



City of Golden

CHARTER

FOR

THE

CITY OF GOLDEN

COLORADO

Adopted by the GOLDEN CHARTER CONVENTION on October 5, 1967, by Authority of Article XX of the Constitution of the State of Colorado and approved by the CITIZENS OF GOLDEN, COLORADO at a Regular Election held on November 7, 1967.

PREFATORY SYNOPSIS

Twenty-one members of a Home Rule Charter Convention elected at a special Municipal Election in the City on August 8, 1967, were chosen pursuant to Article XX of the Constitution of the State of Colorado after the adoption of Home Rule by the Citizens of Golden.

The delegates to this Charter Convention have been constantly reminded of their duty to draft a City Charter which will govern the operations of the City for many years. This responsibility was accepted by the members of the Charter Convention, and their decisions have been made only after due deliberation. In most cases a general unanimity prevailed. In other cases, that solution agreeable to the majority was adopted. The Charter was drafted after extensive research into other City Government operations, Home Rule Charters, and upon the advice of various authorities in the field.

Basically, the Charter provides for continuing the present Council-Manager form of City Government with the Mayor being elected by the City Council from its own members. However, the new council will be composed of seven members, one member from each of the existing four wards of the City, one member from each of two new districts set up on the basis of two wards per district, and one member to be elected at large. Members of the new Council will have four-year terms with a provision for overlapping service. In connection with council procedure, an efficient form of operation was adopted, with the rights of the people protected through the provisions for initiative and referendum. Also adopted was a practicable form of budget control and financing advantageous to the City.

Although the Charter is designed for many generations, change is inevitable; thus by virtue of Article XX of the Constitution, a method is provided to amend the Charter by popular election.

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CHARTER FOR THE CITY OF GOLDEN, COLORADO
PREAMBLE

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

CHAPTER I
NAME -- BOUNDARIES

SECTION 1.1. NAME - BOUNDARIES.

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

CHAPTER II
MUNICIPAL POWERS

SECTION 2.1. FORM OF GOVERNMENT.

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

SECTION 2.2. MUNICIPAL POWERS.

The city shall have all powers, functions, rights and privileges in the operation of a municipality except those expressly forbidden to home rule municipal corporations and cities by the constitution or the statutes.

CHAPTER III
COUNCIL

SECTION 3.1. THE COUNCIL.

The City shall be governed by a council of six councilors and a mayor. One councilor shall be elected from each of the four wards; one councilor shall be elected from each of the two districts; and the mayor shall be elected at-large from the entire city. This amendment shall take effect starting with the regular city election in 2003. **(Amended by vote of the people – November 6, 2001.)**

SECTION 3.2 WARDS AND DISTRICTS.

The existing four wards of the city shall constitute the initial wards under this home rule charter. District One shall consist of Wards One and Two and District Two shall consist of Wards Three and Four. All wards shall have approximately the same number of registered voters, as determined by the number registered to vote at the preceding general municipal election. The variances in said number of registered voters shall not be greater than fifteen per cent between the ward with the highest number of registered voters and the ward with the lowest number of registered voters. The council shall, at least six months prior to the second general municipal election to be held after the adoption of this home rule charter, and every four years thereafter, make such divisions, changes and consolidations as are necessary to carry out the intent of this section.

SECTION 3.3. POWERS OF COUNCIL.

The council shall be the legislative and governing body of the city and shall exercise, except as

otherwise provided in this charter or by statute, all powers conferred upon or possessed by the city and shall adopt such laws, ordinances and resolutions as it shall deem proper.

SECTION 3.4. QUALIFICATIONS.

Each councilman when nominated and elected shall be an elector of the city, a citizen of the United States for at least five years, and shall have resided in the city for one year immediately preceding such election. In addition, each councilman elected from a ward or district shall also be a resident and elector of that ward or district when nominated and elected. No councilman shall be a salaried employee of the city during his term of office nor shall any councilman, during his term of office, perform personal services for the city for which he is compensated other than as provided in section 3.5. The council shall be the judge of the election and qualifications of its own members.

SECTION 3.5. COMPENSATION.

The members of the council shall receive such compensation, and the mayor such additional compensation, as the council shall prescribe by ordinance; provided, however, that the compensation of any member during his term of office shall not be increased nor decreased. The mayor and councilman may, upon order of the council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

SECTION 3.6. MAYOR.

The mayor shall be elected as provided in Section 3.1. The mayor shall preside at meetings of the council and shall exercise such power and perform such other duties as are or may be conferred and imposed upon him/her by this charter or the ordinances of the city. He/she shall have all powers, rights and privileges of a council member. He/she shall be recognized as head of the city government for all ceremonial and legal purposes and he/she shall execute and authenticate legal instruments requiring signing as such official. The Mayor shall appoint, with approval of a majority of council, a council member to serve as mayor pro-tem. In the absence or disability of the mayor, the mayor pro-tem shall perform all duties and have all powers of the mayor. In the event of vacancy in the office of mayor a successor shall be chosen in accordance with Section 3.7 (Vacancies). In the event of vacancy in the office of Mayor pro-tem the mayor shall choose a successor in accordance with this Section. **(Enacted by a vote of the people – November 6, 2001.)**

SECTION 3.7. VACANCIES.

An elected officer shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, or ceases to be a resident of the city, or if elected from a ward or district becomes a non-resident of that ward or district, or is convicted of a felony. Within 30 days after a vacancy occurs in an office with a remaining unexpired term not exceeding 180 days from the date the vacancy occurs, the remaining councilmen shall choose by a majority vote a duly qualified person to fill such vacancy. If the remaining councilmen fail to choose a successor within 30 days, the office shall remain vacant until the next general election. If a vacancy occurs in an elective office with a remaining unexpired term exceeding 180 days from the date the vacancy occurs, then the remaining councilmen shall, by resolution, call a special election in the under-represented ward, district or city, to elect a duly qualified successor to serve the remainder of the unexpired term provided that there will not be a general election within 180 days. If three or more vacancies exist simultaneously the remaining councilmen shall, at the next regular meeting of the council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety days and provided that their successors have not previously been elected. The special elections provided for in this Section shall not be held within 40 days of the passage of this resolution. Successor councilman elected or appointed under the procedures of this section shall enter upon the duties of their office at the next regular meeting after oath of office. **(Amended by vote of the people - November 4, 1975).**

SECTION 3.8. OATH OF OFFICE.

Before entering upon the duties of his office, every councilman and other city officer shall take, subscribe before, and file with the city clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this charter and the ordinances of the city, and will faithfully perform the duties of the office.

***CHAPTER IV
ELECTIONS***

SECTION 4.1. FIRST ELECTION.

The first general municipal election under this charter shall be the first Tuesday after the first Monday in November, 1969 at which time all seven councilmen shall be elected. At that election, the councilmen to be elected from each ward shall be elected for a four year term and the councilmen to be elected from the districts and the council-man-at-large shall be elected for a two year term. Thereafter the terms of all councilmen shall be four years.

SECTION 4.2. GENERAL MUNICIPAL ELECTIONS.

General municipal elections shall be held on the first Tuesday in November in each odd numbered year commencing with the year 1969. In each general municipal election a number of councilmen equal to the number of councilmen whose terms then expire shall be elected. The terms of councilmen elected at any general municipal election shall commence on their taking the oath of office at the ensuing organizational meeting of the council. **(Amended by vote of the people – November 2, 2004).**

SECTION 4.3. SPECIAL MUNICIPAL ELECTIONS.

Special municipal elections shall be held when required by this charter or statute. Said elections shall be called by resolution of the council, or by ordinance. In any event no special election shall be held within 60 days of the passage of the resolution or the first reading of the ordinance except as provided for in Section 3.7. The resolution calling a special election shall set forth the purpose of the election. Any councilmen elected at a special municipal election shall take office upon his taking the oath of office at the next regular or special meeting of the city council. **(Amended by vote of the people - November 4, 1975)**

SECTION 4.4. LAWS GOVERNING ELECTIONS.

Special and general municipal elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this charter and except as otherwise provided by ordinance. The council may by ordinance establish the method for the registration of electors; and the number, qualifications and compensation for election judges and clerks. The council may also by ordinance establish an election commission with appropriate powers, duties, terms and qualifications.

SECTION 4.5. NON-PARTISAN ELECTIONS.

All city elections shall be non-partisan.

SECTION 4.6. RECALL.

Any elected officer of the city may be recalled at any time after six months in office by the electors entitled to vote for a successor or such incumbent through the procedure and in the manner provided for in article XXI of the constitution. Consistent with the constitution and this charter the council may provide by ordinance for further recall procedure.

**CHAPTER V
COUNCIL PROCEDURE**

SECTION 5.1. REGULAR MEETINGS.

The council shall meet regularly at least twice 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. The first regular meeting in the month of January following each general municipal election shall be known as the organizational meeting of the council.

SECTION 5.2. SPECIAL MEETINGS.

Special meetings shall be called by the city clerk on the written request of the mayor or of any two members of the council, on at least 24 hours written notice to each member of the council, served personally or left at his usual place of residence; a special meeting, however, may be held on shorter notice if all members of the council are present or have waived notice thereof in writing.

SECTION 5.3. BUSINESS AT SPECIAL MEETINGS.

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

SECTION 5.4. QUORUM - ADJOURNMENT OF MEETING.

A majority of the members of the council in office at the time shall be a quorum for the transaction of business at all council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the city clerk may adjourn any meeting for not longer than one week.

SECTION 5.5. MEETINGS TO BE PUBLIC.

All regular and special 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 5.6. COUNCIL ACTS.

The council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every resolution as hereafter adopted shall be numbered and recorded in the official records of the city.

SECTION 5.7. VOTING.

The vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the council proceedings. Every ordinance shall require the affirmative vote of the majority 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 personal or financial interest, other than the common public interest, or on any question concerning his own conduct, and in said instances the member shall disclose this interest to the council. On all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office. At the request of any member of the council any vote shall be taken simultaneously in a manner prescribed by the council; provided, however, that the vote of each member shall be publicly announced immediately thereafter.

SECTION 5.8. ACTION BY ORDINANCE REQUIRED.

In addition to such acts of the council as are required by other provisions of this charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance; provided, however, that this section shall not apply to the budget adoption in section 11.6. Ordinances making appropriations shall be confined to the subject of appropriation.

SECTION 5.9. FORM OF ORDINANCE.

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

SECTION 5.10. PROCEDURE.

Except for emergency ordinances, ordinances making general codifications of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

- a. The ordinance shall be introduced at any regular 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 to those persons in attendance at said council meeting, said ordinance may be read by title only.
- c. After the first reading of the ordinance, the same shall be approved or rejected by a vote of the council.
- d. If the ordinance is approved on first reading, it shall be published in full unless otherwise provided herein. The council shall set a day, hour, and place at which council shall hold a public hearing on the ordinance and notice of said day, hour, and place shall be included in the first publication.
- e. The ordinance shall be introduced at council a second time, at a meeting not earlier than seven days after first publication, for final approval, rejection, or other action as may be taken by vote of the council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final approval by vote of the council.
- f. Except as otherwise provided herein, an ordinance, if amended, shall be published in full after final passage, but if not amended, it shall be published either by title or in full as the council may determine.
- g. Whenever an ordinance shall be published by reference or by title, the 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 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 5.11. EMERGENCY ORDINANCES.

Emergency ordinances for the preservation of public property, health, peace, or safety shall be approved only by the unanimous vote of councilmen present. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any city-owned utility shall ever be passed as an emergency measure. An emergency ordinance shall require passage at two meetings of council. However, neither a public hearing nor a first publication as provided in section 5.10 shall be required. An emergency ordinance shall take effect upon final passage. Publication shall be within 10 days after final passage, or as soon thereafter as possible.

SECTION 5.12. CODIFICATION.

The council shall cause the ordinances to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 5.13.

SECTION 5.13. CODES.

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

SECTION 5.14. DISPOSITION OF ORDINANCES.

A true copy of every ordinance, as adopted by council shall be numbered and recorded in the official records of the city. Its adoption and publication shall be authenticated by the signature of the mayor, or mayor pro-tem, and the city clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the city, shall be separately numbered and recorded commencing with Peoples' Ordinance No. 1.

***CHAPTER VI
INITIATIVE AND REFERENDUM***

SECTION 6.1. GENERAL AUTHORITY.

a. **INITIATIVE.** The electors of the city shall have power to propose any ordinance to the council, in accordance with the provisions of this chapter of the charter, except budget, capital program, appropriation 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 the electors at a city election for their acceptance or rejection.

b. **REFERENDUM.** The electors of the city shall have 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 city election, in accordance with the provisions of this chapter of this charter; provided that such power shall not extend to the budget, capital program, emergency ordinance, appropriation, levy of taxes, calling a special election, or authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, or ordinances to meet the contractual obligations of the city.

SECTION 6.2. COMMENCEMENT OF PROCEEDINGS; PETITIONER'S COMMITTEE; AFFIDAVIT.

Any five electors 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 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 clerk shall issue the appropriate petition blanks to the petitioners' committee.

SECTION 6.3. PETITIONS.

a. **NUMBER OF SIGNATURES.** Initiative petitions must be signed by electors of the city equal in number to at least 10 percent of the total number of electors registered to vote at the last general municipal election. Referendum petitions must be signed by electors of the city equal in number to at least 10 percent of the total number of electors registered to vote at the last general municipal election. **(First sentence amended by vote of the people – November, 1983)**

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 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 the 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 30 days after adoption by the council of the ordinance sought to be reconsidered.

SECTION 6.4. PROCEDURES AFTER FILING.

a. **CERTIFICATE OF CLERK: AMENDMENT.** Within ten days after the 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 clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional forms within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 6.3, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's 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 clerk shall promptly present his certificate to the council and the 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 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 sufficiency 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.

SECTION 6.5. 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 the petition, or
3. The council repeals the ordinance, or
4. Thirty days have elapsed after a favorable vote of the city on the ordinance.

SECTION 6.6. ACTION ON PETITIONS

a. **ACTION BY COUNCIL.** When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Chapter V or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 30 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

b. **SUBMISSION TO VOTERS.** The vote of the city on a proposed or referred ordinance shall be held not less than 30 days and not later than ninety days from the date of the final council vote thereon. If no regular city 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 in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

c. **WITHDRAWAL OF PETITIONS.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioner's committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

SECTION 6.7. SUBMISSION BY COUNCIL.

The council on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to a vote of the people in a manner as in this chapter provided.

SECTION 6.8. RESULTS OF ELECTION.

a. **INITIATIVE.** If a majority of the 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 electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

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

**CHAPTER VII
CITY ADMINISTRATION**

SECTION 7.1. MANAGER.

Whenever a vacancy occurs, the council shall, within a reasonable time, upon a vote of the majority of the entire council, appoint a manager, who shall be the chief executive and administrative officer of the city. Such appointment shall be without definite term and shall be at a salary to be fixed by council. The manager shall be appointed without regard to any consideration other than his fitness, competency, training, and experience as a manager. At the time of his appointment the manager need not be a resident of the city, but during his tenure of office he shall reside within the city. No member of the council shall be appointed manager during the term for which he shall have been elected, nor within one year after the expiration of his term.

SECTION 7.2. ABSENCE OF CITY MANAGER.

The council may appoint an acting city manager during the period of vacancy in the office, or during the absence or disability of the city manager. Such acting city manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the city manager.

SECTION 7.3. POWERS AND DUTIES.

The manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty and be required to:

- (a) be responsible for the enforcement of the laws and ordinances of the city;
- (b) hire, suspend, transfer and remove city employees, except as otherwise provided in any career service system adopted as provided in section 8.1;
- (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 submit it to the council and be responsible for the administration of the budget after its adoption all in accordance with Chapter XI of this charter;
- (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) to establish, consolidate, or abolish administrative departments and to exercise supervision and control over said departments except as otherwise provided by ordinance;
- (h) be responsible for the enforcement of all terms and conditions imposed in favor of the city in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the council for such action and proceedings as may be necessary to enforce the same;
- (i) attend council meetings and participate in discussions with the council in an advisory capacity;
- (j) 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;
- (k) provide for engineering, architectural, maintenance and construction services required by the city; and (l) perform such other duties as may be prescribed by this charter, or by ordinance, or required of him by council which are not inconsistent with this charter.

SECTION 7.4. REMOVAL OF.

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.

SECTION 7.5. COUNCIL NOT TO INTERFERE.

Neither the council, its members, nor any of its committees shall direct or request the appointment of any person to, or his removal from, employment by the city manager, or in any manner take part in the appointment or removal of the employees in the administrative service of the city, except as otherwise provided in this charter or any career service system adopted as provided in section 8.1.

SECTION 7.6. CITY CLERK.

The manager with the approval of council 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. He shall have power to administer oaths and take acknowledgments under seal of the city, and shall perform such other duties as required by this charter, the council, and the manager.

SECTION 7.7. CITY TREASURER.

The manager with the approval of council shall appoint a city treasurer. He shall have custody of all public moneys belonging to or under the control of the city, or any office, department, or agency of the city, and deposit or invest all moneys as directed by resolution of the council. All interest earnings shall be the property of the city and shall be accounted for and credited by him to the proper city fund. He shall also collect, and disburse on proper authorization, all moneys receivable by the city and all other moneys for which the city is responsible for holding in trust, and shall perform such other duties as required by this charter, the council, and the manager.

SECTION 7.8. CONCURRENT TENURE.

The offices of city clerk and city treasurer, at the discretion of the council, may be held by the same person.

SECTION 7.9. BONDING OF EMPLOYEES.

Before any public official or employee of the City of Golden be permitted to enter upon the duties of his office or position he shall be bonded, at the expense of the city, in an amount and manner to be fixed by the council.

***CHAPTER VIII
CAREER SERVICE SYSTEM***

SECTION 8.1. ENABLING ACT.

The council may, by ordinance submitted to a vote of the electors at a special or general municipal election, create a career service system. Until such time as a career service may be established, the city manager, upon request by any member of the city council or the affected employee, shall file a memorandum with the council setting forth the facts regarding the discharge or transfer of any city employee who has been employed for one year or longer.

***CHAPTER IX
LEGAL AND JUDICIARY***

SECTION 9.1. 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 and have a minimum of five years experience in the active practice of law. 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 on 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. Any agreement for compensation to special counsel shall be made only upon approval of council and prior to the service being rendered.

SECTION 9.2. JUDICIARY.

There shall be a municipal court vested with exclusive original jurisdiction of all causes 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. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado and have a minimum of two years experience in the active practice of law. Council may appoint one or more deputy judges who shall have the same qualification as the

municipal judge. The deputy municipal judges shall have all of the powers of the municipal judge when called upon to act by the municipal judge or the council. The municipal judge and deputy municipal judges shall serve at the pleasure of the council. The municipal judge shall receive a fixed salary or compensation set by the council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The deputy municipal judges may receive such compensation for services rendered as council may determine.

***CHAPTER X
BOARDS AND COMMISSIONS***

SECTION 10.1. RIGHT TO ESTABLISH.

Council shall have the power and authority to create boards and commissions including advisory and appeal boards. Advisory boards may be created by resolution. Appeal boards shall be created by ordinance, which shall set forth the powers and duties delegated to the board. Initial appointments by the council to any board or commission shall specify the term of office of each individual in order to achieve over-lapping tenure. All members, however, shall be subject to removal by the council. The council shall also make appointments to fill vacancies for the unexpired terms. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure except as otherwise directed by the council. All meetings of any board or commission shall be open to the public. Any board or commission created under this chapter which is not required by statute or this charter may be abolished by the council.

***CHAPTER XI
BUDGET CONTROL AND FINANCING***

SECTION 11.1 FISCAL YEAR.

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

SECTION 11.2. SUBMISSION OF BUDGET AND BUDGET MESSAGE.

No later than 45 days prior to any date required by state law for the certification to the county of the tax levy for the ensuing year, the manager shall submit to the council the budget for said ensuing fiscal year and an accompanying message.

SECTION 11.3. BUDGET MESSAGE.

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the city's debt position, and include such other material as the manager deems desirable or which the council may require.

SECTION 11.4. BUDGET.

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 manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- a. Anticipated revenues classified as cash surplus, miscellaneous revenues, and amount to be

received from property tax; cash surplus being defined for purposes of this article as the amount by which cash is expected to exceed current liabilities and encumbrances at the beginning of the ensuing fiscal year;

b. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

c. A reasonable provision for contingencies which shall not be available for expenditures except as provided in section 11.7;

d. Required expenditures for debt service, judgments, cash deficit recovery, and statutory expenditures;

e. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

f. Anticipated net surplus or deficit for the ensuing fiscal year for each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

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

SECTION 11.5. CAPITAL PROGRAM.

a. Submission to council. The manager, with such assistance as the council may direct, shall prepare and submit to the council a five-year capital program at least two months prior to the final date for submission of the budget.

b. CONTENTS. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for the improvement.
3. Cost estimates, method of financing and recommended schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SECTION 11.6. COUNCIL ACTION ON BUDGET.

a. NOTICE AND HEARING. A public hearing on the proposed budget shall be held by the council on any date at least fifteen days prior to the final day established by law for the certification of the ensuing year's tax levy to the county. Notice of the time and place of such hearing shall be published one time at least five days prior to the hearing.

b. AMENDMENT BEFORE ADOPTION. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated revenue.

c. ADOPTION. The council shall adopt the budget by resolution on or before the final day established by law for the certification of the ensuing year's tax levy to the county. If it fails to adopt the budget by this date, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it pro-rated accordingly, until such time as the council adopts the budget for the ensuing fiscal year.

Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

SECTION 11.7. CONTINGENT EXPENDITURES.

Appropriations for contingencies may not be expended or transferred except by ordinance as provided in Sections 5.8, 5.11 and 11.01.

SECTION 11.8. COUNCIL ACTION ON CAPITAL PROGRAM.

A public hearing on the proposed capital program shall be held by the council on a date no later than the date set for the public hearing on the proposed budget for the ensuing year. The council may hold the public hearings on the capital program and the budget at the same time. Notice of the time and place of such hearing shall be published one time at least five days prior to the hearing. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on a date no later than the date of adoption by the council of the budget for the ensuing year.

SECTION 11.9. 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 city hall.

SECTION 11.10. AMENDMENTS AFTER ADOPTION.

a. SUPPLEMENTAL APPROPRIATIONS. If during the fiscal year the 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.

b. EMERGENCY APPROPRIATIONS. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of section 5.11. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

c. REDUCTION OF APPROPRIATIONS. If at any time during the fiscal year it appears probable to the 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 the 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. At 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 by the manager, the council may by resolution 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. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 11.11. LAPSE OF APPROPRIATION.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

SECTION 11.12. ADMINISTRATION OF BUDGET.

a. **WORK PROGRAMS AND ALLOTMENTS.** The manager may require each department, office or agency to submit work programs for the ensuing fiscal year showing the requested allotment of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 11.10.

b. **PAYMENTS AND OBLIGATIONS PROHIBITED.** No payments shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such act was made or approved by ordinance.

SECTION 11.13. INDEPENDENT AUDIT.

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than thirty days after the beginning of such fiscal year.

***CHAPTER XI.V
SUBSIDIES AND INCENTIVES FOR DEVELOPMENT***

SECTION 11.5.1. RESTRICTIONS ON DEVELOPMENT SUBSIDIES AND INCENTIVES

The City may not grant development subsidies or incentives in connection with the establishment, expansion, retention, or replacement of a business or any commercial, industrial, or residential development except in accordance with this Chapter.

a. Any subsidies or incentives must be approved by the voters of the City of Golden, except as provided in Section 11.5.3 below. Ballot questions submitted to the voters shall include the maximum dollar value to the recipient(s) of the subsidies or incentives. Such ballot questions may concern individual projects or may propose a program of incentives or subsidies.

b. All recipients of any incentive or subsidy must place on the premises and maintain for five years a sign in a conspicuous location for public viewing with at least two inch high letter thanking the taxpayers and stating the dollar value of all subsidies and incentives granted. **(Enacted by vote of the people – November 6, 2001).**

SECTION 11.5.2. DEFINITION

Development subsidies or incentives include but are not limited to:

- a. tax waivers, credits, or refunds granted in connection with the establishment, expansion, or replacement of a business or any commercial, industrial or residential development;
- b. payments or rebates based upon sales taxes collected;

- c. waivers or deferments of development fees including, but not limited to water and sewer tap fees, building permit fees, impact fees, land dedication requirements or fees in lieu thereof;
- d. labor or materials provided by the City for construction or demolition on private property;
- e. any interest in real estate transferred for less than fair market value. **(Enacted by vote of the people – November 6, 2001).**

SECTION 11.5.3. EXCEPTIONS NOT REQUIRING VOTER APPROVAL

The City Council may approve development incentives or subsidies without voter approval only in the following circumstances.

a. the amount is no more that \$100,000 (one hundred thousand dollars), with annual adjustments of this limit in accordance with State Government statistics for the local inflation rate, and only if 1) granted in connection with construction of senior or low income housing as defined by State or Federal law or regulation, or 2) for improvements of structures eligible for designation under State or Federal law or regulation as historic structures, which improvements are in accordance with sate or Federal guidelines for such improvements to historic structures; or

b. the value does not exceed \$25,000 (twenty-five thousand dollars) with annual adjustments of this limit in accordance with State Government statistics for the local inflation rate. **(Enacted by vote of the people – November 6, 2001).**

SECTION 11.5.4. ENFORCEMENT

Any City resident may file a claim against the City to enforce the provisions of this Section and if the citizen prevails on any claim he or she may be entitled to all reasonable attorneys fees and costs. **(Enacted by vote of the people – November 6, 2001).**

**CHAPTER XII
MUNICIPAL BORROWING**

SECTION 12.1. FORMS OF BORROWING.

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

- a. Short-term notes,
- b. General obligation bonds and other like securities,
- c. Revenue bonds and other like securities,
- d. Local improvement bonds and other like securities.

SECTION 12.2. SHORT-TERM NOTES.

The municipal government, upon the affirmative vote of the majority of the entire council, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature before the close of the fiscal year in which the money is so borrowed.

SECTION 12.3. GENERAL OBLIGATION BONDS.

No bonds or other evidence of indebtedness payable in whole or in part from the proceeds of general property taxes or to which the full faith and credit of the city are pledged, shall be issued, except in pursuance of an ordinance, nor until the question of their issuance shall at a special or general election, be submitted, to a vote of the taxpaying electors and approved by a majority of those voting on the question (except as provided in sections 12.2, 12.4, 12.5, and 12.7); provided further that such securities issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system, or any combination of such purposes, may be so issued without an election.

SECTION 12.4. REVENUE BONDS.

The city, pursuant to ordinance, and without an election, may borrow money, issue bonds, or otherwise extend its credit for purchasing, constructing, condemning, otherwise acquiring, extending, or improving a water, electric, gas, or sewer system, or other public utility or income-producing project provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system, utility or project, and providing, further, that any two or more of such systems, utilities, and projects may be combined, operated, and maintained as joint municipal systems, utilities, or projects, in which case such bonds or other obligations shall be made payable out of the net revenue derived from the operation of such joint systems, utilities, or projects. Revenue bonds issued pursuant to the authority granted herein may be secured by general property taxes or the full faith and credit of the city in which event an election as provided in section 12.3 shall be necessary.

SECTION 12.5. REFUNDING BONDS.

The council may authorize, by ordinance, without an election, issuance of refunding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the city as the same mature, or in advance of maturity by means of an escrow or otherwise.

SECTION 12.6. LIMITATIONS.

There shall be no limitation as to the amount of bonds which may be issued by the city, subject only to the election provisions of section 12.3. All bonds issued pursuant to the provisions of this charter shall be sold at public or private sale to the best advantage of the city at, above or below par. Bonds may contain provisions for calling same at designated periods prior to the final due date, with or without the payment of a prior redemption premium.

SECTION 12.7. SPECIAL OR LOCAL IMPROVEMENT DISTRICT BONDS.

The city shall have the power to create local improvement districts and to assess the cost of the construction or installation of special or local improvements of every character against benefited property within designated districts in the city by:

- a. Order of the council; or
- b. On a petition by the owners of more than 50 per cent of the area of the proposed district, provided that such majority shall include not less than 50 per cent of the landowners residing in the territory; subject, in either event, to protest by the owners of the property in the designated district to be assessed.

Right to protest and notice of public hearing shall be given as provided by the council by ordinance. All protests shall be considered, but the council shall have the final decision. Such improvements shall confer special benefits to the real property within said district and general benefits to the city at large. The council shall have the power by ordinance without an election to prescribe the method of making such improvements, of assessing the cost thereof, and of issuing bonds for cost of constructing or installing such improvements, including the costs incidental thereto. Council, in recognition of and payment for the general benefits conferred on the city as a whole, may pledge general property taxes or the full faith and credit of the city up to 25 per cent of the total bond issue and interest thereon without first obtaining approval of the electors.

**CHAPTER XIII
UTILITIES AND FRANCHISES**

SECTION 13.1. POWERS.

The city shall have and exercise with regard to all utilities and franchises, all municipal powers, including without limitation, all powers now existing and which may be hereafter provided by the constitution and statutes. The right of the city to construct, purchase, or condemn any public utility, work or way, is expressly reserved. Except as otherwise provided by constitution, statute, or this charter, all powers

concerning the granting, amending, revoking, or otherwise dealing in franchises shall be exercised by the council.

SECTION 13.2. WATER RIGHTS.

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

SECTION 13.3. RATES.

The council shall by ordinance establish rates for services provided by city-owned utilities.

SECTION 13.4. GRANTING OF FRANCHISES.

No franchise shall be granted except upon approval by a majority of the taxpaying electors voting thereon.

SECTION 13.5. FRANCHISE RECORDS.

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

SECTION 13.6. 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 as provided in section 13.4.

***CHAPTER XIV
TAXATION***

SECTION 14.1. AUTHORITY TO LEVY TAXES.

The council may levy and collect taxes for municipal purposes including, without limitation general ad valorem property taxes, and it may levy and collect special assessments for local improvements as provided in this charter; provided, however, that no income tax, sales tax, or excise tax shall be levied after the adoption of this charter until such tax shall have been approved by a majority of the electors voting at a regular or special election.

***CHAPTER XV
GENERAL PROVISIONS***

SECTION 15.1. VOLUNTEER FIRE DEPARTMENT.

So long as the city has a volunteer fire department as determined by the council, the officers shall be elected by the members of said volunteer department.

SECTION 15.2. EMINENT DOMAIN.

The city shall have the right of eminent domain as provided by the constitution and the statutes.

SECTION 15.3. RESTRICTION ON SALE OF PROPERTY.

Council shall not sell or dispose of public utilities, public buildings, or real property used or held for

cemetery, park, or recreation purposes without first obtaining the approval of a majority of the taxpaying electors voting thereon at a special election held for such purpose; provided, however, that this provision shall not apply to the sale of cemetery plots for burial purposes.

SECTION 15.4. CONVEYANCES.

All conveyances of interest in land by the city shall be signed by the mayor and attested to by the city clerk under the seal of the city.

SECTION 15.5. LIABILITY OF CITY.

No action for recovery of compensation for personal injury, death, or property damage against the city on account of its negligence shall be maintained unless written notice of the 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 90 days of the occurrence causing the injury, death, or property damage. The notice given under the provisions of this section shall not be deemed invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of injury, if it is shown that there was no intent to mislead and that the city, in fact, was not misled thereby. This provision shall not be construed as a waiver of any governmental immunity the city may have.

SECTION 15.6. CO-OPERATIVE CONTRACTS.

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

SECTION 15.7. BEQUESTS, GIFTS, AND DONATIONS.

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

SECTION 15.8. EMERGENCY POWERS.

In case of riot, insurrection or extra-ordinary emergency, the mayor, or in his absence, the manager, shall assume general control of the city government and all branches and be responsible for the suppression of disorders and the restoration of normal conditions. At any time of threatened or actual civil insurrection, the mayor shall:

- a. Proclaim the existence and termination of a threatened or actual civil insurrection;
- b. Request the governor's proclamation at his discretion if he believes that the resources and ability of the community are inadequate to cope with the peril;
- c. Convene the council within two days if it appears that the state of civil insurrection will continue for more than two days;
- d. Execute all his normal powers and all his special powers lawfully conferred upon him including, but not limited to, establishing written rules and regulations governing conduct and activities reasonably related to the protection of life and property and to the suppression of the civil insurrection.

SECTION 15.9. CONTINUITY OF GOVERNMENT.

The council shall have the power to provide for continuity of the government of the city in the event of natural or enemy-caused disaster. Such power shall be employed in a manner which will preserve representative government in the city, and which will provide an orderly line of succession of officers notwithstanding the provisions of this charter. If no such provisions for continuity of government have been made by council and there being no members of council surviving said disaster, the manager, or if he not be surviving, the chief of police, shall assume the powers granted the council herein.

SECTION 15.10. INVALIDITY OF PART.

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, chapter, or part of this charter, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this charter; but the effect thereof shall be confined to the clause, sentence, paragraph, section, chapter, or part of this charter so adjudged to be invalid or unconstitutional.

SECTION 15.11. AMENDING THE CHARTER.

Amendments to this charter may be submitted in accordance with the provisions of the constitution. 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 15.12. CHAPTER TITLE AND SUB-HEADINGS.

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

SECTION 15.13. CONSTRUCTION OF WORDS.

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

SECTION 15.14. DEFINITIONS.

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

- a. APPROPRIATION. The authorized amount of monies set aside for expenditure during a specified time for a specific purpose.
- b. CITY. City of Golden, Colorado, a municipal corporation.
- c. COUNCIL. The city council of the City of Golden.
- d. MANAGER. The city manager of the City of Golden appointed pursuant to section 7.1.
- e. EMPLOYEE. Any person employed by the City of Golden.
- f. FRANCHISE. An irrevocable privilege granted by the city permitting a specified use of public property for a specified length of time.
- g. GENERAL MUNICIPAL ELECTION. A municipal election held every two years at which candidates for elective offices of the city are voted upon in accordance with this charter.
- h. OFFICER. Any person elected to office or appointed by council, including appointees to boards and commissions.
- i. CONSTITUTION. The constitution of the State of Colorado.
- j. 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.
- k. ELECTOR. A resident of the city registered to vote under the constitution and statutes of the State of Colorado. **(Amended by vote of the people November, 1983.)**
- l. TAXPAYING ELECTOR. An elector who owns real or personal property within the city and has paid an ad valorem tax thereon in the calendar year last preceding the election or in the calendar year in which the election is held. An elector who is obligated to pay ad valorem taxes under a contract to purchase real property within the city shall be considered as a taxpaying elector within the meaning of this definition.

SECTION 15.15. PROCESS.

Any process issued by the city shall be in the corporate name thereof.

***CHAPTER XVI
TRANSITIONAL***

SECTION 16.1. STATUS OF TRANSITIONAL PROVISION.

The purpose of this chapter is to provide for an orderly transition from the present city government to a home rule government under the provisions of this charter. This chapter shall constitute a part of this charter during the transition period.

SECTION 16.2. TRANSITION PERIOD.

The effective date of this charter shall be January 1, 1968, when the following chapters of this charter shall become operative: Chapters I, II, III (except section 3.1 which shall become effective on the date of the first general municipal election under this charter), V, VI, VII, VIII, IX, X, XII, XIII, XIV, XV, and XVI. Section 11.13 of Chapter XI shall become operative on the effective date of the charter. Those portions of Chapter XI, concerning the preparation and submission of the budget and capital program shall become effective for the 1969 budget. All of the remaining portions of Chapter XI shall become effective on January 1, 1969. Section 4.1 and 4.2 of Chapter IV shall become operative according to their provisions. The remaining sections of Chapter IV shall become operative on January 1, 1968. Those councilmen elected at the general municipal election on November 7, 1967, shall continue in office until their terms expire or their offices become vacant, in which case a successor shall be chosen as provided in section 3.7 of chapter III.

SECTION 16.3. PRIOR CITY LEGISLATION.

All bylaws, ordinances, resolutions, rules, and regulations of the city which are not inconsistent with this charter and which are in force and effect at the effective date of this charter shall continue in full force and effect until repealed or amended. Those provisions of any effective bylaw, ordinance, resolution, rule, or regulation which are inconsistent with this charter are hereby repealed.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned members of the Golden Charter Convention, duly elected by the people of Golden, Colorado, at a special election held on August 8, 1967 under authorization of article XX of the constitution of the State of Colorado, to frame a home rule charter for the City of Golden, do hereby certify that the foregoing is the proposed charter as finally approved and adopted by the members of the convention on October 5, 1967, for submission to the people of Golden at a regular election to be held November 7, 1967.

Done in triplicate at Golden, Colorado, this 5th day of October, 1967.

EVERETT BARNHARDT, Chairman
VIRGINIA WEIGAND, Secretary
FRANK J. REINHARD, Jr., Vice-Chairman

Charles L. Goudge
Robert W. Todd
Alvin Babb
Fred J. Pattridge
Tim L. Campbell
John C. Kerr
Charles E. Bilstein
Joe Meyer
Bernice Meyer

B. D. (Don) Waters
Carrie Critchfield
Dennis H. Pike
Lawrence M. Vanderstowe
Robert A. Baxter
Howard Vance Lewis
Stephen M. Wagner
Roger Q. Mitchell
Leonard K. Dunn

State of Colorado
County of Jefferson

Subscribed and sworn to before me this 5th day of October, 1967.

My commission expires March 25, 1970.

(SEAL)

(s) Wanda Lang, Notary Public

I hereby certify that the above and foregoing document is the charter adopted at the regular election for the City of Golden, Colorado, held on Tuesday, November 7, 1967, and duly filed by me with the Secretary of State of the State of Colorado.

(SEAL)

ATTEST: (s) Grace V. Pike, City Clerk

Additional Information - Not Part of Charter

NOTES:

Golden City formally established June 12, 1859
Golden incorporated January 2, 1871 by County Commissioners
First meeting of trustees held January 4, 1871
Council-Mgr. form of government adopted by Ord. 247 - 1948
Home Rule Charter effective January 1, 1968