

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-1031.01 Bob Lackner x4350

SENATE BILL 14-199

SENATE SPONSORSHIP

Grantham,

HOUSE SPONSORSHIP

Becker,

Senate Committees
Local Government

House Committees
Agriculture, Livestock, & Natural Resources

HOUSE
3rd Reading Unamended
May 7, 2014

A BILL FOR AN ACT

101 **CONCERNING AMENDMENTS TO THE CHARTER OF THE TOWN OF**
102 **GEORGETOWN, AND, IN CONNECTION THEREWITH, ADDING NEW**
103 **PROVISIONS, MODIFYING EXISTING PROVISIONS, AND DELETING**
104 **OBSOLETE PROVISIONS IN THE CHARTER.**

HOUSE
2nd Reading Unamended
May 6, 2014

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

SENATE
3rd Reading Unamended
May 1, 2014

The town of Georgetown, Colorado, (town) originally obtained its charter from the territorial legislature before Colorado became a state and

SENATE
Amended 2nd Reading
April 30, 2014

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

prior to any state statutes. The charter was originally approved January 10, 1868. The town continued to function under this special charter after statehood and the creation of state law. As such, the town may only obtain amendments to its charter from the general assembly as the body that first approved it. The general assembly has adopted 8 such amendments in the past, the most recent in 1983.

The bill updates the town's charter to add new provisions, modify existing provisions, and delete obsolete provisions. The charter addresses such matters as:

- ! The manner in which the town's board of selectmen are elected, their eligibility requirements, and the terms of office;
- ! The manner in which the town's police judge is elected, the eligibility requirements, and the terms of office;
- ! The conduct of town elections;
- ! The powers of the board of selectmen and the powers and duties of the police judge;
- ! The proceedings for special cases, specifically limiting proceedings to cases involving eminent domain and special districts;
- ! The establishment of a municipal court, including the manner in which a municipal court judge may be appointed or removed from office; and
- ! The administration and day-to-day management of the town, including the appointment of a town administrator, town clerk, town treasurer, and town attorney.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Repeal and reenact, with amendments,** the act
3 entitled "An Act to Incorporate the Town of Georgetown", approved
4 January 10, 1868, and as subsequently amended, as follows:

5 **ARTICLE I**

6 **Incorporation**

7 **Section 1.1. Town established.** THAT THE INHABITANTS OF
8 GEORGETOWN, IN CLEAR CREEK COUNTY, AND TERRITORY OF COLORADO,
9 BE AND ARE HEREBY CONSTITUTED A BODY POLITIC AND CORPORATE, BY
10 THE NAME AND STYLE OF GEORGETOWN, AND BY THAT NAME SHALL HAVE

1 PERPETUAL SUCCESSION, AND SUE AND BE SUED, PLEAD AND BE
2 IMPEADED IN ALL COURTS OF LAW AND EQUITY, AND HAVE AND USE A
3 COMMON SEAL, AND ALTER THE SAME AT PLEASURE.

4 **Section 1.2. Territory defined.** ALL THE TERRITORY EMBRACED
5 WITHIN THE FOLLOWING LIMITS, TO WIT: COMMENCING AT A POINT 530
6 FEET DUE EAST (MAGNETIC) FROM THE SOUTH-EAST CORNER OF THE
7 SOUTH-EAST BLOCK IN GEORGETOWN (MARKED "4" ON THE PLAT), AND
8 RUNNING THENCE DUE NORTH FOR A DISTANCE OF 5000 FEET; THENCE DUE
9 WEST 425 FEET; THENCE DUE NORTH AGAIN 6275 FEET TO THE NORTH AND
10 EAST CORNER OF THE TOWN; THENCE DUE WEST FOR A DISTANCE OF 2275
11 FEET TO THE NORTH-WEST CORNER OF TOWN; THENCE DUE SOUTH 11275
12 FEET TO THE SOUTH-WEST CORNER; THENCE DUE EAST 2700 FEET, TO THE
13 POINT OF BEGINNING, THUS INCLUDING 637 ACRES, 2 ROODS, 22 RODS, 12
14 YARDS, AND THE SAME IS HEREBY DECLARED TO BE WITHIN THE LIMITS OF
15 GEORGETOWN.

16 **Section 1.3. Annexation.** ANY TRACT OF LAND ADJOINING
17 GEORGETOWN MAY BE ANNEXED TO AND BECOME A PART OF
18 GEORGETOWN IN THE MANNER PROVIDED BY ARTICLE 12 OF TITLE 31 OF
19 THE COLORADO REVISED STATUTES, AS AMENDED.

20 **Section 1.4. Powers.** THE INHABITANTS OF GEORGETOWN, BY THE
21 NAME AND STYLE AFORESAID, MAY SUE AND BE SUED, PLEAD AND BE
22 IMPEADED, DEFEND AND BE DEFENDED IN ALL COURTS OF LAW AND
23 EQUITY, AND IN ALL ACTIONS WHATSOEVER TO PURCHASE AND RECEIVE
24 AND HOLD PROPERTY, BOTH REAL AND PERSONAL, EITHER IN OR BEYOND
25 THE CORPORATION, FOR BURIAL GROUNDS AND FOR OTHER PURPOSES, FOR
26 THE USE OF THE INHABITANTS OF GEORGETOWN.

27

ARTICLE II

1 **Board of Selectmen**

2 **Section 2.1. Composition.** A BOARD OF SELECTMEN OF THE TOWN
3 OF GEORGETOWN IS HEREBY CREATED, TO CONSIST OF TWO SELECTMEN
4 FROM EACH WARD.

5 **Section 2.2. Term of office.** SELECTMEN WILL BE CHOSEN BY
6 GEORGETOWN'S REGISTERED ELECTORS FOR FOUR-YEAR TERMS AND A
7 SELECTMAN WILL CONTINUE TO SERVE IN THAT OFFICE UNTIL A SUCCESSOR
8 HAS TAKEN THE REQUIRED OATH.

9 **Section 2.3. Qualifications.** IN ORDER TO QUALIFY FOR ELECTION
10 AS A SELECTMAN, AT THE TIME OF THE ELECTION, THE PERSON SEEKING TO
11 BE A SELECTMAN MUST HAVE RESIDED WITHIN THE LIMITS OF THE WARD
12 IN WHICH THE PERSON SEEKS ELECTION FOR THE YEAR IMMEDIATELY
13 PRECEDING THE ELECTION, BE A CITIZEN OF THE UNITED STATES, AND BE
14 A REGISTERED ELECTOR UNDER THE LAWS OF THE STATE OF COLORADO.

15 **Section 2.4. Vacancies.** IF A SELECTMAN FAILS TO MAINTAIN A
16 PRIMARY RESIDENCE IN GEORGETOWN, RESIGNS, OR IS UNABLE TO FULFILL
17 THE DUTIES OF A SELECTMAN, THE BOARD OF SELECTMEN, BY MAJORITY
18 VOTE OF THE REMAINING MEMBERS, MAY DECLARE A VACANCY AND
19 APPOINT A SUCCESSOR, MEETING THE REQUIREMENTS OF SECTION 2.5, TO
20 SERVE UNTIL THE NEXT REGULAR TOWN ELECTION. IN THE EVENT THERE
21 WILL BE REMAINING UNEXPIRED TIME IN THE TERM OF OFFICE FOR WHICH
22 THE APPOINTMENT WAS MADE AFTER THE NEXT REGULAR TOWN ELECTION,
23 THEN SUCH VACANCY FOR THE REMAINING UNEXPIRED TIME SHALL BE
24 FILLED BY VOTE OF THE REGISTERED ELECTORS AT THE NEXT REGULAR
25 TOWN ELECTION. AT THAT ELECTION, THE CANDIDATE RECEIVING THE
26 HIGHEST NUMBER OF VOTES RECEIVES A FOUR-YEAR TERM, AND THE
27 CANDIDATE RECEIVING THE SECOND HIGHEST NUMBER OF VOTES RECEIVES

1 A TWO-YEAR TERM.

2 **Section 2.5. Staggered terms established.** THE SELECTMEN IN
3 EACH WARD ARE DIVIDED INTO TWO CLASSES. THE SEATS OF THOSE OF THE
4 FIRST CLASS TERMINATE ON THE FIRST MONDAY OF APRIL 1917, AND ON
5 THE FIRST MONDAY OF APRIL EVERY FOURTH YEAR THEREAFTER, AND OF
6 THE SECOND CLASS, ON THE FIRST MONDAY OF APRIL 1919; AND, ON THE
7 FIRST MONDAY IN APRIL EVERY FOURTH YEAR THEREAFTER, SO THAT
8 ONE-HALF OF THE BOARD SHALL BE ELECTED EVERY TWO YEARS.

9 **Section 2.6. Judges over membership.** THE BOARD OF
10 SELECTMEN SHALL JUDGE THE QUALIFICATIONS OF THEIR OWN MEMBERS.

11 **Section 2.7. Quorum, attendance.** A MAJORITY OF THE BOARD OF
12 SELECTMEN CONSTITUTES A QUORUM TO DO BUSINESS, BUT A SMALLER
13 NUMBER MAY ADJOURN FROM DAY TO DAY, AND COMPEL THE
14 ATTENDANCE OF ABSENT MEMBERS UNDER SUCH PENALTIES AS MAY BE
15 PRESCRIBED BY ORDINANCE.

16 **Section 2.8. Discipline of members, procedural rules.** THE
17 BOARD MAY DETERMINE THE RULES OF ITS PROCEEDINGS, PUNISH ITS
18 MEMBERS FOR DISORDERLY CONDUCT, AND, WITH THE CONCURRENCE OF
19 TWO-THIRDS OF THE MEMBERS ELECTED, EXPEL A MEMBER.

20 **Section 2.9. Journal of proceedings.** THE BOARD SHALL KEEP A
21 JOURNAL OF ITS PROCEEDINGS, AND FROM TIME TO TIME PUBLISH THE
22 SAME, AND THE AYES AND NAYS, WHEN DEMANDED BY ANY MEMBER
23 PRESENT, SHALL BE ENTERED ON THE JOURNAL.

24 **Section 2.10. No appointments to office, emoluments not to be**
25 **increased.** NO SELECTMEN SHALL BE APPOINTED TO ANY OFFICE UNDER
26 THE AUTHORITY OF THE CORPORATION, WHICH OFFICE HAS BEEN CREATED,
27 OR THE EMOLUMENTS OF WHICH HAVE BEEN INCREASED DURING THE TIME

1 FOR WHICH HE OR SHE HAS BEEN ELECTED.

2 **Section 2.11. Oath.** THE POLICE JUDGE AND SELECTMEN, BEFORE
3 ENTERING UPON THE DUTIES OF THEIR OFFICES, SHALL TAKE AND
4 SUBSCRIBE AN OATH OR AFFIRMATION THAT THEY WILL SUPPORT THE
5 CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE
6 STATE OF COLORADO AND THAT THEY WILL WELL AND TRULY PERFORM
7 THE DUTIES OF THEIR OFFICE TO THE BEST OF THEIR SKILL AND ABILITY.

8 **Section 2.12. Establish policies, procedures, laws.** THE BOARD
9 OF SELECTMEN ACTING BY ORDINANCE, RESOLUTION, OR MOTION, AS
10 APPROPRIATE AND CONSISTENT WITH THE TERRITORIAL CHARTER, SHALL
11 ESTABLISH ALL POLICIES, PROCEDURES, LAWS, ORDINANCES,
12 REGULATIONS, AND OTHER POLICY DIRECTIONS FOR THE TOWN.

13 **ARTICLE III**

14 **Office of Police Judge**

15 **Section 3.1. Office created, term.** THE CHIEF EXECUTIVE OFFICE
16 OF GEORGETOWN IS THE POLICE JUDGE, WHO WILL BE ELECTED BY THE
17 REGISTERED ELECTORS OF GEORGETOWN, AND WILL HOLD OFFICE FOR TWO
18 YEARS AND UNTIL A SUCCESSOR IS ELECTED AND HAS TAKEN THE
19 REQUIRED OATH.

20 **Section 3.2. Police Judge qualifications.** NO PERSON SHALL BE
21 ELIGIBLE FOR ELECTION TO THE OFFICE OF POLICE JUDGE WHO HAS NOT
22 BEEN A RESIDENT OF GEORGETOWN FOR ONE YEAR NEXT PRECEDING HIS
23 OR HER ELECTION, OR WHO IS UNDER TWENTY-FIVE YEARS OF AGE, OR WHO
24 IS NOT, AT THE TIME OF HIS OR HER ELECTION, A CITIZEN OF THE UNITED
25 STATES.

26 **Section 3.3. Vacancies.** IF A POLICE JUDGE FAILS TO MAINTAIN A
27 PRIMARY RESIDENCE IN GEORGETOWN, RESIGNS, OR IS UNABLE TO FULFILL

1 THE DUTIES OF THE OFFICE, THEN THE BOARD OF SELECTMEN, BY A
2 MAJORITY VOTE, MAY DECLARE A VACANCY AND APPOINT A SUCCESSOR
3 TO FULFILL THE REMAINING TERM OF THE POLICE JUDGE.

4 **ARTICLE IV**

5 **Elections**

6 **Section 4.1. Election day.** ON THE FIRST MONDAY OF APRIL,
7 1915, AND ON THE SAME DAY EVERY TWO YEARS THEREAFTER, AN
8 ELECTION SHALL BE HELD FOR ONE POLICE JUDGE, ELECTED AT LARGE, AND
9 ONE SELECTMAN FROM EACH WARD, ELECTED BY THE REGISTERED
10 ELECTORS OF EACH SUCH WARD. IF TWO OR MORE PERSONS AT AN
11 ELECTION RECEIVE THE SAME NUMBER OF VOTES FOR EITHER OF SAID
12 OFFICES, THE BOARD OF SELECTMEN SHALL DETERMINE THE ELECTION
13 BETWEEN THEM BY LOT.

14 **Section 4.2. Elector qualifications.** ANY PERSON WHO ON THE
15 DAY OF ELECTION IS AT LEAST EIGHTEEN YEARS OF AGE, A CITIZEN OF THE
16 UNITED STATES, AND A RESIDENT OF THE TOWN IS AN ELECTOR OF THE
17 TOWN AS FURTHER PROVIDED FOR CITIES AND TOWNS ORGANIZED UNDER
18 THE GENERAL LAWS OF THE STATE OF COLORADO BY THE "COLORADO
19 MUNICIPAL ELECTION CODE OF 1965", AS FROM TIME TO TIME AMENDED
20 AND SUPPLEMENTED, AND THE COLORADO AND UNITED STATES
21 CONSTITUTIONS, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED,
22 AND IS ENTITLED TO VOTE FOR TOWN OFFICERS AND AT OTHER TOWN
23 ELECTIONS.

24 **Section 4.3. Election laws applicable.** THE "COLORADO
25 MUNICIPAL ELECTION CODE OF 1965", AS FROM TIME TO TIME AMENDED
26 AND SUPPLEMENTED, AND THE COLORADO AND UNITED STATES
27 CONSTITUTIONS, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED,

1 IN RELATION TO THE REGISTRATION AND THE TERMS, PREREQUISITES,
2 CONDITIONS AND LIMITATIONS APPLICABLE TO CALLING, GIVING NOTICE
3 OF, CONDUCTING AND CANVASSING MUNICIPAL ELECTIONS, AND THE
4 EXERCISE OF INITIATIVE AND RECALL, ARE TAKEN AND HELD TO APPLY TO
5 THE ELECTORS, AND ALL ELECTIONS HELD UNDER THE CHARTER OF
6 GEORGETOWN, OR ANY ORDINANCE MADE IN PURSUANCE OF THE
7 CHARTER.

8 ARTICLE V

9 Powers of the Board of Selectmen

10 **Section 5.1. Levy, collect taxes.** THE BOARD OF SELECTMEN MAY
11 LEVY AND COLLECT TAXES FOR CORPORATE PURPOSES, UPON ALL TAXABLE
12 PROPERTY, REAL, MIXED AND PERSONAL, EXCEPT AS HEREINAFTER
13 EXCEPTED, WITHIN THE LIMITS OF THE CORPORATION, NOT EXCEEDING ONE
14 PERCENT PER ANNUM UPON THE ASSESSED VALUE THEREOF, AND MAY
15 ENFORCE THE PAYMENT OF THE SAME IN ANY MANNER THAT MAY BE
16 PRESCRIBED BY ORDINANCE, NOT REPUGNANT TO THE CONSTITUTION OF
17 THE UNITED STATES OR THE ORGANIC ACT OF THIS TERRITORY.

18 THAT ALL SECTIONS OR CLAUSES OF THE CHARTER OF
19 GEORGETOWN, OR OF THE AMENDMENTS THERETO, THAT CONFER POWER
20 UPON ITS BOARD OF SELECTMEN, TO LEVY GENERAL AD VALOREM TAXES
21 FOR CORPORATE PURPOSES IN THE SAME MANNER, FORM, AT THE TIME,
22 AND THE LEVY SHALL BE FOR THE AMOUNT, AS IS NOW PROVIDED, OR MAY
23 BE HEREAFTER PROVIDED, BY THE GENERAL LAWS OF THE STATE OF
24 COLORADO GOVERNING THE LEVYING OF SUCH TAXES BY CITIES AND
25 TOWNS IN THIS STATE.

26 PROVIDED, HOWEVER, THAT THE TAX LEVY FOR TOWN PURPOSES
27 SHALL NOT EXCEED TWENTY MILLS ON EACH DOLLAR OF ASSESSED

1 VALUATION; EXCEPT THAT SUCH GENERAL AD VALOREM TAXES MAY BE
2 LEVIED WITHOUT LIMITATION AS TO RATE OR AMOUNT FOR THE PAYMENT
3 OF THE PRINCIPAL, INTEREST, OR ANY PRIOR REDEMPTION PREMIUM IN
4 CONNECTION WITH THE DEBT OR INDEBTEDNESS OF GEORGETOWN.

5 **Section 5.2. Bonds, borrowing.** (a) THE BOARD OF SELECTMEN
6 MAY REQUIRE OF ALL OFFICERS APPOINTED OR ELECTED IN PURSUANCE OF
7 THIS ACT, BONDS, WITH PENALTY AND SECURITY FOR THE FAITHFUL
8 PERFORMANCE OF THEIR RESPECTIVE DUTIES AS MAY BE DEEMED
9 EXPEDIENT, AND, ALSO, TO REQUIRE OF ALL OFFICERS APPOINTED OR
10 ELECTED AS AFORESAID, TO TAKE SUCH OATHS OR MAKE SUCH
11 AFFIRMATIONS AS THE BOARD MAY PRESCRIBE FOR THE FAITHFUL
12 PERFORMANCE OF THE DUTIES OF THEIR RESPECTIVE OFFICES, BEFORE
13 ENTERING UPON THE DISCHARGE OF THE SAME.

14 (b) THE BOARD OF SELECTMEN MAY CONTRACT FOR ANY
15 INDEBTEDNESS ON BEHALF OF GEORGETOWN AND UPON THE CREDIT
16 THEREOF BY BORROWING MONEY OR ISSUING THE BONDS OF GEORGETOWN
17 FOR ANY PUBLIC PURPOSE OF GEORGETOWN IN LIKE MANNER AND UPON
18 LIKE TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE
19 TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE
20 STATE OF COLORADO PERTAINING TO MUNICIPALITIES, AS SET FORTH IN
21 TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME
22 AMENDED AND SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED
23 IN THIS SECTION; PROVIDED, THAT THE BOARD OF SELECTMEN
24 SPECIFICALLY MAY PLEDGE TO THE PAYMENT OF SUCH INDEBTEDNESS ANY
25 OR ALL OF THE PROCEEDS DERIVED FROM ANY SALES TAX, USE TAX AND
26 GROSS RECEIPTS TAX IMPOSED BY GEORGETOWN PURSUANT TO ANY
27 GENERAL OR SPECIAL STATUTE. AS USED IN THIS PARAGRAPH (b), "PUBLIC

1 PURPOSE" INCLUDES BUT IS NOT NECESSARILY LIMITED TO: SUPPLYING
2 GAS, WATER, AND ELECTRICITY AND SANITARY AND STORM SEWER
3 SERVICE; THE PURCHASE, CONSTRUCTION, EXTENSION, AND IMPROVEMENT
4 OF PUBLIC STREETS, BUILDINGS, FACILITIES, AND EQUIPMENT; AND
5 SUPPLYING A TEMPORARY DEFICIENCY IN THE REVENUE FOR DEFRAYING
6 THE CURRENT EXPENSES OF GEORGETOWN.

7 (c) THE BOARD OF SELECTMEN MAY CONTRACT FOR ANY
8 INDEBTEDNESS ON BEHALF OF GEORGETOWN AND UPON THE CREDIT
9 THEREOF BY ISSUING REFUNDING BONDS OF GEORGETOWN FOR THE
10 PURPOSE OF REFUNDING ANY OF THE BONDED INDEBTEDNESS OF
11 GEORGETOWN, WHETHER DUE OR NOT, IN LIKE MANNER AND UPON LIKE
12 TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO
13 CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE
14 OF COLORADO PERTAINING TO MUNICIPALITIES SET FORTH IN TITLE 31,
15 COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND
16 SUPPLEMENTED, INCLUDING BUT NOT NECESSARILY LIMITED TO THE
17 PROVISIONS FOR ESTABLISHMENT OF AN ESCROW FOR PAYMENT OF THE
18 REFUNDED INDEBTEDNESS AS PROVIDED IN PART 2 OF ARTICLE 21 OF TITLE
19 31, C.R.S., AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, EXCEPT
20 AS MAY BE OTHERWISE PROVIDED IN THIS SECTION 2; PROVIDED, THAT
21 THERE MAY BE PLEDGED TO SUCH REFUNDING BONDS ANY OF THE SALES
22 TAX, USE TAX, AND GROSS RECEIPTS TAX AS PERMITTED BY SUBSECTION
23 (b) OF THIS SECTION 2.

24 (d) THE BOARD OF SELECTMEN MAY ACQUIRE, PURCHASE,
25 IMPROVE, AND EXTEND A MUNICIPAL WATER SYSTEM, A SEWER SYSTEM,
26 OR BOTH A WATER AND A SEWER SYSTEM, OR A JOINT WATER AND SEWER
27 SYSTEM, THE COST TO BE DEFRAID BY THE ISSUANCE OF BONDS PAYABLE

1 FROM THE REVENUES OF EITHER OR BOTH OF SAID SYSTEMS, SAID BONDS
2 TO BE ISSUED IN LIKE MANNER, AND UPON LIKE TERMS, PREREQUISITES,
3 CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS
4 ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO
5 PERTAINING TO MUNICIPALITIES AS SET FORTH IN TITLE 31, COLORADO
6 REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND
7 SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS
8 SECTION 2.

9 (e) THE BOARD OF SELECTMEN MAY ISSUE WATER, OR SEWER OR
10 JOINT WATER AND SEWER REFUNDING REVENUE BONDS TO REFUND, PAY,
11 OR DISCHARGE ALL OR ANY PART OF GEORGETOWN'S WATER, SEWER, OR
12 JOINT WATER AND SEWER REVENUE BONDS OR GENERAL OBLIGATION
13 BONDS WHICH ARE SECURED BY A PLEDGE OF REVENUES OF
14 GEORGETOWN'S WATER, SEWER, OR WATER AND SEWER SYSTEMS,
15 HERETOFORE OR HEREAFTER ISSUED PURSUANT TO THE CHARTER OF
16 GEORGETOWN OR UNDER ANY OTHER LAW, INCLUDING INTEREST THEREON
17 IN ARREARS OR ABOUT TO BECOME DUE OR FOR THE PURPOSE OF REDUCING
18 INTEREST COSTS OR EFFECTING OTHER ECONOMICS OR OF ELIMINATING
19 RESTRICTIVE CONTRACTUAL LIMITATIONS APPERTAINING TO THE ISSUANCE
20 OF ADDITIONAL BONDS OR TO THE WATER SYSTEM, SEWER SYSTEM, OR
21 BOTH WATER AND SEWER SYSTEMS OR THE JOINT WATER AND SEWER
22 SYSTEM. SUCH REVENUE REFUNDING BONDS MAY BE PAYABLE FROM THE
23 REVENUES OF EITHER OR BOTH OF SUCH SYSTEMS OR THE JOINT WATER
24 AND SEWER SYSTEM AND EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS
25 SECTION 5.2 MAY BE ISSUED IN LIKE MANNER AND UPON LIKE TERMS,
26 PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND
27 TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF

1 COLORADO PERTAINING TO MUNICIPALITIES, AS SET FORTH IN TITLE 31,
2 COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND
3 SUPPLEMENTED, INCLUDING BUT NOT LIMITED TO THE ESTABLISHMENT OF
4 AN ESCROW FOR PAYMENT OF THE REFUNDED BONDS AS PROVIDED IN PART
5 2 OF ARTICLE 21 OF TITLE 31, COLORADO REVISED STATUTES, AS FROM
6 TIME TO TIME AMENDED AND SUPPLEMENTED.

7 (f) ANY BONDS ISSUED OR OBLIGATIONS INCURRED PURSUANT TO
8 THIS SECTION 2 OF ARTICLE V OF THE CHARTER OF GEORGETOWN MAY BE
9 SOLD AT PUBLIC OR PRIVATE SALE AND AT, ABOVE, OR BELOW PAR AT A
10 NET EFFECTIVE INTEREST RATE THAT SHALL NOT EXCEED THE NET
11 EFFECTIVE INTEREST RATE SPECIFIED IN THE ORDINANCE AUTHORIZING
12 SUCH BONDS OR OBLIGATIONS OR, IN THE CASE OF NEW INDEBTEDNESS
13 THAT REQUIRES AN ELECTION, IN THE RESOLUTION SUBMITTING THE
14 QUESTION OF INCURRING THE INDEBTEDNESS.

15 (g) **Validation.** ALL BONDS OF GEORGETOWN ISSUED PRIOR TO
16 THE EFFECTIVE DATE OF THIS ACT ARE VALIDATED, RATIFIED, APPROVED,
17 AND CONFIRMED.

18 **Section 5.3. Appropriate funds.** TO APPROPRIATE MONEY AND TO
19 PROVIDE FOR THE PAYMENT OF THE DEBTS AND EXPENSES OF SAID
20 CORPORATION.

21 **Section 5.4. Health regulations.** TO MAKE REGULATIONS TO
22 PREVENT THE INTRODUCTION OF CONTAGIOUS DISEASES WITHIN THE
23 LIMITS OF SAID CORPORATION, TO MAKE QUARANTINE LAWS FOR THAT
24 PURPOSE, AND TO ENFORCE THE SAME WITHIN FIVE MILES OF THE LIMITS OF
25 GEORGETOWN.

26 **Section 5.5. Establish, regulate hospitals.** TO ESTABLISH
27 HOSPITALS AND MAKE REGULATIONS FOR THE GOVERNMENT OF THE SAME.

1 **Section 5.6. Determine nuisances.** TO MAKE REGULATIONS TO
2 SECURE THE GENERAL HEALTH OF THE INHABITANTS, TO DECLARE WHAT
3 SHALL BE A NUISANCE, AND PREVENT AND REMOVE THE SAME.

4 **Section 5.7. Water supply.** TO PROVIDE THE CORPORATION WITH
5 WATER, TO ERECT HYDRANTS AND PUMPS, BUILD CISTERNS AND DIG WELLS
6 IN THE STREETS FOR THE SUPPLY OF ENGINES AND BUCKETS; TO PROVIDE
7 FOR AND REGULATE THE MANNER OF INTRODUCING WATER INTO
8 GEORGETOWN; TO REGULATE AND PROVIDE FOR CONSTRUCTING DITCHES,
9 CANALS, GUTTERS, AND THE LAYING OF WATER PIPES FOR CONDUCTING
10 AND DISTRIBUTING WATER THROUGH THE CORPORATION; AND TO
11 REGULATE THE USE OF WATER BY THE INHABITANTS THEREOF FOR ANY
12 AND ALL PURPOSES.

13 **Section 5.8. Provide for streets and sidewalks.** TO OPEN, ALTER,
14 ABOLISH, WIDEN, EXTEND, ESTABLISH, GRADE, PAVE, OR OTHERWISE
15 IMPROVE AND KEEP IN REPAIR STREETS, AVENUES, LANES, ALLEYS,
16 SIDEWALKS, DRAINS, AND SEWERS AND TO PROVIDE FOR PAYMENT OF THE
17 COSTS THEREOF BY FEE, ASSESSMENT, LOCAL IMPROVEMENT, OR
18 ASSESSMENT DISTRICT OR IN ANY OTHER MANNER ALLOWED TO
19 STATUTORY TOWNS BY THE COLORADO REVISED STATUTES.

20 **Section 5.9. Establish bridges.** TO ESTABLISH, ERECT, AND KEEP
21 IN REPAIR, BRIDGES.

22 **Section 5.10. Establish wards.** TO DIVIDE THE CORPORATION
23 INTO WARDS, ALTER THE BOUNDARIES THEREOF, AND MAKE ADDITIONAL
24 WARDS, AS THE OCCASION MAY REQUIRE.

25 **Section 5.11. Street lights, lampposts.** TO PROVIDE FOR LIGHTING
26 THE STREETS, AND TO ERECT LAMPPOSTS.

27 **Section 5.12. Regulate markets, marketplaces.** TO ERECT

1 MARKET-HOUSES, TO ESTABLISH MARKETS AND MARKETPLACES, AND TO
2 PROVIDE FOR THE REGULATION THEREOF.

3 **Section 5.13. Provide buildings for town use.** TO PROVIDE ALL
4 NEEDFUL BUILDINGS FOR THE USE OF THE CORPORATION.

5 **Section 5.14. Maintain public property.** TO PROVIDE FOR
6 ENCLOSING, IMPROVING, AND REGULATING ALL PUBLIC GROUNDS
7 BELONGING TO THE CORPORATION.

8 **Section 5.15. License, tax merchants, peddlers.** TO LICENSE,
9 TAX, AND REGULATE AUCTIONEERS, MERCHANTS, PEDDLERS, RETAILERS,
10 GROCERS, TAVERNS, ORDINARIES, HAWKERS, BROKERS, PAWNBROKERS,
11 AND MONEY-CHANGERS.

12 **Section 5.16. License, tax theatrical exhibitions, shows.** TO
13 LICENSE, TAX, AND REGULATE THEATRICAL AND OTHER EXHIBITIONS,
14 SHOWS, AND AMUSEMENTS.

15 **Section 5.17. License, regulate alcohol sales.** TO REGULATE AND
16 LICENSE THE SALE OF ALCOHOL.

17 **Section 5.18. Fire prevention policies, fire companies.** TO
18 PROVIDE FOR THE PREVENTION AND EXTINGUISHMENT OF FIRES AND TO
19 REGULATE THE CONSTRUCTION AND MAINTENANCE OF BUILDINGS FOR THE
20 SAFETY OF THE COMMUNITY AND FOR FIRE PROTECTION.

21 **Section 5.19. Storage of gunpowder, combustible materials.** TO
22 REGULATE THE STORAGE OF GUNPOWDER, TAR, PITCH, RESIN, AND OTHER
23 COMBUSTIBLE MATERIALS.

24 **Section 5.20. Animal restraint, fences, walls.** TO REGULATE
25 PARAPET WALLS AND PARTITION FENCES, AND RESTRAIN CATTLE, HOGS,
26 HORSES, SHEEP, AND DOGS FROM RUNNING AT LARGE. THE BOARD OF
27 SELECTMEN OF GEORGETOWN MAY LICENSE ALL DOGS OWNED OR KEPT

1 WITHIN THE CORPORATION, UPON A FEE SET BY ORDINANCE OR
2 RESOLUTION, AND FOR THE PURPOSE OF ENFORCING THE COLLECTION OF
3 THE SAME ARE HEREBY AUTHORIZED TO PROSECUTE THE OWNERS AND
4 KEEPERS OF DOGS, AND KILL AND DESTROY DOGS IN SUCH MANNER AS
5 THEY MAY DETERMINE BY ORDINANCE.

6 **Section 5.21. Regulate election and removal of officers.** TO
7 REGULATE THE ELECTION OF CORPORATE OFFICERS AND TO PROVIDE FOR
8 REMOVING FROM OFFICE ANY PERSON HOLDING OFFICE CREATED BY
9 ORDINANCE, IN CERTAIN CASES.

10 **Section 5.22. Compensation of officers, juror and witness fees.**
11 TO FIX THE COMPENSATION OF ALL CORPORATE OFFICERS AND REGULATE
12 THE FEES OF JURORS, WITNESSES, AND OTHERS FOR SERVICES RENDERED
13 UNDER THIS OR ANY ORDINANCE MADE IN PURSUANCE THEREOF.

14 **Section 5.23. Establish penalties, fines, regulate police.** TO
15 REGULATE THE POLICE OF GEORGETOWN, TO IMPOSE FINES, FORFEITURES,
16 AND PENALTIES FOR THE BREACH OF ANY ORDINANCE, AND TO PROVIDE
17 FOR THE RECOVERY AND APPROPRIATION OF SUCH FINES AND
18 FORFEITURES, AND THE ENFORCEMENT OF SUCH PENALTIES, AND ALL
19 MONEYS COLLECTED BY OR UNDER AUTHORITY OF ANY CORPORATE
20 ORDINANCE, ARE DEEMED AND TAKEN TO BELONG TO SAID CORPORATION.
21 THE BOARD OF SELECTMEN MAY PROVIDE BY ORDINANCE FOR THE
22 PUNISHMENT OF OFFENDERS BY IMPRISONMENT, IN ALL CASES WHERE SAID
23 OFFENDERS SHALL FAIL OR REFUSE TO PAY THE FINES OR FORFEITURES
24 THAT MAY BE RECOVERED AGAINST THEM. THE BOARD MAY ALSO
25 DECLARE BY ORDINANCE WHAT SHALL BE A MISDEMEANOR AND PUNISH
26 THE SAME BY A FINE AND IMPRISONMENT.

27 **Section 5.24. Power to pass ordinances.** THE BOARD OF

1 SELECTMEN MAY MAKE ALL ORDINANCES THAT ARE NECESSARY AND
2 PROPER FOR CARRYING INTO EXECUTION THE POWERS SPECIFIED IN THIS
3 CHARTER, SO THAT SUCH ORDINANCES ARE NOT REPUGNANT OR
4 INCONSISTENT WITH THE CONSTITUTION OF THE UNITED STATES, OR THE
5 STATE OF COLORADO. THE BOARD OF SELECTMEN OF GEORGETOWN MAY,
6 AND ARE HEREBY AUTHORIZED TO, MAKE ALL REASONABLE AND
7 PRUDENTIAL ORDINANCES AND POLICE REGULATIONS FOR THE
8 GOVERNMENT OF SAID CORPORATION.

9 **Section 5.25. Style of ordinances.** THE STYLE OF THE CORPORATE
10 ORDINANCES SHALL BE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF
11 GEORGETOWN.

12 **Section 5.26. Publication and posting of ordinances.** ALL
13 ORDINANCES OF THE BOARD OF SELECTMEN MUST, WITHIN ONE MONTH
14 AFTER THEY HAVE BEEN PASSED, BE POSTED UP IN THREE PUBLIC PLACES
15 WITHIN THE LIMITS OF GEORGETOWN AND ON THE TOWN'S WEBSITE OR BY
16 OTHER ELECTRONIC MEANS. ORDINANCES WILL NOT BE IN FORCE UNTIL
17 THEY HAVE BEEN POSTED.

18 **Section 5.27. Print, prove ordinances.** ALL ORDINANCES OF THE
19 BOARD OF SELECTMEN MAY BE PROVED BY THE SEAL OF THE
20 CORPORATION, AND, WHEN PRINTED IN BOOK FORM OR PAMPHLET FORM,
21 AND PURPORTING TO BE PRINTED AND PUBLISHED BY AUTHORITY OF THE
22 CORPORATION, THE SAME SHALL BE READ, IN EVIDENCE, IN ALL COURTS
23 AND PLACES WITHOUT FURTHER PROOF.

24 **Section 5.28. Appointment of town officials.** THE BOARD OF
25 SELECTMEN MAY PROVIDE FOR, BY ORDINANCE, THE APPOINTMENT OF ALL
26 OFFICERS NECESSARY TO ENFORCE AND CARRY INTO EFFECT THE
27 PROVISIONS OF THIS CHARTER AND THE ORDINANCES OF THE TOWN,

1 INCLUDING BUT NOT LIMITED TO A TOWN ADMINISTRATOR, TOWN
2 COLLECTOR, TOWN ASSESSOR TOWN SURVEYOR, AND A TOWN MARSHAL,
3 AND TO PROVIDE FOR THEIR COMPENSATION AND DUTIES, THE TIME FOR
4 WHICH THEY SHALL HOLD THEIR RESPECTIVE OFFICES, AND THEIR
5 REMOVAL FROM OFFICE.

6 **Section 5.29. Sales, use, and excise taxes.** THE BOARD OF
7 SELECTMEN MAY IMPOSE A SALES AND USE TAX AND OTHER EXCISE TAXES
8 IN LIKE MANNER AND SUBJECT TO SAME TERMS, PREREQUISITES,
9 CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS
10 ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO, AS
11 SET FORTH IN TITLE 31, COLORADO REVISED STATUTES, AS HEREAFTER
12 AMENDED AND SUPPLEMENTED FROM TIME TO TIME, AND AS SET FORTH IN
13 ANY OTHER APPROPRIATE GENERAL LEGISLATION WHETHER HERETOFORE
14 OR HEREAFTER ENACTED.

15 **Section 5.30. Purchase and sale of water rights and real**
16 **property.** TO PURCHASE, SELL, ABANDON, OR OTHERWISE DISPOSE OF
17 REAL PROPERTY AND WATER RIGHTS OWNED BY THE TOWN; EXCEPT THAT
18 ANY SUCH TRANSACTION MUST BE APPROVED BY AT LEAST FOUR MEMBERS
19 OF THE BOARD OF SELECTMEN AT A DULY CALLED AND POSTED MEETING
20 OF THE BOARD OF SELECTMEN.

21 **ARTICLE VI**

22 **Powers and Duties of the Police Judge**

23 **Section 6.1. Powers and duties.** THE POLICE JUDGE HAS THE
24 FOLLOWING POWERS, DUTIES, AND RESPONSIBILITIES:

25 (a) TO PRESIDE AT ALL MEETINGS OF THE BOARD OF SELECTMEN;
26 EXCEPT THAT THE POLICE JUDGE SHALL NOT EXERCISE A VOTE EXCEPT IN
27 THE EVENT OF A TIE VOTE OF THE BOARD OF SELECTMEN, IN WHICH CASE

1 THE POLICE JUDGE SHALL CAST A TIE-BREAKING VOTE;

2 (b) TO BE THE RECOGNIZED HEAD OF THE TOWN GOVERNMENT FOR
3 ALL CEREMONIAL PURPOSES;

4 (c) TO EXECUTE AND AUTHENTICATE WITH AN ORIGINAL
5 SIGNATURE ALL LEGAL INSTRUMENTS, CONTRACTS IN WRITING BINDING
6 THE TOWN, ALL CONVEYANCES OF INTERESTS IN LAND BY THE TOWN AND
7 ANY OTHER DOCUMENTS REQUIRING HIS OR HER SIGNATURE, UNLESS THE
8 BOARD OF SELECTMEN, ACTING BY ORDINANCE OR RESOLUTION,
9 AUTHORIZES ANOTHER MANNER OF AUTHENTICATING DOCUMENTS, EITHER
10 INDIVIDUALLY OR IN GENERAL;

11 (d) TO COORDINATE WITH THE TOWN ADMINISTRATOR AND
12 TOWN CLERK IN PREPARING AGENDAS FOR ALL REGULAR AND SPECIAL
13 MEETINGS OF THE BOARD OF SELECTMEN.

14 **Section 6.2. Absence of police judge at meeting.** IN CASES OF
15 THE ABSENCE OF THE POLICE JUDGE AT ANY MEETING, THE BOARD OF
16 SELECTMEN SHALL APPOINT ONE OF THEIR NUMBER AS CHAIRMAN, WHO
17 SHALL PRESIDE AT THE MEETING, BUT SHALL NOT THEREBY LOSE THE
18 RIGHT TO VOTE ON ANY QUESTION BEFORE THE BOARD.

19 **Section 6.3. Compensation.** THE POLICE JUDGE MAY BE
20 COMPENSATED IN THE SAME MANNER AS THE MEMBERS OF THE BOARD OF
21 SELECTMEN IN ACCORDANCE WITH SECTION 31-4-406, COLORADO
22 REVISED STATUTES.

23 **ARTICLE VII**

24 **Proceedings in Special Cases**

25 **Section 7.1. Opening, widening streets by town, eminent**
26 **domain.** WHEN IT SHALL BE NECESSARY TO TAKE PRIVATE PROPERTY FOR
27 OPENING, WIDENING, OR ALTERING ANY PUBLIC STREET, LANE, AVENUE, OR

1 ALLEY, OR FOR ANY OTHER PUBLIC PURPOSE, THE CORPORATION MAY
2 EXERCISE THE RIGHT OF EMINENT DOMAIN WITHIN AND WITHOUT THE
3 CORPORATE LIMITS AS PROVIDED BY THE COLORADO CONSTITUTION AND
4 STATUTES.

5 **Section 7.2. Special improvement districts.** NOTWITHSTANDING
6 ANY OTHER PROVISION OF LAW OR THIS CHARTER TO THE CONTRARY, THE
7 PROVISIONS OF PART 5 OF ARTICLE 25 OF TITLE 31, COLORADO REVISED
8 STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED,
9 CONCERNING THE CREATION AND OPERATION OF SPECIAL IMPROVEMENT
10 DISTRICTS WITHIN MUNICIPALITIES, APPLY TO THE TOWN OF GEORGETOWN,
11 AND THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN POSSESSES
12 ALL OF THE RIGHTS, POWERS, AND OBLIGATIONS AS SET FORTH IN SAID
13 STATUTES; EXCEPT THAT:

14 (a) SPECIAL ASSESSMENT BONDS ISSUED BY THE TOWN OF
15 GEORGETOWN PURSUANT TO SAID STATUTES MAY BE IN REGISTERED OR
16 BEARER FORM, WITH OR WITHOUT INTEREST COUPONS, BE SUBJECT TO
17 SUCH CONDITIONS FOR TRANSFER, BE SUBJECT TO SUCH PROVISIONS FOR
18 CONVERSION AS TO DENOMINATION OR TO BEARER OR REGISTERED FORM,
19 BE MADE REGISTRABLE OR PAYABLE, OR BOTH, BY THE TREASURER OR
20 OTHER OFFICER OF THE TOWN, OR BY A TRUSTEE, REGISTRAR, PAYING
21 AGENT, OR TRANSFER AGENT WITHIN THE UNITED STATES, BE ISSUED,
22 TRANSFERRED, AND REGISTERED BY SUCH BOOK ENTRY, BE IN SUCH
23 DENOMINATION OR DENOMINATIONS, BEAR SUCH DATES, SIGNATURES, AND
24 AUTHENTICATIONS, AND BE HELD IN CUSTODY BY A DEPOSITORY WITHIN
25 THE UNITED STATES, ALL AS MAY BE DETERMINED BY THE TOWN IN THE
26 ORDINANCE AUTHORIZING ISSUANCE OF SUCH SPECIAL ASSESSMENT
27 BONDS;

1 (b) PAYMENT AT DESIGNATED DUE DATES OR IN INSTALLMENTS
2 MAY BE REQUIRED BY THE AUTHORIZING PROCEEDINGS TO BE BY CHECK,
3 DRAFT, OR OTHER MEDIUM OF PAYMENT, AND NEED NOT BE CONDITIONED
4 UPON PRESENTATION OF ANY BOND OR COUPON; AND

5 (c) SIGNATURES MAY BE MANUAL OR FACSIMILE, BUT EACH BOND
6 MUST BEAR AT LEAST ONE MANUAL SIGNATURE, WHICH MAY BE THAT OF
7 AN OFFICIAL OF THE TOWN OR OF THE TRUSTEE, REGISTRAR, OR TRANSFER
8 AGENT.

9 **ARTICLE VIII**

10 **Municipal Court**

11 **Section 8.1. Municipal court established.** A GEORGETOWN
12 MUNICIPAL COURT IS HEREBY ESTABLISHED THAT HAS JURISDICTION TO
13 HEAR AND DETERMINE ALL CASES ARISING UNDER THIS CHARTER OR THE
14 ORDINANCES OF GEORGETOWN. THE POWER OF AND THE PROCEDURE IN
15 THE MUNICIPAL COURT AND THE MANNER OF ENFORCEMENT OF ITS ORDERS
16 AND JUDGMENTS WILL BE AS PROVIDED FOR UNDER THE STATUTES OF THE
17 STATE OF COLORADO UNLESS SUPERSEDED BY ORDINANCE PRESENTLY OR
18 HEREAFTER ENACTED. THE MUNICIPAL COURT IS A QUALIFIED MUNICIPAL
19 COURT OF RECORD AND ALL PROCEEDINGS THEREIN AND EVIDENCE AT
20 TRIAL MUST BE KEPT BY VERBATIM RECORD BY EITHER AN ELECTRONIC OR
21 STENOGRAPHIC MEANS.

22 **Section 8.2. Municipal judge.** THE MUNICIPAL COURT IS
23 PRESIDED OVER BY A JUDGE WHO IS AN ATTORNEY AT LAW ADMITTED TO
24 PRACTICE BEFORE THE SUPREME COURT OF THE STATE OF COLORADO. THE
25 JUDGE IS APPOINTED BY THE BOARD OF SELECTMEN TO SERVE A TERM OF
26 TWO YEARS. THE BOARD OF SELECTMEN MAY APPOINT AS MANY
27 MUNICIPAL JUDGES AS IT DEEMS NECESSARY FOR THE PROPER FUNCTION

1 OF THE MUNICIPAL COURT. IF, HOWEVER, THE BOARD OF SELECTMEN
2 APPOINTS MORE THAN ONE JUDGE IT MUST DESIGNATE WHO WILL BE THE
3 PRESIDING JUDGE. ALL JUDGES APPOINTED UNDER THIS SECTION WILL
4 RECEIVE A FIXED SALARY OR COMPENSATION TO BE DETERMINED BY THE
5 BOARD OF SELECTMEN, NOT DEPENDENT UPON THE OUTCOME OF THE
6 CASES OR MATTERS TO BE DECIDED.

7 **Section 8.3. Removal of judge.** A MUNICIPAL JUDGE MAY BE
8 REMOVED DURING THE JUDGE'S TERM OF OFFICE ONLY FOR CAUSE AND
9 AFTER A VOTE OF THE MAJORITY OF THE BOARD OF SELECTMEN. CAUSE
10 MAY BE FOUND ONLY IF:

11 (a) THE JUDGE IS FOUND GUILTY OF A FELONY OR ANY OTHER
12 CRIME INVOLVING MORAL TURPITUDE; OR

13 (b) THE JUDGE HAS WILLFULLY OR PERSISTENTLY FAILED TO
14 PERFORM THE JUDGE'S DUTIES; OR

15 (c) THE JUDGE HAS A DISABILITY THAT INTERFERES WITH THE
16 PERFORMANCE OF THE JUDGE'S DUTIES, WHICH DISABILITY IS OR IS LIKELY
17 TO BECOME OF A PERMANENT CHARACTER.

18 **ARTICLE IX**

19 **Town Administration**

20 **Section 9.1. Town administrator.** (a) THE TOWN
21 ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT OF
22 THE TOWN. THE BOARD OF SELECTMEN BY A MAJORITY VOTE OF ITS ENTIRE
23 MEMBERSHIP SHALL APPOINT A TOWN ADMINISTRATOR WITHIN SIX
24 MONTHS OF A VACANCY, OR AS SOON THEREAFTER AS MAY BE PRACTICAL
25 AND CONSISTENT WITH GOOD GOVERNANCE OF THE TOWN. THE BOARD OF
26 SELECTMEN SHALL ASSIGN A PERSON OR PERSONS TO ACT DURING ANY
27 VACANCY. SUCH APPOINTMENT SHALL BE WITHOUT DEFINITE TERM AND

1 MUST BE AT A SALARY TO BE FIXED FROM TIME TO TIME BY THE BOARD OF
2 SELECTMEN. THE BOARD OF SELECTMEN MAY ENTER INTO AN
3 EMPLOYMENT CONTRACT WITH THE TOWN ADMINISTRATOR. AT THE TIME
4 OF APPOINTMENT, THE ADMINISTRATOR NEED NOT BE A RESIDENT OF THE
5 TOWN OR STATE, BUT DURING THE ADMINISTRATOR'S TENURE IN OFFICE,
6 THE ADMINISTRATOR SHALL RESIDE WITHIN THE TOWN, EXCEPT AT THE
7 DISCRETION OF THE BOARD OF SELECTMEN.

8 (b) THE BOARD OF SELECTMEN AT A REGULAR OR SPECIAL MEETING
9 MAY UPON THE VOTE OF A MAJORITY OF THE ENTIRE MEMBERSHIP OF THE
10 BOARD OF SELECTMEN, REMOVE THE TOWN ADMINISTRATOR FROM OFFICE
11 IN ACCORDANCE WITH THE TERMS ESTABLISHED BY THE ADMINISTRATOR'S
12 EMPLOYMENT CONTRACT.

13 (c) THE TOWN ADMINISTRATOR IS RESPONSIBLE TO THE BOARD OF
14 SELECTMEN FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE
15 TOWN, AND HAS THE POWER AND DUTIES AND IS REQUIRED TO:

16 (1) BE RESPONSIBLE FOR THE ENFORCEMENT OF THE LAWS AND
17 ORDINANCES OF THE TOWN;

18 (2) IN CONSULTATION WITH THE BOARD OF SELECTMEN, HIRE
19 STAFF, ESTABLISH PAY AND BENEFITS FOR TOWN EMPLOYEES, AND, IN
20 ACCORDANCE WITH APPROVED PERSONNEL POLICIES, SUSPEND,
21 REGULARLY REVIEW, TRANSFER AND REMOVE TOWN EMPLOYEES; EXCEPT
22 THAT AS IT PERTAINS TO THE TOWN CLERK AND TOWN TREASURER
23 APPOINTED IN ACCORDANCE WITH SECTION 5.28, THE ADMINISTRATOR
24 SHALL MAKE A RECOMMENDATION TO THE BOARD OF SELECTMEN
25 REGARDING HIRING, SUSPENSION, OR TERMINATION;

26 (3) CAUSE A PROPOSED BUDGET TO BE PREPARED ANNUALLY AND
27 SUBMIT THE BUDGET TO THE BOARD OF SELECTMEN AND BE RESPONSIBLE

1 FOR THE ADMINISTRATION OF THE BUDGET AFTER ADOPTION;

2 (4) KEEP THE BOARD OF SELECTMEN ADVISED OF THE FINANCIAL
3 CONDITION AND FUTURE NEEDS OF THE TOWN AND MAKE
4 RECOMMENDATIONS TO THE BOARD OF SELECTMEN FOR ADOPTION BY THE
5 BOARD OF SELECTMEN.

6 (5) EXERCISE SUPERVISION AND CONTROL OVER ALL EXECUTIVE
7 AND ADMINISTRATIVE DEPARTMENTS;

8 (6) PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY THIS
9 CHARTER, ORDINANCE, OTHER APPLICABLE LAW, OR THAT ARE REQUIRED
10 OF THE TOWN ADMINISTRATOR BY THE BOARD OF SELECTMEN.

11 **Section 9.2. Town clerk.** THE TOWN ADMINISTRATOR SHALL
12 APPOINT A TOWN CLERK. THE TOWN CLERK IS CUSTODIAN OF THE TOWN
13 SEAL, SHALL KEEP A JOURNAL OF THE PROCEEDINGS OF THE BOARD OF
14 SELECTMEN, AND SHALL RECORD IN FULL ALL ORDINANCES, MOTIONS, AND
15 RESOLUTIONS. THE TOWN CLERK SHALL PERFORM SUCH OTHER DUTIES AS
16 REQUIRED BY THE CHARTER, THE BOARD OF SELECTMEN, OR THE TOWN
17 ADMINISTRATOR.

18 **Section 9.3. Town treasurer.** THE TOWN ADMINISTRATOR SHALL
19 APPOINT A TOWN TREASURER. THE TOWN TREASURER SHALL PERFORM
20 SUCH DUTIES AS REQUIRED BY THE CHARTER, THE BOARD OF SELECTMEN,
21 OR THE TOWN ADMINISTRATOR.

22 **Section 9.4. Town attorney.** THE BOARD OF SELECTMEN SHALL
23 APPOINT A TOWN ATTORNEY. THE TOWN ATTORNEY SHALL SERVE AT THE
24 PLEASURE OF THE BOARD OF SELECTMEN AND MAY BE TERMINATED AT
25 ANY TIME BY A MAJORITY VOTE OF THE ENTIRE MEMBERSHIP OF THE
26 BOARD OF SELECTMEN. THE TOWN ATTORNEY SHALL BE AN ATTORNEY
27 ADMITTED TO PRACTICE IN COLORADO. THE TOWN ATTORNEY SHALL BE

1 THE LEGAL REPRESENTATIVE OF THE TOWN AND ADVISE THE BOARD OF
2 SELECTMEN AND TOWN OFFICIALS IN MATTERS RELATING TO THEIR
3 OFFICIAL POWERS AND DUTIES AND SHALL PERFORM SUCH OTHER DUTIES
4 AS REQUIRED BY THE CHARTER, BY THE BOARD OF SELECTMEN, OR BY THE
5 TOWN ADMINISTRATOR. THE TOWN ATTORNEY'S CLIENT IS THE BOARD OF
6 SELECTMEN.

7 ARTICLE X

8 Miscellaneous Provisions

9 **Section 10.1. Fines, penalties to treasury.** ALL FINES AND
10 FORFEITURES COLLECTED FOR OFFENSES COMMITTED, OR PENALTIES
11 INCURRED WITHIN THE CORPORATE LIMITS OF GEORGETOWN, MUST BE
12 PAID INTO THE TREASURY OF SAID CORPORATION BY THE OFFICERS
13 COLLECTING THE SAME.

14 **Section 10.2. Annual fiscal report.** THE BOARD OF SELECTMEN
15 SHALL PUBLISH ANNUALLY IN THE SAME MANNER AS PROVIDED FOR
16 ORDINANCES A FULL AND COMPLETE STATEMENT OF ALL MONEYS
17 RECEIVED AND EXPENDED BY THE CORPORATION DURING THE PRECEDING
18 YEAR, AND ON WHAT ACCOUNT RECEIVED AND EXPENDED.

19 **Section 10.3. Suits and actions in town name.** ALL SUITS,
20 ACTIONS, AND PROSECUTIONS INSTITUTED, COMMENCED, OR BROUGHT BY
21 THE CORPORATION HEREBY CREATED, MUST BE PROSECUTED IN THE NAME
22 OF GEORGETOWN.

23 **Section 10.4. Charter a public act, evidence in court.** THIS ACT
24 IS HEREBY DECLARED TO BE A PUBLIC ACT AND MAY BE READ IN EVIDENCE
25 IN ALL COURTS OF LAW AND EQUITY WITHIN THIS TERRITORY WITHOUT
26 PROOF.

27 **Section 10.5. Repeal of certain ordinances.** ALL ACTS OR PARTS

1 OF ACTS COMING WITHIN THE PROVISIONS OF THIS CHARTER, OR CONTRARY
2 TO, OR INCONSISTENT WITH ITS PROVISIONS, ARE HEREBY REPEALED.

3 **Section 10.6. Marshal authority to act.** THE MARSHAL AND
4 CONSTABLES WITHIN THE CORPORATION OF GEORGETOWN ARE
5 AUTHORIZED AND MAY EXECUTE ANYWHERE WITHIN THE LIMITS OF THE
6 COUNTY WHEREIN SAID CORPORATION MAY BE LOCATED ALL PROCESS
7 ISSUED BY THE MUNICIPAL COURT, AND THE MARSHAL MAY DO ALL ACTS
8 THAT A CONSTABLE MAY LAWFULLY DO, AND MUST RECEIVE THE SAME
9 FEES THAT ARE ALLOWED TO CONSTABLES FOR SIMILAR CASES, AND SHALL
10 GIVE BONDS AS CONSTABLES ARE REQUIRED BY LAW TO GIVE.

11 **Section 10.7. Actions for penalties brought in town name.** ALL
12 ACTIONS BROUGHT TO RECOVER PENALTIES OR FORFEITURES UNDER THIS
13 ACT, OR ANY ORDINANCE, BY-LAW, OR POLICE REGULATION, MADE IN
14 PURSUANCE THEREOF, MUST BE BROUGHT IN THE CORPORATE NAME, AND
15 IT IS LAWFUL TO DECLARE IN DEBTS FOR SUCH PENALTY, FINE, OR
16 FORFEITURE, STATING THE CLAUSE OF THIS ACT, OR THE BY-LAW, OR
17 ORDINANCE UNDER WHICH THE PENALTY OR FORFEITURE IS CLAIMED TO
18 GIVE THE SPECIAL MATTER IN EVIDENCE UNDER IT.

19 **Section 10.8. Charter effective date.** THIS ACT SHALL TAKE
20 EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.