

CITY OF BRIGHTON

HOME RULE CHARTER

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BRIGHTON HOME RULE CHARTER

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PREFATORY SYNOPSIS

We, the fifteen Charter Commission Members elected by the citizens of the City of Brighton, have drafted this Home Rule Charter in accordance with the Constitution of the State of Colorado and the Municipal Home Rule Act of 1971 and hereby respectfully submit this Charter to the electors of the City of Brighton for their approval. In the process of drafting this Charter, the Commission held public meetings, conducted public hearings, encouraged citizen involvement, and received valuable input and opinion from the Brighton citizens.

The members of the Charter Commission have worked diligently and earnestly to create a Charter that addresses the issues, desires, concerns, and challenges for historic Brighton. Being mindful of the growth of and opportunities for the City of Brighton, the members of the Commission have endeavored to draft a Charter that provides for efficient and effective representative government based upon sound principles of home rule, administration for the public good, and the encouragement of citizen participation.

The proposed Charter continues the City Council-City Manager form of representative government. The City Council is the governing body of the City that formulates policy and enacts legislation. The City is divided into four wards, each of which is represented by two Council Members, elected from their respective wards. The Mayor is the head of the City's government and is elected from the City at large. In order to promote more efficient and effective representative government and to encourage vitality in government, the Charter provides for staggered terms with strict term limits of two consecutive elected terms of four years each.

The City Manager is the chief administrative officer of the City and is selected and appointed by Council to serve at its pleasure. The City Manager is charged with administering the non-legislative functions of the City and is responsible for carrying out this charge in accordance with the provisions of the Charter and as directed by Council.

The Commission, while recognizing the importance of a representative form of government for the City of Brighton, has drafted Charter provisions which grant its citizens full rights to participate in city government through powers of initiative, referendum and recall as protected by the Constitution of the State of Colorado. This philosophy of citizen participation is reinforced by the continued application of the Taxpayers Bill of Rights as set forth in Article X, Section 20 of the Constitution of the State of Colorado.

The Commission has endeavored to draft a concise, simple, and direct Home Rule Charter which provides a basic framework for our local government, requires fiscal responsibility and accountability, and recognizes the importance of citizen participation in City government.

Ray Kilgore, Chairperson, At-Large

Adam Kniss, Vice Chair, Ward 1
Mary C. Zink, Ward 1
Roy H. Mayeda, Ward 3
David H. Babb, Ward 3
Nancy L. Besaw, At-Large
David E. Rose, At-Large
Marianne Thomas, At-Large

Elaine S. Padilla, Secretary, Ward 2
Donna C. Spradling, Ward 2
David P. Jacovetta, Ward 4
Gregory L. Grothe, Ward 4
Daryl L. Meyers, At-Large
Richard E. Gonzales, At-Large
Joseph G. Maier, At-Large

John R. Mehaffy, Martin & Mehaffy, L.L.C.
Counsel to the Commission

PREAMBLE

We, the people of the City of Brighton, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish, and adopt this Home Rule Charter for the benefit of ourselves and the future citizens of the City of Brighton.

ARTICLE I

NAME & BOUNDARIES

1.1 INCORPORATED BRIGHTON.

The municipal corporation presently incorporated as the City of Brighton, Colorado, shall remain and continue as a governmental entity and body corporate under this Charter with the same name and with the same boundaries until such boundaries are lawfully changed.

ARTICLE II

MUNICIPAL POWERS

2.1 FORM OF GOVERNMENT.

The municipal government established by this Charter shall be the Council-Manager form of government.

2.2 POWERS.

(A) The City of Brighton, hereafter referred to as City, shall have all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado.

(B) The enumeration of any particular power in this Charter shall not be deemed to exclude the exercise of any other power.

(C) All powers shall be exercised in the manner set forth in this Charter or, if not provided in this Charter, in such manner as shall be provided by ordinance or resolution.

2.3 RIGHTS AND LIABILITIES.

By the name of the City of Brighton, the municipal corporation:

(A) Shall have perpetual succession;

(B) Shall own, possess, and hold all property, real and personal, heretofore owned, possessed, and held by the City and does assume and shall manage and dispose of all trusts in any way connected therewith;

(C) Shall succeed to all rights and liabilities and shall acquire all benefits of the City;

(D) May, by the name of the City of Brighton, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings;

(E) May purchase, receive, hold and enjoy, or sell and dispose of real and personal property;

(F) May have and use a common seal and alter the same at its pleasure; and

(G) May adopt ordinances and resolutions necessary or desirable for the general health, safety, and welfare of its inhabitants unless otherwise prohibited or restricted by this Charter or law applicable to home rule cities in the State of Colorado.

ARTICLE III

ELECTIONS

3.1 COLORADO MUNICIPAL ELECTION LAWS ADOPTED.

City elections shall be governed by the State Statutes contained in the Colorado Municipal Election Code, except as otherwise provided by this Charter or by ordinance not in conflict with this Charter. All regular and special elections shall be nonpartisan.

3.2 REGULAR ELECTIONS.

A regular municipal election shall be held on the first Tuesday in November of each odd-numbered year. (Amended 11-8-11 election)

3.3 SPECIAL ELECTIONS.

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

3.4 WARDS.

(A) The City shall be divided into four (4) wards, the boundaries of which shall be changed only by an ordinance adopted by the affirmative vote of a majority of the entire Council.

(B) The boundaries of the wards established pursuant to this section shall not be changed more often than once in six (6) years, unless change is necessary to conform to constitutional apportionment requirements. Territory added to the City shall become a part of such ward or wards as may be determined by ordinance, but this shall not prevent apportionment to conform to constitutional requirements.

(C) Notwithstanding any other provision of this Charter, no change in ward boundaries shall create a vacancy during the term of any Council Member in office at the time of the change.

3.5 CONDUCT OF ELECTIONS.

The City Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of City elections. In any case where election procedure is in doubt, the City Clerk shall prescribe the procedure to be followed.

3.6 THE NUMBER OF VOTES REQUIRED FOR ELECTION.

To be elected Mayor or Council Member, a person shall have received a majority of the votes cast for such office at either a general City election or at a run-off election as herein provided. If at a general City election, no candidate receives a majority of the votes cast for Mayor, or for a Council Member position in the respective ward, a run-off election shall be held on the first Tuesday in December following the general election. The run-off election shall be held in the same manner as a general election except:

(A) Certification of candidates and publication of election notice shall be on the tenth (10th) day before the election.

(B) If a run-off election for Mayor is required the two (2) persons with the highest number of votes for Mayor in the general City election shall appear on the ballot as candidates for Mayor.

(C) For each Council Member position in each Council ward in which a run-off election is required, the names of the two (2) persons with the highest number of votes for each Council Member position of the respective ward in the general City election shall appear on the ballot.

(D) The names of the candidates shall be arranged in the same order as the candidates filed their nomination petitions with the first name being that of the first person to file.

(E) As soon as the polls are closed after every run-off election, results shall be tabulated and the candidates receiving the greatest number of votes cast at said election for the respective offices shall be declared elected and entitled to a certification of election. (Amended 8-5-03 election)

ARTICLE IV

CITY COUNCIL

4.1 COUNCIL.

The City Council, hereafter referred to as Council, shall consist of nine (9) members which shall include a Mayor nominated and elected from the City at large and eight (8) Council Members, nominated and elected two (2) each from each of the City's four (4) wards.

4.2 COUNCIL POWERS.

The Council shall be the legislative and governing body of the City and shall have such powers as are possessed by the City 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.

4.3 MAYOR.

(A) The Mayor shall be a member of Council, shall preside over meetings of the Council, and shall have all the powers, rights, and duties of a member of the Council, including the same voting rights as any Council Member.

(B) The Mayor shall be recognized as the head of the City government for all ceremonial purposes and shall execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor shall have such other powers as may be conferred upon the Mayor by the Council so long as those powers are not in conflict with the provisions of this Charter.

4.4 MAYOR PRO TEM.

By affirmative vote of a majority of the entire Council at the first regular or special meeting of the Council following a regular election, a Mayor Pro Tem shall be selected from among the Council Members for a term of two (2) years to perform all duties and have all powers of the Mayor in the event of a temporary absence of the Mayor.

4.5 TERMS OF OFFICE.

(A) The terms of office for Council Members shall be four (4) years.

(B) The term of office for the Mayor shall be four (4) years.

(C) Commencing with the positions to be filled at the November, 2011 regular municipal election, the members of the Council shall take office at the first regular or special meeting of the Council in January following the regular election, and shall continue in office until successors have been elected or appointed and take office or until a vacancy is declared.

(D) Before taking office the Mayor and each Council Member shall take and file with the City Clerk an oath or affirmation to support the United States Constitution, the Colorado Constitution, and the Charter and ordinances of the City and to faithfully perform the duties of the office. (Amended 11-5-02 election; Amended 11-8-11 election)

4.6 TERM LIMITS.

The terms in office for an elected official, either as Mayor or Council Member, shall be limited to two (2) elected terms in each office, and shall not include a term or terms in which the Mayor or Council Member was appointed to office or was elected and served no more than two (2) years. No person may be appointed Mayor or Council Member after he or she has been term limited. The limitations set forth herein shall be effective with those elected terms of office beginning on or after January 1, 1995. (Amended 11-5-02 election)

4.7 QUALIFICATIONS.

(A) No person shall be eligible to be elected or appointed to the office of Mayor or Council Member unless he or she is:

- (1) A citizen of the United States of America; and

(2) A registered elector of the City; and

(3) A resident of the City, and in the case of Council Members a resident of his or her respective ward, for a period of no less than twelve (12) consecutive months immediately preceding the election. In the case of annexation, residence within the annexed territory for the prescribed period shall satisfy the residency requirements of this section.

(B) No person who has been convicted of a felony shall be eligible to be elected or appointed to the office of Mayor or Council Member.

(C) No person who is an employee of the City may serve as Mayor or a Council Member. Any City employee elected as Mayor or Council Member shall be deemed to have resigned as an employee on the date of taking office.

(D) No person may be a candidate for both Mayor and Council Member at the same election.

(E) The Council shall be the judge of the election and qualifications of its own members, subject to judicial review.

4.8 VACANCIES.

(A) A vacancy in the office of Mayor or Council Member shall exist if during the term of office the Mayor or a Council Member:

(1) Is convicted of a felony;

(2) Is no longer a resident of the City or, in the case of Council Members, a resident of the ward from which elected;

(3) Is hired as an employee of the City;

(4) Dies, is judicially declared incompetent, resigns, or is recalled without the election of a successor;

(5) Has had three (3) consecutive unexcused absences from regular meetings of the Council. An absence from a regular meeting shall be considered unexcused only if the Council so determines by a motion, setting forth the reasons for the determination. The third consecutive unexcused absence shall be deemed to constitute a vacancy in the office effective on the date of the motion of the Council determining that such absence was unexcused;

(6) Has a relative who is hired by the City, relative being defined as spouse, child, step-child, grandchild, son-in-law, daughter-in-law, parent, grandparent, brother, sister or person residing in the same household, on either a permanent or temporary basis.

(B) Should the position of Mayor be vacated for any reason, the Council shall select from its members a Mayor, who shall perform all duties and have all powers of the Mayor until the next regular municipal election. Upon taking the oath of office, the Appointed Mayor shall no longer serve as a ward Council Member, and a vacancy shall exist in the ward from which the Appointed Mayor was elected. Such vacancy shall be filled in accordance with Section 4.8(D) of this Charter.

(C) Should the position of Mayor Pro Tem be vacated for any reason, the Council shall select from its members a Mayor Pro Tem to serve out the term.

(D) Should the position of a Council Member be vacated for any reason, the Council shall fill the vacancy by one of the following options:

(1) If less than 180 days remain in the unexpired term, the position shall remain vacant until the next regular municipal election;

(2) If more than 180 days remain in the unexpired term, Council may select a person from the ward of the vacated Council seat to fill the position for the remainder of the unexpired term; or

(3) If more than 180 days remain in the unexpired term, Council may call for a special election within that ward to fill the vacated seat for the remainder of the unexpired term. (Amended 11-5-02 election)

4.9 COMPENSATION.

The Mayor and members of the Council shall receive such compensation as the Council shall determine by ordinance. The Council shall neither increase nor decrease the compensation of the Mayor or any member of the Council during a term of office; however, members of the Council whose terms do not expire at the next regular municipal election shall receive for the remainder of their terms of office the same compensation as that provided for incoming members. Subject to the Council's approval, the Mayor and Council Members may be reimbursed for the actual and necessary expenses incurred in the performance of the duties of office.

ARTICLE V

COUNCIL PROCEDURE

5.1 MEETINGS.

(A) The Council shall meet regularly at least twice each month. The Council shall determine the day and hour of its regular meetings and the rules of procedure governing meetings. The first meeting following each regular municipal election shall be the organizational meeting.

(B) The Council shall cause written minutes of its regular and special meetings to be taken and retained in the records of the City.

5.2 SPECIAL MEETINGS AND BUSINESS AT SPECIAL MEETINGS.

(A) Special meetings shall be called by the City Clerk on the written request of the Mayor, City Manager, or any two (2) members of the Council.

(B) A special meeting shall be held on at least twenty-four (24) hours notice communicated to each member of the Council. A special meeting may be held on shorter notice if all members of the Council are present or if those members not present have waived notice thereof in writing. Advance notice of such meeting shall be posted in one (1) public place.

(C) At any special meeting of the Council, no action shall be taken by the members of Council on any item of business that has not been stated in the notice of the meeting.

5.3 QUORUM.

A majority of the members of the Council holding office at the time shall be a quorum, and a quorum shall be required for the transaction of business at all Council meetings.

5.4 MEETINGS TO BE PUBLIC AND EXECUTIVE SESSIONS.

(A) At least twenty-four (24) hours in advance of each regular meeting, notice of such meeting shall be posted in a public location as determined by Council. Such notice shall include specific agenda information to the extent available.

(B) All regular and special meetings of the Council shall be open to the public, and persons shall have a reasonable opportunity to be heard under such rules as the Council may prescribe.

(C) Any meeting may be recessed into an executive session by the affirmative vote of a majority of the members present and may be closed to the public for the following purposes only:

(1) To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop strategy, and to instruct negotiators;

(2) To consider the acquisition or disposal of property if, in the judgment of the Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage;

(3) For matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential;

(4) For matters critical to the personal safety of elected officials and for matters involving the protection and security of City property;

(5) For personnel matters;

(6) To deliberate on evidence presented to the Council while acting in a quasi-judicial capacity; or

(7) To consider additional matters for which an executive session is permitted under the State Statutes concerning the meetings of local public bodies.

(D) The general subject matter of any executive session shall be stated in the motion calling for the session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any session closed to the public.

5.5 COUNCIL ACTS.

The Council shall act only by ordinance, resolution, or motion. All legislative enactments shall be in the form of ordinances. All other actions, except as herein provided, may be in the form of

resolutions or motions. A true copy of every ordinance and resolution as hereafter adopted shall be numbered and recorded in the official records of the City.

5.6 VOTING.

(A) The vote by "Yes" and "No" shall be taken upon the adoption of all ordinances and resolutions and entered upon the minutes of the Council proceedings.

(B) Except where a greater number is required in this Charter, the final adoption of any ordinance shall require the affirmative vote of a majority of the entire Council, and resolutions and motions shall require the affirmative vote of a majority of the members of the Council present.

(C) No member of the Council shall vote on any matter concerning the member's own conduct.

(D) No member of the Council shall vote on any matter in which the member has a conflict of interest, as defined in the State Statutes concerning conflicts of interest of local government officials, or in any ordinance concerning conflicts of interest of elected officials. On such matter, the official shall disclose to the Council the nature of the conflict of interest prior to abstaining from voting. Any such ordinance shall be at least as restrictive as said State Statutes, and in case of any conflict, the more restrictive provision shall prevail.

(E) Except as provided in Subsections (C) and (D) of this Section, each member of the Council who is present shall vote on each matter. (Amended 11-8-11 election)

5.7 ACTION BY ORDINANCE REQUIRED.

In addition to such acts of the Council that are required by other provisions of this Charter to be by ordinance, every act creating indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. However, this Section shall not apply to the budget adoption or other appropriations as defined in Section 10.12 of this Charter.

5.8 FORM OF ORDINANCE.

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

5.9 ADOPTION PROCEDURE FOR ORDINANCES.

(A) Each ordinance shall be presented to Council at least twice, and the following procedure shall be followed in adopting any ordinance except an emergency ordinance:

(1) The ordinance shall be introduced by motion at a regular or special meeting of the Council.

(2) The ordinance shall be read in full or by title if copies of the ordinance are available to the public.

(3) At the first reading, the Council shall vote to amend, adopt, or reject the ordinance, or take other action as it deems appropriate.

(4) If the ordinance is adopted by Council upon its initial introduction, either as presented or as amended, it shall be published in full as it was adopted.

(5) The ordinance shall then be introduced by motion a second time at a regular or special meeting of the Council held not earlier than four (4) days after the first publication.

(6) Prior to taking final action on the ordinance, the Council shall permit public comments on the ordinance, then shall vote to amend, finally adopt, or reject the ordinance, or take other action as it deems appropriate.

(7) Upon final adoption, the ordinance shall be published either in full or by title only, as the Council may direct; however, if the ordinance is amended prior to final adoption and is published by title only, the amendment shall be published in full along with the ordinance title.

(8) The ordinance shall be signed by the Mayor and attested by the City Clerk, and affidavits of publication shall be retained with the ordinance in the City's records.

(B) Every ordinance published by title shall contain a notice that copies of the ordinance are available at the office of the City Clerk.

5.10 EMERGENCY ORDINANCES.

(A) An emergency ordinance necessary for the immediate preservation of public property, health, welfare, peace or safety shall require the affirmative vote of two-thirds ($\frac{2}{3}$) of the Members of the Council in office at the time. The facts determining the emergency shall be specifically stated in the ordinance. Determination by Council as to the existence of an emergency shall be final and conclusive.

(B) No ordinance granting, renewing, or amending any franchise, fixing rates charged by any municipal utility system, or imposing any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, extension of an expiring tax, or tax policy change directly causing a net tax revenue gain to the City shall be adopted as an emergency ordinance.

(C) An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading, and shall not require publication prior to final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full. (Amended 11-8-11 election)

5.11 CODIFICATION.

The Council shall cause the ordinances to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 5.12 of this Charter.

5.12 ADOPTION OF CODES BY REFERENCE.

The Council may adopt, by ordinance, any code by reference. The procedure of adoption of a code by reference shall be as provided in the State Statutes applicable to the adoption of codes by reference or such other procedure as the Council may provide by ordinance. Every ordinance adopting a code by reference shall contain a notice that copies of the code are available at the office of the City Clerk. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance.

5.13 PUBLIC RECORDS.

All public records of the City of Brighton shall be open for inspection by any person at reasonable times in accordance with applicable law.

5.14 FINES AND PENALTIES FOR ORDINANCE VIOLATIONS.

Penalties for the violation of City ordinances shall be established by ordinance. No fine or sentence for such violation shall exceed the maximum established by the State Statutes for municipal ordinance violations.

ARTICLE VI

INITIATIVE, REFERENDUM, AND RECALL

6.1 INITIATIVE.

(A) The initiative power, reserved by Article V, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the City as to that City legislation which is subject to the initiative power reserved in said Constitution. Any initiated measure shall be in the form of an ordinance. The measure shall be initiated pursuant to the State Statutes which establish procedures for a municipal initiative, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(B) The initiative petition shall be signed by registered electors of the City equal in number to at least five (5) percent of the total number of electors of the City registered to vote at the last regular municipal election.

(C) The City Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.

(D) The City Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the City Clerk and the date of the signature.

6.2 REFERENDUM.

(A) The referendum power, reserved by Article V, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the City as to those ordinances which are subject to the referendum power reserved in said Constitution. Such ordinances shall be referred pursuant to the

State Statutes which establish procedures for a municipal referendum, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter. The referendum power shall not apply to an emergency ordinance.

(B) A referendum petition shall be signed by registered electors of the City equal in number to at least five (5) percent of the total number of electors of the City registered to vote at the last regular municipal election.

(C) The City Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.

6.3 RECALL.

(A) Any elected official may be recalled at any time after six (6) months in office, pursuant to the State Statutes which establish procedures for the recall of municipal elected officers, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(B) A petition to recall a Council Member shall be signed by registered electors of the ward from which the Council Member was elected, and a petition to recall the Mayor shall be signed by registered electors of the City.

(C) The signers shall number at least twenty-five (25) percent of the entire vote cast for all the candidates for that particular office at the last preceding election in which the person sought to be recalled was elected to office.

(D) For the recall of a person appointed to fill a vacancy, signers shall number at least twenty-five (25) percent of the entire vote cast for all candidates for the vacated office at the last preceding regular municipal election at which a person was elected to that office.

(E) If a regular municipal or statewide general election is scheduled to be held within ninety (90) days after submission of a recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular municipal or statewide general election.

(F) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty (50) percent of the registered electors, of the ward for Council Members or of the City for the Mayor, at the last preceding regular municipal election.

(G) Except as to requirements contained in this Charter, in the State Statutes which are applicable to the recall of municipal elected officers, and in the ordinances of the City, the form, content, approval, and other petition requirements in the State Statutes applicable to municipal initiatives shall apply as nearly as practicable to recall petitions.

6.4 COUNCIL REFERRAL.

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

6.5 PROHIBITED ACTION BY COUNCIL.

(A) No initiated ordinance adopted by the registered electors of the City may be substantively amended or repealed by the Council during a period of one (1) year after the date of the election on the initiated ordinance, unless the amendment or repeal is approved by a majority of the registered electors of the City.

(B) No referred ordinance repealed by the registered electors of the City may be re-adopted by the Council during a period of one (1) year after the date of the election on the referred ordinance, unless the re-adoption is approved by a majority of the registered electors of the City.

6.6 WITHDRAWAL OF PETITION.

(A) An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote by filing with the City Clerk a written request for withdrawal.

(B) The written request for withdrawal shall be signed by a majority of persons who are designated in the petition as representing the signers on matters affecting the petition.

(C) Upon the filing of such request the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

6.7 PETITION FORMS TO BE PROVIDED.

The City Clerk shall provide upon request sample forms of initiative, referendum, and recall petitions which conform to the requirements of this Charter.

6.8 SINGLE-SUBJECT REQUIREMENT – INITIATED AND REFERRED MEASURES.

(A) No measure proposing an amendment to the ordinances of the City by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.

(B) The City Clerk shall approve for petition circulation measures proposing referred ordinances or initiated ordinances only when such measures contain a single subject.

(C) As used in this Section, the *single subject requirement* means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous. (Added 11-8-11 election)

ARTICLE VII

ADMINISTRATION

7.1 CITY MANAGER.

(A) The City Manager shall be the chief administrative officer of the City. The Council, by a two-thirds (2/3) majority vote of all members in office at the time, shall appoint a City Manager who

shall serve at the pleasure of the Council and at a salary fixed by the Council. Such appointment shall be within a reasonable time after a vacancy exists in the position and shall be made on the basis of executive and administrative qualifications with particular emphasis on actual experience and knowledge of the duties of the office.

(B) The City Manager shall, within a reasonable time after appointment as determined by the Council, reside within the corporate boundaries of the City.

(C) The job performance of the City Manager shall be evaluated annually by the Council, and the Council shall review such evaluation with the City Manager.

(D) The Council, upon a majority vote of all members of the Council, may remove the City Manager or any Acting City Manager from office. However, the Council shall provide the City Manager or any Acting City Manager with notice of its intent to consider such removal at its next regular or special meeting.

7.2 ACTING CITY MANAGER.

The City Manager shall designate a qualified City employee to serve as Acting City Manager during the Manager's temporary absence or disability. Whenever the position of City Manager has been vacated, the Council shall make the appointment of an Acting City Manager to carry out the responsibilities and duties of the Manager until the position is filled.

7.3 POWERS AND DUTIES.

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in the City Manager's charge. The City Manager shall have the following powers and duties:

- (A) Supervise the enforcement of laws and ordinances of the City;
- (B) Appoint managerial employees on the basis of executive and administrative abilities;
- (C) Prepare a proposed budget and submit it to the Council and administer the adopted budget;
- (D) Prepare and submit to the Council at the end of each fiscal year a complete report on the finances and administrative activities of the City; and upon request of the Council, report on the affairs of the City supervised by the City Manager;
- (E) Advise the Council of the financial condition of the City and make recommendations to the Council for future City needs;
- (F) Exercise supervision and control over all administrative departments; and recommend to the Council any proposal the City Manager believes to be advisable in order to establish, alter, consolidate, or abolish administrative departments;
- (G) Exercise responsibility for the enforcement of all terms and conditions imposed in favor of the City in any contract or franchise and report violations thereof to the Council;

(H) Attend meetings of the Council and participate in discussions with the Council in an advisory capacity;

(I) Inform the public concerning approved plans and activities of the Council and of the City administration;

(J) Administer compensation and benefits for City employees, within the limitations of a compensation and benefits plan that shall be established annually by the Council; and

(K) Perform such other duties as prescribed in this Charter or as prescribed by ordinance or by the Council and that are not in conflict with this Charter. (Amended 11-8-11 election)

7.4 COUNCIL'S RELATIONSHIP TO EMPLOYEES.

Neither the Council, the Mayor, nor any Council Member shall dictate or interfere with the appointment of or the duties of any City employee subordinate to the City Manager, the City Attorney, or the Municipal Judge, or prevent or interfere with the exercise of judgment in the performance of the employee's City responsibilities. The Council, the Mayor, and each Council Member shall deal with such employees solely through the City Manager, the City Attorney, or the Municipal Judge as applicable and shall not give orders or reprimands to any such employee. The City Manager alone shall be responsible to the Council for the proper administration of all matters placed in the Manager's charge by or pursuant to this Charter.

7.5 CITY CLERK.

The City Manager shall appoint a City Clerk to perform duties required by applicable law and ordinance and such other duties as directed by the City Manager.

7.6 CITY TREASURER.

The City Manager shall appoint a qualified person as City Treasurer to perform duties required by law and ordinance and such other duties as may be required by the City Manager.

7.7 ADMINISTRATIVE DEPARTMENTS.

The administrative functions of the City will be performed within the administrative departments that exist on the effective date of this Charter. The City Manager may recommend to Council the establishment, alteration, consolidation, or abolishment of administrative departments by ordinance.

ARTICLE VIII

LEGAL AND JUDICIARY

8.1 CITY ATTORNEY.

(A) The Council, by the affirmative vote of two-thirds ($\frac{2}{3}$) of the members in office at the time, shall appoint a City Attorney to serve at the pleasure of the Council.

(B) The Council shall establish the City Attorney's compensation.

(C) The City Attorney shall be, at all times while serving as City Attorney, an attorney at law admitted to practice in Colorado.

(D) The City Attorney shall serve as the chief legal advisor of the City, shall advise the Council and other City officials in matters relating to their official powers and duties, and shall perform such other duties as may be designated by the Council.

(E) City employees subordinate to the City Attorney shall be subject to the sole supervision and control of the City Attorney.

(F) The job performance of the City Attorney shall be evaluated annually by the Council, and the Council shall review such evaluation with the City Attorney.

(G) The Council may employ such special counsel as may be recommended by the City Attorney or the City Manager.

(H) The removal of the City Attorney shall require a majority vote of all members of the Council.

8.2 MUNICIPAL COURT; MUNICIPAL JUDGE.

(A) There shall be a Municipal Court vested with jurisdiction over matters arising under the Charter and ordinances of the City. The Municipal Court shall be a court of record.

(B) The Council shall appoint, by the affirmative vote of two-thirds ($\frac{2}{3}$) of the members in office at the time, a presiding Municipal Judge and such Deputy Municipal Judges as the Council deems necessary.

(C) Each Municipal Judge shall be an attorney at law admitted to practice in Colorado and have at least five (5) years' experience in the active practice of law at the time of appointment. Each Municipal Judge shall be appointed for a two (2)-year term.

(D) The Council shall establish the compensation for the presiding Municipal Judge and each Deputy Municipal Judge. The compensation shall not be dependent upon the outcome of the matters to be decided by the Judge.

(E) The removal of any Municipal Judge during a term of office shall require a majority vote of all members of the Council. Any such removal shall be only for cause as specified in the State Statutes applicable to the removal of municipal judges or for any other conduct which would constitute a violation of the Colorado Code of Judicial Conduct, as from time to time amended, if committed by a judge subject to such code.

ARTICLE IX

BOARDS AND COMMISSIONS

9.1 BOARDS AND COMMISSIONS.

(A) The Council may, by ordinance, establish, consolidate, or abolish any board or commission, except that the Planning Commission and the Boards of Adjustment and Appeals may not be abolished.

(B) Except as otherwise provided by this Charter or by ordinance, each board and commission shall be advisory in character. The selection, term, responsibilities, policies, and other matters concerning each board and commission shall be as established by ordinance.

(C) The appointment or removal of any board or commission member who is required by ordinance to be appointed by the Council shall require the affirmative vote of a majority of the Council.

(D) The members of each board and commission shall serve without compensation but may be paid authorized expenses actually incurred in the performance of the duties of the office.

(E) No board or commission shall hold any executive session except in accordance with procedures which shall be consistent with those established in Section 5.4 of this Charter and only for the purposes specified in said Section 5.4.

ARTICLE X

FINANCE AND BUDGET

10.1 FISCAL YEAR.

The fiscal year of the City shall commence on the first day of January or on such date each year as shall be fixed by Council.

10.2 PROVISION FOR TAX SYSTEM.

The Council may, by ordinance, provide a system for the assessment, levy, and collection of all City taxes not inconsistent with this Charter.

10.3 BUDGET.

(A) The Council 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 year;

(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, including a statement of the budgetary basis of accounting used and description of the services to be delivered during the fiscal year; and

(6) Explanatory schedules or statements classifying the expenditures by object and the revenues by source.

(B) Each fund in the budget must be balanced. The budget shall not provide for expenditures in excess of projected revenues and beginning fund balances.

(C) The budget shall set forth, in a supplemental schedule, each of the following:

(1) The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements involving real property;

(2) The total maximum payment liability of the City under all lease-purchase agreements involving real property over the entire terms of such agreements, including all optional renewal terms;

(3) The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements other than those involving real property; and

(4) The total maximum payment liability of the City under all lease-purchase agreements other than those involving real property over the entire terms of such agreements, including all optional renewal terms.

10.4 CAPITAL PROGRAM.

(A) The City Manager, with such assistance as is desired or as the Council may direct, shall prepare and submit to the Council a long-range capital program, prior to or concurrent with the submission of the recommended budget.

(B) The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the life of such long-range capital programs, with appropriate supporting information as to the necessity for the improvement;

(3) Cost estimates, method of financing, and recommended schedules for each improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(C) This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

10.5 BUDGET HEARING.

A public hearing on the proposed budget and capital program shall be held by the Council 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 City Clerk.

10.6 COUNCIL AMENDMENTS.

After the public hearing the Council may adopt the budget as presented or as amended. In amending the budget Council may add or increase programs or amounts and may delete or decrease programs or amounts except those expenditures required by law or for debt service or for estimated cash deficit. Such amendments shall not increase the total expenditures for the overall budget as presented at the public hearing. If such amendment does increase the total expenditures, then another public hearing shall be held prior to adoption of the budget.

10.7 CITY COUNCIL ADOPTION.

The Council shall adopt the budget by resolution on or before the final day of the fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts the budget for the ensuing fiscal year.

10.8 APPROPRIATIONS.

(A) Adoption of the budget by Council shall constitute appropriations of the amounts specified therein for expenditure from the funds indicated.

(B) The proceeds of any municipal borrowing authorized by Article XI of this Charter shall not be subject to any requirement of prior budgeting or appropriation as a condition of their expenditure.

(C) The amount necessary to repay any such municipal borrowing, including interest, need not be budgeted or appropriated in full in the year in which the borrowing occurs; however, such amounts necessary to pay debt service shall be budgeted and appropriated on an annual basis, provided that no failure to budget and appropriate such annual debt service amounts shall affect the enforceability of any covenant of the City to make such payments.

10.9 PROPERTY TAX LEVY.

The Council shall cause the property tax to be certified to the county for collection as required by law.

10.10 PUBLIC RECORDS.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public through the City Clerk's office.

10.11 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.

10.12 AMENDMENTS AFTER ADOPTION.

(A) Supplemental Appropriations: If during the fiscal year the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the Council may by resolution make supplemental appropriations for the year up to the amount of such excess, provided that such additional spending is not in conflict with the Colorado Constitution.

(B) Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency resolution. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency resolution authorize the issuance of emergency notes as provided in Article XI of this Charter.

(C) Reduction of Appropriations: If during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, it shall be reported to the Council without delay, indicating the estimated amount of deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce one or more appropriations.

(D) Transfer of Appropriations: During the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, project or agency within a fund. The Council may also authorize by resolution the transfer of part or all of any unencumbered appropriation balance from one fund, department, office, agency, or project to another, upon written request of the City Manager.

(E) Limitation, Effective Date: No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations, emergency appropriations, and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

10.13 PAYMENTS AND OBLIGATIONS PROHIBITED.

During the fiscal year no City official, employee, or spending agency shall expend any money, incur any liability, or enter into any contract which, by its terms, involves the expenditures of money in excess of the amounts appropriated. Any contract, verbal or written, made in violation of this section shall be void, and no monies belonging to the City shall be paid on such contract.

10.14 INDEPENDENT AUDIT.

(A) The Council shall provide for an independent annual audit of all City accounts by a certified public accountant selected by the Council and may provide for more frequent audits, as it deems necessary.

(B) The accountant selected shall have no direct personal interest in the fiscal affairs of the City, an elected official of the City, or any employee of the City.

(C) Unless another date is provided by ordinance, the audit shall be completed within six (6) months after the close of the fiscal year.

(D) Upon completion, the audit shall be presented to the Council and copies made available for public inspection through the City Clerk's office.

ARTICLE XI

MUNICIPAL BORROWING

11.1 FORMS OF BORROWING.

The City 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 Council to be in the best interests of the City.

ARTICLE XII

MUNICIPAL TAXATION

12.1 MUNICIPAL TAXATION.

The Council may adopt by ordinance municipal taxes as long as those taxes comply with the following conditions:

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

(B) Such taxes are not prohibited for home rule municipalities by the Colorado Constitution.

12.2 ENTERPRISE FUNDS.

(A) The Council 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 City.

(B) Within this Article, *enterprise* refers to a government-owned business authorized to issue its own revenue bonds and receiving under 10% of its annual revenue in grants from all Colorado state and local governments combined.

ARTICLE XIII

MUNICIPAL INVESTMENTS

13.1 MUNICIPAL INVESTMENTS.

The Council may, by ordinance or resolution, initiate and adopt guidelines for municipal investments as long as those guidelines comply with the following conditions:

- (A) Such guidelines are subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval; and
- (B) Such guidelines are determined by Council to be in the best interest of the City.

ARTICLE XIV

CITY-OWNED UTILITIES

14.1 AUTHORITY AND POWERS.

The City 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 City-owned utilities, including water and water rights and acquisition thereof, and bonded indebtedness in connection therewith.

14.2 UTILITY RATES AND FINANCES.

(A) The Council 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 City.

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

(C) The provisions of this section shall be subject at all times to the performance by the City of all covenants and agreements made by it in connection with the issuance, sale, or delivery of any bonds of the City, payable out of the revenues derived from the operation of its water, sewer, and other utilities, whether such revenue bonds be heretofore or hereafter issued.

14.3 SEPARATE UTILITY ACCOUNTS.

(A) The account of each utility owned and operated by the City shall be kept separate and distinct from all other accounts of the City.

(B) Loans from a utility account to another City account shall be allowed on the affirmative vote of a majority of all members of the Council. All loans will require a term to be specified and the

payment of interest thereon. The interest rate shall be adjusted annually to a rate equal to the average return on City investments for the preceding twelve (12) months.

ARTICLE XV

FRANCHISES AND PERMITS

15.1 NEW FRANCHISES AND RENEWALS.

(A) A franchise may be granted or renewed for a period of twenty-five (25) years or less.

(B) Any franchise and any renewal of or amendment to a franchise shall be granted by the Council by ordinance. Any ordinance granting, renewing, or amending a franchise shall be subject to timely referendum, if one is filed in accordance with the procedures and requirements set forth in this Charter. If such an election is ordered, the grantee of such franchise shall deposit the cost of the election with the City Clerk in an amount determined by the City Clerk.

15.2 REVOCABLE PERMITS OR LICENSES.

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

ARTICLE XVI

SPECIAL DISTRICTS

16.1 POWER TO CREATE DISTRICTS.

The Council, subject to applicable restrictions in the Colorado Constitution, shall have full authority to create by ordinance special districts within the City.

ARTICLE XVII

MISCELLANEOUS PROVISIONS

17.1 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 herein.

(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 and to partnerships as well as individuals.

17.2 SEVERABILITY OF CHARTER PROVISIONS.

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

17.3 SALE OR ENCUMBRANCE OF PROPERTY.

Council may not sell, exchange, or dispose of public utilities or permanent public buildings or real property except by ordinance or a majority vote of the electors at the option of the Council. Council may not mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Council.

17.4 BONDING.

Before permitting any member of the Council or any City employee to perform any function or duty involving the handling of City funds, the City shall obtain a fidelity bond or insurance coverage in an amount acceptable to the Council.

17.5 BEQUESTS, GIFTS, AND DONATIONS.

Except as otherwise provided in this Charter, the Council, on behalf of the City, may receive bequests, gifts, and donations of all kinds of property with power to manage, sell, lease, or otherwise dispose or provide for the disposition of the same.

17.6 PENALTY FOR VIOLATION OF CHARTER.

Any willful violation of a provision of this Charter shall be deemed a misdemeanor and may be prosecuted in the Municipal Court. Any person convicted of such a violation may be punished by imprisonment for a term not to exceed the maximum term of imprisonment that the Municipal Court is authorized to impose, or by a fine in an amount not to exceed the maximum fine that the Municipal Court is authorized to impose, or by both such fine and imprisonment.

17.7 COMPETITIVE BIDDING.

The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies. Any such ordinance may provide exclusions from the competitive bidding requirements for contracts below an amount specified in the ordinance, for the types of contracts specified in the ordinance, and for the types of services, equipment, or supplies specified in the ordinance.

17.8 CONTINUITY OF GOVERNMENT.

The Council shall provide by ordinance for continuity of government for the City in the event of natural or enemy-caused disaster or in the event of riot, insurrection, or emergency. Such ordinance shall provide for an orderly line of succession of City officials with the authority to take appropriate action for the protection of life and property.

17.9 EMINENT DOMAIN.

The Council, subject to applicable restrictions in the Colorado Constitution, shall have full powers of eminent domain and dominant eminent domain.

17.10 CHARTER AMENDMENTS.

This Charter may be amended at any time in the manner provided by the Colorado Constitution. 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.

17.11 SINGLE SUBJECT REQUIREMENT – PETITIONS PROPOSING CHARTER AMENDMENTS.

(A) No measure proposing an amendment to this Charter by means of petition shall be submitted to the registered electors of the City if the measure contains more than one subject.

(B) The City Clerk shall approve for petition circulation measures proposing Charter amendments only when such measures contain a single subject.

(C) As used in this Section, the *single subject requirement* means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous. (Added 11-8-11 election)

ARTICLE XVIII

TRANSITIONAL PROVISIONS

18.1 EFFECTIVE DATE OF CHARTER.

This Charter shall become effective immediately upon filing and recording with the Secretary of State of Colorado following approval of the registered electors of the City.

18.2 PRIOR CITY LEGISLATION.

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

18.3 CONTINUATION OF PRESENT ELECTED OFFICIALS.

The present City Council and Mayor, in office on the date this Charter becomes effective, shall continue to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices, and they shall in all respects be subject to provisions of this Charter.

18.4 CONTINUATION OF PRESENT BOARDS AND COMMISSIONS.

All boards and commissions in existence on the effective date of this Charter shall continue to function as established by ordinance. The members of each City board and commission, serving on the effective date of this Charter, shall continue as though they had been appointed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.

18.5 CONTINUATION OF PRESENT PERSONNEL.

The employment of all employees of the City serving on the effective date of this Charter shall continue as though they had been employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.

18.6 SAVING CLAUSE.

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the City of Brighton and individuals, corporations, or public agencies.

ARTICLE XIX

DEFINITIONS

DEFINITIONS. As used in this Charter, the following words and phrases shall have the following meanings, except as otherwise specifically provided or indicated by the context:

19.1 APPROPRIATION.

The authorized amount of monies set aside for expenditure during a specified time for a specified purpose.

19.2 BOARD OR COMMISSION.

A board or commission established by or pursuant to this Charter.

19.3 CANDIDATE.

A person seeking nomination, appointment, or election as an elected official.

19.4 CITY.

City of Brighton, Colorado, a municipal corporation.

19.5 CLERK.

The City Clerk of the City of Brighton or such office designation as may be used in place of the office of City Clerk.

19.6 CONSTITUTION.

The Constitution of the State of Colorado as it exists now or may hereafter be amended.

19.7 COUNCIL OR CITY COUNCIL.

The City Council of the City of Brighton, Colorado, including the Mayor.

19.8 COUNCIL MEMBER.

Each member of the City Council except the Mayor.

19.9 ELECTED OFFICIAL.

The Mayor and each Council Member.

19.10 EMERGENCY.

An existing condition which, in the opinion of the City Council, requires immediate action for the preservation of the public property, health, welfare, peace, or safety.

19.11 EMPLOYEE.

Each compensated person in the service of the City who is designated as an employee in the personnel rules and regulations of the City.

19.12 GENERAL ELECTION.

The statewide election held in even-numbered years pursuant to State Statutes.

19.13 INITIATIVE.

The power of the registered electors of the City of Brighton to propose to City Council, in accordance with the provisions of this Charter, any ordinance for adoption by City Council which, if not adopted by Council, shall be submitted to a vote of the registered electors of the City for acceptance or rejection.

19.14 MANAGER.

The City Manager of the City of Brighton appointed pursuant to this Charter.

19.15 MAYOR.

The Mayor of the City of Brighton.

19.16 MEMBER OF THE COUNCIL.

The Mayor and each Council Member.

19.17 NEWSPAPER.

One or more newspapers of general circulation in the City as selected by the Council which meets the requirements for a legal newspaper as established in the State Statutes. (Amended 11-8-11 election)

19.18 ORDINANCE.

A permanent regulation adopted by legislative action of the City Council pursuant to the procedures set forth in this Charter.

19.19 PUBLICATION OR POSTING.

(A) Publication in a newspaper;

(B) Publication on a publicly accessible web page; or

(C) In the event of an emergency or when no such newspaper or webpage is available, posting. Anything published by such posting because of an emergency shall subsequently be published in a newspaper. (Amended 11-8-11 election)

19.20 REFERENDUM.

The power of the registered electors of the City of Brighton to request that City Council reconsider any ordinance adopted by the Council and, if Council fails to repeal such ordinance, to require that Council submit the referred ordinance to a vote of the registered electors of the City for approval or rejection, all in accordance with the provisions of this Charter.

19.21 REGISTERED ELECTOR.

An elector who has registered in compliance with the provisions for registration to vote as set forth in the State Statutes.

19.22 REGULAR MUNICIPAL ELECTION.

A City election held pursuant to Section 3.2 of this Charter.

19.23 RESOLUTION.

An expression of an administrative or a ministerial act of Council without any required form or procedure, as distinguished from legislative acts embodied in City ordinances.

19.24 SPECIAL ELECTION.

A City election held at a time other than a regular municipal election pursuant to Section 3.3 of this Charter.

19.25 STATE STATUTES.

The Statutes of the State of Colorado as they now exist or as they may hereafter be amended, changed, repealed, or otherwise modified.

19.26 TREASURER.

The City Treasurer of Brighton or such office designation as may be used in place of the office of Treasurer.