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THE

CHARTER

OF THE

CITY OF WRAY



CHARTER

of the

CITY OF WRAY

STATE OF COLORADO

OFFICIAL COPY

As Framed by the

CHARTER CONVENTION

1950

By Authority of Article XX of the Constitution
of the State of Colorado

Adopted by the Voters, October 24, 1950

ORGANIZATION OF CHARTER

ARTICLE	TITLE
	Preamble
I	Boundaries, Rights, and Liabilities
II	Municipal Officers
III	City Council
IV	City Manager
V	Department of Finance and Records
VI	Budget
VII	Department of Personnel
VIII	Department of Public Works
IX	Department of Parks, Library and Recreation
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PREFATORY SYNOPSIS

The Charter Convention of the City of Wray, Colorado, herewith submits to the voters of the City the Charter which it has framed in conformity with Article XX, the Home Rule Amendment, of the Constitution of the State of Colorado.

The Convention has worked to achieve a simple and direct form of local government based on sound principles of public administration, modified to meet the particular requirements of the City of Wray.

Under provisions of this Charter, Wray becomes a City of the second class, and a Council-Manager form of government is established, which is the form adopted in most Home Rule Charters in Colorado and other states. The people elect seven Council members from the City at large, to four year, overlapping terms. The Council in turn elects one of its number to be Mayor for a term of two years. The Council appoints the City Manager and may remove him at any time by majority vote of its members.

All legislative power of the City government is vested in the City Council. All executive power is vested in the City Manager and Director of Finance.

The Charter as written vests the people of Wray with every political power permitted to any community under the Constitution of the State, and may be amended at any time in accordance with provisions of that Constitution. It provides a definite framework for organization and functions of City government, yet is flexible enough to meet changing conditions in the future.

THE CHARTER OF THE CITY OF WRAY

PREAMBLE

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

ARTICLE 1

NAME, BOUNDARIES, POWERS, RIGHT AND LIABILITIES:

Section 1-1 NAME — BOUNDARIES. The municipal corporation heretofore and now existing and known as the Town of Wray, shall remain and continue a body politic and corporate under this Charter, and be known as the City of Wray, with the same boundaries, until changed in the manner authorized by law.

Section 1-2 RIGHTS — LIABILITIES. By the name of "Wray", the city shall have perpetual succession; shall own, possess and hold

all property, real and personal, heretofore owned, possessed and held by said Town of Wray, and shall assume and manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said town of Wray; by the name of the City of Wray, may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

Section 1-3 FORM OF GOVERNMENT. The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the city shall be vested in an elective council, hereafter referred to as "the Council", which will enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed then in such manner as may be prescribed by ordinance.

Section 1-4 POWERS. The City shall have all the powers granted to municipal corporations and to cities by the constitution and general laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within and without its corporate limits for any city purpose, by purchase, gift, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this Charter, the city shall and may exercise all municipal powers, functions, rights, and privileges of every nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the constitution of this state, it would be competent for this charter specifically to enumerate.

ARTICLE 2

MUNICIPAL OFFICERS

Section 2-1 DESIGNATION OF OFFICERS. The legally qualified

incumbents of the following positions in the municipal service are hereby declared to be officers:

President of the Council and Mayor
Member of City Council
Advisory Boards and Commissions

Section 2-2 MUNICIPAL EMPLOYEES. The incumbents of all other positions in the municipal service are hereby declared to be employees.

Section 2-3 QUALIFICATIONS OF ELECTIVE OFFICERS. Each elective officer when elected shall have been a citizen of the United States for the past five years, shall have resided in the City for three years immediately preceding his election, and shall be a qualified voter.

Section 2-4 VACANCIES. All elected officers shall continue to hold office until their successors are duly elected and qualified. If any officer be permanently incapacitated, either physically or mentally to perform the duties of his office, such incapacity shall render the office vacant. Any vacancy in an elective office shall be filled by appointment by the Council. Any person appointed to fill a vacancy for an unexpired term in an elective office shall have the qualifications required of persons to be regularly elected.

Section 2-5 OATH OF OFFICE. Before entering upon the duties of his office, every officer shall take and subscribe before a judge of a court of record, and file with the City Clerk, an oath or affirmation that he will support the constitution of the United States and the Constitution of the State of Colorado, this Charter, the city ordinances, and will faithfully perform the duties of the office.

Section 2-6 COMPOSITION OF BOARDS. Unless otherwise provided in this Charter, all Boards shall consist of three members appointed by the Council in conformance with the provisions of this Charter, for terms of three years or until their successors are appointed. Members first appointed shall determine their respective terms of office by lot, so that one member thereof shall serve for a term of one year, one member thereof for a term of two years, and one member thereof for a term of three years. As their terms respectively expire, a new member shall be appointed for the full term of three years. All members shall be subject to removal by the appointing authority upon written charges and after proper hearing. Vacancies shall be filled by the Council for the unexpired term of any member whose office becomes vacant. All Boards shall serve without compensation, choose their own chairman

and formulate their own rules of procedure.

ARTICLE 3 CITY COUNCIL

Section 3-1 COMPOSITION. Beginning January 1, 1952, the council shall consist of seven (7) members elected from the city at the general municipal election to be held the first Tuesday after the first Monday in November, 1951, and every two years thereafter. The Council shall consist of seven members at large, who in turn will elect one of their number to be Mayor, elected for staggered terms: Seven members elected in first election, three (3) members for two (2) years and four (4) members for four (4) years in first election. At the expiration of the terms of the Council members elected in November, 1951, the council members shall be elected for four (4) year terms. The Mayor shall serve for a term of two (2) years.

Until January 1, 1952, the council and the mayor in office at the time of the adoption of this Charter shall continue to serve and carry out the functions, powers and duties of the said council and mayor as provided by this Charter.

Section 3-2 MEMBERSHIP—RULES. Except as otherwise provided in the Charter, the Council shall be the judge of the election and qualifications of its own members; shall determine its own rules of procedure; shall elect a president thereof; and may compel attendance of members.

Section 3-3 THE PRESIDENT OF THE COUNCIL shall be the mayor of Wray and as such shall preside over the meetings of the council and have the same right to speak and vote therein as any other member. He shall be recognized as the head of the city government for all ceremonial purposes and for the service of civil process. He shall execute and authenticate legal instruments requiring his signature as such an official. In his absence or disability the council shall elect a vice-president who shall become the active mayor with the same duties as provided for the mayor.

Section 3-4—GENERAL POWERS. The City Council shall have all legislative powers and functions of the municipal government conferred by general law or existing by operation of law, except as provided by this Charter.

By way of extension, but not of limitation, the City Council shall have power to enact ordinances as follows:

- (a) To protect life, health, and property;
- (b) To declare, prevent, and sum-

marily abate and remove nuisances;

- (c) To preserve and enforce good government;
- (d) To promote the general welfare, order and security of the city;
- (e) To exercise the exclusive right of appropriation and taxation;

excepting, however, that the City Council shall not have the power to assess property, real and personal, at a value which exceeds the assessed valuation of said property made by the duly qualified and elected Assessor of Yuma County, Colorado.

The City council shall provide for the enforcement of ordinances by fines, not exceeding three hundred dollars, or by imprisonment not exceeding three months, or by both fine and imprisonment for each offense.

The enumeration of particular powers granted to the City Council shall not impair or limit its general powers.

Section 3-5 CITY ATTORNEY. The Council shall appoint a city attorney who shall serve at the pleasure of the council. The city attorney shall perform all the functions assigned by general law to municipal attorneys, including the institution or the defense of actions or proceedings on behalf of the city, when so directed by the council or the city manager.

(a) Special Counsel may be retained by the city council at its discretion.

(b) **NOTICE OF PERSONAL INJURIES**—No action shall be maintainable in any Court against the Municipal Government for any personal injuries or other damages sustained on a street, avenue, alley, sidewalk or other public place, unless the person sustaining such injuries or damages, or someone in his behalf, shall within ninety (90) days after sustaining such injuries or damages notify the City Clerk in writing, stating fully the time, place, circumstances and extent of the injuries.

Section 3-6 CONTRACTS WITH OTHER GOVERNMENTAL BODIES. The City Council may enter into contracts with other governmental bodies for any of the following purposes:

- (a) To furnish governmental services and to make charges for such services;
- (b) To enter into cooperative or joint activities with other governmental bodies.

Section 3-7 POWER TO MAKE CONTRACTS. The City Council shall have the authority to enter into contracts on behalf of the municipal government. All written contracts to which the city is a party

shall be approved as to form by the municipal attorney.

Section 3-8 INDEPENDENT AUDITS. The City Council shall contract with an independent licensed certified public accountant or firm of accountants, to perform an annual general audit of municipal government and such other periodic post audit as the Council may determine. Such audits shall include:

- (a) Post auditing all the financial records and transactions of the municipal government at length or by test checks;
- (b) Verifying general financial statements and the existence and amounts of the assets and liabilities of the municipal government;
- (c) Recommending to the manager the scope, form and contents of the financial records to be kept by all agencies in order to permit a proper post audit;
- (d) Reporting deficiencies to the proper officials for administrative, civil or criminal action;
- (e) As the Council may determine to post audit accounts of retiring employees.

Section 3-9 CITY CLERK. The Council shall designate an employee of the city who shall have the title of city clerk and who shall be appointed on the basis of his experience and skill in accounting and record keeping. The City Clerk shall give notice of the council's meetings, keep a journal of its proceedings, authenticate by his signature and record in full in the book kept for the purpose all ordinances and resolutions and shall perform such other duties that shall be required by this Charter or by ordinance.

Section 3-10 CREATION OF NEW DEPARTMENTS OR OFFICES: CHANGE OF DUTIES. The Council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Section 3-11 LICENSES AND PERMITS. The City Council may provide for licenses and permits, and fees therefor, for regulatory and for revenue purposes. The issuance of licenses and permits relating to specific functions shall be assigned to the finance department. The Council shall hear and decide appeals relating to the issuance,

suspension or revocation of licenses or permits.

Section 3-12 SURETY BONDS. The Council shall require the City Manager, the director of finance, the city clerk, and such other employees transacting the financial business of the city, as the Council may determine, to furnish bonds with such surety and in such amounts as the council may determine.

Section 3-13 MEETINGS. The Council shall meet regularly on the first Tuesday of each month at the City Hall at an hour to be fixed from time to time by the rules and procedure of each Council; and the Council shall have power by ordinance to prescribe the manner of calling meetings thereof. Special meetings may be held at any time the Council may direct.

Section 3-14 ORDINANCES, RESOLUTIONS AND MOTIONS. In all legislative matters coming before it, the Council shall act only by ordinance, resolution or motion. In addition to such acts of the Council as are required by the general statutes or by other provisions of this Charter to be by ordinance, every act creating, altering or abolishing any agency, office or employment, or assigning or reassigning the same to departments, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

Section 3-15 FORM OF ORDINANCE. Every ordinance, except the annual budget ordinance and an ordinance making a general codification of ordinances, shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in written or printed form. All ordinances which amend or repeal existing ordinances shall set forth in full the section or subsection to be amended or repealed and if it is to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring. When published prior to enactment in a newspaper or otherwise the same indications of omitted and new matter shall be used except that italics may be substituted for underscoring. The enacting clause of all ordinances shall be: "Be it ordained by the Council of Wray". Unless another date is specified therein, the ordinance shall take effect on the tenth day following its passage.

Section 3-16 PROCEDURE FOR PASSAGE. An ordinance may be introduced at any regular meeting

by any member of the Council or any committee thereof, and shall require affirmative votes of a majority of the seven council members for passage. Upon introduction it shall be read a first time and a day and hour set at which the Council or a committee shall hold a public hearing thereon. Such hearing may be at a regular meeting of the Council or at such time and place where the Council may order and may be adjourned from time to time. An ordinance, before final passage, shall be read in at least two regular meetings of the Council, may be amended on its first reading, and shall be published once in a newspaper of the city in such manner as may be provided by general law at least seven days before its final passage, except in a case of a public emergency as hereafter provided for. At the discretion of the Council, publication may be made by reference in the manner provided by State Statute.

Section 3-17 EMERGENCY ORDINANCES. Emergency ordinances for the immediate preservation of the public peace, health and safety may be introduced at a regular meeting or at any special meeting provided the subject thereof has been included in the notice of such special meetings. An emergency ordinance shall be read the first time and published as provided in the case of other ordinances and may be read a second time and passed with or without amendment at any regular or special meeting subsequent to such publication. An emergency ordinance shall contain a specific statement of the emergency. Four affirmative votes shall be necessary for the adoption of an emergency ordinance. No ordinance making a grant or any franchise or any special privilege shall ever be passed as an emergency.

Section 3-18 DISPOSITION OF ORDINANCES. The president of the Council shall sign all ordinances approved by the Council, both on the ordinance itself and in the ordinance record. All ordinances of Wray shall be indexed by subject by the City Clerk.

Section 3-19 ORDINANCE CODIFICATION. The City Council may from time to time cause the permanent ordinances to be codified under provisions of general law. Such codification may be of the entire body of permanent ordinances or of the ordinances on some particular subject. The City Council shall provide that in each ten-year period beginning with the effective date of this Charter all the permanent ordinances shall be codified. Such codification may be re-enacted by the City Council or may be authenticated in such other manner as may be designated by ordinance. No

codification ordinance shall be invalid on the ground that it deals with more than one subject.

ARTICLE 4

CITY MANAGER

Section 4-1 APPOINTMENT. The Council shall appoint a city manager, who shall be the executive head of the municipal government; and shall fix his salary. He shall be responsible to the Council for the proper administration of all affairs of the City. He shall be appointed on the basis of administrative and executive qualifications. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Section 4-2 DUTIES. To perform his duties during his temporary absence or disability, the manager shall designate by letter, filed with the city clerk, a qualified administrative employee of the city. In the event of the failure of the Manager to make such a designation, the Council may, by resolution, appoint an employee of the City to perform the duties of the Manager until he shall return, or his disability shall cease.

Section 4-3 REMOVAL OF CITY MANAGER. The Council shall appoint the City Manager for an indefinite term and may remove him by an affirmative vote of a majority of the seven Council members. There shall be no such removal until ninety days subsequent to his assuming office; and in the event of such removal, the Manager shall be entitled to sixty days notice, or in lieu thereof, sixty days advance pay.

Section 4-4 COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS. Except for the purpose of inquiry the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council, nor any member thereof, shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 4-5 POWERS AND DUTIES. The City Manager shall

- (a) See that the laws and ordinances of the City are enforced;
- (b) Except as such power may be specifically otherwise designated herein, have the power to appoint, suspend and remove all heads of departments and employees of the City;
- (c) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;
- (d) Prepare and submit to the Council, as of the end of the

fiscal year, a complete report on the finances and administrative activities of the City for the preceding year, and make written or verbal reports to the Council at any time required by it, as to any particular matter relating to the affairs of the City within his supervision;

- (e) Keep the Council advised of the financial condition and future need of the City; and make such recommendations to the Council for adoption as he may deem necessary or expedient;
- (f) Except as herein otherwise provided, exercise supervision and control over all executive and administrative departments created herein or that may be hereafter created by the Council;
- (g) Prepare and make available for public inspection a monthly report of activities in each department under his jurisdiction;
- (h) Perform such other duties as may be prescribed by this Charter, or required of him by the Council, not inconsistent with the Charter of Wray;
- (i) Act as purchasing agent for the City.

Section 4-6 ADMINISTRATIVE DEPARTMENTS. There shall be a department of finance and records, a department of personnel, a department of public works, a department of parks, library and recreation, a department of fire, a department of police, and a department of public utilities, and such other departments as may be established by ordinance upon the recommendation of the Manager.

Section 4-7 DIRECTORS OF DEPARTMENTS. At the head of each department there shall be a Director, who shall have supervision and control of the department subject to the City Manager.

Two or more departments may be headed by the same individual, the manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Section 4-8 MANAGER TO ASSIGN EMPLOYEES. The City Manager shall also have the power, whenever the interest of the City requires, to assign any employee of one department to the temporary performance of similar duties in another department.

Section 4-9 PURCHASES. The City Manager shall be the city purchasing agent. The purchasing agent, pursuant to rules, regulations, or ordinances, shall contract for, purchase, store and distribute

all supplies, materials, and equipment required by any office, department, or agency of the City Government. He shall also have power and shall be required to:

- (1) Establish and enforce specifications with respect to supplies, materials and equipment required by the City Government;
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity, and conformance with specifications;
- (3) Have charge of general city storerooms and warehouses;
- (4) Transfer to or between offices, departments or agencies or sell surplus, obsolete, or unused supplies, material and equipment.

Section 4-10 COMPETITIVE BIDDING. Before the purchasing agent makes any purchase of, or contracts for supplies, materials or equipment, exceeding five hundred dollars (\$500.00), he shall give ample opportunity for competitive bidding, with such exceptions as the Council may prescribe; provided, however, that the Council shall not exempt any individual, firm or corporation from the requirement of competitive bidding.

Section 4-11 ACCOUNTING CONTROL OF PURCHASES. All purchases made and contracts executed by the purchasing agent shall be made only upon written requisition from the head of the office, department or agency, whose appropriation will be charged.

Section 4-12 CONTRACTS FOR CITY IMPROVEMENTS. Any City improvement costing more than \$1,000.00 shall be executed by contract except where such improvement is authorized by the Council to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$1,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed; provided the purchasing agent shall have the power to reject all bids and advertise again.

ARTICLE 5

DEPARTMENT OF FINANCE AND RECORDS

Section 5-1 DEPARTMENT CREATED—A Department of Finance and Records is hereby established, the head of which shall be the Director of Finance who shall be appointed by the Council on the basis of his experience and ability in financial matters.

Section 5-2 DIRECTOR OF FINANCE—POWERS AND DUTIES—

The Director shall perform the functions of City Treasurer and shall be responsible to the Council for the administration of the financial affairs of the City and to that end shall have authority to, and shall be required to:

- (a) Have custody of all public funds belonging to, or under the control of, the City, or any office, department, or agency thereof, and deposit all such funds in those depositories duly designated by the Council, subject to the requirements of law as to surety and where applicable, payment of interest on deposits, with all such interest to be the property of the City and properly accounted for;
- (b) Have custody of all investments of the City or in possession of the City, and provide for the safekeeping of these investments and the receipt and delivery of bonds, notes, and other instruments for transfer, registration, or exchange;
- (c) Keep such records as are required to account for his custodianship;
- (d) Advise and assist the Manager in the preparation and submission of the annual budget;
- (e) Keep the Council and the Manager currently advised as to the financial condition and needs of the City, and make such recommendations as may seem to him desirable;
- (f) Pay money from the city treasury only upon warrant signed by the mayor and countersigned by the City Clerk;
- (g) Prescribe the forms of receipts, accounts, vouchers, bills or claims to be used by all offices, departments and agencies of the city government.

Section 5-3 CITY CLERK — FINANCIAL DUTIES—The Director of Finance shall be responsible for, and have general supervision over the duties and functions of the City Clerk with regard to financial matters. The City Clerk shall be responsible for all record keeping of the city and shall among other duties:

- (a) Keep the general accounting system as provided in the section on Records and Accounts of the City and such other records that the Council or Director of Finance may find necessary.
- (b) Prepare the reports detailed in Section 5-7.
- (c) Act as collecting agent for the Director of Finance for

taxes and other revenues of the City, except those received from other governmental units, and in accordance therewith shall deposit these collections at least daily, excluding nonworking days, with the Director of Finance.

- (d) Prepare estimates of revenue and expenditure for and otherwise assist the Manager in the preparation of the budget.
- (e) Issue all licenses on applications approved by the proper authorities and in conformity with ordinance.
- (f) Approve all proposed expenditures of moneys of or in the possession of the city as to their legality and the presence of an unencumbered balance of the appropriation, to which the disbursement is to be charged, sufficient to cover the disbursement.
- (g) Examine and approve all contracts and other documents by which the city government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (h) Audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands or charges against the city government and with the advice of the City Attorney determine the regularity, legality and correctness of such claims, demands or charges.

Section 5-4 RECORDS AND ACCOUNTS—A general accounting system shall be maintained to produce information concerning past operations and present condition, to provide a basis for guidance for future operations, to provide for control of the officers of the city in the raising and expending of public moneys, and to publicize the facts concerning financial operations and condition of governmental bodies for the information of the citizens concerned therein.

- (a) The system shall be on a double-entry basis, with a general ledger in which all financial transactions are recorded in detail or summary, together with such additional records as are necessary. The accounts shall be kept on the basis of a fiscal year beginning the first day of May and ending the last day of April of each calendar year until January 1, 1952, when the accounts shall conform to a change in the fiscal year to the calendar year.

(b) The accounts shall be arranged in balanced fund groups, which funds are to be considered independent fiscal and accounting entities. Each fund shall include all accounts necessary to set forth its operations and condition and shall also include budgetary control accounts for both estimated revenues and appropriations.

(c) Separate funds shall be maintained for each utility owned by the City. All transactions other than those recorded in special revenue, special assessment, bond, sinking, or fixed assets and liabilities funds shall be recorded in the General Fund. Special funds shall be set up for moneys and other resources specifically designated for certain purposes.

Section 5-5 UTILITY ACCOUNTING—The accounts of the utility funds, viz., the Electric Light Plant Fund and the Water Fund, or funds of any other public utility owned by the city, shall be kept on a basis comparable to those of a privately-owned commercial utility. Depreciation shall be recorded, depreciation reserves shall be accumulated, and all transactions recorded in accordance with generally accepted accounting principles so that the profit or loss from operations for the fiscal year may be determined. Other funds shall be charged for all services rendered by the utilities of the City for other departments or agencies of the City, and such charges shall be reflected in the operating revenues of the utility funds. No expenses, including imputed interest or taxes, shall be recorded in the accounts of the utility funds except those actually incurred or representing budgetary estimates of expenses that will be actually incurred.

Section 5-6 INTERFUND TRANSFERS—All interfund transfers shall be recorded either as loans or as outright transfers according to the action of the Council in authorizing the transfer. Any transfer out of the Electric Light Plant Fund or the Water Fund to other funds in an amount in excess of the profit earned by these utility funds in the fiscal year preceding the budget year shall always be regarded and recorded as a loan to the transferee fund or funds. So far as possible, all anticipated interfund transfers, except loans, shall be reflected in the budget as an appropriation for the transferor fund and as an estimated revenue for the transferee fund.

Section 5-7 FINANCIAL REPORTING—The following reports shall be prepared for submission to the City Manager and for general publication:

- (a) Monthly statement of receipts and disbursements and unexpended

appropriation balances, for each fund;

(b) Annual balance sheets for each fund as of the end of the fiscal year.

(c) Annual comparative statements of actual and budgeted receipts and expenditures of each fund for the completed fiscal year.

(d) Annual statements of profit and loss for each utility fund for the completed fiscal year.

Section 5-8 BONDS, ISSUANCE, LIMITATIONS—Except as otherwise in the Charter of Wray provided, no bonds shall be issued for any purpose except pursuant to an ordinance authorizing the same, which ordinance shall be irrevocable until the indebtedness therein provided for, and the bonds issued in pursuance thereof, shall have been fully paid. Bonds shall contain a proper call provision, and each issue shall be payable in annual installments. No bonds shall be issued unless the question of issuing said bonds shall have been submitted to the vote of such qualified electors of the City or district as shall in the year next preceding such election have paid a property tax therein, and a majority of those voting upon the question by ballot shall have voted in favor of issuing such bonds.

(a) Refunding bonds may be issued by ordinance only, provided however that such bonds can be refunded at a lower rate of interest; and provided further that in no case shall the amount of such bonds to be refunded be increased nor the life of the same be extended.

(b) The City shall not become indebted for any purpose or in any manner in an amount which, including existing indebtedness, shall exceed three percent of the assessed valuation of the taxable property within the City, as shown by the last preceding assessment for City purposes; provided, however, that in determining the limitation of the City's power to incur indebtedness there shall not be included bonds issued for the acquisition or extension of a water supply, public utilities, enterprises, works or ways from which the City will derive a revenue.

(c) The Director of Finance shall see that all proper provisions for the protection of the City's interests are included in all bonds issued, and that the term of bonds shall be limited to such extent only as shall be required to meet the indebtedness covered thereby. He shall see that all bonds are retired as soon as possible.

ARTICLE 6

BUDGET

Section 6-1 FISCAL YEAR. The

fiscal year of the City shall begin on the first day of January and shall end on the last day of December of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 6-2 MANAGER TO SUBMIT BUDGET. The City Manager, at least 60 days prior to the beginning of each budget year, shall submit to the Council a budget and a budget message as provided herein. In the preparation of the budget, the Manager shall review the estimates of revenues and expenditures as prepared by the Clerk and shall consult with the Treasurer as to the financial condition and needs of the City.

Section 6-3 BUDGET MESSAGE. The budget message submitted by the Manager to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year, and shall describe in connection therewith the important features of the budget plan, explaining important changes in expenditure and revenue items, together with any major changes in financial policy. The Manager shall include in the message a statement of pending and proposed capital projects and an explanation of how their cost is to be met both by current appropriations and, when applicable, the issuance of bonds.

Section 6-4 CONTENTS OF BUDGET. The budget shall be divided into estimated revenues and expenditures for each fund for the budget year. The budget shall present a comparative tabulation in detail of the items composing the expendable surplus balance at the beginning of the budget year; the items of revenue realized and expenditures actually paid in the last preceding complete fiscal year, as realized, paid, and estimated in the current fiscal year, and as estimated for the budget year; and the items composing the expendable surplus balance at the end of the budget year. In no instance shall proposed expenditures exceed the sum of the beginning expendable surplus balance and the estimated revenues for the budget year.

(a) Estimated revenues shall be classified at least into amounts to be raised by taxation, both property and other, amounts to be received as grants-in-aid from other governmental units, operating revenues to be received in the case of utility funds, transfer from other funds, excluding loans and miscellaneous revenues. The estimate of revenues other than those derived from taxa-

tion, grants-in-aid from other governmental units, utility fund operating revenues, and interfund transfers, shall be certified as conservative and reasonable by the Manager.

(b) The estimate of utility fund operating revenues shall not exceed revenue realized in the current fiscal year as increased by the estimate of the revenue to be realized up to the end of the current fiscal year and as adjusted for a reasonable estimate of increase in the volume of services rendered and for any rate increases to be enacted by the Council.

(c) The estimate of the amount to be raised by taxes to be levied in the budget year shall be decreased by the estimate of abatements and cancellations of taxes that will be made during the budget year and of taxes that will remain unpaid at the end of the budget year and shall be increased by the estimate of delinquent taxes of other fiscal years that will be paid in the budget year.

(d) The appropriation from the Electric Light Plant Fund and the Water Fund into other funds and the related items of estimated revenues in the transferee funds shall not exceed the net profit earned by the Electric Light Plant Fund and the Water Fund, respectively, as estimated for the current fiscal year. When the actual profit is determined after the closing of the fiscal year preceding the budget year, the appropriation and estimated revenue maxima shall be accordingly revised, together with the items of appropriation and estimated revenues as adopted, if applicable.

Section 6-5 CLASSIFICATION OF APPROPRIATIONS. The proposed expenditures or appropriations shall be classified into the major items of expenditure, including interfund transfers, except loans, and shall include also, where applicable, the following:

(a) Interest, amortization, and redemption charges on the public debt for which the faith and credit of the City is pledged.

(b) Other statutory expenditures.

(c) The payment of all judgments.

(d) Estimated refunds of taxes to be made in the budget year.

(e) An amount equal to the aggregate of all emergency and miscellaneous revenue anticipation notes expected to be outstanding at the end of the current fiscal year.

(f) An amount equal to the net loss of the Electric Light Plant Fund or the Water Fund for the last preceding complete fiscal year.

Section 6-6 BUDGET A PUBLIC RECORD. The budget and budget message and all supporting schedules shall be a public record in the office of the Clerk, open to public

inspection by anyone. The Manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

Section 6-7 PUBLIC HEARING ON BUDGET—The Council, upon receipt of the budget, shall cause to be published the date of its meeting at which a public hearing on the budget shall be held. At this meeting, all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

Section 6-8 ADOPTION OF BUDGET—After the conclusion of such public hearing, the Council may amend the budget by inserting new items or by increasing or decreasing items already included, except operating revenues of utility funds and miscellaneous revenues, and those appropriations detailed above, where these items have been correctly computed both as to arithmetical accuracy and as to the provisions of the paragraphs on estimated revenues and expenditures. The Council may not vary the titles or descriptions specified in the budget. Where total proposed expenditures are increased, the total anticipated revenues shall also be increased so that the expenditures will not exceed the sum of beginning fund surplus. Where it is impossible to so increase anticipated revenues without violating the restrictions provided in the estimation of these revenues, then the increase in proposed expenditures shall be decreased accordingly.

(a) The budget shall be adopted by the favorable votes of at least a majority of all the members of the Council. If the Council approve no budget prior to the last day of the current fiscal year, the budget of the preceding fiscal year shall be deemed to have been finally adopted by the Council.

(b) Upon final adoption, the budget shall be in effect for the budget year. Copies of the budget as finally adopted shall be certified by the Mayor and the other members of the Council and filed in the offices of the Manager, the Director of Finance, and the Clerk. Other copies shall be prepared in sufficient quantity to be available to interested parties.

(c) From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named, which appropriations shall authorize the expenditures of moneys of the fund from which appropriated. These appropriations shall be duly entered into the books of account.

Section 6-9 PROPERTY TAX LEVY—From the effective date of

the budget, the amount stated therein to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding year and shall be duly certified as such to the Board of County Commissioners and duly entered into the books of account.

Section 6-10 SUPPLEMENTAL APPROPRIATIONS—The Council shall make supplemental appropriations if the original appropriation becomes inadequate during the budget year and provided the sum of the original and supplemental appropriation could properly have been originally included in the budget. The Council may also transfer appropriations from one object or purpose to another during the budget year provided that those appropriations required in detail in the paragraph on appropriations shall be left unchanged.

Section 6-11 EMERGENCY APPROPRIATIONS—In the absence of unappropriated available revenues to meet emergency appropriations, provisions of state law shall apply.

Section 6-12 APPROPRIATIONS TO LAPSE—All unexpended appropriation balances at the end of each budget year shall revert to the surplus account of the fund to which they relate.

ARTICLE 7

DEPARTMENT OF PERSONNEL

Section 7-1 MERIT BASIS OF APPOINTMENT—Appointments and promotions in the administrative service of the City, including municipally owned utilities, shall be made according to merit and fitness to be ascertained, as far as practicable, by competitive examination. To carry out this purpose, there shall be a department of personnel, the head of which shall be the personnel director.

Section 7-2 POWERS AND DUTIES—The personnel director shall have power and shall be required to:

(1) Prepare, install, and maintain a classification plan based on the duties, authority and responsibility of positions in the City Service;

(2) Prepare and maintain a pay plan in the City Service;

(3) Perform other and different lawful acts and functions as he may deem necessary or desirable to enforce the purposes and provisions of this article.

ARTICLE 8

DEPARTMENT OF PUBLIC WORKS

Section 8-1 DEPARTMENT CREATED—There shall be a department of Public Works, the head of

which shall be appointed by the City Manager.

Section 8-2 FUNCTIONS—The Department of Public Works shall exercise all administrative functions of the Municipal Government as to:

(a) Providing central architectural and engineering services;

(b) Preparing plans and designs, and supervising construction of architectural and engineering works;

(c) Acquiring or constructing, and maintaining public buildings;

(d) Inspecting public and private buildings, and other structures, including their physical appurtenances and services, regulating the construction and maintenance of public and private buildings;

(e) Conducting traffic engineering studies and surveys, designing and constructing streets and transportation facilities;

(f) Cleaning, maintaining, and marking streets and related structures, supervising street-lighting; controlling street cuts; and conducting trash and garbage removal and like service;

(g) Laying out, opening, changing, relocating, vacating, and establishing streets, alleys, and other public ways and the grades thereof, subject to approval by ordinance;

(h) Constructing, maintaining, and repairing municipal communication, power, and heating systems, and traffic regulation systems;

(i) Constructing, operating and maintaining municipal airports and air facilities;

(j) Constructing and reconstructing of park, playground and recreational facilities;

(k) Operating central garage and equipment repair services;

(l) Preparing for the City Manager a capital outlay budget and developing a long range capital outlay program;

(m) Administering and enforcing zoning ordinances.

Section 8-3 ZONING, GRANT OF POWER—For the purpose of promoting the health, safety, morals and the general welfare of the community, the Council is hereby empowered to properly zone the City. This shall be done by ordinance which may consider and provide for, but which shall not necessarily be restricted to, the following:

(1) Regulation and restriction of the height, number of stories and size of buildings and other structures;

(2) The percentage of lots that may be occupied;

(3) The size of yards, courts, and other open spaces;

(4) The density of population and location and use of buildings;

(5) Structures and areas for trade, industry, residence or other purposes.

Section 8-4 PUBLIC WORKS BOARD—There shall be a Public Works Board, which shall consist of three (3) members who shall be appointed by the Council, who shall serve without pay and none of whom shall hold any other public office or position in the City. The City Manager and the Mayor shall serve as ex-officio members of the Board. The terms of the appointed members shall be three (3) years, except that of the three (3) members first appointed, one of whom shall be appointed for a term of one (1) year, and one (1) for two (2) years. Any vacancy during the unexpired term of any member shall be filled by the Council for the remainder of the term.

Section 8-5 FUNCTION OF PUBLIC WORKS BOARD—The functions of the Public Works Board shall be:

(a) Prepare and submit to the council for its approval, a master plan for the physical development of the city;

(b) To hear and decide appeals by any person relating to zoning or to building inspection; provided, however, that the Council by a majority vote of its members shall have power to over-rule such decisions;

(c) To advise the City Council on zoning matters.

Section 8-6 IMPROVEMENT DISTRICTS—A public work or improvement for the cost of which; in whole or in part, benefits are to be assessed by the city may be initiated by the Council on recommendation of the Director of Public Works or on petition of property owners in such number and in such form as may be prescribed by general statutes. General statutes of the State of Colorado relating to improvement districts and the financing thereof applicable to the City of Wray shall be followed.

ARTICLE 9

DEPARTMENT OF PARKS, LIBRARY AND RECREATION

Section 9-1—DEPARTMENT CREATED—There shall be a Department of Parks, Library and Recreation, the head of which shall be the Director, who shall be selected by the City Manager on the basis of his training and experience for his duties.

Section 9-2 FUNCTIONS — The Department of Parks, Library and Recreation shall exercise all administrative functions of the municipal government as to:

(a) Operation and maintenance of municipal parks, park areas, playgrounds, play fields, lake facilities, swimming pools, fountains, recreation and community buildings, sports arenas, stadia, golf courses

and related facilities, both inside and outside the corporate limits;

(b) Maintenance and operation of city library;

(c) Planning, conduct, and supervision of organized public, physical and cultural recreational programs;

(d) Cooperation with public and private agencies in public recreation programs, concerts and other entertainment;

(e) Maintenance and preservation of public monuments, museums and collections;

(f) Maintenance of restrooms, refreshment facilities, and restaurants on properties under the supervision of the Department of Parks, Library and Recreation;

(g) Maintenance and operation of city cemeteries.

Section 9-3 POWERS AND DUTIES—The Director of Parks, Library and Recreation shall be responsible for the efficiency, discipline and good conduct of the Department and for the care and custody of all property of the city entrusted to the Department. He shall be responsible for the performance of all functions of the Department.

The construction and re-construction of all parks, play-grounds and recreation facilities shall be vested in the Department of Public Works. The specific determination of the functions relating to such construction and reconstruction by the Department of Public Works shall be made by the City Manager.

Section 9-4 RULES AND REGULATIONS—On recommendation of the Director of Parks, Library and Recreation to the City Manager, the Council shall have power by ordinance to adopt all needful rules and regulations relating to property and related facilities under the supervision of the Parks, Library and Recreation Department, whether inside or outside the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations all such properties shall be under the police jurisdiction of the City. Any member of the police force of the city, or park employee appointed as a special policeman, shall have power to arrest without warrant on all such properties any person who has violated any such rule or regulation or committed an offense therein, in his presence.

ARTICLE 10

DEPARTMENT OF FIRE

Section 10-1 DEPARTMENT CREATED—There is hereby created the Department of Fire, the head of which shall be the Fire Chief, appointed by the City Manager, with the approval of the Council; provided, however, that for so long as

the City has a Volunteer Fire Department, the Fire Chief shall be elected by the members of said Volunteer Department. The department shall consist of the Fire Chief and such other employees of such ranks and grades that may be prescribed by ordinance.

Section 10-2 FUNCTIONS OF DEPARTMENT—The Department of Fire shall be responsible for protection of life and property within the City, from fire and for the enforcement of all laws, ordinances, and regulations relating to fire prevention and safety, and the department shall be responsible for the installation, operation, maintenance, and supervision of fire department equipment.

Section 10-3 FIRE CHIEF—The Fire Chief shall be in direct command of the Department of Fire. He shall appoint and remove all other officers and employees of the department. He shall assign all members of the department to their respective posts, shifts, details, and duties. He shall make rules and regulations in conforming with the ordinances of the City, concerning the operation of the department and conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the department, and for the care and custody of all property used by the department. Disobedience to the lawful order of the Chief or to the rules and regulations aforesaid shall be grounds for dismissal or for other appropriate disciplinary action. The Chief shall, subject to the approval by the Manager, have further power to make regulations implementing and giving effect to the general laws and ordinances relating to fire prevention and fire safety.

ARTICLE 11

DEPARTMENT OF POLICE

Section 11-1 DEPARTMENT CREATED—There is hereby created a Department of Police, the director of which shall be the Chief of Police appointed by the City Manager, with the approval of the Council. The department shall consist of a Chief of Police, and such other employees of such ranks and grades as may be prescribed by ordinance.

Section 11-2 FUNCTIONS OF THE DEPARTMENT—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 enforcement of the laws of the State, and the ordinances of the City, and all rules and regulations made in accordance therewith. All members of the Department shall have the same power and duties with respect

to the service of criminal process and enforcement of criminal laws as are vested in police officers by the general statutes. The department shall also exercise all administrative functions of the municipal government as to (a) operation of municipal jails, and (b) control of traffic, promotion of traffic safety and investigation and analysis of traffic accidents.

Section 11-3 CHIEF OF POLICE—The Chief of Police shall be in direct command of the Department of Police. He shall appoint and remove all employees of the department to their respective posts, shifts, details and duties. He shall make rules and regulations, in conformity with the ordinances of the City, concerning the operation of the department and the conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the department and the care and custody of all property used by the department. Disobedience to the lawful orders of the Chief or to the rules and regulations aforesaid, shall be grounds for dismissal, or for other appropriate disciplinary action.

Section 11-4 SPECIAL POLICEMAN—Upon application of any individual, firm, corporation, or association, showing the necessity therefor, the Chief of Police may appoint one or more special officers to be paid by the applicant. He may also appoint, at the request of the City Manager, any employee of any department of the City as a special policeman. Special policemen shall take the oath required of members of the police force; shall wear when on duty, in full sight, a badge in the form prescribed by the Chief; and while in or on the premises of the individual, firm, corporation, or association requesting his appointment, and in the case of a city employee while in performance of his official duties, shall have all the powers and duties of policemen of the City and shall be subject to the rules and regulations of the Department of Police. Such appointments shall be revocable by the Chief of Police at any time.

ARTICLE 12

MUNICIPAL COURT

Section 12-1 COURT CREATED. The existing Police Court of the City shall continue as provided by the general laws of the State of Colorado, until otherwise provided by ordinance. The Council will appoint, with power to remove, for cause, the Police Magistrate and for his compensation, he shall receive a salary to be fixed by the Council.

Section 12-2—JURISDICTION OF POLICE COURT. Said Police Court

shall have exclusive original jurisdiction to hear, try and determine all charges of any misdemeanor as declared by this Charter and all causes arising under any of the ordinances of the City for a violation thereof. There shall be no trial by jury and there shall be no change of venue from said Court.

ARTICLE 13

ELECTIONS

Section 13-1 APPLICABILITY OF GENERAL STATUTES. Except as specifically provided herein, the general statutes relating to the nominations, registrations of voters, the conduct of elections, the counting of votes, and the declaration of the results, shall be applicable to all general or special elections held in accordance with the provisions of this Charter. The Council shall provide for the manner of holding City elections and such additional regulations in respect to elections, not inconsistent with this Charter, as may be necessary to accomplish the intent of this article. There shall be no use of the name of or affiliation with national political parties in municipal elections.

Section 13-2 MUNICIPAL ELECTIONS. A general municipal election shall be held on the first Tuesday after the first Monday in November of 1951, and on the first Tuesday after the first Monday in November of every second year thereafter. Special municipal elections shall be held when required by this Charter.

Section 13-3 JUDGES AND CLERKS. Not less than ten days before any election, the City Council shall select three election judges for each precinct; and, when they deem it necessary, three additional counting judges and two clerks for each of the said precincts.

Section 13-4 CANVASSING BOARD. The City Council shall meet as a Canvassing Board and duly canvass the election returns within two days after any municipal election. Whenever any member of the Council is a candidate for reelection, the City Council shall appoint some Justice of the Peace or Notary Public of said City to take the place of said candidate upon said canvassing board.

Section 13-5 PRIMARY ELECTIONS. There shall be no municipal primary elections.

Section 13-6 — ELECTION PRECINCTS. The City shall constitute one voting precinct, provided that the Council may for the convenience of voters, establish two or more precincts thirty days or more prior to any election, by ordinance. The precincts so established by ordinance shall remain for subsequent elections until otherwise provided

by ordinance. The Council shall determine the maximum number of electors for each precinct.

Section 13-7 RECALL FROM OFFICE. Every elective City Officer of the City of Wray may be recalled from office at any time by the electors of the City of Wray, by recall petition filed with the City Clerk, with signatures of qualified electors equal in number to twenty-five (25) percentum of the entire vote cast at the last preceding general municipal election for all candidates for the position which the incumbent sought to be recalled occupies.

The procedure hereunder to effect the recall of an elective officer, shall be as far as applicable by the method pointed out in Article XXI of the Constitution of the State of Colorado, known as "Recall from Office", with power in the City Council to provide by ordinance such other and further procedure as it may deem expedient, not inconsistent herewith.

Section 13-8 INITIATIVE AND REFERENDUM. Any proposed ordinance may be submitted to the Council by petition therefor of qualified electors equal in number to at least ten per cent of the total number of legal ballots cast within the City of Wray, by filing the same with the City Clerk or other election officer, and such proposed ordinance shall be adopted, without alteration by the Council, within twenty days after such petition is filed; or the Council shall refer such proposed ordinance in the form petitioned for, to the qualified electors at the next municipal election held not less than sixty days after such petition is filed. If such petition contain a request for a special election and is signed by qualified electors equal in number to at least twenty-five percent of the total number of legal ballots cast at the last preceding election, the ordinance thereby proposed shall be passed by the Council, without amendment or change, within twenty days after such petition shall be filed, or the Council shall refer each proposed ordinance, in the form petitioned for, to the qualified electors at a special election, which shall be called within said thirty days and held not less than sixty nor more than ninety days after such petition is filed, unless a special election for some other purpose or a general election is held within said period of time, in which case such proposed ordinance may be submitted to a vote at such election. Alternative ordinances may be submitted at the same election, and if two or more conflicting measures be approved by the People, then that one which received the greatest number of affirmative votes shall be adopted.

ed in all particulars as to which there is a conflict.

The Law known as "Initiative and Referendum", Chapter 86, C.S.A. 1935, and all laws amendatory thereto, as far as applicable, shall govern the procedure and form of Direct Legislation by the People of the City of Wray, with power in the City Council to make and publish such ordinances as may be needful to carry out the object and intent of this Article, but not inconsistent herewith.

ARTICLE 14

PUBLIC UTILITIES AND FRANCHISES

Section 14-1 DEFINITION—The term public utility or public utility corporation, when used in this Charter shall mean any person, firm or corporation operating gas or electric light works, telephone or telegraph systems, water or heating plants, or transportation systems, and serving or supplying the public for hire; and shall not include any person, firm or corporation, owning or operating side tracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines.

Section 14-2 DEPARTMENT OF PUBLIC UTILITIES CREATED—There shall be a Department of Public Utilities, the head of which shall be appointed by the City Manager.

Section 14-3 FUNCTIONS — The Department of Public Utilities shall exercise all administrative functions of the Municipal Government as to operating, maintaining, and constructing, city-owned water, sewage, light and power utilities and facilities and any other public utility acquired and owned by the city.

Section 14-4 OPERATION OF CITY-OWNED UTILITIES — The City Council shall make adequate provision by ordinance, for the operation of such public utilities owned by the city within and without the city limits, and fix the rates, fares, rentals and charges for service as well as all other powers and procedures granted in this charter. The City, when owning any public utility shall keep the books of account for such public utility in such manner as specified in Article V.

Section 14-5 MUNICIPAL WATER UTILITY — Every franchise, right or privilege which has been, or which may be hereafter granted, conveying any right, permission or privilege to the use of the water belonging to the city or its water system, shall always be subject to the most comprehensive review, management and control in every particular by the city; and the rights of the city to such control

for municipal purposes is retained by the City in order that nothing shall ever be done by any grantee or assignees of any such franchise, right or privilege which shall in any way interfere with the successful operation of the water works of the city, or which shall, or which shall tend to, divert, impair or render the same inadequate for the complete performance of the trust for the people under which such water works are held by the city.

Section 14-6 FRANCHISES GRANTED UPON VOTE—No franchise shall be granted except upon the vote of the qualified tax-paying electors and the question of its being granted shall be submitted to such vote by ordinance upon deposit with the finance director of the expense (to be determined by the finance director) of each submission by the applicant for said franchise. No exclusive franchise shall ever be granted.

No franchise granted by the City shall ever be leased, assigned or otherwise alienated without the express consent of the City, expressed by vote of the qualified tax-paying electors.

No bill for an ordinance submitting a franchise shall be put on final passage within thirty days of its introduction and until published at length, once each week, for at least five consecutive weeks in a newspaper published and of general circulation in the city.

Section 14-7 SPECIFY STREETS, PERMITS—All franchises or privileges hereafter granted to street or other railroads and to other transportation systems, shall plainly specify the particular streets, alleys, avenues, and other public property, or parts thereof, to which they shall apply. All other franchises may be in general terms, and apply to the City generally.

The Council may grant a permit at any time, in or upon any street, alley, or public place, provided such permit is revocable by the Council at its pleasure at any time, whether such right to revoke be expressly reserved or not.

Section 14-8 BOOKS OF RECORD—The Council shall cause to be kept in the office of the City Clerk an indexed Franchise Record, in which shall be transcribed copies of all public utility franchises heretofore or hereafter granted. The records shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual and inspection reports and such other matters of information and public interest as the council may from time to time require.

Section 14-9 TERMS - COMPENSATION-RESTRICTION — No fran-

chise shall be granted for a longer period than twenty years, nor without reserving to the City such just compensation from the use thereof as shall be fixed in the grant of said franchise. This compensation shall not exempt the grantee, or his or its assignees, from any lawful taxation upon his or its property, or the payment of any licenses, charges or any other impositions levied by the City. Such compensation shall be paid annually and a failure to pay such compensation shall work a forfeiture of the franchise.

Section 14-10 EXTENSIONS AND ENLARGEMENTS — All extensions and enlargements of an existing franchise shall provide that all of the terms and conditions of this Charter shall apply to and become a part of the original franchise. No such extension or enlargement shall extend beyond the life of the original franchise.

Section 14-11 REGULATION OF PUBLIC UTILITIES — Unless and until the City Council shall make provision, by ordinance for regulating the rates, fares, and rentals charged by any public utility or carrier and for regulating the service furnished by any public utility or any carrier serving the residents of the City, the Public Utility Commission of Colorado shall continue to exercise supervision and regulation thereof under applicable statutes of the State of Colorado; but the right to regulate the rates, fares and rentals of public utilities and carriers serving the residents of the City shall always be reserved to the City to be exercised by ordinance of the City Council. Every person or corporation operating under a franchise or grant from the City shall annually submit to the City Council a report verified by the oath of the President, the Treasurer, or the General Manager thereof. Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the Council, and the Council shall have the power, either through its members or by experts or employees, duly authorized by it, to examine the books and affairs of any such person, persons, or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Section 14-12 THE COUNCIL MAY ACQUIRE UTILITIES — The Council upon vote of the taxpaying electors, shall have the power with-in or without the territorial limits of the City to construct, condemn and purchase, acquire, lease, add to, maintain, conduct, and operate water works, gas works, light plants, power plants, transportation systems, telephone systems, heating

plants and other public utilities local in use and extent, in whole or in part, and everything required therefore, for the use of said City and the inhabitants thereof, and any such systems, plants, works or ways or any contracts in relation or in connection therewith which may exist and which the City may desire to acquire or purchase, in whole or in part, the same or any part thereof may be purchased by the City. Every utility franchise issued shall include contractual obligation to sell to the city under provisions of this Charter. The Council shall have the power to issue City Revenue Bonds only upon the vote of the tax-paying electors, at any special or general election. Such public utilities acquired by the City shall not be paid for out of general taxes or general obligation bonds, but shall be paid for from the revenue derived from the public utility. The rates charged by the municipally acquired utility shall never be less than sufficient annually to meet the bond obligations and to pay all expenses of maintaining and operating such public utility.

Section 14-13 RESERVATIONS TO CITY—There shall be reserved to the City, and every franchise or privilege to use public property granted a public utility shall always contain a reservation to the City, of the following rights and privileges:

(a) To terminate the franchise and to purchase all of the property of the utility used, or held for use, in the operation thereof, at a price fixed or determined in the manner provided for in the ordinance granting the franchise, exclusive of the value of the franchise so terminated.

(b) To control at all times the distribution of space in, over, across, and under all streets, alleys, thoroughfares, and public property to be occupied by any public utility appliance or fixture.

(c) To require such reconstruction, relocation, alteration or discontinuance of fixtures and appliances in public streets, alleys, thoroughfares and places, as shall be necessary in the opinion of the Council to best serve the convenience of the public.

ARTICLE 15

GENERAL PROVISIONS

Section 15-1 PUBLIC RECORDS —All public records shall be available for inspection, subject only to reasonable restrictions. Upon the payment of a reasonable fee, a copy, or if desired a certified copy, of any public record shall be furnished by the custodian thereof. A public record, or duly certified

copy, shall be prima facie evidence of its contents.

Section 15-2 PRESENT ORDINANCES—All laws, ordinances, resolutions, written rules or regulations in force in the City of Wray at the time this Charter takes effect, not inconsistent with its provisions, shall continue in full force and effect until otherwise provided by ordinance.

Section 15-3 PENALTY FOR VIOLATION—Any person who shall violate any of the provisions of this Charter, for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding three hundred (\$300.00) dollars, or by imprisonment in the city jail not exceeding three months, or by both such fine and imprisonment.

Section 15-4 DEFINITION OF MISDEMEANOR—The term "Misdemeanor" as used in this Charter shall mean a violation thereof, or of any ordinance, of which the municipal court or magistrate thereof shall have jurisdiction, and shall not have the meaning attached to it in Chapter 48, entitled "Crimes," in 1935 Colorado Statutes Annotated.

Section 15-5 SAVING CLAUSE—All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the Town of Wray before this Charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed, due or owing the Town of Wray, shall be enforced or collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter; and all legal acts done by or in favor of the Town of Wray shall be and remain as valid as though this Charter had not been adopted.

Section 15-6 CHARTER AMENDMENTS—This Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election.

Section 15-7 RESERVATION OF POWER—The power to supercede any law of this State now or hereafter in force, in so far as it applies to local or municipal affairs shall be reserved to the City, acting by ordinance, subject to restrictions of Article XX of the State Constitution.

Section 15-8 TRANSITIONAL PROVISIONS—The period from the effective date of this Charter to

ninety (90) days after the City Manager assumes his duties, shall be known as the "reorganization period." During the reorganization period, all officers and employees shall proceed with due diligence to effectuate the provisions of this Charter, and the City Manager shall, by executive order, designate the succession of organization units and employees, and allocate equipment and space.

(a) This Charter shall be fully operative ninety (90) days after the City Manager assumes his duties.

(b) At the expiration of the ninety day period, an audit of the accounts of the Town of Wray shall be made.

Section 15-9 CONSTITUTIONALITY—In case any portion of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder thereof, but as to such remainder, this Charter shall remain in full force and effect until amended or repealed.

DONE IN CONVENTION at the Council Chamber in the City of Wray in the State of Colorado, this 8th day of September, in the year of our Lord one thousand nine hundred and fifty, and of the Independence of the United States the one hundred and seventy-fifth.

IN WITNESS WHEREOF, We have hereunto subscribed our names.

N. DEAN HENRY, President
W. W. BAUER
L. D. BUCHANAN
ROSCOE BULLARD
C. F. BARKMEIER
FRED CARPENTER
RALPH CREWS
W. T. DISS
R. W. GARDNER
JOE C. GRAHAM
R. D. GRAHAM
WALTER L. GRUTTER
ROBERT S. IRWIN
GEORGE H. ISHAM
PHIL LOCKWOOD
J. S. PARKER
E. H. REED
P. H. SHEA
ROBERT L. SHEVERBUSH
D. E. SISSON
R. L. WHEELER

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