    Dean W. Sandvik Dean W. Sandvik

Lowell G. Shearer Lowell G. Shearer    Charles R. Stoughton Charles R. Stoughton    John W. Taylor John W. Taylor    John A. Utterback John A. Utterback

Mary Ella Wither Mary Ella Wither

