

**TOWN OF DILLON**

HOME RULE CHARTER

**HOME RULE CHARTER**

1993



DILLON HOME RULE CHARTER  
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## TOWN OF DILLON

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### **PREFATORY SYNOPSIS**

The Charter Commission of the Town of Dillon, Colorado, hereby submits to the voters of the Town the Home Rule Charter which has been framed in conformity with Article XX of the Constitution of the State of Colorado, and the Municipal Home Rule Act of 1971.

The members of the Charter Commission have viewed their task as one of great responsibility. This Charter provides for and encourages citizen involvement and participation in matters of local government. The members of the Charter Commission have considered the present and the future goals for the Town government of Dillon in drafting a document intended to provide for the continued progress of the Town. The Charter, as a result, reflects a broad granting of powers which, unless specifically restricted herein, are intended to be as inclusive as permitted by the state constitution.

The Charter provides for the Council-Manager form of government. The policy-making and legislative powers are vested in a Town Council composed of six members, plus the Mayor. The Council members and Mayor shall be elected from the Town at large every four (4) years, and the terms shall be staggered so as to permit a continuity of government. The Town Manager shall be the chief administrative official of the Town and shall be appointed by, and serve at the pleasure of, the Town Council.

The rights of Initiative, Referendum and Recall have been included in the Charter. Such rights provide the means by which the people can, if necessary, directly control the policies of their Town government, enact or reject legislation and remove elected officials. In addition, safeguards have been included in the Charter to prevent abuse of any office in the Town.

This Charter is founded in the belief that the quality of life of the people of Dillon shall continue to be enhanced through progressive municipal government responsive to the needs and concerns of the citizens.

### **PREAMBLE**

WE, THE PEOPLE OF THE TOWN OF DILLON, COLORADO, UNDER THE AUTHORITY OF THE CONSTITUTION OF THE STATE OF COLORADO AND THE MUNICIPAL HOME RULE ACT OF 1971, AND IN ORDER TO EXERCISE THE RIGHTS, PRIVILEGES AND RESPONSIBILITIES OF SELF-GOVERNMENT GRANTED TO US BY THE SAID CONSTITUTION AND ACT, DO ORDAIN AND ESTABLISH THIS HOME RULE CHARTER FOR THE TOWN OF DILLON, COLORADO.

### **ARTICLE I GENERAL PROVISIONS**

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#### **Section 1-1. Name, Boundaries.**

The municipal corporation now existing as the "Town of Dillon" in the County of Summit, State of Colorado, shall remain and continue to be a body politic and corporate under the same name and with the same boundaries until lawfully changed.

**Section 1-2. Purpose of Charter.**

It is the purpose of this Charter to establish a governmental structure that will provide for the effective and efficient conduct of the business of the Town. It is intended that the Charter shall provide for the fullest possible participation in the affairs of the Town by every member of the community in the manner provided for herein.

**Section 1-3. Form of Government.**

The municipal government provided by this Charter shall be known as "Council-Manager Government." The Council shall determine policies, enact local legislation, adopt budgets and appoint the Town Manager. The Town Manager shall execute the laws and administer the Town government.

**Section 1-4. Powers of the Town.**

The Town shall have all the power of local self-government and home rule and all power possible for the Town under the Constitution of the State of Colorado. The Town shall also have all powers now or hereafter granted to cities, towns and municipalities by the laws of the State of Colorado. The enumeration of specific powers in this Charter shall not be considered as limiting or excluding any other power. All powers shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as shall be provided by ordinance or resolution, or by other applicable law.

**ARTICLE II TOWN COUNCIL**

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**Section 2-1. Council Membership.**

The legislative affairs of the Town shall be vested in a Town Council consisting of six (6) Council members and one (1) Mayor (collectively to be known as, and referred to herein as, the "Council" or the "Town Council"), all of whom shall be nominated and elected at large from the Town.

**Section 2-2. Powers of the Council.**

The Council shall be the legislative and governing body of the Town and shall have and exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town and shall adopt such laws, ordinances and resolutions as it shall deem proper.

**Section 2-3. Qualifications.**

- (a) Each member of the Council shall be a registered elector of the Town at the time of nomination and election, or at the time of appointment to fill a vacancy, and shall have been a resident of the Town, or any territory annexed to the Town, for at least twelve (12) consecutive months immediately preceding such election or appointment.
- (b) No person who has been convicted of embezzlement, bribery, perjury, solicitation of bribery, subornation of perjury or a crime of moral turpitude shall serve as a member of the Council.
- (c) No Council member nor the Mayor shall be a salaried employee of the Town during his or her term of office.
- (d) The Council shall be the judge of the election and qualifications of its own members.

**Section 2-4. Term.**

The Mayor and Members of the Council shall be elected for four-year overlapping terms, with the Mayor and three (3) members elected at one (1) regular election, and three (3) members elected at the subsequent regular election. The members shall take office at the first meeting, regular or special, following their election and shall continue in office until their successors have been elected and have complied with Section 2-8, or a vacancy is earlier established.

**Section 2-5. Compensation.**

The Council members and the Mayor shall receive such compensation as the Council may prescribe by ordinance. The Council shall neither increase nor decrease such compensation during the Council members' term of office. Council members, upon approval and order of the Council, shall be paid their actual and necessary expenses incurred in the performance of their duties of office.

**Section 2-6. Standards of Conduct.**

- (a) The Town shall be governed by the Standards of Conduct as contained in Title 24, Article 18 of the Statutes of the State of Colorado, as they may be amended from time to time.
- (b) During the term for which a member has been elected and for one (1) year thereafter, no member of the Council shall be appointed to any Town office which is created or the emoluments of which are increased during the term for which that member has been elected except as may be specifically provided for in this Charter.

**Section 2-7. Vacancies.**

- (a) A member of the Council shall continue to hold office until a successor has been elected or appointed and has complied with Section 2-8, or until a vacancy is earlier established. A vacancy shall exist whenever any member is recalled, dies, is judicially declared incompetent, resigns, ceases to be a resident of the Town, or is convicted of a crime as set forth in Section 2-3 above.
- (b) No Council member shall be allowed more than two (2) consecutive absences from regular Council meetings unless excused by vote of the Council. No Council member shall be allowed more than two (2) consecutive absences from regular work sessions unless excused by vote of the Council. In the event a Council member has more than two (2) consecutive unexcused absences, that Council member may be removed from the Council by a majority vote of the remaining Council members.
- (c) At a regular meeting held not more than sixty (60) days after a vacancy occurs in the office of the Mayor or Council, the remaining members shall:

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- (1) Appoint a person to fill the vacancy, by affirmative vote of a majority of the remaining members, to serve until the next regular election, at which time a new Council member shall be elected by the electors to serve for the remainder of the unexpired term; or
  - (2) Order a special election to be held within ninety (90) days to fill the vacancy for the remainder of the term.
- (d) If, at the time the Council orders a special election pursuant to Subsection (c) of this Section, the Council is aware of any other election to be held in the Town by the Town or any other governmental entity within ninety (90) days, the Council shall schedule the special election to be held on the same day as such other election if practicable.
- (e) If any vacancy in the Council occurs because of the election of a Council member to the office of Mayor, the vacancy shall be filled for the remainder of the term by the Council member candidate who, at that election, received the highest number of votes following the Council member candidates who were elected to office.

### **Section 2-8. Oath of Office.**

Before assuming office, every member of the Council shall take and file with the Town Clerk an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado and the Charter and Ordinances of the Town, and to faithfully perform the duties of the office.

### **Section 2-9. Mayor.**

The Mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as conferred by this Charter or by ordinances not inconsistent with this Charter. The Mayor shall be a member of the Council and shall have the same powers, rights and duties as a Council member, including the right to vote. The Mayor shall be recognized as the head of the Town government for all ceremonial and legal purposes and shall execute and authenticate legal instruments requiring the Mayor's signature. The Mayor, acting on behalf of the Council, shall oversee the efficient administration of Town affairs by the Town Manager.

### **Section 2-10. Mayor Pro-Tem.**

At the first meeting, regular or special, following each regular election, the Council, by a majority vote of the entire Council, shall appoint a Council Member as Mayor Pro-Tem for a two-year term. The Mayor Pro-Tem shall have the Mayor's powers and perform the Mayor's duties whenever the Mayor is not available.

## **ARTICLE III COUNCIL PROCEDURE**

[Section 3-1. Meetings.](#)

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### **Section 3-1. Meetings.**

The Council shall meet regularly at least twice each month. The Council shall prescribe by rules of the Council the day and hour of its regular meetings and the procedures governing meetings. The first meeting, regular or special, following each regular municipal election shall be the organizational meeting. The Council shall cause written minutes of its regular and special meetings to be taken and retained in the records of the Town.

### **Section 3-2. Special Meetings and Business at Special Meetings.**

- (a) Special meetings shall be called by the Town Clerk on the written request of the Mayor, the Town Manager or any two (2) Council members. A special meeting shall be held on at least forty-eight (48) hours' notice to each member of the Council, which notice shall be communicated personally, served personally or left at the member's usual place of residence. A special meeting, however, may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing. Notice of a special meeting shall be posted in at least two (2) public places, at least one (1) of which is open to the public during evening hours.
- (b) No business shall be transacted at any special meeting of the Council unless it has been stated in the notice of the meeting; except that any business which may lawfully come before a regular meeting of the Council may be transacted at a special meeting if all members of the Council present consent thereto and all the members absent file their written consent, either before or after such special meeting. Except where a greater number of affirmative votes is specified in the Charter, at least four (4) affirmative votes shall be required for the adoption of any motion, resolution or ordinance at a special meeting.

### **Section 3-3. Quorum.**

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings.

### **Section 3-4. Meetings to be Public.**

- (a) All regular and special meetings of the Council shall be open to the public, and persons shall have a reasonable opportunity to be heard under such rules as the Council may prescribe. Any meeting may be recessed by the affirmative vote of a majority of the members present and closed to the public for the following purposes only:
  - (1) To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop strategy and to instruct negotiators;
  - (2) To consider the acquisition or disposal of property if, in the judgment of the Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage;

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- (3) For matters of attorney-client privilege;
  - (4) For matters required by federal law or non-superseded state law to be kept confidential;
  - (5) For matters critical to the personal safety of members of the Council and for matters involving the protection and security of Town property;
  - (6) Personnel matters; and
  - (7) To consider additional matters which, by state statute or by court decision, can be excluded from the open meeting requirements of those state statutes which would apply to the Town but for the adoption of this Charter.
- (b) The general subject matter of any closed session shall be stated in the motion calling for closure. Except to the extent specifically permitted in this section, no formal action, no final policy decision, no rule, regulation, resolution or ordinance and no action approving a contract or calling for the payment of money shall be adopted or approved at any session closed to the public.

### **Section 3-5. Council Acts.**

The Council shall act only by ordinance, resolution or motion. The Council may select the appropriate form for its action, except where a particular form is required by the Charter. A true copy of every ordinance and resolution as adopted shall be numbered and retained in the records of the Town.

### **Section 3-6. Voting; Voting Prohibited When.**

- (a) The vote by "Yes" and "No" shall be taken by roll call upon the adoption of each ordinance and resolution and entered in the minutes of the meeting. Except as otherwise provided in this Charter, the final adoption of any ordinance shall require the affirmative vote of a majority of the entire Council, and resolutions and motions shall require the affirmative vote of a majority of the members present.
- (b) No member shall vote on any question concerning the member's own conduct.
- (c) No member shall vote on any question on which the member has a conflict of interest, as shall be defined by this Charter or by ordinance, other than the common public interest. On such a question, the member shall disclose the nature of the conflict of interest to the Council prior to abstaining from voting. If the member fails to disclose a conflict of interest or requests the remaining members to determine whether the member has a conflict of interest, the remaining members shall determine, by motion adopted by the affirmative vote of a majority of the remaining members, whether a conflict of interest exists. Such motion shall state the basis of the determination and shall be conclusive of the question of whether a conflict of interest exists. Notwithstanding the prohibitions set forth in this Subsection (c), a member of the Council may vote if that member's participation is necessary to obtain a quorum or otherwise enable the Council to act and if that member complies with the voluntary disclosure provisions set forth herein.
- (d) Except as provided in Subsections (b) and (c) of this section, each member who is present shall vote when the member's name is called. Any member who refuses to vote, except when required to abstain by Subsections (b) or (c) of this section, shall be deemed derelict in the member's duties, and an affirmative vote shall be cast and recorded in the member's name.

### **Section 3-7. Action by Ordinance Required.**

In addition to such acts of the Council as are required by the Charter to be by ordinance, every act making an appropriation, authorizing the borrowing of money, imposing a tax, fixing rates charged by any municipal utility system, establishing any regulation for violation of which a fine or jail sentence penalty may be imposed, or placing any direct burden upon or direct limitation on the use of private property shall be by ordinance.

**Section 3-8. Form of Ordinance.**

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO. Except as otherwise provided in this Article, all ordinances shall take effect five (5) days after publication following final adoption. Unless otherwise specifically provided in the ordinance, every ordinance shall be deemed to contain a severability clause whether stated therein or not.

**Section 3-9. Procedure.**

Except for emergency ordinances, the following procedure shall be followed in adopting any ordinance:

- (1) The ordinance shall be introduced by a member at a regular or special meeting of the Council.
- (2) The ordinance shall be read in full or, if copies of the ordinance are available to the Council and to persons in attendance at the meeting, the ordinance may be read by title only.
- (3) After the first reading, the Council shall vote to amend, adopt or reject the ordinance or take such other action as it deems appropriate.
- (4) If the ordinance is adopted on first reading, it shall be published either in full or by title only, as the Council may direct, and shall be posted in at least two (2) public places, at least one (1) of which is open to the public during evening hours. The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance. Notice of said day, hour and place shall be included in the publication.
- (5) The ordinance shall be introduced by a member a second time, at a regular or special meeting of the Council held not earlier than four (4) days after the first publication. The Council shall vote to amend, finally adopt or reject the ordinance or take such other action as it deems appropriate. Any such action shall be taken after the public hearing on the ordinance, but may be taken at the same meeting at which the public hearing is held.
- (6) Upon final adoption, the ordinance shall be published either in full or by title only, as the Council may direct, except that any penalty clause contained in the ordinance shall be published in full.
- (7) The ordinance shall be signed by the Mayor and attested by the Town Clerk, and affidavits of publication shall be retained with the ordinance in the Town's records.
- (8) Every ordinance published by title only shall contain a notice that copies of the ordinance are available at the office of the Town Clerk.

**Section 3-10. Emergency Ordinances.**

- (a) An emergency ordinance necessary for the immediate preservation of public property, health, welfare, peace, or safety, or the financial well-being of the Town, shall require at least five (5) affirmative votes. The reasons for the emergency shall be specifically stated in the ordinance. The Council's determination as to the existence of an emergency shall be final and conclusive on the question. No ordinance granting, renewing or amending any franchise, initially imposing a tax or fixing rates charged by any municipal utility system shall be adopted as an emergency ordinance.
- (b) An ordinance authorizing a municipal borrowing or a payment obligation in accordance with Article X or Article XI of this Charter, which provides for the imposition of a tax or utility rate or which makes covenants with respect to the imposition of a tax or utility rate to secure the repayment of such a borrowing shall not be deemed an ordinance imposing a tax or utility rate within the meaning of Subsection (a) of this section.
- (c) An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading and shall not require a public hearing or publication prior to final adoption. An emergency ordinance shall take effect immediately upon final adoption or on such later



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date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full or by title only, as the Council may direct, and posted in at least two (2) public places, at least one (1) of which is open to the public during evening hours.

### **Section 3-11. Codification.**

The Council shall cause ordinances of a general and permanent nature to be codified. Revisions to the codification may be adopted by reference as provided in Section 3-12.

### **Section 3-12. Adoption of Codes by Reference.**

The Council may adopt, by ordinance, any code by reference. The procedure for adoption of a code by reference shall be as provided in the state statutes applicable to the adoption of codes by reference or such other procedure as the Council may provide by ordinance. Every ordinance adopting a code by reference shall contain a notice that copies of the code are available for review at the office of the Town Clerk. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance and published as provided in Section 3-9.

### **Section 3-13. Public Records.**

Public records of the Town shall be open for inspection by any person at reasonable times, subject to the provisions and restrictions set forth in the state statutes concerning inspection of public records.

### **Section 3-14. Ordinance Review.**

- (a) The Council shall review ordinances of a general and permanent nature adopted on or after the effective date of this Charter at least once every three (3) years after adoption and at least once every three (3) years thereafter, for possible amendment or repeal.
- (b) The Council shall establish a schedule for reviewing all ordinances of a general and permanent nature which were adopted prior to the effective date of this Charter.
- (c) The failure to review any ordinance pursuant to this section shall not affect the validity or enforceability of the ordinance.

## **ARTICLE IV ELECTIONS**

[Section 4-1. Colorado Municipal Election Laws Adopted.](#)

[Section 4-2. Regular Elections.](#)

[Section 4-3. Special Elections.](#)

[Section 4-4. Conduct of Elections.](#)

[Section 4-5. Nominating Petitions.](#)

### **Section 4-1. Colorado Municipal Election Laws Adopted.**

Town elections shall be governed by the state statutes contained in the Colorado Municipal Election Code, except as otherwise provided in this Charter or by ordinances not inconsistent with this Charter. All regular and special elections shall be nonpartisan.

**Section 4-2. Regular Elections.**

A regular election shall be held in each even-numbered year on the first Tuesday in April.

**Section 4-3. Special Elections.**

A special election shall be called by a resolution adopted at least thirty (30) days prior to the election. The resolution calling a special election shall set forth the purpose of the election.

**Section 4-4. Conduct of Elections.**

- (a) The Town Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of elections in the Town. In any case where election procedure is in doubt, the Town Clerk shall prescribe the procedure to be followed.
- (b) The Town Clerk shall provide for ballots and sample ballots, voting machines or electronic voting equipment for determination of the winner by lot in the event of a tie vote, for canvass of returns, and for issuance of appropriate certificates.

**Section 4-5. Nominating Petitions.**

Each nominating petition for a candidate for elective office shall be signed by at least twenty-five (25) registered electors.

**ARTICLE V INITIATIVE, REFERENDUM AND RECALL**

[Section 5-1. Initiative.](#)

[Section 5-2. Referendum.](#)

[Section 5-3. Recall.](#)

[Section 5-4. Council Referendum.](#)

[Section 5-5. Prohibited Action by Council.](#)

[Section 5-6. Withdrawal of Petition.](#)

**Section 5-1. Initiative.**

- (a) The initiative power, reserved by Article V, Section 1(9) of the Constitution of the State of Colorado, is hereby extended to the Town's registered electors as to that Town legislation which is subject to the initiative power reserved in the Constitution. Any initiated measure shall be in the form of an ordinance. The measure shall be initiated pursuant to the state statutes which establish procedures for a municipal initiative, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.
- (b) An initiative petition shall be signed by registered electors of the Town equal in number to at least fifteen percent (15%) of the total number of electors of the Town registered to vote at the last regular Town election. No signature on an initiative petition shall be valid if signed on a date prior to the date the form of the petition is approved by the Town Clerk or if signed on a date more than one hundred twenty (120) days prior to the date the signed petition is filed with the Town Clerk.

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- (c) The Council may adopt the proposed ordinance prior to any vote thereon. In the event Council fails to adopt the proposed ordinance without any change in substance, such ordinance shall be submitted to the electors as provided for herein in this Article V.

### **Section 5-2. Referendum.**

- (a) The referendum power, reserved by Article V, Section 1(9) of the Constitution of the State of Colorado, is hereby extended to the Town's registered electors as to those ordinances which are subject to the referendum power reserved in the Constitution. Such ordinances shall be referred pursuant to the state statutes which establish procedures for a municipal referendum, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter. The referendum power shall not apply to an emergency ordinance, nor shall it apply to any appropriation adopted by ordinance for the support and maintenance of the Town government.
- (b) A referendum petition shall be signed by registered electors of the Town equal in number to at least fifteen percent (15%) of the total number of electors of the Town registered to vote at the last regular Town election.

### **Section 5-3. Recall.**

- (a) Any person holding elective office may be recalled at any time after six (6) months in office, pursuant to the state statutes which establish procedures for the recall of municipal elective officers, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.
- (b) A recall petition shall be signed by registered electors of the Town. The signers shall number at least fifteen percent (15%) of the total number of electors of the Town registered to vote at the last preceding election. For the purpose of this section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.
- (c) No signature on a recall petition shall be valid if signed on a date more than sixty (60) days prior to the date the signed petition is filed with the Town Clerk.
- (d) No recall election shall be held if the office held by the person sought to be recalled will be filled at a regular election scheduled to be held within ninety (90) days after submission of the recall petition.
- (e) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty percent (50%) of the total number of electors of the Town registered to vote at the last preceding election (as defined in Section 5-3(b), above).
- (f) Except as to requirements contained in this Charter, in the state statutes which are applicable to the recall of municipal elective officers and in the ordinances of the Town, the form, content, approval and other petition requirements in the state statutes applicable to municipal initiatives shall apply as nearly as practicable to recall petitions.

### **Section 5-4. Council Referendum.**

The Council shall have the power to submit to a vote of the registered electors, without receipt of any petition, any proposed or adopted ordinance or any question.

**Section 5-5. Prohibited Action by Council.**

- (a) No initiated ordinance adopted by the voters may be substantively amended or repealed by the Council during a period of eighteen (18) months after the date of the election on the initiated ordinance, unless the amendment or repeal is approved by a majority of the registered electors voting thereon.
- (b) No referred ordinance repealed by the voters may be readopted by the Council during a period of eighteen (18) months after the date of the election on the referred ordinance, unless the readoption is approved by a majority of the registered electors voting thereon.

**Section 5-6. Withdrawal of Petition.**

An initiative, referendum or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the Town Clerk a written request for withdrawal signed by all persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

**ARTICLE VI LEGAL AND JUDICIARY**

[Section 6-1. Town Attorney.](#)

[Section 6-2. Municipal Court and Judiciary.](#)

**Section 6-1. Town Attorney.**

- (a) The Council shall appoint a Town Attorney to serve at the pleasure of the Council. The appointment or removal of the Town Attorney shall require the affirmative vote of a majority of the entire Council. The Town Attorney shall be at all times while serving as Town Attorney an attorney at law admitted to practice in Colorado.
- (b) The Town Attorney shall serve as the general counsel of the Town, shall advise the Council, the Town Manager and other Town officials in matters relating to their official powers and duties, and shall perform such other duties as may be designated by the Council. The Council shall determine whether the position is full time or part time.
- (c) The Council shall establish compensation for the Town Attorney.
- (d) The Council may employ such special counsel as may be recommended by the Town Attorney or the Council.

**Section 6-2. Municipal Court and Judiciary.**

- (a) There shall be a municipal court vested with exclusive original jurisdiction over all matters arising under this Charter, the ordinances of the Town, other enactments of the Town and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge, appointed by the Council for a specified term of two (2) years. The Council may, when his or her appointment for term of office expires, re-appoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term.
- (b) Each municipal judge and deputy municipal judge shall be at the time of appointment and throughout the term of office an attorney at law admitted to practice in Colorado and shall have at least five (5) years' experience in the active practice of law at the time of appointment.

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- (c) The Council may appoint one (1) or more deputy judges as it deems necessary. The deputy municipal judges shall have all the powers of the municipal judge when called upon to act by the municipal judge or Council. The deputy municipal judges shall serve at the pleasure of the Council.
- (d) The municipal judge shall receive a fixed salary or compensation set by the Council, which shall not be increased or decreased during the judge's term in office. The deputy municipal judges may receive such compensation for services rendered as the Council may determine.
- (e) Any municipal judge may be removed during his or her term in office only for cause. A judge may be removed by a majority vote of the Council for cause if:
  - (1) He or she is found guilty of a felony or any other crime involving moral turpitude; or
  - (2) He or she has willfully or persistently failed to perform his or her duties; or
  - (3) He or she is unable to perform the judicial duties.
- (f) The municipal court existing on the effective date of this Charter shall continue as the municipal court for the Town until changed as provided by this Charter.
- (g) The municipal court shall be a court of record.

### **ARTICLE VII TOWN ADMINISTRATION**

[Section 7-1. Town Manager.](#)

[Section 7-2. Acting Town Manager.](#)

[Section 7-3. Powers and Duties of Manager.](#)

[Section 7-4. Relationship of Council to Administrative Service.](#)

[Section 7-5. Appointment and Removal of Town Employees.](#)

[Section 7-6. Bonding of Employees.](#)

#### **Section 7-1. Town Manager.**

- (a) The Council shall appoint a Town Manager within six (6) months after a vacancy exists. The appointment shall be at the pleasure of the Council and shall be at a salary to be fixed from time to time by the Council. The appointment or removal of the Town Manager shall require the affirmative vote of a majority of the entire Council.
- (b) The Town Manager shall be appointed without regard to any consideration other than fitness, competency, training and experience in professional urban administration. Within a reasonable time following appointment, the Town Manager shall reside within the limits of the Town or within a reasonable distance from the limits of the Town as the Council may designate by ordinance.
- (c) No member of the Council shall be appointed Town Manager during the term for which the member was elected or appointed nor within one (1) year after the term.

#### **Section 7-2. Acting Town Manager.**

During the Town Manager's temporary absence or disability or during any period of vacancy prior to the Council's appointment of a Town Manager pursuant to Section 7-1, the Mayor shall appoint, by letter filed with the Town Clerk, a Town employee to serve as acting Town Manager. If the Mayor fails to make such an appointment, the Council shall make the appointment. The provisions of this Charter applicable to the Town Manager shall apply to the acting Town Manager during the period of the appointment.

**Section 7-3. Powers and Duties of Manager.**

The Town Manager shall be the chief operating and administrative officer of the Town. The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town placed in the Town Manager's charge. Except as otherwise provided by this Charter or by ordinances not inconsistent with this Charter, the Town Manager shall:

- (1) Provide for the enforcement of the laws, rules, regulations, ordinances and other enactments of the Town;
- (2) Be responsible for the efficient operation of the administrative affairs of the Town;
- (3) Provide for the hiring, suspension, discipline, transfer and removal of Town employees;
- (4) Establish, subject to the approval of the Council, and enforce personnel rules and regulations governing appointive officers and employees of the Town;
- (5) Be responsible for the supervision and direction of the activities of all appointive officers and other employees of the Town;
- (6) Make appointments on the basis of executive and administrative ability, training and experience;
- (7) Cause a proposed budget to be prepared and submitted to the Council annually and be responsible for the administration of the budget after its adoption;
- (8) Cause to be prepared and submitted to the Council, as of the end of each fiscal year, a complete report on finances and administrative activities of the Town for that year and, upon request of the Council, make written or verbal reports at any time concerning the affairs of the Town under the Manager's supervision;
- (9) Provide to the Council advice and recommendations concerning the financial condition and future needs of the Town;
- (10) Exercise supervision and control over all Town departments and make recommendations to the Council concerning the establishment, consolidation or abolition of such departments;
- (11) Be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or franchise, and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same;
- (12) Attend Council meetings and participate in discussions with the Council in an advisory capacity;
- (13) Cause to be established a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the Town;
- (14) Be responsible for obtaining engineering, architectural, maintenance, construction and other services required by the Town; and
- (15) Perform other such duties as prescribed by this Charter or as required by the Council and not inconsistent with this Charter.

**Section 7-4. Relationship of Council to Administrative Service.**

The Council, acting as a whole and by formal action, shall have full authority to direct the Town Manager with respect to the performance of his or her duties and responsibilities. Although individual Council members, including the Mayor, shall be authorized to discuss all matters relating to Town operations with employees and officers of the Town, including the Town Manager, they shall not be authorized to give any direct orders to Town employees, except by formal action of the Council as a whole.

**Section 7-5. Appointment and Removal of Town Employees.**

The Council shall appoint and may remove the Police Chief. The Council shall appoint and may remove the Town Manager as set forth in Section 7-1. The Council shall appoint and may remove the Town Attorney and the Judge, as set forth in Article VI. All remaining Town employees shall be appointed and may be removed by the Town Manager.

**Section 7-6. Bonding of Employees.**

All Town officers and employees dealing directly with municipal funds shall post bond or furnish other security in an amount and under such conditions as required by the Council, and at the expense of the Town.

**ARTICLE VIII BUDGET AND FINANCE**

[Section 8-1. Fiscal Year.](#)

[Section 8-2. Proposed Budget and Message.](#)

[Section 8-3. Contents of Proposed Budget.](#)

[Section 8-4. Capital Program.](#)

[Section 8-5. Budget Hearing.](#)

[Section 8-6. Council Action on Budget.](#)

[Section 8-7. Contingencies.](#)

[Section 8-8. Amendments After Adoption.](#)

[Section 8-9. Administration - Payments and Obligations Prohibited.](#)

[Section 8-10. Independent Audit.](#)

**Section 8-1. Fiscal Year.**

Unless otherwise provided by ordinance, the fiscal year of the Town shall begin on the first day of January and end on the last day of December of each year.

**Section 8-2. Proposed Budget and Message.**

Prior to October 15, or such other time as the Council may provide by ordinance, the Town Manager shall cause to be prepared and submitted to the Council a proposed budget and accompanying message. The proposed budget shall provide a financial plan for all Town funds and activities for at least the next fiscal year and, except as required by this Charter, shall be in such form as the Council may require. The proposed budget shall contain a general summary of its contents and shall include comparative figures for revenues and expenditures for the year prior to the proposed budget year (the current fiscal year).

**Section 8-3. Contents of Proposed Budget.**

The proposed budget shall include, in separate sections, at least the following information:

- (1) An estimate of anticipated revenues classified by source;

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- (2) An estimate of cash available, if any, as of December 31 of the year prior to the proposed budget year (the current fiscal year);
- (3) Proposed expenditures for the operation of the Town, by fund, department, office and agency and the methods of financing such expenditures;
- (4) Provisions for reserves and contingencies;
- (5) Proposed capital expenditures, by fund, department, office and agency, and the proposed methods of financing such expenditures;
- (6) Anticipated net surplus or deficit for each municipal utility system and the proposed method of its disposition;
- (7) An estimate of the amount required to be raised from an ad valorem property tax levy;
- (8) A statement of the outstanding securities and other payment obligations of the Town, showing the debt redemption and interest requirements, the debt authorized and outstanding, and the condition of sinking funds, if any; and
- (9) Such other information as the Council may require.

### **Section 8-4. Capital Program.**

- (a) At the same time as the time of submission of the proposed budget to the Council, or at such other time as the Council may require by ordinance, the Town Manager shall cause to be prepared and submitted to the Council a recommended capital program.
- (b) The recommended capital program shall include at least the following information:
  - (1) A general summary of its contents;
  - (2) A list of all capital improvements which are recommended to be undertaken, continued or completed;
  - (3) Cost estimates and methods and timing of financing the improvements;
  - (4) The estimated annual cost of operating and maintaining the improvements; and
  - (5) Such other information as the Council may require.
- (c) The recommended capital program, following adoption, shall serve as a guide for the planning of capital improvements.

### **Section 8-5. Budget Hearing.**

A public hearing on the proposed budget and proposed capital program shall be held by the Council no later than forty-five (45) days prior to the close of the fiscal year. Notice of the time and place of such public hearing, and notice that the proposed budget is available for public inspection, shall be published at least one (1) time and at least seven (7) days prior to the hearing.

### **Section 8-6. Council Action on Budget.**

- (a) Unless another date is provided by ordinance, the Council shall adopt the budget and the capital improvement program, by resolution, on or before the date provided by law for certification of the ad valorem property tax levy. If the Council fails to adopt the budget by the required date, the amounts appropriated for the current fiscal year, together with any additional amounts necessary for payments of principal and interest on securities and other payment obligations, shall be deemed appropriated for the next fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts the budget for the next fiscal year.



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- (b) The total of the proposed expenditures in the adopted budget shall not exceed the total of estimated revenues (including unappropriated cash reserves).
- (c) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the ad valorem property tax therein provided. The Council shall cause the ad valorem property tax levy to be certified as provided by law.

### **Section 8-7. Contingencies.**

The budget may include contingencies. Expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account and the expenditure charged to such account. No such transfer shall be made without the express approval of the Council.

### **Section 8-8. Amendments After Adoption.**

- (a) Supplemental Appropriations. If, during the fiscal year, the Town Manager certifies there are available for appropriation revenues in excess of those estimated in the budget or revenues not previously appropriated, the Council by resolution following a public hearing may make supplemental appropriations for the year up to the amount of such excess or unappropriated revenues.
- (b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency securities as provided in this Charter.
- (c) Reduction of Appropriations. If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay, indicating the estimated amount of deficit and his or her recommendation as to any remedial steps to be taken. The Council shall then take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce one (1) or more appropriations.
- (d) Transfer of Appropriations. Any time during the fiscal year, the Town Manager may recommend the transfer of part or all of any unencumbered appropriation balance among programs within a fund, department, office or agency and, upon written request of the Town Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one fund, department, office, agency or object to another.
- (e) Limitation - Effective Date. No appropriation for debt service may be reduced or transferred. The supplemental appropriations, emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

### **Section 8-9. Administration - Payments and Obligations Prohibited.**

Except for securities issued and payment obligations incurred pursuant to Articles X and XI of this Charter, no payment shall be made or obligation incurred except in accordance with appropriations made pursuant to this Charter and unless the Town Manager first certifies that sufficient funds are or are estimated to be available to meet the payment or obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be voidable at the Council's discretion.

**Section 8-10. Independent Audit.**

The Council shall provide for an independent annual audit of all Town accounts by a certified public accountant selected by the Council and may provide for more frequent audits as it deems necessary. The accountant selected shall have no direct personal interest in the fiscal affairs of the Town, of any member of the Council or of any other officer of the Town. Unless another date is provided by ordinance, the audit shall be completed within four (4) months after the close of the fiscal year. Copies of the audit shall be made available for public inspection.

**ARTICLE IX TAXATION**

[Section 9-1. Authority to Levy Taxes.](#)

[Section 9-2. Limitations on Future General Property Taxes.](#)

[Section 9-3. Limitations on Taxes.](#)

[Section 9-4. Voter Approval in Advance.](#)

[Section 9-5. Voter Approval of a Revenue Change.](#)

[Section 9-6. Voter Approval of Four-Year Delay.](#)

**Section 9-1. Authority to Levy Taxes.**

The Council may by ordinance levy and collect taxes for municipal purposes which may include but shall not be limited to: general ad valorem property taxes and excise taxes (which may include but shall not be limited to: sales taxes, use taxes, lodging taxes and occupation taxes).

**Section 9-2. Limitations on Future General Property Taxes.**

- (a) General ad valorem property tax revenue increases shall be limited to five percent (5%) in each year, except that general ad valorem property taxes for the payment of securities issued and other payment obligations incurred pursuant to Article X or Article XI of this Charter and payable from ad valorem property taxes and the interest on such securities and obligations shall be exempt from this limit, and such securities and obligations shall be payable pursuant to the terms of their issuance; and, except that general ad valorem property taxes for the payment of contractual obligations which have been approved by a majority of the registered electors, for the payment of expenses incurred in the reappraisal of classes or subclasses ordered by or conducted by the state board of equalization, for the payment to the state of excess state equalization payments to school districts which excess is due to the undervaluation of taxable property or for the payment of capital expenditures shall be exempt from this limit. Beyond the exceptions set forth hereinabove, the limit set forth herein may be exceeded only in the manner permitted in Subsection (b) of this Section.
- (b) The annual limit on general ad valorem property tax revenue increases imposed pursuant to Subsection (a) of this Section may be exceeded for any expenditure only if approved by a majority of the registered electors of the Town voting thereon at a regular or special election.

**Section 9-3. Limitations on Taxes.**

No new sales tax or income tax shall be levied nor shall the existing sales tax be increased after the adoption of this Charter until such tax or increase shall have been approved by a majority of the registered electors voting at a regular or special election. For purposes of this Charter, the term "sales tax" shall mean a tax on the sale of tangible personal property at retail or the furnishing of services.

**Section 9-4. Voter Approval in Advance.**

Approval is hereby given, in advance, to the Town Council for the following actions consistent with the powers granted by this Charter:

- (1) The establishment of any new tax, subject to the requirements of Section 9-3, with regard to sales tax and income tax;
- (2) Any tax rate increase, subject to the requirements of Section 9-3, with regard to sales tax and income tax;
- (3) The establishment of any mill levy above that for the prior year;
- (4) Any valuation for assessment ratio increase for a property class;
- (5) Any extension of an expiring tax;
- (6) Any tax policy change directly causing a net tax revenue gain; and
- (7) The creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years.

This voter approval shall apply to all actions of the Council subsequent to the adoption of this Charter.

**Section 9-5. Voter Approval of a Revenue Change.**

Approval is hereby given to the Town Council for the retention of and the spending of any and all revenues received by the Town in any given year in accordance with the powers granted by this Charter. This voter approval shall apply to all actions of the Council subsequent to the adoption of this Charter.

**Section 9-6. Voter Approval of Four-Year Delay.**

Notwithstanding the provisions and powers granted herein, in the event that any provision of this Article IX is declared to be invalid for any reason by a Court of law, then, and in that event, the voters hereby give their approval to a four-year delay in the imposition of all applicable limitations imposed by Article X, Section 20 of the Colorado Constitution, pursuant to and in accordance with that voter approval required by Article X, Section 20(3)(a) of the Colorado Constitution.

This approval to a four-year delay in the imposition of all applicable limitations imposed by Article X, Section 20 of the Colorado Constitution shall be implemented and activated at the sole discretion and decision of the Council at any time following this voter approval.

In the event the four-year delay is implemented and activated by the Council pursuant hereto, then, and in that event, it is the specific desire and intention of the voters hereon that at the end of such four-year delay the Council shall select that time period to be used to create the revenue/spending base imposed by Article X, Section 20 of the Colorado Constitution. The time period used, at the sole discretion of the Council, may be prior to, during or following termination of the four-year delay or any other time period which may be available for use by the Council in making such selection.

**ARTICLE X MUNICIPAL BORROWING AND PAYMENT OBLIGATIONS**

[Section 10-1. Forms of Borrowing and Obligations.](#)

[Section 10-2. Short-term Securities and Obligations.](#)

[Section 10-3. General Obligation Securities and Obligations.](#)

[Section 10-4. Emergency Securities.](#)

[Section 10-5. Revenue Securities and Obligations.](#)

[Section 10-6. Interim Securities.](#)

[Section 10-7. Refunding Securities.](#)

[Section 10-8. Limitations.](#)

[Section 10-9. Sale.](#)

[Section 10-10. Other Contracts and Agreements.](#)

[Section 10-11. Industrial Development Revenue Bonds.](#)

[Section 10-12. Limitation of Actions.](#)

### **Section 10-1. Forms of Borrowing and Obligations.**

The Town may borrow money and issue securities or enter into other obligations to evidence such borrowing, and may otherwise incur payment obligations consistent with this Charter and in such form and manner as the Council determines to be advantageous to the Town.

### **Section 10-2. Short-term Securities and Obligations.**

The Council may, by ordinance and without any election, borrow money and may without any election otherwise incur payment obligations, in anticipation of the collection of taxes or other revenues. The Council may issue short-term securities or otherwise evidence the amount so borrowed or the payment obligation so incurred. Short-term securities may be secured in any manner determined by the Council, including a pledge of the full faith and credit and the general taxing power of the Town. Any such short-term securities or obligations shall mature or become payable within twelve (12) months from the date of issuance.

### **Section 10-3. General Obligation Securities and Obligations.**

- (a) Except as otherwise provided in this Charter, no securities or other payment obligations, which the Town is obligated to pay in whole or in part from the proceeds of general ad valorem property taxes, shall be issued or otherwise incurred until the question of their issuance has been approved by a majority of the registered electors voting thereon at a regular or special election.
- (b) Subsection (a) of this section shall not apply to any securities issued or other payment obligations incurred for the purpose of acquiring, constructing, improving or extending any municipal utility system or for the purpose of acquiring water or right thereto, nor shall it apply to other long-term payment obligations or contracts for municipal utility system properties, services or operations.

### **Section 10-4. Emergency Securities.**

The Council may, by ordinance and without any election, issue emergency securities in the circumstances specified in Section 8-8 of this Charter. Such securities may be made payable in whole or in part from the proceeds of general ad valorem property taxes and may be secured in any manner determined by the Council including a pledge of the full faith and credit and the general taxing power of the Town. Such securities may be renewed from time to time as the Council determines necessary, except that such securities or renewals thereof, unless effected by a borrowing transaction or payment obligation permitted under another provision of this Charter, shall mature and become payable no later than the last day of the fiscal year next succeeding the fiscal year in which such securities or renewals thereof are issued.

**Section 10-5. Revenue Securities and Obligations.**

The Council may, by ordinance and without any election, issue securities and may, without any election, otherwise incur payment obligations for any public purpose payable in whole or in part from any source of revenues other than general ad valorem property taxes or from any combination of sources of revenues other than general ad valorem property taxes.

**Section 10-6. Interim Securities.**

Interim securities may be issued, by ordinance, in anticipation of any securities authorized in Article X or XI of this Charter. Such securities may be made payable in whole or in part from the proceeds of the anticipated securities and in whole or in part from the same sources as the anticipated securities or any other sources consistent with this Charter. No election shall be required to issue interim securities unless the Town is obligated to pay such interim securities in whole or in part from the proceeds of general ad valorem property taxes and unless the interim securities do not meet the exceptions to the election requirement as provided in this Charter.

**Section 10-7. Refunding Securities.**

- (a) The Council may, by ordinance and without any election, issue securities for the purpose of refunding outstanding securities to accomplish any refunding purpose determined by the Council to be advantageous to the Town. Any refunding securities which are revenue securities may be payable in whole or in part from any source of revenue or any combination of sources of revenues other than general ad valorem property taxes.
- (b) Refunding securities may be issued in such principal amount and otherwise on such terms as the Council may determine to be necessary or appropriate to accomplish the refunding purpose.

**Section 10-8. Limitations.**

- (a) Except as provided in this Charter, there shall be no limitation on the amount or other terms of securities the Town may issue or on the incurring of other payment obligations by the Town.
- (b) The notice of any election to authorize the issuance of proposed general obligation securities pursuant to Section 10-3(a) shall contain at least the following information, together with any other information the Council deems relevant:
  - (1) The amount of the total valuation for assessment of taxable property within the Town as shown by the most recent available certified assessment;
  - (2) The total amount of general obligation securities outstanding as of the date of the notice of the election to authorize the issuance of the proposed securities and the total amount of securities that would be outstanding if all of the proposed securities were issued;
  - (3) The percentage of the total of the proposed securities in relation to the amount of the total valuation for assessment determined pursuant to Paragraph (1) of this Subsection; and
  - (4) A general statement of the purpose of the proposed securities.
- (c) No inaccuracy, error or change in the information provided pursuant to Subsection (b) of this section shall affect the validity of the authorization to issue or the validity of the issuance of any security.

**Section 10-9. Sale.**

All securities issued pursuant to this Charter shall be sold in such manner and pursuant to such terms as determined by the Council to be to the best advantage of the Town.

**Section 10-10. Other Contracts and Agreements.**

The Council may, without any election, enter into lease-purchase and installment-purchase agreements, construction contracts, contracts for the purchase, installation or acquisition of any real or personal property for public purposes and any executory contracts or agreements and may, without any election, commit to pay such obligations in whole or in part from the proceeds of general ad valorem property taxes. The Council may pledge the full faith and credit and the general taxing power of the Town to the payment of its obligations under any such agreement and may enter into such covenants regarding the rights of the lessor-vendor in the property upon default as the Council may deem necessary or appropriate.

**Section 10-11. Industrial Development Revenue Bonds.**

Industrial Development Revenue Bonds may be issued as provided by Colorado Statute.

**Section 10-12. Limitation of Actions.**

- (a) No action of whatsoever nature against any act, proceeding or election of the Town done or had pursuant to this Article X shall be maintained unless commenced within twenty (20) days after the election or performance of the act or proceeding or effective date of any ordinance or resolution complained of to:
  - (1) Question the validity or enforceability of or enjoin the performance of any act;
  - (2) Question the validity or enforceability of or enjoin the issuance or payment of any securities;
  - (3) Question the validity or enforceability of or enjoin the incurring of any other payment obligation;
  - (4) Question the validity or enforceability of or enjoin the imposition or collection of any taxes, fees or charges; or
  - (5) Obtain any other review of or relief against any act, proceeding or election of the Town pursuant to this Article X.
- (b) Any action not commenced within the time limits provided in Subsection (a) of this section shall be thereafter perpetually barred.
- (c) The limitations of this section shall be in addition to any limitations or restrictions provided by ordinance.

**ARTICLE XI IMPROVEMENT DISTRICTS**

[Section 11-1. Power to Create Local Improvement Districts.](#)

[Section 11-2. Procedure.](#)

[Section 11-3. Surplus and Deficiency Fund.](#)

[Section 11-4. Additional Commitment to Pay Improvement District Securities.](#)

[Section 11-5. Improvement District Securities - General Benefit.](#)

[Section 11-6. Limitation of Actions.](#)

**Section 11-1. Power to Create Local Improvement Districts.**

The Council shall have the power, without an election, to create local improvement districts and to assess the cost of the construction, acquisition or installation of local improvements of every character against property determined by the Council to be benefited within such districts and to issue bonds payable from such assessments, in the following manner:

- (1) By order of the Council, subject to written protest by the owners of property estimated to bear a majority of the assessment burden under the method of apportioning assessments proposed by the Council; or
- (2) By approval of a petition of the owners of property estimated to bear a majority of the assessment burden under the method of apportioning assessments proposed by the owners.

**Section 11-2. Procedure.**

The Council may, by ordinances not inconsistent with this Charter, prescribe the method and manner of creating local improvement districts; acquiring, constructing or installing the improvements; letting contracts therefor; assessing part or all of the cost thereof against the benefited property; providing for the right to protest and the scope and manner thereof; paying for or issuing special assessment securities for the costs and expenses of the organization of the district, the acquisition, construction or installation of said improvements, and incidental costs and expenses; and all other things in relation to local improvement districts. The following requirements shall apply to the creation of any local improvement district:

- (1) The creation of any local improvement district shall be by ordinance; and
- (2) Prior to the adoption of any ordinance creating a local improvement district, the Council shall hold at least one (1) public hearing at which all interested parties may appear and be heard. Notice of any such public hearing shall be published at least once. In addition, such notice shall be mailed pursuant to procedures established by ordinance.

**Section 11-3. Surplus and Deficiency Fund.**

When all outstanding securities of a local improvement district have been paid and any monies remain to the credit of the district, the Council may, without an election, transfer such monies to a special surplus and deficiency fund. The Council may prescribe by ordinance the manner in which the monies deposited in the surplus and deficiency fund may be applied.

**Section 11-4. Additional Commitment to Pay Improvement District Securities.**

The Council may, without any election, covenant in connection with the issuance of improvement district securities that, if at least three-fourths ( $\frac{3}{4}$ ) of the improvement district securities issued have been paid, and if for any reason the remaining assessments are not paid in time to pay the remaining securities of the district and the interest due thereon, the Town shall pay said securities and the interest due thereon when due and reimburse itself by collecting the unpaid assessments due the district.

**Section 11-5. Improvement District Securities - General Benefit.**

- (a) In consideration of general benefits conferred on the Town at large from the construction, acquisition or installation of improvements made in connection with a local improvement district, the Council may, without an election, levy a general ad valorem property tax on all taxable property within the Town, at a rate not to exceed two (2) mills for any single district in any one (1) year, to be disbursed among the following purposes with such priority as may be determined by the Council:

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- (1) Paying any assessment levied against the Town, whether or not imposed on Town-owned property, in connection with securities issued for any local improvement district;
  - (2) Advancing money for the payment of principal, interest or both, for establishing reserves for, or otherwise securing the payment of, securities issued for any local improvement district in the manner provided for in the authorizing ordinance.
- (b) In lieu of the tax levy provided in Subsection (a) of this section, the Council may, in its discretion, apply any available money of the Town for the purposes listed in Subsection (a) of this section, but in no event shall the amount so applied in any one (1) year exceed the amount which would have resulted in such year from a tax levied pursuant to Subsection (a) of this section.

### **Section 11-6. Limitation of Actions.**

- (a) No action of whatsoever nature against any act, proceeding or election of the Town done or had pursuant to this Article XI shall be maintained unless commenced within twenty (20) days after the election or performance of the act or proceeding or effective date of any ordinance or resolution complained of to:
- (1) Question the validity or enforceability of or enjoin the performance of any act;
  - (2) Question the validity or enforceability of or enjoin the issuance or payment of any securities;
  - (3) Question the validity or enforceability of or enjoin the incurring of any other payment obligation;
  - (4) Question the validity or enforceability of or enjoin the imposition or collection of any taxes, assessments, fees or charges; or
  - (5) Obtain any other review of or relief against any act, proceeding or election of the Town pursuant to this Article XI.
- (b) Any action not commenced within the time limits provided in Subsection (a) of this section shall be thereafter perpetually barred.
- (c) The limitations of this section shall be in addition to any limitations or restrictions provided by ordinance.

## **ARTICLE XII UTILITIES; FRANCHISES AND PERMITS**

[Section 12-1. Acquisition of Utilities.](#)

[Section 12-2. Utility Rates.](#)

[Section 12-3. Granting of Franchises.](#)

[Section 12-4. Existing Franchises.](#)

[Section 12-5. Revocable Permits or Licenses.](#)

### **Section 12-1. Acquisition of Utilities.**

The Town shall not acquire any municipal utility system by purchase or condemnation, nor construct any municipal utility system, unless the question of such acquisition or construction is first approved by a majority of the registered electors voting thereon at a regular or special election. The foregoing requirement shall not apply to any improvement, extension, expansion, betterment, repair, replacement or modification of any existing municipal utility system, nor shall the foregoing requirement apply to the institution of condemnation proceedings as may be provided in this Charter or by statutory law with respect to water facilities or sewerage facilities.



**Section 12-2. Utility Rates.**

The Council shall by ordinance establish rates for services provided by any municipal utility system.

**Section 12-3. Granting of Franchises.**

- (a) No franchise shall be granted or renewed for a longer period than twenty (20) years.
- (b) No franchise shall be granted, renewed or amended by the Council except by ordinance. Any ordinance granting, renewing or amending a franchise shall be subject to a timely referendum if one is filed in accordance with the procedures and requirements set forth in this Charter. Notwithstanding the provisions of Section 5-2(b) of this Charter, such a petition shall be signed by registered electors of the Town equal in number to at least fifteen percent (15%) of the total number of electors of the Town registered to vote at the last regular election. If such an election is ordered, the grantee of such franchise shall deposit the cost of the election with the Town Clerk in an amount determined by the Town Clerk.
- (c) Each franchise granted pursuant to this Charter shall include a provision for a periodic review of the franchise by the Council.
- (d) The Council shall establish, by ordinances not inconsistent with this Charter, the terms, fees, compensation, conditions, record-keeping and other matters relating to franchises.

**Section 12-4. Existing Franchises.**

All franchise ordinances and agreements of the Town in effect on the effective date of this Charter shall remain in force in accordance with their respective terms and conditions unless modified by another franchise.

**Section 12-5. Revocable Permits or Licenses.**

Any permit or license granted for the temporary use or occupation of any street, alley, other public way or Town-owned place, shall be revocable by the Town at any time and without cause, whether or not such right to revoke is expressly reserved in the permit or license.

**ARTICLE XIII BOARDS AND COMMISSIONS**

[Section 13-1. Intent.](#)

[Section 13-2. Creation, Alteration, and Abolition.](#)

[Section 13-3. Planning and Zoning Commission.](#)

**Section 13-1. Intent.**

It is the intent of this Article to ensure the participation of citizens in the governmental process.

**Section 13-2. Creation, Alteration, and Abolition.**

The Council may by ordinance create any Town board or commission and, except for boards and commissions specifically provided for in this Charter, may by ordinance alter or abolish any Town board or commission. The Council shall prescribe by ordinance the powers and duties of any Town board or

commission, the qualifications of the members thereof, the method of making appointments to, filling vacancies in and removing members from, any Town board or commission and other matters concerning any Town board or commission. Neither the Mayor nor any Town employee shall serve on any such board or commission.

### **Section 13-3. Planning and Zoning Commission.**

There is hereby created a Planning and Zoning Commission to assist the Council, in such manner as provided by the Council, in planning the development of the Town. The Council shall prescribe by ordinance the powers and duties of the Planning and Zoning Commission, the qualifications of the members thereof, the method of making appointments to, filling vacancies in and removing members from, the Planning and Zoning Commission, and other matters concerning the Planning and Zoning Commission; except that no more than two (2) members of the Planning and Zoning Commission may be non-residents of the Town.

## **ARTICLE XIV MISCELLANEOUS PROVISIONS**

[Section 14-1. Interpretation.](#)

[Section 14-2. Reservation of Power.](#)

[Section 14-3. Lease of Property.](#)

[Section 14-4. Bequests, Gifts and Donations.](#)

[Section 14-5. Emergency Powers.](#)

[Section 14-6. Limitations on Sale of Town-Owned Park Property.](#)

[Section 14-7. Penalties.](#)

[Section 14-8. Severability of Charter Provisions.](#)

[Section 14-9. Master Plan of the Town.](#)

[Section 14-10. Charter Amendments.](#)

[Section 14-11. Definitions.](#)

### **Section 14-1. Interpretation.**

- (a) Where any question exists as to the meaning of any portion of this Charter, it shall be interpreted consistently with the Charter's purpose to reserve to the Town and its citizens the broadest possible powers of home rule and self-government available under the Constitution, as limited only by the specific language of this Charter.
- (b) Except as otherwise specifically provided in or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular, the masculine gender shall extend to and include the feminine gender and neuter and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as individuals.

### **Section 14-2. Reservation of Power.**

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

**Section 14-3. Lease of Property.**

The Council may lease, for such time as Council shall determine, any real or personal property to or from any person, firm or corporation, public and private, governmental or otherwise. Any lease of Town property for a period of more than one (1) year shall be by ordinance. Any lease of Town property for one (1) year or less than one (1) year shall be by resolution or ordinance.

**Section 14-4. Bequests, Gifts and Donations.**

The Council, on behalf of the Town, may receive or refuse bequests, gifts and donations of all kinds of property in fee simple, whether encumbered or not, or in lease hold, or in trust for public, charitable or other purposes, and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

**Section 14-5. Emergency Powers.**

In case of riot, insurrection, disaster or other extraordinary emergency, the Mayor, with the assistance of the Town Manager, shall assume the authority to execute any action necessary for the protection of life and property. Such authority may include, but not be limited to, establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency continues, the Mayor, or in the Mayor's absence, the Town Manager, shall convene the Council to take such action as the Council deems necessary.

**Section 14-6. Limitations on Sale of Town-Owned Park Property.**

No property used for park purposes and maintained by the Town as a park, in which fee ownership is now or hereafter vested in the Town, shall be sold unless the question of such sale is first approved by a majority of the registered electors voting thereon at a regular or special election. Nothing herein shall limit the Council's power to grant any licenses, permits or easements with respect to such property.

**Section 14-7. Penalties.**

Any willful violation of this Charter shall be a misdemeanor punishable in the municipal court by a penalty not to exceed two hundred dollars (\$200.00) and/or ninety (90) days in jail, or that fine and/or jail term which may be established by ordinance. Each such violation shall constitute a separate offense.

**Section 14-8. Severability of Charter Provisions.**

If any part of this Charter or the application thereof to any person or circumstance is found to be invalid, such invalidity shall not affect the validity of any remaining part of this Charter, and to this end this Charter is declared to be severable.

**Section 14-9. Master Plan of the Town.**

- (a) The Council shall maintain a comprehensive master plan for the physical development of the Town. No land development by any private or governmental entity which, in the judgment of the Council, will significantly affect the Town, and no subdivision of land, zoning change or annexation shall be approved without considering the effect of such approval on the master plan.
- (b) The Planning and Zoning Commission shall review the master plan at least once every three (3) years and recommend changes and revisions of the master plan to the Council.

## TOWN OF DILLON

- (c) The Council shall revise the master plan following the Planning and Zoning Commission's review and shall consider the recommendations of the Commission in making such revision.

### **Section 14-10. Charter Amendments.**

This Charter may be amended at any time in the manner provided by the Constitution. Nothing herein contained shall be construed as preventing the submission to the people of more than one (1) Charter amendment at any one (1) election. If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

### **Section 14-11. Definitions.**

As used in this Charter, the following words shall have the following meanings unless the context otherwise indicates:

- (1) "Appropriation": The authorized amount of monies set aside for expenditures during a specified time for a specified purpose.
- (2) "Constitution": Constitution of the State of Colorado, as from time to time amended.
- (3) "Council" or "Town Council": Town Council of the Town of Dillon, Colorado, including the Mayor, unless otherwise provided.
- (4) "Council Member," "Member of the Council" or "Member": Each member of the Council including the Mayor, unless otherwise provided.
- (5) "Employee": A person employed by the Town of Dillon.
- (6) "Franchise": An irrevocable privilege granted by the Town permitting a specified use of public property for a specified length of time.
- (7) "Manager": The Town Manager of the Town of Dillon appointed pursuant to Section 7-1.
- (8) "Municipal Utility System": Any water, sanitary sewer, heat, power, light, communication or transportation system of the Town, and any other system of the Town now or hereafter commonly classified as a utility system.
- (9) "Officer": Any person elected to office or appointed by Council, including appointees to boards and commissions.
- (10) "Published" or "Publication": Publishing in a newspaper of general circulation in the Town.
- (11) "Registered elector": A qualified elector who has registered to vote pursuant to the requirements of the Colorado Municipal Election Code or Town ordinances.
- (12) "Regular election": An election held pursuant to Section 4-2.
- (13) "Special election": An election held pursuant to Section 4-3.
- (14) "State statutes": The statutes of the State of Colorado, as from time to time amended.
- (15) "Town": Town of Dillon, Colorado.

## **ARTICLE XV TRANSITIONAL PROVISIONS**

[Section 15-1. Effective Date of Charter.](#)

[Section 15-2. Prior Town Legislation.](#)

[Section 15-3. Present Elected Officials to Continue in Office.](#)

[Section 15-4. Continuation of Appointed Officers and Employees.](#)

[Section 15-5. Continuation of Present Boards and Commissions.](#)

[Section 15-6. Saving Clause.](#)

**Section 15-1. Effective Date of Charter.**

This Charter shall become effective immediately upon voter approval, except that those provisions of Article VIII relating to the preparation and submission of the budget and capital improvement program shall become effective for the 1994 annual budget and those provisions in Article II relating to the election of Council Members shall become effective at the first regular election scheduled under this Charter to be held in April, 1994.

**Section 15-2. Prior Town Legislation.**

All ordinances, resolutions, rules and regulations of the Town which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect until repealed or amended. Any provision of any ordinance, resolution, rule or regulation which is inconsistent with this Charter is hereby repealed.

**Section 15-3. Present Elected Officials to Continue in Office.**

The present Town Board (renamed as the Town Council) and Mayor in office at the time of the adoption of this Charter shall continue to serve and carry out the functions, powers and duties of their offices and shall continue to receive their present salaries until their successors have been elected or appointed and assume the duties of their offices.

**Section 15-4. Continuation of Appointed Officers and Employees.**

Except as otherwise provided in this Charter, after the effective date of this Charter, all appointive officers and employees of the Town shall continue in that Town office or employment which they held prior to the effective date of this Charter as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally appointed.

**Section 15-5. Continuation of Present Boards and Commissions.**

All existing boards and commissions and the members thereof serving on the effective date of this Charter shall continue until changed in the manner provided in this Charter.

**Section 15-6. Saving Clause.**

Neither the adoption of this Charter nor the repeal of any ordinance, resolution, rule or regulation of the Town in conflict with the Charter shall be construed to destroy any property right, contract right or right of action of any nature or kind, civil or criminal, vested in or against the Town. The adoption of the Charter shall not be construed to affect any such right between the Town and any person.

TOWN OF DILLON, COLORADO

TOWN OF DILLON

HOME RULE CHARTER COMMISSION

**CERTIFICATE OF FINAL ADOPTION**

We, the undersigned, representing the present members of the Town of Dillon Home Rule Charter Commission, duly elected by the citizens of Dillon, Colorado, at a special election held on November 3, 1992, to frame a Home Rule Charter for the Town of Dillon, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Commission on the 1st day of March, 1993 for submission to the Board of Trustees and to the registered electors of the Town of Dillon.

Executed in triplicate at Dillon, Colorado, this 1st day of March, 1993.

(signature) John L. Del Mar, Chairman Terry Herbert (signature)

(signature) Steven F. Letofsky, Secretary Nathan McLain (signature)

(signature) Edwin W. Baker, Jr. P. Gregory McNall (signature)

(signature) Samuel R. Freeman Glenn R. Terrell (signature)

(signature) Darlene Gardner

STAFF

Mark R. Shapiro, Counsel to the Commission

William A. Simmons, Town Administrator

Mary Dullard, Recording Secretary

TOWN OF DILLON

**CERTIFICATE OF ELECTOR APPROVAL**

I hereby certify that the foregoing is the Home Rule Charter as approved by the registered electors of the Town of Dillon at a special election held on April 20, 1993.

TOWN OF DILLON  
HOME RULE CHARTER COMMISSION

BY: (signature)  
John L. Del Mar, Chairman