

PREFATORY SYNOPSIS

Pursuant to the adoption of Home Rule by the citizens of Arvada, Colorado on January 7, 1963, the Charter Convention members were elected at a special election on April 9, 1963, under the authority and method provided in Article XX of the Constitution of the State of Colorado.

The delegates of the Convention have viewed their task as one of great responsibility. Their goals for the City Government of Arvada were not confined to the present, but were set out to last for many generations. They do not, however, present a document which will stand forever, thus, there is provided a method to amend this Charter by popular election to meet these needs as they arise.

The Charter Convention drafted this document after extensive research into other City Governments, and upon the advice of the Home Rule Study Committees, members of the City Government of Arvada, and authorities in various fields.

The Charter provides for the continuation of our present Council-Manager form of City Government. The Council is composed of seven (7) members, to be elected at large. Provision is made for overlapping terms, with a majority of the Council to be elected every two (2) years.

The City Council will have all policy making and legislative power in the City. They will appoint the City Manager, City Attorney, Municipal Judge, and members of advisory boards and commissions.

The direct democratic techniques of initiative and referendum and recall have been included in the Charter. Such provisions provide the means by which the people can, if necessary, directly control the policies of their City Government at all times, enact or reject legislation as they see fit, and remove any elected official who fails to perform his duties properly.

The Convention sincerely feels that the City of Arvada, will, under this Charter, have a sound and effective government and respectfully presents this Charter to the voters of Arvada for their approval.

CHARTER for THE CITY OF ARVADA, COLORADO PREAMBLE

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

Footnotes:

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Editor's note— The Charter of the City of Arvada was approved by the voters of the city on July 23, 1963. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State Law reference— Charters, C.R.S. § 31-2-201 et seq.

CHAPTER I. - NAME—BOUNDARIES

1.1. - Name; boundaries.

The Home Rule municipal corporation in the Counties of Adams and Jefferson, State of Colorado, and known as the City of Arvada, shall remain and continue as a body politic and corporate under this Charter with the same name and boundaries until changed in a manner authorized by law.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

CHAPTER II. - MUNICIPAL POWERS

2.1. - Form of government.

The Home Rule municipal government provided by this Charter shall be the Council-Manager form of government.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— City council-city manager form of municipal government, C.R.S. § 31-4-201 et seq.

2.2. - Municipal powers.

The City shall have all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all powers which are granted to Home Rule Cities by the Constitution of the State of Colorado. This Charter shall be construed as a limitation on those powers and not as a grant of power, and the enumeration herein of certain powers shall not be construed to deny to the City and the people thereof any right or power granted to them by the Constitution of the State of Colorado.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Home rule, Colo. Const. art. XX, C.R.S. § 31-2-201.

CHAPTER III. - ELECTIONS

3.1. - Terms of office.

The terms of office for the Mayor and each Councilmember shall be four (4) years. The terms of office for the Mayor and for the Councilmembers elected at any Regular Municipal Elections shall commence at the first regular meeting following the election at 7:00 o'clock p.m.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Municipal home rule, C.R.S. § 31-2-201 et seq.

3.2. - Regular municipal elections.

Regular Municipal Elections shall be held biennially on the first Tuesday in November in odd-numbered years.

(Ord. No. 879, § 2, 4-6-1971/5-25-1971; Res. No. 81-45, § 3, 9-28-1981/11-3-1981; Res. No. R-90-177, § 2, 12-17-1990/3-19-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; Ord. No. 3925, § 1, 12-6-2004/12-6-2004)

3.3. - Special municipal elections.

Special Municipal Elections shall be held when called by resolution of the City Council, or by ordinance, at least forty (40) days in advance of such election or when required by the Charter or Statute. The resolution calling a special election shall set forth the purpose of such election. Any Councilmember elected at a Special Municipal Election shall take office at the first regular meeting following his/her election at 7:00 o'clock p.m., and shall serve until the next Regular Municipal election.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

3.4. - Laws governing elections.

Special and Regular Municipal Elections shall be governed by the Colorado Municipal Election Law and Uniform Election Code as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as City Council may prescribe by ordinance. The City Council may by ordinance establish the method for the registration of electors; the number, qualifications and compensation for election judges and clerks; and the boundaries of election precincts. The City Council may by ordinance establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Where an electronic voting system or voting machines are used, at least three judges and three alternate judges are required for each precinct. In a precinct with more than one voting machine, there may be an additional judge for each additional machine in the precinct, C.R.S. § 31-10-402. The compensation of judges and clerks is from \$5.00 to \$40.00, C.R.S. §§ 31-10-408, 1-3-113.

State Law reference— Municipal Election Code, C.R.S. § 31-10-101 et seq.; voter registration, C.R.S. § 31-10-203; judges and clerks, C.R.S. § 31-10-401 et seq.; election commission, C.R.S. § 31-10-105.

3.5. - Nonpartisan elections.

All Special and Regular Municipal Elections for elective office of the City shall be nonpartisan.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

3.6. - Recall.

Any Councilmember of the City of Arvada may be recalled from office at any time after holding office for six (6) months, in the manner here provided:

Procedure. The procedure hereunder to effect the recall of any Councilmember shall be as follows:

One (1) or more registered electors who would be entitled to vote for the successor of the incumbent sought to be recalled shall file with the City Clerk an affidavit of not more than two hundred (200)

words stating the reasons for the recall of the Councilmember sought to be removed. The City Clerk shall, within two business days after the filing of said affidavit, mail a copy of said affidavit, by certified mail, to the Councilmember sought to be recalled, who may file with the City Clerk a sworn statement in defense of the charges made against him/her. After the affidavit has been filed, the City Clerk shall authorize a petition for recall of the elected Councilmember, which, shall include the statement in defense of the petition if so requested by the person sought to be recalled, prior to the authorization by the City Clerk. The City Clerk's authorization shall not constitute an approval of the form or contents of the petition, but rather, shall commence the running of the time periods provided hereafter.

The authorized petition may be circulated and signed by registered electors who would be entitled to vote for the successor of the incumbent sought to be recalled. For recall of any Councilmember, said petition must be signed by registered electors who would be entitled to vote for a successor of the incumbent sought to be recalled, numbering at least twenty-five (25) percent of the registered electors voting for all the candidates for the Councilmember's respective office in the last preceding Regular Municipal Election.

The recall petition shall be filed with the requisite information and signatures with the City Clerk within sixty (60) days after authorization by the City Clerk. Failure to file a petition within this period shall render the recall petition null and void. If said petition is filed within the time specified, and is proper in all respects, the City Council shall set a date for a recall election to be held within ninety (90) days from the date of filing with the City Clerk, unless a Regular Municipal Election or a Special Municipal Election will be held within one hundred twenty (120) days following the filing of the petition, in which case the recall election shall be held in conjunction therewith. At such recall election the question of the proposed recall of the Councilmember shall be submitted to the registered electors who would be entitled to vote for the successor of the incumbent sought to be recalled.

The ballot upon which such proposed recall is submitted shall set forth the following question:

SHALL (NAME OF PERSON AGAINST WHOM RECALL PETITION IS FILED) BE RECALLED FROM THE OFFICE OF (TITLE OF OFFICE)?

Following such question shall be the words "Yes" and "No." In the event that a Councilmember is recalled by a majority vote of those voting on the question, the office shall be deemed vacant, and shall be filled as provided in this Charter for the filling of vacancies. The City Council shall make such additional rules and regulations as are necessary to implement the above procedure.

(Ord. No. 1598, § 3, 9-17-1979/11-6-1979; Ord. No. 2850, § 13, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#).)

Editor's note— The original section 3.6 of the Charter was repealed, and the above new section was approved, in an election held on November 6, 1979. Ord. No. 2850, § 13, adopted September 16, 1991, which amended the aforesaid, was approved at general municipal election November 5, 1991.

State Law reference— Officers' recall, C.R.S. § 31-4-501 et seq.

CHAPTER IV. - CITY COUNCIL

4.1. - The City council.

The legislative affairs of the City shall be vested in a City Council consisting of seven (7) Councilmembers, four (4) of whom shall be elected from districts and two (2) of whom shall be elected at large, and a Mayor elected at large.

(Ord. No. 879, § 2, 4-6-1971/5-25-1971; Res. No. R-90-177, § 3, 12-17-1990/3-19-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— The original section 4.1 of the Charter was repealed, and the above new section was approved, in an election held on May 25, 1971.

4.1.1. - Districts.

The City shall be divided into four (4) districts for the purposes of electing a Councilmember from each such district and the districts shall, as near as may be, have an equal number of inhabitants as required by the Constitution of the United States. The City Council shall, by ordinance, establish said districts and shall thereafter revise, alter or change the boundaries thereof, within one year following the official publication of each federal enumeration of the population of the City of Arvada and upon the completion of Jefferson and Adams County revising their precincts. City Council shall also have the discretion at any time to revise, alter or change the boundaries of districts due to changes in population. Each district shall be as compact in area as possible and shall consist of contiguous whole County voting precincts. When City boundaries are changed by annexation, the newly annexed territory shall become a part of the district to which said property has the greatest contiguity or such other district as the City Council shall determine by Ordinance.

(Ord. No. 879, § 2, 4-6-1971/5-25-1971; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

4.1.2. - Councilmembers at large.

At the November 1993 General Municipal Election, at large Councilmembers shall be elected as follows: There shall be an at large Council seat "A," which shall have a term of office of four (4) years, and an at large Council seat "B," which shall have a term of two (2) years. Commencing with the November 1995 General Municipal Election, the term for the Councilmember elected to at large Council seat "B" shall be four (4) years.

(Ord. No. 2850, § 15, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

4.2. - Powers of City Council.

The City Council shall have all municipal powers, including without limitation, all powers as conferred by general law except as limited by this Charter. The City Council, or a committee thereof duly authorized by it, shall have power to investigate the official acts and conduct of any officers of the City, any City department, office or agency and for this purpose may administer oaths, compel the attendance and testimony of witnesses and the production of books and documents.

(Ord. No. 3000, § 2, 8-23-1993/11-2-1993; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— General Municipal Powers, C.R.S. § 31-15-101 et seq.

4.2.1. - Officers code of conduct.

Every elected or appointed officer shall fully comply with all rules of behavior and standards of conduct set forth in this Charter and any ordinance adopted by the City Council. The City Council shall have the power in adopting such an ordinance to set additional standards of conduct beyond those specified in this Charter and may provide such penalties as it deems appropriate, including forfeiture of office. Forfeiture of office may only be imposed for malfeasance or misconduct in office. An elected officer charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing. Notice of such hearing shall be published at least two (2) weeks in advance of the hearing. The City Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence at such public hearing. The City Council shall issue subpoenas for the appearance of witnesses and production of evidence on behalf of the Councilmember charged with malfeasance or misconduct in office. Imposition of the penalty of forfeiture of office against any elected officers shall require a unanimous affirmative vote of all of the members of the City Council. No Councilmember shall vote on a question of his/her own conduct.

(Ord. No. 3000, § 3, 8-23-1993/11-2-1993; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#).)

4.3. - Qualifications.

Each Councilmember when nominated and elected shall be a registered elector of the City of Arvada, a citizen of the United States for at least one (1) year, and,

- (a) In the case of Councilmembers elected from districts, shall have resided in the City for one (1) year and the respective district for one (1) year immediately preceding such election, and
- (b) In the case of Councilmembers elected at large, shall have resided in the City for one (1) year immediately preceding such election.

In the case of an annexation, any person who has resided within the territory annexed for the prescribed time shall be deemed to have met the residence requirements for the municipality, district and precinct to which the territory was annexed.

In the case of any revision, alteration, or change in district boundaries as a result of the federal enumeration of population as required by Section 4.1.1 of this Charter, any person who is otherwise qualified and is excluded from his or her district as a result of any such district boundary change shall be deemed to have met the one (1)-year residency requirement for purposes of qualifying for nomination and election as required in subsection (a) above.

No Councilmember, including the Mayor, shall be a salaried employee of the City nor any other municipality during his/her term of office. No former Councilmember, including the Mayor, shall hold any compensated appointed office of employment with the City until one (1) year after expiration of the term for which the member was elected to City Council. No individual shall be eligible to hold the office of City Councilmember, or Mayor, who has been convicted of a felony in any court of the United States within ten (10) years of the date of assuming the office of City Councilmember. The City Council shall be the judge of the election and qualifications of its own members.

(Ord. No. 879, § 2, 4-6-1971/5-25-1971; Ord. No. 2850, §§ 2, 13, 9-16-1991/11-5-1991; Ord. No. 3000, § 4, 8-23-1993/11-2-1993; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— The original section 4.3 of the Charter was repealed, and the above new section was approved, in an election held on May 25, 1971.

4.3.3. - Nomination limitations for elected office.

No person shall accept nomination as a candidate at a municipal election for more than one (1) elective office of the City.

(Ord. No. 2821, § 1, 6-17-1991/8-6-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

4.3.4. - Prohibition against holding simultaneous elective offices.

No person shall simultaneously hold the office of City Councilmember or Mayor and any other federal, state, county, municipal or quasi-municipal elective office. However, nothing in this section shall be construed to prohibit City Council from appointing any current or former Councilmember, including the Mayor, to represent the City on the governing board of any regional or other intergovernmental agency.

(Ord. No. 3000, § 5, 8-23-1993/11-2-1993; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

4.3.5. - Reserved.

Editor's note— Ord. No. 3712, § 4, adopted August 6, 2001, repealed § 4.3.5, which pertained to Mayoral candidacy limitations for councilmen. See the Charter Comparative Table.

4.4. - Compensation.

The members of the City Council shall receive such compensation, and the Mayor such additional compensation, as the City Council shall by ordinance prescribe; provided, however, that they shall neither increase nor decrease the compensation of any member during his/her term of office. The Mayor and Councilmember may, upon order of the City Council, be paid such necessary bona fide expenses incurred in service on behalf of the City as are authorized and itemized.

(Ord. No. 2850, § 3, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, § 3, adopted September 16, 1991, was approved at the general municipal election held September 16, 1991.

State Law reference— Compensation of Councilmembers, C.R.S. § 31-4-206.

4.5. - Mayor and Mayor Pro Tem.

The Mayor shall be recognized as the head of the City Government for all ceremonial purposes, by the courts for serving civil process, and by the government for purposes of military law. The Mayor shall have all the powers, rights, and privileges of a Councilmember. The Mayor shall preside at all meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him/her by this Charter or the ordinances of the City. In the case of a vacancy in the office of Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor until a Mayor is chosen in the manner prescribed in Section 4.6 of this Charter. The Mayor Pro Tem shall be elected by City Council at the first regular meeting following each municipal election upon taking office and shall serve at the pleasure of the City Council.

(Res. No. R-90-177, § 3, 12-17-1990/3-19-1991; Ord. No. 2850, § 4, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

Editor's note— The provisions of § 4 of Ord. No. 2850, adopted September 16, 1991, amending § 4.6, were approved at a general municipal election, on November 5, 1991.

State Law reference— Mayor, C.R.S. § 31-4-207.

4.6. - Vacancies.

An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, is convicted of a felony, or ceases to be a resident of the City, or, in the case of a Councilmember elected from a district, ceases to be a resident of the respective district from which he or she was elected or appointed. In addition, a Councilmember shall forfeit his/her office upon failing to attend three (3) consecutive regular meetings of the City Council without being excused by the City Council. In case of a vacancy the remaining Councilmembers shall choose by a majority vote, and within thirty (30) days after such vacancy occurs, a person qualified under Section 4.3 of this Charter to fill such vacancy; provided, however, the person chosen as Mayor shall be a member of the City Council. If such vacancy occurs during the first two (2) years of a term, the person appointed by City Council shall serve only until the next regular election, at which time the seat shall be filled by election for the remaining two (2) years of the term. If three (3) or more vacancies exist simultaneously, the remaining Councilmembers shall, at the next regular meeting of City Council, call for a special election to fill such vacancies, provided there will not be a Regular Municipal Election within ninety (90) days.

(Ord. No. 879, § 2, 4-6-1971/5-25-1971; Res. No. 81-45, § 3, 9-28-1981/11-3-1981; Ord. No. 2850, § 4, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Note— See editor's note to § 4.5.

State Law reference— Vacancies occurring in city council, C.R.S. § 31-4-205.

4.7. - Term limitations.

- (a) No person shall be eligible to be elected to the same City Council office for more than three (3) consecutive terms.
- (b) This prohibition against more than three (3) consecutive terms shall not prohibit a person from holding a different office, such as Mayor, immediately following three (3) consecutive terms as Councilmember at large or any other similar variation.
- (c) In the event a statewide term limitation law or a constitutional amendment is enacted which provides for a local option or opt out provision, this Charter provision shall be deemed to be an exercise of the local option or opt out provision. This prohibition against successive terms shall have a prospective application only commencing with the next regular municipal election.

(Ord. No. 3112, § 3, 9-12-1994/11-8-1994; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

CHAPTER V. - CITY COUNCIL PROCEDURE

5.1. - Regular meetings.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.2. - Special meetings.

Special meetings shall be called by the City Clerk on the written request of the Mayor, or any two (2) members of the City Council on at least twenty-four (24) hours written notice to each member of the City Council, served personally or left at the Councilmember's usual place of residence; but a special meeting may be held on shorter notice if all members of the City Council are present or have waived notice thereof in writing.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.3. - Business at special meetings.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.4. - Quorum; adjournment of meeting.

A majority of the members of the City Council in office at the time shall be a quorum for the transaction of business at all City Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the City Clerk may adjourn any meeting for not longer than one (1) week.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.5. - City Council acts.

The City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. Ordinances making appropriations shall be confined to the subject of appropriations.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.6. - Voting.

The vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the City Council proceedings. Every ordinance, except for an emergency ordinance, shall require the affirmative vote of the majority of the membership of the entire City Council for final passage. Ordinances on introduction, Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the City Council shall vote on any question in which he/she has a financial interest, other than common public interest, or on any question concerning his/her own conduct, but on all other questions each member who is present shall vote by voice roll call or electronic device unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

5.7. - Action by ordinance required.

In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.8. - Form of ordinance.

Every ordinance shall be introduced in printed form required for final adoption. The enacting clause of all ordinances shall be: Be It Ordained by the City Council of the City of Arvada, Colorado. Except as otherwise provided in this article, any ordinance that zones, rezones, changes any zoned district, or grants a conditional use permit shall take effect fifteen (15) days after publication following final passage; whereas, all other ordinances shall take effect five (5) days after publication following final passage.

Procedure. Except for an emergency ordinance, the following procedure shall be followed:

- (a) Introduction at any regular or special meeting by any member of the City Council.
- (b) Reading in full, or by title where copies are available to the City Council and the public.
- (c) Introduction for approval or rejection on first reading by a vote of the City Council.
- (d) If approved on first reading, it shall be published in full unless otherwise provided in this Charter. City Council shall set a day, hour, and place at which City Council shall hold a public hearing thereon, which shall be included in the publication.
- (e) The city council shall hold a public hearing before final passage of any ordinance, except as provided in Section 5.9.
- (f) At a meeting not earlier than seven (7) days after publication, City Council shall vote for the final passage, rejection, postponement, or to table such proposed ordinance.
- (g) An ordinance may be amended before final passage by vote of the City Council.
- (h) Unless otherwise provided in this Charter, an ordinance, if amended, shall be published in full after final passage. If not amended, it shall be published either by title or in full as the City Council may determine.
- (i) Any publication by reference shall contain a summary of the subject matter of the ordinance and a notice that copies of the ordinance are available at the office of the City Clerk.

(Ord. No. 2670, § 4, 10-2-1989/11-7-1989; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Style of ordinances, C.R.S. § 31-16-102.

5.9. - Emergency ordinances.

Emergency ordinances for the preservation of public property, health, peace, or safety must be approved by at least five (5) Councilmembers if six (6) or seven (7) Councilmembers are present; or four (4) Councilmembers out of five (5) Councilmembers present; or in the event that there are only four (4) Councilmembers present, a unanimous vote of Councilmembers is required for adoption. The facts showing such urgency and need shall be specifically stated in the ordinance itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any city-owned utility shall ever be passed as an emergency measure. Neither a public hearing, nor a first publication as provided in Section 5.8(d), shall be required. An emergency ordinance shall take effect upon passage. Publication shall be within ten (10) days, or as soon thereafter as possible.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Publication of ordinances, C.R.S. § 31-16-105.

5.10. - Codification.

The City Council shall cause the ordinances to be codified and maintained thereafter in current form. Revisions to the codes may be accomplished by reference as provided in Section 5.11.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.11. - Codes.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Ordinance codes adopted by reference, C.R.S. § 31-16-201 et seq.

5.12. - Disposition of ordinances.

A true copy of every ordinance, as adopted by City Council, shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro Tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the registered electors of the City, shall be separately numbered and recorded commencing with Peoples' Ordinance No. 1.

(Ord. No. 2850, § 13, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.13. - Initiative procedures.

- (a) Any initiated measure shall be in the form of an ordinance, which shall be legislative in character.
- (b) An initiated ordinance may be submitted to the City Council by filing with the City Clerk a notice of intent to file a petition for an initiated ordinance. The notice of intent to file an initiative petition shall be signed by not less than five (5) registered electors of the City. The filing of said notice of intent shall be a condition precedent to filing an initiative petition as hereinafter provided. If the initiated ordinance is to be submitted to the registered electors at the next regular municipal election, the petition shall be signed by registered electors of the City in a number at least equal to ten (10) percent of the total number of registered electors of the City as of the date the notice of intent is filed with the City Clerk. If the initiated ordinance is to be submitted to the registered electors at a special election, the petition shall be signed by the registered electors of the City in a number at least equal to ten (10) percent of the total number of registered electors of the City as of the date the notice of intent is filed with the City Clerk. The petition must be filed with the City Clerk within thirty (30) days the form [from] the date the notice of intent is filed with the City Clerk.

- (c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at a regular or special meeting within thirty (30) days from the date the petition was filed.
- (d) Within thirty (30) days after the petition is presented by the City Clerk, the City Council shall either adopt the initiated ordinance by a majority vote of all members of the City Council without any change to the initiated ordinance or submit the initiated ordinance to a vote of the registered electors of the City at a special election or at a regular municipal election to be held within one hundred twenty (120) days, but not less than thirty (30) days, after the petition is presented to the City Council.
- (e) The initiated ordinance shall be published in full not less than ten (10) days prior to the election. The ballot shall have printed on it the ordinance title and submission clause, and on separate lines under the submission clause, the words, "YES" and "NO."
- (f) If a majority of the registered electors voting thereon vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the ordinance.
- (g) In the event that initiated ordinances containing conflicting provisions are approved at the same election, the initiated ordinance receiving the greatest number of votes shall prevail to the extent of the conflict.

(Ord. No. 1970, § 4, 9-19-1983/11-8-1983; Ord. No. 2850, §§ 5, 14, 9-16-1991/11-5-1991; Ord. No. 3712, §§ 2, 3, 8-6-2001/11-6-2001)

Editor's note— Section 3 of Ord. No. 1970, adopted September 19, 1983, and approved at election November 8, 1983, repealed former § 5.13, entitled, "Initiative and referendum." Section 4 then substituted a new § 5.13 and added §§ 5.14—5.17. Ord. No. 2850, §§ 5, 14, adopted September 16, 1991, which amended subsections (b) and (d) of § 5.13, was approved at general municipal election on November 5, 1991.

5.14. - Referendum procedures.

- (a) All ordinances adopted by the City Council that are legislative in character shall be subject to referendum. The referendum shall not apply to ordinances fixing the rate of taxation on property each year for municipal purposes, making the annual appropriation, calling a special election, authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, emergency ordinances, and ordinances to meet contractual obligations of the City.
- (b) An ordinance subject to referendum shall be suspended from operation in the event that a notice of intent to file a referendum petition is signed by not less than five (5) registered electors of the City and filed with the City Clerk prior to the effective date of such ordinance. The filing of said notice of intent shall be a condition precedent to filing a referendum petition as hereinafter provided.
- (c) If a petition calling for a referendum of an ordinance is signed within thirty (30) days from the effective date of the ordinance by registered electors of the City in a number at least equal to ten (10) percent of the total number of registered electors of the City as of the date of the filing of the notice of intent and the petition is filed with the City Clerk, the ordinance shall be further suspended from operation. If, however, no such petition is filed with the City Clerk within the thirty (30)-day period, the ordinance shall be in full force and effect upon the expiration of the thirty (30)-day period.
- (d) Within thirty (30) days from the date that the referendum petition is filed with the City Clerk, the City Clerk shall examine the petition for sufficiency of signatures of registered electors of the City. Should the City Clerk find the referendum petition to be insufficient with respect to the requisite number of signatures of registered electors of the City, the ordinance shall be in full force and effect upon the

date of such finding by the City Clerk. Upon a finding by the City Clerk that the petition is sufficient, the City Clerk shall submit the referendum petition to the City Council at its next regularly scheduled meeting.

- (e) The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by majority of all members of the City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within one hundred twenty (120) days, but not less than thirty (30) days, after presentation of the referendum petition to the City Council; or at any regular municipal election to be held within the one hundred twenty (120)-day period.
- (f) The referred ordinance shall be published in full not less than ten (10) days prior to the date of the election. The ballot for the referred ordinance shall have printed on it the ordinance of title and submission clause; and on separate lines under the submission clause, "YES" and "NO." If a majority of the registered electors voting thereon vote "yes," the ordinance shall be effective upon certification of the election results. If a majority of the registered electors voting thereon vote "no," the ordinance shall be repealed upon certification of the election results.

(Ord. No. 1970, § 4, 9-19-1983/11-8-1983; Ord. No. 2850, §§ 5, 14, 9-16-1991/11-5-1991; Ord. No. 3712, §§ 2, 3, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, §§ 5, 14, adopted September 16, 1991, which amended subsection (c) of § 5.14, passed at general municipal election, November 5, 1991.

5.15. - Prohibited action by city council.

- (a) No initiated ordinance adopted by the registered electors of the City may be amended or repealed by the City Council during a period of six (6) months after the date of the election on the initiated ordinance.
- (b) No referred ordinance repealed by the registered electors of the City may be subsequently adopted by the City Council during a period of six (6) months after the date of the election on the referred ordinance.

(Ord. No. 1970, § 4, 9-19-1983/11-8-1983; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.16. - Supplementary provisions.

The City Council may adopt by ordinance, and consistent with the provisions of this Chapter, supplementary provisions for initiative and referendum, including but not limited to provisions for the form and content of petitions and notices; the requirements for circulation, signing, and submission of petitions; the method for preparing an ordinance title and submission clause for a ballot; and the requirements for examination and certification of petitions by the City Clerk.

(Ord. No. 1970, § 4, 9-19-1983/11-8-1983; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

5.17. - Referral by the city council.

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

(Ord. No. 1970, § 4, 9-19-1983/11-8-1983; Ord. No. 3712, § 2, 8-6-2001//11-6-2001)

CHAPTER VI. - CITY MANAGER^[2]

Footnotes:

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State Law reference— City manager, C.R.S. § 31-4-210 et seq.

6.1. - City Manager.

The City Council shall, within a reasonable time, whenever a vacancy occurs, upon a vote of the majority of the entire City Council, appoint a City Manager who shall be the chief executive and administrative officer of the City. Such appointment shall be without definite term at a salary to be fixed by City Council. The City Manager shall be chosen by the City Council on the basis of such person's executive and administrative qualifications with particular emphasis on actual experience and knowledge of the accepted practice in respect to the duties of the office. At the time of his/her appointment, the City Manager need not be a resident of the City or State, but he/she shall establish residence in Arvada within six (6) months from the first date of work as City Manager. City Council has the discretion by employment agreement, to permit the City Manager up to an additional six (6) months for a total of twelve (12) months to become a resident and inhabitant of the City. No Councilmember shall be appointed City Manager during or within one (1) year after the termination of his/her term as a member of the City Council.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Similar provisions, C.R.S. § 31-4-210.

6.2. - Absence or disability of City manager.

To perform his/her duties during his/her temporary absence or disability, the City Manager shall designate by written communication filed with the City Council and City Clerk, a qualified administrative City employee. For purposes of this section, the definition of qualified municipal employee shall be adopted by ordinance. In the event the City Manager is unable to prepare a written communication identifying a qualified administrative City employee due to the City Manager's disability, City Council shall by resolution appoint a qualified administrative City employee until such time as the City Manager is able to resume the duties of the position.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

6.3. - Powers and duties.

The City Manager shall be responsible to the City Council for the proper administration of all affairs of the city placed in his/her charge, and to that end he/she shall have the power and duty and be required to:

- (a) Be responsible for the enforcement of the laws and ordinances of the City;
- (b) Appoint, suspend, transfer and remove all employees of the City, except as otherwise provided herein, subject to the personnel regulations of the City, adopted by City Council;
- (c) Make appointments on the basis of executive and administrative ability and of the training and experience of appointees in the work, which they are to perform;

- (d) Prepare a proposed budget annually and submit it to the City Council, and be responsible for the administration of the budget after its adoption;
- (e) Prepare and submit to the City Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the City Council make written or verbal reports at any time concerning the affairs of the City under his/her supervision;
- (f) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations to the City Council for adoption, as he/she may deem necessary or expedient;
- (g) Exercise supervision and control over all departments, offices, and agencies of the City, except as otherwise provided by this Charter or law; and recommend to City Council any proposal he/she thinks advisable to establish, consolidate or abolish administrative departments;
- (h) Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the City Council for such action and proceedings as may be necessary to enforce the same;
- (i) Attend City Council meetings and participate in discussions with the City Council in an advisory capacity;
- (j) Inform the public concerning plans and activities of the City Council and of the City Administration;
- (k) Establish a system of accounting and auditing for the City which shall reflect the financial condition and financial operation of the City, and establish cost accounting systems whenever practicable;
- (l) Provide for engineering, architectural, maintenance, construction, work, equipment, and services required by the City; and
- (m) Perform such other duties as may be prescribed by this Charter, or by ordinance, or required of him/her by City Council and not inconsistent with this Charter.

(Ord. No. 2850, § 6, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, § 6, adopted September 16, 1991, which amended § 6.3(g), was approved at the general municipal election, November 5, 1991.

State Law reference— Duties of city manager, C.R.S. § 31-4-213.

6.4. - Removal of.

The City Council at its pleasure at a regular meeting or a special meeting may, upon a vote of the majority of the entire City Council, remove the City Manager from office.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Removal of city manager, C.R.S. § 31-4-210.

6.5. - City Council not to interfere.

Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any City Administrative Officer or employee whom the City Manager or any

subordinate of the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees. Except for the purpose of inquires, and investigations under Section 4.2; the Council and its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any officer or employee, either publicly or privately.

(Ord. No. 3000, § 7, 8-23-1993/11-2-1993; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Similar provisions, C.R.S. § 31-4-212.

6.6. - City clerk.

The City Manager, with the approval of City Council, shall appoint a City Clerk, who shall be custodian of the City Seal. The City Clerk shall keep a journal of City Council proceedings, record all ordinances, motions and resolutions in full and shall perform such other duties as required by this Charter, the City Council, and the City Manager.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Office of city clerk, C.R.S. § 31-4-215.

6.7. - Bonding of employees.

Before any officer or employee of the City who handles City funds or substantial inventories of materials and supplies shall be permitted to enter upon the duties of his/her office or employment, he/she shall obtain and file with the City Clerk a fidelity bond in an amount to be fixed by the City Council, at the expense of the City, or in the alternative, the City shall insure all such officers and employees with employee fidelity guaranty insurance.

(Ord. No. 2850, § 7, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, § 7, adopted September 16, 1991, was approved at general municipal election, November 5, 1991.

State Law reference— Officers' bonds, C.R.S. §§ 31-4-401, 31-4-402; bonds of officers and employees under city manager form, C.R.S. § 31-4-219.

CHAPTER VII. - PERSONNEL MERIT SYSTEM⁽³⁾

Footnotes:

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State Law reference— Administrative plan, C.R.S. § 31-4-215.

7.1. - Personnel merit system.

City Council shall by ordinance, within twelve (12) months from the effective date of this Charter, establish a system for employment and promotion of City employees based on personnel merit. Such system shall include at least the following:

- (a) Employment and promotion in the City Government based on individual merit.
- (b) Just and equitable incentives and conditions of employment.
- (c) Classification and compensation according to duties and responsibilities.
- (d) Provisions for systematic tests and evaluations for appointments, promotions, and other personnel actions based on merit principle.
- (e) Continuity of employment based on behavior, performance of work and necessity for performance of work.
- (f) Dismissal and disciplinary procedures shall be established, publicized and observed.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

7.2. - Administration of.

The City Manager shall administer the system with fairness to all and in a manner designed to stimulate high morale of the employees. Subject to the provisions of Section 7.4, nothing herein shall preclude the City Manager from the appointment of, removal of, and discipline of employees included under the merit system or at his/her discretion to delegate authority to do so.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

7.3. - Employees included.

All employees of the City shall be included within the provisions of the merit system, except the City Manager, department heads, elective officers, appointees of City Council, appointed members of boards and commissions, persons employed to make or conduct a special inquiry, investigation, examination or installation, or audit.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

7.4. - Administrative review.

The City Council shall by ordinance provide for the administrative review of a disciplinary action taken against any regular employee of the City.

(Ord. No. 2636, §§ 3, 4, 8-7-1989/11-7-1989; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2636, § 3, adopted August 7, 1989 (approved by the voters at the election of November 7, 1989), repealed § 7.4 which pertained to the appeal board. Section 4 of said ordinance enacted new provisions designated as § 7.4 to read as herein set out.

7.5. - Implementation.

The City Manager shall present to City Council such rules and regulations as are necessary to implement and carry out the intent expressed in this Chapter. Any ordinance adopted by City Council under these sections may be amended from time-to-time upon recommendation of the City Manager and

as City Council deems advisable provided such changes are not inconsistent with the intent of this Chapter.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

CHAPTER VIII. - LEGAL AND JUDICIARY

8.1. - City attorney.

The City Council shall appoint a City Attorney who shall be an attorney-at-law licensed to practice in the State of Colorado. The City Attorney shall advise the City Council and City Officials in matters relating to their official powers and duties, and perform such other duties as City Council may prescribe by ordinance or resolution. The City Council may provide the City Attorney such assistants as City Council may deem necessary, and may on its own motion or upon request of the City Attorney in special cases employ special counsel. City Council shall establish compensation for the City Attorney, assistants and special counsel. Any agreement for compensation to special counsel shall be made only upon approval of City Council and prior to the service being rendered.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

8.2. - Judiciary.

There is hereby established a Municipal Court vested with original jurisdiction of all cases arising under the Charter, ordinances of the City of Arvada and as may be conferred by law. Each judge of the Municipal Court shall be a resident of the City of Arvada and shall be an attorney-at-law licensed to practice in the State of Colorado. In the event of a conflict of interest and at the request of the presiding judge, City Council may appoint a special municipal judge for the purpose of presiding over the proceeding out of which the conflict of interest arose. A special judge appointed by the City Council shall be an attorney-at-law licensed to practice in the State of Colorado, however, need not be a resident of the City of Arvada. City Council shall appoint and fix the compensation for each Municipal Judge who shall serve at the pleasure of the City Council.

(Ord. No. 3000, § 8, 8-23-1993/11-2-1993; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

CHAPTER IX. - BOARDS AND COMMISSIONS

9.1. - City Council may provide.

City Council shall have the power and authority to create Boards and Commissions: (a) as may be required by Statute; (b) advisory; (c) fact-finding; (d) appeal. Advisory Boards may be created by resolution and all other Boards shall be created by ordinance. The ordinance shall set forth the powers and duties delegated. Boards and Commissions created under this chapter, which are not required by statute, or otherwise provided for in this Charter, may be abolished as City Council deems advisable.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

CHAPTER X. - BUDGET CONTROL AND FINANCING

10.1. - Fiscal year.

The fiscal year of the City shall begin on the first (1st) day of January, and end on the last day of December each year.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Similar provisions, C.R.S. § 29-1-103.

10.2. - Budget procedure.

The City Manager shall prepare and submit to the City Council on or before the fifteenth (15th) of September each year a recommended line item budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with his/her supporting explanations of all proposed expenditures for legal and judiciary, for each department, office, and agency of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to September first (1st) and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the City from all sources with a comparative statement of the amounts received by the City from each of the same similar sources for the last preceding fiscal year in full, and estimated revenues for the current fiscal year;
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of revenues necessary to meet proposed expenditures;
- (f) As a part of the budget message, the City Manager shall present a program of proposed capital improvement projects, and shall recommend to City Council those projects to be undertaken during the ensuing year or years and the method of financing same;
- (g) Such other supporting information as the City Council may request.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Preparation of budget, C.R.S. § 29-1-107.

10.3. - Public hearing.

The City Council shall hold a public hearing on the proposed budget no later than the third Monday of October of each year. Notice of the time and place of such hearing shall be published one (1) time at least five (5) days prior to the hearing, and copies of the proposed budget shall be on file for public inspection at the office of the City Clerk during normal office hours.

Prior to adoption of the final budget, the City Council may insert new items of expenditure or may increase, decrease or strike out items of expenditures, except that no item budgeted for debt service shall be reduced. If City Council shall decrease the total proposed expenditures, such decrease shall be reflected in the full-proposed revenue. If City Council shall increase the total proposed expenditures, such increase shall be reflected in the tax levy or by appropriate changes in other revenues.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Publication of notice of budget, C.R.S. § 29-1-108.

10.4. - Effective date of the adoption of budget resolution and appropriation ordinance.

No later than October 31 of each year, the resolution adopting the budget and the appropriation ordinance shall be adopted and effective.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

State Law reference— Adoption of budget, C.R.S. § 29-1-110.

10.5. - Public record.

The budget shall be a public record in the office of the City Clerk and shall be open to public inspection during normal business hours.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Filing of budget, C.R.S. § 29-1-116.

10.6. - Certification of tax levy.

Not later than October thirty-first (31st), or such date as may be required by state law, the City Council shall fix the amount of tax levy which shall be assessed upon each dollar of assessed valuation of all taxable property within the corporate limits of the City, and shall cause the same to be certified to the counties as required by law. If City Council should fail in any year to make such levy as above provided, the rate last fixed shall be the rate of the ensuing fiscal year, which rate shall be levied as by law provided.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Taxation and assessment collection, C.R.S. § 31-20-101 et seq.

10.7. - Capital improvements fund.

There is hereby established a fund to be known as the capital improvements fund for the purpose of paying the cost of capital improvements. The City Council shall have power to define the rules and regulations pertaining to such fund by ordinance, and shall have power to transfer from time-to-time moneys from the general fund to the capital improvements fund. Appropriations for construction or other permanent improvements from the capital improvements fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; unencumbered balances from projects accomplished or abandoned shall be used for payment of any outstanding bond indebtedness of the City, or if none, to any other fund. Any unappropriated or unencumbered balance in the capital improvements fund may be transferred by the City Council to any fund, or used to pay outstanding bonded indebtedness of the City. The City Council shall also have power to transfer, from time-to-time, any portion of the general fund surplus not otherwise appropriated, to the capital improvements fund.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

10.8. - Budget control.

At the beginning of each quarterly period during the fiscal year, and more often if required by the City Council, the City Manager shall submit to the City Council data showing the relation between the estimated and/or actual revenue and expenditures to date; and if it shall appear that the revenues are

less than anticipated, the City Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to avoid expenditures exceeding revenues.

- (a) The City Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the City, but such additional expenses shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as anticipated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.
- (b) The City Council may by resolution transfer any unencumbered appropriation balance or any portion thereof from one (1) account, department, office, fund or agency to another in accordance with recommendations of the City Manager.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

10.9. - Audit.

The City Council shall provide for an independent annual audit of all City accounts, and the City Council may determine more frequent audits as necessary. Such audits shall be made by a certified public account or firm of certified public accountants, selected by the City Council.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

CHAPTER XI. - MUNICIPAL BORROWING

11.1. - Forms of borrowing.

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

Short-term notes;

General Obligation Bonds and other like securities;

Revenue Bonds and other like securities; and

Local Improvement Bonds and other like securities.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.2. - Short-term notes.

The municipal government, upon the affirmative vote of four (4) members of the City Council, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Such short-term notes shall mature before the close of the fiscal year in which the money is so borrowed, and shall not be extended or funded except in compliance with Section 11.3 "General Obligation Bonds," of this Chapter.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.3. - General obligation bonds.

No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (ad valorem) property taxes or to which the full faith and credit of the City are pledged, shall be issued, except in pursuance of an ordinance, nor until the question of their issuance shall at a special or

regular election be submitted to a vote of the qualified taxpaying electors and approved by a majority of those voting on the question (except as provided in Sections 11.6, 11.9, 11.10 and 11.11); provided that such securities issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system, or any combination of such purposes, may be so issued without an election.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.4. - Limitation on indebtedness.

The aggregate amount of bonds or other evidences of indebtedness shall not exceed three (3) percent of the actual value, as determined by the County Assessors of Jefferson County and Adams County, of the taxable property in the City of Arvada; provided, however, that in determining the amount of indebtedness, there shall not be included within the computation, bonds or other evidences of indebtedness outstanding or authorized to be issued for the acquisition, extension, or improvement of the municipal waterworks system or the municipal storm sewer, sanitary sewer, combined storm and sanitary sewers, or sewage disposal systems, short-term notes, local improvement securities, or securities payable solely from the net revenues of an income-producing system, utility or other project.

(Ord. No. 1406, § 2, 9-19-1977/11-8-1987; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— The above section was approved in an election held on November 8, 1977. This amendment increased the permitted indebtedness to three percent of the valuation of property.

11.5. - Revenue bonds.

The City in pursuance of an ordinance may borrow money, issue bonds, or otherwise extend its credit for the purpose of purchasing, constructing, condemning, otherwise acquiring, extending, or improving a water, electric, gas or sewer system, or other public utility or income producing project; provided that the bonds or other obligations shall be made payable solely out of the net revenues derived from the operation of such system, utility or other such project; and provided, further, that any two (2) or more of such systems, utilities and projects may be combined, operated and maintained as joint municipal systems, utilities or projects, in which case such bonds or other obligations shall be made payable solely out of the net revenue derived from the operation of such joint systems, utilities or projects. No election shall be necessary to authorize the bonds unless a petition requesting that an election be held is filed with the City Clerk within twenty (20) days of the date of publication of the ordinance authorizing the issuance of the bonds, and signed by qualified voters at least equal in number to ten (10) percent of the votes cast at the last preceding regular municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Chapter V of this Charter and all laws thereunto enabling, the City Council shall submit the question of issuing such revenue bonds to the qualified voters at the next regular municipal election, or at a special election called for that or any other purpose. In the event a petition is so filed, the revenue bonds shall not be issued unless approved by a majority of the qualified voters voting on the question. No revenue bonds shall be issued for the acquisition of such a system, utility or income-producing project unless the acquisition thereof has been authorized as provided in Chapter XII of this Charter.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.5.5. - Sales tax revenue securities.

The City may issue securities made payable solely out of the proceeds of any sales or use taxes, or from any portion, however determined, or any combination, of sales and use taxes ("Sales Tax Revenue Securities"). Sales Tax Revenue Securities include, without limitation, interim or short-term securities, and securities extending or funding such interim or short-term securities. Sales Tax Revenue Securities may

be refunded through the issuance of Sales Tax Revenue Securities, in the manner provided in Section 11.6. No Sales Tax Revenue Securities shall be issued for a term longer than thirty (30) years from the date thereof.

Sales Tax Revenue Securities shall be considered revenue bonds for purposes of Section[s] 11.1 and 11.8, but shall not be subject to any restrictions or limitations contained in Sections 11.2, 11.3, or 11.7. Sales Tax Revenue Securities shall not be included in the computation for determining the amount of indebtedness for purposes of Section 11.4. Sales Tax Revenue Securities shall not be subject to any restrictions or limitations contained in Section 11.5, except that, if a petition for an election is filed in compliance with all requirements of Section 11.5, Sales Tax Revenue Securities shall be subject to electoral approval in the manner provided in Section 11.5.

Sales or use taxes, or any portion, however determined, or any combination, of sales and use taxes, may also be pledged as additional security for any other City securities.

(Ord. No. 1719, § 3, 1-19-1981/3-3-1981; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.6. - Refunding bonds.

The City, pursuant to ordinance, may issue its bonds or other securities without an election for the purpose of refunding outstanding general obligation or revenue bonds, or other such securities, and it shall be the duty of the City Council to refund such securities whenever it determines it is advantageous and favorable to the City to do so. Any such refunding revenue bonds or other revenue securities shall be payable solely from the net revenues of the system, utility or other income producing project acquired, extended, or improved, with proceeds from issuance of the securities so refunded. Refunding bonds shall not extend beyond the period of usefulness estimated at the time of financing, and in no case for a longer term than thirty (30) years from the date thereof.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.7. - Bonds limited to life of the project.

The ordinance authorizing the issuance of general obligation or revenue bonds or other such securities shall state the estimated period of usefulness of the property or improvements for which issued and the term of any such bonds shall not exceed such estimated period. No bonds shall be issued for a term longer than thirty (30) years from the date thereof.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.8. - Bonds, interest, sale.

The terms and maximum interest rate of general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold to the highest and best bidders for cash and in all cases to the best advantage of the City; provided that any refunding bond may be exchanged dollar for dollar for a bond refunded. All bonds may contain provisions for calling the same at designated interest periods prior to the final due date.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.9. - Local improvements.

The power to create local improvement districts, to assess the cost of the construction of public improvements of a local and municipal character or any part thereof against benefited property therein,

and to issue local improvement bonds, is vested in the City Council. The cost of that part of local improvement, which is of special benefit to particular real property, shall be assessed against the real property so benefited.

The procedure governing the creation of local improvement districts, the assessment of cost against the benefited property and the issuance of local improvement bonds shall be governed by general law relating to local improvements in cities and towns, unless prior to the initiation thereof the City Council by ordinance has prescribed a different procedure therefor, and except insofar as general law has been superseded by this Charter or by ordinance. The City Council may prescribe the procedure to be followed in the construction of local improvements, assessment of the cost thereof, issuance of local improvement bonds, and all things in relation thereto, except that, no local improvement other than sidewalks, water mains, sewers, and their appurtenances shall be ordered in the event a majority in area or majority in frontage, as the case may be, of the lands to be assessed with the cost thereof shall by written petition protest against such local improvements.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.10. - Surplus and deficiency fund.

Where all outstanding bonds have been paid in a local improvement district and any money remains to the credit of the district, it shall be transferred to a special surplus and deficiency fund, and whenever there is a deficiency in any improvement district to meet the payment of outstanding bonds, the deficiency shall be paid out of the fund. Whenever a public improvement district has paid and canceled four-fifths (4/5) of its bonds outstanding, and for any reason the remaining assessments are not paid in time to take up the final bonds of the district, and there is not sufficient money in the special surplus and deficiency fund, then the City shall pay the bonds when due and reimburse itself by collecting the unpaid assessments due the district.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.11. - Special fund.

In addition to the provisions of Section 11.10 of this Charter, and not in limitation thereof, and in consideration of general benefits conferred on the City at large from the acquisition by construction, or otherwise, of local improvements, the City prior to the issuance hereafter of any bonds of any local improvement district therein, may contract by ordinance with the holder or holders thereof that the payment of the bonds of such district, both as to principal and interest, as the same become due, is additionally secured by a pledge of moneys in a special fund created therefor into which the City covenants to deposit the proceeds of general (ad valorem) property taxes to be levied not earlier than the date of the bonds of any such series nor later than two (2) years after the maturity date thereof or last maturity date of any serial bond of any issue, not exceeding three (3) mills in any one (1) year in the aggregate for all districts. After the issuance of any such bonds, the City shall levy such general (ad valorem) taxes pursuant to such contract; provided, however, that any such levy shall be diminished to the extent other funds of the City available therefor are appropriated to and deposited in such fund. Prior to the redemption of all such bonds, both principal and interest, the proceeds of such taxes and any moneys deposited therein in lieu of such taxes shall be disbursed from such fund only for the payment of the principal of and interest on the bonds, and any prior redemption premium appertaining thereto. After the bonds have been redeemed in full, any moneys remaining in such fund shall be deposited in the surplus and deficiency fund. Bonds of any local improvement district payable from special assessments, which payment may be additionally secured as provided in this section, shall not be subject to any debt limitation nor exhaust the City's debt incurring power, nor shall such bonds be required to be authorized at any election; and such bonds shall not be held to constitute a prohibited lending of credit or donation, nor to contravene any constitutional, statutory or charter limitation or restriction.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

11.12. - Development bonds.

Without adherence to Section 11.8 or to any other provision or limitation in this Chapter, the City may issue bonds or other obligations pursuant to the County and Municipality Development Revenue Bond Act of the State of Colorado, as heretofore or hereafter amended or supplemented, but no such bonds or obligations shall ever constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

(Ord. No. 1406, § 3, 9-19-1977/11-8-1987; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— The above section was approved in an election held on November 8, 1977. This amendment added a new section to the Charter.

State Law reference— County and Municipality Development Revenue Bond Act, C.R.S. § 29-3-101 et seq.

CHAPTER XII. - UTILITIES AND FRANCHISES^[4]

Footnotes:

--- (4) ---

State Law reference— Municipal utility franchises, C.R.S. §§ 31-15-707, 31-32-101 et seq.; acquisition of utilities, C.R.S. § 31-32-201 et seq.

12.1. - Powers.

The City shall have and exercise with regard to all utilities and franchises, all municipal powers, including without limitation, all powers now existing and which the Constitution of the State of Colorado and Statutes of the State of Colorado may hereafter provide. The right of the City to construct, purchase or condemn any public utility, work or way, is expressly reserved.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.2. - Water rights.

The City shall have the power to own and control water rights and to exchange water rights owned by it for water rights owned by other municipalities or quasi-municipal corporations or by other persons, and to purchase, obtain or acquire water and water rights from any source including such existing water rights as may be used upon any land which is annexed to the City from time-to-time.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.3. - Consolidation.

The City shall have the right to contract with municipalities or quasi-municipal corporations or any other persons for the purpose of forming consolidated water or sewer districts or for furnishing any municipal service.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.4. - Rates.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.5. - Extension of territory.

With respect to any franchise, after negotiation or mutual agreement, the City Council may by ordinance extend the area including streets, alleys or public places and property not embraced in such franchise when public convenience and necessity requires, subject to the terms and conditions of such original franchise, and coextensive with the terms thereof, without a vote of the qualified taxpaying electors.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.6. - Railroad tracks and crossings.

City Council may require by ordinance and by fair apportionment of the cost, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; and to construct and maintain all street crossings, bridges, viaducts and other conveniences in good condition with proper approaches and safety devices.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.7. - Revocable licenses.

After public hearing, City Council by ordinance may grant a license, revocable for cause, to lay sidetracks and switches along, or across any public thoroughfare, in accordance with standards and procedures to be adopted by City Council.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Railroad franchises restricted, C.R.S. § 31-25-217(2).

12.8. - Revocable permits.

City Council may grant permits for the temporary use or occupation of any street, alley or public place. Such permits shall be revocable by City Council at any time whether or not the right is expressly reserved in the permit.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.9. - Term, compensation and restriction.

No franchise shall be granted for a period longer than twenty (20) years, or without reserving to the City such fair fee arising from the use thereof as shall be provided in the grant of such franchise. This compensation shall not exempt the grantee or his/her assignees from any lawful assessment upon his/her property or from other tax not related to the franchise privilege, or pertaining to the physical operation thereof, but shall exempt the grantee or his/her assignees from any occupancy tax, license tax, permit charge, inspection fee, or similar tax on the privilege of doing business or in connection with the physical operation thereof, as shall be fixed in the grant of any franchise. The franchise fee established by ordinance shall be paid as provided and be subject to mutual periodic re-negotiation, and failure to pay such fee shall result in forfeiture of franchise at the option of City Council. Assignment or leasing of a franchise shall be considered a forfeiture unless application therefor be made to the City, and consent given by the City Council by ordinance, with such change of conditions or terms as they may deem necessary. City Council reserves the right to deny any assignment of franchise.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.10. - Franchise records.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

12.11. - Limitations.

The granting of franchises by the City shall be limited only by the provisions of the Constitution and applicable Statutes of the State of Colorado as now in effect and as hereafter amended and shall be submitted to the vote of the people when required by constitutional provision.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

State Law reference— Irrevocable grant of franchises prohibited, Colo. Const. art. II, § 11; municipal utility franchises, C.R.S. §§ 31-15-707, 31-32-101 et seq.

12.12. - Existing franchises.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

CHAPTER XIII. - GENERAL PROVISIONS

13.1. - Eminent domain.

The City shall have the right of eminent domain.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.2. - Restriction on sale of park property.

Real property owned, purchased, or granted for use and used by the City for park purposes shall not be sold or conveyed without a majority vote of the registered electors voting on the question.

(Ord. No. 2850, § 13, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, § 13, adopted September 16, 1991, was approved at general municipal election, November 5, 1991.

13.3. - Conveyances.

All conveyances of interest in land by the City shall be signed by the Mayor, or Mayor Pro tem and attested by the City Clerk under the Seal of the City.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.4. - Actions; notice of injury.

No action for the recovery of compensation for personal injury, death or property damage against the City on account of its negligence, shall be maintained unless written notice is given pursuant to C.R.S. § 24-10-109, as amended, of the time, place and cause of injury, death or property damage is given to the City Clerk by the person injured, his/her agent or attorney. The notice given under the provisions of this section shall not be deemed invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of injury, if it is shown that there was no intent to mislead and that the City, in fact, was not misled thereby. This provision shall not be construed as a waiver of any governmental immunity the City may have.

(Ord. No. 3712, § 2, 8-6-2-2001/11-6-2001)

13.5. - Intergovernmental agreements.

The City Council may enter into intergovernmental agreements with other governmental entities for any lawful purpose either by resolution or ordinance. City Council shall adopt an ordinance that establishes a policy for the procedure for the adoption of intergovernmental agreements.

(Ord. No. 2850, § 11, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001; [Ord. No. 4284, § 1, 8-15-2011/11-1-2011](#))

13.6. - Bequests, gifts and donations.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.7. - Continuity of government.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.8. - Invalidity of part.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.9. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the electors through petitioning the City Council or by the City Council on its own initiative in accordance with the provisions of the Constitution of the State of Colorado. 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 there is any conflict or inconsistency between amendments voted upon at the same election and more than one (1) be adopted, then the amendment receiving the largest number of votes shall prevail.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.10. - Chapter titles and sub-headings.

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

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.11. - Construction of words.

Words used in this Charter importing singular or plural number shall be construed so that one (1) number includes both; words importing masculine gender shall be construed to apply to feminine gender as well; and the word person shall be extended to include persons, firms, and corporations; provided, that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction, or where subject matter or content is contrary thereto.

(Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

13.12. - Definitions.

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

Appropriation: The authorized amount of funds set aside or allocated for expenditure during a specified time and for a specified purpose.

Ballot: Not limited to a piece of paper but may include any mechanical means such as voting machines, through which a voter expresses and records his/her choice thereon.

City: The City of Arvada, Colorado, a municipal corporation.

Council: The City Council of the City of Arvada.

Employee: Any person in municipal service who is not an officer.

Franchise: A special privilege granted by the City permitting the continuing use of public property such as City streets.

May: Construed as permissive.

Officer: Any person who is elected to office or appointed by City Council, including appointees to Boards and Commissions.

Person: Is intended to have a broad definition not limited to such as is herein enumerated but to include at least the following: Individual, corporation, association, political subdivision, state agency, singular or plural of each.

Public utility: Public utility or public utility corporations shall mean any person, firm, or corporation operating heat, power or light systems, communications systems, water, sewer or scheduled transportation systems, and serving or supplying the public. It shall not include any person, firm or corporation owning or operating side-tracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines, and shall not include municipally-owned utilities.

Qualified elector: A resident of the City who is qualified to vote under the Constitution and statutes of the State of Colorado.

Qualified taxpaying elector: Any qualified elector who in the year last preceding the election at which the vote is offered shall have paid a property tax on property in the City of Arvada.

Registered elector: A qualified elector who has registered to vote in the manner required by law.

Regular election: The municipal election held every two (2) years at which candidates for elective offices of the City are voted upon.

Shall: Construed as mandatory.

Statutes: The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legal procedure.

(Ord. No. 2850, § 13, 9-16-1991/11-5-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, § 13, adopted September 16, 1991, was approved at general municipal election, November 5, 1991.

13.13. - Charter review.

Commencing in the year 2001 and every ten (10) years thereafter, the City Council shall appoint a Charter Review Committee for the purpose of performing a comprehensive review of this Charter and for making recommendations to the City Council for amendments, deletions, or other changes to the Charter and submitting the same in writing to the City Council. The membership of the Committee shall be comprised of at least fifteen (15) registered electors of the city or such greater number of registered electors as the City Council may determine.

(Ord. No. 2850, § 12, 9-16-1991; Ord. No. 3712, § 2, 8-6-2001/11-6-2001)

Editor's note— Ord. No. 2850, § 12, adopted September 16, 1991, adding § 13.13, was approved at general municipal election, November 5, 1991.

CHAPTER XIV. - TRANSITIONAL PERIOD

14.1. - Status of transitional provision.

The purpose of this article is to provide for an orderly transition from the present City Government to a Home Rule Government under the provisions of this Charter. This article shall constitute a part of this Charter during the transition period.

14.2. - Transition period.

The period from the effective date of this Charter to November 12, 1963 shall be known as the "transition period." During this period all officers and employees shall proceed with due diligence to put into effect the provisions of this Charter. During the transition period the Council shall designate by resolution provisions of the Charter to become operative. Resolutions shall fix the dates on which and the agency or agencies to which each provision becomes operative. Until superseded by this Charter, or any provision thereof, the State Statutes shall be in effect.

14.3. - Present council and mayor to continue in office.

The Council and Mayor, or their appointed successors, in office at the time of the adoption of this Charter shall continue at their present salaries to serve and carry out the functions, powers and duties of their offices until November 12, 1963.

14.4. - Prior city legislation.

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

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Arvada Charter Convention, duly elected by the people of Arvada, Colorado, at a special election held on April 9, 1963, or duly appointed according to law, under authorization of Article XX, Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Arvada, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Convention on the sixth day of June, 1963, for submission to the people of Arvada at a special election to be held July 23, 1963.

Done in triplicate at Arvada, Colorado, this sixth day of June, 1963.

KENNETH M. GORRELL
President and Chairman

/s/ THEODORE H. MUELLER
Secretary

/s/ CHARLES E. RHYNE
Vice-President

J. HAROLD HOLLIWAY	R. F. WHEELER
ROY A. PRUDHOMME	JOSEPH B. WEBER
KENNETH I. HAWKINS, Jr.	HARRY M. PARMENTER
RAY S. FITZMORRIS	JACK TOMLINSON
MANLEY I. GRAY	EDWARD C. HOSKINSON
N. C. KELLER	GAIL H. GILBERT
LEONARD SMITH	ROBERT J. SULLIVAN
GEORGE DEAN	M. KEITH SINGER
CLYDE M. MILLER	FRANK TILLER

State of Colorado

County of Jefferson

Subscribed and sworn to before me this sixth day of June, 1963.

My commission expires October 2, 1965.

(SEAL)

/s/ HOMER C. WEBBER
Notary Public

I hereby certify that the above and foregoing document is the Charter adopted at the Special Election for the City of Arvada, Colorado, held Tuesday, July 23, 1963, and duly filed by me with the Secretary of State of the State of Colorado.

(SEAL)

ATTEST:

/s/ ELAINE MORRIS
City Clerk

Published in The Arvada Enterprise

First Publication June 20, 1963

Second Publication June 27, 1963

Third Publication July 4, 1963

Fourth Publication August 1, 1963.

CHARTER COMPARATIVE TABLE - ORDINANCES

This table shows the location of the charter and any amendments thereto.

Ordinance Number	Adopted Date	Referendum Date	Section	Section this Charter
879	4- 6-1971	5-25-1971	2	3.2
				4.1
				4.1.1
				4.3
				4.6
1406	9-19-1977	11- 8-1987	2	11.4
			3	11.12
1598	9-17-1979	11- 6-1979	3	3.6
1719	1-19-1981	3- 3-1981	3	11.5.5
81-45	9-28-1981(Res.)	11- 3-1981	3	3.2 4.6
1970	9-19-1983	11- 8-1983	4	5.13—5.17
2636	8- 7-1989	11- 7-1989	3, 4	7.4
2670	10- 2-1989	11- 7-1989	4	5.8
R-90-177	12-17-1990(Res.)	3-19-1991	2	3.2

			3	4.1
				4.5
2821	6-17-1991	8- 6-1991	1	4.3.3
2850	9-16-1991	11- 5-1991	2—4	4.3—4.5
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3000	8-23-1993	11- 2-1993	2	4.2
			3	4.2.1
			4	4.3

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3112	9-12-1994	11- 8-1994	3	4.7
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				10.1—10.9
				11.1—11.5
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				11.6—11.12
				12.1—12.12
				13.1—13.3
				13.5—13.13
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4284	8-15-2011	11- 1-2011	1	3.1
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				3.6
				4.1.1
				4.2.1
				4.5
				4.7
				5.6
				5.8
				5.9
				6.1

				6.2
				6.5
				10.2
				10.3
				10.4
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