

2008

Home Rule Charter as Adopted 2008 Town of Cedaredge

July 21, 2008

Home Rule Charter Commission

Raymond Hanson – Chair

Sharon Williams – Secretary

Danny King – Co-Chair

Gael McCully – Co-Chair

Richard (Dick) Carignan – Member

Eugene (Gene) Gold – Member

Louis Helbert – Member

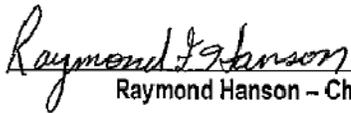
Russell Radebaugh – Member

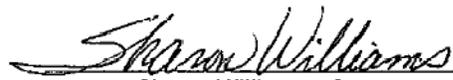
Dr. Laurence Smith – Member

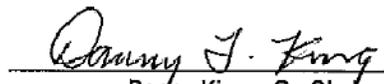


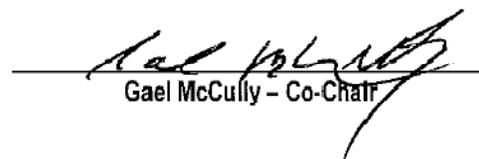
CERTIFICATE OF ADOPTION OF PROPOSED HOME RULE CHARTER

The undersigned members of the Town of Cedaredge Home Rule Charter Commission, under the authorization of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, do hereby certify that the following is the proposed Home Rule Charter as finally approved and adopted by the members of the Charter Commission on the 21st day of July, 2008. The Charter Commission members thank the citizens of Cedaredge for entrusting us with the privilege of drafting this Charter. We believe that the Charter reaches a reasonable balance allowing achievement of all the goals as stated in the Prefatory Synopsis. For this reason we endorse this Charter and respectfully submit it to the voters at the Coordinated General Election to be held on Tuesday, November 4, 2008.

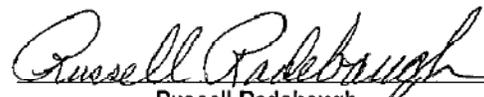

Raymond Hanson – Chair

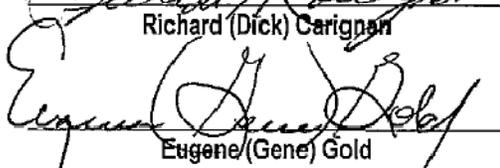

Sharon Williams – Secretary

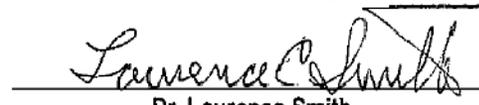

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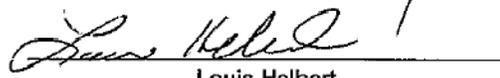

Louis Helbert

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CEDAREdge HOME RULE CHARTER

PREFATORY SYNOPSIS

On April 1, 2008, the Citizens of Cedaredge, Colorado, voted to create a nine (9) member Home Rule Charter Commission to propose a governance structure that would dissolve the current dependence on the state legislature and increase Cedaredge's ability to solve local issues at the local level. The structure would grant the town greater autonomy and self-government, legally permissible under the Constitution and the laws of the State of Colorado, and provide both guidance and flexibility to the Board of Trustees.

In drafting this Charter, the Charter Commissioners studied the charters of many other Colorado Towns/Cities; consulted with experts in city government; secured the opinions and views of the Board of Trustees, town employees, and citizens; and employed legal counsel experienced in municipal law. The Committee wishes to express its thanks to all who provided assistance.

The Commissioners ensured that the following goals were accomplished:

1. Governance processes will be open, transparent, and responsive to the citizens.
2. Elected officials will have processes that allow them to make decisions and act quickly and responsibly without the limitations of state statutes.
3. Checks and balances will be in place to protect the citizens' right to be heard and to have recourse if they disagree with decisions made by their elected officials.
4. Town staff will be enabled to function efficiently, effectively, and professionally.
5. The Charter promotes the flexibility needed for Cedaredge to grow, evolve, and respond to future circumstances.

The primary goal of the Charter Commission has been to present a document that provides Cedaredge with a responsive and efficient government accountable to the citizens.

Key provisions of the proposed Charter:

1. Supports the Council-Manager form of government, with flexibility in organizational structure to allow Cedaredge to adjust to new demands and changing circumstances as the Town grows and prospers.
2. Requires voter approval to implement or increase any town-collected tax, consistent with the Taxpayer's Bill of Rights (TABOR), regardless of whether TABOR may be repealed or amended at some further date.
3. Provides broad powers of recall, initiative, and referendum.
4. Ensures responsible use of public funds and provides for the conduct of the Town's business on a balanced-budget basis.
5. Establishes a structure for the efficient and orderly conduct of the Town government while also providing for and encouraging citizen participation in the affairs of the Town.

6. Establishes its own procedures for providing street, sidewalk, and other special improvements.
7. Provides authority to regulate the uses of streets.
8. Provides more efficient procedures for appointment, dismissal, and terms of the Municipal Judge.
9. Provides for more efficient and cost-saving ways to fill vacancies.
10. Provides flexibility to the Town when issuing bonds that could lead to lower interest rates.
11. Requires the Town to adopt and maintain a Master Plan for the community and to consider the Master Plan in the context of all major new development applications.
12. Provides for amendments to the Home Rule Charter that may be initiated by a petition signed by registered municipal electors, or by ordinance adopted by the Board of Trustees.
13. Provides authority for the Town to collect its own sales taxes, provide efficient enforcement, and receive the taxes sooner, providing additional income to the Town.
14. Articulates more clearly the duties and responsibilities of the Town Administrator, Town Treasurer, and Financial Director.
15. Defines the requirements of the capital improvements program, including the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The Commission believes that this Charter fosters a sound and lasting government, with the interests of the citizens of Cedaredge being paramount.

For further information, please see the Town of Cedaredge Web site at www.cedaredgecolorado.com.

ARTICLE I: GENERAL PROVISIONS

Section 1-1. Name and Boundaries. The municipal corporation hereto existing as the Town of Cedaredge, which is located in Delta County, State of Colorado, shall remain and continue as a body corporate and politic and under this Charter be known as the Town of Cedaredge, with the same boundaries, unless changed in a manner authorized by law.

Section 1-2. Powers. The Town shall have all powers that are necessary, requisite, proper, or convenient for the government and administration of the Town, including all powers granted to home rule and statutory cities or towns by the Constitution and statutes of the State of Colorado, and shall have the authority to supersede provisions of the Colorado Constitution, statutes, and regulations to the maximum extent allowed by the Colorado Constitution and by law. The enumeration below of certain specific powers shall not be construed to limit, impair, or deny any other right or power granted to the Town.

(a) The Town shall have the power of eminent domain, within or without its municipal limits, to construct, condemn, purchase, acquire, lease, maintain, operate, and dispose of all property, real, personal, or otherwise, including but not limited to, water systems, sewer systems, power systems, telephone systems, transportation systems, streets, alleys, rights of way, easements, communication systems, water, ditches, water rights and appurtenances, parks, recreation facilities, cultural facilities, and all other utilities or works,

and may enter into such contracts as necessary, convenient, or appropriate in relation thereto.

(b) The Town shall have the power of taxation; the power to provide for health, safety, welfare, and the common good of the Town and its citizens; and the power to construct and operate any type of public utility.

(c) The Town may accept bequests, gifts, and donations of all kinds of property in fee simple, or in trust, for public, charitable, and other purposes, and do all things and acts necessary to carry out the purposes of such gifts, bequests, and donations, with the power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

(d) The Town shall have the right and power to grant and enter into revocable license agreements and lease agreements for the use of public streets, rights of way, easements, and alleys with private parties without the need for an election.

Section 1-3. Rights and Liabilities. By the name of the Town of Cedaredge, the municipal corporation shall have perpetual succession; shall own, possess, and hold all property, real and personal, heretofore owned, possessed, and held by the Town of Cedaredge, 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 the Town of Cedaredge; and may sue, defend, plead, and be impleaded in all courts and places and in all matters.

Section 1-4. Existing Ordinances and Regulations.

(a) All ordinances, resolutions, rules, and other regulations of the Town consistent with this Charter that are in effect as of the effective date of this Charter shall continue in full force and effect until repealed or amended. Any provision inconsistent with this Charter is hereby superseded, and the Board of Trustees shall proceed with due diligence after the adoption of this Charter to make the necessary amendments or repeals to bring Town ordinances of a general and permanent nature into consistency with this Charter.

(b) To the extent that the Town has not adopted an ordinance or resolution to address a matter that is addressed by the Colorado Revised Statutes and would be applicable to a statutory town that did not have such an ordinance or resolution, then the provisions of such statutes shall continue to apply until the Town adopts such an ordinance or resolution.

(c) To the maximum extent permitted by law, any ordinance, resolution, or other official action taken by the Town prior to the effective date of this Charter shall be deemed to have taken place under the authority of this Charter. Without limiting the preceding sentence, to the extent that the Town's home-rule authority cannot legally be extended retroactively to apply to any particular ordinance or resolution, then, and only then, all such ordinances or resolutions that would otherwise be deemed wholly or partially invalid if enacted under the authority of a statutory town are hereby reenacted under the authority of this Charter as of the effective date hereof.

Section 1-5. Amendments to the Charter. This Charter may be amended at any time in the manner provided in the Colorado Constitution and in Title 31, Article 2, of the Colorado Revised Statutes, as said provisions may be amended from time to time. Proceedings to amend the Charter may be initiated by the filing of a petition meeting the requirements of the Colorado Revised Statutes, or by the adoption of an ordinance by the Board of Trustees submitting the proposed amendment to a vote of the registered electors of the Town. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 1-6. Ordinances, Resolutions, and Motions. All actions of the Board of Trustees shall be by ordinance, resolution, or motion. In addition to such Board of Trustees acts that are required by other provisions of the Colorado Constitution or this Charter to be by ordinance, every action making an appropriation, creating an indebtedness, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, disposing of any municipally owned real estate, including water rights, repealing a prior ordinance, or approving an eminent domain action by the Town shall be by ordinance; provided, however, that this Section shall not apply to the annual appropriation and budget procedures set forth in Article VIII of this Charter, nor shall an ordinance be required to levy an ad valorem tax. Ordinances making appropriations shall be confined to the subject of appropriation. The Board of Trustees may adopt Policies of the Town by resolution or motion.

Section 1-7. Voting. A roll call vote shall be taken upon the passage of all ordinances and upon the passage of any resolution making an appropriation or levying a tax and shall be entered upon the minutes of the Board of Trustees proceedings. Except as otherwise provided herein, all ordinances, motions, and resolutions shall pass if the majority of the votes cast are in the affirmative. If an abstention is for the stated reason that the vote concerns a matter involving the consideration of his or her own official conduct or that his or her personal or financial interest is involved, then such member of the Board of Trustees shall not be counted in determining whether a quorum is present for that vote. Otherwise, an abstaining member of the Board of Trustees who is entitled to vote shall still be considered present. Nothing herein shall preclude the Board of Trustees from requiring by ordinance a greater number of votes in certain instances.

Section 1-8. Procedure for Ordinances. Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular or special meeting of the Board of Trustees and shall either be available in written form for the Board of Trustees to review or shall be read in full.

(b) The public shall have the right to comment on the ordinance prior to the vote being taken.

(c) Following the public comment, the Board of Trustees may amend, adopt, defeat, or continue action on the ordinance.

(d) Except as otherwise provided in this Charter, the adoption of any ordinance shall require the affirmative vote of a majority of the members of the Board of Trustees present and voting, but in no event less than three (3) members of the Board of Trustees.

(e) Copies of any proposed ordinance shall be available at the Town Hall at least 24 hours before the meeting at which said ordinance will be considered.

(f) The ordinance shall take effect thirty (30) days following publication of the notice as provided for in this Charter, except for emergency ordinances that shall take effect immediately upon adoption.

(g) All ordinances shall be appropriately numbered and preserved in the official records of the Town. The adoption of the ordinance shall be authenticated by the signature of the Mayor or Mayor Pro Tem, the attestation of the Town Clerk, and placing the Town Seal on the ordinance.

(h) After passage, the ordinance shall be posted in a public place within the Town Hall and, whenever technologically feasible, on the Internet, for thirty (30) days after passage. A notice shall be published in a newspaper of general circulation within the Town that shall include the number and title of the ordinance, a statement where the full text is available to the public (including the Internet Web address, if applicable), and

a statement as to the effective date of the ordinance.

(i) The Board may adopt other requirements as they deem necessary or appropriate, as long as those requirements do not conflict with the provisions of this Section 1-8.

Section 1-9. Form of Ordinances. Every ordinance shall be in written or printed form. The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CEDAREIDGE, COLORADO." Failure of the enacting clause to comply with this Section shall not invalidate the ordinance.

Section 1-10. Disposition of Ordinances. The original ordinances and the affidavit of publication shall be kept and be available for public inspection in the office of the Town Clerk.

Section 1-11. Codes Enacted by Reference.

(a) Any ordinance may be enacted by reference, in whole or in part, any published compilations of statutes, ordinances, rules, regulations, or standards adopted by the federal government, the State of Colorado, or any agency or political subdivision of either.

(b) Any ordinance may also adopt by reference, in whole or in part, codes and technical standards concerning buildings or structures, fire prevention, plumbing, housing, mechanical systems, electrical systems, energy conservation, and similar matters published by recognized technical organizations.

(c) The Town may also provide for the codification of all ordinances of the Town of a general and permanent nature and adopt such code by reference. Amendments to the Town Code shall be adopted by ordinance. Such codification may make appropriate nonsubstantive changes and may repeal ordinances or parts thereof by omission from the Code.

(d) An authenticated copy of the Code or other document adopted by reference shall be kept in the official records of the Town except that it shall not be necessary to keep authenticated copies of provisions of state or federal statutes or regulations adopted by reference.

(e) The ordinance adopting any such code, law, or publication by reference shall be adopted in accordance with the procedures established by this Charter.

(f) Copies of such codes in published form, duly authenticated by the Clerk and Mayor, shall be received without further proof as prima facie evidence of the provisions of such codes in all courts and administrative tribunals of the state.

Section 1-12. Emergency Ordinances.

(a) An ordinance that is immediately necessary for the preservation of public peace, health, or safety may be enacted as an "emergency ordinance" at any regular or special meeting of the Board of Trustees by the affirmative vote of every member of the Board of Trustees present or by affirmative votes equal to a quorum plus one (1), whichever is less. Any emergency ordinance shall state expressly that it is an emergency ordinance and shall describe the nature of the emergency. An emergency ordinance shall take effect immediately upon passage. The ordinance shall be posted, and a notice thereof shall be published, as provided in this Charter as soon as reasonably possible.

(b) No ordinance granting any special privilege, levying taxes, approving the sale of real property, or incurring general obligation indebtedness shall be passed as an emergency ordinance.

Section 1-13. Severability of Ordinance. Unless an ordinance shall expressly provide to the contrary, if

any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of the ordinance that can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Section 1-14. Intergovernmental Agreements. The Board of Trustees may, by resolution or by ordinance, enter into contracts or agreements with public and/or governmental units, agencies, boards and commissions, and entities for the use of properties, improvements, buildings, equipment, or facilities, and for furnishing or receiving commodities or services and for all other legal purposes.

Section 1-15. Master Plan. The Board of Trustees shall adopt a Master Plan for the Town and update it from time to time, as the Board of Trustees deems appropriate. The Town of Cedaredge Master Plan as revised, as well as any legally adopted amendments, shall be considered a Master Plan for the purposes of this Section.

Section 1-16. Code of Ethics. Unless otherwise prescribed by ordinance, the Colorado Code of Ethics, C.R.S. 24-18-101, et seq., shall apply to the Town.

Section 1-17. Conflict of Interest. Neither the Mayor nor any Trustee shall vote or participate in discussion or deliberation on any question in which he or she has a substantial personal or financial interest, direct or indirect, including an interest held through a spouse or family member, other than the common public interest, or on any question concerning his or her own conduct. In the event the Mayor or any Trustee has such an interest, he or she shall declare such interest. Whether or not such a declaration is made, the remaining Trustees may determine by a majority vote whether said interest does in fact constitute a conflict of interest. When such conflict of interest is established, the Mayor or Trustee affected shall not vote on the matter, and the remaining Trustees shall take any further action they deem to be in the best interests of the Town. If such conflict of interest was not disclosed and is established with respect to a matter already considered by the Board of Trustees, the remaining members of the Board of Trustees shall take any action they deem to be in the best interests of the Town, including, but not limited to, terminating the unperformed portion of any contract entered into when such a conflict of interest existed. This Section and any ordinance adopted in furtherance thereof shall abrogate and replace any common law doctrine on this subject.

Section 1-18. Conveyances of Real Property Owned. The Board, by ordinances made and approved, may purchase, sell, exchange, receive by donation, enter into a lease, or dispose of any interest in real property including easements. When possible, the Board's actions shall identify the location of the property or property interest by lot and block or subdivision designation. Ordinances authorizing the acquisition or disposal of real estate interests shall take effect thirty (30) days after public notification.

ARTICLE II: FORM OF GOVERNMENT/BOARD OF TRUSTEES/TERMS OF OFFICE/VACANCIES

Section 2-1. Board of Trustees. There shall be a Board of Trustees consisting of six (6) Trustees and one (1) Mayor, who shall act as and be considered as a full member of the Board of Trustees. The Board of Trustees shall be the governing body of the Town and shall have all policymaking and legislative powers and other powers possessed by the Town not otherwise limited or conferred upon others by this Charter.

Section 2-2. Terms of Office. Each Trustee and the Mayor shall be elected for a term of four (4) years. Three (3) Trustees and the Mayor shall be elected at the regular election in April 2008, and every (4) years thereafter. Three trustees shall be elected at the regular election of 2010, and every four (4)

years thereafter, subject to the provisions of Section 2-7 of this Article. The provisions of Article XVIII, Section 11, of the Colorado Constitution, as the same may be amended from time to time, regarding limitation on terms of office shall apply.

Section 2-3. Qualifications for Elected Office. Each Trustee and the Mayor shall be a qualified elector of the Town and shall be a resident for at least twelve (12) months of an area that is within the Town as of the date of election and during his or her entire tenure in office. Neither any Trustee nor the Mayor shall be a paid employee of the Town, nor shall they apply for any employment position with the Town while in office. The term of any Trustee or the Mayor shall terminate when he or she no longer resides in the boundaries of the Town of Cedaredge.

Section 2-4. Duties of the Mayor. The Mayor shall preside at all regular and special meetings of the Board of Trustees and shall be required to vote on matters being considered by the Board of Trustees, except as otherwise provided herein. The Mayor shall act as the ceremonial head of government of the Town. The Mayor shall execute and authenticate with his original signature legal instruments, contracts, and documents requiring a signature on behalf of the Town, unless the Board of Trustees authorizes another manner of authenticating documents by ordinance, resolution, or motion. The Board of Trustees may, for specific and limited purposes, delegate certain nonlegislative duties of the Mayor to the Town Administrator or other employees of the Town.

Section 2-5. Mayor Pro Tem. The Mayor shall appoint one (1) of the Trustees as Mayor Pro Tem, who shall act as Mayor during the absence of the Mayor with all powers herein granted to the Mayor. Such appointment shall be confirmed by a majority of the Trustees present constituting a quorum. If the office of Mayor Pro Tem becomes vacant, then the Mayor shall appoint a new Mayor Pro Tem at the next regular meeting of the Board of Trustees.

Section 2-6. Treasurer. The Board of Trustees shall appoint a Treasurer from among its members. The Treasurer shall have the responsibility along with staff to report monthly at a regular Board meeting the financial condition of the Town and its various funds.

Section 2-7. Vacancies.

(a) An elected Trustee or Mayor shall continue to hold office until his or her successor is duly qualified and elected. The elected positions of Trustees and Mayor shall become vacant before the expiration of the term of office, on the happening of any one (1) of the following events:

- (1) Death of the Trustee or Mayor.
- (2) Resignation of the Trustee or Mayor.
- (3) Removal of the Trustee or Mayor from office.
- (4) Trustee or Mayor ceases to be a resident of the Town.
- (5) Trustee or Mayor is declared incapacitated to an extent that prohibits him/her from properly performing his or her duties as an elected officer.
- (6) A member of the Board of Trustees or Mayor misses more than three (3) consecutive regular meetings, in which case he or she may be removed from the position by a vote of five (5) members of the Board of Trustees, after notice and hearing. If a Trustee has a reasonable basis for missing meetings acceptable to the other Board of Trustees members, particularly if given in advance, the absence shall be deemed to be excused and shall not be a basis for a removal vote.
- (7) Trustee or Mayor is convicted by a court of competent jurisdiction of any act constituting misconduct in office or a felony.

(b) The existence of a vacancy shall be established by competent evidence thereof placed on record in the Board of Trustee minutes. The Board of Trustees shall determine the validity of the evidence and decide when a vacancy exists.

(c) Not less than ten (10) days nor more than ninety (90) days after a vacancy in an elected office has been determined to exist by the Board, the remaining Trustees shall appoint an eligible person to serve until the next regular Town election. The Board of Trustees may leave the office vacant.

(d) In the event of a vacancy in the position of Mayor, the Board shall fill the vacancy by appointing one (1) of the members of the Board to serve as Mayor until the next Town Election. The vacancy of the Trustee position created by such an appointment shall be filled in the manner set forth in Section 2-7(c); provided, however, that if there will be remaining unexpired time in the term of the Trustee appointed as Mayor, the Trustee shall be automatically restored to his or her Trustee position and shall serve the remainder of his or her original term following that date.

(e) Multiple Vacancies. If three (3) or more vacancies exist on the Board of Trustees at any given time, then the Board of Trustees may immediately schedule a special election to take place as soon as practical under the Colorado Municipal Election Code of 1965, unless a regular election is already scheduled within ninety (90) days. The Board of Trustees can fill multiple vacancies by appointment if they so desire.

Section 2-8. Powers of the Board. The Board shall be the legislative and governing body of the Town and shall have such powers as are possessed by the Town and not otherwise conferred by this Charter. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance or resolution.

Section 2-9. Term Limitations. The Board Members and the Mayor will be limited to two (2) consecutive terms for each office.

Section 2-10. Compensation of Elected Officials. The compensation for the Mayor and other Trustees shall be as established by ordinance from time to time; provided, however, that any change or increase passed during a Trustee's or the Mayor's current term of office shall not take effect with respect to that official until a subsequent term, if any. Notwithstanding the foregoing, the Board may establish additional compensation by ordinance for special meetings requested by applicants, and such compensation may take effect for all Board members immediately, as the Board may determine appropriate by ordinance.

Section 2-11. Meetings of Board of Trustees.

(a) Regular Meetings. The Board of Trustees shall hold regular meetings not less than once per month and shall schedule by ordinance a time and place for regular meetings.

(b) Special Meetings. Special meetings of the Board of Trustees shall be called by the Town Clerk on the request of the Mayor or the Town Administrator, or a request from members of the Board of Trustees equivalent to a quorum of the Board of Trustees. At least twenty-four (24) hours prior to such meeting, the Town Clerk shall post a notice of the meeting in at least one (1) public place within the Town and shall provide reasonable notice to all Trustees of the meeting. Trustees shall have the duty to keep the Town Clerk informed of their preferred method of receiving notice for this and other provisions of this Charter. In the event of a stated emergency, a special meeting may be held on shorter notice to the members of the Board of Trustees and with less than twenty-four (24) hour advance posting of notice if a quorum of the Board of Trustees consents at the beginning of such meeting.

(c) Organizational Meeting. At the first regular meeting following a regular election, and before the Board of

Trustees conducts any official business other than approval of minutes from past meetings, the Town Clerk shall administer the oath of office to newly elected members of the Board of Trustees, and they shall assume office at that time. The Board of Trustees shall then proceed at such meeting or at a subsequent meeting, if approved by a majority of the Trustees present and voting, to appoint the Mayor Pro Tem and conduct such other organizational business as it sees fit.

(d) Place of Meetings. Meetings of the Board of Trustees shall be held in Town Hall or such other place as the Board may designate from time to time by resolution. When such meeting facilities are not available or are inadequate, or if approved by a majority of the Board of Trustees for special reasons, the Board of Trustees may designate an alternate place for such meeting and post notice thereof as provided in subsection (b) above.

(e) Meetings Open to the Public—Executive Sessions Authorized. All meetings of the Board of Trustees shall be open to the public. Executive sessions may be conducted during regular or special meetings of the Board of Trustees to the maximum extent permitted by the laws of the State as may be enacted from time to time. Executive sessions shall not be “meetings” for the purpose of this Section.

(f) Quorum. A majority of the Board of Trustees in office at the time shall be a quorum for the transaction of business at all Board of Trustees meetings.

Section 2-12. Oath of Office. Before entering upon the duties of their respective offices, every person elected or appointed to any office 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 of Cedaredge, and to perform faithfully the duties of the office.

ARTICLE III: TOWN ADMINISTRATION

Section 3-1. Town Administrator. The Board of Trustees shall appoint a Town Administrator, who shall execute the laws and ordinances of the Town and shall have the duty and authority to hire, suspend, transfer, and remove any Town Employee, except as otherwise provided in this Charter or by ordinance, and other powers and duties as provided by ordinance. The Board of Trustees shall appoint the Town Administrator on the basis of fitness, education, competency, training, and experience. The Town Administrator shall serve at the pleasure of the Board of Trustees, and he or she may be removed by the Board of Trustees at any time with or without cause upon the affirmative vote of a majority of the Board of Trustees. The Board of Trustees shall establish policies and procedures for a contract with the Town Administrator, at their sole discretion. If the office of the Town Administrator becomes vacant, the Board of Trustees shall appoint either a temporary or permanent replacement as soon as reasonably possible. Should the Board for financial or other reasons choose not to fill a vacancy in the Town Administrator's position, such a decision will be made by way of resolution and such resolution will state the reasons, and the Mayor will choose someone to act as administrative head in that absence.

The Town Administrator shall designate, by letter filed with the Town Clerk, a qualified administrative Town employee to perform the Town Administrator's duties during a temporary absence or disability. In the event of a failure of the Town Administrator to make such a designation, the Mayor may designate a qualified administrative Town employee to perform the duties of the Town Administrator until the Town Administrator returns or the disability ceases.

Section 3-2. Town Clerk. The Board of Trustees shall appoint a Town Clerk. The Town Clerk shall be the custodian of the Town Seal and shall keep records of Board of Trustees proceedings and record in full all ordinances, motions, and resolutions. The Town Clerk shall have the power to administer oaths and take

acknowledgments under the Seal of the Town and shall perform such other duties as required by this Charter, the Board of Trustees, ordinance, or statute.

Section 3-3. Police Chief. The Board of Trustees shall appoint a Police Chief. The Police Chief shall be the head of the Police Department, shall see that the ordinances of the Town and Statutes of the State of Colorado are duly enforced, and shall have such other powers and duties as provided by ordinance or statute.

Section 3-4. Financial Director. The Board of Trustees shall appoint a Financial Director. The Financial Director shall have charge of the financial records of the Town and shall collect, receive, and disburse all monies as authorized by the Board of Trustees or delegated to the Town Administrator and shall have all other duties required to administer properly the financial affairs of the Town.

Section 3-5. Multiple Positions. Unless otherwise prohibited by this Charter, by ordinance, or by statute, any one person may be appointed to multiple positions.

Section 3-6. Terms. The Board of Trustees may establish terms of office for all appointed personnel positions by ordinance.

Section 3-7. Board and Administration Relations. Except for informal inquiry, Board Members and the Mayor shall deal with personnel and employees solely through their designated supervisor or supervisors. Employees whose responsibilities include more than one department may have more than one supervisor. Complaints about the Town Administrator shall first be registered with the Board of Trustees in writing and if necessary brought before the Board in Executive session per the Town Attorney's recommendations. For all other employees, the Board may from time to time adopt by resolution personnel procedures and complaint procedures. Complaints about individual employees shall not be permitted at Board meetings without first having followed the procedures established by the Board of Trustees.

The Board of Trustees shall have the authority to direct the Town Administrator with respect to the performance of his or her duties and responsibilities. Individual Board members and the Mayor shall be authorized to discuss matters relating to Town operations and administrative services with employees, officers, contractors, and consultants of the Town, including the Town Administrator. They shall not give any direct orders specifically to Town employees. The Mayor and Town Board are authorized to direct the Town Administrator regarding the administration and operations of Town Codes, ordinances, resolutions, policies, procedures, and directives to be carried out by the administration.

ARTICLE IV: TOWN ATTORNEY

Section 4-1. Town Attorney. The Board of Trustees shall appoint a Town Attorney, who shall be the legal representative of the Town, and he or she shall advise the Board of Trustees and Town officials in matters relating to their official powers and duties and legal matters affecting the Town. The Town Attorney or his or her assistants shall represent the Town in legal proceedings and may assist with the drafting of ordinances and resolutions and the preparation of other legal documents. The Town Attorney shall be an attorney-at-law licensed and admitted to practice in the State of Colorado, and he or she may be an employee of the Town or a contract attorney, at the sole discretion of the Board of Trustees. The Board of Trustees shall establish the compensation to be paid to the Town Attorney. The Town Attorney shall serve at the pleasure of the Board of Trustees, and the Board of Trustees may remove the Town Attorney at any time with or without cause. The Town Attorney may use associated counsel with the approval of the Board of Trustees. The Board of Trustees may also retain the services of special counsel for any matter and may, in its discretion, delegate any duty of the Town Attorney to such special counsel.

ARTICLE V: ELECTIONS AND RECALL

Section 5-1. Colorado Municipal Election Laws Adopted. All Town elections shall be governed by the Colorado Municipal Election Code of 1965, as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance.

Section 5-2. Elector Qualification. In order to vote in any election, an elector must be eighteen (18) years of age as of the day of the election, be a citizen of the United States of America, be a registered voter with the Delta County Clerk, not be in prison, and have legally resided for at least thirty (30) days immediately preceding the election in Colorado and in an area that is within the municipal limits of the Town as of the date of the election.

Section 5-3. Time of Elections. All regular elections of the Town shall be held on the first Tuesday of April in even numbered years. Any special election of the Town shall be called by resolution enacted at least sixty (60) days in advance of such election. The resolution calling a special election shall set forth the purpose of such election.

Section 5-4. Non-Partisan Elections. All municipal elections shall be non-partisan. No candidate for any municipal office shall run under a party label of any kind.

Section 5-5. Elective Officers. The elective officers of the Town shall be six (6) Trustees and one (1) Mayor, all of whom shall be nominated and elected from the Town at large unless otherwise provided by ordinance in accordance with this Charter. Nominations shall be by petition as provided in the Colorado Municipal Election Code of 1965 as now existing, or hereafter amended or modified, except that at least twenty-five (25) signatures of registered electors of the Town of Cedaredge shall be required on each petition. Notwithstanding the provisions of the Colorado Municipal Election Code, a registered elector may sign any number of nominating petitions regardless of the number of separate offices to be filled in any municipal election.

Section 5-6. Election Precincts. The Town shall consist of one (1) voting precinct, provided that the Board of Trustees may by ordinance establish more precincts and/or change precinct boundaries at least thirty (30) days or more prior to any election. Any precincts so established shall remain for subsequent elections until otherwise provided by ordinance.

Section 5-7. Election Procedures. The establishment of regulations on registration, judges, clerks, and the conduct of elections shall be governed by the Colorado Municipal Election Code of 1965 as now existing, or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance.

Section 5-8. Recall.

(a) Members of the Board of Trustees, including the Mayor, may be recalled in accordance with the provisions and limitations of this Section.

(b) No recall petition shall be accepted against the Mayor or any Trustee until the Mayor or Trustee has actually held the office for at least six (6) months.

(c) A petition for recall shall be signed by a number of registered electors equal to or more in number than twenty-five percent (25%) of the entire vote cast at the last preceding regular election for all candidates to the office that the incumbent sought to be recalled occupies.

(d) Except to the extent inconsistent with this Charter or procedures prescribed by ordinance, the

procedures and provisions for recall as provided by Article XXI of the Colorado Constitution applicable to municipal governing bodies shall apply to recall of the Board of Trustees. Consistent with the Constitution and this Charter, the Board of Trustees may provide by ordinance for further recall procedures.

Section 5-9. Conduct of Elections. The Town Clerk shall have charge of all activities and duties required pursuant to this charter relating to the conduct of Town elections. In any case where election procedures are in doubt or question, the Town Clerk shall prescribe the procedures to be followed.

ARTICLE VI: INITIATIVES, REFERENDUMS AND PETITIONS

Section 6-1. General Authority.

(a) Initiative. The registered electors of the Town shall have power to propose any ordinance to the Board of Trustees, in accordance with the provisions of this Article and Article V, Section 1(1) of the Colorado Constitution.

(b) Referendum. The registered electors of the Town shall have power to require reconsideration by the Board of Trustees of any ordinance in accordance with the procedures of this Article except emergency ordinances or ordinances dealing with administrative matters, including but not limited to, budgets, appropriations, calling elections, employee salaries, contractual obligations, and payment of bills in accordance with the provisions of this Article and Article V, Section 1(1) of the Colorado Constitution.

(c) The Board of Trustees may refer a matter to the registered electors of the Town.

Section 6-2. Procedure. Except as specifically provided in this Article to the contrary, the provisions of Title 31, Article 11, C.R.S., as amended from time to time, are hereby adopted and shall apply to the initiative and referendum process and to referred measures.

Section 6-3. Petitioner's Committee. Any three (3) registered electors of the Town may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating that they will constitute the petitioner's committee, will circulate the petition and file it in proper form, and further stating their names, street addresses, the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the Clerk shall issue the appropriate petition forms to the petitioner's committee.

Section 6-4. Petitions.

(a) Number of Signatures. Initiative petitions or referendum petitions must be signed by registered electors of the Town equal in number to at least fifteen percent (15%) of the total number of registered electors in Town as of the date the affidavit referred to in Section 6-3 is filed.

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

(c) Affidavit of Circulator. Each page of a petition shall have attached to it, when filed, an affidavit of the Circulator stating that the Circulator personally circulated the petition, the number of signatures thereon, that all the signatures were affixed in the Circulator's presence, that the Circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer read the full text of

the ordinance proposed or sought to be reconsidered prior to signing the petition.

(d) Time for Filing Referendum Petitions. A referendum petition complying with the requirements of this Article must be filed with the Town Clerk within thirty (30) days following issuance of the petitions provided for in Section 6-3 or it shall be of no effect.

Section 6-5. Review of Petition. Within fifteen (15) working days after the petition is filed, The Town Clerk shall issue a decision as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the decision by U.S. mail to the petitioner's committee and return the petition.

Section 6-6. Protest. The period of time for filing a written protest of an initiative or a referendum petition shall be within thirty (30) days from the date the petition is filed.

Section 6-7. Suspension of Ordinance. When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate upon the occurrence of any of the following events: (1) a determination of insufficiency of the petition; (2) a withdrawal of the petition by the petitioner's committee; (3) repeal of the ordinance by the Board of Trustees; or (4) upon certification of a favorable vote on the ordinance.

Section 6-8. Amendment and Repeal. An ordinance adopted by the electorate may not be amended or repealed by the Board of Trustees for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted by the Board of Trustees for a period of six (6) months after the date of the election at which it was repealed, but such ordinances may be adopted, amended, or repealed at any time by the voters.

Section 6-9. Additional Procedures. The Board of Trustees may by ordinance prescribe additional procedures as necessary or appropriate for the initiative or referendum process.

ARTICLE VII: MUNICIPAL COURT; MUNICIPAL JUDGE

Section 7-1. Municipal Court. There shall be a Municipal Court, which shall have jurisdiction to hear and try all alleged violations of the Town ordinances. The Municipal Court shall have all jurisdictions as is provided under State statutes and rules promulgated by the Colorado Supreme Court. The Municipal Court shall be a qualified Municipal Court of Record and shall keep a verbatim record of all proceedings and evidence at trials by either electronic or stenographic means.

Section 7-2. Municipal Judge. The Board of Trustees shall appoint a Municipal Judge every two (2) years to serve at the pleasure of the Board of Trustees. Said Judge may be removed with cause as defined in CRS 31-4-307 by the vote of four (4) members of the Board of Trustees at any time. The Board of Trustees may appoint additional assistants or acting Municipal Judges as deemed appropriate from time to time. Municipal Judges shall be licensed to practice law in Colorado. Municipal Judges shall be compensated on a basis established by the Board of Trustees provided that compensation shall not be based directly on the number of cases handled or heard by the Judge.

Section 7-3. Municipal Court Clerk. The Town Administrator may designate a person to perform the duties of Municipal Court Clerk and provide for such compensation as deemed appropriate by the Board of Trustees.

Section 7-4. Powers of Municipal Judge. The Municipal Judge shall have all judicial powers relating to the

operation of the Municipal Court to the extent not inconsistent with this Charter or Town ordinances.

Section 7-5. Penalties. Penalties for violations of Town ordinances shall be established by ordinance. No fine or sentence for such violations shall exceed the maximum established by applicable laws for municipal ordinance and/or code violations.

Section 7-6. Additional Procedures. The Board of Trustees may by ordinance prescribe additional procedures as necessary or appropriate for the Municipal Court or the Municipal Judge, as permitted by law.

ARTICLE VIII: BUDGET, FINANCE, INVESTMENTS, AND TAXATION

Section 8-1. Fiscal Year. The fiscal year of the Town shall be the calendar year.

Section 8-2. Contracts. Except as otherwise prescribed by the Board of Trustees, the Board of Trustees shall approve all contracts for the Town. All employment or personal service contracts shall either terminate in one (1) year or less or be terminable for the Town's convenience, with or without cause, unless otherwise provided by this Charter or by ordinance.

Section 8-3. Funds and Accounts. The Board of Trustees may establish such funds and accounts as necessary or convenient for the Town. Funds and accounts may be established by ordinance, resolution, or by the annual budget.

Section 8-4. Proposed Budget and Message. Prior to November 15, or such other time as the Board of Trustees may provide by ordinance, the Town Administrator shall cause to be prepared and submitted to the Board of Trustees 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 required by law.

Section 8-5. Budget.

The Board of Trustees shall adopt an annual budget for the fiscal year. Such budget shall present a complete financial plan by fund and by spending agency within each fund and shall set forth the following:

- (a) All proposed expenditures for administration, operation, maintenance, debt service, and capital projects to be undertaken or executed by any spending agency during the fiscal year;
- (b) Anticipated revenues for the fiscal year;
- (c) Estimated beginning and ending fund balances;
- (d) The corresponding actual figures for the prior fiscal year and estimated figures projected through the end of the current fiscal year, including disclosures of all beginning and ending fund balances, consistent with the basis of accounting used to prepare the budget;
- (e) A written budget message describing the important features of the proposed budget, including a statement of the budgetary basis of accounting used and description of the services to be delivered during the fiscal year;
- (f) Explanatory schedules or statements classifying the expenditures by object and the revenues by source;
- (g) An estimate of the amount required to be raised from an ad valorem property tax levy; and
- (h) Such other information as the Board of Trustees may require.

Section 8-6. Budget Hearing. The Board of Trustees shall hold a public hearing on the proposed budget and capital program after receipt of the proposed budget. Notice of the time and place of such hearing shall be published at least one (1) time at least ten (10) days prior to the hearing and shall state that copies of the

proposed budget and the proposed capital projects programs are available for public inspection in the office of the Town Clerk.

Section 8-7. Board of Trustees' Action on Budget.

(a) Unless another date is provided by ordinance, the Board of Trustees shall adopt the budget, by resolution, on or before the date provided by law for certification of the ad valorem property tax levy. If the Board of Trustees 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 Board of Trustees adopts the budget for that fiscal year.

(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 Board of Trustees shall cause the ad valorem property tax levy to be certified as provided by law.

Section 8-8. Contingencies.

(a) The budget may include an item for contingencies.

(b) Expenditures shall not be charged directly to contingencies except in those cases where there is no logical account to which an expenditure can be charged.

Section 8-9. Amendments After Adoption.

(a) Supplemental Appropriations. If, during the fiscal year, the Town Administrator certifies there are available for appropriation revenues in excess of those estimated in the budget or revenues not previously appropriated, the Board of Trustees by resolution 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 Board of Trustees 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 Board of Trustees 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 Administrator that the revenues available will be insufficient to meet the amount appropriated, the Town Administrator shall report to the Board of Trustees without delay, indicating the estimated amount of deficit and the Town Administrator's recommendation as to any remedial steps to be taken. The Board of Trustees 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 or more appropriations.

(d) Transfer of Appropriations. Any time during the fiscal year, the Town Administrator may recommend the transfer of part or all of any unencumbered appropriation balance among programs within a fund, department, office, or agency. The Board of Trustees 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 8-10. Administration—Payments and Obligations Prohibited. Except for securities issued and payment obligations incurred pursuant to Articles XI and XII 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 Administrator 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 void at the Board of Trustees' discretion.

Section 8-11. Adoption of Property Tax Levy. The Board of Trustees shall adopt the property tax levy each year in time to have it certified to Delta County for collection. The property tax levy may be adopted by resolution or by ordinance. If the Board of Trustees should fail to make such levy, the rate last fixed shall be the rate for the next ensuing fiscal year and shall be levied according to law.

Section 8-12. Budget Control.

(a) The Board of Trustees shall require monthly reports to be prepared for review by the Board of Trustees showing the relation between budgeted expenditures and revenues, and the year's actual expenditures and revenues to date.

(b) If it appears that revenues may be less than anticipated, the Board of Trustees may reduce appropriations and amend the budget as necessary to avoid expenditures exceeding revenues.

(c) During the year, the Board of Trustees may make supplemental appropriations by resolution provided that revenues are available from unanticipated revenues, unappropriated fund balances, reserves, emergency reserves, or other sources for such purpose.

(d) The Board of Trustees may authorize unappropriated fund balances, unencumbered appropriation balances, or revenues to be transferred from one fund to another.

(e) All supplemental appropriations, reduced appropriations, or transfers shall be accomplished by a resolution approved by a minimum of four (4) members of the Town Board of Trustees.

(f) Annual expenditures shall not exceed appropriations on a fund basis.

Section 8-13. Independent Audit. The Board of Trustees shall provide for an annual independent audit of the Town's financial condition and may provide for more frequent audits as determined appropriate. The annual audit shall be made by a qualified, certified public accountant.

Section 8-14. Accounting Principles. Except as otherwise provided by this Charter or Town ordinances, the Town shall comply with generally accepted accounting principles for municipalities.

Section 8-15. Deposits and Investments. The Town may deposit and invest its money until such time as it is required to be expended, in any bank, depository, savings and loan, financial institution, investment, or security authorized by Colorado statutes for the state or local governments or any agency or political subdivision thereof. The Town or any fund, district, or authority thereof may invest in the bonds or other securities of the town or any fund, district, or authority thereof.

Section 8-16. Municipal Taxation. Except for ad valorem taxes that may be adopted by resolution, the Board of Trustees may adopt or increase municipal taxes by ordinance as long as those taxes or tax increases comply with the following conditions:

(a) Such taxes or tax increases are subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval; and

(b) Such taxes or tax increases are not prohibited for home rule municipalities by the Colorado Constitution.

Section 8-17. Authority to Acquire Property at Tax Sales. In addition to any other power it has to acquire property, the Town is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and/or special assessments. The Town may sell and dispose of any property acquired under this authority, provided approval for any such sale or disposal is accomplished by ordinance.

Section 8-18. Capital Improvements Plan.

(a) The Board of Trustees shall provide for the development and adoption of a capital improvements plan each year.

(b) The capital program plan shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(c) The plan shall at a minimum include significant capital improvement projects, planned or proposed, for the next five (5) years, including estimated costs and sources of revenue proposed to finance such improvements.

(d) Such plan shall be utilized by the Board of Trustees as a guide in drafting and adopting the annual budget.

(e) The capital program shall include the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(f) The capital program shall include the methods to measure the outcomes and performance of the capital plan related to the long-term goals of the community.

Section 8-19. Forms of Borrowing. The Town may, subject to any applicable limitations in the Colorado Constitution, borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Board of Trustees to be in the best interests of the Town.

Section 8-20. Review of Proceedings. No action or proceeding at law or in equity to review or question the validity of any acts or proceedings, to enjoin the performance, issue or collect any securities, or the levy or collection of any assessments, or for any other relief against any acts or proceedings of the town done under this Article, shall be maintained against the Town unless commenced within thirty (30) days after the performance of the act or the effective date of the ordinance or other action authorizing borrowing the money, or shall thereafter be forever barred.

Section 8-21. Enterprise Funds.

The Board of Trustees may, subject to ordinance requirements and limitations, adopt ordinances providing for the establishment and operation of any enterprise fund. Enterprise funds in existence prior to the date of this Charter shall be continued.

Section 8-22. Competitive Bidding. The Board shall establish, by resolution, procedures to ensure fair and competitive bidding practices.

ARTICLE IX: UTILITY DISTRICTS, FRANCHISES, AND SPECIAL DISTRICTS

Section 9-1. Authorization.

(a) The Town shall have the power to create special improvement districts, general improvement districts, business improvement districts, special taxing districts, urban renewal authorities, housing authorities, and other special districts and authorities as authorized by Colorado statutes for municipalities within or without or partly within or without the Town.

(b) The Town shall also have the power to create districts and authorities similar to those referred to in paragraph (a) above pursuant to provisions prescribed by ordinance subject to the provisions of this Charter, and to adopt policies by resolution regarding the establishment of any district.

(c) The costs of constructing, installing, or acquiring public, local or municipal improvements of every kind and character may be assessed in whole or in part upon the property benefited by such improvements by the Town.

(d) Money may be borrowed to finance the construction, installation, or acquisition of such improvements by borrowing money as provided for in Article XI of this Charter, including securities secured by a pledge of assessments against the benefited property in the District. Such obligations shall not require a vote of the electorate unless required by the Colorado Constitution.

(e) The Town may also pay for such improvements out of monies available therefore from any appropriate fund or source and provide for repayment to the appropriate fund from collection of the assessments.

(f) The Town may also redeem or prepay improvement district securities at any time funds are available to do so and assign the assessments as collected to an appropriate fund of the Town.

Section 9-2. Public Hearing. Prior to the creation of any district with separate taxing powers or that is intended to assess the costs of improvements against the property within the district, a hearing shall be held with notice as may be required by the Cedaredge Municipal Code, as may be amended from time to time, or as otherwise provided by ordinance, to the owners of record subject to the proposed assessments or within the district.

Section 9-3. Review of Improvement District Proceedings. No action or proceeding at law or in equity to review or question the validity of any acts or proceedings, to enjoin the issuance or payment of any securities or levy or collection of assessments authorized by this Article or for any relief against any acts or proceedings of the Town done under this Article shall be maintained against the Town unless commenced within thirty (30) days after the performance of such act or the effective date of the ordinance or resolution complained of, or else be thereafter forever barred.

Section 9-4. Utility Franchises.

(a) No utility, including but not limited to, those providing water, sewer, cable TV, electrical power, telephone, telegraph, telecommunications, or natural gas, may use or occupy the streets, alleys, and other property of the Town without obtaining a utility franchise or permit authorized by an ordinance adopted by the Board of Trustees.

(b) All franchise and utility permits shall be nonexclusive.

(c) The Town shall have the power and authority within or without the Town to construct, condemn, purchase, acquire, lease, operate, and maintain its own utilities, assets, equipment, and everything in relation or in connection therewith and every utility franchise or permit granted by the Town shall be subject

to the reserved right of the Town to acquire such utility by eminent domain.

(d) All utilities shall remain subject to the police power of the Town notwithstanding anything to the contrary in the franchise or permit.

Section 9-5. Control of Water Reserved to Town. No franchise, right, or privilege shall be granted affecting the use of water or water rights belonging to the Town, or affecting its water systems, without retaining complete and absolute control for the Town.

Section 9-6. Franchise Records. The Board of Trustees shall cause to be kept in the office of the Town Clerk a franchise record in which shall be transcribed copies of all franchises granted by the Town. The record shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual and inspection reports, and such other information as the Board of Trustees may require.

Section 9-7. Existing Franchises. All franchise ordinances of the Town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

Section 9-8. Town Utilities.

(a) The Town shall have and exercise all the authority and powers provided by the Colorado Constitution, state statutes, and other applicable laws in any matter pertaining to Town-owned utilities, including water and water rights and acquisition thereof, and bonded indebtedness in connection therewith.

(b) The Board of Trustees shall from time to time fix, establish, maintain, and provide for the collection of rates, fees, and charges for water, sewer, and other utilities and services furnished by the Town.

(c) Such rates, fees, and charges shall be sufficient in the Board of Trustee's judgment to provide good service to the customers; pay all bonded indebtedness; pay legally required refunds; cover the cost of operation, maintenance, additions, extensions, betterments, and improvements; provide a reasonable return on the Town's investment in utility properties and capital investments; and reimburse the general fund for administrative services and overhead provided and incurred by the Town on behalf of each utility, as allowed by the Colorado Constitution and other applicable laws.

(d) Any right, privilege, permit, or contract granted by the Town giving any right, permission, or privilege to use Town water, the Town water system, or Town sewer system shall always be subject to the most comprehensive oversight, control, and management by the Town, and such control is retained and reserved by the Town to ensure that nothing can be done that would interfere with the successful long-term operation of the Town's water or sewer systems and other utilities and services furnished by the town or impair such systems for the benefit of the people of the Town.

ARTICLE X: STREETS, ALLEYS, AND PROPERTY

Section 10-1. Town Streets, Alleys, and Property. The Town shall have full authority, power, and control over all Town streets, alleys, rights-of-way, easements, and other Town owned property, including but not limited to, all power and authority to regulate, operate, use, maintain, establish, repair, replace, vacate, purchase, condemn, sell, and lease such property.

ARTICLE XI: EXISTING BOARDS, COMMISSIONS, EMPLOYEES, AND CONTRACTORS

Section 11-1. Board of Trustees. The Mayor and Trustees of the Board of Trustees in office upon the effective date of this Charter shall thereafter become the Mayor and Trustees of the Board of Trustees and shall serve as such for the remainder of the term for which they were elected. Upon the expiration of those terms, Trustees shall be elected as provided in this Charter. All references to the Board of Trustees in any ordinance, resolution or regulation, contract, or other documents shall be construed to include the Board of Trustees after the effective date of this Charter.

Section 11-2. Existing Boards and Commissions. All existing Boards and Commissions shall continue as established, except as otherwise provided by ordinance or this Charter.

Section 11-3. General Provisions. The Board of Trustees may establish Boards and Commissions and provide for their powers and duties, and the Board of Trustees may consolidate, merge, or abolish any Board or Commission. Further, the Board of Trustees may establish temporary Advisory Commissions for advising the Board of Trustees with regard to a specific matter or for accomplishing specific tasks. The establishment, consolidation, merger, or abolishment of any Boards or Commissions shall be accomplished by ordinance or resolution. The ordinance or resolution establishing a Board or Commission shall provide for any required qualifications of Board and Commission members, the terms of office for such members, and the method of appointment. Members of Boards or Commissions shall be removable by a majority vote of the Board of Trustees. The resolution creating a temporary Advisory Commission shall describe the advice to be provided to the Board of Trustees or the task to be accomplished by the temporary Advisory Commission. Unless otherwise provided by the establishing ordinance or resolution, the Board of Trustees shall make appointments to fill vacancies for unexpired terms. Unless otherwise provided by this Charter or the establishing ordinance or resolution, each Board and Commission shall choose its own chairperson from its members and adopt and follow its own rules of procedure. All meetings of Boards and Commissions shall be open to the public. Copies of all records of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Board of Trustees as the Board of Trustees shall require. Members of Boards and Commissions may be paid, if such pay is established by ordinance, and they may be reimbursed for their reasonable expenses. A majority of any Board or Commission shall constitute a quorum. A vote of a majority of a quorum shall be a vote of the Board or Commission; provided, nothing herein shall preclude the Board of Trustees or a Board or Commission from requiring a greater number of affirmative votes in certain instances.

Section 11-4. Employees and Independent Contractors. The adoption of this Charter shall not affect the status of any employees or independent contractors currently under contract or employment by the Town.

ARTICLE XII: EFFECTIVE DATE AND TRANSITION PROVISIONS

Section 12-1. Purpose of Transitional Provisions. The purpose of this Article is to provide for an orderly transition from the present Town government to the Home Rule government under the provisions of this Charter.

Section 12-2. Effective Date of Charter. This Charter shall become effective immediately upon its filing and recording with the Colorado Secretary of State following an election at which the Charter is approved by a majority of the votes cast by the registered electors of the Town voting at such election.

Section 12-3. Saving Clause. The adoption of this Charter shall not be construed, except as specifically provided herein, to affect any offense or act committed, any penalty incurred, or any contract, right, or duty established or accruing before the effective date of this Charter. The adoption of this Charter shall not be interpreted to affect any contract previously entered into by the Town.

Section 12-4. Saturdays, Sundays, and Holidays. Except where expressly provided to the contrary, whenever a date fixed by this Charter, or by ordinance, for the doing or completion of any act falls on a Saturday, Sunday, or legal holiday, such act shall be done or completed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

Section 12-5. Emergency Powers and Line of Succession. The Board of Trustees may, by ordinance, provide for emergency powers and a line of succession in case of riot, insurrection, disaster, or extraordinary emergency.

Section 12-6. Interpretation.

(a) 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 in this Charter.

(b) Except as otherwise specifically provided in or indicated by the context, the singular number shall include the plural, the plural shall include the singular, and the word "person" may extend and be applied to bodies politic and corporate, partnerships, individuals and other public or private entities.

ARTICLE XIII: MISCELLANEOUS PROVISIONS

Section 13-1. Revocable Permits or Licenses. The Town may grant a permit or license at any time for the temporary use or occupation of any street, alley, other public way, or Town-owned place. Any such permit or license 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, license, or agreement.

Section 13-2. Disposition of Ordinances. The original ordinances and the certificates of the publisher of notice of ordinance shall be kept and be available for public inspection in the office of the Town Clerk.

Section 13-3. Governmental Immunity. The Town reserves to itself all rights under the Colorado Governmental Immunity Act, as now existing or hereafter amended.

Section 13-4. Titles and Headings. The article titles and headings of sections are inserted for convenience and reference only and shall not be construed to limit, describe, or control the scope or intent of any provision contained therein.

Section 13-5. Seal. The Board of Trustees shall provide for a Town Seal.

Section 13-6. Technical Amendments. The Board may, by ordinance, effect technical changes in the Charter that do not substantively change the provisions of this Charter, such as correction of spelling or grammatical errors.

Section 13-7. Effect of State Statutes. The power to supersede any law of the State of Colorado now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the Town, acting by ordinance, subject only to restrictions of the Colorado Constitution and subsequent amendments to this Charter and by ordinance. Unless otherwise provided by or as preempted or in conflict with this Charter or by ordinances adopted by the Board hereunder, the statutes of the State of Colorado shall be in effect.

Section 13-8. Land Use Administration. The Board may adopt land use and development ordinances and approve or disapprove of any related land use decisions concerning these ordinances.

Section 13-9. Mineral Rights.

(a) The Town shall have the right and power to buy, appropriate, sell, condemn, exchange, lease, own, control, and otherwise deal in mineral rights, including the right to compel the dedication and conveyance of all mineral rights associated with real property as a condition precedent to obtaining or maintaining use or development rights or other municipal services from the Town.

(b) The Board may adopt procedures to identify, document, and permanently record the ownership of all mineral rights associated with all property located within the Town. Nothing contained in this section shall be construed as prohibiting the Board from adopting appropriate ordinances, which limit or prohibit the transfer or application of mineral rights associated with one parcel or development to another parcel or development.

(c) No franchise, right, or privilege shall be granted affecting the use of mineral rights belonging to the Town, without retaining ownership of such property in the Town. No such franchise right or privilege shall allow or create an encumbrance on such property in favor of a third party, or be for a term exceeding ten (10) years. Any such franchise, right, or privilege shall terminate automatically if necessary to preserve or maintain the property or right of the Town's ownership.

Section 13-10. Water Rights and Geothermal Control of Water Reserved to Town.

(a) The Town shall have the right and power to buy, appropriate, adjudicate, sell, condemn, exchange, lease, own, control, and otherwise deal in water and geothermal water rights.

(b) The Board may adopt procedures to identify, document, and permanently record the ownership of all water and geothermal water rights associated with all property located within the Town. Nothing contained in this section shall be construed as prohibiting the Board from adopting appropriate ordinances, which limit or prohibit the transfer or application of water associated with one parcel or development to another parcel or development.

(c) No franchise, right, or privilege shall be granted affecting the use of water, geothermal water, or water rights belonging to the Town, or affecting its water systems, without retaining ownership of such property in the Town. No such franchise right or privilege shall allow or create an encumbrance on such property in favor of a third party, or be for a term exceeding ten (10) years. Any such franchise, right, or privilege shall terminate automatically if necessary to preserve or maintain the property or right of the Town's ownership.

Section 13-11. Property Rights. The Town shall have the power to acquire, own, sell, lease, exchange, dispose of, or otherwise deal with real property, personal property, water, and water rights by ordinance without the need for an election.

ARTICLE XIV: DEFINITIONS

Section 14-1. Definitions. The following definitions shall apply as used in this Charter:

1. **"Ad Valorem Tax"** means only the general property tax levied annually on real or personal property listed with the Assessor of Delta County, Colorado.
2. **"Administrator"** means the Town Administrator of the Town of Cedaredge appointed by the Board of Trustees.

3. “**Appoint**” means to name officially.
4. “**Appropriation**” means the authorized amount of monetary funds designated for the expenditure during a specified time for a specified purpose, usually as an appropriation of funds in the Town budget or amendment thereto.
5. “**Attendance at Meetings**” or “**Meeting Attendance**” means to attend a substantial portion of such a meeting as determined by a majority of the entire Board of Trustees.
6. “**Attestation**” means to affirm to be true or genuine.
7. “**Authentication**” means the act of proving something real, genuine, and/or veritable.
8. “**Board of Trustees**” means the governing body constituting the Town Board of the Town of Cedaredge, including the Mayor.
9. “**Board or Commission**” or “**Board and Commission**” means the boards and commissions established by this Charter or ordinances.
10. “**Clerk**” means the Town Clerk of the Town of Cedaredge or such office designation as may be used in place of the office of Town Clerk.
11. “**Codification**” means to systematize or classify.
12. “**Colorado Constitution**” means the Constitution of the State of Colorado, as amended from time to time.
13. “**CRS/Colorado Revised Statutes**” means those laws enacted by the State Legislature, as amended from time to time.
14. “**Elected Official**” means the Mayor and each Trustee, whether elected or appointed.
15. “**Emergency Ordinance**” means an ordinance, which, in the opinion of the Town Board is necessary for the immediate preservation of the public property, health, welfare, peace, and safety.
16. “**Employee**” means each compensated person in the service of the Town who is designated as an employee in the personnel code or applicable rules and regulations of the Town.
17. “**Entire Board**” means all of the members of the Town Board of Trustees, including the Mayor, provided for in Article II.
18. “**External**” means the electronic communication system that is not within or used exclusively by and within the Town government or Town properties. It is the electronic communication system, which may be used by, and available to the general public such as, but not limited to, cable television, the Internet, Web sites, computers, and other such systems or facilities as exist or that may be developed in the future.
19. “**Financial Director**” means that person appointed by the Town to have charge of the financial records of the Town and have the authority to disperse such monies as authorized by the Board of Trustees.
20. “**Fiscal Year**” means January 1st through December 31st.

21. **“Franchise”** means a right conferred by the Town (such as to a public utility) to use public property for public use but used for private profit.
22. **“General Election”** or **“Statewide General Election”** means the statewide election held on the Tuesday succeeding the first Monday of November in each even-numbered year.
23. **“Hire”** means in simplest terms to engage the personal services of for a set sum.
24. **“Initiative”** means the power of the registered electors of the Town of Cedaredge to propose to the Town Board, in accordance with the provisions of this Charter, certain ordinances for adoption by the Town Board that, if not adopted by the Board, shall be submitted to a vote of the registered electors of the Town for acceptance or rejection, in accordance with the provisions of this Charter.
25. **“Master Plan”** means that study conducted from time to time with public input as to the direction that the citizens of the Town wish to go with regard to what they wish to see in the future about what the town will be and represent.
26. **“Mayor”** means the Mayor of the Town.
27. **“Municipal Election”** means the Town election held on the first Tuesday in April of each even numbered year.
28. **“Newspaper”** means a newspaper of general circulation in the Town that meets the requirements for a legal newspaper as established in the State statutes.
29. **“Notice”** means that notice may be provided to the public as prescribed by this Charter and/or by ordinance by any or all means and methods of communication.
30. **“Ordinance”** means a permanent law or regulation adopted by legislative action of the Town Board pursuant to the procedures set forth in this Charter or by ordinances.
31. **“Power of Taxation”** means those powers granted by this Charter, Colorado law, and the State of Colorado Constitution as amended to effect responsible government as to the needs of the political entity of the people it serves.
32. **“Public Hearing”** means those proceedings defined within this Charter or by other law that are open to the public, but where it is also required to record those comments of the general public concerning the topic of such hearing.
33. **“Publication”** or **“Posting”** means:
- (a) Publication in a newspaper of general circulation; or
 - (b) Publication by electronic means and methods; or
 - (c) In the event of an emergency, or when no such newspaper is available, posting. Anything published by such posting because of an emergency shall subsequently be published in a newspaper of general circulation or published electronically; or
 - (d) Posting shall be affected by providing written or printed notice in various locations throughout the Town as provided by ordinance.
34. **“Referendum”** means the power of the registered electors of the Town of Cedaredge to request that the Town Board reconsider certain ordinances adopted by the Board as provided in this Charter; and, if the

Board fails to repeal such ordinances, to require that the Board submit the referred ordinances to a vote of the registered electors of the Town for approval or rejection, in accordance with the provisions of this Charter.

35. **“Regular Election”** or **“Regular Municipal Election”** means a Town election held pursuant to Article V.

36. **“Regular Meetings”** see Section 2-11 (a).

37. **“Resolution”** means an expression of an administrative or a ministerial act of the Town Board without any required form or procedure, as distinguished from legislative acts embodied in Town ordinances.

38. **“Securities”** means evidence or legal documents of debt, borrowing money, or financial obligations such as bonds, certificates, notes, or mortgages.

39. **“Shall”** and **“May”** as used in this Charter are differentiated, as “shall” is to mean mandatory, required, and nondiscretionary; and “may” is to mean permissive and discretionary.

40. **“Special Election”** or **“Special Town Election”** means a Town election held at a time other than a regular election.

41. **“Special Meeting”** refers to Section 2-11 (b) of this Charter.

42. **“State Constitution”** or **“Colorado Constitution”** means the Constitution of the State of Colorado, as amended from time to time.

43. **“State Statutes”** means the statutes of the State of Colorado, as amended or repealed from time to time.

44. **“Statewide General Election”** means the statewide election held on the Tuesday succeeding the first Monday of November in each even-numbered year.

45. **“TABOR”** means the Tax Payer Bill of Rights, a Colorado Constitutional Amendment restricting any tax increase to prior voter approval.

46. **“Town Officials,” “Officials,”** or **“Public Officials”** shall mean persons elected or appointed to the Board, including the Mayor, boards or commissions, appointed positions in the Town government, volunteers, and Town employees.

47. **“Treasurer”** means the Treasurer of the Town of Cedaredge, or such office designation as may be used in place of the office of Treasurer.

48. **“Trustee”** means each member of the Board of Trustees, except the Mayor, except as provided otherwise in this Charter, including, but not limited to Finance Director.