

CITY OF LAFAYETTE

ORDINANCE NO. 13, Series 2021

INTRODUCED BY: Councilor Barnes

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, SUBMITTING TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION ON NOVEMBER 2, 2021, AMENDMENTS TO THE HOME RULE CHARTER TO REPLACE GENDERED PRONOUNS WITH GENDER NEUTRAL DESIGNATIONS, AND SETTING THE BALLOT TITLE THEREFOR

WHEREAS, the Lafayette Home Rule Charter is a document that establishes the vision of the City and, until now, the Charter has used masculine and feminine pronouns when referencing City officials; and

WHEREAS, amending the Lafayette Home Rule Charter to use neutral, gender-neutral designations and titles would ensure all residents, employees, and officers of the City feel that they are included in the City's vision, regardless of gender-related identity; and

WHEREAS, City Council wishes to refer to the electorate proposed amendments to the Lafayette Home Rule Charter that would affirm the City's values and priorities, including that Lafayette be the best place to live, work, and play in Colorado by creating an open and responsive government and a diverse, safe, welcoming, and inclusive community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. Pursuant to the provisions of Article 20, Section IX of the Constitution of the State of Colorado and Section 31-2-210(1)(b) of the Colorado Revised Statutes, at a coordinated, regular municipal election to be held on Tuesday, November 2, 2021, there shall be submitted to the vote of the registered electors of the City of Lafayette, Colorado, the following changes to the Prefatory Synopsis, and Sections 3.17, 4.3, 4.5, 4.7, 4.8, 4.9, 4.12, 4.14, 4.17, 5.1, 5.2, 5.4, 5.8, 5.9, 5.10, 6.2, 6.6, 6.7, 8.2, 8.4, 12.3, 14.2, 14.3, 15.1, 16.3, 16.5, 16.6 and 16.7 of the Lafayette Home Rule Charter, along with the ballot question and title thereto, provided that the amendments to the Prefatory Synopsis, and Sections 3.17, 4.3, 4.5, 4.7, 4.8, 4.9, 4.12, 4.14, 4.17, 5.1, 5.2, 5.4, 5.8, 5.9, 5.10, 6.2, 6.6, 6.7, 8.2, 8.4, 12.3, 14.2, 14.3, 15.1, 16.3, 16.5, 16.6 and 16.7 shall not become effective until January 1, 2022. (STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS):

City of Lafayette Ballot Question __ Gender Neutral Charter Language

Prefatory Synopsis

In conformity with the provisions and under the authority granted to cities by Article XX of the Constitution of the State of Colorado, the twenty-one (21) delegates elected by the citizens of Lafayette, have formulated and submit herewith this Charter to meet the special needs of the City of Lafayette.

Since its organization on January 2, 1958, the Lafayette Charter Convention and its Committee have worked earnestly and unceasingly at the very difficult task assigned to them. In this process, the opinions and views of the people have been secured, public hearings held, suggestions and advice invited at all times, and detailed studies of a large number of charters have been made.

The Convention submits the results of its effort in the form of a proposed Charter for the consideration of the voters of Lafayette at a special city election to be held on April 1, 1958.

Under provisions of this Charter, a Strong-Council form of government is established. The Council is composed of seven (7) members, to be elected from the city at large. Provision is made for the overlapping terms with a majority of the Council to be elected every two (2) years.

The Council is the policy determining body or overall governing agent of the city, having power to pass ordinances, determine policy and appoint department heads. Such department heads shall report directly to the City Council. The Charter is designed in such a manner as to permit provision for a Chief Administrative Officer with a minimum of Charter amending.

The Charter is designed to provide the maximum of teamwork among members of the Council. The Council selects its own team leader, the Mayor, to preside at meetings and represent the city at ceremonial functions.

The organization of the city government has been drawn to assure maximum flexibility in organizational arrangements so that it will be possible for government of the city to readily adjust to new demands and changing circumstances as our community grows and prospers.

The Charter includes modern provisions for proper budgeting, fiscal control, and auditing. Many provisions have been included to assure economical and business-like fiscal procedures.

The direct techniques of initiative, referendum and recall have been included in the Charter. Such provisions provide the means by which the people can, if necessary, directly

control the policies of their city government at all times, enact or reject legislation as they see fit, and rid themselves of an elected official who fails to perform ~~his/her~~ their duties properly. In addition, other safeguards have been included in the Chapter [Charter] to prevent abuse of any office in the city government.

The Charter may be amended, if desirable, in accordance with provisions in the Constitution. Every section has been written, insofar as possible, in accordance with sound and well established principles of good government and administration with the best interest of the citizens of Lafayette in mind.

Section 3.17. Recall. *(To become effective January 1, 2022)*

Any incumbent of an elective office may be removed from office by the qualified electors of the city after ~~he/she~~ such person has held office for six (6) months.

A petition demanding the recall of the officer sought to be removed and signed by qualified electors equal in number to at least twenty-five (25) per centum of the total number of votes cast for the office that is being recalled, to conform with Article XXI of the Constitution, shall be addressed to the Council and delivered to the City Clerk.

Except as to requirements contained in this Charter, recall petitions and recall elections shall conform to and be conducted in accordance with the municipal recall election laws of the State of Colorado.

Section 4.3. Compensation of mayor and councilors. *(To become effective January 1, 2022)*

The members of the Council shall receive such compensation as the Council shall by ordinance prescribe; provided, however, they shall neither increase nor decrease the compensation of any member during ~~his/her~~ the member's term of office, except members of the Council whose terms do not expire at the next regular city election, who shall receive the same salary as that provided for incoming members for the remainder of their term of office. The Mayor and Councilors may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the city as are authorized and itemized.

In the absence of such an ordinance, the monthly compensation for members of the Lafayette City Council shall, without further action by the City Council be increased or decreased, in all even-numbered years, by the same collective percentage rates as the budgeted compensative adjustments provided to the general employees of the City for the immediate two calendar years.

Section 4.5. Duties of mayor. *(To become effective January 1, 2022)*

(a) Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. ~~He/she~~ The Mayor shall have a voice and vote in all

proceedings of the Council equal with that of other members of the Council but shall have no veto power. ~~He/she~~ The Mayor shall be the presiding officer of the Council.

(b) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the city the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.

(c) The Mayor shall execute and authenticate by ~~his/her~~ the Mayor's signature such instruments as the Council, this Charter or any statutes of the State of Colorado or laws of the United States shall require.

(d) Except as may be required by statute, the Mayor shall exercise only such power as this Charter or the Council shall specifically confer upon ~~him/her~~ the Mayor.

Section 4.7. Clerk; functions and duties. *(To become effective January 1, 2022)*

(a) The City Clerk shall be the Clerk of the Council and shall keep a permanent journal of its proceedings in the English language.

(b) The Clerk shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same. ~~He/she~~ The Clerk shall also be custodian of all papers, documents, and records pertaining to the city, the custody of which is not otherwise provided for.

(c) The Clerk shall certify by ~~his/her~~ the Clerk's signature all ordinances and resolutions enacted or passed by the Council.

(d) The Clerk shall provide and maintain in ~~his/her~~ the Clerk's office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.

(e) The Clerk shall have power to administer oaths of office.

(f) The Clerk shall perform such other duties as may be prescribed for ~~him/her~~ the Clerk by this Charter, or by the Council.

Section 4.8. Treasurer; functions and duties. *(To become effective January 1, 2022)*

(a) The Treasurer shall have the custody of all monies of the city, and bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.

(b) The Treasurer shall collect all monies of the city, the collection of which is not provided for elsewhere by charter or ordinance or by statute. ~~He/she~~ The Treasurer shall receive from other officers and employees of the city all money belonging to and receivable by

the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All moneys shall be turned over to the Treasurer after collection or receipt.

(c) The Treasurer shall keep and deposit all monies or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the City Council.

(d) The Treasurer shall disburse all city funds in accordance with the provisions of statute, this Charter and procedures to be established by the Council.

(e) The Treasurer shall perform such other duties as may be prescribed for ~~him/her~~ the Treasurer by this Charter or by the Council.

(f) The office of Treasurer may be held by the same person who is serving in the capacity of City Clerk.

Section 4.9. Attorney; functions and duties. *(To become effective January 1, 2022)*

(a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. ~~He/she~~ The Attorney shall advise any officer or department head of the city in matters relating to ~~his/her~~ their official duties when so requested.

(b) The Attorney shall prosecute ordinance violations when requested and ~~he/she~~ shall conduct for the city cases in court and before other legally constituted tribunals. ~~He/she~~ The Attorney shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

(c) The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to ~~him/her~~ the Attorney by the Council and shall promptly give ~~his/her~~ an opinion as to the legal consequences thereof.

(d) The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.

(e) The Attorney shall perform such other duties as may be prescribed by this Charter, by the Council, or the City Administrator, so long as consistent with duties prescribed by the Charter or City Council.

(f) Upon the recommendation of the Attorney, or upon its own initiative, the Council or the City Administrator may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

Section 4.12. Police department. *(To become effective January 1, 2022)*

The City Council shall provide for and maintain a police department the director of which shall be the Chief of Police, who shall have special knowledge and experience in law enforcement, to be under the appointment and supervision of the City Administrator, which appointment shall be ratified by City Council.

(a) The department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and the enforcement of this Charter and the ordinances of the city, and such other duties as prescribed for the public peace and safety and the protection of property, including the property of the city within and without the corporate limits.

(b) The Chief of Police shall command the department and shall assign its members to their respective posts, shifts, details and duties. ~~He/she~~ The Chief of Police shall make rules and regulations concerning the operation of the department and the conduct of its employees. The Chief of Police shall be responsible for the efficiency, discipline and good conduct of the employees and for the care and custody of all property used by the department and its employees.

Section 4.14. City planning commission. *(To become effective January 1, 2022)*

The City Planning Commission shall consist of seven (7) members who shall be appointed by the City Council after appropriate interviews conducted by a committee of three (3) Council members. No member of the City Council may also serve as a member of the Planning Commission. Planning Commission members shall serve terms of four (4) years, and their terms shall be staggered so that the terms of no more than two (2) members of the Planning Commission shall expire at any one time.

The Commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of the chairman shall be for one year, with eligibility for re-election. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for resolutions, transactions, findings, and determinations, which record shall be a public record.

The Planning Commission is hereby charged with the duty, as organized, of drawing up a suitable zoning ordinance to be presented to the City Council.

The Planning Commission will be charged with the preparation of a proposed master plan; the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provisions for traffic, the promotion of

safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. The Planning Commission shall recommend the adoption of the master plan to the City Council, who shall adopt the same by ordinance.

Section 4.17. Youth Advisory Board. *(To become effective January 1, 2022)*

There is hereby created a Youth Advisory Board. The selection, term, responsibilities, policies and duties of the Youth Advisory Board shall be as established by ordinance. The provisions of Section 5.1 of this Charter notwithstanding, individuals under the age of eighteen who have been residents of the city for at least one year, or individuals 18 years of age or younger who attend a school located in the city, may be appointed to the Youth Advisory Board. Any appointed member of the board who turns eighteen years of age during ~~his/her~~ their tenure of office shall register to vote as a Lafayette elector within ninety (90) days after ~~his/her~~ their eighteenth birthday to remain in office.

Section 5.1. Eligibility for office and employment in city. *(To become effective January 1, 2022)*

No person shall hold any elective office of the city unless ~~he/she~~ such person has been a resident of the city for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of ~~his/her~~ appointment to fill a vacancy. No person shall hold any elective office unless ~~he/she~~ such person is a qualified and registered elector of the city on such last day for filing or at such time of appointment and throughout ~~his/her~~ their tenure of office.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the state. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

Each candidate for elective office shall file with ~~his/her~~ their petition ~~his/her~~ an affidavit that ~~he/she~~ the candidate possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate ~~his/her~~ the candidate's petition.

Each member of a city board or commission created by, or pursuant to, this Charter shall have been a resident of the city for at least one year immediately prior to the day of ~~his/her~~ the member's appointment and shall be a qualified and registered elector of the city on such day and throughout ~~his/her~~ their tenure of office.

All officers of the city shall be United States citizens.

No elective officer, under this Charter, may be appointed to any office or be employed by the city while serving ~~his/her~~ their term of office.

City employees shall be appointed by the Council for an indefinite period and shall be responsible to and serve at the pleasure of the City Council and shall have their compensation fixed by the Council.

The Council may by ordinance, require residence in the City of Lafayette as a condition of employment of full time appointive officers.

Section 5.2. Vacancies in elective office. *(To become effective January 1, 2022)*

Any elective city office shall be declared vacant by the Council upon occurrence of any of the following events before the expiration of the term of such offices:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter;
- (d) If the officer shall be convicted of crime involving moral turpitude;
- (e) If the officer ~~shall is~~ absent ~~himself/herself~~ continuously from the city for more than thirty (30) consecutive days in any one year without the permission of the Council;
- (f) In the case of any members of the Council, if such officer shall miss four (4) consecutive regular meetings of the Council or twenty-five (25) percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of such absence;
- (g) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Section 5.4. Removals from office. *(To become effective January 1, 2022)*

Removals by the City Council of elective officers shall be made for either of the following reasons: (a) for any reason specified by statute for removal of city officers, (b) for any act declared by this Charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing, of which such officer has been given notice in

writing by the Clerk at least ten (10) days in advance, either personally or by delivering the same at ~~his/her~~ the officer's last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in ~~his/her~~ their defense, to cross examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, ~~his/her~~ the officer's failure to do so may be deemed cause for ~~his/her~~ the officer's removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal. The procedures for removal of appointed members of boards and commissions shall be prescribed by ordinance.

Section 5.8. Oath of office and bond. *(To become effective January 1, 2022)*

Every officer, elected or appointed before entering upon the duties of ~~his/her~~ their office, shall take the oath of office prescribed by Section 8, of Article XII of the Constitution of the State and shall file the same with the Clerk, together with any bond required by this Charter, or by the Council. In case of failure to comply with the provisions of this section within ten (10) days from the date of ~~his/her~~ the officer's election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 5.9. Surety bonds. *(To become effective January 1, 2022)*

Except as otherwise provided in this Charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that ~~he/she~~ such officer or employee will faithfully perform the duties of ~~his/her~~ the office, and will on demand deliver over to ~~his/her~~ their successor in office, or other proper officer or an agent of the city, all books, papers, monies, effects and property belonging thereto, or appertaining to ~~his/her~~ the office, which may be in ~~his/her~~ their custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that ~~he/she~~ such officer will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all monies received by ~~him/her~~ such officer as ~~such an~~ officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

Section 5.10. Delivery of office. *(To become effective January 1, 2022)*

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, ~~he/she~~ such officer or employee shall within five (5) days or sooner on demand, deliver to ~~his/her~~ the successor in office or to ~~his/her~~ their superior all books, papers, monies and effects in ~~his/her~~ such officer's or employee's custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the statute. Any employee found guilty by a competent tribunal of violating this provision may be punished by fine or imprisonment, or both, as determined by the Court.

Section 6.2. Special meetings. *(To become effective January 1, 2022)*

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at ~~his/her~~ each Council member's usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Section 6.6. Compulsory attendance and conduct at meetings. *(To become effective January 1, 2022)*

Any two (2) or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for ~~his/her~~ attendance fails to attend such meeting for reasons other than confining illness or absence from the city shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct ~~himself/herself~~ oneself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Section 6.7. Organization and rules of the council. *(To become effective January 1, 2022)*

The Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and clerk of the meeting.

(b) A vote upon all ordinances and resolutions shall be taken by "Yes" or "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

(c) No member of the Council shall vote on any question in which ~~he/she~~ such member has a financial interest, other than the common public interest, or on any question concerning ~~his/her~~ such member's own conduct, but on all other questions each member who is present shall vote when ~~his/her~~ the member's name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

(d) In all roll call votes the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

(e) The proceedings of the Council, or a brief summary thereof, shall be published within ten (10) days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council.

Section 8.2. Budget procedures. *(To become effective January 1, 2022)*

The Budget Officer as designated by the Council shall prepare and submit to the Council on or before the twentieth day of September of each year the recommended budget covering the next fiscal year, and shall include therein at least the following information:

(a) Detailed estimates with ~~his/her~~ the Budget Officer's supporting explanation of all proposed expenditures for each department, office, and agency of the city, and for the court, showing the expenditures or corresponding items for the last preceding fiscal year in full, and for the current fiscal year to September first, and estimated expenditures for the balance of the current fiscal year;

(b) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

(c) Detailed estimates of all anticipated revenues of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same similar sources for the last preceding fiscal year in full, and for the current fiscal year to September first, and estimated revenues for the balance of the current fiscal year;

(d) A statement of the estimated balance or deficit for the end of the current fiscal year;

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any

available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;

- (f) Such other supporting information as the Council may request.

Section 8.4. Adoption of budget. *(To become effective January 1, 2022)*

No later than the last Thursday in October in each year, the Council shall by resolution adopt a budget for the next fiscal year, and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes. The Council shall thereupon cause the total levy to be certified to the County Assessor, who shall extend the same upon the tax list of the current year in a separate column entitled "City of Lafayette Taxes," and shall include said city taxes in ~~his/her~~ the County Assessor's general warrant to the County Treasurer for collection. On or before the last day of the current fiscal year the Council shall appropriate, by ordinance the money needed for municipal purposes during the next fiscal year of the city. The annual appropriation ordinance shall be based upon the budget as adopted.

Section 12.3. Contracts. *(To become effective January 1, 2022)*

All contracts and leases to which the city is a party when this Charter becomes effective shall remain in full force and effect.

The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter. Notwithstanding this or any provision to the contrary, all contracts in an amount less than or equal to an amount set by City Council resolution may be negotiated and executed by the City Administrator on behalf of the city.

Any contract or agreement in an amount of five hundred dollars (\$500.00) or more, made with form or terms other than the standard city purchase order form, shall before execution be submitted to the Attorney and ~~his/her~~ the Attorney's opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

Section 14.2. Granting of public utility franchises. *(To become effective January 1, 2022)*

Public utility franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance and no franchise shall be granted except upon the vote of the taxing electors. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than twenty (20) years. No franchise election shall be held until the applicant deposits the cost thereof with the City Clerk in an amount determined by the City Council. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk ~~his/her~~ the grantee's unconditional acceptance of all terms of such franchise.

Section 14.3. Compensation. *(To become effective January 1, 2022)*

Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon ~~his/her~~ the grantee or its property, nor from any license charges, or other impositions levied by the Council, not levied on account of the use granted by the franchise.

Section 15.1. Judicial department. *(To become effective January 1, 2022)*

The Judicial Department shall be a "Municipal Court" whose employees shall be supervised by the City Administrator or ~~his/her~~ the City Administrator's designee. The Municipal Court shall be presided over by a "Municipal Judge," vested with exclusive original jurisdiction of all causes arising under this Charter and the ordinances of the city for violation or enforcement thereof. The Council shall by ordinance establish a salary for the Municipal Judge, which shall not be a percentage of fines collected.

Such Municipal Judge shall be appointed by the City Council. ~~He/she~~ The Municipal Judge shall be a qualified elector of the State of Colorado and shall be at least twenty-five (25) years of age at the time ~~he/she~~ such person shall assume the duties of ~~his/her~~ the office. The jurisdiction and powers and procedure in such municipal court and the manner of enforcement of its orders and judgments, shall be such as is provided for under the Statutes of the State of Colorado and the present ordinances of the city, except as may be otherwise provided in this Charter or by ordinance hereafter enacted.

Section 16.3. Interpretations. *(To become effective January 1, 2022)*

Except as otherwise specifically provided or indicated by the context:

(1) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

(2) The singular number shall include the plural, the plural number shall include the singular ~~and the masculine gender shall extend to and include the feminine gender and the neuter.~~

(3) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

(4) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.

(5) Except in reference to signatures, the word[s] "written" and "in writing" shall include printing and typewriting.

(6) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, [and] members of city boards and commissions created by or pursuant to this Charter.

(7) The word "statute" shall denote the laws of the State of Colorado in effect at the time the provision of the Charter containing the word "statute" is to be applied.

(8) All references to section numbers shall refer to section numbers of this Charter.

(9) The word "appropriation" shall mean authorized amount of funds set aside for expenditure during a specified time for a specific purpose.

(10) The word "City" shall mean the City of Lafayette, Colorado, a municipal corporation.

(11) The word "elector" shall mean a person who is entitled to vote at a particular time and includes the term "qualified" elector."

(12) The word "emergency" shall mean an existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace or safety.

(13) The word "misdemeanor" shall mean a violation of this Charter or of any City ordinance, and it shall not have the meaning attached to it in the criminal statutes of the State of Colorado.

(14) The words "qualified taxpaying elector" shall mean an elector and/or spouse thereof, who, in the calendar year last preceding the time, election, or other date, shall have paid a tax upon real or personal property situated within the city and owned by and assessed to ~~him/her~~ such person on the assessment rolls and includes the term "taxpaying elector."

(15) The words "vote of the electors" and "vote of the qualified electors" shall mean a favorable vote by a majority of the electors voting in an election.

(16) The words "vote of the taxpaying electors" and "vote of the qualified taxpaying electors" shall mean a favorable vote by a majority of the taxpaying electors voting in an election.

Section 16.5. Definition of publication; mailing of notices. *(To become effective January 1, 2022)*

The requirement contained in this Charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character, which newspaper shall have had a general circulation at regular intervals in the city for at least two (2) years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of ~~his/her foreman~~ their manager or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

In any case in which this Charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

Section 16.6. City liability. *(To become effective January 1, 2022)*

The City shall not be liable for damages sustained by any person whether to ~~his/her~~ their person or property by reason of negligence of the city, its officers or employees, nor by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert, or by reason of any construction, ice, snow or other encumbrance upon such highway, street, bridge, sidewalk, crosswalk or culvert, situated in the city, unless such person shall serve or cause to be served upon the Clerk within ninety (90) days after such damages shall have occurred, a notice in writing and a statement that the person sustaining such damages intends to hold the city liable for such damages, as may have been sustained by ~~him/her~~ such person. Such notice shall set forth substantially the time and place of the damages, the manner in which they occurred, the extent of such damages as far as the same has become known, and the names and addresses of the witnesses known at the time by the claimant. No person shall bring any action against the city for any damages to person or property arising out of any of the reasons or circumstances aforesaid unless ~~he/she~~ such person shall have first presented to the Clerk ~~his/her~~ their claim in writing and under oath setting forth particularly the nature and extent of such injury and the amount of damages claimed. By reason thereof, which claim shall be presented to the Council by the Clerk and the Council given opportunity to act thereon either by allowing or refusing to allow such claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection or any demand or claim against the city under this section that the notice of damages and the verified proof of the claim as in this section required were not presented and filed within the time and in the manner as herein provided.

Section 16.7. Penalties for violation of charter. *(To become effective January 1, 2022)*

Any violation of a provision of this Charter shall be deemed a misdemeanor, and shall be tried in the Municipal Court. The fines and sentences for violation of the Charter shall be established by City Council by ordinance and shall not exceed the maximum established by applicable law. Any officer or employee of the city so convicted may be deprived of ~~his/her~~ their office or employment and may be ineligible to any city office or employment for two (2) years thereafter. The power to suspend or remove an elected official, City Attorney, board or commission member or any other official appointed by the Council convicted under this section, shall be vested in the Council.

BALLOT TITLE
City of Lafayette Ballot Question
Gender Neutral Charter Language

SHALL THE LAFAYETTE HOME RULE CHARTER BE AMENDED TO CHANGE ALL GENDER SPECIFIC REFERENCES (SUCH AS “HE,” “SHE,” “HIS,” “HER,” “HIM,” “HIMSELF,” AND “HERSELF”) TO GENDER NEUTRAL REFERENCES?

YES/FOR _____ NO/AGAINST _____

Section 2. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the regular municipal election of November 2, 2021, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable there under to effectuate the election as a coordinated, mail ballot election.

Section 3. The Council appoints Lynnette Beck, City Clerk, as the designated election official (the “Election Official”) for purposes of the election. The Election Official shall have all of the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Boulder County Clerk and the City with respect to the election as provided in the Intergovernmental Agreement.

Section 4. The City authorizes the City Clerk to enter into and carry out the terms of an Intergovernmental Agreement (the “Intergovernmental Agreement”) with the Boulder County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the City and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the City and the other participating political subdivisions.

Section 5. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 7. The repeal or modification of any provision of the Code of Ordinances of the City of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 8. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 9. This ordinance shall become effective upon the latter of the 10th day following enactment or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 3rd DAY OF AUGUST, 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 17th DAY OF AUGUST, 2021.

CITY OF LAFAYETTE, COLORADO

Jamie Harkins, Mayor

ATTEST:

Lynnette Beck, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney

PUBLISHED: in the _____ on _____, 2021.