CITY OF CORTEZ, COLORADO
ORDINANCE NO. 1353, SERIES 2026

AN ORDINANCE AUTHORIZING THE PLACEMENT OF BALLOT ISSUES TO BE VOTED ON BY THE REGISTERED ELECTORS OF THE CITY OF CORTEZ, COLORADO, FOR THE PURPOSE OF AMENDING THE CORTEZ CITY CHARTER

WHEREAS, pursuant to Article XIX, Section 1 of the Cortez City Charter (the "City Charter"), the City Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado; and

WHEREAS, pursuant to Article XX of the Constitution of the State of Colorado, the Cortez City Council (the "City Council"), on its own initiative, may submit any charter amendment at any general or special state or municipal election held not less than 30 days after the effective date of the ordinance or resolution submitting such question to the voters; and

WHEREAS, pursuant to Colorado Revised Statutes, Section 31-2-210(1)(b), proceedings to amend a home-rule charter may be initiated by an ordinance adopted by the home rule municipality's city council that submits the proposed amendment to a vote of the registered electors of the home rule municipality; and

WHEREAS, the City Council desires to initiate the proceedings to amend the City Charter and submit the proposed amendments to a vote of the registered electors of the City of Cortez (the "City") as set forth below in this Ordinance; and

WHEREAS, pursuant to Article IV, Section 1 of the City Charter, the City's general municipal election shall be held on the first Tuesday after the first Monday in April in each even numbered year, with the next scheduled general municipal election scheduled to be held April 7, 2026; and

WHEREAS, the City Council desires that the amendments to the City Charter stated in this Ordinance should be submitted to the registered electors of the City at the April 7, 2026 general municipal election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORTEZ, COLORADO AS FOLLOWS:

1. RECITALS INCORPORATED: The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the City Council.

2. QUESTIONS SUBMITTED TO VOTERS: At the April 7, 2026 general municipal election, there shall be submitted to the vote of the registered electors of the questions herein below authorized.

3. OFFICIAL BALLOT: The official ballot, including absentee ballots, shall state the

substance of the questions to be voted upon, and as so stated, shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate their choice on each question, which shall be in the form set forth below.

4. BALLOT QUESTION AND TITLE: The following ballot questions are hereby referred to the electorate of the City of Cortez at the April 7,2026 municipal election:

QUESTION NO. 1

Shall the Home Rule Charter of the City of Cortez, Colorado be amended to correct all typographical, spelling and grammar errors; to conform the charter to changes in Colorado legislation and court decisions; to remove all gender specific references; to clarify ordinance publication requirements; to clarify the tax levy process, to eliminate any references to corresponding city code amendments; to clarify the content of the Annual Budget Adoption and Appropriation Ordinance; to clarify when city council is required to act by ordinance; to clarify the duties and qualifications of the city manager and the city attorney to reflect modern practices; and to eliminate the reference to two non-existent city departments; all as set forth in detail in Exhibit A of Ordinance No. 1353, Series 2026?

_____YES/FOR_____NO/AGAINST

QUESTION NO. 2

Shall Article II, Section 3, and Article III, Section 2, of the Home Rule Charter of the City of Cortez, Colorado be amended to clarify the qualifications for city council; to clarify the duties of the city council; and to regulate the ability of council members to adjust council member compensation; all as set forth in detail in Exhibit B of Ordinance No. 1353, Series 2026?

_____YES/FOR_____NO/AGAINST

QUESTION NO. 3

Shall Article III, Section 4, of the Home Rule Charter of the City of Cortez, Colorado be amended to clarify the location of city council meetings and the ability for electronic participation by council members, all as set forth in detail in Exhibit C of Ordinance No. 1353, Series 2026?

_____YES/FOR_____NO/AGAINST

QUESTION NO. 4

Shall Article IV, Section 1, of the Home Rule Charter of the City of Cortez, Colorado be amended to allow the city to exercise its home rule authority to enact alternative term limits, for clarification purposes, upon council members that differ from the term limits stated in

the Colorado Constitution, Article XVIII, Section 11, all as set forth in detail in Exhibit D of Ordinance No. 1353, Series 2026?

_____YES/FOR _____NO/AGAINST

5. QUESTION PASSED: If a majority of the votes cast at the election shall be YES for any particular Question, that Question shall be deemed passed, the City shall be authorized to codify the amendment shown in that Question so passed, and the Council and City Staff shall be authorized to take such steps as may be necessary to implement the amendment.

6. LAWS GOVERNING ELECTION: The election shall be conducted under all applicable provisions of the City Charter, City ordinances, the Colorado Municipal Election Code as set forth in Title 31, Article 10, of the Colorado Revised Statutes, and the Colorado Constitution.

7. NOTICE OF ELECTION: The Cortez City Clerk shall cause notice of the election on the Charter question to be submitted and published as required by law.

8. AUTHORIZED ACTION: The elected officials and City staff are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, or as required by law.

9. MATTER OF LOCAL CONCERN: The City Council finds and declares that this Ordinance is a matter of local concern pursuant to Article XX, Sections 5 and 6, of the Colorado Constitution.

10. REPEALER: All orders, bylaws, ordinances, resolutions, policies, and guidelines, of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

11. SEVERABILITY: If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

12. RECORDING AND AUTHENTICATION: Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

13. EFFECTIVE DATE: This ordinance shall be effective upon publication after final passage on second reading.

14. FIRST READING. This ordinance shall be considered on first reading on the 13th day of January, 2026, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado.

15. PUBLIC HEARING: This ordinance shall be considered for second and final reading on the 27th day of January, 2026, at the hour of 7:30 p.m. in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

INTRODUCED, READ, PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 13th DAY OF JANUARY, 2026.

CITY OF CORTEZ

ATTEST:

RACHEL B. MEDINA, MAYOR

DANIELLE WELLS, CITY CLERK

APPROVED AS TO FORM:

J. PATRICK COLEMAN, CITY ATTORNEY

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 27th DAY OF JANUARY, 2026.

CITY OF CORTEZ

ATTEST:

RACHEL B. MEDINA, MAYOR

DANIELLE WELLS, CITY CLERK

EXHIBIT A

THE CHARTER OF THE CITY
OF
CORTEZ, COLORADO

_____

Prefatory Statement.

The charter convention, elected on the 25th day of June~~,~~ 1957, ~~respectfully presents~~presented the Charter of the City of Cortez to the voters of the City of Cortez ~~a Charter~~ for their approval.

Uppermost in the minds of the members of the charter convention ~~have been~~were two main purposes:

First—That the Charter must reserve to the people of the city absolute right and power of self~~-~~-government under the home rule provision of the Constitution of the State of Colorado; that it must provide for the well~~-~~being of all inhabitants and look forward to the future growth and development of the community.

Second—That the Charter must ensure the orderly and economical management of the city government by a single responsible administrative officer chosen guided and controlled by the people through their elected representatives.

To accomplish these objectives the Charter provides for the council-manager form of city government.

The policy making, legislative and budget making powers are vested in a council composed of seven tax paying electors, elected by popular

vote from the city at large. Provisions are made for the~~re~~ call of elected officers, for control of legislation by the people through initiative and referendum and for amendment of the Charter by popular vote. The strict financial controls required by the Charter will prevent wasteful and extravagant use of public funds and ensure the continued conduct of city business on a cash basis. Indebtedness in the form of general obligation bonds cannot be incurred except upon the favorable vote of a majority of voters who are taxpayers.

Control of city owned utilities and the regulation of rates to be charged to consumers is vested in the council, the intent being that such utilities shall be self~~-~~-supporting and operated for the benefit of the city. The rights of the people with respect to franchises are carefully safe-guarded.

Provision is made for the necessary departments of the city government. Recreation, the public library, parks and a cemetery ~~are~~ were given due consideration. The Charter provides for a citizens planning commission whose duties shall be to recommend to the council plans for the orderly improvement, growth and beautification of the city.

The administrative officer of the city will be a city manager, appointed by the council on the bas~~e~~is of ~~his executive~~their executive and administrative abilities, and subject to removal by a majority vote of the council. The manager will attend the meetings of the council but will not have the right to vote; ~~he will~~they will prepare the budget, but final approval and adoption of such budget and of all appropriations and expenditures of city funds will remain in the hands of the council. ~~His~~Their~~-~~ acts as city manager will be subject at all times to review, criticism and supervision of the city council. It ~~is~~ was the belief of the charter convention that this Charter will provide the basic law upon

which the citizens of Cortez may build a sound and progressive city government.

Preamble.

We, the people of Cortez, under the authority of the Constitution of the State of Colorado, do ordain and establish, for our municipal government this Charter.

~~**Editor's note:** The provision of the State Constitution herein referred to is section 6 of Article XX. For the Municipal Home Rule Act of 1971, see CRS § 31-2-201 et seq.~~

Article I. Name, Boundaries, Powers, Rights, Liabilities and Form of Government.

Sec. 1. Name; boundaries.

The municipal corporation heretofore and now existing and known as the City of Cortez, shall remain and continue a body politic and corporate under this Charter, with the same name and boundaries, until changed in the manner authorized by law.

Sec. 2. Rights; liabilities; powers.

By the name of Cortez, the city shall have perpetual succession; shall own, possess and hold all property, real and personal, heretofore owned, possessed and held by said city, and shall assume and manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Cortez; by that name may sue and defend, plead and be impleaded, in all courts and

places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

Sec. 3. Form of government.

The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the city shall be vested in an elective council, hereafter referred to as the "council." All powers of the council shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Article II. Municipal Officials.

Sec. 1. Designation of officials.

The legally qualified incumbents of the following positions in the municipal service are hereby declared to be officials:

Mayor.

Members of the city council.

Members of boards and commissions.

Appointed officials who shall be: the city manager, the city attorney, and the municipal judge.

~~(Ord. No. 873, Part 9 (part).)~~

Sec. 2. Municipal employees.

The incumbents of all other positions in the municipal service are hereby declared to be employees.

Sec. 3. Qualifications for city council members.*

No person shall be eligible to office as a council member unless at the time of election ~~he or she~~they are~~be~~ a citizen of the United States, at least ~~twenty-one~~21 ~~-~~years of age and shall have been for one year immediately preceding such election a resident of the city. The city clerk shall promulgate rules to have candidates establish proof of residency, if challenged, with candidates having the burden of proof.

No member of the council shall hold any other public office or employment for which compensation is paid from municipal funds. No person shall be elected or appointed to any city office position or employment for which the compensation was increased or fixed by the council while he or she was a member thereof until after the expiration of one year from the date when he or she ceased to be a member of the council.

~~(As amended November 4, 1975; Ord. No. 783, Part 6 (part).)~~

~~* **Editor's Note:** Ordinance 873, Part 6, contained a scrivener's error, indicating Art. II, Section 4 was amended, when in fact Art. II, Section 3 was amended, as set out above.~~

Sec. 4. Appointment to boards and commissions.

The city council shall by resolution establish qualifications for appointment to city boards and commissions, except where such qualifications are elsewhere established by the city charter or the code of ordinances.

~~(Ord. No. 873, Part 7 (part).)~~

Sec. 5. Oath of office.

Before entering upon the duties of ~~his~~their office, each council member, the mayor, the city manager, the city attorney, the city clerk, the judge of the municipal court and each director of a department shall take, subscribe and file with the city clerk an oath or affirmation that ~~he~~they will faithfully perform the duties of the office or position. The city clerk shall take and subscribe ~~his~~their oath before ~~some~~ a person qualified to administer oaths of office.

~~(Ord. No. 906 § 3 (part).)~~

Sec. 6. Bonding of employees.

The council shall require a bond of the city manager and the finance director~~,~~ and may require a bond of any other employee in its discretion. These bonds shall be placed with each surety and in such amounts as the council may determine. Premiums on these bonds shall be paid by the city.

~~(Ord. No. 743, § 1.)~~

Article III. The Council.

Sec. 1. Composition.

The electors of the city shall elect a city council of seven members, one of whom shall be chosen by the council to serve as mayor. The council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this Charter or by statute, to exercise all powers conferred upon or possessed by the city~~,~~ and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

The mayor shall preside over the meetings of the council. The mayor~~He~~ shall be recognized as the head of the city government for ceremonial purposes, and by the governor of the State of Colorado for purposes of military law~~,~~ and for service of civil processes. The mayor~~He~~ shall execute and authenticate legal instruments requiring ~~his~~their signature as such official.

The council shall choose one of its members as mayor pro tempore who shall preside over the council in the absence or disability of the mayor and serve as acting mayor with the same duties as the mayor.

Sec. 2. Compensation of mayor and council members.

The mayor shall receive as compensation five hundred dollars per month. Each of the council members shall receive as compensation four hundred dollars per month.

Such compensation shall be paid every two weeks. No council person shall receive a payment for a meeting which he or she did not attend. The mayor and council members may, upon order of the council, be paid necessary bona fide expenses incurred in service on behalf of the city as authorized and itemized.

~~(As amended November 4, 1975; Ord. No. 906 § 3 (part): Ord. No. 1068 § 3.)~~

Sec. 3. Powers of council.

All powers of the city and the determination of all matters of policy shall be vested in the council except as otherwise provided by this Charter. Without limitation of the foregoing, the council shall have power to:

(a) Appoint and remove the city manager, ~~.~~the city attorney, and the municipal judge.

(b) By ordinance create, change, and abolish offices, departments, or agencies, and assign additional functions to offices, departments or agencies. ~~established by this Charter, but not to discontinue any office, department, or agency established by this Charter.~~

(c) Adopt the budget of the city.

(d) Authorize the issuance of bonds or other public finance instruments by ordinance as provided by this Charter.

(e) Inquire into and investigate any office, department, or agency of the city and the official acts of any officer or employee thereof, and to compel by subpoena attendance and testimony of witnesses and production of books and documents.

(f) Adopt plats.

(g) Adopt and modify the official map of the city.

(h) Provide for independent audits of all funds and accounts of the city.

Sec. 4. Meetings; quorum.

Council shall meet regularly twice each month on such days as the council by written resolution shall prescribe, at city hall at an hour to be fixed from time to time by the rules and procedures of each council; and the council shall have power by ordinance to prescribe the manner of calling meetings thereof. Special meetings may be held at any time the council may direct. A majority of the membership of the entire council shall constitute a quorum to do business. Council shall sit with open door at all legislative sessions, and shall keep a journal of its proceedings which shall be a public record.

~~(As amended November 3, 1987.)~~

Sec. 5. Ordinances, resolutions and motions generally.

In all legislative matters coming before it, the council shall act only by ordinance, resolution or motion. The ~~ayes~~ yes and ~~nays~~no votes shall be taken upon the passage of all ordinances, resolutions and motions and entered upon the journal of the council proceedings. Should any council members being present refuse to vote on any measure, ~~his~~their vote shall be recorded in the affirmative. A council member shall be excused from voting on matters involving the consideration of their~~his~~ own official conduct, or where ~~his~~their financial interests are involved.

~~(Ord. No. 906 § 3 (part).)~~

Sec. 6. Ordinances—When required.

In addition to such acts of the council as are required by this Charter to be by ordinance, every act~~ fixing compensation,~~ making an appropriation, authorizing the 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.

Sec. 7. Same—Form.

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

Sec. 8. Same—Procedure for passage.

An ordinance may be introduced at any regular or special meeting and be read a first time, and a day and an hour set at which time the council or a committee shall hold a public hearing thereon. Such hearing

may be at a regular meeting of the council, or at such time and place as the council may order and may be adjourned from time to time. An ordinance may be read and finally passed at any regular or special meeting of the council following the meeting at which it is introduced. Such final reading and passage of an ordinance may be made at the same meeting at which such public hearing thereon is held. The reading upon introduction or upon final passage or both shall be in full unless the proposed ordinance shall be in writing or printed and a copy furnished to each council member at least five days prior to such reading.

~~(Ord. No. 906 § 3 (part).)~~

Sec. 9. Same—Emergencies.

No ordinance shall be passed finally on the date it is introduced, except in cases of emergency for the preservation of the public peace, health or property, and then only by two-thirds vote of the council members present. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

~~(Ord. No. 906 § 3 (part).)~~

Sec. 10. Same—Publication and effective date.

Except as otherwise provided herein, every proposed ordinance shall be published once in full in a newspaper of the city, before its final passage. After such final passage, it shall be again published once in a newspaper~~,~~ and shall not take effect until after publication following final passage, unless another date is specified therein; except that an emergency ordinance and any ordinance not subject to the referendum shall take effect upon publication following passage.

~~(As amended November 2, 1993.)~~

Sec. 11. Same—Publication by reference.

~~When~~ By resolution of the council, ~~deems it appropriate,~~ publication of the title of ~~the~~ ordinances, or the title of ~~an~~ amendments thereto, together with a brief summary of such ordinances or amendments ~~as determined to be sufficient by the council, together with a statement that~~ shall be sufficient publication. ~~t~~The text ~~thereof is~~ of all ordinances and amendments thereto shall be made available, in either digital or paper format, for public inspection and acquisition ~~in~~ from the office of the city clerk, shall be sufficient publication.

Sec. 12. Same—Codification.

The city council shall within five years after the date of the adoption of this Charter and within each ten-~~-~~year period thereafter complete a codification of all existing ordinances.

Sec. 13. Same—Disposition.

A true copy of every ordinance, when adopted, shall be numbered and recorded in a book marked "Ordinance Record," and adoption and publication shall be authenticated by the signatures of the mayor and the city clerk, and by the certificate of the publisher, respectively. The ordinances as adopted by the vote of the qualified electors of the city shall be separately numbered and recorded.

Article IV. Elections.

Sec. 1. When held and terms of office.

A general municipal election shall be held on the first Tuesday after the first Monday in April in the year 1996 and on the first Tuesday after

the first Monday in April in each even numbered year thereafter. Elections held at other times shall be special elections. The three candidates receiving the highest number of votes in the November 1993 election shall serve until the fourth Tuesday in April of the year 1998. The candidate receiving the fourth highest number of votes shall serve until the fourth Tuesday in April of the year 1996. The three candidates who received the highest number of votes in the November 1991 election shall have their terms extended to the fourth Tuesday in April of the year 1996.

At all subsequent general municipal elections there shall be elected four council members. The three candidates receiving the highest number of votes shall be declared to be elected for a term of four years and the candidate receiving the next highest number of votes shall be declared to be elected for a term of two years.

~~(Ord. No. 782 § 2 (B).)~~

Sec. 2. Primary election.

There shall be no primary election for any municipal office.

Sec. 3. Precincts.

The city shall constitute one voting precinct, provided that the council may for the convenience of voters, establish two or more precincts 30 days or more, prior to any election, by ordinance. The precincts so established by ordinance shall remain for all subsequent elections until otherwise provided by ordinance.

~~(As amended May 6, 1980.)~~

Sec. 4. Commencement and continuation of terms.

The term of each council member shall commence on the fourth Tuesday in April of even-numbered years immediately following the

general municipal elections held under the provisions of this article and shall continue until ~~he/she has~~the council member has served the term of years for which ~~he/she was~~they were elected unless ~~he/she~~the council member sooner dies, resigns, is ~~be~~ removed from office or becomes otherwise disqualified to act as council member.

~~(Ord. No. 782, § 2 (C).)~~

Sec. 5. Mayor and mayor pro tempore.

The members of the city council chosen to serve as mayor and mayor pro tempore shall be elected on the fourth Tuesday in April, as provided in Section 4, Article IV. The mayor and mayor pro tempore shall serve for a term which shall commence on the fourth Tuesday of April in even-numbered years following the general municipal election and shall continue for two ~~(2)~~ years thereafter or until their successors have been chosen and qualified for office as hereinabove provided, unless ~~they~~ the mayor or mayor pro tempore sooner dies, resigns or is~~be~~ removed from office. In the event of a vacancy occurring in either or both offices, the council shall have the power to fill such vacancy in the manner provided in Article IV, Section 21, until the first meeting in April after the next general municipal election thereafter.

~~(Ord. No. 782, § 2 (D).)~~

~~**Sec. 6. Repealed May 6, 1980.**~~

~~**Sec. 7. Repealed May 6, 1980.**~~

~~**Sec. 8. Repealed May 6, 1980.**~~

~~**Sec. 9. Repealed May 6, 1980.**~~

Sec. ~~10~~6. Calling of special elections.

Special election shall be called by the city council whenever a measure is required to be submitted to the voters pursuant to the Constitution and laws of the State of Colorado, this Charter, or the ordinances of the city.

The city council may by ordinance also call a special election for a vote of the electorate upon any measure upon petition of the electorate or by referendum, or upon its own initiative, consistent with this Charter; but no special election shall be called to fill a vacancy in an elective office.

No special election shall be called or held within 3 months prior to a general municipal election, except where otherwise required by the Constitution of the state.

Where a petition for a special election if filed pursuant to the provisions of any ordinance, making the calling of a special election mandatory, the repeal of such ordinance or any part thereof, shall not affect the mandate of the petition.

Sec. ~~11~~7. Measures submitted to electorate.

Every petition to have a vote of the electorate on a measure and every ordinance requiring a vote of the electorate on any measure, shall contain a short and concise ballot title for the measure to be voted ~~upon, and the~~upon. The ballot title shall appear on the ballot~~,~~ as follows:

	YES	FOR
BALLOT TITLE	or	
	NO	AGAINST

Every petition to have a vote of the electorate upon a measure shall name a conference committee of three, who are signers of the petition, and shall contain authority in such committee to make any necessary changes in such ballot title. The council may refuse to submit the measure when any ballot title is unreasonably long, misleading, or ambiguous, unless such committee shall revise the same to conform to such requirements.

If there be more than one measure on a ballot by petition, they shall be numbered in the order of filing, and they shall follow the measures placed on the ballot by initiation of the council.

The list of candidates shall precede the ballot titles on the ballot.

~~Sec. 12. Repealed May 6, 1980.~~

~~Sec. 13. Repealed May 6, 1980.~~

Sec. ~~14~~8. What constitutes election.

The candidates for council members equal in number to the positions on the council to be filled by any election, receiving the highest number of votes cast, shall be declared elected council members; and any measure submitted to a vote of the electorate shall be declared adopted or approved, as the case may be, when a majority of those voting upon any such measure shall vote "yes" or "for" on any such measure. In case of a tie, the election shall be decided by casting lots.

~~(Ord. No. 906 § 3 (part).)~~

~~Sec. 15. Repealed May 6, 1980.~~

~~Sec. 16. Repealed November 3, 1987.~~

~~**Sec. 17. Repealed May 6, 1980.**~~

Sec. ~~18~~9. State law applicable.

All provisions of law of the State of Colorado insofar as the same shall be applicable to municipal elections, both general and special, in cities of the second [first] class in the State of Colorado, shall apply to all elections in the city except as otherwise provided in this article. When there shall be a conflict between the provisions of law and the provisions of this Charter with respect to any matter pertaining to elections, the provisions of this Charter shall be deemed to supersede any and all statutory provisions.

> ~~**Editor's note:** For state law as to municipal elections, see "Colorado Municipal Election Code of 1965," as contained in CRS § 31-10-101 *et seq.*~~

~~**Sec. 19. Repealed May 6, 1980.**~~

Sec. ~~20~~10. Definition of "party."

The term "party" as used herein, shall mean and include any group of citizens of the city who shall associate themselves together for the purpose of nominating candidates for office at municipal elections, but shall not be any political party which nominates candidates for election of county, state and national offices.

Sec. ~~21~~11. Vacancies.

All elected officers shall hold office until their successors are elected and qualified. Any vacancy in an elective office shall be filled within sixty days by appointment of the council until the next regular election, when the vacancy shall be filled by the electors for the remainder of the term, if any. Any person appointed to fill a vacancy for an unexpired term in an

elective office shall have the qualifications required of persons to be regularly elected. A vacancy shall exist when a member of the council fails to qualify within ~~thirty~~ 30 days after the commencement of ~~his/her~~their term, or if that council member~~he/she~~ dies, resigns, removes from the city, or absents ~~him/herself~~themselves from meetings of the council for sixty days unless excused by resolution thereof, or if ~~he/she is~~they are convicted of a felony or ~~is~~ are~~-~~ judicially declared a mental incompetent.

The council at its discretion may decline to appoint a new member to fill a vacancy if the vacancy occurs within 120 days of a duly scheduled municipal election.

~~(Ord. No. 906 § 3 (part).)~~

~~**Sec. 22. Repealed November 2, 1993.**~~

~~**Sec. 23. Repealed November 2, 1993.**~~

~~**Sec. 24. Repealed November 2, 1993.**~~

Article V. Appointed Officials.

Sec. 1. Appointed officials.

The appointed officials of the city shall be as follows: city manager; city attorney, and judge of the municipal court.

~~(Ord. No. 873, Part 9 (part).)~~

Sec. 2. Terms of office.

All such appointed officials shall be appointed by the council and each shall hold office at the pleasure of the council. ~~or until the next general municipal election succeeding the appointment.~~

~~(Ord. No. 873, Part 9 (part).)~~

Sec. 3. City manager.

Appointment and qualifications. The council shall appoint and fix the salary of the city manager, who shall be the chief executive officer and head of the administrative branch of the municipal government. ~~He or she~~The city manager shall be chosen on the basis of ~~his or her~~ their executive and administrative qualifications, with special reference ~~to his or her~~ to their actual experience ~~in~~ and ~~his or her~~their knowledge of accepted practice with respect to the duties of the position.

~~At the time of his or her appointment the city manager need not be a resident of the city but he or she shall reside in the city during his or her tenure of office.~~

All city department heads shall report directly to the city manager as the chief administrative officer. The city manager shall be directly responsible to the council for the administrative operation of the city.

No council member shall be appointed city manager during the term for which ~~he or she~~ they shall have been elected nor within one year after the expiration of ~~his or her~~their term.

~~(Ord. No. 873, Part 9 (part); Ord. No. 906 § 3 (part).)~~

Sec. 4. Acting city manager.

The council may appoint or designate an acting city manager to serve during the period of a vacancy in the office. ~~or during the extended absence of the city manager from the city.~~

Sec. 5. Removal of city manager.*

The city manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be

removed, ~~he~~ the city manager shall, if they~~he~~ so demand~~s~~, be given a written statement of the reasons alleged for ~~his~~their removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of ~~his~~their removal, but pending and during such hearing the council may suspend ~~him~~them from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this section to vest all authority and fix all responsibility for such suspension or removal in the council. The city council shall be fully responsible for the review and approval by contract of all terms and conditions, including termination provisions~~,~~ regarding the employment of the city manager.

~~(Ord. No. 873, Part 9 (part).)~~

~~* **Editor's Note:** Ordinance 873, Part 9, contained a scrivener's error, indicating Art. V, Section 5, catchline be removed; the catchline has been retained.~~

Sec. 6. Departmental divisions.

The work of each department of the administrative branch may be distributed among such divisions within the department as may be established~~ by the Charter, or~~ by ordinance, after recommendation of the city manager, or by regulations issued by the city manager pending passage of such an ordinance.

There is hereby created a Department of Planning and Building for the City of Cortez. The Department of Planning and Building shall be responsible for implementation of planning, planning review and zoning functions as well as building inspection and assurance of compliance with all applicable codes and ordinances.

Appointment of Director: The City Manager shall appoint a director to carry out the responsibilities and direct the activities of the Department of Planning and Building. The Director may within the

framework of an annual budget approved by the City Council and with the authorization and approval of the City Manager hire such employees as are necessary to perform the prescribed functions of the Department and such other duties as may be assigned by the City Manager.

~~(Ord. No. 1136)~~

Article VI. Municipal Court and City Attorney.

Sec. 1. Municipal court—Created; powers generally.

There shall be a municipal court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the city, subject to appeal to the district court in the manner provided by law for appeals from municipal court to district court. The court may punish contempt of court by fine or by imprisonment, or both, in like manner as a court of record may do; may enforce its orders and judgments in like manner as a court of record may do, and as provided by general law; and may render final judgment on any forfeited bond or recognizance returnable to such court subject to appeal as in other cases. Cash bonds may be provided for or taken in lieu of property, individual or corporate surety bonds.

~~(Ord. No. 747, § 1.)~~

Sec. 2. Same—Judge; council to provide place, supplies, etc.; forms for complaints, etc.

The municipal court shall be presided over, and its functions exercised by a judge, who shall be a licensed member of the bar of this state in good standing, appointed by the city council, for a term to be at the pleasure of the council. If no qualified member of the bar satisfactory to the council is available and willing to serve, any other person may be

appointed until a qualified member of the bar is willing to accept. ~~He~~ The judge shall receive a fixed salary or compensation not dependent upon the outcome of the matters to be decided by ~~him~~them, and to be fixed by ordinance from time~~-~~-to~~-~~-time. If absent, disqualified, or unable to act in any matter or case, the municipal judge may call any eligible person to act and serve temporarily; and, if ~~he~~ they fail~~s~~ to or cannot call in a substitute, the council shall appoint a substitute. The council by ordinance shall provide for trial by jury, but there shall be no change of venue from said court.

The council shall provide a suitable place and all supplies and things necessary for the proper functioning of the court.

The forms of complaints and all other rules, procedures, proceedings, costs and fees in the municipal court, shall be prescribed by ordinance, upon the recommendation of the municipal judge.

~~(As amended April 4, 1961.)~~

~~(Ord. No. 1256 , 7-24-18)~~

~~Ord. No. 1256 , adopted July 24, 2018 provides: "The salary for the Municipal Judge of the City of Cortez shall be $18,595 payable to the Judge in such installments and with or without deductions as the Judge and the City shall agree upon, and the Judge shall receive $80/hour for any optional Court work, such as jury trials, extra Court days as may be required from time to time."~~

Sec. 3. Same—Penalties.

The council shall provide for the enforcement of its ordinances by fine or imprisonment or both, as established by ordinance.

~~(Ord. No. 748, § 1.)~~

Sec. 4. City attorney.*

Appointment and qualifications. The council shall appoint a city attorney who shall serve at the pleasure of the council. ~~He/she~~The city attorney shall have been a duly licensed attorney in the ~~State of Colorado~~ United States for at least the entire three years immediately prior to ~~his/her~~their appointment. The city attorney shall become licensed in the state of Colorado prior to commencing representing the city. The council shall fix the compensation of the city attorney.

Functions. The city attorney shall be the legal advisor of the council and all employees of the city in matters relating to the~~ir~~ council and employees' official powers and duties~~.~~, except in personnel matters involving a city employee, in which case the city attorney shall not represent the city employee that is the subject of the personnel matter, and instead shall represent the city and any elected officials or employees with supervisory duties over the city employee that is the subject of the personnel matter. The city attorney~~He~~ shall represent the city in all legal proceedings, draw all ordinances, and prepare all other legal documents. ~~He~~ The city attorney shall attend all council meetings and perform all services incident to his position as may be required by this Charter, ordinances, or the council. In all legal proceedings concerning the city, the city attorney shall not represent an opposing party.~~, he nor any member of his firm shall represent the opposition.~~

~~(Ord. No. 906 § 3 (part).)~~

~~*__Annotator's Note:__ For further clarification, please refer to Ordinance No. 864, Series 1998.~~

Sec. 5. Special counsel.

The council, the city manager, or the city attorney, may, in special cases, employ special counsel to assist the city attorney if deemed necessary and advisable under the circumstances.

Article VII. Finance Administration.

Sec. 1. Department created; qualifications of director.

A department of finance is hereby created, the executive officer of which shall be the director of finance who shall have special knowledge of municipal accounting, taxation, budget making, and finance. The city clerk shall be director of finance unless otherwise provided by ordinance.

Sec. 2. Powers and duties of director.

The director of finance shall have charge of the financial records and general and special funds of the city and shall collect, receive, and disburse all money belonging to the city, and shall have all other duties required to administer properly the financial affairs of the city; to that end he shall have authority and shall be required to:

(a) Maintain a general accounting system for the city government of each of its offices, departments, and agencies, exercise budgetary control over the same in accordance with the budget and annual appropriation ordinance; prescribe the form of receipts, requisitions, warrants, and other evidence of income and disbursements; audit before payment all bills, invoices, payrolls, and other claims and charges against the city government; determine the regularity, legality, and correctness of such claims, demands or charges.

(b) Advise the city manager of the budget requirements of the department of finance and furnish estimates and information concerning other departments, agencies and boards as requested by the city manager.

(c) Advise departments of remaining allotments.

(d) Disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made.

(e) Collect and hold all city funds; invest funds as directed by the council by resolution; be responsible for all trust funds.

(f) Serve as custodian of all bonds, documents, and other evidence of indebtedness owned by the city or under its control.

(g) Issue all licenses and collect the fees therefor, except as otherwise provided ordinance; collect or receive funds of every description belonging to, due to or accruing to the city, including fines, forfeitures, penalties, taxes, water rentals and sewer fees.

(h) Submit to the council through the city manager a monthly statement of all accounts and funds, including trust and custodial funds, such report to show receipts and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact financial condition of the city.

(i) Examine and approve all purchase contracts, orders, and other documents by which the city incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations become due and payable.

(j) Advise the city manager of any financial irregularity in any department.

~~(Ord. No. 744, § 1.)~~

Sec. 3. Separate utilities accounts.

The accounts of each utility owned and operated by the city shall be kept separate and distinct from all other accounts of the city. Such accounts shall show also reasonable allowance for depreciation and obsolescence and estimate of the amount of taxes that would be chargeable, against such utility property if owned privately.

Sec. 4. Responsibility for funds.

All money belonging to the city and in the custody of city employees shall be paid daily to the department of finance.

Sec. 5. General fund expenditures.

A general fund is hereby created which shall consist of all revenues of the city not specifically belonging to any special fund. The governmental functions of the city shall be paid for out of appropriations from the general fund.

Sec. 6. Special fund expenditures.

Special funds may be created for any purpose by ordinance, any ordinance creating a special fund shall also specify the source of revenue and the purpose and manner of expenditure.

Sec. 7. Fiscal, budget and accounting year.

The budget, fiscal and accounting year shall be the same as the calendar year. The term "budget year" means the fiscal year for which any budget is adopted and in which it is to be administered.

Sec. 8. Annual budget estimates.

On or before the first Monday in November of each year, the city manager shall submit to the council a proposed budget for the next ensuing budget year with an explanatory message. The proposed budget shall provide a complete financial plan for the city and shall include the following:

(a) Proposed expenditures for each office, department and agency for the ensuing fiscal year.

(b) Debt service requirements for the ensuing fiscal year.

(c) An estimate of the amount of anticipated income from all sources other than taxes on property during the ensuing fiscal year, including estimated cash surplus at the end of the current year.

(d) The probable amount required to be levied and raised by property taxes during the ensuing fiscal year.

(e) A general budget summary.

The budget shall be in sufficient detail to show for each fund estimated revenues by source and estimated expenditures. The budget shall be so arranged as to show comparative figures for receipts and expenditures for the last completed fiscal year, for the current year, and the city manager's recommendations for the ensuing year.

~~(As amended November 2, 1993.)~~

Sec. 9. Capital budget.

As a part of the budget message or as separate report attached thereto, the city manager shall also present a program of proposed capital projects for the ensuing year and the five fiscal years thereafter. Estimates of the cost of such projects shall be submitted together with suggested methods of financing the same.

In such proposed program, the city manager shall include those projects previously considered by the planning commission, but he may recommend the omission or deferment of projects proposed by the planning commission, giving his reasons therefor.

The council shall consider the program of projects submitted by the city manager and adopt a capital budget plan for such period of years, including estimated costs and methods of financing; provided, however, that projects shall be budgeted and appropriations made therefor only by including them in the budget for the ensuing year as provided in this article.

In order to facilitate the carrying out of the capital budget plan the council may create a capital budget fund. Moneys may be appropriated to this fund directly or by transfer from the general fund, and may be accumulated and invested; and may be expended only for capital projects, including the purchase of land, buildings, or equipment and the construction or improvement of public works.

Sec. 10. Public record; hearing.

The budget estimates aforesaid shall thereupon be a public record and open to the public for inspection and copy. The council shall, within ten days after the filing of said budget estimates, set a time certain for public hearing thereon and cause notice of such public hearing to be given by publication. At the hearing all persons may appear and object to any or all items and estimates in the proposed budget. Upon completion of the public hearing the council may revise the budget estimates.

Sec. 11. Adoption of budget.

After said public hearing and before the last day of December in each year, the council shall pass the "Annual Appropriation Ordinance" in

which shall be appropriated such sums of money as the council deems necessary to defray all expenses and liabilities of the city during the ensuing budget year. The annual appropriation ordinance shall be based upon the budget as adopted but need not be itemized further than by departments and the major divisions thereof, and by each independent office and agency.

~~(As amended November 2, 1993.)~~

Sec. 12. Tax levy generally.

The "Annual Budget Adoption and Appropriation Ordinance" shall set the total city budget for the subsequent calendar year, and appropriate funds necessary to pay the amount of the budgeted expenditures. The council shall thereafter, upon being advised by the county assessor of the assessed valuation for property located in the City of Cortez, ~~include~~set the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for city purposes necessary to provide for payment during the ensuing budget year of all properly authorized demands against the city; including interest and principal of general obligation bonds. The ~~council~~ resolution shall ~~thereupon~~ cause the total levy to be certified by the director of finance to the county assessor, who shall extend the same upon the tax list of the current year in a separate column entitled "City of Cortez Taxes," and shall include said city taxes in ~~his~~ the assessor's general warrant to the county treasurer for collection. If the council fails in any year to make said tax levy as above provided, then the rate last fixed shall be the levy fixed for the ensuing budget year and the director of finance shall so certify.

Sec. 13. Tax levy limitation.

All tax levies of the city when applied to the total assessed valuation of the city shall be so fixed as to prohibit the levying of a greater mill levy than was levied in the preceding year plus 5 percent on the previous years mill levy except to provide for the payment of bonds and interest thereon; provided, however, that if all members of the council shall be of the unanimous opinion that the amount of tax so limited will be insufficient for the city's needs for such year, they may by resolution unanimously adopted, authorize an increased levy above such limit, provided that such increased levy shall not exceed an additional 5 percent unless authorized by a special election.

Sec. 14. No unbudgeted liability.

The city expenditures in any one year shall not be increased above the amount provided in the annual budget. No contract involving expenditures, and no expenditures, for any improvement to be paid out of the general or special funds of the city or for defraying the expenses and liabilities of the city shall exceed, in any one year, the amount provided in the annual budget to be paid out of the said general and special funds so budgeted, but the said several funds shall be maintained and used for the particular purposes specified in the budget. It shall be unlawful for any department, officer, or agent of the city to incur or contract any expense or liability for or on behalf of the city unless an appropriation therefor shall have been made in the budget. Such contracts shall be null and void ab initio as to the city for any liabilities; provided, however, that nothing herein contained shall prevent the council from providing by ordinances for payment of any expense, the actual necessity of which is caused by any casualty, accident, or unforeseen contingency arising after the passage of the annual appropriation ordinance; and that the provisions of this section shall not

apply to or limit the authority conferred in relation to bonded indebtedness, nor to monies to be collected by special assessments for local improvements. The provisions herein shall be subject to section 22 of this article.

Sec. 15. Effect of appropriation and levy.

After the commencement of the budget and fiscal year the annual appropriation ordinance and levy shall be irrepealable and the several amounts stated in the adopted budget and annual appropriation ordinance as proposed expenditures shall be deemed appropriated for the items, objects and purposes therein specified.

Sec. 16. Lapsed appropriations.

All appropriations unexpended or unencumbered at the end of the budget year shall lapse to the applicable general or special funds.

Sec. 17. Deposit of public funds.

The cash balances of the city shall be deposited in such banks in the city as the council by resolution shall determine and with such security as the council shall by resolution require; but nothing herein contained shall make the council, or any member thereof, or the director of finance, personally liable to the city for loss of any funds so deposited.

Sec. 18. Investments.

Monies remaining in any fund may in the discretion of the council be invested in one or more of the securities permitted by the statutes of Colorado governing investments of public funds, or in bonds payable out of the revenues of any service or facility furnished by the city; or in general obligation bonds of the city. Interest on such investments shall be credited to the fund to which the invested money belongs, if such can

be determined, otherwise to the general fund of the city. The council, or any member thereof, or the director of finance shall not be personally liable to the city for any loss incurred through the investment of any funds as herein provided.

~~(As amended May 6, 1980.)~~

Sec. 19. Collection of taxes.

Until the council shall otherwise provide by ordinance, the county treasurer shall collect taxes in the same manner and at the same time as state taxes are collected. In like manner the council may provide for collection of special improvement assessments by said treasurer. All laws of this state for the assessment of property and the levy and collection of general taxes, sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes, except as modified by this Charter. On or before the tenth day of each month, the county treasurer shall report and pay to the director of finance the amount of tax collections of the city for the preceding month. The estimated costs of tax collections and losses shall be included in the budget.

Sec. 20. Audit and payments.

No demand for money against the city shall be approved, allowed, audited, or paid unless it is in writing, dated and sufficiently itemized to identify the expenditure, and payment thereof approved in writing by the director of finance and the person or department creating the obligation.

Sec. 21. Apportionment of expenses.

The salaries of the city manager, directors, and others rendering services to two or more departments, and expenses of departments

rendering services to other departments or to improvement districts, shall be equitably apportioned and charged against the proper department or other agency.

~~**Sec. 22. Repealed April 4, 2000.**~~

Sec. 2~~3~~2. City not to pledge credit.

The city shall not lend or pledge its credit or faith, directly or indirectly, in any manner to or in aid of any person, corporation, or any other organization, public or private, for any amount or any purpose whatever, or become responsible for any debt, contract, or liability thereof except for municipal purposes.

~~(As amended November 4, 1975.)~~

Sec. 2~~4~~3. Reports and publication.

The council shall provide for an independent audit at least annually by an independent certified public accountant or a registered accountant of all books and accounts of the city and shall publish a summary thereof once in the manner provided for publication of legal notices within three months after the end of each fiscal year. Copies of such audit shall be available at the office of the city clerk for public inspection.

Sec. 2~~5~~4. Availability of receipts and disbursements.

The finance officer shall make available at the office of the finance director for public inspection a list of the warrants or checks issued for the previous month, stating the name of the person, firm or corporation to whom issued, amount thereof, and showing separately the warrants or checks payable out of each fund.

~~(As amended May 6, 1980.)~~

Sec. 2~~6~~5. Capital improvement fund created: how funded.

Any amounts of revenue deriving from legally authorized sources in excess of the amounts otherwise allowed under Article X, Section 20 of the Constitution shall be retained and expended annually by the City of Cortez, for the purpose of creating a capital improvement fund to develop sidewalks, recreational facilities, public parking, and other capital improvements.

~~(Ord. No. 782, § 3; Ord. No. 859, § 3, as approved by voters on April 7, 1998.)~~

Article VIII. Municipal Borrowing.

Sec. 1. Forms of borrowing.

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

Short term notes;

General obligation bonds and other like securities;

Revenue bonds and other like securities; and

Local improvement bonds and other like securities.

Sec. 2. Short term notes.

The municipal government, with the written approval of the director of finance and the mayor and upon the affirmative vote of four members of the city council, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short term notes to evidence the amount so borrowed. Such short-~~-~~term notes shall be payable from the fund for which the money was borrowed; shall mature before the close of the fiscal year in which

the money is so borrowed; and shall not be extended or funded except in compliance with section 3, "General obligation bonds," of this article.

Sec. 3. General obligation bonds.

No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (ad valorem) property taxes or to which the full faith and credit of the city are pledged, shall be issued, except in pursuance of an ordinance, nor until the question of their issuance shall at a special or general election be submitted to a vote of the qualified electors and provided that such securities issued for acquiring, improving or extending a municipal water system or any combination of such purposes, may be so issued without an election.

~~(As amended May 6, 1980.)~~

Sec. 4. Limitation on indebtedness.

The aggregate amount of bonds or other evidences of indebtedness will not exceed ~~ten~~10 percent of the assessed valuation of the taxable property within the city as shown by the last preceding assessment for city purposes; provided, however, that in determining the amount of indebtedness, there shall not be included within the computation, bonds or other evidences of indebtedness outstanding or authorized to be issued for the acquisition, extension or improvement of the municipal waterworks system or the municipal storm sewer, sanitary sewer, combined storm and sanitary sewer, or sewage disposal systems, short term notes, local improvement securities, or securities payable solely from the net revenues of an income producing system, utility or other project, of from excise taxes, or from any part or combination of such revenue sources.

~~(As amended May 6, 1980.)~~

Sec. 5. Revenue bonds.

The city may, by ordinance of the city council, without an election and without adherence to the limitation of article VIII, section 3, borrow money, extend its credit, or issue bonds for any lawful purpose, and made payable solely from revenues other than the proceeds of ad valorem taxes, including, without limiting the generality of the foregoing, the issuance of securities payable from revenues derived from the operation of water, electric, gas, sewer or other revenue producing public utilities or income producing projects or improvements, from the available proceeds of any sales tax, use tax or other excise tax, or from any part or combination of such sources. Short-term notes, anticipation warrants, and other interim securities, are among the securities which may be issued and made so payable or made payable from the proceeds of bonds. No revenue bonds or other like securities shall be issued for the acquisition of such a system, utility or income producing project unless the acquisition thereof has been authorized as provided in article X of this Charter.

~~(As amended May 6, 1980.)~~

Sec. 6. Refunding bonds.

The city pursuant to ordinance, may issue its bonds or other securities without an election for the purpose of refunding outstanding general obligation or revenue bonds, or other securities, and it shall be the duty of the council to refund such securities whenever it determines it is advantageous and favorable to the city so to do. Any such refunding revenue bonds or other revenue securities shall be payable solely from the net revenues of the system, utility or other income producing project acquired, extended, or improved, with proceeds from issuance of the securities so refunded. Refunding bonds shall not extend beyond the

period of usefulness estimated at the time of financing, and in no case for a longer term than thirty years from the date thereof.

Sec. 7. Bonds limited to life of the project.

The ordinance authorizing the issuance of general obligation or revenue bonds or other such securities shall state the estimated period of usefulness of the property or improvement for which issued and the term of any such bonds shall not exceed such estimated period. No bonds shall be issued for a term longer than thirty years from the date thereof.

Sec. 8. Bonds; interest, sale.

The terms and interest rate of general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold at public or private sale for cash and in all cases to the best advantage of the city, but any funding bond or other funding security or any refunding bond may be exchanged respectively dollar for dollar for a short term note, anticipation warrant, or other interim funded security for a bond refunded. All bonds or other securities may contain provisions for calling the same for prior redemption at a designated time or times prior to the fixed maturity date or dates.

~~(As amended May 6, 1980.)~~

Sec. 9. Local improvements.

The power to create local improvement districts, to assess the cost of the construction of public improvements of a local and municipal character or any part thereof against benefited property therein, and to issue local improvement bonds, is vested in the city council, in accordance with Article XIII of this Charter.

~~(As amended May 13, 1958.)~~

Article IX. Department of General Services.

Sec. 1. Division created.

A division of purchases may be created by the council and the head thereof shall be the purchasing agent for all departments and other agencies of the city. The powers and duties of the purchasing agent shall be as provided by the council.

Sec. 2. Competitive bidding.

All purchases of or contracts for supplies, material or equipment shall be made by the purchasing agent under such rules and regulations with respect to competitive bidding as the council may prescribe.

Sec. 3. Emergency purchases.

In case of emergency affecting the public peace, health, or safety, the council may waive all provisions for competitive bidding and direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices.

Sec. 4. Participation of officers and employees interested in contracts.

No elected official, appointed officer, or employee of the city shall be financially interested, directly or indirectly, in the sale of any land, material, supplies, or services to the city in excess of $500.00 except it be by competitive bidding. In cases of emergency necessary to protect public health, safety, and welfare, competitive bidding may be waived.

Sec. 5. Contracts to be approved by council.

Any city improvement in excess of such amount as determined by council resolution from time to time shall be executed by contract, except such improvements as the council authorizes a department to make, and shall be submitted for competitive bidding and awarded on the basis of what in the judgment of the council is the lowest and best bid. The successful bidder may be required to provide a performance bond. If all bids are rejected, then the council may authorize the appropriate department to proceed with the construction as in other cases in accordance with the plans and specifications, and the services of the department shall be charged as a part of the costs of the improvements.

~~(Ord. No. 745, § 1; Ord. No. 782, § 6.)~~

Sec. 6. Contracts for service.

No contract for service shall be made by the city for a longer period than two years, unless authorized by ordinance which ordinance shall not be passed as an emergency ordinance.

Sec. 7. Contracts effective only when bond funds available.

No contract for the acquisition of property or the construction of improvements or other expenditures which is to be financed by bonds or other obligations shall be effective until the proceeds of the bonds or obligations are actually in the hands of the director of finance.

Improvements to be paid for by special assessments shall be excepted from the provisions of this section.

Article X. Franchises and Public Utilities.

Sec. 1. Franchise elections.

No franchise election shall be held unless by referendum as set out in Article 20, Paragraph 4, of the Colorado State Constitution.

No election shall be held until the grantee of the franchise has deposited the cost thereof, with the franchise, in an amount determined by said director. No exclusive franchise shall ever be granted.

If no referendum is called, each franchise shall be enacted by ordinance.

~~(Ord. No. 997, § 2, as approved by voters on November 4, 2003)~~

Sec. 2. Franchise to specify streets.

All franchises or privileges hereafter granted shall plainly specify the particular streets, alleys, avenues, and other public property, or parts there-of, to which they shall apply. All other franchises maybe in general terms and may apply to the city generally.

Sec. 3. Regulation of public utilities.

The right to regulate the rates, fares, and rentals of public utilities and carriers serving the residents of the city shall always be reserved to the city to be exercised by ordinance. Every person or corporation operating under a franchise or grant from the city shall annually submit to the council a report verified by the oath of the president, the treasurer, or the general manager thereof. Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the council. The council shall have the power, either through its members or by authorized experts or employees, to examine the books and affairs of any such person, persons, or corporations, and to compel the production of books and other records pertaining to such reports or other matters.

Sec. 4. Books of record.

The council shall provide and cause to be kept in the office of the city clerk an indexed franchise record in which shall be transcribed copies of all franchises granted by the city. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law affecting the same, and copies of all annual and inspection reports and such other information as the council may require.

Sec. 5. Terms; compensation.

No franchise, lease, or right to use the streets or the public places or property of the city shall be granted for longer than twenty years. Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon ~~his~~their ~~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.

Sec. 6. City may acquire utilities.

The council upon vote of the taxpaying electors shall have the power within or without the territorial limits of the city to construct, condemn, and purchase, acquire, and lease waterworks, gas works, light plants, power plants, transportation systems, telephone systems, heating plants. and other public utilities local in use and extent, in whole or in part, and everything required therefor, for the use of the city and its inhabitants, and any such systems, plants, works, or ways, or any contracts in relation or in connection therewith which may exist and which the city may, desire to acquire or purchase, In whole or in part, the

same or any part thereof may be purchased by the city. Such public utilities acquired by the city, except waterworks, and transportation systems, shall not be paid for out of general taxes or general obligation bonds, but shall be paid for from revenue derived from the public utility, revenue bonds, or other appropriate financial instruments. Equipment necessary for transportation system may be acquired from the funds of the equipment fund of the city.

Sec. 7. Right of regulation.

The grant of every franchise or privilege shall be subject to the right of the city, whether in terms reserved or not, to make any regulations for the safety, welfare, and accommodation of the public, including among other things the right to require proper and adequate extensions of the service of such grant, the right to require any or all wires, cables, conduits, and other like appliances to be placed underground, and the right to protect the public from danger or inconvenience in the operation of any work or business authorized by the franchise.

Sec. 8. Revocable permits.

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

Sec. 9. Franchise renewal.

No franchise shall be renewed before one year prior to its expiration which renewal shall be subject to all provisions relating to the original grant of a franchise.

Sec. 10. Leasing of franchises.

No franchise granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city and no dealing with the lessee or assignee on the part of the city to require the performance of any act or the payment of any compensation by the lessee or assignee shall be deemed to operate as such consent. Any assignment or sale of such franchise without the consent of the city shall, at the option of the council operate as a forfeiture to the city of such franchise.

Sec. 11. Issuance of stock.

Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof by any corporation holding or doing business thereunder.

Sec. 12. Amendment, renewal, extension, or enlargement of franchise.

No amendment, renewal, extension—, or enlargement of any franchise, or grant of rights or powers heretofore granted to any corporation, person or association of persons shall be made except in manner and subject to all the conditions provided in this article for the making of original grants and franchises.

Sec. 13. Common use of facilities.

The city may by ordinance require any person or corporation holding a franchise from the city for any public utility to allow the use of any of its poles, tracks, wires, conduits and other related facilities by any other person or corporation to which the city shall grant a franchise upon the payment of a reasonable rental to the owner therefor. If the person or corporation desiring to use the same cannot agree with the owner regarding said rental and the terms and conditions for such use, within

~~sixty~~ 60 days from offering writing to do so, the council, after a fair hearing, shall by resolution fix the terms and conditions of such use and compensation to be paid therefor, which award of the council shall be final and binding on the parties concerned.

Sec. 14. Franchise public utility commission to regulate until city acts.

Unless and until the council shall make provision, by ordinance for regulating the rates, fares, rentals and ~~charges~~ fees charged by any public utility, or by a carrier serving the residents of the city, the public utility commission of Colorado shall continue to exercise supervision thereof under applicable statutes of the State of Colorado but the right to so regulate public utilities and carriers serving the residents of the city shall always be reserved to the city.

Article XI. ~~Department of Municipal~~ Public Utilities.

Sec. 1. ~~Department created~~Public Utilities.

~~A department of municipal~~The city council shall determine by ordinance what public utilities the city shall own and operate, and what city department shall control all public utilities ~~is hereby created, which shall include a division of water, including the sanitary sewer system, and other divisions for any public utility~~ acquired by the city.

~~**Sec. 2. Functions of department.**~~

~~The functions, powers and duties of the department of municipal utilities shall be as provided by ordinance or resolution of the council.~~

Sec. ~~3~~2. Restriction on sale of water and other utility property.

The city shall not sell~~, lease, or in any manner dispose of~~ the water or other utility plants or systems, nor any part thereof, unless and except

the proposition for such purpose shall first have been approved by a majority vote of the qualified electors of the city~~ who shall have paid a property tax therein during the preceding calendar year~~. The provisions of this section shall not apply to the sale or exchange of any equipment which may be worn out or use less, or which could with advantage to the service be replaced by new or improved machinery or equipment.

Sec. ~~4~~3. Control of water.

If at any time the water supply is greater than the immediate needs of the city and its inhabitants, the council may authorize the city manager to permit the use of such surplus water by consumers outside the city at such rates as the council may prescribe~~;~~ provided that no vested right shall accrue under such permits.

Sec. ~~5~~4. Municipal utility rates and finances.

The council shall by ordinance from time~~-~~-to~~-~~-time fix, establish, maintain, and provide for the collection of rates, fees or charges for water, sewer, and other utility services furnished by the city for the operation of such utilities. The council may provide and maintain an adequate fund for replacement of depreciated or obsolescent property, and a fund for the extensions, improvement, enlargement and betterment of said utilities. The provisions hereof shall be subject at all times to the performance by the city of all covenants and agreements made by it in connection with the issuance, sale or delivery of any bonds of the city payable out of the revenues derived from the operation of its water, and other utilities, whether such revenue bonds be heretofore or hereafter issued.

Payments from the revenues derived from such utilities shall be made into a depreciation and obsolescence fund and a fund for making extensions, improvements, enlargements and betterments of such works in such manner as the council may provide. Such funds shall be

expended only for purposes for which they were created and shall be invested as directed by the council. Any surplus revenue produced from the operation of any utilities after meeting all of the requirements set forth above shall be paid into the general fund of the city.

Article XII. Initiative, Referendum and Recall.

Sec. 1. Initiative and referendum procedure generally.

Any proposed ordinance may be submitted to the council by petition therefor of qualified electors equal in number to at least ten percent of the total number of legal ballots cast within the City of Cortez at the last general municipal election by filing the same with the city clerk or other election officer, and such proposed ordinance shall be' adopted, without alteration by the council, within twenty days after such petition is filed; or the council shall refer such proposed ordinance in the form petitioned for, to the qualified electors at the next municipal election held not less than sixty days after such petition is filed. If such petition contains a request for a special election and is signed by qualified electors equal in number to at least twenty-five percent of the total number of legal ballots cast at the last preceding general municipal election, the ordinance thereby proposed shall be passed by the council, without amendment or change, within ~~twenty~~ 20 days after such petition shall be filed or the council shall refer each proposed ordinance in the form petitioned for, to the qualified electors at a special election, which shall be called within said ~~thirty~~ 30 days and held not less than ~~sixty~~ 60 nor more than ~~ninety~~90 days after petition is filed, unless a special election for some other purpose or a general election is held within said period of time, in which case such proposed ordinance may be submitted at the same election, and if two or more conflicting measures be approved by the people, then that one which received the greatest number of

affirmative votes shall be adopted in all particulars as to which there is a conflict.

The law known as "Initiative and Referendum," Chapter 70, Title 31, Article 2, Revised Statutes of Colorado 1973, and all laws amendatory thereto, as far as applicable shall govern the procedure and form of direct legislation by the people of the City of Cortez, with power in the city council to make and publish such ordinances as may be needful to carry out the object and intent of this article, but not inconsistent herewith.

The City Council of the City of Cortez shall have the power to submit to the qualified electors of the City of Cortez any ordinance or other measure as maybe needful to carry out the object and intent of this charter. Electorate approval shall be by a majority of those voting in such election.

~~(As amended November 3,1987.)~~

Sec. 2. Recall from office.

Every elective city officer of the City of Cortez may be recalled from office at any time after they~~he~~ have~~s~~ held office for six months, by the electors of the City of Cortez, by recall petition filed with the city clerk, with signatures of qualified electors equal in number to ~~twenty-five (~~25~~)~~ percent~~um~~ of the entire vote cast at the last preceding general municipal election for all candidates for the position which the incumbent sought to be recalled occupies. The procedure here~~-~~under to ~~effect~~affect the recall of an elective officer, shall be as far as applicable by the method pointed out in Article XXI of the Constitution of the State of Colorado, known as "Recall from Office," with power in the city council to provide by ordinance such other and further procedure as it may deem expedient, not inconsistent herewith.

Article XIII. Public Works and Public Improvements.

Sec. 1. Department created.

A department of public works is hereby created, the head of which shall be the director of public works.

Sec. 2. Functions.

The department shall provide all engineering, architectural, maintenance, construction, and work equipment services required by the city except those performed by private persons, firms or corporations under contract, or those assigned to other departments by this Charter.

Sec. 3. Improvement districts.

A public work or improvement, the cost of which in whole or in part are to be assessed by the city; may be initiated by the council on recommendation of the director of public works; or on petition of property owners in such number and in such form as may be prescribed by ordinance. The council shall by ordinance prescribe the method of making such improvements and the assessments for their cost.

Sec. 4. Surplus and deficiency fund.

Where all outstanding bonds have been paid in a public improvement district, and any money remains to the credit of said district, it shall be transferred to a special surplus and deficiency fund and whenever there is a deficiency in any improvement district to meet payment of outstanding bonds, it shall be paid out of said fund. Whenever a public improvement district has paid and canceled four-fifths of its bonds outstanding, and for any reason the remaining assessments are not paid

in time to take up the final bonds of the district, and there is not sufficient money in said special surplus and deficiency fund, then the city shall pay said bonds when due and reimburse itself by collecting the unpaid assessments due for said district.

Sec. 5. Authority to acquire property.

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

Sec. 6. Additionally securing payment of bonds.

In addition to the provisions of Section 4 of this article and not in limitation thereof, the city prior to the issuance hereafter of any bonds of any public improvement district therein may contract by ordinance with the holder or holders thereof that the payment of the bonds of such district, both as to principal and interest, is additionally secured by a pledge of monies in a special fund created therefor into which the city covenants to deposit the proceeds of general (ad valorem) property taxes to be levied not earlier than the date of the bonds of any such series nor later than one year after the maturity date thereof, not exceeding three mills in any one year. After the issuance of any such bonds, the city shall levy such general taxes pursuant to such contract; provided, however, that any such levy may be diminished to the extent other funds of the city available therefor are deposited in such fund. Prior to the redemption of all such bonds, both principal and interest, the proceeds of such taxes or equivalent transfer or both, shall be disbursed from such fund only for the payment of the principal of and interest on such bonds. After such bonds have been redeemed in full, any monies remaining in such fund shall be deposited in said special

surplus and deficiency fund. Whenever there are no outstanding bonds of any public improvement district of the city, all or any part of any monies in the special surplus and deficiency fund may be transferred to the city's general fund or any designated special fund pursuant to ordinance of the city council. Bonds of any public improvement district payable from special assessments, which payment may be additionally secured as provided in this article, shall not exhaust the city's debt incurring power, nor shall such bonds be required to be authorized at an election.

~~(Adopted May 13, 1958.)~~

Article XIV. Department of Parks and Recreation.

Sec. 1. Department created.

A department of parks and recreation may be created by ordinance. The department of parks and recreation shall exercise administrative functions as to:

(a) Operation of municipal parks, park areas, museums, playgrounds, playfields, lake facilities, swimming pools, fountains, recreation and community buildings, sports arenas, stadiums, golf courses, city cemeteries, and related facilities, both within and without the corporate limits;

(b) Planning, conducting, and supervising organized physical and cultural recreation programs for the public;

(c) Cooperation with public and private agencies in public recreational programs, concerts, and other entertainment, and specifically with any privately sponsored recreation commissions, or other private bodies;

(d) Maintenance and preservation of public monuments and collections;

(e) Maintenance of restrooms, facilities for entertainment, and other related facilities on properties under the supervision of the department.

Sec. 2. Construction of facilities.

The construction and reconstruction of all parks, playgrounds, recreation facilities shall be vested in the department of parks and recreation.

(Ord. No. 746, § 1.)

Sec. 3. Rules and regulations.

The council shall have power by ordinance to adopt all needful rules and regulations relating to properties and related facilities under supervision of the department of parks and recreation, whether within or without the city, and for the preservation of order, safety, and decency therein. For the purpose of enforcing such rules and regulations, all such properties shall be under the police jurisdiction of the city. Any member of the police force of the city, or park employee appointed as a special policeman, shall have power to arrest without warrant on all such properties any person who has violated any such rule or regulation or committed an offense therein.

Article XV. Police Department.

Sec. 1. Department created; qualification of chief.

A police department is hereby created, the head of which shall be the chief of police, who shall have special knowledge and experience in law enforcement. Under the direction and supervision of the city manager,

the chief of police shall appoint such subordinate officers and other employees of such rank and grade as the city manager shall deem necessary.

(As amended April 4, 1961.)

Sec. 2. Functions.

The department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and the enforcement of this Charter and the ordinances of the city, and such other duties as the city manager may prescribe for the public peace and safety and the protection of property, including the property of the city within and without the corporate limits.

Sec. 3. Duties of chief.

The chief of police shall command the department and shall assign its members to their respective posts, shifts, details and duties. He shall make rules and regulations with the approval of the city manager in conformity with the ordinances and resolutions of the council concerning the operation of the department and the conduct of its employees. The chief of police shall be responsible for the efficiency, discipline, and good conduct of the employees and for the care and custody of all property used by the department and its employees.

~~Sec. 4. Repealed by Ordinance No. 454, Article 1.~~

~~Article XVI. Department of Fire.~~

~~Repealed November 3, 1987.~~

~~Article XVII. Department of Health.~~

~~Sec. 1. Department created.~~

~~A department of health is hereby created.~~

~~Sec. 2. Council to constitute board.~~

~~The council shall constitute the board of health for the city, unless it shall otherwise provide by ordinance, and such board shall have all such powers and duties as may be provided by statute or ordinance.~~

~~Sec. 3. Powers and duties generally to be provided.~~

~~The ordinances or resolutions adopted by the council under this article may provide, among other things for sanitary inspections, quarantines and condemnations of land, buildings and personal property for health purposes and other matters as may be deemed necessary to promote the public health and safety of persons and property.~~

Article XVI~~II~~. Aviation.

Sec. 1. Adoption of general law provisions; authority to create department of aviation.

The city shall have and may exercise all powers relating to airports and aviation granted by this Charter and general law, including all powers to act jointly with other governmental authorities in relation thereto. The council may by ordinance provide for a department of aviation with such duties, functions and powers as may be provided thereby.

Article ~~XIX~~XVII. General Provisions.

Sec. 1. Amending the Charter.

This Charter may be amended at ~~anytime~~any time in the manner provided by Article XX of the Constitution of the State of Colorado.

Sec. 2. Continuance of duties.

All persons holding administrative office by appointment and members of administrative boards at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance with this Charter for the performance of such duties or the discontinuance of such office.

Sec. 3. Outgoing officers.

All officers of the city whose terms of office terminate shall deliver to their successors all papers, records, property and equipment whatsoever in their possession or custody by virtue of their office~~,~~ and shall account to them or to any authority designated by the council for all funds, credits or property of any kind with which they are properly chargeable as such officials.

Sec. 4. Eminent domain.

All proceedings for the condemnation of property or in the exercise of the right of eminent domain shall be in accordance with the laws of the State of Colorado now or hereafter applicable.

Sec. 5. Construction of Charter.

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or applications of the Charter 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.

Sec. 6. Construction of words.

Whenever such construction is applicable, words used in this Charter importing singular or plural number may be construed so that one number includes both; ~~words importing masculine gender may be construed to apply to the feminine gender as well~~; and the word person may extend to and include firm and corporation; provided, that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction or where the subject matter or context is repugnant thereto.

EXHIBIT B

Article II. Municipal Officials.

Sec. 3. Qualifications for city council members.*

No person shall be eligible to office as a council member unless at the time of election he or she be a citizen of the United States, at least twenty-one years of age and shall have been for one year immediately preceding such election a resident of the city. The city clerk shall promulgate rules to have candidates establish proof of residency, if challenged, with candidates having the burden of proof.

No member of the council shall hold any other public office or employment for which compensation is paid from municipal funds. ~~No elected or appointed councilmember may receive an increase in pay during their then current term in office. No councilmember may be appointed or hired to a position with the city for which compensation is paid from municipal funds until the expiration of one year after the councilmember resigned, was recalled, or was term limited from serving on council.~~ No councilmember may be appointed or hired to a position with the city for which compensation is paid from municipal funds until the expiration of one year after the councilmember resigned, was recalled, or was term limited from serving on council.

Article III. The Council.

Sec. 2. Compensation of mayor and council members.

The ~~mayor shall receive as~~ compensation for the mayor and other council members shall be determined by the council by ordinance from time-to-time as council deems appropriate. No elected or appointed councilmember may receive an increase in pay until the next council is seated following an election. ~~five hundred dollars per month. Each of the council members shall receive as compensation four hundred dollars per month~~.

Such compensation shall be paid every two weeks. No council person shall receive a payment for a meeting which he or she did not attend either in person or remotely. The mayor and council members may, upon order of the council, be paid necessary bona fide expenses incurred in service on behalf of the city as authorized and itemized.

EXHIBIT C

Article III. The Council.

Sec. 4. Meetings; quorum.

Council shall meet regularly twice each month on such days as the council by written resolution shall prescribe, at city hall, unless an emergency circumstance exists, in which case the meeting may take place at a location as the council shall designate, at an hour to be fixed from time to time by the rules and procedures of each council; and the council shall have power by ordinance to prescribe the manner of calling meetings thereof. Special meetings may be held at any time the council may direct. A majority of the membership of the entire council shall constitute a quorum to do business. Council shall sit with open ~~door~~ public access at all legislative sessions~~,~~ and shall keep a journal of its proceedings which shall be a public record. Council members may participate in regular and special meetings, including without limitation, executive sessions, via telephone, online conferencing methods, video conferencing, or other electronic means (collectively "Electronic Participation"), in accordance with such rules and procedures regarding Electronic Participation as the council may adopt by ordinance from time to time.

EXHIBIT D

Article IV. Elections.

Sec. 1. - When held and terms of office.

A general municipal election shall be held on the first Tuesday after the first Monday in April in ~~the year 1996 and on the first Tuesday after the first Monday in April in~~ each even numbered year ~~thereafter~~. Elections held at other times shall be special elections. ~~The three candidates receiving the highest number of votes in the November 1993 election shall serve until the fourth Tuesday in April of the year 1998. The candidate receiving the fourth highest number of votes shall serve until the fourth Tuesday in April of the year 1996. The three candidates who received the highest number of votes in the November 1991 election shall have their terms extended to the fourth Tuesday in April of the year 1996.~~

At all ~~subsequent~~ general municipal elections there shall be elected four council members. The three candidates receiving the highest number of votes shall be declared to be elected for a term of four years and the candidate receiving the next highest number of votes shall be declared to be elected for a term of two years. Council members shall be limited to serving eight consecutive years, and after the passage of two years, may serve eight consecutive years again, with no limit on the number of eight consecutive years of service, so long as the eight years are separated by two years of separation from council. In the instance where a candidate for council is elected to a four-year term that would cause that candidate to exceed eight years of consecutive service, the candidate will automatically be declared elected for a term of two years, regardless of how many votes that candidate received.