



**CITY OF ENGLEWOOD, COLORADO
HOME RULE CHARTER**

Adopted July 8, 1958
Amended Nov. 2, 1965
Amended Nov. 4, 1969
Amended May 5, 1970
Amended Nov. 7, 1972
Amended Nov. 6, 1973
Amended Nov. 6, 1979
Amended Mar. 24, 1981
Amended Nov. 3, 1987
Amended Nov. 7, 1989
Amended Jan. 30, 1990
Amended Nov. 5, 1991
Amended Nov. 2, 1993
Amended Nov. 7, 1995
Amended Nov. 4, 1997
Amended Nov. 3, 1998
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Amended Nov. 3, 2009
Amended Nov. 3, 2015
Amended Nov. 8, 2022

HOME RULE CHARTER

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ARTICLE I. GENERAL PROVISIONS

1: Name, boundaries.

The Municipal Corporation heretofore existing as a city of the second class in Arapahoe County, State of Colorado, and known as the City of Englewood, 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.

2: Form of government.

The Municipal Government provided by this Charter shall be the "Council-Manager" form of government, and shall not be changed except by Charter Convention. Pursuant to its provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elective council.

3: Powers.

The City shall have all powers, functions, rights and privileges in the operation of a municipality, except those powers, functions, rights and privileges expressly forbidden to Home Rule municipal corporations and cities by the Constitution or the Statutes of the State of Colorado.

4: Construction of words.

Whenever such construction is applicable, words used in this Charter importing singular or plural number may be construed so that one number includes both; words importing masculine gender may be construed to apply to feminine gender as well; and the word person may extend 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.

5: Present ordinances.

All ordinances of the City in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with provisions of this Charter, or until they shall be amended or repealed by ordinances enacted under authority of this Charter.

6: Detachment from the City.

No tract or parcel of land within the boundary of the City shall be detached by an owner or owners from the City except upon majority vote of the registered electors voting upon the question at a special election. The question of detachment from the City shall be submitted to said vote, as provided in Sections 14(1) and 14(3) of this Charter, upon deposit by said owner or owners with the City Treasurer of the expense of said election as determined by the Treasurer.

(Amended 11-2-1965; 11-5-1991)

7: Definitions.

'Agency' - Any organizational unit of the City.

'Appropriation' - The authorized amount of funds set aside for expenditure during a specified time for a specific purpose.

'Candidate' - A person seeking nomination or election to a City office.

'City' - The City of Englewood, Colorado, a municipal corporation.

'Council' - The City Council of the City.

'Elector' or 'Qualified Elector' - Any person who is entitled to register to vote at a particular time.

'Emergency' - An existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace or safety.

'Emergency Ordinance' - An ordinance, the immediate passage of which shall be necessary for the preservation or protection of public property, health, peace or safety.

'Employee' - Any compensated 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, and usually involving the elements of monopoly and regulation.

'Majority Vote' - The greatest number of votes received by any candidate or issue.

'Officer' - An elected member of the City Government.

'Overlapping Terms' - Terms of office are such that only a portion of the members will be appointed or elected at any one time, sometimes referred to as 'staggered terms'.

'Park' - Lands dedicated for park purposes.

'Statutes' - Applicable laws of the State of Colorado as they now exist and as they may be amended, changed, repealed or otherwise modified by legal procedure.

(Amended 11-2-1965; 11-5-1991)

8: Amending the Charter.

Amendments to this Charter may be framed and submitted to the electors through petitioning the Council, or framed and submitted to the electors by Council on its own initiative, in accordance with the provisions of Article XX of the Constitution of the State of Colorado and Section 14 of this Charter. Nothing herein contained shall be construed as preventing the submission to the electors of more than one Charter amendment at any one election.

(Amended 11-2-1965)

9: Constitutionality.

In the event any word, phrase, sentence, paragraph, section, or article of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder thereof, and the remainder of this Charter shall remain in full force and effect. If any provision in this Charter is in conflict with the State statutes or State Constitution, the provisions of the State statutes or State Constitution shall supersede this Charter if the matter has been determined to be of statewide concern. This shall not constitute a waiver of the City's rights under its Home Rule Charter, and, in any other matter, the Charter shall rule.

(Amended 11-3-1987)

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ARTICLE II. ELECTIONS

10: General.

All municipal elections shall be governed by the provisions of the Colorado Election Laws, and as hereafter amended or modified, except as otherwise provided in this Charter. The Council may adopt by ordinance such rules and regulations in respect to elections including by reference any laws of the State of Colorado not inconsistent with the provisions of this Charter or the State Constitution, as may be recommended by the Election Commission.

(Amended 11-2-1965; 11-2-1993)

11: Election Commission.

There is hereby created an Election Commission consisting of the City Clerk and four qualified electors of the City. Said electors, during their tenure in office, shall not be City officials or employees or candidates for elective City office. Council shall make two additional appointments, one term of appointment to terminate January 1, 1983 and one term of appointment to terminate January 1, 1985; thereafter appointments shall be for four-year terms. The Commission shall elect a chairperson from its membership.

The Election Commission shall establish precincts and appoint the election judges and clerks for each precinct as provided in the Colorado Election Laws and have charge of all other activities and duties required of it by law or this Charter.

Where municipal election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

(Amended 3-24-1981; 11-2-1993)

12: Municipal elections.

A general municipal election shall be held on dates and in a manner specified in State law. Special municipal elections shall be held in accordance with the provisions of this Charter.

(Amended 11-2-2004; 11-8-2022)

13: Registration.

(Repealed 11-2-1993)

14: Special elections.

- (1) *General Provisions.* Subject to the limitations imposed by this Charter, Council may call special elections as necessary either by resolution or by ordinance. Notice of such special elections shall be published and shall cite the section of this Charter which governs the proposition to be submitted to the electors. No special election shall be held within ninety (90) days before or forty-five (45) days after a general municipal or state election. General state elections may be used for submission of city propositions, except as limited by this Charter, and shall not be considered as special elections for city purposes. Any proposal, question or proposition may be submitted at any general or special municipal election

except as hereinafter limited. The ballot for all elections, except election of officers, shall state briefly the nature of the proposition and shall provide appropriate means to vote for or against the proposition.

(2) *Number, Limited.*

A. Not more than one special election shall be held, under provisions of Section 46 of this Charter, during any twelve month period; provided, however, that proposed initiated ordinances, questions or measures may be submitted at any general municipal or state elections, or at special elections called under provision of other sections of this Charter as limited in Section 14(3) hereof.

B. Any proposition submitted under Section 77 of this Charter shall not again be submitted under Section 77 for one year thereafter.

(3) *Subject, Limited.* Elections held under provisions of Section 6, Section 77 and Section 104 of this Charter shall be held separate and apart from all other elections and shall be limited to submission of only one proposition in any one election.

(Amended 11-2-1965; 11-3-2015)

15: Nominations for elective municipal office.

Each candidate for an elective municipal office shall be nominated by petition signed by at least fifty registered electors residing within the municipality, or the district, from which the officer is to be elected.

Petitions shall be circulated and filed in accordance with Colorado Election Laws.

(Amended 3-24-1981; 11-5-1991; 11-2-1993)

16: Voting.

(Repealed 11-2-1993)

17: Absentee voting.

(Repealed 11-2-1993)

18: Electioneering near polls.

(Repealed 11-2-1993)

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ARTICLE III. LEGISLATIVE BODY

19: The Council.

The legislative affairs of the City shall be vested in a Council consisting of seven Council Members, one to be elected from each of four districts and the remaining three to be elected at large.

(Amended 11-8-2022)

20: Districts.

Council shall establish four Council Districts before May 1, 1959. Such districts shall comply with federal law, be contiguous and compact and have approximately the same number of registered voters, as determined by the number registered to vote at the preceding general municipal election. The variances in number of registered voters shall be minimized to the greatest extent possible between the district with the highest number of registered voters and the district with the lowest number of registered voters. Every four years thereafter, divisions, changes, and consolidations shall be made by the Council to carry out the intent of this Article. Hereafter, such redistricting shall be completed at least six months before the general municipal election at which it is to become effective.

(Amended 11-8-2022)

21: Salaries.

The monthly salaries of the Council Members are hereby initially fixed in the following amounts until changed by ordinance, but shall not be increased during the current term of Council Members enacting such ordinance:

Mayor: \$75.00.

Member of Council: \$50.00.

(Amended 11-8-2022)

22: Terms.

Terms of Council Members shall begin at the next regularly scheduled City Council meeting following certification of the election results and upon taking an appropriate oath of office. Seven Council Members shall be elected at the regular City election to be held on the first Tuesday after the first Monday in November, 1959. The candidate receiving the highest number of votes from District 1 and the candidate receiving the highest number of votes from District 3 shall hold office for four years, and the candidate receiving the highest number of votes from District 2 and the candidate receiving the highest number of votes from District 4 shall hold office for two years. The two candidates at large receiving the highest number of votes shall serve for four years, and the candidate at large receiving the third highest number of votes shall serve for two years. Thereafter, all candidates elected shall serve a term of four years, and a general municipal election shall be held at two-year intervals.

- (1) In order to broaden the opportunities for public service and to guard against excessive concentrations of power, no member of City Council shall serve more than three consecutive terms in such office. This limitation on the number of terms shall apply to a third term of office beginning on or after November 3, 2009. Any person who succeeds to the office of City Council member or is appointed or elected to fill a vacancy and who serves at least one-half of a term of office, shall be considered to have served a full term in that office for purposes of this subsection. Terms are considered consecutive unless they are at least four years apart.

(Amended 1-30-1990; 11-5-1991; 11-3-2009; 11-8-2022)

23: Qualifications of Council Members.

No person shall be eligible for the office of Council Member unless at the time of the election the person is a citizen of the United States, at least twenty-five (25) years of age, shall have been for one year immediately preceding such election a registered elector of the City. Council Members elected by Districts shall also be residents and registered electors of their districts. No Council Members shall hold any other public office or employment for which compensation is paid from any municipality.

(Amended 3-24-1981; 11-5-1991; 11-8-2022)

24: Presiding officer.

After each general municipal election, the Council shall elect from their own number a Mayor who will be the presiding officer entitled to vote. The Mayor shall have no veto power and shall serve at the will of the Council. The Mayor shall be recognized as head of the City Government for all ceremonial purposes and shall execute and authenticate legal instruments requiring the Mayor's signature as such official.

(Amended 11-8-2022)

25: Mayor Pro Tem.

After each general municipal election, the Council shall elect a Mayor pro tem, who shall act as Mayor during the absence of the Mayor.

26: Oath of office.

Before entering upon the duties of office, every Officer and City employee shall take, subscribe before, and file with the City Clerk, an oath or affirmation that they will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and ordinances of the City, and will faithfully perform the duties of the office.

(Amended 11-8-2022)

27: Council meetings.

Council shall meet regularly at least twice each month, at a day, time, and manner to be fixed from time to time by the rules and procedures of each Council; however, Council may, upon appropriate prior published notice hold any regular or special meeting at such other appropriate public place in the City as they may designate. Council shall by ordinance prescribe the rules of procedure governing meetings. All meetings for the transaction of business shall be open to the public. Special meetings of Council may be called in the manner and at the time provided for by the rules of procedure of Council. Five Council Members shall constitute a quorum.

(Amended 11-2-1965; 11-8-2022)

28: Vacancies.

An elected officer shall continue to hold office until the officer's successor is duly qualified. An elective office shall become vacant whenever any officer becomes incapacitated, or if a Council Member shall remove from or become a non-resident of the district from which elected during the term of office. In case of a vacancy, the remaining Council Members shall choose, by majority vote and within thirty days after such vacancy occurs, a duly qualified person to fill such vacancy. The appointee shall serve until a successor elected for the remainder of the term at the next ensuing general municipal election has been duly qualified. If three or more vacancies exist in the Council simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.

(Amended 11-8-2022)

29: Council membership rules.

Except as otherwise provided in this Charter, the Council shall be the judge of the election and qualifications of its own members, subject to judicial review.

30: Powers.

Council shall have all municipal legislative powers as conferred by general law, except as provided by this Charter and except those which may be exercised by the people through direct legislation. The Council shall have the power and authority, within constitutional limitations, to delegate by ordinance to Boards and Commissions such functions, powers or authority herein conferred upon the City as the Council shall deem proper and advisable within its discretion.

31: Clerk of the Council.

The City Manager shall appoint a City Clerk who shall be Clerk of the Council. The City Clerk shall receive petitions and other documents in the name of the Council, keep a journal of Council proceedings, authenticate by the Clerk’s signature and record all ordinances and resolutions in full and shall perform such other duties as required by this Charter or by the City Manager.

(Amended 11-2-1965; 11-8-2022)

32: Powers expressly withheld from Council.

Council shall deal with the administrative service solely and directly through the City Manager, and neither the Council, its members nor committee shall either dictate the appointment or direct or interfere with the work of any officer or employee under the City Manager, either publicly or privately. Attempted dictation, direction or interference on the part of any Council Member shall be deemed misconduct.

(Amended 11-4-1997; 11-8-2022)

33: Annual independent audit.

An independent audit shall be made annually of all City accounts, and more frequent audits may be made if deemed necessary by Council. Such audits shall be made by Certified Public Accountants, experienced in municipal accounting, selected by Council.

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ARTICLE IV. RECALL

34: Procedures.

Any elected officer of the City of Englewood may be recalled from office at any time after holding office for six months, in the manner here provided:

The procedure hereunder to effect the recall of any elected officer shall be as follows:

One 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 200 words stating the reasons for the recall of the elected officer sought to be removed. The City Clerk shall, within forty-eight (48) hours after the filing of said affidavit, mail a copy of said affidavit, by certified mail, to the elected officer sought to be recalled, who may file with the City Clerk a sworn statement in defense of the charges made against the officer. After the affidavit has been filed, the City Clerk shall authorize a petition for recall of the elected officer 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 elected officer, 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 percent (25%) of the registered electors voting for all the candidates for the elected officer's respective office in the last preceding general 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 Council shall set a date for a recall election to be held not less than sixty (60) days nor more than one hundred twenty (120) days after filing of the recall petition unless within said period of time a general municipal election, a special municipal election or a general state election is to be held.

Should a general municipal election, a special municipal election, or a general state election be held within the 60th to 120th day after filing of the recall petition, the recall election shall be held in conjunction therewith. At such recall election, the question of the proposed recall of the elected officer 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 an officer is recalled by a majority vote of those voting on the question, the office shall be deemed vacant and shall be filled at an election called by Council not less than sixty (60) days nor more than one hundred twenty (120) days after the recall election unless within said period of time a general municipal election, a special municipal election, or a general state election is to be held.

Should a general municipal election, a special municipal election, or a general state election be held within the 60th to 120th day after the recall election, the election to fill the vacancy shall be held in conjunction therewith.

Recall elections and elections to fill a vacancy created by a recall election shall not be subject to the limitation set forth in Section 14 of the Home Rule Charter.

(Amended 3-24-1981; 11-5-1991; 11-6-2001; 11-8-2022)

35: Implementation.

The Election Commission shall make such additional rules and regulations as are necessary to implement the above procedures.

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ARTICLE V. ORDINANCES

36: Ordinances, resolutions, motions.

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other procedure may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject, except in case of repealing ordinances, and the ordinances making appropriations shall be confined to the subject of appropriations.

37: Voting.

The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the journal of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the quorum present. Every Council Member, when present, must vote upon ordinances, resolutions and motions, except the Council Member shall be excused from voting on matters involving the consideration of their own official conduct or when their personal or financial interest is involved.

(Amended 11-8-2022)

38: When required.

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

39: Form.

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

40: Procedure of passage.

An ordinance may be introduced as a bill at any regular meeting by any member of the Council, or by petition of the people as provided by this Charter. Upon introduction, the bill shall be published by reference or in full as Council may determine. Council may set a day and hour at which Council, or a committee of Council, shall hold a public hearing thereon. A bill, before its final passage, shall be presented at one additional meeting of the Council, which meeting must be held no earlier than seven days after publication of the bill for an ordinance, except in case of emergency as herein provided. After final passage, every ordinance shall again be published by reference or in full as Council may determine.

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.

(Amended 11-4-2003)

41: Emergency ordinances.

Emergency ordinances necessary for the immediate preservation of public property, health, peace, or safety may be introduced, read and unanimously approved by a quorum present, at any meeting of the Council. The facts showing such urgency and need shall be specifically stated in the ordinance. No ordinance shall receive final passage on the same date it is introduced; however, emergency ordinances may receive final passage by Council on the following day. Emergency ordinances shall take effect immediately upon final passage and shall be published within seven days thereof. No ordinance making a grant of any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money or fixing rates charged by any city owned utility shall ever be passed as an emergency measure unless the indebtedness, or the borrowing of money has received prior voter approval, or the indebtedness does not require voter approval under Article X, Section 20 (TABOR) of the State Constitution.

(Amended 11-2-1965; 11-6-2001)

42: Disposition.

A true copy of every ordinance, as adopted by Council, shall be numbered and recorded and adoption and publication shall be authenticated by the signature of the Mayor 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.

(Amended 11-5-1991)

43: Codification.

Council shall cause the permanent ordinance to be codified within one year after the effective date of this Charter and, may thereafter, recodify them as deemed necessary or desirable. Codification may be accomplished by the Council by reenactment or authentication, as may be designated by ordinance; and the codification shall be amended or supplemented as permanent ordinances are passed by adding or deleting those ordinances adopted or repealed by Council and designated as affecting the Municipal Code.

44: Codes published by reference.

Standard codes, promulgated by the Federal Government, the State of Colorado, or by any agency of either of them, 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. Primary codes thus adopted may in turn adopt secondary codes.

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ARTICLE VI. INITIATIVE AND REFERENDUM

45: Initiative.

Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the City equal in number to the percentage herein required.

(Amended 11-5-1991)

46: Submissions.

If the petition accompanying the proposed ordinance is signed by registered electors equal in number to ten percent (10%) of the preceding gubernatorial vote in the City, with a request for a special election, the Council shall either pass said ordinance without alterations within thirty days after the petition is filed, subject to the referendum, or call a special municipal election, unless a general municipal election, special municipal election or general state election is to occur within ninety days thereafter. At such general municipal election, special municipal election or general state election the Council shall submit said ordinance to a vote of the electors of the City. If the petition is signed by registered electors equal in number to at least five percent (5%) of the preceding gubernatorial vote in the City, and is filed with the City Clerk at least

ninety (90) days before a general municipal or general state election, the Council shall pass said proposed ordinance without alterations within thirty (30) days, or shall submit same to a vote of the electors at the next general municipal election or general state election. If the petition is not filed with the City Clerk at least ninety (90) days before the next general municipal election or general state election, it shall be null and void.

An initiated ordinance shall be published in the same manner as other ordinances. The ballot upon which such proposed ordinance is submitted shall comply with the requirements set forth in Section 14 of this Charter. If a majority of the electors voting thereon shall vote in favor thereof, the same shall thereupon, without further publication, become an ordinance of the City immediately. Any number of proposed ordinances may be submitted at the same election. The number of special elections shall be limited as provided in Section 14 of this Charter.

(Amended 11-2-1965; 11-5-1991; 11-3-1998; 11-6-2001)

47: Referendum.

The referendum shall apply to all ordinances passed by Council, except ordinances making the tax levy, the annual appropriation ordinance, or the ordering of improvements initiated by petition and to be paid for in whole or part by special assessments.

If at any time within thirty (30) days after the final passage of an ordinance to which the referendum is applicable a petition signed by registered electors equal in number to at least ten percent (10%) of the preceding gubernatorial vote in the City, is presented to the Council protesting any ordinance going into effect, it shall reconsider such ordinance. If the ordinance is not entirely repealed, Council shall submit it to a vote of the electors of the City as provided in the Initiative and Section 14 of this Charter, at the next general municipal election, special municipal election or general state election. Such ordinance shall then go into effect without further publication if a majority of the electors voting thereon vote in favor of it. The Council, on its own motion, shall have the power to submit any proposed ordinance to a vote of the electors at a general municipal election, special municipal election or general state election as provided and limited in this Charter. No provision of this Charter shall be construed as limiting the right of Council to refer to any ordinance subject to referendum. If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

(Amended 11-2-1965; 11-5-1991; 11-6-2001)

48: Amendments.

An ordinance adopted or rejected by electoral vote under either the initiative or referendum, cannot be revised, repealed, or amended except by electoral vote; but the Council shall have the power to submit a proposition without a petition therefor, subject to the limitations set forth in Section 14 of this Charter.

(Amended 11-2-1965)

ARTICLE VII. CITY MANAGER

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ARTICLE VII. CITY MANAGER

49: Appointment; qualifications.

The Council shall appoint and fix the salary of the City Manager who shall be the chief executive officer and head of the administrative branch of the City Government. The City Manager shall be selected on the basis of administrative and executive qualifications. During the City Manager’s tenure of office, the City Manager shall reside within the City of Englewood. No Council Member shall be appointed City Manager during the term for which they shall have been elected.

(Amended 11-8-2022)

50: Absence.

To perform duties during a temporary absence or disability, the Manager may designate a qualified City employee by letter filed with the City Clerk. If the Manager fails to make such designation, the Council may by resolution appoint a qualified City employee to perform the duties of the Manager until the City Manager shall return.

(Amended 11-8-2022)

51: Removal; severance pay.

Council shall appoint the City Manager for an indefinite term and shall have power to remove the City Manager, by majority vote of its members. Upon removal, the City Manager shall be paid the balance of salary for the current month and the salary for the next calendar month.

(Amended 11-8-2022)

52: Powers and duties.

The City Manager shall:

- (a) Be responsible for enforcement of the laws and ordinances of the City;
- (b) Appoint, suspend, transfer and remove City employees unless otherwise provided;
- (c) Make appointments based upon merit and fitness;
- (d) Prepare budgets annually and submit them to the Council and be responsible for their administration after adoption;

- (e) Prepare and submit to the Council, as of the end of the fiscal year, a complete report on finances and administrative activities of the City for the preceding year, and, upon request of the Council make written or verbal reports concerning the affairs of the City under the City Manager’s supervision;
- (f) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council for adoption as the City Manager may deem necessary or expedient;
- (g) Exercise supervision and control over all executive and administrative departments, including the authority, with prior approval of Council by ordinance to establish, consolidate, or abolish administrative departments;
- (h) Enforce all terms and conditions imposed in favor of the City or its inhabitants in any contract or public utility franchise, and, upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same;
- (i) Participate in discussions with the Council in an advisory capacity;
- (j) Inform the public concerning plans and activities of Council and of the City Administration;
- (k) Establish a system of accounting and auditing for the City to conform with the Uniform System of Municipal Accounting and Auditing; show that legal provisions have been complied with and reflect the financial condition and financial operation of the City; establish cost accounting systems whenever practicable;
- (l) Be responsible for engineering, architectural, maintenance, construction, and work equipment services required by the City except those assigned to other departments by this Charter;

(m)

Perform such other duties as may be prescribed by this Charter or required by the Council and not inconsistent with this Charter.

(Amended 11-8-2022)

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ARTICLE VIII. BOARDS AND COMMISSIONS

53: General provisions.

Unless otherwise required by law or this Charter, all Boards and Commissions shall be appointed by the Council and have such powers and perform such duties as are required by this Charter or by ordinance. Initial appointments by the Council shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by the appointing authority. The Council shall make appointments to fill vacancies for the unexpired terms. Each Board and Commission shall choose its own chairperson and vice chairperson from citizens-at-large members and operate in accordance with the rules of procedure as set forth by the appointing authority.

All regular meetings shall be open to the public.

The City Manager shall provide a recording secretary for each Board and Commission.

A book of records of each meeting shall be kept and placed in the office of the City Clerk for public inspection.

Reports shall be made to Council as the Council shall require.

(Amended 11-8-2022)

PART I. LIBRARY BOARD

54: Board created.

The Public Library Board shall consist of a minimum of five (5) members, or more if established by ordinance, appointed by the Council from citizens-at-large with overlapping terms of four (4) years. The City Manager shall appoint a member of the library staff to be an ex officio nonvoting member of the Board.

(Amended 5-5-1970; 11-6-1979; 11-8-2022)

55: Powers and duties.

The Library Board shall prepare and submit to Council a master plan for the development and maintaining of a modern library system. The Board will cooperate with the City Manager in preparing its annual capital expenditure budget for Council. The Board is authorized, subject to Council approval, to cooperate with any public or private agency in obtaining space, or for any other purpose. The Board shall have the power to administer gifts and trusts.

PART II. CITY PLANNING AND ZONING COMMISSION

56: Commission established.

The Council shall establish by ordinance a City Planning and Zoning Commission consisting of a minimum of five (5) members, or more if established by ordinance, appointed by Council, who shall be citizens-at-large with overlapping four (4) year terms. The City Manager shall appoint an administrative officer to be an ex officio nonvoting member of the Commission. Members shall be qualified electors, residents of the City at least one (1) year immediately prior to the day of their appointment, and shall hold no paid office or position in the City Administration. The recording secretary shall sign any documents or communications from the Board, "by order of the City Planning and Zoning Commission".

(Amended 5-5-1970, 11-6-1979; 11-8-2022)

57: Authority.

The City Planning and Zoning Commission shall exercise such authority as vested in it by State Statutes, and as set forth in this Charter and as granted by ordinance.

58: Duties.

The City Planning and Zoning Commission shall prepare and submit to the Council for its approval a master plan, and current modifications thereof, for the physical development of the City. All plats of proposed subdivisions shall be submitted to the City Planning and Zoning Commission for its recommendations to Council with respect thereto. The Commission shall submit annually to the City Manager, not less than ninety days prior to the submission of the budget, a list of recommended capital improvements, arranged in order of preference, which in the opinion of the Commission are necessary or desirable to be constructed during the forthcoming five-year period.

It shall prepare and recommend to the Council, a comprehensive zoning ordinance or propose amendments or revisions thereto, with such provisions as the Commission shall deem necessary or desirable for the promotion of the health, safety, morals, and general welfare of the inhabitants of the City. The Commission shall hear applications for amendments, modifications or revisions of zoning ordinances, and shall forward such applications to the Council with its recommendations thereon. The recommendations of the Commission shall not be binding on the Council; however, no general city plan, nor zoning ordinance, nor any modification, amendment or revision thereof, shall be considered by the Council unless the same shall have been first submitted to the Commission for its examination and recommendation. The Commission shall conduct public hearings as they deem necessary.

PART III. BOARD OF ADJUSTMENT AND APPEALS

59: Board created.

Council shall establish by ordinance a Board of Adjustment and Appeals, consisting of a minimum of five (5) members, or more if established by ordinance, appointed by Council, for overlapping terms of four (4) years. Members shall be qualified electors, residents of the City at least one (1) year immediately prior to the date of their appointment, and shall hold no other office or position in the City Administration. The recording secretary shall sign any documents or communications from the Board, "by order of the Board of Adjustment and Appeals".

(Amended 5-5-1970; 11-5-1991; 11-8-2022)

60: Powers and duties.

The Board shall keep minutes of its proceedings, show the vote taken, keep records of its examinations and other official actions. Every order, requirement, decision or determination of the Board shall be filed in the office of the City Clerk. The Board shall have power to hear and determine appeals from refusal of building permits; make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent; authorize variances from the strict application of regulations in such situations and subject to such limitations as may be set by ordinance. The findings and decisions of the Board shall be final, subject only to judicial review.

The Board shall exercise its authority in accordance with State Statutes, except as otherwise provided in this Charter.

PART IV. WATER AND SEWER BOARD

61: Board created.

The Council shall establish by ordinance a Water and Sewer Board, with a minimum of five (5) members, or more if established by ordinance. The Board shall consist of the Mayor of the City, two (2) Council Members selected by Council, and at least two (2) members appointed by the Council from qualified electors, serving overlapping terms of six (6) years. A representative from the City Administration shall be appointed by the City Manager to serve as an ex officio nonvoting member.

(Amended 5-5-1970; 11-5-1991; 11-8-2022)

62: Planning.

The Water and Sewer Board shall plan for the continued adequacy of the domestic water supply and system and sanitary sewer systems as indicated by the projected needs of the City. The Board, in cooperation with the City Manager, shall submit annually to Council a capital expenditure budget; such budget may provide for a contingency fund never to exceed two percent (2%) of the gross receipts of the domestic water and sanitary sewer systems for the previous year. Expenditures from said fund shall be upon authorization of the Water and Sewer Board.

(Amended 11-2-1965)

63: Powers.

The Water and Sewer Board shall have such powers as may be delegated to it by ordinance or resolution and shall have the power to protect the domestic water, water rights, and water supply of the City from injury and pollution and shall have the right and duty to exercise power over the stream or source from which such water is taken and with the approval of the City Council to initiate in the name of the City of Englewood and carry on all litigation necessary for the prevention of stream pollution of any and every type. The Water and Sewer Board shall determine the necessity for the purchase and acquisition of water rights for municipal supply and rights-of-way and lands in connection therewith. It being provided, however, that in the purchase of such water rights, lands in connection therewith may be purchased to acquire said rights either within or beyond the corporate limits of the City, and in such cases the water acquired by such purchase may be severed from the land for municipal use and such lands may be sold or otherwise disposed of as the Council may in its discretion deem proper and advisable.

(Amended 11-2-1965)

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ARTICLE IX. LEGAL DEPARTMENT

PART I. CITY ATTORNEY

64: Appointment.

The Council shall appoint a City Attorney who shall be the legal representative of the City and who shall advise the Council and City Officials in matters relating to the official powers and duties. The City Attorney shall be an attorney-at-law admitted to practice in Colorado and have a minimum of five years’ experience in the active practice of law. The Council may provide the City Attorney with such assistants as Council may deem necessary. All attorneys who reside or maintain offices in the City shall be given preference by Council for appointment.

Council shall establish compensation for the City Attorney, attorney assistants and special counsel.

(Amended 11-8-2022)

65: Duties.

The City Attorney shall represent the City in all legal proceedings, supervise the drafting of all ordinances and the preparation of all other legal documents. The City Attorney shall attend all Council meetings and shall perform all services incident to the position as may be required by this Charter or the Ordinances of the City. The Council may authorize the City Attorney to settle claims against the City and make appropriations therefor.

(Amended 11-8-2022)

66: Suits.

When directed by Council the City Attorney shall institute or defend any suit, action or proceeding on behalf of the City or any of its agencies.

67: Special counsel.

The Council may, on its own motion, or upon the request of the City Attorney, in special cases, employ special counsel to serve under the direction of the City Attorney. Special counsel engaged in regard to irregularities found by audit or any alleged dereliction in the executive department may serve independently of the City Attorney.

PART II. MUNICIPAL COURT

68: Establishment.

Beginning at the general municipal election in November 1959, there shall be elected for a term of four years, a Municipal Judge, who shall preside over the Englewood Municipal Court.

Such Judge shall serve until a successor is duly qualified. The Judge shall hear and determine all causes arising under this Charter and the ordinances of the City and shall have such other jurisdiction as may be conferred upon the Judge by the Council and the Statutes and Constitution of this State. If in the discretion of Council more than one Municipal Judge is necessary or desirable, Council shall provide for their election under this section.

If vacancy occurs, whether caused by death, resignation or otherwise, Council shall appoint a successor to fill the vacancy. Such appointee shall serve until the first Monday after January 1 of the year following that in which the next general municipal election is held. At such general municipal election, a Municipal Judge shall be elected to take office for a four-year term beginning on the first Monday after January 1 of the following year. Council may appoint one or more associate judges, who shall sit at such times and upon such causes as shall be determined by the presiding Municipal Judge. When actually performing judicial duties, such associate judge shall have all the jurisdiction and power of a Municipal Judge and their orders and judgments shall be those of the Municipal Court. The associate judge shall have the same qualifications as the Municipal Judge. The associate judge's salary shall be determined by Council.

(Amended 11-2-1965; 11-8-2022)

69: Qualifications.

The Municipal Judge shall be an attorney-at-law admitted to practice in Colorado, and shall have had a minimum of two years' experience in the active practice of law and be a registered elector of the City.

(Amended 11-5-1991)

70: Duties.

The Municipal Judge shall establish rules of court and the Council shall, upon recommendation of the Judge, provide the Judge with the necessary courtroom facilities, supplies, and clerical assistance.

(Amended 11-2-1965; 11-8-2022)

PART III. MISCELLANEOUS LEGAL PROVISIONS

71: Contracts and conveyances.

All contracts in writing binding the City and all conveyances of an interest in land by the City shall be signed by the Mayor and attested by the City Clerk under the seal of the City.

72: Restrictions on sales and leases of land and other real property.

Lands granted to or purchased by the City for park purposes, and so dedicated, shall not be sold or conveyed without majority vote of the electors voting thereon at any general or special election, subject to the limitations contained in Section 14 hereof. Nothing in this provision shall be so construed as to prevent the City from selling or conveying, as hereinafter provided, lands purchased for purposes other than parks and not so dedicated, even though such lands may be used for park purposes. Real property of the City may be sold, subject to the restrictions

contained in Sections 72 and 121 of this Charter without a vote of the electors, but only by ordinance, enacted, not using the emergency provision. Real property of the City may be leased, provided that no lease of any real property shall exceed a period of twenty (20) years, except leases to other municipalities or governmental agencies, or leases approved by a vote of the electors at any general or special election, subject to the limitations contained in Section 14 hereof.

(Amended 11-2-1965)

73: Recovery of compensation.

No action for the recovery of compensation for personal injury or death against the City on account of its negligence, shall be maintained, unless written notice of the time, place, and cause of injury is served on the City pursuant to the Colorado Government Immunity Act, C.R.S. § 24-10-101, *et seq.*, and the action is commenced within the time period established by applicable law from the occurrence of the accident causing the injury or death.

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 intention to mislead and that the Council was, in fact, not misled thereby.

(Amended 11-8-2022)

74: Bonding.

Before permitting an employee or an officer handling City funds to enter upon the duties of their office, Council shall obtain a fidelity bond from a bonding company authorized to do business in the State of Colorado, in sufficient amount to be fixed by the Council.

(Amended 11-8-2022)

75: Previous contracts.

Nothing in this Charter shall abridge the rights, duties or obligations heretofore obtained or incurred by contract or ordinance and legally entered into or passed by the City.

76: Right of eminent domain.

The City shall have the Right of Eminent Domain as provided by the Statutes of the State of Colorado.

77: Right to combine, consolidate, or merge.

Council may combine, consolidate, or merge the City with any other contiguous municipality or municipalities upon such terms and conditions as it shall deem necessary and expedient, subject, however, to ratification by the electors, at a special election in accordance with the provisions of Section 14 of this Charter.

(Amended 11-2-1965)

78: Authority to levy taxes.

Council may levy such taxes and excises as may be necessary to obtain revenue for the operation of the City, subject to the right of referendum as in this Charter provided.

79: Cooperative contracts.

Council, by ordinance, may enter into contracts with other governmental bodies to furnish or receive governmental services and to make or pay charges for such services and enter into cooperative or other joint activities with other governmental bodies.

80: Bequests, gifts and donations.

Council, on behalf of the City, may receive 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 purposes of such gifts, bequests and donations with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

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ARTICLE X. FINANCE ADMINISTRATION

PART I. BUDGET

81: Fiscal year.

The fiscal year of the City Government shall begin January first and end on December thirty-first of each year.

82: Submission of the budget.

Not later than September fifteenth of each year, the City Manager shall submit to the Council:

- (a) An annual or current expense budget, hereafter referred to as the "Budget" which shall be a complete financial plan for the ensuing fiscal year consisting of the budget proper and the budget message.
- (b) A Capital budget.

83: Scope of annual budget.

The Budget shall contain:

- (a) An estimate of anticipated revenue from all sources other than the tax levy of the ensuing fiscal year.
- (b) An estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation.
- (c) The estimated expenditures necessary for the operation of the several departments, offices, and agencies of the City.
- (d) Debt service requirements for the ensuing fiscal year.
- (e) An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of levy necessary to produce such sum, based on a percentage of collection not exceeding the lowest percentage of current levy collection experienced during the three preceding complete fiscal years.
- (f) A balance between the total estimated expenditures and total anticipated revenue from all sources, taking into account the estimated general fund cash surplus or deficit at the end of the current fiscal year. All estimates shall be in detail, showing revenues by sources and expenditures by organizational units, activities, character or object. The budget shall be arranged to show comparative figures for receipts and expenditures for at least two prior years and for the current year, and the City Manager's recommendations for the ensuing year.

84: The budget message.

The budget message shall contain the recommendations of the City Manager concerning the fiscal policy of the City, a description of the important features of the budget plan, an explanation of all major increases or decreases in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main items of expenditure.

85: Departmental estimates.

The head of each department, office or agency shall submit to the City Manager, at such date as the City Manager shall determine, estimates of revenue and expenditure for that department, office or agency.

The City Manager shall review the estimates and in preparing the budget may revise them as deemed advisable.

(Amended 11-8-2022)

86: Public record.

The budget shall be a public record in the office of the City Clerk and shall be open to public inspection. Sufficient copies shall be made available for the use of the Council and the public, the number of copies to be determined by the City Manager.

87: Public hearing.

A public hearing on the budget shall be held by Council within three weeks after its submission. Notice of time and place of said hearing shall be published within seven days after submission of the budget in the manner provided in this Charter for the publication of ordinances.

88: Changes by Council.

After conclusion of such public hearing, the Council may insert new items of expenditure or may increase, decrease, or strike out items of expenditure, except that no item of appropriation for debt service shall be reduced. If Council shall decrease the total proposed expenditures, such decrease shall be reflected in full in the tax levy. If Council shall increase the total proposed expenditures, such increase shall be reflected in the tax levy or by appropriate provision in other revenues.

If the Council increases the total proposed expenditures by more than five percent (5%), another public hearing shall be held as provided in this Charter.

89: Certification of tax levy.

Not later than October 16th, or such date as may be required by state law, Council shall meet and pass a tax levy ordinance in which shall be included such levy as in its judgment may be deemed proper and wise, in mills, upon each dollar of the assessed valuation of all taxable property within the corporate limits of the City, and shall cause same to be certified as by law required. If Council fails in any year to make such tax levy as above provided, then the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as by law provided.

90: Adoption of the budget and the appropriation ordinances.

Not less than thirty days prior to the first day of the next fiscal year, Council shall adopt a bill for the Budget and a bill for the Appropriation Ordinance.

91: Revised allotments.

If at any time during the fiscal year the City Manager shall ascertain that the cash receipts for the year, plus general fund cash surplus from the preceding year, will be less than the total appropriation, the City Manager shall reconsider the anticipated further expenditures to be made by each of the several departments, offices and agencies, and shall take such other action as may be reasonably calculated to forestall the incurring of a deficit.

(Amended 11-2-1965; 11-8-2022)

92: Transfers of appropriations.

The City Manager may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. At the request of the City Manager, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office or agency, to another.

93: Additional appropriations.

Appropriations in addition to those contained in the budget shall be made only on the recommendation of the City Manager, and only if the City Treasurer certifies that there is available a cash surplus sufficient to meet such appropriations. These limitations shall not apply to meeting a public emergency caused by act of God or the public enemy or some contingency which could not have been reasonably foreseen at the time of the adoption of the budget, in which event Council may authorize the expenditure of funds in excess of such budget by ordinance or resolution duly adopted by a two-thirds vote of Council. In case of such emergency and the passage of an ordinance or resolution authorizing additional expenditures in excess of the budget and if there be funds or money available for such excess expenditures in some other fund which will not be needed for expenditures during the balance of the fiscal year, Council shall transfer such available money from such fund to the fund from which the excess expenditure is to be paid. If sufficient money which can be so transferred is not available to meet the authorized excess expenditure, then Council may make a temporary loan through the issuance of registered warrants so as to provide for such excess expenditures. The total amount of such temporary loans shall not exceed such amount as can be raised by a two mill levy on the assessed valuation of the taxable property within the City.

94: Appropriations to lapse.

Any annual appropriation or any portion thereof remaining unexpended and unencumbered at the close of the budget year shall lapse and revert to the General Fund; except for appropriations for construction or maintenance of permanent improvements from the Public Improvement Fund or other such funds designated by City Council which shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned as provided in Article X, Part I, Section 96 of the Englewood Home Rule Charter.

(Amended 11-6-2007)

95: Capital budget.

As a part of the budget message, or as a separate report thereto, the City Manager shall present a program of proposed capital projects for the ensuing fiscal year and for five fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, officer or agency, annually in the same manner as estimates of other budgetary requirements are prepared by the City Manager. The City Manager shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

96: Public improvement levy.

The Council may levy annually a tax of not more than two mills to be assessed upon the valuation within the City at the same time as the regular annual taxes for City expenses for the benefit of a fund to be known as the "Public Improvement Fund". The fund is to be established for the purpose of paying, in whole or in part, the cost of general or special improvements of the City. The proceeds of such levy shall be kept by the City Treasurer in a special account until invested as authorized by the Council. The Council shall have power to transfer from time to time to the Public Improvement Fund any portion of the General Fund surplus not otherwise appropriated. Appropriations for construction of permanent improvements, from the Public Improvement Fund, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if five fiscal years elapse without any expenditure from the appropriation therefor. Any unappropriated balance in the Public Improvement Fund may be transferred by the Council for payment of outstanding general or special bonded indebtedness of the City.

PART II. CITY TREASURER

97: Appointment and qualification.

The City Treasurer shall be appointed by the City Manager. The City Treasurer shall have knowledge of municipal accounting and taxation, and shall have had experience in budgeting and financial control.

(Amended 11-8-2022)

98: Powers and duties.

The City Treasurer, under jurisdiction of the City Manager, shall have charge of administration of the financial affairs of the City and to that end the City Treasurer shall have authority and shall be required to:

- (a) Compile the expense estimates and capital estimates for the annual budgets;
- (b) Disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made;
- (c) Examine and approve as correct all purchase contracts, orders and other documents by which the City incurs financial obligations, except petty cash transactions and field orders of a limited amount, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations become due and payable; and shall audit, before payment, all bills, invoices, payrolls and other evidences of claim, demands or charges against the City;
- (d) Maintain a general accounting system for the City and each of its offices, departments, and agencies;
- (e) Receive from the County Treasurer all funds due the City from taxes, special assessments, and other items which are collected for the City by the County Treasurer. Collect such other taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all money receivable

by the City from the state or federal government or from any court, or from any office, department or agency, of the City, or any other agency, office or source which is not now in existence but which may, in the future, be created or provided for;

- (f) Arrange for the preparation of tax maps and give such notice of taxes and special assessments as may be required;
- (g) Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City Government, and deposit or invest all funds coming into the City Treasurer's hands as shall be designated by resolution of Council, subject to the requirements of law as to surety and payment of interest on deposits or investments. All interest shall be the property of the City and shall be accounted for and credited to the proper account;
- (h) Have custody of all investments and invested funds of the City Government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds, notes, and other evidences of indebtedness due the City and the receipt and delivery of City Bonds and notes for transfer, registration or exchange;
- (i) Compile periodic expense estimates as required by the City Manager;
- (j) Submit to Council, through the City Manager, a monthly report of all accounts or funds including trust and custodial funds, such report to show receipts and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact financial condition of the City and make such report available for public inspection;
- (k) Prepare and make available for public inspection, by the end of the first quarter of each year, a complete annual municipal financial statement and report of the City;
- (l) Advise Council, through the City Manager, of any financial irregularities in any department;
- (m) Supervise all accounts, inventories, and reconciliation of inventories.

(Amended 11-8-2022)

99: Separate utilities account.

The accounts of each utility owned and operated by the City shall be kept separate and distinct from all other accounts of the City and in such manner as to show the true and complete financial result of such City ownership and operation including all assets, liabilities, revenues, and expenses in accordance with a uniform classification of accounts and shall contain proportionate charges for all services performed by other departments for such utility, as well as proportionate credits for all services rendered.

100: Responsibility for funds.

All City funds received by City Employees, except petty cash, shall be delivered daily to the City Treasurer.

101: General fund; receipts and expenditures.

There is hereby established a General Fund. The General Fund shall comprise all revenues of the City not specifically belonging to any other fund. All general functions of the City shall be financed by appropriations from the General Fund.

102: Special funds.

Additional funds, which shall be known as Special Funds, may be created by ordinance. The ordinances creating Special Funds shall specify sources of receipts of the Special Fund and purposes for which expenditures from the Special Fund shall be made. Special Funds created by ordinance may be abolished by ordinance, subject to existing trusts, and the remaining assets of any such Special Funds may be transferred to other funds. The ordinances creating Special Funds may provide for annual, periodic, or continuing appropriations from such funds. The ordinances providing for the issuance of revenue bonds may provide that they be issued in such form that principal and interest thereon may be payable out of special funds. Special funds derived from sources other than the proceeds of taxes may be used for making any public improvement. Fiscal and budgetary rules may exempt Special Funds from allotment procedure. All Special Funds shall be audited annually by the independent auditor.

103: Land and improvements record.

The City Treasurer shall institute and maintain a record, indexed as to legal description, of all land and improvements in which the City has a record interest. Such record shall indicate the conveyance or other instrument by which the City acquired its interest and shall be referenced to the records in the office of the County Recorder.

PART III. BONDED INDEBTEDNESS

104: General obligation bonds.

Indebtedness and obligations of the City shall be incurred and limited as provided in Article XI of the Constitution of the State of Colorado applicable to towns and cities except as otherwise provided in this Charter. Council shall have power to issue general obligation bonds of the City for any public capital purpose, upon majority vote of the registered electors of the City voting thereon at a special election; provided, however, that water extension and water improvement bonds may be issued without an election upon determination to that effect by Council. The total outstanding general obligation indebtedness of the City, other than for water bonds, shall not at any time exceed three percent (3%) of the actual valuation of the taxable property within the City as shown by the last preceding assessment for tax purposes. Water bonds shall mature and be payable as provided by the ordinance authorizing the issuance of said bonds.

(Amended 11-2-1965; 11-4-1969; 11-5-1991; 11-6-2001)

105: Revenue bonds.

The City may issue revenue bonds as now or hereafter provided by Statutes of the State of Colorado for municipalities of every class.

106: Refunding bonds.

Council may authorize, by ordinance, without an election, issuance of refunding bonds for the purpose of paying outstanding bonds of the City.

107: Special or local improvement district bonds; issuance.

The City shall have power to construct or install special or local improvements of every character within designated districts in the City by:

- (a) Order of the Council; or
- (b) On petition of a majority of the property owners in the designated district.

Subject, in either event, to protest by the owners of the frontage or area to be assessed.

Right to protest and notice of public hearing shall be given as provided by Council by ordinance. All protests shall be considered but if the public welfare warrants, Council shall have final decision. Such improvements shall confer special benefits on the real property within the said districts and general benefits to the City-at-large. The Council shall by ordinance, prescribe the method and manner of making such improvements, of assessing the cost thereof, and issuing and paying bonds for costs and expenses of constructing or installing such improvements.

108: Special or local improvement district bonds; special surplus and deficiency fund.

Whenever a Public Improvement District has paid and canceled four-fifths ($\frac{4}{5}$) 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 interest thereon, then the City may pay said bonds when due and interest due thereon, and reimburse itself by collecting the unpaid assessments due said district.

(Amended 11-6-1973; 11-4-1997)

109: Special or local improvement district bonds; general benefits; special fund.

The Special Surplus and Deficiency Fund, which has been created and is presently maintained as additional security for the payment of principal and interest of outstanding bonds of the City for Special Improvement Districts, shall continue to be maintained in the proportion that the amount on deposit in the Special Fund as of the effective date of this Charter Amendment bears to the total amount of bonds presently outstanding for such Special Improvement Districts of the City. Any amount not required to be maintained in the Special Fund, shall be transferred to the General Fund or to any other fund of the City, as may be determined by the City Council.

(Amended 11-6-1973)

110: Bond sales limitations.

The bonded debt of the city shall be sold in such manner that is of best advantage to the City. The bonds may be sold by negotiated sale, private placement or competitive bid. The bonds may contain provisions for calling the same at designated periods prior to final due date as City Council may determine.

(Amended 11-4-1969; 11-3-1998)

PART IV. PURCHASES AND SALES

111: Purchases.

The City Manager shall be responsible for contracting for and purchasing all supplies, materials, equipment and contractual services required by any department, office or agency of the City. The purchasing officer shall be the City Manager or such person as the City Manager may designate.

(Amended 11-8-2022)

112: Powers and duties.

It shall be the responsibility of the purchasing officer to purchase, receive, distribute and store supplies, materials and equipment required or used by departments and agencies of the City, including businesses and enterprises operated by the City. The purchasing officer shall have power and be required to establish and enforce specifications as to supplies, materials and equipment; receive and inspect deliveries as to quantity, quality and condition and refuse delivery if the same fails to conform to specifications.

113: Competitive bidding.

Before the purchasing officer makes any purchase of supplies, materials or equipment, in excess of \$25,000 or as prescribed by ordinance, the purchasing officer shall give ample opportunity for sealed competitive bidding, with such general exceptions as the Council may prescribe by ordinance. Council shall not exempt any individual contract, purchase or sale from the requirement of competitive bidding. No officer, appointee or employee of the City shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies, or services to the City, except in case of purchases submitted to competitive bidding or not exceeding an aggregate of \$100.00 in any one year. The lowest and best bid shall be accepted or all bids will be rejected. If the lowest bid is not accepted as being the best, such rejection must be approved by Council. Provisions in this Section shall not apply to professional or technical services, or services of regulated public utilities. All invitations to bid shall require bidders to meet the requirements of State Statutes regarding preference of State products.

(Amended 3-24-1981; 11-3-1987; 11-6-2001; 11-8-2022)

114: Local purchases.

Whenever a product not subject to competitive bidding is available by specification, quantity and quality within the City, and the price is comparable with outside suppliers, the purchase shall be made from local sources.

115: Property identification.

The purchasing officer shall require all nonexpendable City property to be marked with identification or number to prevent misuse thereof and shall cause all automobiles, trucks and movable road and street machinery to be marked by either a conspicuous or nonconspicuous

marking means with the term "City of Englewood". For identification purposes, a small plate with the City's vehicle unit number will be installed on the door jamb of all inconspicuous vehicles. The City Manager shall annually inform the Council as to which vehicles have been identified in an inconspicuous manner. It shall be unlawful for any unauthorized person to have City property in their possession at any time; the use of City property for unauthorized private purposes is hereby prohibited.

(Amended 3-24-1981; 11-8-2022)

116: Capital improvements.

Bids in excess of \$50,000.00 or as prescribed by ordinance except work performed directly by the City using City employees, shall be contracted for as follows:

- (a) The purchasing officer shall, on the basis of specifications properly submitted and approved, advertise for and receive sealed bids for the public work or improvement and on closing of bidding shall open bids, tabulate same and present the results with recommendations to the City Manager.
- (b) Council shall have final approval of the lowest and best bid or all bids must be rejected. When no satisfactory bids are received or for other reasons deemed expedient to Council, contracts for public works or improvements may be negotiated, provided that contracts for which no competitive bids have been requested shall be invalid unless accepted by resolution which shall declare the reason for exception to the competitive bidding requirement.

(Amended 3-24-1981; 11-3-1987; 11-6-2001)

117: Property sales.

The purchasing officer shall determine the value of surplus items no longer of use to the City. Articles without value may be disposed of in a manner most advantageous to the City. Items of value shall be advertised for sale in a manner deemed most effective and efficient to the City; if no bids are received for the advertised articles, the purchasing officer shall dispose of the articles in a manner most advantageous to the City.

(Amended 11-6-2007)

118: Emergency purchases.

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

ARTICLE XI. FIRE, POLICE AND HEALTH SERVICES

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ARTICLE XI. FIRE, POLICE AND HEALTH SERVICES

119: Provision for.

Council shall provide, by ordinance, Fire, Police and Health services for the preservation of public property, health, peace and safety, including the prevention of crime, the apprehension of criminals, the protection of property and the rights of persons, the enforcement of the laws of the State and the ordinances of the City, and such other functions as Council and the City Manager may prescribe.

ARTICLE XII. PARKS AND RECREATION

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ARTICLE XII. PARKS AND RECREATION

120: Services provided.

Council shall provide, by ordinance, for the planning and supervision of a community recreation program and for equipping and maintaining City-owned or controlled parks, recreational areas and facilities, both in and outside the corporate City limits which functions shall be under the direction of the City Manager. The City may cooperate with other public authorities, organizations, or individuals in or outside the City to implement the operations of this program.

ARTICLE XIII. CITY OWNED UTILITIES

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ARTICLE XIII. CITY OWNED UTILITIES

121: Authority and powers.

The City shall have and exercise with regard to City owned utilities, including water and water rights and the acquisition thereof, and bonded indebtedness in connection therewith, all of the authority and powers now provided by the Statutes of the State of Colorado, including those hereafter established by act of the General Assembly. In addition, the City shall have the power to exchange water rights owned by it for other water rights owned by other persons, associations, corporations, municipalities, or quasi-municipal bodies, upon such terms and conditions, and in

such proportions as the City Council shall determine to be for the benefit of the inhabitants of the City. No water rights, or physical assets of the water works and distribution system or sewer plant and collection system shall be sold without a majority vote of the registered electors voting thereon at a special election held in accordance with the provisions and limitations of this Charter. The City shall have the power to enter into agreement with other persons, associations, corporations, municipalities, or quasi-municipal bodies, for joint acquisition of water rights, for development of water rights or for development of sewage facilities upon such terms as may be agreed upon. Such agreements shall be authorized by ordinance, enacted not using the emergency provision, and such ordinance shall be subject to the referendum as provided in Section 47 of this Charter.

(Amended 11-2-1965; 11-5-1991)

122: Administration.

Except as otherwise provided by ordinance, the City Manager shall have administrative charge over the collection and distribution facilities of the water and sewer systems and all physical properties in connection therewith. Such duties shall consist of: operation of the municipal water works, sewer systems, and other City owned utilities; the meter reading, billing and collecting of charges for water, sewer, and other services; the keeping of all records in connection with all such physical facilities; designing, and supervision of construction, maintenance, repair, and replacement of all such physical facilities; and the enforcement of all rules and regulations in connection with such services.

123: Rates.

The Council shall have the power and duty to establish rates for services provided by City owned utilities, both in and outside the City.

124: Sale of water or water services.

Council shall have the power to enter into contracts for sale of water or water services, both in and outside the city, whenever it determines that the water supply available exceeds that necessary for the present needs of the inhabitants of the City, said contracts for water and water services, to be subject to the present and future needs and requirements of the City and its inhabitants.

(Amended 11-2-1965)

125: Sale of sewer services.

Council shall have the power to enter into contracts for sale of sewer services, both in and outside the city. Contracts for sewer services shall be subject to periodic renegotiation as to rates and charges and upon such terms and conditions as to assure capacity of the sewage treatment plant for the use of the inhabitants of the city.

(Amended 11-2-1965)

ARTICLE XIV. FRANCHISES AND PUBLIC UTILITIES

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ARTICLE XIV. FRANCHISES AND PUBLIC UTILITIES

126: General.

The term Public Utility or Public Utility Corporation, when used in this Charter, shall mean any person, firm or corporation operating gas or electric light systems, telephone or telegraph systems, pay television systems, water, sewer or heating systems, 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.

127: Present franchises.

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

128: Franchises.

No franchise shall be granted except by ordinance. Council may, at its discretion, have a franchise election.

(Amended 11-7-1989)

129: Book of record.

Council shall cause to be kept in the office of the City Clerk an indexed Franchise Record containing copies of all Public Utility Franchises heretofore or 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 and inspection reports and such other matters of information and public interest as Council may from time to time require.

130: Term; compensation; restrictions.

No franchise shall be granted for a period longer than twenty-five years nor without reserving to the City such fair fee arising from the use thereof as shall be fixed in the grant of the said franchise. This compensation shall not exempt the grantee, or the grantee's assignees from any lawful assessment upon their property or from any other tax not related to the franchise privilege or pertaining to the physical operation thereof, but shall exempt the grantee, or the grantee's assignee, 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 renegotiation, and failure to pay such fee shall result in forfeiture of franchise at the option of Council.

(Amended 11-8-2022)

131: Railroad tracks and crossings.

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

132: Revocable licenses.

Council, by ordinance, may grant a license, revocable for cause, to lay side tracks and switches, along or across any public thoroughfare, when the application therefor is accompanied by the assent in writing of the owners of two-thirds of the frontage on each side of the public thoroughfare or part thereof.

133: Revocable permits.

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

134: Extension of territory.

Council, by ordinance, may extend the area or include streets, alleys, public places and property, not embraced in such franchise, when public convenience and necessity requires, subject to all of the terms and conditions of such original franchise and co-extensive with the terms thereof, without a vote of the registered electors.

(Amended 11-5-1991)

135: Condemnation or purchase.

The right of the City to construct, purchase or condemn any public utility, work or way, as provided by Colorado State Constitution and by applicable State Statutes, is expressly reserved.

136: Assignment.

Assignment or leasing of a franchise shall be considered a forfeiture unless application therefor be made to the City and consent given by Council by ordinance with such change of conditions or terms as they may deem necessary. Council reserves the right to deny any assignment of franchise.

ARTICLE XV. ENGLEWOOD EMPLOYEE RELATIONS AND CAREER SERVICE SYSTEM ACT—1981

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ARTICLE XV. ENGLEWOOD EMPLOYEE RELATIONS AND CAREER SERVICE SYSTEM ACT—1981

137:1 Statement of policy; labor relations.

It is the public policy of the people of the City of Englewood to promote harmonious, peaceful and cooperative relationships between the elected and appointed officials of the City and the members of the classified service and to protect the public by assuring, at all times, responsible, orderly, and uninterrupted operation of government services and where necessary, to provide for and regulate such matters of local concern. Since unresolved disputes in the public service are injurious to the public, and to the government of the City of Englewood, and City

employees, there is hereby provided, for full-time classified employees in an appropriate bargaining unit, the right to bargain collectively concerning certain subjects with the City as employer through a certified employee organization and a method for resolving impasses in such bargaining, as hereinafter provided. The establishment of this method of resolving such impasse shall be deemed to be a recognition of the propriety of providing an alternative mode of settling disputes where public employees, as a matter of public policy, and in recognition of the desirability of maintaining a balance in the labor management relationship, must be denied the right to strike.

137:2 Definitions.

As utilized in this Article of the Charter, the following definitions shall be observed:

- (a) "Appointing Authority". The Appointing Authority is the City Manager.
- (b) "Permanent". A full-time classified employee who has successfully completed a probationary period in a classified position after original appointment or promotion by the appointing authority. A permanent employee is subject to the protection of the Career Service System.
- (c) "Classified Service". All full-time permanent classified positions that are included within the Career Service System.
- (d) "Employer or City Employer". The Mayor, Council Members, City Manager and their designees for purposes of collective bargaining.
- (e) "Contractual Employment". Employment relationship not a part of the Career Service System for a set period of time for special projects or programs or for other managerial and professional assistance.
- (f) "Confidential Employee". An employee who is privy to decisions or who has access to information of City management affecting employee relations or whose functional responsibilities or knowledge of the City affairs makes memberships or participation in the affairs of an employee organization incompatible or inconsistent with the official duties of employment. For purposes of this definition it is conclusively presumed that any individual employee in the City Manager's office or in the Employee Relations Department or in the City Attorney's office is a confidential employee.
- (g) "Confidential Secretary". One person in the office of each department, board or commission and City Council as designated by the City Manager.
- (h) "Managerial Employee". The City Manager, department heads and assistant department heads.
- (i) "Supervisor". An individual having the authority, consistent with other provisions of this Article, in the interest of the employer to hire, fire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, discipline or evaluate other employees, or to adjust their grievances, or effectively to recommend any of the foregoing if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but, rather, requires the use of independent judgment, provided, however, that individuals holding the position of lieutenant, or a functionally

equivalent position, in the fire department shall not be considered supervisors as defined or used in this article, regardless of their duties or authority.

- (j) "City Rights". The City shall have, in addition to all powers, duties and rights established by constitutional provision, statute, ordinance, charter or special act, the exclusive power, duty and rights to:
 - (i) Determine the overall mission of the City as a unit of government.
 - (ii) To maintain and improve the efficiency and effectiveness of City operations.
 - (iii) To determine the services to be rendered, the operations to be performed, the technology to be utilized, or the matters to be budgeted.
 - (iv) To determine the overall methods, processes, means, job classifications or personnel by which City operations are to be conducted.
 - (v) To direct, supervise, hire, promote, transfer, assign, schedule, retain or lay-off employees.
 - (vi) To suspend, discipline, discharge, and demote for cause, all full-time permanent classified employees.
 - (vii) To relieve employees from duties because of lack of work or funds, or under conditions where the City determines continued work would be inefficient or nonproductive.
 - (viii) To take whatever other actions may be necessary to carry out the wishes of the public not otherwise specified herein or limited by a collective bargaining agreement.
 - (ix) To take any and all actions to carry out the mission of the City in cases of emergency.
 - (x) Nothing contained herein shall preclude the City from conferring with its employees for the purpose of developing policies to effectuate or implement any of the above-enumerated rights.

All powers, duties and rights as enumerated above shall be within the exclusive right of the City except as limited or modified by a collective bargaining agreement.
- (k) "Employee Rights". A full-time classified employee who is not a confidential employee, a managerial employee, or a supervisor shall have the right:
 - (i) To form, join, support or participate in, or to refrain from forming, joining, supporting, or participating in any employee organization or its lawful activities; and
 - (ii) To bargain collectively through their certified employee representative.
 - (iii) No employee shall be interfered with, restrained, coerced or discriminated against because of the exercise of these rights nor shall the right of an individual employee to discuss employment concerns with the City be infringed upon.

- (l) "Appropriate Employee Bargaining Unit (or Appropriate Bargaining Unit)". An employee unit designated by the City to be appropriate for the purpose of collective bargaining. In determining the appropriate bargaining unit the City shall have no authority to include any employee other than a full-time classified employee. A full-time classified employee may be considered for inclusion in the appropriate bargaining unit except:
- (i) Any elected official or person appointed to fill a vacant elected position, or any board or commission member or judge, or person appointed to a position by City Council.
 - (ii) City Manager, assistants to the City Manager and employees of the City Manager's office, department heads, City Attorney and employees of the City Attorney's office and confidential secretaries.
 - (iii) Managerial and supervisory employees.
 - (iv) Confidential employees.
 - (v) Any part-time, temporary or contractual employee.
 - (vi) Any employee hired for special projects or programs or through the use of outside funding sources.
- (m) "Employee Organization". Means any lawful organization which has as one of its primary purposes representing full-time classified employees in their employment relation with the City; provided, however, that said organization has no restriction on membership based on age, race, color, creed, sex, handicap, or national origin.
- (n) "Certified Employee Organization (or Certified Employee Representative)". An employee organization that has been certified by the City as representing the employees in an appropriate bargaining unit as a result of obtaining a majority vote in the appropriate unit pursuant to a City conducted election. No organization shall be eligible to be the certified employee organization if it admits to membership or is directly affiliated with an organization that admits to membership persons who are supervisors or who act in a supervisory capacity with respect to employees of the City of Englewood as defined in this Article. No organization shall be eligible to be the certified employee organization or certified employee representative with respect to police officers of the City if such organization admits to membership employees of any employer, public or private, other than police officers, except that such employee organization may affiliate itself with other organizations who admit such other employees to membership, so long as the certified employee organization remains locally autonomous.
- (o) "Exclusive Recognition of an Employee Organization". The certification of an employee organization by the City that the organization shall represent all employees in an appropriate unit as determined by the City for the purpose of collective bargaining.
- (p) "Strike". Concerted activity resulting in failure to report to duty, or the absence from one's position, or the stoppage of work.

- (q) "Classified Employee". A certified employee appointed to an allocated position within the classified system. The Council may adopt additional appropriate definitions to effectuate the policies of this Article of the Charter.

(Amended 11-7-1995; 11-2-1999; 11-8-2022)

137:3 Bargaining Rights.

Only full-time classified employees in an appropriate bargaining unit have the right to bargain collectively with the City through their certified employee representative towards securing a collective bargaining agreement. Only an employee organization that has been certified by the City shall be entitled to engage in collective bargaining with the City. In certifying an employee organization as representing the employees in an appropriate bargaining unit, the City or the designated hearing officer shall consider (in addition to any other requirement as set forth herein) the following factors:

- (a) The unit that will insure employees the fullest freedom and the exercise of rights granted under this Article.
- (b) The community of interest of the employees.
- (c) The history of the employee relations in the unit, among other employees of the City, and in similar public employment.
- (d) The effect of the unit on the efficient operation of the public service and sound employee relations.
- (e) The effect on the existing classification structure of dividing a single classification among two or more units.

(Amended 11-7-1995)

137:4 Terms of the collective bargaining agreement.

The obligation to meet at reasonable times and negotiate in good faith shall commence on or prior to May 15 of any applicable year in which the Bargaining Agreement expires or in which collective bargaining is otherwise proper. The Collective Bargaining Agreement between the City and the certified bargaining representative shall consist of any and all terms actually agreed upon by parties, which terms are not otherwise inconsistent with the Ordinances or Charter of the City. The Collective Bargaining Agreement shall be for a term of not less than one (1) year nor more than three (3) years, provided that all Collective Bargaining Agreements entered into shall be effective on a January 1 date and shall terminate on a December 31 date.

137:5 Subjects for collective bargaining.

- (a) *Mandatory Subjects.* The City and the certified employee representative shall have the mutual obligation to negotiate and bargain in good faith over the following mandatory subjects: wages, hours, vacation, insurance (contribution levels and levels of benefits only), holidays, administrative leave, personal leave, military leave, disability leave, funeral leave, dues deduction, grievance resolution procedure (including costs and expenses associated therewith), non-State or Federally regulated or mandated pension or retirement provisions

(contribution levels only), over-time pay formulas, work uniform provisions, acting pay, longevity, transfer procedure, procedures for suspension, demotion and discharge, and education incentives. That the maintenance of benefits shall also be considered a mandatory subject under this Section for the period covering up to and including December 31, 1984, after which it will become a permissive subject.

- (b) *Non-Negotiable Subjects*. The following subjects shall be excluded from collective bargaining as non-negotiable subjects of bargaining: any subject pre-empted by State or Federal law or by City Charter; State or Federally regulated or mandated pension provisions; administration of insurance programs, selection of insurance carrier including self-insurance; matters delegated by Charter to any board or commission of the City; all matters relating to classification, recruitment, hiring, examination and certification of appointment to a position and appeals based thereupon; promotions out of the bargaining unit.
- (c) *Permissive Subjects*. Collective bargaining upon any other subject (i.e., not mandatory or non-negotiable) is permissive and may be conducted if mutually agreed to by the parties.

(Amended 11-7-1995)

137:6 Impasse resolution.

- (a) *Impasse*. In the event the parties are unable to reach agreement on all mandatory subjects to be contained in the collective bargaining agreement on or before July 1 of the year in which the parties have met and bargained over these subjects, impasse shall be declared. Each party shall submit to the City Clerk a statement which contains that party's final offer regarding any mandatory economic subject upon which the parties are at impasse. The statement shall be submitted by each party no later than 5:00 p.m. on July 1. If July 1 falls on a Saturday or Sunday the period is shortened to and ends on the prior business day which is not a Saturday, Sunday or legal holiday.
- (b) *Appointment of Arbitrator*. The City Manager and the employee organization will jointly present to the City Council on or before July 10 the names of three arbitrators who have experience in labor relations matters and interest arbitration. From that list of three, the City Council will appoint one arbitrator whom it authorizes to conduct hearings and make a decision on the final offer to be implemented. The arbitrator shall be appointed no later than July 30. Prior to the commencement of hearings, the arbitrator shall sign an oath to uphold the terms of the Charter.
- (c) *Hearings*. The arbitrator shall hold hearings on the parties' final offer on mandatory economic subjects only. The arbitrator shall set the date of hearing and shall give at least ten (10) days notice in writing to the parties of the time and place of such hearing. The arbitrator shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, and the production of books, records and other evidence relating to or pertinent to the issues presented to the arbitrator for determination.

The arbitrator shall have the right to determine whether any proposal or demand is a mandatory economic subject for bargaining within the meaning of Section 137:5(a) of this Charter.

The hearing conducted by the arbitrator shall be concluded within seven (7) days of the time of commencement. Within five (5) days following the conclusion of the hearing, the parties may, if they deem necessary, submit written briefs to the arbitrator. Within fifteen (15) days of the receipt of such briefs or the conclusion of the hearing, whichever is applicable, the arbitrator shall make written findings and decide whether the final offer of the City or the final offer of the certified employee organization on the total package of outstanding mandatory economic subjects in dispute shall be implemented. A copy of the arbitrator's findings and decision shall be mailed or otherwise delivered to the certified employee organization and the City Manager.

- (d) *Record of Hearings.* The hearings conducted by the arbitrator shall be recorded. Any party may request an official stenographic record of the testimony at the hearing. The party requesting shall pay the cost of such transcript. If the other party requests a copy of the transcript or if the arbitrator requests a transcript, both parties shall share the entire cost of making the stenographic record.
- (e) *Standards for Decision.* The following factors must be considered by the arbitrator in arriving at a decision:
 - (1) The interest and welfare of the public and the financial ability of the City to bear the costs involved;
 - (2) The lawful authority of the City;
 - (3) Stipulations of the parties;
 - (4) Comparison of the wages, hours, benefits and other terms or conditions of employment of the employees involved with other employees performing similar services in public employment in comparable Colorado communities;
 - (5) The cost of living;
 - (6) The overall compensation presently received by the employees including direct wage compensation; vacation, holidays and other excused time; insurance and pension; medical and hospitalization benefits; the continuity and stability of employment; and all other benefits received.
- (f) *Final Offer Procedure.* The arbitrator shall choose either the City's total final offer on all outstanding mandatory economic subjects or the employee organization's total final offer on all outstanding mandatory economic subjects as contained in each party's statement of final offer as required in Section (a) and shall state the reasons for choosing such final offer.
- (g) *Time Limits.* The time limits for conducting the hearing and for any action by the arbitrator specified in this Chapter may be waived by mutual consent of the parties as long as the arbitrator's decision is rendered two weeks after the budget is submitted to City Council by the City Manager.
- (h) *Fees and Expenses of Arbitration.* One-half of the necessary fees and necessary expenses of arbitration (excluding all fees and expenses incurred by either party in the preparation or presentation of its case) shall be borne by the City and one-half shall be borne by the employee organization.
- (i) *Finality of the Arbitrator's Decision.*

- (1) Except as provided in this Section, the decision of the arbitrator shall be final and binding on the employee organization and the City. Nothing herein shall prohibit the parties from agreeing to terms different from the decision of the arbitrator as long as such agreements are made within the fifteen (15) days after receipt of the arbitrator's decision.
- (2) The arbitrator's decision shall be subject to Court review pursuant to the terms of this Section. Any party desiring Court review must file suit in the District Court no later than thirty (30) days after the date of the arbitrator's decision. Failure of either party to file suit within thirty (30) days shall be a waiver of that party's right to appeal the decision. The District Court shall affirm the arbitrator's award unless it determines:
 - (a) The award was procured by corruption, fraud, or other undue means;
 - (b) The decision is arbitrary, capricious, or unreasonable because there is no competent evidence in the record to support the decision; or
 - (c) The decision was reached without considering the factors listed in paragraph (e) above.
- (3) If the Court determines that the award was procured by corruption, fraud, or other undue means, the entire award shall be vacated and the matter shall be remanded back to be heard by a different arbitrator selected pursuant to the terms of this Section. If the Court determines that the arbitrator's decision is arbitrary, capricious or unreasonable, or was reached without considering the factors listed in paragraph (e) above, the Court shall remand the issue to the arbitrator with instructions to take new evidence if necessary and to issue a decision in conformity with the provisions of this Section.
- (4) Each party shall be responsible for its own costs and fees in connection with any appeal to the District Court.

(Amended 11-5-1991; 11-7-1995)

137:7 Strikes prohibited.

- (a) The protection of the public health, safety and welfare demands that neither the certified employee organization, nor any employee organization, nor any employees of the City, nor any person acting in concert with them, will cause, sanction, or take part in any strike.
- (b) In the event a certified employee representative engages in any conduct which falls within the definition of "strike", herein, such violation shall be cause for the City to terminate the collective bargaining agreement with said certified employee representative and/or withdrawal of recognition of the certified employee representative upon giving written notice to that effect to the chief representative of said certified employee representative or employee organization, in addition to whatever other remedies may be available to the City at law or in equity.
- (c) In the event an employee or employees engage in any conduct which falls within the definition of "strike", herein, such violation shall constitute just cause for the immediate discharge of said employee, in addition to whatever other remedies may be available to the City at law or in equity. The City shall not be required to pay any employee any portion of

his/her salary or fringe benefits while engaging in activity in violation of said section. It is expressly recognized that the City has the right to selectively discipline, up to and including discharge, any employee or employees whose conduct falls within the definition of said section without having to discipline all employees whose conduct falls within the definition of said section.

137:8 City Ordinances.

The Council shall adopt appropriate Ordinances to effectuate the policies of this Article of the Charter.

138:1 Career Service System.

The Appointing Authority shall prepare and submit to City Council for adoption a "Career Service System" which shall apply to all full-time classified employees of the City of Englewood (herein the "City"), excluding any elected official or person appointed to fill a vacant elected position, any board or commission member, judge, City Manager, employees of the City Manager's office, department heads, City Attorney, employees of the City Attorney's office, confidential secretaries, confidential employees, and persons appointed to a position by the Council.

(Amended 11-7-1995)

138:2 Merit principles.

The Career Service System shall include appropriate Administrative Procedures which embody the following Merit Principles applicable to these employees as set forth in Section 138.1 of the Charter:

- I. Recruiting, selecting, and advancing applicants and employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for appointment. Actual employment and promotion to be made from eligibility lists based on open, competitive examinations.
- II. The establishment and maintenance of a classification plan based on job analysis and utilized for administrative decision making on compensation, selection, employee development, career advancement, upward mobility and other personnel program activities.
- III. The establishment and maintenance of an employee training program designed to improve performance.
- IV. The establishment and maintenance of a job-related employee performance appraisal system, designed to assess the adequacy of individual employee performance in relation to performance requirements, for employees to recognize their own performance improvement needs, and as a basis for personnel action including promotion, reorganizing and rewarding superior performance and correcting inadequate performance or separating employees in cases of continued inadequate performance.

- V. Permanent full-time classified employees will not be subject to separation except for just cause or such reasons as curtailment of work, lack of funds or other legitimate reasons.

138:3 Hearings under Career Service System.

- (a) The City Council shall appoint hearing officers who shall have demonstrable ability in labor and employee relations to hold hearings and make findings and determinations with respect to the following: disciplinary appeals, merit appeals and issues related to selection and retention of exclusive employee organizations and the determination of appropriate bargaining units. If a dispute exists over whether a person or position should be part of a bargaining unit, that dispute shall be resolved by a hearing officer, including all issues which can be raised over the application of § 137:2(i) and the person's or position's status as included or excluded from a bargaining unit shall remain unchanged until a hearing officer's decision.
- (b) The City Council shall enact appropriate ordinances governing standards and procedures with respect to such appeals, the hearings to be conducted thereon and the standards to be applied by the appointed hearing officer and any applicable Court review of such decisions. Council shall also enact ordinances governing standards and procedures with regard to issues related to bargaining agents or units.

(Amended 11-7-1995; 11-2-1999)

138:4 Duties and powers of the Career Service Board.

(Repealed 11-7-1995)

138:5 Effective date; vested rights.

(Repealed 11-7-1995)

139 Implementation.

(Repealed 11-7-1972)

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ARTICLE XVI. TRANSITIONAL PROVISIONS

140: Status of transitional provisions.

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.

141: Transition period.

The period from the effective date of this Charter to January 1, 1960, 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. The 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 provisions thereof the State Statutes shall be in effect.

142: Present Council and Mayor to continue in office.

Council and Mayor, or their appointed successor, 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 the first Monday after January 1, 1960.

CERTIFICATION OF AMENDMENTS, SECRETARY OF STATE FILING

Charter Approved, July 8, 1958 Filed with Secretary of State, July 10, 1958
Amendments Approved, November 2, 1965 List of Sections Amended - Sections 6, 7, 8, 10, 13, 14, 17, 27, 31, 34, 41, 46, 47, 48, 62, 63, 68, 70, 72, 77, 91, 104, 113, 121, 124 and 125 Amendments Filed with Secretary of State, November 5, 1965
Amendments Approved, November 4, 1969 List of Sections Amended - Sections 104 and 110 Amendments Filed with Secretary of State, November 10, 1969
Amendments Approved, May 5, 1970 List of Sections Amended - Sections 54, 56, 59 and 61 Amendments Filed with Secretary of State, May 13, 1970
Amendments Approved, November 7, 1972 List of Sections Amended - Sections 137:1, 137:2, 137:3, 137:4, 137:5, 137:6, 137:7, 137:8, 138:1, 138:2, 138:3 and 139 Amendments Filed with Secretary of State, November 9, 1972
Amendments Approved, November 6, 1973 List of Sections Amended - Sections 108 and 109 Amendments Filed with Secretary of State, November 8, 1973
Amendments Approved, November 6, 1979 List of Sections Amended - Sections 54 and 56 Amendments Filed with Secretary of State, November 7, 1979

<p>Amendments Approved, March 24, 1981 List of Sections Amended - Sections 11, 15, 23, 34, 113, 115, 116, 137:1, 137:2, 137:3, 137:4, 137:5, 137:6, 137:7, 137:8, 138:1, 138:2, 138:3, 138:4 and 138:5 Amendments Filed with Secretary of State, March 26, 1981</p>
<p>Amendments Approved, November 3, 1987 List of Sections Amended - Sections 9, 113 and 116 Amendments Filed with Secretary of State, November 5, 1987</p>
<p>Amendments Approved, November 7, 1989 List of Sections Amended - Sections 128 and 138.4(h) Amendments Filed with Secretary of State, December 14, 1989</p>
<p>Amendments Approved, January 30, 1990 Section Amended - Section 22 Amendment Filed with Secretary of State, January 31, 1990</p>
<p>Amendments Approved, November 5, 1991 List of Sections Amended - Sections 6, 7, 15, 22, 23, 34 42, 45, 46, 47, 59, 61, 69, 104, 121, 134, 137:6 and 138:5 Amendments Filed with Secretary of State, November 6, 1991</p>
<p>Amendments Approved, November 2, 1993 List of Sections Amended - Sections 10, 11, 13, 15, 16, 17 and 18 Amendments filed with Secretary of State, November 9, 1993</p>
<p>Amendments Approved, November 7, 1995 List of Sections Amended - Sections 137:2, 137:3, 137:5, 137:6, 138:1, 138:3, 138:4 and 138:5 Amendments filed with Secretary of State, December 20, 1995</p>

<p>Amendments Approved, November 4, 1997 List of Sections Amended - Sections 32 and 108 Amendments filed with Secretary of State, November 14, 1997</p>
<p>Amendments Approved, November 3, 1998 List of Sections Amended - Sections 46 and 110 Amendments filed with Secretary of State, November 9, 1998</p>
<p>Amendments Approved, November 2, 1999 List of Sections Amended - Sections 137:2(i) and 138:3(a) Amendments filed with Secretary of State, November 10, 1999</p>
<p>Amendments Approved, November 6, 2001 List of Sections Amended - Sections 34, 41, 46, 47, 104, 113 and 116 Amendments filed with Secretary of State, November 13, 2001</p>
<p>Amendment Approved, November 4, 2003 List of Sections Amended - Section 40 Amendments filed with Secretary of State, November 20, 2003</p>
<p>Amendment Approved, November 2, 2004 Section Amended - Section 12 Amendment filed with Secretary of State, November 19, 2004</p>
<p>Amendment Approved, November 6, 2007 List of Sections Amended - Sections 94 and 117 Amendment filed with the Secretary of State, November 20, 2007</p>
<p>Amendment Approved, November 3, 2009 List of Sections Amended - Section 22 Amendment filed with the Secretary of State, November 17, 2009</p>

Amendment Approved, November 3, 2015 Section Amended - Section 14 Amendment filed with the Secretary of State, February 10, 2016
Amendment Approved, November 8, 2022 Sections Amended – Sections 12, 19, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 34, 37, 49, 50, 51, 52, 53, 54, 56, 59, 61, 64, 65, 68, 70, 73, 74, 85, 91, 97, 98, 111, 113, 115, 130, 137:2 Amendment filed with the Secretary of State, February 23, 2023

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