Preamble

We, the people of the Town of Erie, Colorado, in order to establish a more effective and responsive government, to promote the general welfare, and to secure the blessings of liberty for ourselves and future generations, do ordain and establish this Home Rule Charter.

We recognize that Erie's history, character, and resources require a government that is dedicated to local control, sustainability, and the preservation of our natural environment. We affirm the rights of all residents to participate in the decisions that affect their lives, and we seek to promote transparency, accountability, and good governance at all levels.

We pledge to uphold the principles of democracy, equity, and justice, and to foster a community that is inclusive, diverse, and welcoming to all. We value the contributions of our residents, businesses, and institutions, and we seek to promote economic growth and opportunity while preserving the quality of life that makes Erie a desirable place to live.

In order to achieve these goals, we adopt this Home Rule Charter as a framework for local governance, and we commit ourselves to its execution for the betterment of our community and the well-being of all who call Erie home.

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Article 1
General Provisions

1.01 Name and Boundaries.

The municipal corporation heretofore existing as the Town of Erie, located in Boulder and Weld Counties, State of Colorado, shall remain and continue a body politic and corporate and under this Charter shall be known as the Town of Erie, with boundaries the same as presently established, until changed in a manner authorized by law.

1.02 Form of Government.

The municipal government established by this Charter shall be a Council/Manager form of government. Pursuant to the Charter provisions and subject only to limitations imposed by the Constitution of the State of Colorado, all powers shall be vested in an elected Town Council, which shall enact local legislation, adopt budgets, determine policies, and appoint the Town Manager who shall execute the laws and administer the Town government.

1.03 Authority.

(1) The Town shall have all the authority of local self-government, home rule, and all authority possible for a municipality to have under the Constitution and laws of the State of Colorado.

(2) The enumeration of any particular authority in this Charter shall in no way be deemed to limit or exclude the exercise of any authority.

(3) All authority shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as provided for by ordinance, resolution, or state statute.

1.04 Rights and Liabilities.

By the name of the Town of Erie, a municipal corporation, the Town shall have the following rights and liabilities:

(1) The right to perpetual succession;

(2) The right to own, possess, and hold all property, real and personal, heretofore owned, possessed, and held by the Town, and to manage and dispose of all trusts in any way connected therewith.

(3) The right to purchase or otherwise acquire property on which there are delinquent taxes or special assessments and to dispose of them in like manner as any other property;

(4) The right to succeed to all rights and liabilities of the Town;

(5) The right to acquire all benefits of the Town and to assume and pay all bonds, obligations, and indebtedness of the Town;

(6) The right to sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings;

(7) The right to purchase, lease, receive, hold, and enjoy, or sell and dispose of real and personal property;

(8) The right to establish and provide public works, public utilities, and other public services as permitted by law;

(9) The right to adopt, have, and use a common seal and alter the same;

(10) The right to adopt ordinances and resolutions on all matters unless otherwise prohibited by this Charter or by laws applicable to home rule municipal corporations in the State of Colorado; and

(11) The right to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Constitution of the State of Colorado and Title 31, Colorado Revised Statutes, and other applicable statutes, as amended.

Article 2
Elective Offices; Vacancies

2.01 Town Council and Mayor.

(1) The Town Council shall include a Mayor and six (6) Council Members. The positions of Mayor and Council Member are separate offices. As used in this Charter, "Town Council" includes the Mayor and all Council Members; the term "Council Member" excludes the Mayor.

(2) The Mayor shall be elected at large by the registered electors of the Town. Six (6) Council Members shall be elected from three (3) Town districts; two (2) each from their respective district.

(3) The Mayor and all Council Members shall be elected to serve four (4) year terms unless a two (2) year term is required to restore staggered positions on the Town Council or within a district. In such case, the four (4) year term(s) shall go

to the candidate(s) with the highest number of votes, and the two (2) year term(s) shall go to the candidate(s) with the next highest number of votes.

(4) No elected Mayor or Council Member shall serve more than two (2) consecutive terms in one office. Terms are not consecutive if they are at least four (4) years apart or are for separate offices. For the purposes of this limitation, any term to which an individual is appointed does not count as a term.

(5) Nomination requirement. Candidates for Mayor are required to obtain fifty (50) valid signatures on their candidate nomination petitions. Candidates for Council Member are required to obtain twenty-five (25) valid signatures from within their district.

2.02 Mayor.

The Mayor shall be the presiding officer of the Town Council and the recognized head of the Town government for all legal and ceremonial purposes. The Mayor, or anyone acting as Mayor, shall have the following duties, authorities, and responsibilities:

(1) To vote in the same manner as a Council Member without veto power upon any question;

(2) To sign all contracts binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring their signature except as may be delegated by ordinance to the Town Manager or as otherwise provided by ordinance and attested by the Town Clerk under the seal of the Town; and

(3) To have such other authority as may be conferred upon the Mayor by this Charter and the Town Council, so long as that grant of authority is not in conflict with the provisions of this Charter.

2.03 Council Districts.

(1) The Town shall be divided into three (3) districts by ordinance to recognize general election precincts and to establish contiguous and compact districts with due consideration given to equal representation and communities of interest.

(2) Changes in the boundaries of districts may be made by ordinance, when needed to maintain general election precincts, contiguous and compact districts, equal representation, or communities of interest. Such changes shall be made after considering recommendations from an independent expert with experience in the field of redistricting who is unaffiliated with the Town of Erie. Redistricting shall not result in minority vote dilution or political gerrymandering.

(3) As a minimum requirement, the boundaries of each district shall be considered every ten (10) years following the release of each federal census to confirm compliance with the requirements of this Article. All districts shall have approximately the same population, as determined by the federal census. Changes in the boundaries of districts shall be made by ordinance if the population in any district varies from any other district by more than ten percent (10%).

(4) District changes shall apply for purposes of any regular or special municipal election only if the ordinance approving the changes is effective at least one hundred and eighty (180) days prior to any such election.

(5) Territory added to the Town shall become a part of one or more of the districts, as may be determined by ordinance.

(6) Except as set forth in Article 16 of this Charter, the change in the boundary of any district shall not disqualify any Council Member from office before the expiration of the term for which the Council Member was elected or appointed.

2.04 Authority of the Town Council.

(1) The Town Council shall have the following authority:

(a) To enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare, and property;

(b) To declare, prevent, and summarily abate and remove nuisances in accordance with due process;

(c) To create, consolidate, or dissolve any Town department by ordinance;

(d) To preserve and enforce good government, general welfare, order, and security of the Town and the inhabitants thereof;

(e) To enforce ordinances and regulations by fines or imprisonment as permitted by state law, or by both fines and imprisonment for each and every offense; and

(f) To delegate to boards and commissions, within the limitations of the Constitution of the State of Colorado and this Charter, such functions and authority of the Town as the Town Council deems proper and advisable.

(2) The Town Council shall deal with the administrative service solely and directly through the Town Manager. Neither the Mayor, nor any Council Member, shall dictate the appointment of, direct, or interfere with the work of any employee under the Town Manager.

(3) The Town Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town.

2.05 Qualifications to Serve on Town Council.

(1) No person shall be eligible to be elected or appointed to the Town Council, or to remain seated on the Town Council, unless they are:

(a) A citizen of the United States of America;

(b) A registered elector of the Town of Erie;

(c) A resident of the Town for a period of no less than twelve (12) consecutive months preceding the election, and for a district office, a resident of the district in which they are running for a period of no less than twelve (12) consecutive months preceding the election; and

(d) Currently eligible to vote in the State of Colorado general elections.

(2) Any person who has been convicted of any of the following offenses is ineligible to serve on Town Council: embezzlement of public moneys, bribery, perjury, solicitation of bribery, or subornation of perjury. If a person is convicted of one or more of the named offenses after the person's election or appointment to the Town Council, the office shall be declared vacant effective on the date of the conviction. For purposes of this Section, a conviction includes being found guilty of, a plea of guilty to, a plea of no contest or nolo contendere to, or the receipt of a deferred judgment or deferred sentence for, any of the named offenses but does not include any conviction for which the records have been ordered expunged or sealed.

(3) No person who is an employee of the Town or a Town board or commission member may also serve on the Town Council. Any Town employee or board or commission member elected or appointed to the Town Council shall be deemed to have resigned as an employee or board or commission member on the date of taking office on the Town Council.

(a) No person may be a candidate for more than one Town office in the same election. Except as permitted by the Urban Renewal Law, C.R.S. § 31-25-101, *et seq.*, as amended, no person may simultaneously hold two (2) positions as a state or local government official, as those terms are defined in Title 24, Article 18, C.R.S., as amended.

(b) A person may be a candidate for one Town office while serving in another Town office and, if not elected, may serve out their existing term.

(4) The Mayor and each Council Member shall continue to meet the requirements of this Section throughout their term of office.

(5) The Town Clerk shall be the judge of all qualifications for candidates for Town Council, except as otherwise provided by ordinance.

2.06 Town Council Vacancies.

Town Council has the authority, by appointment, to fill vacancies on the Town Council as follows. A person so appointed shall hold office only until a successor chosen by the electors at the next regular municipal election duly takes office.

(1) A vacancy occurs when the Mayor or a Council Member submits their resignation in writing to the Town Clerk, when there is an insufficient number of candidates at an election, or at such time as the Mayor or a Council Member fails to meet the requirements to hold office.

(2) At the first Town Council meeting following receipt of such resignation, following an election with an insufficient number of candidates, or following the circumstances that disqualify the Mayor or Council Member from holding office, Town Council shall declare a vacancy.

(3) Vacancy in the office of Mayor.

(a) If a vacancy in the office of Mayor is declared the Mayor Pro Tem shall automatically assume the role of Mayor until a successor Mayor is chosen by the electors at the next regular municipal election.

(b) If the Mayor Pro Tem accedes to the office of Mayor, the Town Council shall declare a Council Member vacancy in the Council district of the new Mayor, and a replacement Mayor Pro Tem shall be elected by the Town Council from its own membership.

(4) Vacancy in the office of Council Member.

(a) If a vacancy in the office of Council Member is declared on or after the May 1st immediately preceding the next regular municipal election, the seat shall remain vacant until a successor chosen by the electors at the next regular municipal election duly takes office.

(b) If a vacancy in the office of Council Member is declared prior to the May 1st immediately preceding the next regular municipal election, within sixty (60) days after the Town Council's declaration of the vacancy, a majority of the Town Council shall act to make an appointment to fill the vacancy, as defined below.

(i) If the vacancy will be filled by appointment, the person appointed shall be the first unsuccessful candidate from the previous municipal election for the office in which the vacancy exists, according to the tally of votes cast for the office of Council Member within the applicable district in that election, so long as that candidate received at least ten percent (10%) of the votes cast for the office of Council Member within the applicable district and remains qualified to hold the office. If that person is no longer qualified, fails or refuses to accept the appointment, the Town Council shall move down the list of unsuccessful candidates to the next highest vote-getter until all prior candidates have been exhausted.

(ii) The appointed term shall expire at the next regular municipal election so that the appointee serves only until a replacement has been elected by the electors.

(iii) If no unsuccessful candidate received at least ten percent (10%) of the votes cast for the office of Council Member in the applicable district or if no unsuccessful candidate is qualified and willing to accept appointment, Town Council shall order a special election.

(c) If a special election is ordered, it shall be held as soon as practical.

(d) A Council Member elected by special election to fill a vacancy is elected to complete the vacated term.

(5) If three (3) or more vacancies have been declared, and exist at the same time, or if both Council Member seats from the same Council district are declared vacant at the same time, a special election is required. The special election shall be held as soon as practical to fill all vacancies.

2.07 Mayor Pro Tem and Acting Mayor.

(1) A Mayor Pro Tem shall be elected by the Town Council from its own membership at the first regular Town Council meeting in the new year following certification of the regular municipal election results. The Mayor Pro Tem shall serve until a replacement is selected in the same manner following the next regular municipal election. The Mayor Pro Tem shall act as Mayor during the absence of the Mayor.

(2) In the event both the Mayor and the Mayor Pro Tem are absent, the Town Council shall designate another Council Member to serve as Acting Mayor during such absence.

(3) Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all authority granted herein to Council Members and may, at the conclusion of their service as Mayor Pro Tem or Acting Mayor, serve out the remainder of their original term.

2.08 Compensation of Mayor and Council Members.

(1) The Mayor and Council Members shall receive such compensation as the Town Council shall by ordinance prescribe.

(2) The Town Council shall neither increase nor decrease the compensation of the Mayor or any Council Member during their term of office.

(3) The Mayor and Council Members may, upon order of the Town Council, be paid such necessary *bona fide* expenses incurred in service on behalf of the Town as are authorized by the Town Council.

Article 3
Ethics

3.01 Code of Conduct and Ethics.

The Town Council shall adopt and maintain by ordinance a Code of Conduct and Ethics, which shall address Town Council conflicts of interest and behavior. The adopted Code of Conduct and Ethics shall specify an enforcement mechanism, including penalties, for violations of this Charter.

Article 4
Meetings, Executive Sessions, and Emergency Powers

4.01 Oath of Office.

Before entering upon the duties of the office of Mayor or Council Member, every person shall take, subscribe before, and file with the Town Clerk the following an oath or affirmation:

> I, (name), swear (or affirm), that I will support the Constitution of the United States, the Constitution of the State of Colorado, the Charter, and the ordinances of the Town of Erie, and will faithfully perform the duties of my office.

4.02 Voting.

(1) For the consideration of ordinances appropriating funds, for emergency ordinances, and when requested by a Council Member a roll call vote shall be taken and entered upon the minutes of the Council proceedings. At all other times, a voice vote is permitted, and the outcome of a voice vote shall be announced.

(2) To be adopted, every non-emergency ordinance shall require the affirmative vote of a majority of the Town Council present, and every emergency ordinance shall require a two-thirds (2/3) affirmative vote by the Town Council then in office.

(3) To be adopted, every resolution and motion shall require the affirmative vote of a majority of the Town Council present.

(4) Every Council Member present and the Mayor, if present, shall vote on every matter unless the Council Member or the Mayor is excused from voting due to a conflict of interest. If a Council Member or the Mayor refuses to vote without being excused, the Town Clerk shall consider the refusal as an affirmative vote.

4.03 Town Council Meetings.

(1) The Town Council shall meet regularly at least once each month, unless increased by ordinance, at a day, hour, and place fixed by the Town Council.

(2) Four (4) members of the Town Council shall constitute a quorum, but, in the absence of a quorum, a lesser number may continue any meeting or hearing to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting.

(3) All regular and special meetings of the Town Council shall be open to the public and the public shall have a reasonable opportunity to be heard. Written minutes of the proceedings of each meeting shall be kept by the Town Clerk and signed by the Mayor.

4.04 Special Meetings.

(1) Special meetings of the Town Council shall be called by the Town Clerk on the verbal request of a majority of the entire Council or by the Mayor, with at least twenty-four (24) hours' notice provided to each Council Member.

(2) Written notices of any special meeting and the topic of any special meeting shall be posted consistent with the posting of notice for regular Council meetings. No business shall be transacted at any special meeting of the Town Council unless such business has been stated in the notice of such meeting.

4.05 Executive Sessions.

(1) Any Town Council meeting may be recessed into an executive session by the affirmative vote of two-thirds (2/3) of the Town Council present and may be closed to the public for the purpose of considering any of the following matters:

(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest;

(b) Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions;

(c) Matters required to be kept confidential by federal or state law or rules and regulations. The Town Council shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session;

(d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators;

(f) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting;

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended; or

(h) Any other matter authorized by the Colorado Open Meetings Law, C.R.S. § 24-6-401*, et seq.*, as amended.

(2) The general subject matter of every executive session shall be stated in the motion calling for the session unless doing so would compromise the purpose of the executive session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any executive session.

(3) Members of the Town Council, the Town Manager, and the Town Attorney may attend executive sessions, as well as other relevant people as the Town Council may invite.

(4) The provisions of this Section are specifically intended to supersede any conflicting provisions of Colorado statutes governing open meetings and executive sessions.

4.06 Emergency Powers.

In case of emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life and property.

(1) Such authority shall include without limitation, establishing regulations, governing conduct, and activities related to the cause of the emergency. If the emergency situation continues, the Mayor shall convene the Town Council as soon as practical so that Town Council, as a whole, may take such action as it deems necessary.

(2) Any unilateral action taken by the Mayor during an emergency shall be temporary in nature and duration. Such action shall be effective only until it is safe and reasonable for the Town Council to convene to ratify the action.

(3) In the event it becomes necessary, the line of succession provided in this Charter shall be followed. The Town Council shall have the authority to provide for the continuity of government of the Town in the event of disaster. Such authority shall be employed in a manner that will preserve representative government to the Town and that will provide an orderly line of succession, as set forth below.

(4) The Town's line of succession shall commence with the Mayor, then the Mayor Pro Tem, and shall then revert to Council Members, in order of their seniority, followed by the Town Manager and then through the Town Manager's order of succession of Town staff, as referenced in Section 8.01(2)(e) herein.

Article 5
Elections

5.01 Election Laws.

Town elections shall be governed by the Colorado Municipal Election Code of 1965, C.R.S. § 31-10-101, *et seq.*, as amended, except as otherwise provided in this Charter or by ordinance.

5.02 Types of Elections.

(1) Regular municipal elections shall be held on the Tuesday following the first Monday in November of each even-numbered year.

(2) The Mayor and each Council Member shall take office at the first regular meeting of the Town Council in the new year following certification of the election and shall continue in office until their successors have been elected and take office.

(3) Special Town elections shall be held in accordance with the provisions of this Charter and the Colorado Municipal Election Laws as amended, except as otherwise provided in this Charter or by ordinance hereafter enacted. Any special Town election may be called by resolution of the Council not less than forty-five (45) days in advance of such election or when required by this Charter or by statute. The resolution calling a special Town election shall set forth the purposes of such election.

5.03 Nonpartisan Elections.

All municipal elections shall be nonpartisan.

5.04 Campaign Finance.

The Town Council shall adopt and maintain by ordinance local campaign finance regulations that address the matters covered by Article XXVIII of the Constitution of the State of Colorado and the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, as amended. Such ordinance shall control as to local election matters instead of Article XXVIII of the Constitution of the State of Colorado and the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, as amended. The local campaign finance regulations shall require timely disclosure of all campaign contributions and spending.

Article 6
Ordinances

6.01 Action by Ordinance Required.

In addition to such acts of the Town Council that are required by other provisions of this Charter to be by ordinance, every act creating indebtedness, authorizing borrowing of money, levying a tax subject to voter approval in compliance with Section 12.01 of this Charter, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. However, this Section shall not apply to the budget adoption or other appropriations as defined in Section 13.05 of this Charter.

6.02 Form of Ordinance.

Every ordinance shall be introduced in written or printed form. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not. The enacting clause of all ordinances shall be:

> Now, Therefore, be it Ordained by the Town Council of the Town of Erie, Colorado.

6.03 Adoption Procedure for Ordinances.

With the exception of emergency ordinances, the following procedure shall be followed in adopting any ordinance:

(1) The ordinance shall be introduced at a regular or special meeting of the Council and read by title;

(2) If required by law, the Town Council shall conduct a public hearing on the ordinance;

(3) After the public hearing, if applicable, and any discussion or deliberation, the Town Council shall vote to amend, adopt, or reject the ordinance, or take other action as it deems appropriate;

(4) If the ordinance is adopted by the Town Council, either as presented or as amended, it shall be published and available for public inspection;

(5) The method of official Town publication of ordinances shall be set by ordinance;

(6) Each ordinance shall be effective ten (10) days after publication or at such later date as specified in the ordinance; and

(7) Each ordinance shall be signed by the Mayor and attested to by the Town Clerk, and affidavits of publication shall be retained with the ordinance in the Town's records.

6.04 Emergency Ordinances.

(1) The Town Council may adopt an emergency ordinance, if necessary, for the immediate preservation of public property, health, welfare, peace, or safety. Determination by the Town Council as to the existence of an emergency shall be final and conclusive.

(2) Emergency ordinances shall also meet the following criteria:

(a) The facts determining the emergency shall be specifically stated in the ordinance; and

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

(3) An emergency ordinance may be introduced and adopted at any regular or special meeting. Approval of an emergency ordinance requires a two-thirds (2/3) affirmative vote by the Town Council then in office. An emergency ordinance shall take effect upon adoption. Following adoption, an emergency ordinance shall be published in full.

6.05 Codification.

(1) The Town Council shall cause the ordinances of a general and permanent character to be codified and thereafter maintained in current form.

(2) Any ordinance that is not of a general and permanent character shall not be codified.

6.06 Adoption of Codes by Reference.

The Town Council, by ordinance, may adopt by reference any code published by the federal government, State of Colorado, or by any agency of either of them, or by any municipality, or by recognized trade or professional organizations, or amendments or revisions thereof. The procedure of adoption of a code by reference shall be as provided in the Colorado Revised Statutes applicable to the adoption of codes by reference, as amended.

6.07 Public Records.

Notwithstanding subsequent changes to state law that may limit or reduce public access to public records, all public records of the Town shall be open for inspection by any person at reasonable times at a minimum in accordance with the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, in effect as of the effective date of this Charter.

6.08 Fines and Penalties for Ordinance Violations.

Penalties for the violation of Town ordinances shall be established by ordinance.

Article 7
Initiative, Referendum, and Recall

7.01 Initiative.

(1) The initiative power, reserved by Article V, Section 1(9) of the Constitution of the State of Colorado, is hereby extended to the registered electors of the Town as to that Town legislation that is subject to the initiative power reserved in said Constitution.

(2) Procedures for initiative shall be governed by the Constitution of the State of Colorado and the Colorado Revised Statutes, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(3) An initiative petition shall be signed by registered electors of the Town equal in number to at least five percent (5%) of the total number of registered electors of the Town as of the date of filing the petition.

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

(5) A complete initiative petition shall be filed within one hundred eighty (180) days of the Town Clerk's approval of the form of petition.

7.02 Referendum.

(1) The referendum power, reserved by Article V, Section 1(9), of the Constitution of the State of Colorado, is hereby extended to the registered electors of the Town as to those ordinances that are subject to the referendum power reserved in said Constitution.

(2) Procedures for referendum shall be governed by the Colorado Revised Statutes, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(3) Ordinances addressing budgets, capital programs, appropriations, levies of taxes, special elections, and salaries or terms of employment of Town officers or employees are not subject to referendum. Emergency ordinances adopted pursuant to this Charter are not subject to referendum.

(4) A referendum petition shall be signed by registered electors of the Town equal in number to at least five percent (5%) of the total number of registered electors of the Town as of the final date of publication of the ordinance at issue.

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

(6) Complete referendum petitions must be filed within forty-five (45) days after adoption by the Town Council of the ordinance sought to be reconsidered.

(7) When a valid referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall remain in effect until such time as:

(a) The Town Council, at its discretion, suspends the ordinance pending an election;

(b) A majority of the registered electors voting on the ordinance vote against the ordinance at an election held for that purpose; or

(c) A court order reverses the ordinance.

7.03 Petition Committee.

Any two (2) registered electors of the Town may commence initiative or referendum proceedings by filing with the Town Clerk during regular business hours an affidavit stating the following:

(1) The ordinance subject to the referendum or initiative petition;

(2) They will constitute the Petition Committee; and

(3) Their names and mailing address to which all notices to the Petition Committee are to be sent.

7.04 Form and Content of Petitions.

(1) The petition shall set out in full the proposed initiative or cite the ordinance sought to be reconsidered. All pages of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each entry shall be executed in a permanent and verifiable manner with a signature and shall include the full name, street address of the person signing, and date of signature. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or proposed Charter amendment sought to be considered.

(2) The form of petition shall be submitted to the Town Clerk, during regular business hours, for review and approval. The Town Clerk shall approve or reject the form of the petition no later than five (5) business days following the date on which the Town Clerk received the petition for review. If rejected, the Town Clerk shall state the basis for rejection.

7.05 Affidavit of Circulator.

Each page of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating the following:

(1) The affiant's name, address, and the date the affiant signed the affidavit;

(2) That the affiant has read and understands the laws governing the circulation of petitions;

(3) That the affiant was eighteen (18) years of age or older at the time of circulating the petition;

(4) That the affiant personally circulated the petition;

(5) That all signatures were affixed in their presence;

(6) That the affiant believes the signatures to be the genuine signatures of the persons whose name they purport to be;

(7) That, to the best of affiant's knowledge, all signatures are of persons who are registered electors of the Town of Erie; and

(8) That the affiant has not paid or will not in the future pay, and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

7.06 Procedure After Filing.

Within thirty (30) days after a petition is filed, the Town Clerk shall complete a certificate as to its sufficiency and as to the validity of the signatures thereon, specifying if it is insufficient the particulars wherein it is defective. The Town Clerk shall promptly send by mail a copy of the certificate to the Petition Committee.

7.07 Action by Town Council.

When an initiative or referendum petition has been finally determined sufficient, the Town Council shall, within thirty (30) days, either:

(1) Adopt the ordinance as submitted by the initiative petition;

(2) Repeal the ordinance, or part thereof, subject to the referendum petition; or

(3) Submit the proposal provided for in the petition to the registered electors of the Town; provided, however, the Town Council shall have power to change the detailed language of any proposed initiated ordinance and to affix the title thereto without changing the meaning of the initiated ordinance.

7.08 Results of Election.

(1) Initiative. If a majority of the registered electors voting on a proposed initiated ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) Referendum. If a majority of registered electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

(3) Amendment or repeal. An ordinance adopted by the electorate may not be amended or repealed for the period of one hundred eighty (180) days after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one hundred eighty (180) days after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Article, or if submitted to the electorate by the Town Council on its own motion. A proposed ordinance or proposed Charter amendment that fails at the election held to consider it shall not be refiled as an initiative petition for at least one hundred eighty (180) days after the election held to consider said ordinance or Charter amendment.

7.09 Town Council Referral.

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

7.10 Withdrawal of Petition.

No initiative or referendum petition may be withdrawn once it has been certified as sufficient by the Town Clerk.

7.11 Recall.

(1) A petition to recall the Mayor or any Council Member may be filed at any time after the Mayor or Council Member has been in office for one hundred eighty (180) days, pursuant to C.R.S. § 31-4-501, *et seq.*, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(2) A recall petition must be presented to the Town Clerk for review and approval as to form. A recall petition must be submitted by a registered elector of the Town entitled to vote for a successor of the incumbent(s) sought to be recalled. The petition shall name not less than three (3) and not more than five (5) registered electors who are qualified to vote for a successor of the officer(s) sought to be recalled who shall represent the recall effort and specify a mailing address where notices related to the petition shall be sent.

(3) The recall petition shall include a statement in not more than two hundred (200) words of the grounds on which the recall is sought.

(4) No recall petition shall be circulated until approved as to form by the Town Clerk. The Town Clerk shall approve or disapprove the form of the petition by the close of the third business day following submission of the proposed petition. If a recall petition is disapproved as to form, the Town Clerk shall state the basis for disapproval. On the day that any such petition is approved as to form, the Town Clerk shall mail notice of such approval to the person sought to be recalled.

(5) A recall petition shall be signed by registered electors of the Town entitled to vote for a successor of the incumbent sought to be recalled. Each entry shall be executed in a permanent and verifiable manner with a signature and shall include the full name, street address of the person signing, and date of signature.

(6) The signers shall number at least twenty-five percent (25%) of the entire vote cast in the last preceding regular municipal election for all candidates for the particular office occupied by the incumbent sought to be recalled, specific to the incumbent's district, if applicable, such entire vote being divided by the number of all officers elected to such office at the last preceding regular election.

(7) The Town Clerk shall not count, as valid, any signature on a recall petition if more than thirty (30) days have elapsed between the date the petition was approved by the Town Clerk and the date of the signature.

(8) The signed recall petition shall be submitted to the Town Clerk during regular business hours. The Town Clerk shall issue a statement to the mailing address provided by the Petition Committee and the incumbent of the number of valid signatures and whether the recall petition is sufficient or insufficient by the close of business on the fifth business day after the petition is filed.

(9) Written protests to the sufficiency of a petition may be filed by registered electors of the Town within fifteen (15) days after the filing of the petition. Protests shall be processed in accordance with the Colorado Revised Statutes, as amended.

(10) If a recall petition is determined sufficient, the Town Clerk shall submit it to the Town Council at the first regular meeting of the Town Council following final determination of petition sufficiency.

(11) The recall election shall be held not less than forty-five (45) days nor more than ninety (90) days from the date of the determination of sufficiency of the petition. However, if a regular municipal or statewide election is scheduled to be held within one hundred eighty (180) days after submission of a recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular municipal or statewide election.

(12) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which they were elected or appointed unless the signers number at least fifty percent (50%) of the number of votes cast for that office in the last preceding regular municipal election.

Article 8
Town Officers

8.01 Town Manager.

The Town Manager shall be appointed to the position by a majority vote of the Town Council members then in office. The Town Manager shall be the chief administrative officer of the Town and shall serve at the will of the Town Council. The Town Manager shall be chosen by the Town Council on the basis of executive and administrative qualifications, with particular emphasis on experience and training related to the duties of the office, and shall have the minimum qualifications, if any, as may be set by the Town Council by ordinance. No person holding or who has held Town elective office shall be hired as Town Manager during or within one (1) year after the end of the term of such elected official.

(1) At any regular or special meeting called for that purpose and subject to the Town Manager's employment agreement, if any, the Town Council may terminate the employment of the Town Manager by a majority vote of the Town Council members then in office. The action of the Town Council in removing the Town Manager shall be final, it being the intent to vest all authority and fix all responsibility for such removal in the Town Council.

(2) The Town Manager shall be responsible to and report directly to the Town Council on the proper administration of all affairs of the Town placed in the Town Manager's charge, and to that end the Town Manager shall have the powers and duties as set forth by the Town Council, by ordinance, including, but not limited to:

(a) Enforcing or supervising the enforcement of all laws of the Town;

(b) Hiring and supervising personnel, overseeing all aspects of Town functions and activities, and servicing contracts and departments that report to the Town Manager;

(c) Performing or supervising the performance of budget-related duties, accounting duties, financial and risk planning, and reporting and management;

(d) Reporting regularly to the Town Council on the functioning of all Town departments, services, activities, performance measures, and financial matters;

(e) Providing for Town Council approval a plan that specifies an order of succession of Town staff who may execute the Town Manager's duties and powers in instances when the Town Manager is temporarily unavailable;

(f) Hiring or retaining a chief financial officer who shall perform such duties as may be prescribed by the Town Manager;

(g) Hiring or retaining a Town Clerk who shall perform such duties as may be prescribed by the Town Manager; and

(h) Performing such other duties as set forth in the ordinances of the Town or by direction of the Town Council.

8.02 Town Attorney.

The Town Attorney shall be an attorney licensed to practice law in good standing in the State of Colorado who shall be appointed to and may be removed from the position by a majority vote of the Town Council members then in office.

(1) The Town Attorney shall serve at the will of the Town Council without a definite term at compensation fixed by resolution of the Town Council.

(2) The Town Attorney shall be responsible to the Town Council; shall formally report to the Town Council at least once annually, and more often upon the Town Council's request; and shall perform such duties as provided by ordinance.

8.03 Municipal Judge.

The Municipal Judge shall be an attorney licensed to practice law in good standing in the State of Colorado who shall be appointed to and may be removed from the position by a majority vote of the Town Council members then in office.

(1) The Municipal Judge shall be appointed to serve a definite term of one year at compensation fixed by resolution of the Town Council and may be reappointed for subsequent terms. Removal during a term shall be only for cause, as defined by Title 13, Article 10, of the Colorado Revised Statutes, as amended.

(2) Town Council may appoint such qualified assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification, or inability of the Municipal Judge to act.

(3) The Municipal Judge shall be responsible to the Town Council; shall formally report to Town Council at least once annually, and more often upon Town Council's request; and shall perform such duties as provided by ordinance.

8.04 Town Prosecutor.

The Town Prosecutor shall be an attorney licensed to practice law in good standing in the State of Colorado who shall be appointed to and may be removed from the position by a majority vote of the Town Council members then in office.

(1) The Town Prosecutor shall serve at the will of the Town Council without a definite term at compensation fixed by resolution of the Council.

(2) The Town Prosecutor shall be responsible to the Town Council; shall formally report to the Town Council at least once annually, and more often upon the Town Council's request; and shall perform such duties as provided by ordinance.

8.05 Town Clerk.

Town Clerk shall be hired by the Town Manager as an employee of the Town. The Town Clerk or designee shall attend all meetings of the Town Council, shall keep a permanent record of its proceedings, and shall have the following other duties and responsibilities:

(1) Be custodian of the Town Seal, affix it to all documents and instruments requiring the seal, and attest to the same;

(2) Be custodian of all papers, documents, and records pertaining to the Town, the custody of which is not otherwise provided for;

(3) Certify by their signature all ordinances and resolutions enacted or passed by the Town Council;

(4) Provide and maintain in the Town Clerk's office a supply of forms required to be filed with the Town as part of regular municipal elections by the provisions of this Charter, ordinance or state law;

(5) Review the sufficiency of all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. Yet, nothing contained herein shall require the Town Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Town Clerk;

(6) Administer oaths of office;

(7) Act as the Town's designated election official; and

(8) Perform such other duties as may be prescribed by this Charter, ordinance, state law, or the Town Manager.

Article 9
Municipal Court

9.01 Created.

(1) There shall be a Municipal Court that shall have non-exclusive jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the Town.

(2) The Town Council shall provide an adequate budget; a suitable place and all supplies and personnel, including a court administrator, necessary for the proper functioning of the Court; and shall ensure the independence of the judiciary.

(3) The Town Council shall provide by ordinance for the enforcement of its ordinances by fine or imprisonment.

(4) The Municipal Court shall be presided over by the Municipal Judge, who shall be appointed by the Council as provided by this Charter and state law.

(5) Administration of court operations shall be by the court administrator who shall be appointed by the Municipal Judge. Supervision of Municipal Court personnel shall be by the Town Manager or their designee. The Municipal Judge may serve as ex officio court administrator if the business of the court does not warrant a separate court administrator.

9.02 Powers.

(1) The powers of and the procedure in the Municipal Court and the manner of enforcement of its orders and judgments shall be as provided for by ordinance presently enacted or hereafter enacted. The Municipal Court shall be a qualified Municipal Court of record.

(2) The Municipal Court may provide for the granting of probation and the conditional suspension of sentences.

(3) The Municipal Court may order restitution as the Municipal Court deems appropriate.

Article 10
Boards and Commissions

10.01 Right to Establish, Amend, and Abolish.

(1) The Town Council may create any boards or commissions, including advisory and appeal boards, provided that no such board or commission shall have

authority to perform or interfere with functions or duties otherwise assigned in this Charter. Unless otherwise required by law or this Charter, all boards and commissions shall be created by ordinance, which shall prescribe the duties delegated by the Town Council and the qualification of members.

(2) Each board and commission shall elect its own chair and vice-chair from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by the Town Council. All board and commission meetings shall be open to the public and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Town Council as the Town Council shall require.

(3) The Town Council may increase, reduce, or change by ordinance any or all of the duties and procedures of any board or commission existing at the time of the effective date of this Charter or as created by ordinance thereafter.

(4) Any board or commission that is not required by statute or this Charter may be abolished by the Town Council at any time.

(5) Terms and conditions of appointment and composition of all boards and commissions shall be determined by ordinance. Appointment of a member to any board or commission shall require a majority vote of the Town Council members present. Removal of any member from a board or commission requires a two-thirds (2/3) affirmative vote by the Town Council then in office for removal, following notice and an opportunity to be heard.

10.02 Open Space and Trails Advisory Board.

The Town shall maintain the Open Space and Trails Advisory Board, which shall consist of the number of members that the Town Council specifies by ordinance. Eligibility to serve as a member shall be determined by ordinance, and members shall be appointed by the Town Council for overlapping terms of a length determined by ordinance. The Open Space and Trails Advisory Board shall advise the Town Council on the acquisition and use of open space, as described in Article 11 of this Charter.

10.03 Planning Commission.

The Town shall maintain a planning commission, which shall consist of the number of members that the Town Council specifies by ordinance. Eligibility to serve as a member shall be determined by ordinance, and members shall be appointed by the Town Council for overlapping terms of a length determined by ordinance. The planning commission shall exercise the functions and powers and perform the duties assigned to it by this Charter, state law, and the ordinances of the Town.

10.04 Board of Adjustment.

The Town shall maintain a board of adjustment, which shall consist of the number of members that the Town Council specifies by ordinance. Eligibility to serve as a member shall be determined by ordinance, and members shall be appointed by the Town Council for overlapping terms of a length determined by ordinance. The board of adjustment shall exercise the functions and powers and perform the duties assigned to it by this Charter, state law, and the ordinances of the Town.

Article 11
Open Space and Trails

11.01 Purpose.

The Open Space and Trails Advisory Board has the duty to advise the Town Council on matters regarding the acquisition, funding, preservation, and managing of open space and trails lands, including land that has been designated as open space pursuant to applicable zoning and land use documents and trails owned by the Town. The Open Space and Trails Advisory Board shall do so in a manner that:

(1) Is consistent with good stewardship and sound ecological principles for the preservation of open spaces and lands;

(2) Preserves and promotes cultural resources, agriculture, scenic vistas, and appropriate recreation activities; and

(3) Preserves and promotes native plants, native wildlife, and their habitats. As used in this Article, "native plants" means plant species that occur naturally in local habitats without direct or indirect human action, and "native wildlife" means animal species that occur naturally in local habitats without direct or indirect human action.

11.02 Designated Open Space.

(1) The Town shall establish and maintain an inventory of vacant land owned in whole or in part by the Town. The Town Council shall periodically review and determine, after considering the recommendations of the Open Space and Trails Advisory Board and Town staff, whether any such land shall be designated as open space.

(2) The Town shall provide and maintain an appropriate and distinct zoning or land use designation for all property designated as open space. With respect to any such land jointly owned by the Town and another government entity, the Town shall seek the consent of such government entity to designate the land as open space.

(3) No land designated by the Town as open space may be sold, rezoned, re-designated, or placed into any other land use category without prior voter approval.

11.03 Classification and Management of Open Space.

(1) Management of open space shall be the responsibility of the Town Parks and Recreation Department, or its successors department. Open space management plans and practices shall honor the purposes of this Article and shall be documented and maintained in the the Town Parks, Recreation, Open Space, and Trails Master Plan, or any such successor plan adopted by the Town Council, or by ordinance.

(2) In managing open space that is not within the exclusive control of the Town, the Town shall endeavor in good faith to manage such open space consistent with the purpose of this Article and the Town's adopted open space management standards. No substantive change in the use of such open space shall be approved by the Town without referral to and recommendation by the Open Space and Trails Advisory Board.

11.04 Purchase of Open Space.

(1) In addition to purchasing fee title to open space, to protect property from future development, the Town may purchase a conservation easement, which is a voluntary agreement between a landowner and the Town to place permanent restrictions on the use of a property.

(2) As required by Section 13.07 of this Charter, the Town shall maintain the Open Space and Trails Fund, which shall be used exclusively to purchase open space and conservation easements.

(3) Purchases of open space require approval of the Town Council.

(4) The Town may acquire open space and conservation easements by other means including, without limitation, development fees-in-lieu of dedication, conservation trust fund programs, grants, contributions, and land donations.

Article 12
Taxation

12.01 Power to Tax.

The Town shall have all powers of taxation available to municipalities in the Constitution of the State of Colorado or any other enabling law, and the Town must have voter approval in advance for the following:

(1) Any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain to the Town.

(2) Except for refinancing bonded debt at a lower interest rate or adding new employees to existing Town pension plans, creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years.

12.02 Certification of Tax Levy.

(1) As required by law, the Town Council shall fix the amount of tax levy that shall be assessed, if any, upon each dollar of assessed valuation of all taxable property within the incorporated limits of the Town, and the Town Council shall cause the same to be certified to Boulder and Weld Counties as required by law.

(2) If the Town Council fails in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as provided by law.

12.03 Expenditure of Revenues.

The Town shall be authorized to collect, retain, and expend all of the sales and use tax revenues and all revenues generated by the Town, subject only to those limitations previously approved by the voters, notwithstanding any limitation contained in Article X, Section 20, of the Constitution of the State of Colorado or any other law.

Article 13
Town Finances and Borrowing

13.01 Fiscal Year.

The fiscal year of the Town, and all of its agencies, shall begin on the first (1st) day of January and end on the thirty-first (31st) day of December of each year.

13.02 Annual Budget.

A proposed budget reflecting the needs and desires of the community for the ensuing fiscal year shall be delivered to the Town Council by the Town Manager on or before the fifteenth (15th) day of October of each year.

13.03 Budget Hearing.

(1) The Town Council shall hold a public hearing on the proposed budget on or before the thirtieth (30th) day of November of each year.

(2) Notice of the time and place of such hearing shall be published at least once seven (7) days prior to such hearing, and copies of the proposed budget shall be made available to the public by depositing them in the office of the Town Clerk.

(3) The Town Council may at any time before final adoption increase, decrease, add, or strike out any item in the budget.

13.04 Scope of Annual Budget.

(1) The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Town Manager deems desirable or the Town Council may require.

(2) In organizing the budget, the Town Manager shall use fund, department, revenue, and expenditure classifications and groupings consistent with generally accepted budgetary practices for municipal governments in keeping with guidelines published from time to time by the Government Finance Officers Association of the United States and Canada or its successor entity. The budget shall include a budget message from the Town Manager highlighting the key features of the budget. The budget shall lay out a clear plan for all the operations, programs, capital acquisitions, projects, and debt service payments of the Town.

(3) The budget shall display beginning fund balances, revenues and other sources of funds, expenditures and other uses of funds, transfers between funds, and ending fund balances for all governmental and proprietary funds of the Town,

as defined by the Governmental Accounting Standards Board or its successor entity. These displays shall include the actual, audited amounts for at least the immediately preceding year, the budgeted amounts for the current year, estimated amounts for the current year, and proposed amounts for the next fiscal year.

(a) Reasonable provisions for contingencies may be budgeted for any fund.

(b) The total of proposed expenditures, including contingencies, shall not exceed the total of beginning fund balances available plus revenues and other sources of funds for any fund.

13.05 Adoption of Budget and Appropriation.

(1) Not later than the fifteenth (15th) day of December of each calendar year, the Town Council shall adopt a resolution adopting the budget and a resolution adopting the annual appropriations. All such annual appropriations shall lapse at the end of each fiscal year.

(2) Budget records are public records that shall be available for public inspection.

(3) If the Town Council fails to adopt a budget by this date, the amounts appropriated for the operation of the various departments and areas of the Town during the prior fiscal year shall be deemed adopted for the current fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the Town Council adopts the budget for the current fiscal year.

13.06 General Fund.

The General Fund is the Town's primary operating fund. All revenues not specifically allocated to any other fund shall be placed in the General Fund.

13.07 Open Space and Trails Fund.

The Town shall maintain an Open Space and Trails Fund for the collection of a dedicated property tax levy to be used exclusively for the purpose of purchasing open space or conservation easements.

13.08 Other Funds.

In addition to funds provided for in this Charter, the Town Council may by ordinance establish other funds, including enterprise and special purpose funds, as it deems necessary and appropriate in accordance with Generally Accepted Accounting Principles. The ordinance establishing such funds shall clearly state the purpose of the fund.

13.09 Capital Program.

The Town shall develop and maintain a long-range capital planning program, the contents of which shall be reviewed at least annually as part of the budget process.

13.10 Transfer of Funds.

Except as may be restricted by law, the Town Council may by resolution transfer any unencumbered appropriation, balance, or portion thereof from a fund to another.

13.11 Increase or Reduction of Appropriations.

(1) The Town Council may modify appropriations by resolution during the fiscal year for unanticipated budgetary issues. Such modified appropriations shall not cause total expenditures within a fund to exceed the beginning fund balance or the funds available plus anticipated revenues and other sources of funds within the fund as estimated in the budget.

(2) If at any time during the fiscal year it appears probable to the Town Manager or their designee that the funds available plus anticipated revenues and other sources of funds within any fund will be insufficient to meet the amount appropriated, the Town Manager shall provide a report to the Town Council without delay recommending any steps to be taken to correct the deficiency. The Town Council shall then take such further action as it deems necessary to correct the deficiency.

13.12 Records of Authorized Expenditures.

Records of expenditures authorized to be made are public records that shall be available for public inspection.

13.13 Independent Audit.

An independent audit shall be made of all Town accounts for each fiscal year and more frequently if deemed necessary by the Town Council. Such audit shall be made by certified public accountants selected by the Town Council who shall complete the audit in accordance with state regulations. Copies of such audit shall be available for public inspection.

13.14 Forms of Borrowing.

(1) The Town may, subject to any applicable limitations in the Constitution of the State of Colorado, including any requirements for voter approval, borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Town Council to be

in the best interests of the Town. All prior Town borrowing, securities, or financial obligations, including without limitation those involving voter-approved waivers or amendments to constitutional limits, remain in full force and effect.

(2) In addition to being authorized by this Article to issue bonds for any municipal purpose as authorized by law, the Town is specifically authorized, by ordinance, with or without an election, as determined by the Town Council, to issue revenue bonds or otherwise to extend its credit for the purpose of purchasing, equipping, constructing, or otherwise acquiring, extending or improving a water, sewer, or other public utility, facility or project, provided that the bonds or other obligation shall be made payable from the net revenues derived from the operation of such system, utility or project, or from the proceeds of any tax other than the general ad valorem tax imposed by the Town.

(a) Such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held.

(b) Notice of such hearing shall be published at least once seven (7) days prior to such hearing.

13.15 Long-Term Rentals and Leaseholds.

(1) The Town may enter into long-term installment purchase contracts and rental or leasehold agreements in order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be approved by resolution.

(2) The Town Council may provide for payment of installments thereof out of the general *ad valorem* tax levy, by the imposition of rates, tolls, or service charges for the use of such property or any part thereof, out of any other available municipal revenues or by any combination of the foregoing methods. The obligation to pay such rentals shall not constitute an indebtedness of the Town.

13.16 Short-Term Notes.

The Town, by ordinance, may borrow money without an election in anticipation of the collection of taxes and issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature within twelve (12) months.

13.17 Municipal Investments.

The Town Council shall adopt guidelines for municipal investments that comply with the following conditions:

(1) Such guidelines are subject to any applicable limitations in the Constitution of the State of Colorado, including any requirements for voter approval; and

(2) Such guidelines are determined by the Town Council to be in the best interest of the Town.

13.18 Special Districts.

The Town Council may, by ordinance, limit the maximum mill levy authorized to be imposed by any special district formed under Title 32 of the Colorado Revised Statutes, as amended, by a developer to finance development in the Town. The Town shall maintain special district review criteria to protect the interests of Town residents and ensure their representation in special district governance and shall apply such criteria during Town consideration of special district service plans.

Article 14
Public Utilities, Franchises, and Use of Public Property

14.01 Town Authority.

(1) The Town shall have and exercise with regard to all utilities, public services, and franchises, including water and water rights and acquisition thereof and bonded indebtedness in connection therewith, all municipal authority and functions now existing and that may be hereafter provided by the Constitution of the State of Colorado and the Colorado Revised Statutes, as amended.

(2) The Town shall have authority, within or without the territorial limits of the Town, to construct, condemn, purchase, acquire, lease, and operate public works, utilities and assets, equipment, and everything in relation to or in connection therewith, in whole or in part, for the use of the Town, its inhabitants and those it serves.

(3) Except as otherwise provided by the Constitution of the State of Colorado or this Charter, all authority concerning the granting, amending, revoking, or otherwise dealing in franchises shall be exercised by the Town Council.

14.02 Grant of Public Utility Franchise.

Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the Constitution of the State of Colorado and statutes that are applicable to home rule municipalities as now in effect or as hereafter amended.

14.03 Water Rights.

The Town shall have the authority to buy, exchange, lease, own, control, or otherwise deal in water rights. The sale or final disposition of water rights shall occur only by ordinance, following a public hearing.

14.04 Utility Rates.

The Town Council shall, by resolution, establish rates, rules, and regulations for services provided by municipally owned utilities.

14.05 Extraterritorial Utility Service.

If the Town Council desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

14.06 Term, Compensation, and Restriction.

(1) No franchise, lease, or right to use the streets or the public places or property of the Town shall be granted for a term that exceeds twenty (20) years. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the franchise at the option of the Town Council. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges or other impositions levied by the Town Council, not levied on account of the use granted by the franchise.

(2) Every non-Town owned public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the Town harmless from all damages arising from said use.

(3) Every such public utility may be required by the Town to permit joint use of its property and appurtenances located in the streets, alleys, or other public places of the Town by the Town and by other utilities insofar as such joint use may be reasonably practicable.

14.07 Assignment of Franchise.

Any assignment or leasing of a franchise shall be considered forfeiture unless consent is given by the Town Council by ordinance.

14.08 Franchise Records.

Franchise records are public records that shall be available for public inspection.

Article 15
Miscellaneous Provisions

15.01 Purchase, Sale, or Lease of Real Property.

Except as otherwise expressly provided herein, the Town Council by ordinance may purchase, sell, exchange or dispose of any interest in real property. The Town Council, by resolution, may lease, for such a term as the Town Council shall determine, any real property to any person, firm or corporation, public or private.

15.02 Revocable License.

The Town Council may grant a license at any time for the temporary use, control or operation of any Town-controlled property, provided such licenses shall be revocable at the will of the Council, regardless of whether or not such right to revoke is expressly reserved in such license.

15.03 Eminent Domain.

The Town shall have the right of eminent domain for all municipal purposes, either within or without the limits of the Town, in accordance with Title 38, Article 1, of the Colorado Revised Statutes, as amended.

15.04 Contracts with Other Governmental Entities.

The Town Council may by resolution enter into contracts or agreements with other governmental or quasi-governmental entities.

15.05 Bequests, Gifts, and Donations to the Town.

(1) The Town Council, on behalf of the Town, may receive or refuse bequests, gifts, and donations of all kinds, or property in fee simple or in trust, for public, charitable, or other purposes, and do all things and acts necessary to carry out the purposes of such bequests, gifts, and donations, with the power to manage, lease, sell, or otherwise dispose of the same in accordance with the terms of the bequests, gifts, or donation.

(2) The Town Council may provide in each annual budget for the amount, if any, of money that the Town Council may have available to donate for public, charitable, or other purposes. The Town Council may delegate the responsibility for such bequests, gifts, and donations to such persons as the Town Council may deem advisable.

15.06 Contracts for Purchases, Leases, and Construction of Public Works.

(1) The Town Council may establish procedures for entering into contracts for purchases, leases, and construction of public works.

(2) Purchases of or contracts for supplies, material, equipment, or improvements shall be made under such requirements regarding competitive bidding as prescribed by the Town Council.

15.07 Amendment.

(1) In addition to the provisions otherwise stated in this Charter, this Charter may be amended in the manner provided by Article XX of the Constitution of the State of Colorado at any regular municipal election or special election called for such purpose under the following circumstances:

(a) Upon proposed amendments referred to the Town electors by a majority of the Town Council; or

(b) Upon proposed amendments submitted by electors, pursuant to the initiative process.

(2) If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the greatest number of votes shall prevail on the conflicting issue.

15.08 Effect of Colorado Revised Statutes.

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

15.09 Severability.

If any provision, article, section, sentence, clause, or part of this Charter, or the application thereof to any person or circumstance, is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the Charter as a whole or any part hereof other than the parts so adjudged to be invalid, and to this end, the provisions of this Charter are declared to be severable.

15.10 Titles and Subheadings.

The Article titles and subheadings in this Charter are inserted for convenience and reference only and shall not be construed to limit, describe, or control the scope or intent of any provision herein.

15.11 Construction of Words.

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the effective date of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. "Person" may extend to and be applied to bodies politic and corporate and to partnerships as well as individuals.

15.12 Indemnification.

The Town Council may indemnify any Council Member, the Mayor, any employee, or any appointed official who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding by reason of the fact that they were an officer of the Town, against expenses (including attorney fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by them in connection with such action, suit, or proceeding if they acted in good faith within the scope of their employment, in a manner they reasonably believed to be in the best interest of the Town, and had no reasonable cause to believe their conduct was unlawful.

Article 16
Transition Provisions

16.01 Effective Date of Charter.

This Charter shall become effective immediately upon certification of the election at which a majority of the registered electors of the Town approve this Charter.

16.02 Continuation of Elected Officials.

(1) The Mayor and the Board of Trustee members in office on the effective date of this Charter shall become the Town Council.

(2) The term of any Trustee, now Council Member, that would end in April of 2024 is extended until their successor takes office following the November 5, 2024, election. The term of the Mayor that would end in April of 2024 is extended until their successor takes office following the November 5, 2024, election.

(3) The terms of current members of the Board of Trustees that would end in April of 2026 are shortened, such that an entirely new Town Council is elected as set forth below.

(4) For purposes of applying term limits as set forth in Section 2.01(4) of this Charter, the position of Mayor before and after the effective date of this Charter are the same office. Similarly, the positions of Board of Trustee member and Council Member are the same office. However, the terms of current members of the Board of Trustees that are shortened by this transition shall not be considered a term.

(5) The regular municipal election held on November 5, 2024, will be the first election in which Council districts, established in Section 2.03 of this Charter, apply.

16.03 November 5, 2024, Election.

(1) The Town shall hold its first regular municipal election as a home rule municipality on November 5, 2024. At that time a Mayor and six (6) Council Members shall be elected. The Mayor shall be elected to a four-year term, and the Council Member candidate in each Council district receiving the highest number of votes shall be elected to a four-year term. The Council Member candidate in each Council district receiving the next highest number of votes shall be elected to a two-year term.

(2) The Mayor and new Council Members shall take office at the first regular meeting of the Town Council in 2025, following certification of the election, and they shall continue in office until their successors have been elected and take office.

(3) Consistent with Section 2.03 of this Charter, the ordinance establishing the boundaries of the Town's three (3) Council districts shall be effective on or before May 9, 2024, which is at least one-hundred eighty (180) days prior to the November 5, 2024, election.

16.04 Continuation of Appointed Officers and Employees.

(1) All appointed officers and employees of the Town at the time this Charter becomes affective shall continue in that office or employment that corresponds to the Town office or employment that they held prior to the effective date of this Charter.

(2) All appointed officers and employees of the Town shall, in all respects, be subject to the provisions of this Charter as though they had been appointed or employed in the manner provided in this Charter except that any officer or employee who holds a position that this Charter provides to be held at the will of

Town Council shall hold such position only at such will regardless of the term for which they were originally appointed or hired.

16.05 Continuation of Prior Town Legislation.

All bylaws, ordinances, resolutions, contracts, rules, and regulations of the Town in force at the time this Charter becomes effective shall continue in full force except insofar as they conflict with the provisions of this Charter or are subsequently amended or repealed by ordinance enacted under authority of this Charter.

16.06 Existing Boards and Commissions.

All boards and commissions existing at the time this Charter is adopted shall continue as established by ordinance, except as may be otherwise provided by this Charter or subsequent ordinance.

16.07 Existing Franchises.

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

16.08 Savings Clause.

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town and any person.

16.09 Time Limitation.

Acts required by this Charter to be performed by the new Town Council shall be performed within one hundred eighty (180) days of the effective date of this Charter.

The Town of Erie
Home Rule Charter Commission
Certificate of Final Adoption

We, the undersigned, members of the Town of Erie Home Rule Charter Commission, duly elected by the people of Erie, Colorado, at a regular election held on November 8, 2022, under the authorization of Article XX of the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Erie, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Charter Commission on the 20th day of April, 2023, for submission to the Town of Erie Board of Trustees for referral to the people of Erie at an election to be held November 7, 2023.

Respectfully submitted to the Board of Trustees at Erie, Colorado, the 20th day of April, 2023.

Ashraf Shaikh, Chair

Brian O'Connor, Vice Chair

Sarah Kornely

Chelsea Campbell

Lisa Cunningham

Bob Braudes

Adam Haid

Candace Whitehouse

Ben Hemphill