

Editor's note: This Charter was approved by citizens of the City of Littleton and an election held on July 28, 1959, as authorized by Article 20 of the State Constitution.

A front analysis consisting of a numerical listing of the catchlines has been added. A uniform system of capitalization and punctuation has been employed. Otherwise, the Charter is carried herein as approved.

PREAMBLE

We the people of the City of Littleton, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish and adopt this Charter for our municipal government.

ARTICLE I. GENERAL PROVISIONS

Sec. 1. Name; Boundaries.

The municipal corporation heretofore existing as a City of the second class in Arapahoe County, State of Colorado, and known as the City of Littleton, shall remain and continue as a body politic and corporate under this Charter, with the same name, seal, and boundaries until changed in a manner authorized by law.

Sec. 2. Form of Government.

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

Sec. 3. Powers.

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

Sec. 4. Construction of Words.

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

Sec. 5. Present Ordinances.

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in force except insofar as they conflict with the provisions of this Charter, or until they shall be amended or repealed by ordinances enacted under authority of this Charter.

Sec. 6. Detachment from City. (Amended, Election of 11-5-1991)

Any newly annexed area or portion thereof may be detached by ordinance within ninety days after annexation by five affirmative votes of the Council. Thereafter, no tract or parcel of land within the boundary of the City shall be detached from the City by any owners, except upon majority vote of the registered electors voting. The question of detachment from the City shall be submitted to said vote upon deposit by said owners with the City Treasurer of the expense of said municipal election as determined by the City Treasurer.

Sec. 7. Definitions. (Amended, Election of 11-5-1991)

Agency. Any organizational unit of the City.

Allotment. A portion of an appropriation made available for expenditure during a specified period.

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

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

City. The City of Littleton, Colorado, a municipal corporation.

Council. The City Council of the City.

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

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

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

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

Franchise. A special privilege granted by the City permitting the continuing use of public property, such as City streets, and usually involving the elements of monopoly and regulation.

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

Officer. An elected member of the City government.

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

Registered Elector. Any person who is registered to vote as required or prescribed by the statutes of the State of Colorado relating to municipal elections.

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

Sec. 8. Amending the Charter. (Amended, Election of 11-5-1991)

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

Sec. 9. Constitutionality.

In the event any word, phrase, sentence, paragraph, section or article of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder thereof, and the remainder of this Charter shall remain in full force and effect.

ARTICLE II. ELECTIONS

Sec. 10. Generally.

The council shall provide by ordinance for the manner of holding city elections and such additional regulations in respect to elections not inconsistent with the provisions of this charter or of the state constitution, as may be necessary to accomplish the intent of this article. The council by reference may adopt, with any modification, the Colorado municipal election law.

Sec. 11. Election Commission.

There is hereby created an election commission consisting of the city clerk who shall be the chairman, and two qualified electors of the city. Said electors, during their tenure in office, shall not be city officials or employees or candidates for elective office in city, county, state or federal elections. The council shall make initial appointments before 1 September 1959, for terms of one and three years; thereafter, appointments shall be for four-year terms.

The council shall, before 1 September 1959, preceding the first general municipal election under this charter, establish no more than one precinct for each of four districts. Thereafter, the election commission shall establish additional precincts only after the city council has held a public hearing on the additional precincts requested, following which the city council can approve or disapprove the additional precincts.

The election commission shall appoint the election judges and clerks for each precinct and have charge of all other activities and duties required of it by law or this charter.

In case of a tie vote the election commission shall determine by lot the person or persons who shall be elected. Where municipal election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

Sec. 12. Municipal Elections. (Amended, Election of 11-2-2004)

A general municipal election shall be held on the first Tuesday in November in odd numbered years. Special municipal elections shall be held in accordance with the provisions of this charter. City elections shall generally be conducted as mail ballot elections provided, however, the city council may determine, from time to time, to conduct required city elections at polling places. When polling place elections are conducted, polling places shall be open from seven A.M. to seven P.M. election days.

Sec. 13. Registration. (Amended 1969)

Eligibility to vote and registration shall be as required or prescribed by the statutes of the state of Colorado relating to municipal elections. Qualified electors may register at the office of the county clerk and recorder or at the office of the city clerk at such times and on such dates as may be provided by statute. The registration books or lists of the county clerk and recorder shall be the registration books or lists of the city. Qualified electors who are unable to register as provided above may register as provided by statute for absentee registration if eligible to do so.

Sec. 14. Absentee Registration.

Any qualified elector who is unable to register under the provisions of this charter because of serious illness, physical disability, or service in the armed forces, or as otherwise provided by Colorado municipal election laws, may file with the city clerk a verified application for such registration up to and including the twentieth day before any municipal election. Forms for the purpose of making such application shall be furnished by the city clerk upon the request of any qualified elector.

Sec. 15. Nominations For Elective Municipal Office. (Amended 1987)

Any person who is qualified for the office to be filled may be nominated for an elective office by petition. A petition for this purpose shall be signed by not less than fifty registered electors residing within the municipality, or the district, from which the officer is to be elected. A registered elector may sign petitions for as many persons as there are offices to be filled by election, in accordance with Colorado municipal election laws.

Petition forms supplied by the city clerk shall be circulated, signed and filed in accordance with Colorado municipal election laws.

No nominating petition shall be filed unless accompanied by a verified acceptance.

Sec. 16. Voting. (Amended, Election of 11-4-1997)

The method of voting on all proposals and election of candidates shall be as the election commission directs. The names of the candidates nominated for public office shall be set up without party or other designation and shall be arranged by lot to be held by the city clerk.

Sec. 17. Absentee Voting. (Amended 1969)

Provisions for absentee voting shall be in accordance with the Statutes of the State of Colorado relating to Municipal Elections, and in accordance therewith an absentee voter must file with the City Clerk an application which may be in the form of a letter for an absentee voter's ballot which ballot shall be cast in the manner prescribed in State Election Laws.

Sec. 18. Electioneering Near Polls.

No person shall do any electioneering within one hundred feet of any polling place on election day.

ARTICLE III. LEGISLATIVE BODY

Sec. 19. The Council.

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

Sec. 20. Districts. (Amended 1969)

The four Council Districts shall be contiguous, compact, as nearly rectangular as practicable and have approximately the same population. At least every four years after the establishment of the Districts, divisions, changes and consolidations shall be made by the election commission to carry out the intent of this Article. Such redistricting shall be completed at least three months before the General Municipal Election at which it is to become effective.

Sec. 21. Salaries.

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

President of the Council	\$850.00
President Pro Tem	725.00
Member of the Council	600.00

(Section 21; amd. Ord. 29, Series of 1997)

Sec. 22. Terms. (Amended, Election of 11-5-1991)

Terms of Councilmen shall begin at eight P.M. on the second Tuesday following the election. Seven Councilmen shall be elected at the regular municipal election to be held on the first Tuesday after the first Monday in November 1959. Of the candidates running at large for City Council, the candidate receiving the highest number of votes shall hold office for four years. The candidates running at large who receive the second and third highest number of votes shall hold office for two years. The candidate receiving the highest number of votes from District 2 and the candidate receiving the highest number of votes from District 4 shall hold office for four years. The candidate receiving the highest number of votes from District 1 and the candidate receiving the highest number of votes from District 3 shall hold office for two years.

Thereafter, general municipal elections shall be held every two years with the Councilmen being elected for four-year terms, except for the candidate for Councilman at large receiving the second highest number of votes, who shall be elected for a two-year term, so that at each general municipal election the voters shall elect four members to serve as City Councilmen, in accordance with the following table:

TERM OF OFFICE

		DISTRICTS						
		1	2	3	4	At Large		
ELECTIONS UNDER CHARTER	1st election (1959)	2yr	4yr	2yr	4yr	1 - 4yr	2 - 2yr	3 - 2yr
	2nd election (1961)*	4yr		4yr			1 - 4yr	2 - 2yr
	3rd election (1963)**		4yr		4yr	1 - 4yr		2 - 2yr

- * Succeeding even-numbered elections
- ** Succeeding odd-numbered elections
- yr. 1 Highest number of votes
- yr. 2 Second highest number of votes
- yr. 3 Third highest number of votes

Notwithstanding anything contained herein to the contrary, no Councilperson shall be entitled to serve consecutive terms of office exceeding twelve (12) years in duration unless said twelve (12) year period expires during a term which said Councilperson is serving, in which case said Councilperson shall be entitled to serve out the remainder of his or her term. Limitations of terms shall apply to terms of office beginning on or after November 19, 1991, and thereafter.

Sec. 23. Qualifications of Councilmen.

No person shall be eligible for the office of Councilman unless at the time of his election he is a citizen of the United States, at least twenty-one years of age, and shall have been for one year immediately preceding such election a qualified elector of the City. Councilmen elected by Districts shall also be residents and qualified electors of their Districts. No elected City official shall hold any other elective public office nor shall he be a paid employee of the City or any other municipality.

Sec. 24. Presiding Officer.

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

Sec. 25. President of the Council Pro Tem.

After each general municipal election, the Council shall elect a President Pro Tem who shall act as President of the Council during the absence of the President of the Council.

Sec. 26. Oath of Office.

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

Sec. 27. Council Meetings. (Amended 1969)

The Council shall meet regularly at the City Hall or at such other place as Council may direct at least once each month, at a day and hour to be fixed from time to time by the rules and procedures of each Council. The Council shall determine the rules of procedure governing meetings. All meetings for the transaction of business shall be open to the public.

Special meetings of the Council may be called in the manner and at the time provided for by the rules of procedure of the Council, provided that local public media are notified of the meeting at the same time that the Councilmen are notified.

Four members of the Council shall constitute a quorum.

Sec. 28. Vacancies.

An elected officer shall continue to hold his office until his successor is duly qualified as provided in Section 23. An elective office shall become vacant whenever any officer becomes incapacitated, or if a Councilman shall remove from or become a non-resident of the City or of the District in which he was elected, during the term of his office. In case of a vacancy, the remaining Councilmen shall choose, by majority vote and within thirty days after such vacancy occurs, a duly qualified person as provided in Section 23 to fill such vacancy. He shall serve until his successor, elected for the remainder of the term at the next ensuing general municipal election, has been duly qualified. If three or more vacancies exist in the Council simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.

Sec. 29. Council Membership Rules.

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

Sec. 30. Powers.

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

Sec. 31. Clerk of the Council.

The City Manager shall appoint, with the approval of the Council, a City Clerk who shall act as Clerk of the Council. The City Clerk shall keep a journal of Council proceedings which shall be open to the public at all times, record all ordinances and resolutions in full authenticated by his signature and the Seal of the City, and shall perform such other duties as required by this Charter or by the City Manager.

Sec. 32. Council Not to Interfere With Administrative Service.

Except for purposes of inquiry, the Council and its members shall deal with the administrative service of the City solely through the City Manager, and neither the Council nor any member shall give orders to any subordinates of the City Manager either publicly or privately.

Sec. 33. Annual Independent Audit.

An independent audit shall be made annually of all City accounts and more frequent audits may be made if deemed necessary by the Council. Such audits shall be made by public, registered or certified public accountants selected by the Council, provided the same accountants shall not serve more than five consecutive years. (Sec. 33; amd. Ord. 25, Series of 1979)

ARTICLE IV. RECALL

Sec. 34. Procedures. (Amended, Election of 11-5-1991)

Any elected officer may be removed from office by the registered electors of the City after he has held office for one year. The procedure shall be as follows: One or more registered electors shall file with the City Clerk an affidavit of not more than three hundred words stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement in defense of the charges made against him. After the affidavit has been filed, a petition may be circulated and when signed by at least twenty-five percent of the registered voters in the last general municipal election in the area which he represents, it is to be filed with the City Clerk, who shall set a date for a recall election to be held within ninety days unless a general or special election will be held within one hundred and twenty days following the filing of the petition. The elected officer to be recalled may either resign or file with the City Clerk a notice of his intention to be a candidate in the recall election. Other candidates for the office held by the elected officer to be recalled will make their intentions known in the manner prescribed in this Charter. The candidate receiving the highest number of votes in the election shall be declared holder of the office in question. If the successful candidate is the elected officer whose recall is requested, he shall continue in office until the expiration of his term. If the successful candidate is someone other than the recalled officer, he shall fill out the unexpired term of the recalled officer.

Sec. 35. Implementation.

The election commission shall make such additional rules and regulations as are necessary to implement the procedures in Article IV.

ARTICLE V. ORDINANCES

Sec. 36. Ordinances, Resolutions and Motions.

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

Sec. 37. Voting.

The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the journal of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the members present on first reading and a majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the quorum present. Every member, when present, must vote on ordinances, resolutions and motions, except he shall not vote on matters involving the consideration of his own official conduct or when his personal or financial interest is involved.

Sec. 38. When Required.

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

Sec. 39. Form. (Amended 1969)

Every ordinance shall be introduced in typewritten or printed form. The enacting clause of the ordinances shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO. Except as otherwise provided in this Charter, all ordinances shall take effect not less than seven days after publication following final passage.

Sec. 40. Procedure for Passage of Ordinances. (Amended, Election of 11-4-1975)

The following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.

(b) Except for an ordinance making a general codification of ordinances, or adopting a standard code, the ordinance shall be read in full, or in cases where copies of the ordinance are available to the Council, and to those in attendance at said Council meeting, said ordinance may be read by title only. In those cases where an ordinance is adopting a standard code or recodifying existing ordinances, copies of said code shall be available for inspection at the Office of the City Clerk.

(c) After the introduction of the ordinance, the same shall be approved or rejected by a vote of the Council.

(d) If the ordinance is approved on first introduction, it shall be published in full unless otherwise provided herein. The Council shall set a date, hour and place at which Council shall hold a public

hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.

(e) The ordinance shall be introduced at Council the second time, at a meeting not earlier than seven days after first publication for final approval, rejection or other action as may be taken by vote of the Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final approval by vote of the Council.

(f) Except as otherwise provided in this Charter, an ordinance, if amended in substance, shall be published in full after final passage, but if not amended in substance, it shall be published either by title or in full as the Council may determine.

(g) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance, and shall contain a notice to the public that copies of the proposed ordinance are available at the Office of the City Clerk.

Sec. 41. Emergency Ordinances.

Emergency ordinances for the preservation of public property, health, peace or safety shall be approved only by a majority vote of a quorum present plus one vote. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money, or fixing rates charged by any city owned utility shall ever be passed as an emergency measure. An emergency ordinance shall take effect upon passage and shall be published within seven days thereof. An emergency ordinance shall be in effect for no more than ninety days after passage, and shall not again be passed as an emergency ordinance. (Sec. 41; amd. Ord. 26, Series of 1983)

Sec. 42. Disposition. (Amended, Election of 11-5-1991)

A true copy of every ordinance, as adopted by the Council, shall be numbered and recorded, and adopting and publication shall be authenticated by the signature of the President of the Council and the City Clerk and by affixing the Seal of the City, and by the certificate of publication. A true copy of every ordinance as adopted by the vote of the registered electors of the City shall be separately numbered and recorded commencing with "Peoples' Ordinance No. 1".

Sec. 43. Codification.

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

Sec. 44. Codes Published.

Standard codes promulgated by the Federal Government, the State of Colorado, or by any agency of either of them, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference following a public hearing, provided the publication of the bill or ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the City Clerk, and provided that any penalty clause in said codes may be adopted only

if set forth in full and published in the adopting ordinance. Primary codes thus adopted may in turn adopt secondary codes.

ARTICLE VI. INITIATIVE AND REFERENDUM

Sec. 45. Initiative. (Amended, Election of 11-5-1991)

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

Sec. 46. Submissions. (Amended, Election of 11-5-1991; Election of 11-4-1997)

If the petition accompanying the proposed ordinance is signed by at least fifteen percent of the number of registered electors registered to vote in the last general municipal election, and requests that such proposed ordinance be submitted to the vote of the people, the Council shall either pass said ordinance (subject to the referendum) without alteration of meaning or intent within thirty days after the petition is filed or call a special municipal election, unless a general or special municipal election is to occur within one hundred and twenty days thereafter. At such special or general municipal election the Council shall submit said proposed ordinance without alteration of meaning or intent to a vote of the registered electors of the City.

If the petition is signed by at least five percent of the number of registered electors registered to vote in the last general municipal election, and is filed with the City Clerk at least ninety days before any general municipal election, the Council shall pass said proposed ordinance without alteration of meaning or intent within thirty days, or shall submit same to a vote of the registered electors at the next general municipal election. An initiated ordinance shall be published in the same manner as other proposed ordinances. The ballot upon which such proposed ordinance is submitted shall state briefly its nature and shall contain the words "For the Ordinance" and "Against the Ordinance". If a majority of the registered electors voting thereon shall vote in favor thereof the same shall immediately, without further publication, become an ordinance of the City.

Any number of proposed ordinances may be submitted at the same election. Not more than one special election under this Article shall be held in any twelve months.

Sec. 47. Referendum. (Amended, Election of 11-5-1991)

The referendum shall apply to all ordinances passed by the Council, except ordinances making the tax levy, the annual appropriation ordinance or the ordering of improvements initiated by petition and to be paid for by special assessments. If within thirty days after publication following the final passage of an ordinance to which the referendum is applicable, a petition, signed by registered electors equal in number to at least ten percent of the number registered to vote in the last general municipal election is presented to the Council, protesting any ordinance going into effect, it shall thereupon be suspended, and the Council shall reconsider such ordinance. If the ordinance is not entirely repealed, the Council shall submit it to a vote of the registered electors of the City, as provided in the initiative, at the next general municipal election or at a special election called therefor. Such ordinance shall then go into effect without further publication if a majority of the registered electors voting thereon vote in favor of it. The Council, on its own motion, shall have the power to submit any proposed ordinance to a vote of the people at a general or special election as

provided in this Charter. If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

Sec. 48. Amendments.

An ordinance, adopted or rejected by electoral vote under either the initiative or referendum, cannot be revised, repealed or amended except by electoral vote; but the Council shall have power to submit a proposal to revise, repeal or amend such ordinances without a petition therefor, provided that any question so submitted at a special election shall not again be submitted at a special election within two years thereafter.

ARTICLE VII. CITY MANAGER

Sec. 49. Appointment; Qualifications.

The Council shall employ a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the Council and shall hold office during its pleasure. He shall be appointed without regard to any consideration other than his fitness and competency. No member of the Council shall be appointed City Manager or acting City Manager during the term for which elected.

Sec. 50. Absence.

The City Manager shall designate immediately on his appointment, a qualified City employee to perform his duties during his temporary absence or disability. Such designation shall be made by letter and filed with the City Clerk.

If he fails to make such designation, the Council may by resolution appoint a qualified City employee to perform the duties of Manager until he shall return. In the event that the position of City Manager becomes vacant, the Council may appoint an acting City Manager for not more than one year.

Sec. 51. Removal; Severance Pay.

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

Sec. 52. Powers and Duties.

The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

A. Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;

B. Prepare the budget annually, submit it to the Council, and be responsible for its administration after adoption;

C. Prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year;

D. Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

E. Be responsible for enforcement of the laws and ordinances of the City;

F. Inform the public concerning plans and activities of the City administration;

G. Establish a system of accounting and auditing for the City to conform with the uniform system of municipal accounting and auditing; show that legal provisions have been complied with and reflect the financial condition and financial operation of the City; establish cost accounting systems whenever practicable;

H. Perform such other duties as may be prescribed by this Charter, or required of him by the Council not inconsistent with this Charter;

I. Establish, implement and administer: personnel policies and procedures; administrative regulations; pay and position classification plans and procedures; and departmental goals and policies. (Section 52; amd. Ord. 26, Series 1983)

ARTICLE VIII. BOARDS AND COMMISSIONS

Sec. 53. General Provisions.

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

All regular meetings shall be open to the public. Copies of all records and minutes of all meetings shall be kept and placed in the office of the City Clerk for public inspection.

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

ARTICLE IX. LEGAL DEPARTMENT

PART I. CITY ATTORNEY

Sec. 54. Appointment.

The council shall appoint a city attorney who shall be the legal representative of the city and who shall advise the council and city officials in matters relating to their official powers and duties. The city attorney shall be an attorney-at-law admitted to practice in Colorado and have a minimum of two years of legal experience. The council may provide the city attorney with such assistants as the council may deem necessary. All attorneys who reside or maintain offices in the city shall be given first consideration for appointment.

The council shall establish compensation for the city attorney, his assistants and special counsel. The city attorney shall serve at the pleasure of the council.

Sec. 55. Duties.

The city attorney shall represent the city in all legal proceedings and supervise the drafting of all ordinances and other legal documents. He shall attend all council meetings and shall perform all services required by the council, this charter or the ordinances of the city. The council may authorize the city attorney to settle claims against the city and may make appropriations therefor.

Sec. 56. Suits.

When directed by the council, the city attorney shall institute or defend any suit, action or proceeding on behalf of the city or any of its agencies.

Sec. 57. Special Counsel.

To take charge of any litigation or to assist the city attorney, the council may also employ other counsel whose compensation shall be fixed by the council at the time of employment.

PART II. MUNICIPAL COURT

Sec. 58. Establishment; Appointment, Qualifications, Term, Etc., Of Judge. (Amended, Election of 11-2-2004)

There shall be a municipal court vested with exclusive original jurisdiction of all violations of the charter and the ordinances of the city. The judge of the court shall be a person possessing an LL.B. degree or admitted to practice law in Colorado and residing in the city or having a law office in the city. He shall be appointed by the council for a term of two years from the date of appointment, and he may be removed at any time by unanimous vote of the entire council. He shall receive such compensation as shall be fixed by the council. Such compensation shall in no manner be contingent upon the amount of fees charged or collected. When necessary, the council shall designate a reputable person with an LL.B. degree or admitted to practice law in Colorado, to serve in his stead. If, in the discretion of the council, more than one judge is necessary, one or more additional judges may be appointed.

PART III. MISCELLANEOUS LEGAL PROVISIONS

Sec. 59. Contracts And Conveyances.

Except as otherwise provided by this charter, all contracts in writing binding the city and all conveyances of an interest in land by the city shall be signed by the president of the council and attested by the city clerk under the seal of the city. (Sec. 59; amd. Ord. 26, Series of 1983)

Sec. 60. Restriction On Sales Of Land And Water Rights.

Lands granted to, purchased, acquired by the city for use, or used by the city for park purposes, shall not be sold or conveyed without a majority vote of the people, except they may be sold or conveyed for other public use by ordinance adopted in regular procedure. No water rights granted to, purchased or acquired by the city shall be sold or conveyed without a majority vote of the people. Nothing in this provision, however, shall prevent the city from exchanging water rights without a vote of the people.

Other real property of the city shall be sold only by ordinance adopted in regular procedure, not using the emergency provision.

Sec. 61. Recovery Of Compensation. (Amended, Election of 11-5-1991)

Sec. 62. Bonding.

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

Sec. 63. Previous Contracts.

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

Sec. 64. Right of Eminent Domain.

The City shall have the right of eminent domain as provided by the Statutes of the State of Colorado.

Sec. 65. Right to Combine, Consolidate or Merge. (Amended, Election of 11-5-1991)

The Council may combine, consolidate, or merge the City with any other contiguous municipality upon such terms and conditions as it shall deem necessary and expedient, subject to ratification by the registered electors at a special election called for that purpose.

Sec. 66. Authority to Levy Taxes.

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

Sec. 67. Cooperative Contracts. (Amended, Election of 11-5-1991)

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

Sec. 68. Bequests, Gifts and Donations.

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 of the same.

ARTICLE X. FINANCE ADMINISTRATION

PART I. BUDGET

Sec. 69. Fiscal Year.

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

Sec. 70. Submission of the Budget.

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

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

B. A capital budget.

Sec. 71. Scope of Annual Budget.

The budget shall contain:

A. An estimate of anticipated revenue from all sources other than the tax levy of the ensuing fiscal year.

B. An estimate of the cash surplus in each fund at the end of the current fiscal year or of the deficits in each fund to be made up by appropriation.

C. The estimated expenditures necessary for the operation of the several departments, offices and agencies of the City.

D. Debt service requirements for the ensuing fiscal year.

E. An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of levy necessary to produce such sum, based on a percentage of collection not exceeding the lowest percentage of current levy collection experienced during the three preceding complete fiscal years.

F. A balance between the total estimated expenditures and total anticipated revenue from all sources, taking into account the estimated cash surpluses or deficits in the various funds at the end of the current fiscal year. All estimates shall be in detail, showing revenues by sources and expenditures by organizational units, activities, character or object. The budget shall be arranged to show comparative figures for receipts and expenditures for at least two prior years and for the current year, and the City Manager's recommendations for the ensuing year.

Sec. 72. Budget Message.

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

In a separate report attached thereto, the City Manager shall present a program of proposed capital projects with estimates of cost and sources of revenue.

Sec. 73. Public Record.

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

Sec. 74. Public Hearing.

Before its final adoption, a public hearing on the proposed budget shall be held at such time and place as the Council shall direct. Notice of such hearing shall be at least three column inches in size and published at least one week in advance of the hearing.

Sec. 75. Changes by Council.

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

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

Sec. 76. Certification of Tax Levy. (Amended 1969)

Not later than October sixteenth, or such date as may be required by State law, the Council shall introduce a tax levy ordinance. Such ordinance shall establish a tax levy, in mills, upon each dollar of the assessed valuation of taxable property within the corporate limits of the City, and shall certify same as required by law.

If the Council fails in any year to make such tax levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, and such rate shall be certified by the City Manager.

Sec. 77. Adoption of Budget and Appropriation Ordinance.

Not less than thirty days prior to the first day of the next fiscal year, the Council shall adopt the budget and a bill for the appropriation ordinance, which ordinance shall become effective five days after final publication.

Sec. 78. Transfers of Appropriations.

The City Manager with consent of Council may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. At the request of the City Manager, the Council may by resolution, passed by five affirmative votes of Council, transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another. However, this section shall not be interpreted to permit the transfer of water or sewer or other utility funds to other departments or to the general fund, except that the funds generated by the sale of surplus real property of the City's old sewer plant (including personal property associated herewith) on West Belleview Avenue, which is hereby authorized, shall be transferred to the capital improvement fund. (Sec. 78; amd. Ord. 26, Series of 1983)

Sec. 79. Additional Appropriations.

Appropriations in addition to those contained in the budget may be made to apply to the meeting of a public emergency caused by an act of God or public enemy, or some catastrophe, to satisfy an immediate public need when failure to do so would create a serious and substantial financial or other burden for the City, or to appropriate unanticipated revenues received by the City. If sufficient money is not available to meet the authorized excess expenditure, the Council may make a temporary loan through the issuance of registered warrants to provide for such excess expenditures. The total amount of such temporary loans shall not exceed the amount which can be raised by a two mill levy on the assessed valuation of the taxable property within the City. (Sec. 79; amd. Ord. 26, Series of 1983)

Sec. 80. Appropriations to Lapse.

Any annual appropriation or any portion thereof remaining unexpended and unencumbered at the close of the budget year shall lapse and revert to the general fund, or to a special fund, as the Council may direct, except that transfer of water, sewer or utility funds shall not be authorized except by approval of four-fifths of the Council present.

Sec. 81. Public Works Fund; Tax Levy for and Appropriations from Fund. (Amended, Election of 11-5-1991)

For the purpose of providing and accumulating funds for the construction of public buildings or additions thereto, or the acquisition of land for public purposes, or for permanent improvement of park, library or recreational facilities, the Council is authorized to create by ordinance a public works fund, setting forth in such ordinance the description and the location of the building or addition

thereto, land or improvement, the estimated cost of the same, the annual tax levy required, and the number of years such a levy should be made, and fixing the time for a public hearing.

If the amount needed does not require a tax levy for all such purposes in excess of two mills, the Council is authorized, after a public hearing, to make such a levy without putting the proposition to a vote of the registered electors. If a special levy in excess of two mills for all such purposes for any fiscal year is required, the Council may by ordinance submit to the registered electors the question of making such a special levy. The special election may be held on the same day as any other special or general election.

In submitting the question to the voters, a ballot shall be printed giving the description and location of the proposed public building or addition thereto, lands or improvement, the estimated maximum amount to be expended for such a single purpose, and the maximum mill levy required for each specified year.

The money derived from the special levy authorized shall be credited by the City Treasurer to a special fund to be known as the public works fund. Such fund shall be used only for the public works authorized; however, the Council may by ordinance change the purpose for which the fund may be expended, after holding a public hearing; provided however, that if the fund originally was established by a vote of the registered electors, the recommended change must be submitted to a vote of the registered electors at a special or general election before such change can be made.

Appropriations from the public works fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any project shall be deemed to have been abandoned if five fiscal years elapse without any expenditure from the appropriation therefor. Any unappropriated balance in the public works fund shall be transferred by the Council for the payment of outstanding bonded indebtedness of the City. If no outstanding bonds exist, any unappropriated balance in the public works fund shall be transferred by the Council to the general fund.

PART II. CITY TREASURER

Sec. 82. Appointment and Qualifications.

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

The City Treasurer and the City Clerk may be the same person.

Sec. 83. Powers and Duties.

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

- A. Compile the expense estimates and capital estimates for the annual budgets;

B. Disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made;

C. Examine and approve as correct all purchase contracts, orders and other documents by which the City incurs financial obligations, except petty cash transactions and field orders of limited amount, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations become due and payable; and he shall audit, before payment, all bills, invoices, payrolls and other evidences of claim, demands or charges against the City;

D. Maintain a general accounting system for the City and each of its offices, departments and agencies;

E. Receive from the County Treasurer all funds due the City from taxes, special assessments and other items which are collected for the City by the County Treasurer. Collect such other taxes, special assessments, license fees, and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City, or any other agency, office or source which is not now in existence but which may, in the future, be created or provided for;

F. Arrange for the preparation of tax maps and give such notice of taxes and special assessments as may be required;

G. Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City government, and deposit or invest all funds coming into his hands as shall be designated by resolution of the Council, subject to the requirements of law as to surety and payment of interest on deposits or investments. All interest shall be the property of the City and shall be accounted for and credited to the proper account;

H. Have custody of all investments and invested funds of the City, or in possession of the City in a fiduciary capacity, and have the safekeeping of all bonds, notes and other evidences of indebtedness due the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;

I. Compile periodic expense estimates as required by the City Manager;

J. Submit to the Council, through the City Manager, a monthly report of all accounts or funds including trust and custodial funds, such report to show receipts and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact financial condition of the City and make such report available for public inspection, and shall publish monthly all disbursements of five hundred dollars or over in a legal newspaper, listing the person, amount and purpose of each item;

The City Treasurer shall prepare a list of all employees and their respective annual gross salaries at the beginning of each year, which list shall be published in a legal newspaper and available for public inspection as listed in the following paragraph no later than January 15 of each year.

In addition, the City Treasurer shall submit to the Council, through the City Manager, a monthly report of all accounts or funds including trust and custodial funds, such report to show receipt and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact

condition of the City and make such report available for public inspection in the public library of the City, in the office of the City Clerk, and in the offices of the City Treasurer of the City of Littleton;

K. Prepare and make available for public inspection, by the end of the first quarter of each year, a complete annual financial statement and report of the City;

L. Advise the Council, through the City Manager, of any financial irregularities in any department;

M. Supervise all accounts, inventories and reconciliation of inventories. (Section 83; amd. Ord. 25, Series of 1979)

Sec. 84. Separate Utilities Account.

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

Sec. 85. Responsibility for Funds.

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

Sec. 86. General Fund; Receipts and Expenditures.

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

Sec. 87. Special Funds.

Additional funds, which shall be known as special funds, may be created by ordinances that shall specify sources of receipts and purposes for which expenditures from the special fund shall be made. Special funds created by ordinance may be abolished by ordinance, subject to existing trusts, and the remaining assets may be transferred to other funds. The ordinances creating special funds may provide for annual, periodic or continuing appropriations from such funds.

The ordinances providing for the issuance of revenue bonds may provide that they be issued in such form that principal and interest thereon may be payable out of special funds. Special funds derived from sources other than the proceeds of taxes may be used for making any public improvement. Fiscal and budgetary rules may exempt special funds from allotment procedure. All special funds shall be audited annually in accordance with the provisions of Section 33.

Sec. 88. Land and Improvements Record.

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

PART III. BONDED INDEBTEDNESS

Sec. 89. General Obligation Bonds. (Amended, Election of 7-8-1986; Election of 11-5-1991)

Indebtedness and obligations of the City shall be incurred and limited as provided in Article XI of the Constitution of the State of Colorado applicable to towns and cities except as otherwise provided in this Charter. The Council shall have power to issue general obligation bonds of the City for any public capital purpose upon majority vote of the registered electors of the City voting at any special or general election. However, water and/or sewer-extension and water and/or sewer improvement bonds may be issued without an election if the total of existing and proposed such bonds shall not exceed five percent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for tax purposes. The total outstanding general obligation indebtedness of the City, other than for water and/or sewer bonds, shall not at any time exceed three and seven-tenths percent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for tax purposes. Bonds of the City, other than water and/or sewer bonds, shall be payable in installments commencing not later than two years after the date of said bonds. Water and/or sewer bonds shall mature and be payable as provided by the ordinance authorizing the issuance of said bonds.

Sec. 90. Revenue Bonds.

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

Sec. 91. Refunding Bonds.

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

Sec. 92. Special or Local Improvement District Bonds--Issuance.

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

A. Order of the Council; or

B. On a petition by the owners of more than fifty percent of the area of such territory who shall also comprise a majority of the landowners residing in the territory; subject, in either event, to protest by the owners of the frontage or area to be assessed.

Right to protest and notice of public hearing shall be given as provided by the Council by ordinance. All protests shall be considered, but the Council shall have final decision. Such improvements shall confer special benefits to the real property within said district and general benefits to the City at

large. The Council shall by ordinance prescribe the method of making such improvements, of assessing the cost thereof, and of issuing and paying bonds for costs of constructing or installing such improvements.

Sec. 93. Same--Special Surplus and Deficiency Fund. (Amended, Election of 11-3-1998)

When all outstanding bonds have been paid in a public improvement district and any money remains to the credit of said district, it shall be transferred to a special surplus and deficiency fund. Whenever there is a deficiency in any improvement district to meet payment of outstanding bonds and interest due thereon, it shall be paid out of said fund. Whenever:

A. A public improvement district has paid and canceled four-fifths of its outstanding bonds; and

B. For any reason the remaining assessments are not paid in time to take up the final bonds of the district and interest due thereon; and

C. There is not sufficient money in said special surplus and deficiency fund; then the City shall pay said bonds when due and interest due thereon and reimburse itself by collecting the unpaid assessments due said district.

The provisions of this Section shall not apply to any special improvement district created after January 1, 1999, unless the ordinance authorizing the issuance of the bonds provides that this Section shall apply.

Sec. 94. Bond Sales Limitations.

Unless City Council determines by resolution that it can negotiate the sale of bonds consistent with the best interests of the City, the bonds shall be sold only after they have been advertised in a newspaper of general circulation in the State of Colorado or notices have been sent to at least five Colorado underwriters and at least five out-of-state municipal bond underwriters. The bonds shall be sold, after competitive bidding, to the highest and best bidder for cash, and to the best advantage of the City. Bonds may contain provisions for calling same at designated periods prior to the final due date. (Sec. 94; amd. Ord. 26, Series of 1983)

PART IV. PURCHASES AND SALES

Sec. 95. Purchases.

The City Manager shall be responsible for contracting for and purchasing all supplies, materials, equipment and service required by any department, office or agency of the City. The purchasing officer shall be the City Manager or such person as he may designate. It shall be cause for dismissal for any City employee to accept gratuities or gifts from a person or firm doing business with the City under this Section.

Sec. 96. Powers and Duties.

It shall be the responsibility of the purchasing officer to purchase, receive, distribute and store supplies, materials and equipment required or used by departments and agencies of the City,

including businesses and enterprises operated by the City. The purchasing officer shall have power and be required to establish and enforce specifications for supplies, materials and equipment; receive and inspect deliveries for quantity, quality and condition; and refuse delivery if the same fail to conform to specifications.

Sec. 97. Competitive Bidding.

Before the purchasing officer makes any purchase of supplies, materials or equipment in excess of one thousand five hundred dollars (\$1,500.00), or in an amount as may be adjusted by City Council by ordinance every even-numbered year, he shall give ample opportunity for sealed competitive bidding, with such general exceptions as the Council may prescribe by ordinance, the Council shall not exempt any individual contract, purchase or sale from the requirement of competitive bidding.

No officer, appointee or employee of the City shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies or services to the City, except in case of purchases submitted to competitive bidding or not exceeding an aggregate of two hundred and fifty dollars in any one year. The lowest and best bid shall be accepted or all bids will be rejected. If the lowest bid is not accepted as being the best, such rejection must be approved by the Council. Provisions in this section shall not apply to professional or technical services, or services of regulated public utilities or other governmental agencies. All invitations to bid shall require bidders to meet the requirements of State Statutes regarding preference of State products. (Sec. 97; amd. Ord. 26, Series of 1983)

Sec. 98. Local Purchases.

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

Sec. 99. Property Identification.

Unless otherwise provided by ordinance, the purchasing officer shall require all nonexpendable City property to be marked with identification or number to prevent misuse thereof, and shall cause all automobiles, trucks and movable road and street machinery to be marked by conspicuous means with the term "City of Littleton". It shall be unlawful for any unauthorized person to have City property in his possession at any time; the use of City property for unauthorized private purposes is hereby prohibited.

Sec. 100. Capital Improvements.

Bids in excess of five thousand dollars (\$5,000.00), except work performed directly by the City using City employees, shall be contracted for as follows:

A. On the basis of specifications properly submitted and approved, the purchasing officer shall advertise for and receive sealed bids for the public work or improvement and on closing of bidding shall open bids, tabulate same, and present the results with recommendations to the City Manager.

B. The Council shall have final approval of the lowest and best bid or all bids must be rejected. If no satisfactory bids are received, or for other reasons deemed expedient to the Council, contracts for

public works or improvements may be negotiated, provided that contracts for which no competitive bids have been requested shall be invalid unless accepted by an ordinance that shall declare the reason for exception to the competitive bidding requirement. (Sec. 100; amd. Ord. 25, Series of 1979)

Sec. 101. Sales.

The purchasing officer shall advertise for bids to dispose of any surplus, junk or articles of value no longer of use to the City. If the bids are disadvantageous to the City, the purchasing officer may reject any or all bids. If no bids are received for said articles, he may dispose of them to the best advantage of the City.

Sec. 102. Emergency Procurements.

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

Sec. 103. Contracts for Service.

No contract for service shall be made by the City for a period longer than two years, unless authorized by an ordinance that shall not be an emergency ordinance.

ARTICLE XI. FIRE, POLICE, AND HEALTH SERVICES

Sec. 104. Provision for Services.

The Council shall provide by ordinance fire, police and health services for the preservation of the rights of persons and for the preservation of public and private property, health, peace and safety. These functions shall include the enforcement of the laws of the State and the ordinances of the City, the prevention of crime and the apprehension of criminals.

In a separate ordinance, the Council shall, for so long as it deems necessary, provide for the formation and operation of a volunteer fire department. Such ordinance shall clearly define the authorities, duties and responsibilities of the department; provided however, that such ordinance shall not in any manner restrict the authority of the City Manager over any paid employees or property of the City.

ARTICLE XII. PARKS AND RECREATION

Sec. 105. Services Provided.

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

ARTICLE XIII. CITY OWNED UTILITIES

Sec. 106. Authority and Powers. (Amended 1969; Election of 11-5-1991)

The City shall have and exercise with regard to City owned utilities, including water and water rights and the acquisition thereof and bonded indebtedness in connection therewith, all of the authority and powers provided by the Statutes of the State of Colorado, including those hereinafter established by act of the Legislature. In addition, the City shall have the power to exchange water rights owned by it for other water rights owned by other persons, associations, corporations, municipalities, or quasi-municipal bodies. No water rights or physical assets of the waterworks and distribution system or sewer plant and collection system shall be sold or otherwise disposed of without a vote of the registered electors of the City.

The provisions of this section shall not apply to the sale or exchange of any equipment which may be worn out or useless, or which could with advantage to the service be replaced by new or improved machinery or equipment.

The City Council shall have the power to approve and authorize by resolution the entry into a contract or contracts with the Denver Board of Water Commissioners under the terms of which water customers of Littleton shall receive water service from the Denver Board of Water Commissioners, and Littleton shall sell, transfer, assign and convey to the Denver Board of Water Commissioners its water rights, real estate, personal property, rights under contracts and other physical assets of the water utility.

Sec. 107. Administration.

Except as otherwise provided by ordinance, the City Manager shall have administrative charge over the collection and distribution facilities of the water and sewer systems and all physical properties in connection therewith. Such duties shall consist of:

Operating the municipal waterworks, sewer systems and other City-owned utilities;

Meter reading, billing and collecting of charges for water, sewer and other services;

Keeping all records in connection with all such physical facilities;

Designing and supervising construction, maintenance, repair and replacement of all such physical facilities; and

Enforcing all rules and regulations in connection with such services.

Sec. 108. Rates.

The Council shall have the power and duty by ordinance to establish rates for connection fees and services provided by City-owned utilities in and outside the City.

Sec. 109. Sale of Water or Water Services.

The Council shall have the power to enter into temporary contracts for sale of water or water services in and outside the City whenever it determines that the available water supply exceeds that necessary for the present needs of the inhabitants of the City. Said contracts for water and water services shall be for periods not exceeding one year and subject to the present and future needs and requirements of the City and its inhabitants.

Sec. 110. Sale of Sewer Services.

The Council shall have the power to enter into temporary contracts for sale of sewer services in and outside the City. Contracts for sewer services shall be subject to periodic renegotiation upon terms and conditions that assure the capacity of the sewage treatment plant for the use of the inhabitants of the City.

ARTICLE XIV. FRANCHISES AND PUBLIC UTILITIES

Sec. 111. Generally.

The term "public utility" or "public utility corporation" in this Charter shall mean any person, firm or corporation operating gas or electric light systems, telephone, telegraph or other communication systems, pay television systems, water, sewer or heating systems or transportation systems, serving or supplying the public.

The term shall not include:

Any person, firm or corporation owning or operating side tracks or switches for the accommodation of manufacturing plants and business houses;

Private telephone lines; and

Municipally owned utilities.

Sec. 112. Present Franchises.

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

Sec. 113. Franchises Granted by Ordinance. (Amended 1987)

No franchise shall be granted except by ordinance. No exclusive franchise shall ever be granted.

Sec. 114. Book of Record.

The Council shall cause to be kept in the office of the City Clerk an indexed franchise record containing copies of all public utility franchises heretofore or hereafter granted. The index shall give the name of the grantee and any assignees. The record shall be a complete history, which shall be open to the public, of all such franchises and shall include a comprehensive and convenient reference

to all legal actions affecting the same, and copies of all annual and inspection reports and such other matters of information and public interest as the Council may require.

Sec. 115. Term; Compensation; Restrictions.

No franchise shall be granted for a period longer than twenty-five years. No franchise shall be granted without reserving to the City such fair fee arising from the use thereof as shall be fixed in the grant of said franchise. This compensation shall not exempt the grantee or his assignees from any lawful assessment upon his property or from any other tax not related to the franchise privilege or pertaining to the physical operation thereof, but shall exempt the grantee or his assignees from any occupancy tax, license tax, permit charge, inspection fee, or similar tax on the privilege of doing business or in connection with the physical operation thereof as shall be fixed in the grant of any franchise.

The franchise fee established by ordinance shall be paid as provided and be subject to mutual periodic renegotiation. Failure to pay such fee shall result in forfeiture of franchise at the option of the Council.

Sec. 116. Railroad Tracks and Crossings.

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

Sec. 117. Revocable Licenses.

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

Sec. 118. Revocable Permits.

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

Sec. 119. Extension of Territory. (Amended, Election of 11-5-1991)

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

Sec. 120. Condemnation or Purchase.

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

Sec. 121. Assignment.

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

ARTICLE XV. CAREER SERVICE SYSTEM

Sec. 122. Enabling Act. (Amended, Election of 11-5-1991)

The Council may create, by ordinance submitted to a vote of the registered electors at a special or general municipal election, a career service system. Until such time as a career service may be established, the City Manager must file a memorandum with the Council setting forth the facts regarding the discharge or transfer of any City employee who has been in the employ of the City for one year or longer.

ARTICLE XVI. TRANSITIONAL PROVISIONS

(Amended, Election of 11-5-1991)

CERTIFICATE OF ADOPTION

We, the undersigned, present members of the Littleton Charter Convention, duly elected by the people of Littleton, Colorado, at a special election held on April 21, 1959, under authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Littleton, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Convention on the 22nd day of June 1959, for submission to the people of Littleton at a special election to be held July 28, 1959.

Done in triplicate at Littleton, Colorado, this 22nd day of June, 1959.

Dallas L. Cook, President
Norman H. Granes, Vice President
Elna Nickels, Executive Secretary

Harry W. Bowles	Enos D. Elkins
A.B. Chapman	Rudolph C. Hornsten
Everett L. Dawson	Howard W. Kinkel
Harold V. DeCoster	William Kostka
Kenneth O. Laird	Harvey A. Tatum, Jr.
Maybeth D. Lane	Jack O. Thomas
Rudolph Lemcke	Ulva C. Thomas
Fred H. Olmstead	Kenneth H. Vaughan
S.M. Polkinghorn	Houstoun Waring