

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1031.01 Bob Lackner x4350

SENATE BILL 14-199

SENATE SPONSORSHIP

Grantham,

HOUSE SPONSORSHIP

Becker,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

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

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

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

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

5 **ARTICLE I**

6 **Incorporation**

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

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

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

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

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

27

ARTICLE II

1 **Board of Selectmen**

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

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

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

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

1 A TWO-YEAR TERM.

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

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

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

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

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

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

1 FOR WHICH HE OR SHE HAS BEEN ELECTED.

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

8 **ARTICLE III**

9 **Office of Police Judge**

10 **Section 3.1. Office created, term.** THE CHIEF EXECUTIVE OFFICE
11 OF GEORGETOWN IS THE POLICE JUDGE, WHO WILL BE ELECTED BY THE
12 REGISTERED ELECTORS OF GEORGETOWN, AND WILL HOLD OFFICE FOR TWO
13 YEARS AND UNTIL A SUCCESSOR IS ELECTED AND HAS TAKEN THE
14 REQUIRED OATH.

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

21 **Section 3.3. Vacancies.** IF A POLICE JUDGE FAILS TO MAINTAIN A
22 PRIMARY RESIDENCE IN GEORGETOWN, RESIGNS, OR IS UNABLE TO FULFILL
23 THE DUTIES OF THE OFFICE, THEN THE BOARD OF SELECTMEN, BY A
24 MAJORITY VOTE, MAY DECLARE A VACANCY AND APPOINT A SUCCESSOR
25 TO FULFILL THE REMAINING TERM OF THE POLICE JUDGE.

26 **ARTICLE IV**

27 **Elections**

1 **Section 4.1. Election day.** ON THE FIRST MONDAY OF APRIL,
2 1915, AND ON THE SAME DAY EVERY TWO YEARS THEREAFTER, AN
3 ELECTION SHALL BE HELD FOR ONE POLICE JUDGE, ELECTED AT LARGE, AND
4 ONE SELECTMAN FROM EACH WARD, ELECTED BY THE REGISTERED
5 ELECTORS OF EACH SUCH WARD. IF TWO OR MORE PERSONS AT AN
6 ELECTION RECEIVE THE SAME NUMBER OF VOTES FOR EITHER OF SAID
7 OFFICES, THE BOARD OF SELECTMEN SHALL DETERMINE THE ELECTION
8 BETWEEN THEM BY LOT.

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

19 **Section 4.3. Election laws applicable.** THE "COLORADO
20 MUNICIPAL ELECTION CODE OF 1965", AS FROM TIME TO TIME AMENDED
21 AND SUPPLEMENTED, AND THE COLORADO AND UNITED STATES
22 CONSTITUTIONS, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED,
23 IN RELATION TO THE REGISTRATION AND THE TERMS, PREREQUISITES,
24 CONDITIONS AND LIMITATIONS APPLICABLE TO CALLING, GIVING NOTICE
25 OF, CONDUCTING AND CANVASSING MUNICIPAL ELECTIONS, AND THE
26 EXERCISE OF INITIATIVE AND RECALL, ARE TAKEN AND HELD TO APPLY TO
27 THE ELECTORS, AND ALL ELECTIONS HELD UNDER THE CHARTER OF

1 GEORGETOWN, OR ANY ORDINANCE MADE IN PURSUANCE OF THE
2 CHARTER.

3 **ARTICLE V**

4 **Powers of the Board of Selectmen**

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

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

21 PROVIDED, HOWEVER, THAT THE TAX LEVY FOR TOWN PURPOSES
22 SHALL NOT EXCEED TWENTY MILLS ON EACH DOLLAR OF ASSESSED
23 VALUATION; EXCEPT THAT SUCH GENERAL AD VALOREM TAXES MAY BE
24 LEVIED WITHOUT LIMITATION AS TO RATE OR AMOUNT FOR THE PAYMENT
25 OF THE PRINCIPAL, INTEREST, OR ANY PRIOR REDEMPTION PREMIUM IN
26 CONNECTION WITH THE DEBT OR INDEBTEDNESS OF GEORGETOWN.

27 **Section 5.2. Bonds, borrowing.** (a) THE BOARD OF SELECTMEN

1 MAY REQUIRE OF ALL OFFICERS APPOINTED OR ELECTED IN PURSUANCE OF
2 THIS ACT, BONDS, WITH PENALTY AND SECURITY FOR THE FAITHFUL
3 PERFORMANCE OF THEIR RESPECTIVE DUTIES AS MAY BE DEEMED
4 EXPEDIENT, AND, ALSO, TO REQUIRE OF ALL OFFICERS APPOINTED OR
5 ELECTED AS AFORESAID, TO TAKE SUCH OATHS OR MAKE SUCH
6 AFFIRMATIONS AS THE BOARD MAY PRESCRIBE FOR THE FAITHFUL
7 PERFORMANCE OF THE DUTIES OF THEIR RESPECTIVE OFFICES, BEFORE
8 ENTERING UPON THE DISCHARGE OF THE SAME.

9 (b) THE BOARD OF SELECTMEN MAY CONTRACT FOR ANY
10 INDEBTEDNESS ON BEHALF OF GEORGETOWN AND UPON THE CREDIT
11 THEREOF BY BORROWING MONEY OR ISSUING THE BONDS OF GEORGETOWN
12 FOR ANY PUBLIC PURPOSE OF GEORGETOWN IN LIKE MANNER AND UPON
13 LIKE TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE
14 TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE
15 STATE OF COLORADO PERTAINING TO MUNICIPALITIES, AS SET FORTH IN
16 TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME
17 AMENDED AND SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED
18 IN THIS SECTION; PROVIDED, THAT THE BOARD OF SELECTMEN
19 SPECIFICALLY MAY PLEDGE TO THE PAYMENT OF SUCH INDEBTEDNESS ANY
20 OR ALL OF THE PROCEEDS DERIVED FROM ANY SALES TAX, USE TAX AND
21 GROSS RECEIPTS TAX IMPOSED BY GEORGETOWN PURSUANT TO ANY
22 GENERAL OR SPECIAL STATUTE. AS USED IN THIS PARAGRAPH (b), "PUBLIC
23 PURPOSE" INCLUDES BUT IS NOT NECESSARILY LIMITED TO: SUPPLYING
24 GAS, WATER, AND ELECTRICITY AND SANITARY AND STORM SEWER
25 SERVICE; THE PURCHASE, CONSTRUCTION, EXTENSION, AND IMPROVEMENT
26 OF PUBLIC STREETS, BUILDINGS, FACILITIES, AND EQUIPMENT; AND
27 SUPPLYING A TEMPORARY DEFICIENCY IN THE REVENUE FOR DEFRAYING

1 THE CURRENT EXPENSES OF GEORGETOWN.

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

19 (d) THE BOARD OF SELECTMEN MAY ACQUIRE, PURCHASE,
20 IMPROVE, AND EXTEND A MUNICIPAL WATER SYSTEM, A SEWER SYSTEM,
21 OR BOTH A WATER AND A SEWER SYSTEM, OR A JOINT WATER AND SEWER
22 SYSTEM, THE COST TO BE DEFRAID BY THE ISSUANCE OF BONDS PAYABLE
23 FROM THE REVENUES OF EITHER OR BOTH OF SAID SYSTEMS, SAID BONDS
24 TO BE ISSUED IN LIKE MANNER, AND UPON LIKE TERMS, PREREQUISITES,
25 CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS
26 ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO
27 PERTAINING TO MUNICIPALITIES AS SET FORTH IN TITLE 31, COLORADO

1 REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND
2 SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS
3 SECTION 2.

4 (e) THE BOARD OF SELECTMEN MAY ISSUE WATER, OR SEWER OR
5 JOINT WATER AND SEWER REFUNDING REVENUE BONDS TO REFUND, PAY,
6 OR DISCHARGE ALL OR ANY PART OF GEORGETOWN'S WATER, SEWER, OR
7 JOINT WATER AND SEWER REVENUE BONDS OR GENERAL OBLIGATION
8 BONDS WHICH ARE SECURED BY A PLEDGE OF REVENUES OF
9 GEORGETOWN'S WATER, SEWER, OR WATER AND SEWER SYSTEMS,
10 HERETOFORE OR HEREAFTER ISSUED PURSUANT TO THE CHARTER OF
11 GEORGETOWN OR UNDER ANY OTHER LAW, INCLUDING INTEREST THEREON
12 IN ARREARS OR ABOUT TO BECOME DUE OR FOR THE PURPOSE OF REDUCING
13 INTEREST COSTS OR EFFECTING OTHER ECONOMICS OR OF ELIMINATING
14 RESTRICTIVE CONTRACTUAL LIMITATIONS APPERTAINING TO THE ISSUANCE
15 OF ADDITIONAL BONDS OR TO THE WATER SYSTEM, SEWER SYSTEM, OR
16 BOTH WATER AND SEWER SYSTEMS OR THE JOINT WATER AND SEWER
17 SYSTEM. SUCH REVENUE REFUNDING BONDS MAY BE PAYABLE FROM THE
18 REVENUES OF EITHER OR BOTH OF SUCH SYSTEMS OR THE JOINT WATER
19 AND SEWER SYSTEM AND EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS
20 SECTION 5.2 MAY BE ISSUED IN LIKE MANNER AND UPON LIKE TERMS,
21 PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND
22 TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF
23 COLORADO PERTAINING TO MUNICIPALITIES, AS SET FORTH IN TITLE 31,
24 COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND
25 SUPPLEMENTED, INCLUDING BUT NOT LIMITED TO THE ESTABLISHMENT OF
26 AN ESCROW FOR PAYMENT OF THE REFUNDED BONDS AS PROVIDED IN PART
27 2 OF ARTICLE 21 OF TITLE 31, COLORADO REVISED STATUTES, AS FROM

1 TIME TO TIME AMENDED AND SUPPLEMENTED.

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

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

13 **Section 5.3. Appropriate funds.** TO APPROPRIATE MONEY AND TO
14 PROVIDE FOR THE PAYMENT OF THE DEBTS AND EXPENSES OF SAID
15 CORPORATION.

16 **Section 5.4. Health regulations.** TO MAKE REGULATIONS TO
17 PREVENT THE INTRODUCTION OF CONTAGIOUS DISEASES WITHIN THE
18 LIMITS OF SAID CORPORATION, TO MAKE QUARANTINE LAWS FOR THAT
19 PURPOSE, AND TO ENFORCE THE SAME WITHIN FIVE MILES OF THE LIMITS OF
20 GEORGETOWN.

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

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

26 **Section 5.7. Water supply.** TO PROVIDE THE CORPORATION WITH
27 WATER, TO ERECT HYDRANTS AND PUMPS, BUILD CISTERNS AND DIG WELLS

1 IN THE STREETS FOR THE SUPPLY OF ENGINES AND BUCKETS; TO PROVIDE
2 FOR AND REGULATE THE MANNER OF INTRODUCING WATER INTO
3 GEORGETOWN; TO REGULATE AND PROVIDE FOR CONSTRUCTING DITCHES,
4 CANALS, GUTTERS, AND THE LAYING OF WATER PIPES FOR CONDUCTING
5 AND DISTRIBUTING WATER THROUGH THE CORPORATION; AND TO
6 REGULATE THE USE OF WATER BY THE INHABITANTS THEREOF FOR ANY
7 AND ALL PURPOSES.

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

15 **Section 5.9. Establish bridges.** TO ESTABLISH, ERECT, AND KEEP
16 IN REPAIR, BRIDGES.

17 **Section 5.10. Establish wards.** TO DIVIDE THE CORPORATION
18 INTO WARDS, ALTER THE BOUNDARIES THEREOF, AND MAKE ADDITIONAL
19 WARDS, AS THE OCCASION MAY REQUIRE.

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

22 **Section 5.12. Regulate markets, marketplaces.** TO ERECT
23 MARKET-HOUSES, TO ESTABLISH MARKETS AND MARKETPLACES, AND TO
24 PROVIDE FOR THE REGULATION THEREOF.

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

27 **Section 5.14. Maintain public property.** TO PROVIDE FOR

1 ENCLOSING, IMPROVING, AND REGULATING ALL PUBLIC GROUNDS
2 BELONGING TO THE CORPORATION.

3 **Section 5.15. License, tax merchants, peddlers.** TO LICENSE,
4 TAX, AND REGULATE AUCTIONEERS, MERCHANTS, PEDDLERS, RETAILERS,
5 GROCERS, TAVERNS, ORDINARIES, HAWKERS, BROKERS, PAWNBROKERS,
6 AND MONEY-CHANGERS.

7 **Section 5.16. License, tax theatrical exhibitions, shows.** TO
8 LICENSE, TAX, AND REGULATE THEATRICAL AND OTHER EXHIBITIONS,
9 SHOWS, AND AMUSEMENTS.

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

12 **Section 5.18. Fire prevention policies, fire companies.** TO
13 PROVIDE FOR THE PREVENTION AND EXTINGUISHMENT OF FIRES AND TO
14 REGULATE THE CONSTRUCTION AND MAINTENANCE OF BUILDINGS FOR THE
15 SAFETY OF THE COMMUNITY AND FOR FIRE PROTECTION.

16 **Section 5.19. Storage of gunpowder, combustible materials.** TO
17 REGULATE THE STORAGE OF GUNPOWDER, TAR, PITCH, RESIN, AND OTHER
18 COMBUSTIBLE MATERIALS.

19 **Section 5.20. Animal restraint, fences, walls.** TO REGULATE
20 PARAPET WALLS AND PARTITION FENCES, AND RESTRAIN CATTLE, HOGS,
21 HORSES, SHEEP, AND DOGS FROM RUNNING AT LARGE. THE BOARD OF
22 SELECTMEN OF GEORGETOWN MAY LICENSE ALL DOGS OWNED OR KEPT
23 WITHIN THE CORPORATION, UPON A FEE SET BY ORDINANCE OR
24 RESOLUTION, AND FOR THE PURPOSE OF ENFORCING THE COLLECTION OF
25 THE SAME ARE HEREBY AUTHORIZED TO PROSECUTE THE OWNERS AND
26 KEEPERS OF DOGS, AND KILL AND DESTROY DOGS IN SUCH MANNER AS
27 THEY MAY DETERMINE BY ORDINANCE.

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

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

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

22 **Section 5.24. Power to pass ordinances.** THE BOARD OF
23 SELECTMEN MAY MAKE ALL ORDINANCES THAT ARE NECESSARY AND
24 PROPER FOR CARRYING INTO EXECUTION THE POWERS SPECIFIED IN THIS
25 CHARTER, SO THAT SUCH ORDINANCES ARE NOT REPUGNANT OR
26 INCONSISTENT WITH THE CONSTITUTION OF THE UNITED STATES, OR THE
27 STATE OF COLORADO. THE BOARD OF SELECTMEN OF GEORGETOWN MAY,

1 AND ARE HEREBY AUTHORIZED TO, MAKE ALL REASONABLE AND
2 PRUDENTIAL ORDINANCES AND POLICE REGULATIONS FOR THE
3 GOVERNMENT OF SAID CORPORATION.

4 **Section 5.25. Style of ordinances.** THE STYLE OF THE CORPORATE
5 ORDINANCES SHALL BE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF
6 GEORGETOWN.

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

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

19 **Section 5.28. Appointment of town officials.** THE BOARD OF
20 SELECTMEN MAY PROVIDE FOR, BY ORDINANCE, THE APPOINTMENT OF ALL
21 OFFICERS NECESSARY TO ENFORCE AND CARRY INTO EFFECT THE
22 PROVISIONS OF THIS CHARTER AND THE ORDINANCES OF THE TOWN,
23 INCLUDING BUT NOT LIMITED TO A TOWN ADMINISTRATOR, A TOWN CLERK,
24 TOWN ATTORNEY, TOWN TREASURER, TOWN COLLECTOR, TOWN ASSESSOR,
25 TOWN SURVEYOR, AND A TOWN MARSHAL, AND TO PROVIDE FOR THEIR
26 COMPENSATION AND DUTIES, THE TIME FOR WHICH THEY SHALL HOLD
27 THEIR RESPECTIVE OFFICES, AND THEIR REMOVAL FROM OFFICE.

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

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

16 **ARTICLE VI**

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

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

20 (a) TO PRESIDE AT ALL MEETINGS OF THE BOARD OF SELECTMEN;
21 EXCEPT THAT THE POLICE JUDGE SHALL NOT EXERCISE A VOTE EXCEPT IN
22 THE EVENT OF A TIE VOTE OF THE BOARD OF SELECTMEN, IN WHICH CASE
23 THE POLICE JUDGE SHALL CAST A TIE-BREAKING VOTE;

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

26 (c) TO EXECUTE AND AUTHENTICATE WITH AN ORIGINAL
27 SIGNATURE ALL LEGAL INSTRUMENTS, CONTRACTS IN WRITING BINDING

1 THE TOWN, ALL CONVEYANCES OF INTERESTS IN LAND BY THE TOWN AND
2 ANY OTHER DOCUMENTS REQUIRING HIS OR HER SIGNATURE, UNLESS THE
3 BOARD OF SELECTMEN, ACTING BY ORDINANCE OR RESOLUTION,
4 AUTHORIZES ANOTHER MANNER OF AUTHENTICATING DOCUMENTS, EITHER
5 INDIVIDUALLY OR IN GENERAL;

6 (d) TO COORDINATE WITH AND ASSIST THE TOWN ADMINISTRATOR
7 AND TOWN CLERK IN PREPARING AGENDAS FOR ALL REGULAR AND SPECIAL
8 MEETINGS OF THE BOARD OF SELECTMEN.

9 **Section 6.2.** IN CASES OF THE ABSENCE OF THE POLICE JUDGE AT
10 ANY MEETING, THE BOARD OF SELECTMEN SHALL APPOINT ONE OF THEIR
11 NUMBER AS CHAIRMAN, WHO SHALL PRESIDE AT THE MEETING, BUT SHALL
12 NOT THEREBY LOSE THE RIGHT TO VOTE ON ANY QUESTION BEFORE THE
13 BOARD.

14 **Section 6.3.** THE POLICE JUDGE SHALL NOT BE COMPENSATED
15 EXCEPT AS AUTHORIZED BY THE GEORGETOWN ELECTORATE AT A
16 REGULAR OR SPECIAL TOWN ELECTION, PURSUANT TO SECTION 31-4-406,
17 COLORADO REVISED STATUTES.

18 **Section 6.4.** THE BOARD OF SELECTMEN ACTING BY ORDINANCE,
19 RESOLUTION, OR MOTION, AS APPROPRIATE AND CONSISTENT WITH THE
20 TERRITORIAL CHARTER, SHALL ESTABLISH ALL POLICIES, PROCEDURES,
21 LAWS, ORDINANCES, REGULATIONS, AND OTHER POLICY DIRECTIONS FOR
22 THE TOWN. THE POLICE JUDGE SHALL ACT IN CONCERT WITH THE TOWN
23 ADMINISTRATOR AND ON BEHALF OF THE BOARD OF SELECTMEN TO
24 IMPLEMENT THE SAME; EXCEPT THAT THE POLICE JUDGE SHALL NOT GIVE
25 POLICY OR MANAGEMENT DIRECTION TO THE TOWN ADMINISTRATOR.

26 **ARTICLE VII**

27 **Proceedings in Special Cases**

1 **Section 7.1. Opening, widening streets by town, eminent**
2 **domain.** WHEN IT SHALL BE NECESSARY TO TAKE PRIVATE PROPERTY FOR
3 OPENING, WIDENING, OR ALTERING ANY PUBLIC STREET, LANE, AVENUE, OR
4 ALLEY, OR FOR ANY OTHER PUBLIC PURPOSE, THE CORPORATION MAY
5 EXERCISE THE RIGHT OF EMINENT DOMAIN WITHIN AND WITHOUT THE
6 CORPORATE LIMITS AS PROVIDED BY THE COLORADO CONSTITUTION AND
7 STATUTES.

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

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

1 THE UNITED STATES, ALL AS MAY BE DETERMINED BY THE TOWN IN THE
2 ORDINANCE AUTHORIZING ISSUANCE OF SUCH SPECIAL ASSESSMENT
3 BONDS;

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

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

12 ARTICLE VIII

13 Municipal Court

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

25 **Section 8.2. Municipal judge.** THE MUNICIPAL COURT IS
26 PRESIDED OVER BY A JUDGE WHO IS AN ATTORNEY AT LAW ADMITTED TO
27 PRACTICE BEFORE THE SUPREME COURT OF THE STATE OF COLORADO. THE

1 JUDGE IS APPOINTED BY THE BOARD OF SELECTMEN TO SERVE A TERM OF
2 TWO YEARS. THE BOARD OF SELECTMEN MAY APPOINT AS MANY
3 MUNICIPAL JUDGES AS IT DEEMS NECESSARY FOR THE PROPER FUNCTION
4 OF THE MUNICIPAL COURT. IF, HOWEVER, THE BOARD OF SELECTMEN
5 APPOINTS MORE THAN ONE JUDGE IT MUST DESIGNATE WHO WILL BE THE
6 PRESIDING JUDGE. ALL JUDGES APPOINTED UNDER THIS SECTION WILL
7 RECEIVE A FIXED SALARY OR COMPENSATION TO BE DETERMINED BY THE
8 BOARD OF SELECTMEN, NOT DEPENDENT UPON THE OUTCOME OF THE
9 CASES OR MATTERS TO BE DECIDED.

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

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

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

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

21 **ARTICLE IX**

22 **Town Administration**

23 **Section 9.1. Town administrator.** (a) THE TOWN
24 ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT OF
25 THE TOWN. THE BOARD OF SELECTMEN BY A MAJORITY VOTE OF ITS ENTIRE
26 MEMBERSHIP SHALL APPOINT A TOWN ADMINISTRATOR WITHIN SIX
27 MONTHS OF A VACANCY, OR AS SOON THEREAFTER AS MAY BE PRACTICAL

1 AND CONSISTENT WITH GOOD GOVERNANCE OF THE TOWN. THE BOARD OF
2 SELECTMEN SHALL ASSIGN A PERSON OR PERSONS TO ACT DURING ANY
3 VACANCY. SUCH APPOINTMENT SHALL BE WITHOUT DEFINITE TERM AND
4 MUST BE AT A SALARY TO BE FIXED FROM TIME TO TIME BY THE BOARD OF
5 SELECTMEN. THE BOARD OF SELECTMEN MAY ENTER INTO AN
6 EMPLOYMENT CONTRACT WITH THE TOWN ADMINISTRATOR. AT THE TIME
7 OF APPOINTMENT, THE ADMINISTRATOR NEED NOT BE A RESIDENT OF THE
8 TOWN OR STATE, BUT DURING THE ADMINISTRATOR'S TENURE IN OFFICE,
9 THE ADMINISTRATOR SHALL RESIDE WITHIN THE TOWN, EXCEPT AT THE
10 DISCRETION OF THE BOARD OF SELECTMEN.

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

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

19 (1) BE RESPONSIBLE FOR THE ENFORCEMENT OF THE LAWS AND
20 ORDINANCES OF THE TOWN;

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

1 REGARDING HIRING, SUSPENSION, OR TERMINATION;

2 (3) CAUSE A PROPOSED BUDGET TO BE PREPARED ANNUALLY AND
3 SUBMIT THE BUDGET TO THE BOARD OF SELECTMEN AND BE RESPONSIBLE
4 FOR THE ADMINISTRATION OF THE BUDGET AFTER ADOPTION;

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

9 (5) EXERCISE SUPERVISION AND CONTROL OVER ALL EXECUTIVE
10 AND ADMINISTRATIVE DEPARTMENTS;

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

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

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

25 **Section 9.4. Town attorney.** THE BOARD OF SELECTMEN SHALL
26 APPOINT A TOWN ATTORNEY. THE TOWN ATTORNEY SHALL SERVE AT THE
27 PLEASURE OF THE BOARD OF SELECTMEN AND MAY BE TERMINATED AT

1 ANY TIME BY A MAJORITY VOTE OF THE ENTIRE MEMBERSHIP OF THE
2 BOARD OF SELECTMEN. THE TOWN ATTORNEY SHALL BE AN ATTORNEY
3 ADMITTED TO PRACTICE IN COLORADO. THE TOWN ATTORNEY SHALL BE
4 THE LEGAL REPRESENTATIVE OF THE TOWN AND ADVISE THE BOARD OF
5 SELECTMEN AND TOWN OFFICIALS IN MATTERS RELATING TO THEIR
6 OFFICIAL POWERS AND DUTIES AND SHALL PERFORM SUCH OTHER DUTIES
7 AS REQUIRED BY THE CHARTER, BY THE BOARD OF SELECTMEN, OR BY THE
8 TOWN ADMINISTRATOR. THE TOWN ATTORNEY'S CLIENT IS THE BOARD OF
9 SELECTMEN.

10 ARTICLE X

11 Miscellaneous Provisions

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

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

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

26 **Section 10.4. Charter a public act, evidence in court.** THIS ACT
27 IS HEREBY DECLARED TO BE A PUBLIC ACT AND MAY BE READ IN EVIDENCE

1 IN ALL COURTS OF LAW AND EQUITY WITHIN THIS TERRITORY WITHOUT
2 PROOF.

3 **Section 10.5. Repeal of certain ordinances.** ALL ACTS OR PARTS
4 OF ACTS COMING WITHIN THE PROVISIONS OF THIS CHARTER, OR CONTRARY
5 TO, OR INCONSISTENT WITH ITS PROVISIONS, ARE HEREBY REPEALED.

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

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

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

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