

# **TOWN OF PARACHUTE, COLORADO, HOME RULE CHARTER**

## **PREAMBLE**

We, the citizens of the Town of Parachute, Colorado, believing that the government of Parachute exists to serve the people of the Town of Parachute; desiring to preserve the heritage of Parachute – its water sources, wildlife habitat, open spaces, and historic small town character; seeking to enable effective citizen participation and to promote involvement in the political process; committed to securing the benefits and advantages of the Constitution of Colorado and to availing ourselves of the rights and privileges of home-rule and self-government in local affairs to the fullest possible extent; do hereby adopt this Charter.

## **ARTICLE I GENERAL PROVISIONS**

### Section 1-1. Name and Boundaries

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

### Section 1-2. Powers

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

- (a) The Town shall have the power of eminent domain, both within and without the Town boundaries, as limited by the Colorado Constitution.
- (b) The Town shall have the power of taxation, the power to provide for health, safety, welfare, and the common good of the Town and its citizens, and the power to construct and operate any type of public utility.
- (c) The Town may accept bequests, gifts, and donations of all kinds of property, for public, charitable, and other purposes, and do all things and acts necessary to carry out the purposes of such gifts, bequests, and donations, with the power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.
- (d) The Town shall have the right and power to grant and enter into revocable license agreements and lease agreements for the use of public streets, rights-of-way, easements, and alleys with private parties without the need for an election.

### Section 1-3. Rights and Liabilities

By the name of the Town of Parachute, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the Town of Parachute, and shall assume and manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and shall assume and pay all bonds, obligations and indebtedness of the Town of Parachute, and may sue, defend, plead and be imp leaded in all courts and places and in all matters.

### Section 1-4. Existing Ordinances and Regulations

- (a) All ordinances, resolutions, rules and other regulations of the Town consistent with this Charter which are in effect as of the effective date of this Charter shall continue in full force and effect until repealed or amended. Any provision inconsistent with this Charter is hereby superseded, and the Board of Trustees shall proceed with due diligence after the adoption of this Charter to make the necessary amendments or repeals to bring Town ordinances of a general and permanent nature into consistency with this Charter.
- (b) To the extent that the Town has not adopted an ordinance or resolution to address a matter that is addressed by the Colorado Revised Statutes and would be applicable to a statutory town that did not have such an ordinance or resolution, then the provisions of such statutes shall continue to apply until the Town adopts such an ordinance or resolution.
- (c) To the maximum extent permitted by law, any ordinance, resolution, or other official action taken by the Town prior to the effective date of this Charter shall be deemed to have taken place under the authority of this Charter. Without limiting the preceding sentence, to the extent that the Town's home-rule authority cannot legally be extended retroactively to apply to any particular ordinance or resolution, then, and only then, all such ordinances or resolutions which would otherwise be deemed wholly or partially invalid if enacted under the authority of a statutory town are hereby reenacted under the authority of this Charter as of the effective date hereof.

### Section 1-5. Amendments to the Charter

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

### Section 1-6. Ordinances, Resolutions and Motions

All actions of the Board of Trustees shall be by ordinance, resolution, or motion. In addition to such

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

#### Section 1-7. Voting

A roll call vote shall be taken upon the passage of all ordinances and upon the passage of any resolution making an appropriation or levying a tax and shall be entered upon the minutes of the Board of Trustees proceedings. Except as otherwise provided herein, all ordinances, motions, and resolutions shall pass if the majority of the votes cast are in the affirmative. Any member of the Board of Trustees may abstain from any vote in his or her discretion, including without limitation, “line item” abstentions from specific items that are part of a general payment or budgeting authorization. If an abstention is for the stated reason that the vote concerns a matter involving the consideration of his or her own official conduct or that his or her personal or financial interest is involved, then such member of the Board of Trustees shall not be counted in determining whether a quorum is present for that vote. Otherwise, an abstaining member of the Board of Trustees who is entitled to vote shall still be considered present. Nothing herein shall preclude the Board of Trustees from requiring by ordinance a greater number of votes in certain instances.

#### Section 1-8. Procedure for Ordinances

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

- (a) The Ordinance shall be introduced and considered for adoption at a regular meeting of the Board of Trustees and shall either be available in written form for the Board of Trustees to review or shall be read in full. (Amended April 1, 2014)
- (b) The Board of Trustees may amend, adopt, defeat or continue action on the ordinance.
- (c) Except as otherwise provided in this Charter, the adoption of any ordinance shall require the affirmative vote of a majority of the members of the Board of Trustees present and voting but in no event less than three (3) members of the Board of Trustees.
- (d) The ordinance shall take effect thirty (30) days following publication of the notice as provided for in this Charter, except for emergency ordinances which shall take effect immediately upon adoption. (Amended April 1, 2014)
- (e) All ordinances shall be appropriately numbered and preserved in the official records of the Town. The adoption of the ordinance shall be authenticated by the signature of the Mayor or Mayor Pro Tem, the attestation of the Town Clerk, and placing the Town Seal on the ordinance.

- (f) After final passage, the ordinance shall be posted in a public place within the Town Hall and, whenever technologically feasible, on the internet, for thirty (30) days after passage. A notice shall be published in a newspaper of general circulation within the Town which shall include the number and title of the ordinance, a statement where the full text is available to the public (including the internet web address, if applicable), and a statement as to the effective date of the ordinance.
- (g) The Board may adopt other requirements as they deem necessary or appropriate, as long as those requirements do not conflict with the provisions of this Section 1-8.

Section 1-9. Form of Ordinances

Every ordinance shall be in written or printed form. The enacting clause of all ordinances shall be, “BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO.” Failure of the enacting clause to comply with this Section shall not invalidate the ordinance. Section 1-10. Disposition of Ordinances. Copies of the original ordinances and the certificates of the publisher of notice of ordinance shall be kept and be available for public inspection in the office of the Town Clerk.

Section 1-11. Codes Enacted by Reference

- (a) Any ordinance may be enacted by reference, in whole or in part, any published compilations of statutes, ordinances, rules, regulations or standards adopted by the federal government, the State of Colorado, or any agency or political subdivision of either.
- (b) Any ordinance may also adopt by reference in whole or in part, codes and technical standards concerning buildings or structures, fire prevention, plumbing, housing, mechanical systems, electrical systems, energy conservation and similar matters published by recognized technical organizations.
- (c) The Town may also provide for the codification of all ordinances of the Town of a general and permanent nature and adopt such code by reference. Amendments to the Town Code shall be adopted by ordinance. Such codification may make appropriate non-substantive changes and may repeal ordinances or parts thereof by omission from the Code.
- (d) A certified copy of the Code or other document adopted by reference shall be kept in the official records of the Town except that it shall not be necessary to keep certified copies of provisions of State or federal statutes or regulations adopted by reference.
- (e) The ordinance adopting any such code, law or publication by reference shall be adopted in accordance with the procedures established by this Charter.
- (f) Copies of such codes in published form, duly certified by the Clerk and Mayor, shall be received without further proof as prima facie evidence of the provisions of such codes in all courts and administrative tribunals of the State.

Section 1-12. Emergency Ordinances

- (a) An ordinance that is immediately necessary for the preservation of public peace, health, or safety may be enacted as an “emergency ordinance” at any regular or special meeting of the Board of Trustees by the affirmative vote of every member of the Board of

- Trustees present or by affirmative votes equal to a quorum plus one (1), whichever is less. Any emergency ordinance shall state expressly that it is an emergency ordinance and shall describe the nature of the emergency. An emergency ordinance shall take effect immediately upon passage. The ordinance shall be posted, and a notice thereof shall be published, as provided in this Charter as soon as reasonably possible.
- (b) No ordinance granting any special privilege, levying taxes, approving the sale of real property or water rights, or incurring general obligation indebtedness shall be passed as an emergency ordinance.

#### Section 1-13. Severability of Ordinance

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

#### Section 1-14. Intergovernmental Agreements

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

#### Section 1-15. Master Plan

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

#### Section 1-16. Code of Ethics

Until otherwise regulated by ordinance, the Colorado Code of Ethics, contained in C.R.S. 24-18-101, et. seq., and the provisions of Article XXIX of the Colorado Constitution, and similar restrictions shall apply to the Town, its elected or appointed officials, officers and employees.

#### Section 1-17. Conflict of Interest

Neither the Mayor nor any Trustee shall vote or participate in discussion or deliberation on any question in which he or she has a substantial personal or financial interest, direct or indirect, including an interest held through a spouse or family member, other than the common public interest, or on any question concerning his or her own conduct. In the event the Mayor or any Trustee has such an interest, he or she shall declare such interest. Whether or not such a declaration is made, the remaining Trustees may determine by a majority vote whether said interest does in fact constitute a conflict of interest. When such conflict of interest is established, the Mayor or Trustee affected shall not vote on the matter, and the remaining Trustees shall take any further action they

deem to be in the best interests of the Town. If such conflict of interest was not disclosed and is established with respect to a matter already considered by the Board of Trustees, the remaining members of the Board of Trustees shall take any action they deem to be in the best interests of the Town, including, but not limited to, terminating the unperformed portion of any contract entered into when such a conflict of interest existed. This Section and any ordinance adopted in furtherance thereof shall abrogate and replace any common law doctrine on this subject.

#### Section 1-18. Conveyances of Real Property and Water Rights

The Board, by ordinance, may purchase, sell, exchange, receive by donation, and enter into a lease, or dispose of any interest in real property or water rights, including easements.

### **ARTICLE II FORM OF GOVERNMENT/BOARD OF TRUSTEES/TERMS OF OFFICE/VACANCIES**

#### Section 2-1. Board of Trustees

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

#### Section 2-2. Terms of Office

Each Trustee and the Mayor shall be elected for a term of four (4) years. Three (3) Trustees shall be elected at the general election in April of 2008 and every four (4) years thereafter. Three (3) Trustees and the Mayor shall be elected at the general election in April of 2010 and every four (4) years thereafter, subject to the provisions of Section 2-6 of this Article.

#### Section 2-3. Qualifications for Elected Office

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

#### Section 2-4. Duties of the Mayor

The Mayor shall preside at all regular and special meetings of the Board of Trustees. The Mayor shall not be entitled to vote on any matter before the Board, except in the case of a tie vote. Any ordinance adopted, and all resolutions authorizing the expenditure of money or the entering into of a contract, shall be subject to the disapproval of the Mayor as provided in Section 31-16-104, C.R.S. The Mayor shall act as the ceremonial head of government of the Town. The Mayor shall execute and authenticate with his original signature legal instruments, contracts, and documents requiring a

signature on behalf of the Town, unless the Board of Trustees authorizes another manner of authenticating documents by ordinance or resolution. The Board of Trustees may, for specific and limited purposes, delegate certain non-legislative duties of the Mayor to the Town Manager or other employees of the Town. (Amended April 1, 2014)

#### Section 2-5. Mayor Pro Tem

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

#### Section 2-6. Vacancies

- (a) Occurrence of a Vacancy. A vacancy shall occur whenever a Trustee or the Mayor dies, becomes incapacitated, resigns, becomes a non-resident of the Town, or is convicted while in office of a felony or of any misdemeanor offense for abuse of public office.
- (b) Removal. If a member of the Board of Trustees, or the Mayor, misses more than three (3) consecutive regular meetings, he may be removed from his position by a vote of at least five (5) members of the Board of Trustees, after notice and hearing. If there is a reasonable basis for missing meetings acceptable to other Board of Trustees members, particularly if given in advance, the absence shall be deemed to be excused and shall not be a basis for a removal vote. A member, or the Mayor, may also be removed for official misconduct while in office as determined by the remaining Trustees.
- (c) Procedure to Fill Vacancy for Trustee Other Than the Mayor. Whenever a vacancy occurs more than one hundred eighty (180) days prior to the next regular Town election, the Board of Trustees shall solicit the general public for applications to fill the vacancy. If a vacancy occurs within ninety (90) days of the next general election, then the Board of Trustees may leave the office vacant and provide for a replacement to be elected at such general election.
- (d) Procedure to Fill Vacancy for Office of the Mayor. The Mayor Pro Tem shall assume the office of Mayor when a vacancy occurs.
- (e) Multiple Vacancies. If three (3) or more vacancies exist on the Board of Trustees at any given time, then the Board of Trustees shall immediately schedule a special election to take place within sixty (60) days after the occurrence of the third vacancy, unless a general election is already scheduled within ninety (90) days.
- (f) Terms of Persons Filling Vacancies. Any person appointed or elected to the Board of Trustees to fill a vacancy shall hold office until the next regular election and until a successor is elected and qualified. If a current Trustee is elected as Mayor, the Trustee's former seat shall become vacant upon the effective date of the election, and a replacement shall be appointed or elected in accordance with this Section. Section 2-7 Powers of the Board. The Board shall be the legislative and governing body of the Town and shall have such powers as are possessed by the Town and not otherwise conferred by this Charter. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance or resolution.

### Section 2-8 Term Limitations

The Mayor and members of the Board of Trustees shall be limited to three (3) consecutive four (4) year terms in office. Terms shall be considered consecutive unless they are at least four years apart. If a vacancy in office occurs after a Mayor or member of the Board of Trustees has been disqualified because of this limitation, that individual will be eligible to fill the vacancy if no other candidates or applicants run or apply for the position. (Amended April 1, 2014)

### Section 2-9. Compensation of Elected Officials

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

### Section 2-10. Meetings of Board of Trustees

- (a) Regular Meetings. The Board of Trustees shall hold regular meetings not less than once per month and shall schedule by ordinance a time and place for regular meetings.
- (b) Special Meetings. Special meetings of the Board of Trustees shall be called by the Town Clerk on the request of the Mayor or the Town Manager, or a majority of the Board of Trustees. At least twenty-four (24) hours prior to such meeting, the Town Clerk shall post a notice of the meeting in at least one (1) public place within the Town and shall provide reasonable notice to all Trustees of the meeting. Trustees shall have the duty to keep the Town Clerk informed of their preferred method of receiving notice for this and other provisions of this Charter. A special meeting may be held on shorter notice to the members of the Board of Trustees and with less than twenty-four (24) hour advance posting of notice if a quorum of the Board of Trustees consents at the beginning of such meeting. (Amended April 1, 2014)
- (c) Organizational Meeting. At the first regular meeting following a regular election, and before the Board of Trustees conducts any official business other than approval of minutes from past meetings, the Town Clerk shall administer the oath of office to newly-elected members of the Board of Trustees, and they shall assume office at that time. The Board of Trustees shall then proceed at such meeting or at a subsequent meeting, if approved by a majority of the Trustees present and voting, to appoint the Mayor Pro Tem and conduct such other organizational business as it sees fit.
- (d) Place of Meetings. Meetings of the Board of Trustees shall be held in Town Hall. When Town Hall facilities are not available or are inadequate, or if approved by a majority of the Board of Trustees for special reasons, the Board of Trustees may designate an alternate place for such meeting and post notice thereof as provided in subsection (b) above.
- (e) Meetings Open to the Public - Executive Sessions Authorized. All meetings of the Board of Trustees shall be open to the public. Executive sessions may be conducted during regular or special meetings of the Board of Trustees to the maximum extent permitted

- by the laws of the State as may be enacted from time to time. Executive sessions shall not be “meetings” for the purpose of this Section.
- (f) Quorum. A majority of the Board of Trustees, and the Mayor, in office at the time shall be a quorum for the transaction of business at all Board of Trustees meetings.

### Section 2-11. Oath of Office

Before entering upon the duties of their respective offices, every person elected or appointed to any office shall take and file with the Town Clerk an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, and the Charter and ordinances of the Town of Parachute, and to perform faithfully the duties of the office.

## **ARTICLE III TOWN ADMINISTRATION**

### Section 3-1. Town Manager (Amended April 1, 2014)

The Board of Trustees shall appoint a Town Manager, who shall execute the laws and ordinances of the Town, shall have the duty and authority to hire, suspend, transfer and remove any Town Employee, except as otherwise provided in this Charter or by ordinance, and other powers and duties as provided by ordinance. If the office of the Town Manager becomes vacant, the Board of Trustees shall appoint either a temporary or permanent replacement as soon as reasonably possible. The Board of Trustees shall appoint the Town Manager on the basis of fitness, education, competency, training and experience. The Town Manager shall serve at the pleasure of the Board of Trustees, and he or she may be removed by the Board of Trustees at any time with or without cause upon the affirmative vote of a majority of the Board of Trustees. The Board of Trustees may establish policies and procedures for a contract with the Town Manager, at its sole discretion. (Amended April 1, 2014)

### Section 3-2. Town Clerk

The Board of Trustees shall appoint a Town Clerk. The Town Clerk shall be the custodian of the Town Seal and shall keep records of Board of Trustees proceedings and record in full all ordinances, motions, and resolutions. The Town Clerk shall have the power to administer oaths and take acknowledgments under the Seal of the Town and shall perform such other duties as required by this Charter or the Board of Trustees.

### Section 3-3. Police Chief

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

### Section 3-4. Finance Director

The Board of Trustees shall appoint a Finance Director. The Finance Director shall have charge of the financial records of the Town and shall collect, receive and disburse all monies belonging to the Town and shall have all other duties required to administer properly the financial affairs of the Town.

### Section 3-5. Multiple Positions

Unless otherwise prohibited by this Charter or by ordinance, any one (1) person may be appointed to multiple positions.

#### Section 3-6. Terms

The Board of Trustees may establish terms of office for all appointed personnel positions by ordinance.

#### Section 3-7. Board and Administration Relations.

Except for informal inquiry, and as otherwise provided in the Town's Personnel Handbook, Board Members and the Mayor shall deal with personnel and employees solely through the Town Manager. (Amended April 1, 2014)

### **ARTICLE IV TOWN ATTORNEY**

#### Section 4-1. Town Attorney

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

### **ARTICLE V ELECTIONS AND RECALL**

#### Section 5-1. Colorado Municipal Election Laws Adopted

All Town elections shall be governed by the Colorado Municipal Election Code, as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance.

#### Section 5-2. Elector Qualification

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

#### Section 5-3. Time of Elections

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

#### Section 5-4. Non-Partisan Elections

All municipal elections shall be non-partisan. No candidate for any municipal office shall run under a party label of any kind.

#### Section 5-5. Elective Officers

The elective officers of the Town shall be six (6) Trustees and one (1) Mayor, all of whom shall be nominated and elected from the Town at large unless otherwise provided by ordinance in accordance with this Charter. Nominations shall be by petition as provided in the Colorado Municipal Election Code as now existing, or hereafter amended or modified, except that at least twenty (20) signatures of registered electors of the Town of Parachute shall be required on each petition. Notwithstanding the provisions of the Colorado Municipal Election Code, a registered elector may sign any number of nominating petitions regardless of the number of separate offices to be filled in any municipal election.

#### Section 5-6. Election Precincts

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

#### Section 5-7. Election Procedures

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

#### Section 5-8. Recall

- (a) Members of the Board of Trustees, including the Mayor, may be recalled in accordance with the provisions and limitations of this Section.
- (b) No recall petition shall be accepted against the Mayor or any Trustee until the Mayor or Trustee has actually held the office for at least six (6) months.
- (c) A petition for recall shall be signed by a number of registered electors equal to or more in number than twenty five percent (25%) of the entire vote cast at the last preceding regular election for all candidates to the office which the incumbent sought to be recalled occupies.
- (d) Except to the extent inconsistent with this Charter or procedures prescribed by ordinance, the procedures and provisions for recall as provided by Article XXI of the

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

### Section 5-9. Conduct of Elections

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

## **ARTICLE VI INITIATIVES, REFERENDUMS AND PETITIONS**

### Section 6-1. General Authority

- (a) Initiative. The registered electors of the Town shall have power to propose any ordinance to the Board of Trustees, in accordance with the provisions of this Article and Article V, Section 1(1) of the Colorado Constitution.
- (b) Referendum. The registered electors of the Town shall have power to require reconsideration by the Board of Trustees of any ordinance in accordance with the procedures of this Article except emergency ordinances or ordinances dealing with administrative matters, including but not limited to, budgets, appropriations, calling elections, employee salaries, contractual obligations, and payment of bills in accordance with the provisions of this Article and Article V, Section 1(1) of the Colorado Constitution.
- (c) The Board of Trustees may refer a matter to the registered electors of the Town. Section 6-2. Procedure. Except as specifically provided in this Article to the contrary, the provisions of Title 31, Article 11, C.R.S., as amended from time to time, are hereby adopted and shall apply to the initiative and referendum process and to referred measures.

### Section 6-3. Petitioner's Committee

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

### Section 6-4. Petitions.

- (a) Number of Signatures. Initiative petitions or referendum petitions must be signed by registered electors of the Town equal in number to at least five percent (5%) of the total number of registered electors in Town as of the date the affidavit referred to in Section 6-3 is filed.
- (b) Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. The form of the petition shall comply with State statutes. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

- (c) Reading of Ordinance. The Circulator shall require every person signing the petition to read it and the ordinance in question in full prior to signing.
- (d) Affidavit of Circulator. Each page of a petition shall have attached to it, when filed, an affidavit of the Circulator stating that the Circulator personally circulated the petition, the number of signatures thereon, that all the signatures were affixed in the Circulator's presence, that the Circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer read the full text of the ordinance proposed or sought to be reconsidered prior to signing the petition.
- (e) Time for Filing Referendum Petitions. A referendum petition complying with the requirements of this Article must be filed within thirty (30) days following publication of the notice provided for in Section 1-8(h) or it shall be of no effect.

Section 6-5. Review of Petition

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

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

Section 6-7. Suspension of Ordinance

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

Section 6-8. Amendment and Repeal

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

Section 6-9. Additional Procedures

The Board of Trustees may by ordinance prescribe additional procedures as necessary or appropriate for the initiative or referendum process.

**ARTICLE VII MUNICIPAL COURT; MUNICIPAL JUDGE**

Section 7-1. Municipal Court

There shall be a Municipal Court which shall have jurisdiction to hear and try all alleged violations of the Town ordinances. The Municipal Court shall have all jurisdiction as is provided under State

statutes and rules promulgated by the Colorado Supreme Court. The Municipal Court shall be a qualified Municipal Court of Record and shall keep a verbatim record of all proceedings and evidence at trials by either electronic or stenographic means.

#### Section 7-2. Municipal Judge

The Board of Trustees shall appoint a Municipal Judge for an indefinite term to serve at the pleasure of the Board of Trustees. Said Judge may be removed with or without cause by the vote of four (4) members of the Board of Trustees at any time. The Board of Trustees may appoint additional assistant or acting municipal judges as deemed appropriate from time to time. Municipal Judges shall be licensed to practice law in Colorado. Municipal Judges shall be compensated on a basis established by the Board of Trustees provided that compensation shall not be based directly on the number of cases handled or heard by the Judge.

#### Section 7-3. Municipal Court Clerk

The Town Manager may designate a person to perform the duties of Municipal Court Clerk and provide for such compensation as deemed appropriate by the Board of Trustees. (Amended April 1, 2014)

#### Section 7-4. Powers of Municipal Judge

The Municipal Judge shall have all judicial powers relating to the operation of the Municipal Court to the extent consistent with this Charter or Town ordinances.

#### Section 7-5. Penalties

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

#### Section 7-6. Additional Procedures

The Board of Trustees may by ordinance prescribe additional procedures as necessary or appropriate for the Municipal Court or the Municipal Judge, as permitted by law.

### **ARTICLE VIII BUDGET, FINANCE, INVESTMENTS AND TAXATION**

#### Section 8-1. Fiscal Year

The fiscal year of the Town shall be the calendar year.

#### Section 8-2. Contracts

Except as otherwise prescribed by the Board of Trustees, the Board of Trustees shall approve all contracts for the Town. All employment or personal service contracts shall either terminate in one

(1) year or less or be terminable for the Town's convenience, with or without cause, unless otherwise provided by this Charter or by ordinance.

### Section 8-3. Funds and Accounts

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

### Section 8-4. Proposed Budget and Message

Prior to October 15, or such other time as the Board of Trustees may provide by ordinance, the Town Manager shall cause to be prepared and submitted to the Board of Trustees a proposed budget and accompanying message. The proposed budget shall provide a financial plan for all Town funds and activities for at least the next fiscal year and, except as required by this Charter, shall be in such form as required by law. (Amended April 1, 2014)

### Section 8-5. Budget.

- (a) The Board of Trustees shall adopt an annual budget for the fiscal year. Such budget shall present a complete financial plan by fund and by spending agency within each fund and shall set forth the following:
  - (1) All proposed expenditures for administration, operation, maintenance, debt service, and capital projects to be undertaken or executed by any spending agency during the fiscal year;
  - (2) Anticipated revenues for the fiscal years;
  - (3) Estimated beginning and ending fund balances;
  - (4) The corresponding actual figures for the prior fiscal year and estimated figures projected through the end of the current fiscal year, including disclosures of all beginning and ending fund balances, consistent with the basis of accounting used to prepare the budget;
  - (5) A written budget message describing the important features of the proposed budget; (Amended April 1, 2014)
  - (6) An estimate of the amount required to be raised from an ad valorem property tax levy; and
  - (7) Such other information as the Board of Trustees may require.

### Section 8-6. Budget Hearing

A public hearing on the proposed budget and capital program shall be held by the Board of Trustees after receipt of the proposed budget. Notice of the time and place of such hearing shall be published at least one (1) time at least ten (10) days prior to the hearing and shall state that copies of the proposed budget and the proposed capital projects programs are available for public inspection in the office of the Town Clerk.

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

- (a) Unless another date is provided by ordinance, the Board of Trustees shall adopt the budget, by resolution, on or before the date provided by law for certification of the ad

valorem property tax levy. If the Board of Trustees fails to adopt the budget by the required date, the amounts appropriated for the current fiscal year, together with any additional amounts necessary for payments of principal and interest on securities and other payment obligations, shall be deemed appropriated for the next fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Board of Trustees adopts the budget for that fiscal year.

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

#### Section 8-8. Contingencies.

- (a) The budget may include an item for contingencies.
- (b) Expenditures shall not be charged directly to contingencies except in those cases where there is no logical account to which an expenditure can be charged.

#### Section 8-9. Amendments after Adoption

- (a) Supplemental Appropriations. If, during the fiscal year, the Town Manager certifies there are available for appropriation revenues in excess of those estimated in the budget or revenues not previously appropriated, the Board of Trustees by resolution following a public hearing may make supplemental appropriations for the year up to the amount of such excess or unappropriated revenues. (Amended April 1, 2014)
- (b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Board of Trustees may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of Trustees may by emergency ordinance authorize the issuance of emergency securities as provided in this Charter.
- (c) Reduction of Appropriations. If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Board of Trustees without delay, indicating the estimated amount of deficit and the Town Manager's recommendation as to any remedial steps to be taken. The Board of Trustees shall then take such action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one (1) or more appropriations. (Amended April 1, 2014)
- (d) Transfer of Appropriations. Any time during the fiscal year, the Town Manager may recommend the transfer of part or all of any unencumbered appropriation balance among programs within a fund, department, office or agency. Upon written request of the Town Manager, the Board of Trustees may by resolution transfer part or all of any unencumbered appropriation balance from one fund, department, office, agency or object to another. (Amended April 1, 2014)
- (e) Limitation - Effective Date. No appropriation for debt service may be reduced or transferred. The supplemental appropriations, emergency appropriations and reduction

or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

#### Section 8-10. Administration - Payments and Obligations Prohibited

Except for securities issued and payment obligations incurred pursuant to this Charter, no payment shall be made or obligation incurred except in accordance with appropriations made pursuant to this Charter and unless the Town Manager first certifies that sufficient funds are or are estimated to be available to meet the payment or obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void at the Board of Trustees' discretion. (Amended April 1, 2014)

#### Section 8-11. Adoption of Property Tax Levy

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

#### Section 8-12. Budget Control.

- (a) The Board of Trustees shall require quarterly reports to be prepared for review by the Board of Trustees showing the relation between budgeted expenditures and revenues, and the year's actual expenditures and revenues to date.
- (b) If it appears that revenues may be less than anticipated, the Board of Trustees may reduce appropriations and amend the budget as necessary to avoid expenditures exceeding revenues.
- (c) During the year, the Board of Trustees may make supplemental appropriations by resolution provided that revenues are available from unanticipated revenues, unappropriated fund balances, reserves, emergency reserves or other sources for such purpose.
- (d) The Board of Trustees may authorize unappropriated fund balances, unencumbered appropriation balances or revenues to be transferred from one (1) fund to another.
- (e) All supplemental appropriations, reduced appropriations or transfers shall be accomplished by a resolution approved by a minimum of four (4) members of the Town Board of Trustees.
- (f) Annual expenditures shall not exceed appropriations on a fund basis.

#### Section 8-13. Audit

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

#### Section 8-14. Accounting Principles

Except as otherwise provided by this Charter or Town ordinances, the Town shall comply with generally accepted accounting principles for municipalities.

#### Section 8-15. Deposits and Investments

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

#### Section 8-16. Municipal Taxation

Except for ad valorem taxes which may be adopted by resolution, the Board of Trustees may adopt or increase municipal taxes by ordinance as long as those taxes or tax increases comply with the following conditions:

- (a) Such taxes or tax increases are subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval; and
- (b) Such taxes or tax increases are not prohibited for home rule municipalities by the Colorado Constitution.

#### Section 8-17. Authority to Acquire Property at Tax Sales

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

#### Section 8-18. Capital Improvements Plan

- (a) The Board of Trustees shall provide for the development and adoption of a capital improvements plan each year.
- (b) The plan shall be developed and adopted each year in time to be considered in the preparation and adoption of the Town's annual budget.
- (c) The plan shall at a minimum include significant capital improvement projects, planned or proposed, for the next five (5) years, including estimated costs and sources of revenue proposed to finance such improvements.
- (d) Such plan shall be utilized by the Board of Trustees as a guide in drafting and adopting the annual budget.
- (e) The capital program shall include the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

#### Section 8-19. Forms of Borrowing

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

#### Section 8-20. Review of Proceedings

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

#### Section 8-21. Enterprise Funds

- (a) The Board of Trustees may, subject to ordinance requirements and limitations, adopt ordinances providing for the establishment and operation of any enterprise deemed to be in the best interest of the Town.
- (b) Within this Article, enterprise refers to a government-owned business authorized to issue its own revenue bonds and receiving less than ten percent (10%) of its annual revenue in grants from all Colorado State and local governments combined.

#### Section 8-22. Competitive Bidding

The Board shall establish, by resolution, procedures to ensure fair and competitive bidding practices.

### **ARTICLE IX UTILITY DISTRICTS, FRANCHISES AND SPECIAL DISTRICTS**

#### Section 9-1. Authorization

- (a) The Town shall have the power to create local improvement districts, general improvement districts, special taxing districts, urban renewal authorities, housing authorities and other special districts and authorities as authorized by Colorado statutes for municipalities within or without or partly within or without the Town.
- (b) The Town shall also have the power to create districts and authorities similar to those referred to in paragraph above pursuant to provisions prescribed by ordinance subject to the provisions of this Charter, and to adopt policies by resolution regarding the establishment of any district.
- (c) The costs of constructing, installing or acquiring public, local or municipal improvements of every kind and character may be assessed in whole or in part upon the property benefitted by such improvements by the Town.
- (d) Money may be borrowed to finance the construction, installation or acquisition of such improvements by borrowing money including securities secured by a pledge of assessments against the benefitted property in the District. Such obligations shall not require a vote of the electorate unless required by the Colorado Constitution.

- (e) The Town may also pay for such improvements out of monies available therefor from any appropriate fund or source and provide for repayment to the appropriate fund from collection of the assessments.
- (f) The Town may also redeem or prepay improvement district securities at any time funds are available to do so and assign the assessments as collected to an appropriate fund of the Town.

#### Section 9-2. Public Hearing

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

#### Section 9-3. Review of Improvement District Proceedings

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

#### Section 9-4. Public Utility Franchises

- (a) No public utility, including but not limited to, those providing water, sewer, cable TV, electrical power, telephone, telegraph, telecommunications or natural gas, may use or occupy the streets, alleys and other property of the Town without obtaining a utility franchise or permit authorized by an ordinance adopted by the Board of Trustees.
- (b) All franchise and utility permits shall be non-exclusive and shall not have a term longer than fifteen (15) years.
- (c) The Town shall have the power and authority within or without the Town to construct, condemn, purchase, acquire, lease, operate and maintain its own utilities, assets, equipment and everything in relation or in connection therewith and every utility franchise or permit granted by the Town shall be subject to the reserved right of the Town to acquire such utility by eminent domain.
- (d) All public utilities shall remain subject to the police power of the Town notwithstanding anything to the contrary in the franchise or permit.

#### Section 9-5. Control of Water Reserved to Town

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

#### Section 9-6. Franchise Records

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

#### Section 9-7. Existing Franchises

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

#### Section 9-8. Town Utilities

- (a) The Town shall have and exercise all the authority and powers provided by the Colorado Constitution, State statutes, and other applicable laws in any matter pertaining to Town owned utilities, including water and water rights and acquisition thereof, and bonded indebtedness in connection therewith.
- (b) The Board of Trustees shall from time to time fix, establish, maintain, and provide for the collection of rates, fees, and charges for water, sewer, and other utility services furnished by the Town.
- (c) Such rates, fees, and charges shall be sufficient in the Board of Trustees' judgment to provide good service to the customers, pay all bonded indebtedness, pay legally required refunds, cover the cost of operation, maintenance, additions, extensions, betterments, and improvements, provide a reasonable return on the Town's investment in utility properties and capital investments, and reimburse the general fund for administrative services and overhead provided and incurred by the Town on behalf of each utility, as allowed by the Colorado Constitution and other applicable laws.
- (d) Any right, privilege, permit or contract granted by the Town giving any right, permission or privilege to use Town water, the Town water system or Town sewer system shall always be subject to the most comprehensive oversight, control and management by the Town and such control is retained and reserved by the Town to ensure that nothing can be done which would interfere with the successful long term operation of the Town's water or sewer systems or impair such systems for the benefit of the people of the Town.

#### Section 9-9. Enterprise Funds.

- (a) The Board of Trustees may, subject to ordinance requirements and limitations, adopt ordinances providing for the establishment and operation of any enterprise deemed to be in the best interest of the Town.
- (b) Within this Article, enterprise refers to a government owned business authorized to issue its own revenue bonds and receiving fewer than ten percent (10%) of its annual revenue in grants from all Colorado State and local governments combined.

### **ARTICLE X STREETS, ALLEYS AND PROPERTY**

### Section 10-1. Town Streets, Alleys and Property

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

## **ARTICLE XI EXISTING BOARDS, COMMISSIONS, EMPLOYEES AND CONTRACTORS**

### Section 11-1. Board of Trustees

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

### Section 11-2. Existing Boards and Commissions

All existing Boards and Commissions shall continue as established, except as otherwise provided by ordinance or this Charter.

### Section 11-3. General Provisions

The Board of Trustees may establish boards and commissions and provide for their powers and duties, and the Board of Trustees may consolidate, merge, or abolish any board or commission. Further, the Board of Trustees may establish temporary advisory commissions for advising the Board of Trustees with regard to a specific matter or for accomplishing specific tasks. The establishment, consolidation, merger, or abolishment of any boards or commissions shall be accomplished by ordinance or resolution. The ordinance or resolution establishing a board or commission shall provide for any required qualifications of board and commission members, the terms of office for such members and the method of appointment. Members of boards or commissions shall be removable by a majority vote of the Board of Trustees. The resolution creating a temporary advisory commission shall describe the advice to be provided to the Board of Trustees or the task to be accomplished by the temporary advisory commission. Unless otherwise provided by the establishing ordinance or resolution, the Board of Trustees shall make appointments to fill vacancies for unexpired terms. Unless otherwise provided by this Charter or the establishing ordinance or resolution, each board and commission shall choose its own chairperson from its members and adopt and follow its own rules of procedure. All meetings of boards and commissions shall be open to the public. Copies of all records of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Board of Trustees as the Board of Trustees shall require. Members of boards and commissions may be paid, if such pay is established by ordinance, and they may be reimbursed for their reasonable expenses. A majority of any board or commission shall constitute a quorum. A vote of a majority of a quorum shall be a vote

of the board or commission; provided, nothing herein shall preclude the Board of Trustees or a board or commission from requiring a greater number of affirmative votes in certain instances.

#### Section 11-4. Employees and Independent Contractors

The adoption of this Charter shall not affect the status of any employees or independent contractors currently under contract or employment by the Town.

### **ARTICLE XII EFFECTIVE DATE AND TRANSITION PROVISIONS**

#### Section 12-1. Purpose of Transitional Provisions

The purpose of this Article is to provide for an orderly transition from the present Town government to the Home Rule government under the provisions of this Charter.

#### Section 12-2. Effective Date of Charter

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

#### Section 12-3. Savings Clause

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

#### Section 12-4. Saturdays, Sundays, and Holidays

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

#### Section 12-5. Emergency Powers and Line of Succession

The Board of Trustees may, by ordinance, provide for emergency powers and a line of succession in case of riot, insurrection, disaster, or extraordinary emergency.

#### Section 12-6. Interpretation

- (a) Except as otherwise specifically provided in or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made in this Charter.

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

## **ARTICLE XIII MISCELLANEOUS PROVISIONS**

### Section 13-1. Revocable Permits or Licenses

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

### Section 13-2. Disposition of Ordinances

Copies of the original ordinances and the certificates of the publisher of notice of ordinance shall be kept and be available for public inspection in the office of the Town Clerk.

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

### Section 13-4. Titles and Headings

The Article titles and headings of Sections are inserted for convenience and reference only and shall not be construed to limit, describe or control the scope or intent of any provision contained therein.

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

### Section 13-6 Technical Amendments

The Board may, by ordinance, effect technical changes in the Charter which do not substantively change the provisions of this Charter, such as correction of spelling or grammatical errors.

### Section 13-7 Effect of State Statutes

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

### Section 13-8 Land Use Administration

The Board may adopt land use and development ordinances and approve or disapprove of any related land use decisions concerning these ordinances.

### Section 13-9 Mineral Rights

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

- (b) The Board may adopt procedures to identify, document, and permanently record the ownership of all mineral rights associated with all property located within the Town. Nothing contained in this Section shall be construed as prohibiting the Board from adopting appropriate ordinances, which limit or prohibit the transfer or application of mineral rights associated with one (1) parcel or development to another parcel or development.
- (c) No franchise, right, or privilege shall be granted affecting the use of mineral rights belonging to the Town, without retaining ownership of such property in the Town. No such franchise right or privilege shall allow or create an encumbrance on such property in favor of a third party, or be for a term exceeding ten (10) years. Any such franchise, right or privilege shall terminate automatically if necessary to preserve or maintain the property or right of the Town's ownership.

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

- (a) The Town shall have the right and power to buy, appropriate, adjudicate, sell, condemn, exchange, lease, own, control and otherwise deal in water and geothermal water rights including the right to compel the dedication and conveyance of all water rights associated with real property as a condition precedent to obtaining or maintaining water or other municipal services from the Town.
- (b) The Board may adopt procedures to identify document, and permanently record the ownership of all water and geothermal water rights associated with all property located within the Town. Nothing contained in this section shall be construed as prohibiting the Board from adopting appropriate ordinances, which limit or prohibit the transfer or application of water associated with one parcel or development to another parcel or development.
- (c) No franchise, right, or privilege shall be granted affecting the use of water, geothermal water or water rights belonging to the Town, or affecting its water systems, without retaining ownership of such property in the Town. No such franchise right or privilege shall allow or create an encumbrance on such property in favor of a third party, or be for a term exceeding ten (10) years. Any such franchise, right, or privilege shall terminate automatically if necessary to preserve or maintain the property or right of the Town's ownership.

Section 13-11. Property Rights

The Town shall have the power to acquire, own, sell, lease, exchange, dispose of, or otherwise deal with real or personal property by ordinance without the need for an election.

**ARTICLE XIV DEFINITIONS**

Section 14-1. Definitions

The following definitions shall apply as used in this Charter:

- 1. "Ad valorem tax" means only the general property tax levied annually on real or personal property listed with the Assessor of Garfield County, Colorado.

2. “Appropriation” means the authorized amount of monetary funds designated for expenditure during a specified time for a specified purpose, usually as an appropriation of funds in the Town budget or amendment thereto.
3. “Board or Commission” or “Board and Commission” means the boards and commissions established by this Charter or ordinances.
4. “Board of Trustees” means the governing body constituting the Town Board of the Town of Parachute, including the Mayor.
5. “Clerk” means the Town Clerk of the Town of Parachute or such office designation as may be used in place of the office of Town Clerk.
6. “Elected Official” means the Mayor and each Trustee, whether elected or appointed.
7. “Emergency ordinance” means an ordinance which, in the opinion of the Town Board is necessary for the immediate preservation of the public property, health, welfare, peace and safety.
8. “Employee” means each compensated person in the service of the Town who is designated as an employee in the personnel code or applicable rules and regulations of the Town.
9. “Entire Board” means all of the members of the Town Board of Trustees, including the Mayor, provided for in Article 2.
10. “Finance Director” means the Finance Director of the Town of Parachute, or such office designation as may be used in place of the office of Finance Director.
11. “Franchise” means a right conferred by the Town (such as to a public utility) to use public property for public use but for private profit.
12. “General Election” or “Statewide General Election” means the Statewide election held on the Tuesday succeeding the first Monday of November in each even-numbered year.
13. “Initiative” means the power of the registered electors of the Town of Parachute to propose to the Town Board, in accordance with the provisions of this Charter, certain ordinances for adoption by the Town Board which, if not adopted by the Board, shall be submitted to a vote of the registered electors of the Town for acceptance or rejection, in accordance with the provisions of this Charter.
14. “Manager” means the Town Manager of the Town of Parachute appointed by the Board of Trustees. (Amended April 1, 2014)
15. “Mayor” means the Mayor of the Town.
16. “Newspaper” means a newspaper of general circulation in the Town which meets the requirements for a legal newspaper as established in the State statutes.
17. “Notice” means that notice may be provided to the public as prescribed by this Charter and/or by ordinance by any or all means and methods of communication.
18. “Officer” means the Mayor and each Trustee.
19. “Ordinance” means a permanent law or regulation adopted by legislative action of the Town Board pursuant to the procedures set forth in this Charter or by ordinances.
20. “Publication or Posting” means:
  - A. Publication in a newspaper of general circulation; or
  - B. Publication by electronic means and methods; or
  - C. In the event of an emergency, or when no such newspaper is available, posting. Anything published by such posting because of an emergency shall subsequently be published in a newspaper of general circulation or published electronically; or
  - D. Posting shall be effected by providing written or printed notice in various locations throughout the Town as provided by ordinance.

21. “Referendum” means the power of the registered electors of the Town of Parachute to request that the Town Board reconsider certain ordinances adopted by the Board as provided in this Charter; and, if the Board fails to repeal such ordinances, to require that the Board submit the referred ordinances to a vote of the registered electors of the Town for approval or rejection, in accordance with the provisions of this Charter.
22. “Registered Elector” means an elector who has registered in compliance with the provisions for registration to vote as provided in the State statutes.
23. “Regular Election” or “Regular Municipal Election” means a Town election held pursuant to Article 5.