CHARTER

for the

CITY OF PUEBLO, COLORADO

Adopted April 6, 1954

Amended:

November 3, 1959	November 7, 1961
November 5, 1963	November 4, 1967
November 4, 1969	November 6, 1973
November 4, 1975	November 8, 1977
November 6, 1979	November 4, 1980
November 8, 1983	November 7, 1989
November 7, 1995	November 3, 1998
November 2, 1999	November 2, 2004
November 8, 2005	November 4, 2008

Published by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

TABLE OF CONTENTS

FOREWORD ..... C-ix

CERTIFICATE OF FINAL ADOPTION ..... C-x

PREFATORY SYNOPSIS ..... C-xiii

PREAMBLE C-1

ARTICLE 1 GENERAL PROVISIONS C-1

Section 1-1 Name-Boundaries
Section 1-2 Form of Government
Section 1-3 Powers
Section 1-4 Construction of Words
Section 1-5 Definitions
Section 1-6 Present Ordinances in Force
Section 1-7 Constitutionality
Section 1-8 Amending the Charter

ARTICLE 2 MUNICIPAL OFFICERS C-2

Section 2-1 Designation of Officers
Section 2-2 Municipal Employees
Section 2-3 Elective Officers
Section 2-4 Qualification of Elective Officers
Section 2-5 Appointive Boards and Commissions
Section 2-6 Elected Officers
Section 2-7 Books, Records and Properties Delivered to Successors
Section 2-8 Oath of Office
Section 2-9 Public Records
Section 2-10 Legal Notices-Publication
Section 2-11 Participation of All Officers and Employees Interested in Contracts

ARTICLE 3 CITY COUNCIL C-4

Section 3-1 Composition
Section 3-2 Councilmanic Districts
Section 3-3 Membership Rules
Section 3-4 President of the Council
Section 3-5 General Powers
Section 3-6 Public Libraries
Section 3-7 Dedication of Streets, Alleys, and Public Highways
Section 3-8 Contracts with Other Governmental Bodies
Section 3-9 Power to Make Contracts
Section 3-10 Independent Audits
Section 3-11 City Clerk
Section 3-12 Creation of New Departments or Offices - Change of Duties
Section 3-13 Licenses and Permits
Section 3-14 Surety Bonds
Section 3-15 Meetings - Quorum
Section 3-16 Ordinances - Resolution - Motions
Section 3-17 Ordinances-When Required
Section 3-18 Form of Ordinances
Section 3-19 Procedure for Passage
Section 3-20 Emergency Ordinances
Section 3-21 Disposition of Ordinances
Section 3-22 Ordinance Codification
Section 3-23 Publication by Reference

ARTICLE 4 CITY MANAGER C-8

Section 4-1 Appointment

Section 4-2 Absence of City Manager
Section 4-3 Removal of City Manager
Section 4-4 Council Not to Interfere in Appointments or Removals
Section 4-5 Powers and Duties
Section 4-6 Administrative Departments
Section 4-7 Directors of Departments
Section 4-8 Departmental Divisions
Section 4-9 Assignment of Employees

ARTICLE 5 MUNICIPAL COURT C-10
Section 5-1 Municipal Court
Section 5-2 Penalty for Violation

ARTICLE 6 DEPARTMENT OF LAW C-10
Section 6-1 City Attorney - Appointment - Qualifications
Section 6-2 Functions
Section 6-3 Institution of Suits
Section 6-4 Notice of Personal Injuries
Section 6-5 Recovery by the City to Compensate for Judgments
Section 6-6 Settlement of Claims
Section 6-7 Special Counsel

ARTICLE 7 FINANCE ADMINISTRATION C-11

Part I Budget

Section 7-1 Fiscal Year
Section 7-2 Submission of the Budget
Section 7-3 Scope of Annual Budget
Section 7-4 The Budget Message
Section 7-5 Departmental Estimates
Section 7-6 Certification of Tax Levy
Section 7-7 Appropriation Ordinance
Section 7-8 Budget - A Public Record
Section 7-9 Public Hearing
Section 7-10 Changes by the Council
Section 7-11 Adoption of the Budget
Section 7-12 Work Program and Allotments
Section 7-13 Transfers of Appropriations
Section 7-14 Additional Appropriations
Section 7-15 Appropriations to Lapse
Section 7-16 Capital Budget

Part II Department of Finance

Section 7-17 Department Created
Section 7-18 Director of Finance - Powers and Duties
Section 7-19 Accounting - Supervision and Control
Section 7-20 General Fund - Receipts and Expenditures
Section 7-21 Special Funds
Section 7-22 Earmarking

Part III Bonded Indebtedness

Section 7-23 General Obligation Bonds
Section 7-24 Refunding Bonds
Section 7-25 Special or Local Improvement District Bonds - Issuance
Section 7-26 Special or Local Improvement District Bonds – Special Surplus and Deficiency Fund
Section 7-27 Special or Local Improvement District Bonds – General Benefits

Part IV Purchases

Section 7-28 Purchases
Section 7-29 Competitive Bidding
Section 7-30 Accounting Control of Purchases
Section 7-31 Accounting Control for Withdrawals from Central Storerooms
Section 7-32 Contracts for City Improvement

ARTICLE 8 PERSONNEL ADMINISTRATION C-19
Section 8-1 Department Created
Section 8-2 Director-Duties
Section 8-3 Civil Service Commission
Section 8-4 Duties and Powers of Civil Service Commission
Section 8-5 Unclassified and Classified Service
Section 8-6 Return to Former Position
Section 8-7 Present Employees Continued in Office
Section 8-8 Pay Schedule
Section 8-9 Prohibitions
Section 8-10 Retirement
Section 8-11 Establishment of Retirement Plans
Section 8-12 Compulsory Retirement
Section 8-13 Extension of Other Retirement Plans to Municipal Employees
Section 8-14 Collective Bargaining for Employees in the Classified Service of the City of Pueblo
Section 8-14(a) Definitions
Section 8-14(b) Right to Organize and Bargain Collectively
Section 8-14(c) Selection and Recognition of Bargaining Agent
Section 8-14(d) Duty to Bargain in Good Faith
Section 8-14(e) Unresolved Issues Submitted to Advisory Arbitration
Section 8-14(f) Arbitration Board - Composition
Section 8-14(g) Arbitrator Duties
Section 8-14(h) Hearings
Section 8-14(i) Factors to be Considered by Arbitrator
Section 8-14(j) Fees and Expenses of Arbitration
Section 8-14(k) Impasse Election
Section 8-14(l) Collective Bargaining Agreement - What Constitutes
Section 8-14(m) Request for Collective Bargaining
Section 8-14(n) Pensions Not to be Reduced
Section 8-14(o) No Action in Conflict With a Collective Bargaining Agent
Section 8-14(p) Strikes Prohibited
Section 8-14(q) Impasse Resolution for Fire Fighter and Police Officer Bargaining Units
Section 8-14(r) Unresolved Issues Submitted to Binding Arbitration
Section 8-14(s) Binding Arbitrator X Selection
Section 8-14(t) Hearings
Section 8-14(u) Final Offer Procedure
Section 8-14(v) Finality of the Arbitrator's Decision
Section 8-14(w) Non-Severability
Section 8-15 Fire Fighters Surviving Spouse Benefits

ARTICLE 9 DEPARTMENT OF FIRE C-30c
Section 9-1 Department Created
Section 9-2 Functions of Department
Section 9-3 Fire Chief

ARTICLE 10 DEPARTMENT OF POLICE C-30d
Section 10-1 Department Created
Section 10-2 Functions of Department
Section 10-3 Chief of Police

ARTICLE 11 **DEPARTMENT OF HEALTH** C-31
Section 11-1 Department of Health
Section 11-2 Power and Duties
Section 11-3 Public Health Board
Section 11-4 Merger With County and District Health Department

ARTICLE 12 **PUBLIC WORKS** C-32
Section 12-1 Department Created
Section 12-2 Functions
Section 12-3 Powers and Duties
Section 12-4 City Planning and Zoning Commissions
Section 12-5 Powers and Duties
Section 12-6 Board of Appeals

ARTICLE 13 **DEPARTMENT OF PARKS AND RECREATION** C-34
Section 13-1 Department Created
Section 13-2 Functions
Section 13-3 Powers and Duties
Section 13-4 Rules and Regulations

ARTICLE 14 **DEPARTMENT OF AVIATION** C-34
Section 14-1 Department Created

ARTICLE 15 **WATER AND WATER WORKS** C-35
Section 15-1 Consolidation
Section 15-2 Board of Water Works of Pueblo, Colorado
Section 15-3 District No. 2
Section 15-4 Pueblo Water Works
Section 15-5 Election
Section 15-6 Contracts

ARTICLE 16 **FRANCHISES AND PUBLIC UTILITIES** C-36
Section 16-1 Definition
Section 16-2 Franchises Granted Upon Vote
Section 16-3 Books of Record
Section 16-4 Term - Compensation - Restriction
Section 16-5 Extension of Territory
Section 16-6 Elevate or Lower Tracks
Section 16-7 Provide for Safety
Section 16-8 Revocable Licenses
Section 16-9 Revocable Permits

ARTICLE 17 **ELECTIONS** C-38
Section 17-1 Applicability of State Constitution
Section 17-2 Municipal Elections
Section 17-3 Notice of Election
Section 17-4 Nomination
Section 17-5 Acceptance of Nomination
Section 17-6 Balloting
Section 17-7 Board of Elections
Section 17-8 Registration
Section 17-9 Optional Registration Plan
Section 17-10 Statement of Expenses
Section 17-11 Corrupt Practices
Section 17-12 Informalities

ARTICLE 18 **INITIATIVE AND REFERENDUM** C-40
Section 18-1 The Initiative
Section 18-2 Submissions
Section 18-3 The Referendum
Section 18-4 Procedure

Section 18-5 Amendments

ARTICLE 19 RECALL FOR ELECTIVE OFFICERS C-42
Section 19-1 Petition for Recall
Section 19-2 Filing Petition
Section 19-3 Calling Election
Section 19-4 Officer Recalled
Section 19-5 Nominations on Recall
Section 19-6 Disqualification

ARTICLE 20 TRANSITIONAL PROVISIONS C-43
Section 20-1 Status of Transitional Provisions
Section 20-2 Reorganization Period
Section 20-3 First Election Under Charter
Section 20-4 Present Council and Mayor to Continue in Office
Section 20-5 Status of Employees
Section 20-6 Retirement Plans
Section 20-7 Local Improvements
Section 20-8 Outstanding and Authorized Bonds
Section 20-9 Saving Clause

CHARTER INDEX CI-1

December 31, 1980

FOREWORD

The Constitution of the State of Colorado under Article XX authorizes any city in the State having a population of more than two thousand to frame a Home Rule Charter for its own government. In conformity with that authority, the people of Pueblo by their vote in a regular municipal election held November 3, 1953, approved a proposal to hold a Charter Convention.

The Charter Convention delegates wrote and unanimously adopted this Charter which was submitted to the people of Pueblo at a special election held April 6, 1954, and approved by a vote of 8,632 to 7,093.

The Certificate of Final Adoption by the Charter Commission appears on Page C-x.

A listing of the officers and delegates of the Charter Convention and those individuals who provided technical assistance to the Charter Convention is on Pages C-xi and C-xii.

The Prefatory Synopsis, Pages C-xiii through C-xvii, prepared by the Charter Convention, summarizes and explains the principal provisions of the Charter.

All amendments, the most recent having been adopted November 7, 1995, are incorporated in this revised printing of the Charter.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Pueblo Charter Convention, duly elected by the people of Pueblo, Colorado, at a special election held on January 5, 1954, under authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Pueblo, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Convention on the 25th day of February, 1954, for submission to the people of Pueblo at a special election to be held on April 6, 1954.

Done in triplicate at Pueblo, Colorado, this 25th day of February, 1954.

John H. Holmes, President

Elizabeth G. Hudspeth, Vice-President

E. Earl Brook
Harold E. Burch
Faye C. Chinn
Simon F. Elliot
Howard D. Flutcher
A. E. Grove
Jack Jenkins
Marvin C. Knudson
John I. Ladd
Robert S. Logan
Ruth A. Parks
E. H. Pemberton
Logan Ragle, Jr.
Andy Sackman

C. T. Johnson
Sebastian Kletzky
James M. Sheehan
Charles A. Temple
Frank E. White

OFFICERS AND DELEGATES

OF THE

1954 CHARTER CONVENTION

OF THE

CITY OF PUEBLO

DELEGATES

E. Earl Brook
Harold E. Burch
Faye C. Chinn
Simon F. Elliot
Howard D. Flutcher
A. E. Grove
John M. Holmes
Elizabeth G. Hudspeth
Jack Jenkins
C. T. Johnson
Sebastian Kletzky
Marvin C. Knudson
John I. Ladd
Robert S. Logan
Ruth A. Parks
E. H. Pemberton
Logan Ragle, Jr.
Andy Sackman
James M. Sheehan
Charles A. Temple
Frank E. White

OFFICERS

President ..... John M. Holmes
Vice-President ..... Elizabeth G. Hudspeth
Secretary ..... C. T. Johnson
Sergeant-at-Arms ..... Frank E. White

STAFF

Executive Secretary ..... William H. Walker
Secretary ..... Ellen Blackburn
Secretary ..... Laura Love

TECHNICAL ASSISTANCE

ATTORNEYS

City of Pueblo

John H. Marsalis Warren G. Elliott

Pueblo County Bar Association Committee

Robert S. Gast, Chairman
Robert W. Bartley David A. Preston
Walter Predovich Fred T. Tanquary

CONSULTANT

Colorado Public Expenditure Council

Fred Bennion, Executive Director
William H. Walker

FINANCE

William Hutchinson and Company
Russell W. Rink
Alva Sloan
Emmet E. Stoffel

PERSONNEL

Civil Service Assembly

Kenneth O. Warner, Director

University of Colorado

Bureau of State and Community Service

William Grelle

Numerous other individuals and organizations aided materially in providing information and assistance which helped in presenting all views on the many problems which confronted the Convention.

PREFATORY SYNOPSIS

In conformity with the authority granted to cities with populations of more than two thousand by Article XX of the Constitution of the State of Colorado, the twenty-one delegates elected by your vote have formulated a Charter to meet the special needs of Pueblo.

Since its organization on January 12, 1954, the Pueblo Charter Convention and its Committees have worked earnestly and unceasingly at the very difficult task assigned to them. In this process, the opinions and views of many people have been secured, public hearings held, suggestions and advice invited at all times, and detailed studies of a large number of charters carried on.

The Convention submits the results of its effort in the form of a proposed Charter for the consideration of the voters of Pueblo at a special city election to be held on April 6, 1954. To enable the voters to become familiar with this Charter, a statement by the way of summary and explanation of its principal provisions is here set forth.

Reasons for Writing a New Charter

The 1911 Charter as amended in numerous occasions has been described as outmoded, disorganized, incapable of meeting present and future needs, confusing to the public and ineffective for a true Council-Manager form of government. Particular provisions which have been subject to criticism included: an unwieldy Council of 14 members, the voter being permitted to vote for only one of the 14; a Council-Manager government of questionable legality imposed on a Charter written for a Commission form of government; the absence of complete executive control over department heads who were subject to a confusing complexity of conflicting and often contradictory appointive authority; lack of clear-cut division between legislative and administrative functions which resulted in a sluggish legislative process; two separate water districts with elected boards; poor credit standing of the City, making it difficult to have paved streets; earmarking of revenues for specific purposes; disorganized personnel provisions; a poor appeal procedure for city employees - these and other factors resulted in a Council-Manager government in name only. Therefore, the delegates have attempted to solve these many problems in the best interest of all citizens in Pueblo. It is realized that it is impossible to write any Charter which would suit everyone, but it is felt that the complete document should be accepted, then at a later date if some particular provision does not suit the people, it could be amended.

The Power of Amendment

Careful provision has been made for the right of the people to amend their Charter at any time to meet changed conditions or needs. Amendments to change the form of government can be made only through the calling of a Charter Convention. Amendments of specific provisions may be made by petition of the people, or may be initiated directly by a vote of the City Council. In any case, the proposed amendments must be submitted to a vote of the people and will become effective only if approved by a majority of the voters voting thereon.

The True Council-Manager Form of Government for Pueblo

Although there was no direct pledge by all delegates to write a non-political Council-Manager form of government, a large majority of delegates felt that this was the form of government most suitable to meet the needs of Pueblo at this time.

If this Charter is adopted, the policy-determining body or overall governing agency of the City will be the City Council elected by the people. The Council will have power to pass ordinances, determine all matters of policy and appoint a City Manager. The Council will then hold the Manager responsible for the proper execution of its policies and the effective administration of the City's departments, agencies and services. If the Manager does not perform those tasks properly, he may be removed immediately by the Council.

In one generation, this form of government has been adopted by nearly 1,100 cities and counties in this country.

The true Council-Manager form of government makes it easier for the voters to fix the responsibility for good or bad policies, and to secure effective and economical administration. There is no veto power to divide responsibility of the Council, and all department heads are under the direct supervision of the City Manager.

The Council

Under the proposed Charter the Present Council of fourteen members is to be replaced by a Council of seven members, elected for four-year staggered terms. One councilman will be elected from each of the four districts by the voters thereof; three councilmen-at-large will be elected by the voters of the entire City. Every voter will be voting for a majority of the council members, or four councilmen, instead of one as at the present time.

*Nominations for councilmen will be made by petition, and the names of the candidates will appear on election machines or ballots without any political party designation. Each councilman will be paid $100 per month.

* AS AMENDED NOVEMBER 7, 1989, BY A VOTE OF THE PEOPLE 10,295 TO 6,221.

President of the Council

The members of the Council will elect the President of the Council who will be the presiding officer with a vote like other councilmen, but with no veto power. He will be recognized as head of the City Government for ceremonial purposes but will have no special administrative duties. In order to compensate him in part for the time required of his office, he will be paid $125 per month.

The City Manager

The City Manager is to be chosen by the Council on the basis of executive and administrative qualifications, with special reference to his experience in and knowledge of city manager work. He must reside within the City during his term of office. If he fails to perform his duties effectively he may be suspended and removed by the Council after receiving a written notice of the reasons for his removal.

As the chief administrative officer of the City, the Manager will appoint the directors of departments and other administrative employees. The City Manager will have the duty of preparing the annual budget, in conformity with sound municipal budgeting practice, as well as presenting periodic financial statements for the information of the Council and the public. It will also be his duty to attend all Council meetings, making recommendations to the Council, and see that all laws and ordinances are properly enforced.

The purpose of these provisions in the Charter is to provide for the City a full-time experience administrator, selected solely on the basis of his qualifications, and as far removed as possible from politics.

The Council will be, at all times, the responsible governing body, and the Manager will continue in office only so long as he does his job effectively.

Departments, Offices, Boards and Commissions

The proposed Charter provides for the following Departments, Offices, Boards and Commissions:

Departments and Offices	Boards and Commissions
Finance	Civil Service
Personnel	Election
Purchasing	Planning and Zoning
Law	Zoning Appeals
Public Works	Public Health
Parks and Recreation	Water
Aviation	Others as appointed by the Council
Police	
Fire	
City-County Health Unit	
City Clerk	
Municipal Judge	

At the head of each department will be a director appointed by the City Manager. Exceptions would include the Municipal Judge, and the Health Officer employed by the City-County Health Unit. The Council appoints the members of the Planning and Zoning Commission and the Zoning Board of Appeals. The Civil Service Commissioners are continued as elective officials. The members of the Board of Election include the City Clerk and two appointees of the Council. The Council will appoint members of all Boards and Commissions created in the future.

Civil Service and Personnel

Three members of the Civil Service Commission will be elected at large for six-year staggered terms. The Commission will serve as the Appeals Board for actions pertaining to classification, allocation of positions, discipline, demotions, or dismissals. An appeal from decisions of the Commission will be taken directly to the District Court. The Civil Service Commission will also investigate employment conditions, hold public hearings on proposed Civil Service Rules, hold periodic competitive examinations, and will perform other functions as the Council may require.

Provision is made for a Personnel Director who would work in accord with Civil Service Rules.

The positions of employment in the City are divided into Classified and Unclassified. Those in the Classified Service are appointed after competitive examinations, in accord with Civil Service Rules. The Unclassified employees are appointed on the basis of training, experience, and qualifications for the job.

Present Employees Continued in Office

In order to give adequate protection to existing employees, provision is made for retaining all employees holding positions placed in the Classified Service.

Retirement Benefits

All employees of the City who are contributing to the retirement plan for city employees or who are members of the Fire or Police pension plans will continue as members of these plans unless they voluntarily withdraw.

The compulsory retirement age for city employees will be: sixty years for firemen and policemen, and sixty-five for all other city employees. Present employees who are fifty-five years old, or older, may continue for an additional five years on the basis of physical and mental examinations. Exceptions to compulsory retirement can be made so that those employees who are in good physical condition will be permitted to work until they reach seventy years.

Annual Audit

The Council will be required to employ a qualified public accountant to make an independent audit of all funds and accounts of the City at least annually for the information of the Council and the public, and as a basis for maintaining a careful check on the administrative service under the Manager.

Department of Finance, the Budget, Purchasing

Provisions have been written into the proposed Charter designed to assure sound methods of budgeting, accounting, purchasing and borrowing. The Director of Finance will be appointed by the Manager and be directly under his supervision. He will approve expenditures only if there is money available. The City Manager will be responsible for drawing up the Budget, presenting it to the Council and, after its adoption, seeing that it is properly adhered to.

Purchases will be handled through a Purchasing Department entirely separate from control of the Director of Finance. A safeguard to the public is provided in requiring competitive bidding so that the City may get the most for the taxpayers' money.

Improved City Credit - More Paving Possible

Specific provisions have been written into the Charter which will make possible the establishment of large paving districts and the issuance of long-term bonds for payment, instead of requiring cash deposits for small areas, as is the present practice. This would make it easier for homeowners to get their streets paved.

Consolidation of Water Districts

A possible solution to the problem of having two separate water districts is presented in the proposed Charter. Since water is of utmost importance to Pueblo, if the City is to continue to grow and prosper, a united front is necessary. The two present districts can consolidate, provided a majority of the electors in each district approve of the consolidation. Present money owed by one district would continue as a debt of the people living in that area. After consolidation, any new debts

incurred would be upon the combined area of the two districts. The water districts would be governed by one three-member board elected by the citizens at large.

Elections

All matters pertaining to elections are to be handled by an Election Board composed of the City Clerk and two appointive members. *They will be responsible for districting, registrations, nominations of candidates, ballots and sample ballots, selection of judges of election, absentee voting, determination of the winner in case of tie vote, canvass of returns and issuance of appropriate certificates. Candidates for office are limited to $250 for expenses of a campaign.

* AS AMENDED ON NOVEMBER 7, 1989 BY A VOTE OF THE PEOPLE 10,295 TO 6,221.

Initiative, Referendum, Recall

Following the model of our State Constitution, provision is made for the initiative and referendum. Any ordinance, except one appropriating money or levying taxes, may be proposed by a petition signed by a designated percentage of the voters. If such proposed ordinance is not then passed by the Council it must be submitted to a vote of the people for their approval or rejection. Any ordinance passed by the Council, with like exemptions, may also be referred, by similar petition, to a vote of the people.

Under the recall provision a councilman or any other elected official may be removed from office at a special election called by petition.

These provisions for initiative, referendum and recall provide the means by which the people can control the policy of their city government at all times, enact or reject legislation as they see fit, and rid themselves of an elected official who fails to perform his duty properly, or who insists upon adhering to a policy of which they do not approve.

Transition Provision

These provisions are to be in force only during the reorganization period, from April 6, 1954 to July 1, 1954. A procedure is outlined whereby an orderly change from the old government to a true Council-Manager plan is made. The date set for the election of the new seven-man Council is on August 10, 1954.

Completely Democratic Government

The initiative, referendum and recall provisions, together with the provisions for easy amendment of the Charter, are designed to provide a completely democratic government for the City of Pueblo.

PREAMBLE

We, the people of Pueblo, under the authority of the Constitution of the State of Colorado, do ordain and establish for our Municipal Government this Charter.

ARTICLE 1

General Provisions

Section 1-1. **Name-Boundaries** - The Municipal Corporation heretofore existing as a city of the first class in Pueblo County, State of Colorado, and known as Pueblo, shall remain and continue a body politic and corporate under this Charter, with the same name and boundaries until changed in a manner authorized by law.

Section 1-2. **Form of Government** - The Municipal Government provided by this Charter shall be known as the "Council-Manager Government," and shall not be changed except by Charter Convention upon majority vote of the qualified voters. Pursuant to its provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elective council.

Section 1-3. **Powers** - By the name of Pueblo, the City shall have perpetual secession and 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 granted.

Section 1-4. **Construction of Words** - Wherever such construction is applicable, words used in this Charter importing singular or plural number may be construed so that one number includes both; words importing masculine gender may be construed to apply to feminine gender as well; and the word person shall extend to include firm and corporation; provided, that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction or where subject matter or content is repugnant thereto.

Section 1-5. **Definitions** - Certain words and phrases, when used herein, are hereby declared to have the following meanings:

a. "Agency" shall mean any Bureau, Department, Division, or other organizational unit in the executive branch of city government;

b. "Allotment" shall mean a portion of an appropriation made available for expenditure during a specified period of less than one year;

c. "Appropriation" shall mean an authorization by the Council to expend from public funds a specified maximum sum for a specified purpose and during a specified time;

d. "Area" in the case of councilmen elected by district shall mean the councilmanic district; for councilmen elected at large, it shall mean the City;

e. "Bureau" shall mean an organization of two or more departments headed by one person, responsible directly to the City Manager. The heads of departments within the Bureau are directly responsible to the Bureau Head;

f. "Candidate" shall mean any person seeking nomination or election to any city office in Pueblo;

g. "Class" when used in connection with personnel administration, shall mean a definitely recognized kind of employment in the Classified Service comprising positions that are so nearly alike in duties and responsibilities that they can be equitably treated under similar conditions for personnel purposes;

i. "Classified Service" shall mean the aggregate of all positions in municipal service covered by Civil Service;

j. "Department" shall mean one of the major organizational units of the City;

k. "Division" shall mean a primary subdivision of a department headed by one person responsible directly to the Department Director;

l. "Emergency Ordinance" shall mean an ordinance, the passage of which shall be necessary to the preservation or protection of public health, property, or safety;

m. "Employees" shall mean all persons in municipal service who are not officers;

n. "General Law" shall mean the Constitution and Statutes of the State of Colorado and common law to the extent that common law has been adopted in Colorado;

o. "Officers" shall mean persons in municipal service specifically declared by this Charter to be officers;

p. "Qualified Elector" shall mean a person entitled to vote at a general municipal election, if registered, and if not registered, otherwise eligible to vote; the term is synonymous with qualified voter;

q. "Qualified Taxpaying Electors" shall mean such of the qualified voters as shall in the twelve months immediately preceding the date of election have paid a City property tax on property listed on the county assessment rolls;

r. "Unclassified Service" shall mean the aggregate of all positions in municipal service not covered by Civil Service.

Section 1-6. **Present Ordinances in Force -** All ordinances of Pueblo in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with provisions of this Charter, or until they shall be amended or repealed by ordinances enacted under authority of this Charter.

Section 1-7. **Constitutionality -** In case any word, phrase, sentence, paragraph, section, or article of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder thereof, but as to such remainder this Charter shall remain in full force and effect until amended or repealed.

Section 1-8. **Amending the Charter** - Amendments to this Charter may be framed and submitted to the electors through petitioning the Council, or by the Council on its own initiative, in accord with provisions of Article XX, Constitution of the State of Colorado.

ARTICLE 2

Municipal Officers

Section 2-1. **Designation of Officers** - In accordance with Article XX of the Constitution of the State of Colorado, the legally qualified holders of the following positions in municipal service are hereby declared to be officers, and their monthly salaries are hereby initially fixed in the following amounts until changed by ordinance, but shall not be increased during the current term of councilmen enacting such ordinance:

President of the City Council	$125.00
Member of the City Council	$100.00

Members of Boards or Commissions shall receive such pay, if any, as shall hereafter be set by ordinance.

Section 2-2. **Municipal Employees** - Incumbents of all other positions in municipal service are hereby declared to be employees.

Section 2-3. **Elective Officers** - The following officers shall be elected by the qualified electors:

Members of the City Council;
Members of the Civil Service Commission;
Such other officers as provided for in this Charter.

Section 2-4. **Qualification of Elective Officers*** - Each elective officer when elected shall have been a citizen of the United States and shall have resided in the City for at least twelve consecutive months immediately preceding the election, and in the precinct for ten days immediately before filing as a candidate. Councilmen elected by districts shall also be residents and qualified electors of the respective districts from which they are elected. A person who has been convicted of a felony shall not become a candidate for the Council. No elected official shall hold any other elective public office or be an employee of the City of Pueblo.

* As amended November 7, 1961, by vote of 7,806 to 6,743; also amended November 6, 1973, by vote of 8,692 to 3,053.

Section 2-5. **Appointive Boards and Commissions*** - Unless otherwise required by law, all boards and commissions shall be appointed by the Council and shall have such powers and perform such duties as are prescribed by the Charter or by ordinance. Members of such boards and commissions shall serve for a period of four years, or until their successors are appointed. Appointments by the Council shall specify the term of office of each individual in order to achieve overlapping of tenure.

All members shall be subject to removal by the appointing authority.

All boards and commissions shall choose their own chairmen and operate in accordance with the rules of procedure as set forth by the appointing authority.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 7,711 TO 3,654.

Section 2-6. **Elected Officers*** - All elected officers shall continue to hold office until their successors are duly elected and qualified. An elective office shall become vacant whenever any officer becomes permanently incapacitated, either physically or mentally, and cannot perform the duties of his office, or if a councilman absents himself from two regular council meetings during any one calendar year without reasonable excuse, as determined by the rules of procedure of the Council. Any officer after final conviction of a felony shall forfeit his office forthwith. If a councilman elected from a district moves from such district during his term of office, his office is automatically declared vacant. In the case of vacancy of a district council member, the Council shall fill the vacancy by appointment of an eligible person from such district. In case of a vacancy of a council member elected at large, the Council shall fill the vacancy by appointment of an eligible person selected from the City at large.

Any vacancy in an elective office shall be filled by appointment of the Council. Any person appointed to fill a vacancy in an elective office shall have the qualifications required of persons regularly elected and shall hold the office until the next general municipal election when the vacancy shall be filled by election according to law and until his successor is qualified. The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

* AS AMENDED NOVEMBER 4, 1975, BY VOTE OF 8,895 TO 2,238.

Section 2-7. **Books, Records and Properties Delivered to Successors** - All officers and employees shall deliver to their successors in office all municipal books, records and other public property in their custody.

Section 2-8. **Oath of Office** - Before entering upon the duties of his office, every officer and city employee shall take, subscribe before, and file with the City Clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the Ordinances of the City of Pueblo and will faithfully perform the duties of the office.

Section 2-9. **Public Records** - All public records shall be available for inspection, subject only to reasonable restrictions. Upon 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 2-10. **Legal Notices-Publication** - Whenever the Charter of Pueblo, any ordinance, rule or regulation, regularly adopted or promulgated thereunder provides for publication of a legal notice, such notice, unless otherwise provided for in said Charter, shall be published at least once in a newspaper of wide distribution and general circulation, printed and published daily in the City of Pueblo. The Purchasing Agent shall secure competitive bids for publication of legal notices.

Section 2-11. **Participation of All Officers and Employees Interested in Contracts*** - No elected official, appointed officer, or employee of the City shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies, or services to the City, except it be by competitive bidding, or not exceeding the sum of $100.00 in any calendar year, in cases of emergency

necessary to protect public health, and safety, and welfare, competitive bidding may be waived. Members of appointed administrative Boards and Commissions created by this Charter or by ordinance shall be permitted to provide technical or professional services to the City where such services are exempt from the requirement of competitive bidding.

* AS AMENDED NOVEMBER 5, 1963, BY VOTE OF 6,887 TO 6,344.

ARTICLE 3

City Council

Section 3-1. **Composition** - The Council shall consist of seven members, four to be elected by district and three to be elected from the City at large. Terms of members of the Council shall commence on January 1, 1955. Of those elected at a special municipal election in 1954, the one councilman elected at large and the two councilmen elected by districts receiving the lowest number of votes shall hold office until January 1, 1956; the remaining four councilmen shall hold office until January 1, 1958. Thereafter each member shall be elected for a term of four years at the general municipal election to be held the first Tuesday after the first Monday in November, in odd numbered years.

Section 3-2. **Councilmanic Districts*** - The Board of Elections shall establish four councilmanic districts before July 1, 1954. Such districts shall be contiguous and compact and have population as nearly equal as may be, as required by the Constitution of the United States. Every four years thereafter divisions, changes, and consolidations shall be made by the Board of Elections to carry out the intent of this Article. Hereafter such redistricting shall be completed at least six months before the general election at which it is to become effective.

No change in the boundary of any district shall operate to abolish any office or exclude any councilman or other city officer from office before the expiration of the term for which the incumbent was elected or appointed.

* AS AMENDED NOVEMBER 4, 1975, BY VOTE OF 7,789 TO 2,119.

Section 3-3. **Membership Rules** - Except as otherwise provided in this 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 and vice-president thereof; may punish its members for disorderly conduct and may compel attendance of members.

Section 3-4. **President of the Council** - The President of the Council shall preside over meetings of the Council and have the same right to speak and vote therein as any other member. He shall be recognized as head of the City Government for all ceremonial purposes. He shall execute and authenticate legal instruments requiring his signature as such an official. The Vice-President shall become acting president with the same duties as provided for the President in his absence or disability. The President shall in no case have the power of veto.

Section 3-5. **General Powers** - The Council shall have all legislative powers and functions of municipal government conferred by general law, except as provided in this Charter.

The Council shall provide for enforcement of its ordinances. No fines or imprisonments shall exceed the following limits: Fines, one thousand dollars ($1,000.00); imprisonment, one (1) year; or

a combination of both fine and imprisonment within the designated limits. The amount by which any fine exceeds three hundred dollars ($300.00) is dedicated to graffiti control and removal and other law enforcement activities as determined by the Council.

The Council is not to be otherwise limited in its punitive or enforcement measures.

The Council shall approve compensation for boards, commissions and all employees in the Classified and Unclassified Service.

The Council, or a duly authorized committee thereof, may investigate any agency and the official acts of any officer or employee thereof, and may compel by subpoena attendance and testimony of witnesses and production of books and documents.
* AS AMENDED NOVEMBER 4, 2008, BY VOTE OF 27,058 TO 16,030.

Section 3-6. **Public Libraries** - The Council shall have power to provide for erection and maintenance of public libraries and to make appropriations therefor.

Section 3-7. **Dedication of Streets, Alleys and Public Highways** - No street, alley, or other public highway shall be dedicated to the Municipal Government or abandoned except by ordinance.

Section 3-8. **Contracts with Other Governmental Bodies** - The Council may by ordinance enter into contracts with other governmental bodies to furnish governmental services and make charges for such services, or to enter into cooperative or joint activities with other governmental bodies. No such ordinance shall be passed as an emergency ordinance.

Section 3-9. **Power to Make Contracts** - The Council may enter into contracts and leases on behalf of the Municipal Government. All written contracts, to which the Municipal Government is a party, shall be approved as to form by the City Attorney.

Nothing shall prevent making of contracts or spending of money for capital improvements to be financed in whole or in part by issuance of bonds, nor making of contracts of lease or for services for a period exceeding the budget year in which such contract is made.

Section 3-10. **Independent Audits** - The Council shall contract with or employ an independent practicing individual or firm, permitted to practice public accounting under general law and of known standing, 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 financial records and transactions of the Municipal Government at length or by test checks;

b. Verifying general financial statements and existence and amounts of the assets and liabilities of the Municipal Government;

c. Recommending to the City Manager the scope, form and content of the financial records to be kept by all agencies in order to permit a proper post audit;

d. Reporting deficiencies to proper officials for administrative, civil or criminal action;

e. A condensed financial statement, including findings and recommendations of the auditors, to be published annually.

Section 3-11. **City Clerk** - The City Manager shall appoint the City Clerk who shall act as Clerk of the Council. The City Clerk shall give notice of council 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 as shall be required by this Charter or by ordinance.

Section 3-12. **Creation of New Departments or Offices - Change of Duties** - The Council by ordinance may create, change, and abolish offices, departments or agencies. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue any department established by this Charter.

Section 3-13. **Licenses and Permits*** - The Council may provide for the issuance, suspension or revocation of licenses and permits and fees therefor, for regulatory or revenue purposes.
* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 6,787 TO 4,645.

Section 3-14. **Surety Bonds** - The Council shall require the City Manager, the Director of Finance and such other employees transacting financial business of the City to furnish bonds with such surety and in such amounts as the Council may determine.

Section 3-15. **Meetings - Quorum*** - The Council shall meet regularly on the second and fourth Mondays of each month at the City Hall at an hour to be fixed from time to time by the rules and procedures of each Council. If a regular meeting shall fall on or the evening before a City holiday the City Council may by resolution fix another day for such regular meeting. 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. A majority of the membership of the entire Council shall constitute a quorum to do business. The Council shall sit with open door at all sessions and shall keep a journal of its proceedings which shall be a public record.
* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 9,318 TO 2,395; ALSO AMENDED NOVEMBER 4, 1975, BY VOTE OF 8,761 TO 2,198.

Section 3-16. **Ordinances - Resolution - Motions** - In all legislative matters coming before it, the Council shall act only by ordinance, resolution or motion. The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the journal of the Council proceedings. Every member, when present, must vote. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Failure to vote by a council member when present shall result in a vacancy, the office to be forfeited immediately.

Section 3-17. **Ordinances-When Required** - In addition to such acts of the Council as are required by general statutes or by other provisions of this Charter to be by ordinance, every act creating, altering or abolishing any agency or office, 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 3-18. **Form of Ordinances*** - 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 existing ordinances shall set forth in full the section or subsection to be amended and shall indicate matter to be omitted from the amended section or subsection by enclosing the same in brackets and new matter by underscoring. When published prior to enactment as specified in Section 2-10, or in accord with Section 3-23, 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 CITY COUNCIL OF PUEBLO". Unless another date is specified therein, an ordinance shall take effect on the tenth day following its passage.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 6,149 TO 4,651.

Section 3-19. **Procedure For Passage*** - An ordinance may be introduced at any regular meeting by any member of the Council or any committee thereof. Upon introduction it shall be presented a first time, and a day and an 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 its final passage, shall be presented in at least two regular meetings of the Council, may be amended on either presentation, and shall be published once in a newspaper of the City in such manner as may be provided by this Charter, at least ten (10) days before its final passage, except in case of a public emergency as hereinafter provided.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 7,145 TO 4,234.

Section 3-20. **Emergency Ordinances** - Emergency ordinances for the immediate preservation or protection of public health, property or 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 meeting. An emergency ordinance shall be presented the first time and published as provided in the case of other ordinances and may be read a second and final time 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, and shall require the affirmative vote of a majority of the Council Membership for adoption as an emergency measure. No ordinance making a grant or any franchise or any special privilege shall ever be passed as an emergency ordinance.

Section 3-21. **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 Pueblo shall be indexed by subject by the City Clerk in a book kept for that purpose which shall be a public record.

Section 3-22. **Ordinance Codification** - The Council shall cause the permanent ordinances to be codified yearly. Such codification may be of the entire body of permanent ordinances or of the ordinances of some particular subject. Such codification may be re-enacted by the 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.

Section 3-23. **Publication by Reference** - When the Council deems it appropriate, publication of the title of an ordinance, or the title of an amendment thereto, together with a statement that the text is available for public inspection and acquisition in the office of the City Clerk, shall be sufficient publication.

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. The Council shall fix his salary at such amount as it shall approve. He shall be appointed on the basis of administrative and executive qualifications with special reference to his actual experience in and his knowledge of accepted practice in respect to the duties of his office as hereafter set forth. At the time of his appointment the City Manager need not be a resident of the City of Pueblo or State of Colorado, but during his tenure of office he shall reside within the City of Pueblo. No Councilman shall be appointed to the position of City Manager or any position in the Classified or Unclassified Service of the City during the term for which he shall have been elected nor within one year after the expiration of his term.

Section 4-2. **Absence of City Manager** - To perform his duties during his temporary absence or disability, the City Manager shall designate by letter, filed with the City Clerk, a qualified administrative city employee. In event of failure by the City Manager to make such a designation, the Council may, by resolution, appoint a qualified administrative city employee to perform the duties of the City 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 majority vote of its members. At least thirty (30) days before such removal shall become effective, the Council shall by majority vote of its members, adopt a resolution stating the reasons for his removal. Upon removal of the City Manager, the Council shall in any case cause to be paid him forthwith any unpaid balance of his salary for the current month and his salary for the next calendar month following adoption of the resolution.

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

b. Except as such powers may be specifically otherwise designated herein, have power to appoint, suspend and remove heads or directors of all bureaus, departments, and city employees; suspension or dismissal of the head or director of a bureau or department must be by written statement giving the reasons for such action, a copy of which must be delivered to the person concerned; all appointments shall be based upon merit and fitness alone, provided however, that in the Classified Service all appointments, suspensions and removals shall be subject to the Civil Service and personnel provisions of the Charter of Pueblo;

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 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 needs 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 and agencies created herein or that may be hereafter created by the Council;

g. Be responsible for enforcement of all terms and conditions imposed in favor of the City or its inhabitants in any contract or public utility franchise and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same;

h. Participate in discussions of the Council in an advisory capacity;

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

Section 4-6. **Administrative Departments** - There shall be the following Departments: Aviation, Finance, Fire, Health, Law, Parks and Recreation, Personnel, Police, Public Works, Purchasing, and such others as may be established by ordinance upon the recommendation of the City Manager.

Section 4-7. **Directors of Departments** - Each Department shall be headed by a Director appointed by and subject to the City Manager.

All persons appointed as Directors of Bureaus or Departments shall be selected on the basis of their training, experience, qualifications and fitness for the particular job to be performed. First consideration shall be given to persons already employed in the respective department at the time of the appointment.

Two or more departments may be headed by the same individual; the City Manager may head one or more departments. Directors of departments may also serve as chiefs of divisions.

Section 4-8. **Departmental Divisions** - The work of each department may be distributed among such divisions thereof as may be established by ordinance upon recommendation of the City Manager, or by regulations issued by the City Manager, pending passage of such an ordinance.

Section 4-9. **Assignment of Employees** - The City Manager shall have power, whenever the interest of the City requires, to assign any employee of one department to temporary performance of similar duties in another department.

ARTICLE 5

Municipal Court

Section 5-1. **Municipal Court*** - There shall be a Municipal Court vested with exclusive original jurisdiction of all causes arising under the Charter and the ordinances of the City of Pueblo. The Council shall appoint as many Municipal Judges as may be required to conduct the affairs of the Municipal Court. Municipal Judges shall be attorneys admitted to practice law in Colorado. Each Municipal Judge shall be appointed by the Council for a term of two years and may be removed by the Council for cause. The Council shall designate one Judge to be the presiding Judge, who shall act as Municipal Court Administrator and who shall supervise all Court personnel. The Judges shall receive such compensation as shall be fixed by the Council. In the absence of any Judge, the presiding Judge may designate a reputable attorney to serve in the place of the absent Judge.

Term of Municipal Court and local rules of procedure shall be enacted by the Council upon recommendation of the Municipal Judges.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 8,524 TO 3,282.

Section 5-2. **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 an offense, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Other punitive or enforcement measures as adopted by the City Council shall be enforced.

* AS AMENDED NOVEMBER 4, 2008, BY VOTE OF 27,058 TO 16,030.

ARTICLE 6

Department of Law

Section 6-1. **City Attorney - Appointment - Qualifications** - There shall be a Department of Law, the Director of which shall be known as the City Attorney. He shall be a resident of the City of Pueblo, and a duly licensed attorney of the State of Colorado for at least three years immediately prior to his appointment, and shall have been actively engaged in the practice of law during such three years. He shall receive such compensation as may be fixed by the Council.

Section 6-2. **Functions** - The Department of Law shall exercise all legal and administrative function of the Municipal Government assigned by ordinance or general law to city attorney.

Section 6-3. **Institution of Suits** - When directed by the City Manager in writing or by the Council, the City Attorney shall institute or defend any suit, action, or proceeding on behalf of the Municipal Government or an agency.

Section 6-4. **Notice of Personal Injuries** - Before the Municipal Government shall be liable for damages to a person injured on a street, avenue, alley, sidewalk, public place or way, the person so injured, or someone in his behalf, shall within sixty (60) days after receiving the injuries notify the City Manager in writing, stating fully the time, place, circumstances and extent of injuries.

Section 6-5. **Recovery by the City to Compensate for Judgments** - If a person shall secure judgment against the Municipal Government for damages by reason of a defect in a street, avenue, alley, sidewalk, public place or way, the Municipal Government may recover the amount thereof from the person or corporation who caused such defect or through whose negligence such defect was caused, provided that the person or corporation shall have notice of the pendency of the action against the Municipal Government.

Section 6-6. **Settlement of Claims** - The Council may authorize the City Attorney to settle claims against the Municipal Government and may make appropriations therefor.

Section 6-7. **Special Counsel** - No special counsel shall be retained to represent the Municipal Government or an agency except by the City Attorney, and such special counsel shall serve solely under his direction, provided that the Council may without recourse to the City Attorney retain special counsel in regard to any irregularity found by audit or any alleged dereliction in the executive departments. Special counsel shall receive compensation as determined by the Council.

ARTICLE 7

Finance Administration

Part I - Budget

Section 7-1. **Fiscal Year** - The fiscal year of the City Government shall begin the first day of January in each year and end on the last day of the succeeding December.

Section 7-2. **Submission of the Budget** - Not later than the first regular meeting of the Council in October of each year, the City Manager shall submit to the Council:

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

b. A capital budget.

Section 7-3. **Scope of Annual Budget** - The Budget shall contain:

a. An estimate of all revenue cash receipts anticipated from sources other than the tax levy of the ensuring fiscal year;

b. An estimate of the General Fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;

c. The estimated expenditures necessary for operation of the several department, offices and agencies of the City;

d. Debt service requirements for the ensuring fiscal year;

e. An estimate of the sum required to be raised by the tax levy for the ensuring fiscal year, and the rate of levy necessary to produce such sum based on a percentage of collection not exceeding

the lowest percentage of current levy collection experienced during the three preceding complete fiscal years;

f. A balanced relation between total estimated expenditures and total anticipated revenue cash receipts, taking into account the estimated General Fund cash surplus or deficit at the end of the current fiscal year.

All estimates shall be in detail showing revenues by sources and expenditures by organizational units, activities, character and object. The Budget shall be so arranged as to show comparative figures for receipts and expenditures for at least two prior years and for the current year and the City Manager's recommendations for the ensuring year. The Budget may provide an additional amount as a reserve to meet and care for expenditures to be made from such fund during the months of January to April in the year following the year for which the Budget and Appropriation Ordinance shall apply.

Section 7-4. **The Budget Message** - The budget message shall contain the recommendations of the City Manager concerning the fiscal policy of the City, a description of the important features of the budget plan, an explanation of all major increases or decreases in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main items of expenditure.

Section 7-5. **Departmental Estimates** - The Head of each department, office or agency shall submit to the City Manager, at such date as the City Manager shall determine, estimates of revenue and expenditure for that department, office or agency. Such estimates shall be submitted upon forms furnished by the City Manager and shall contain all information which he may require. The form submitted shall include data regarding expenditures of the last fiscal year and estimates of expenditures to be required for the current fiscal year. The City Manager shall review the estimates and in preparing the Budget may revise them as he may deem advisable.

Section 7-6. **Certification of Tax Levy** - Prior to October 16, or such date as may be required by state law, the Council shall set a tax levy and certify same to the County Commissioners.

Section 7-7. **Appropriation Ordinance** - The Appropriation Ordinance shall be adopted simultaneously with the Tax Levy Ordinance, and shall be based on the Budget, but need not be itemized further than by departments and the major divisions thereof and by each independent office and agency.

Section 7-8. **Budget - A Public Record** - The Budget shall be a public record in the office of the City Clerk and shall be open to public inspection, and sufficient copies shall be made available for the use of the Council and the public, the number of copies to be determined by the City Manager.

Section 7-9. **Public Hearing** - A public hearing on the Budget shall be held by the Council within two weeks after its submission. Notice of time and place of said hearing shall be published within three days after submission of the Budget in the manner provided in this Charter for the publication of ordinances. Protests or suggested changes must be submitted to the Council in writing.

Section 7-10. **Changes by the Council** - After conclusion of such public hearing the Council may insert new items of expenditure or may increase, decrease or strike out items of expenditure, except that no item of appropriation for debt service shall be reduced. If the Council shall decrease

the total proposed expenditures, such decrease shall be reflected in full in the Tax Levy. If the Council shall increase the total proposed expenditures, such increase shall be reflected in the Tax Levy or by appropriate provision in other revenues.

Section 7-11. **Adoption of the Budget** - Upon completion of the public hearing, but prior to the first day of December, the Council shall adopt the Budget, the Appropriation Ordinance and the Tax Levy Ordinance.

Section 7-12. **Work Program and Allotments** - After the annual appropriation has been adopted and before the beginning of the fiscal year the head of each department, office or agency shall submit to the City Manager in such form as he shall prescribe, a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the City Manager may direct. Before the beginning of the fiscal year the City Manager shall approve with such amendments as he shall determine, the allotments for each such department, office or agency, and shall file the same with the Director of Finance, who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments. The aggregate of such allotments shall not exceed the total appropriation available to said department, office or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the City Manager shall ascertain that the revenue cash receipts for the year, plus General Fund cash surplus from the preceding year, will be less than the local appropriations, he shall reconsider the work programs and allotments of the several departments, offices and agencies, and revise the allotments so as to forestall the incurring of a deficit.

Section 7-13. **Transfers of Appropriations** - The City Manger may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. At the request of the City Manager the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another.

Section 7-14. **Additional Appropriations** - Appropriations in addition to those contained in the Budget shall be made only on the recommendation of the City Manager and only if the Director of Finance certifies that there is available a cash surplus sufficient to meet such appropriations, provided that this limitation shall not apply to meeting a public emergency threatening the lives, health, or property of citizens; provided that such an emergency appropriation shall require a majority vote of the Council membership.

Section 7-15. **Appropriations to Lapse** - Any annual appropriation or any portion thereof remaining unexpended and unencumbered at the close of the budget year shall lapse and revert to the General Fund, or to the special fund from which the appropriation was originally made.

Section 7-16. **Capital Budget** - As a part of the budget message or as a separate report attached thereto the City Manager shall present a program, previously considered by the Planning and Zoning Commission as provided in this Charter, or proposed capital projects for the ensuing fiscal year and for four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually in the same manner as estimates of other budgetary requirements are prepared for the City Manager. The City Manager shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same. The Council may levy annually a tax of not more than two (2) mills to be assessed upon the valuation

within the City at the same time as the regular annual taxes for city expenses, for the benefit of a fund to be known as the "Capital Improvement Fund" established for the purpose of paying the cost of capital improvements for which the City is authorized by this Charter to issue bonds and for no other purpose. The proceeds of such levy shall be kept by the Director of Finance in a special account until invested as authorized by the Council subject to existing laws. The Council shall have power to transfer from time to time to the Capital Improvement Fund any portion of the General Fund surplus not otherwise appropriated. Appropriations for construction or other permanent improvements, from the Capital Improvement Fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three (3) fiscal years elapse without expenditure from the encumbrance of the appropriation therefor. Any unappropriated balance in the Capital Improvement Fund may be transferred by the Council for payment of outstanding bonded indebtedness of the City.

Part II - Department of Finance

Section 7-17. **Department Created** - A Department of Finance is hereby established, the Head of which shall be the Director of Finance. The Director of Finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

Section 7-18. **Director of Finance - Powers and Duties** - The Director of Finance, under jurisdiction of the City Manager, shall have charge of administration of the financial affairs of the City and to that end he shall have authority and shall be required to:

a. Compile the current expense estimates for the Budget of the City;

b. Compile the capital estimates for the Annual Budget in compliance with recommendations of the Planning and Zoning Commission;

c. Supervise and be responsible for disbursement of all monies to ensure that budget appropriations are not exceeded, or payments illegally made;

d. Maintain a general accounting system for the City Government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for items of appropriation contained in the City Budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of City Government to be made daily or at such intervals as he may deem expedient;

e. Submit monthly to the Council a statement of all accounts and funds, including trust and custodial funds, showing receipts and disbursements in sufficient detail to show the exact financial condition of the City, and release same for public information;

f. Prepare, as of the end of each fiscal year, a complete financial statement and report;

g. Prepare tax maps and give such notice of taxes and special assessments as may be required by law;

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

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

j. Have custody of all investments and invested funds of the City Government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of city bonds and notes for transfer, registration or exchange;

k. Unless he shall certify that there is a balance of appropriation for proposed expenditure and available funds, no expenditure shall be made.

Section 7-19. **Accounting - Supervision and Control** - The Director of Finance shall have power and shall be required, under jurisdiction of the City Manager to:

a. Prescribe the forms of receipts, bills, vouchers or claims to be used by all offices, departments and agencies of the City Government;

b. Examine all contracts, orders 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 obligation shall become due and payable; and 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 7-20. **General Fund - Receipts and Expenditures** - There is hereby established a General Fund. The General Fund shall comprise all resources and liabilities of the Municipal Government not specifically belonging to any other fund. All general functions of the Municipal Government shall be financed by appropriations from the General Fund.

Section 7-21. **Special Funds** - Additional funds, which shall be known as Special Funds, to provide for monies held in trust, for depreciation and obsolescence of structures, machinery and equipment, for debt service, for special services of benefit only to special groups and for local improvements, may be created by ordinance. The ordinance creating a Special Fund shall specify sources of receipts of the Special Fund and purposes for which expenditures from the Special Fund shall be made. Special Funds created by ordinance may be abolished by ordinance, subject to existing trusts and the remaining assets of any such Special Funds may be transferred to other funds. The ordinances creating Special Funds may provide for annual, periodic, or continuing appropriations from such funds. Fiscal and budgetary rules may exempt Special Funds from allotment procedure. All Special Funds shall be post-audited annually by the independent auditor.

Section 7-22. **Earmarking** - The Council shall not have the power to earmark or allocate for specific purposes any funds which are derived from the enactment of a property, excise, or other tax or in fixing any fee or charge, except as otherwise provided in this Charter. In enacting appropriations from any fund, the Council shall not designate specific receipts to be expended for specific purposes but shall appropriate without regard to the source of the receipts of the fund.

Part III - Bonded Indebtedness

Section 7-23. **General Obligation Bonds*** - No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general property taxes shall be issued to defray in whole or in part the cost of capital improvements except in pursuance of an ordinance of the City Council, nor until the question of their issuance shall, at a special or general election, be submitted to a vote of the qualified taxpaying electors of the City and approved by a majority of those voting on the question. The aggregate amount of all such bonds or other evidences of indebtedness shall not exceed at the time of the delivery of the bonds currently authorized ten per centum of the assessed valuation of the taxable property within the City as shown by the last assessment for City purposes provided, however, that in determining the amount of such indebtedness there shall not be included within the computation outstanding bonds or other evidences of indebtedness for the acquisition, extension or improvement of water or other municipal waterworks system of the City of Pueblo or any portion thereof. Each issue of bonds authorized shall mature serially in annual installments commencing not later than three years from the date thereof and extending over a period of not exceeding the estimated period of the usefulness of the property or improvements for which issued as stated in the authorizing ordinance, but may be subject to redemption prior to maturity at such time or times and on such terms as the City Council may determine in said Ordinance.

Noting contained in this section shall be construed as a limitation on the power of the City Council to issue the general obligation bonds of the City for the acquisition, extension or improvement of water or the municipal waterworks system to mature at such time or times and to contain such provisions for their payment at or prior to maturity as the City Council may provide in the Ordinance authorizing their issuance, or a limitation on the power of the City to borrow money and evidence the same by note payable from the proceeds of bonds authorized to be issued hereunder and maturing over a period not exceeding two years from their date, nor on the power of the City Council to issue the bonds of the City payable from or secure to the City from sources other than general property taxes, nor to issue bonds as provided in Section 7-24 to Section 7-27, both inclusive, of this Charter.

* AS AMENDED NOVEMBER 4, 1969, BY VOTE OF 10,770 TO 5,185.

Section 7-24. **Refunding Bonds*** - Whenever the City Council determines it to be in the best interest of the City and its inhabitants, the City Council may by ordinance, without an election, authorize issuance of refunding bonds for the purpose of paying outstanding bonds of the City, such refunding bonds to be in such amounts and maturities and to bear interest as provided in the ordinance authorizing their issuance.

* AS AMENDED NOVEMBER 8, 1983, BY A VOTE OF 11,161 TO 9,818.

Section 7-25. **Special or Local Improvement District Bonds - Issuance** - The City of Pueblo shall have power to construct or install special or local improvements of every character within designated districts in said City, which improvements shall confer special benefits on the real property within said districts and general benefits to the City at large. The City Council shall by

ordinance prescribe the method and manner of making such improvements, of letting contracts therefor, assessing the cost thereof, and issuing and paying bonds for costs and expenses of constructing or installing said improvements, provided that nothing herein shall be construed to limit the power of the City Council to act in accordance with the Constitution and Statutes of Colorado in carrying out such purposes.

Section 7-26. **Special or Local Improvement District Bonds - Special Surplus and Deficiency Fund*** - Where all outstanding bonds of an issue for one or more special or local improvement districts have been paid and any monies remain to the credit thereof, they shall be transferred to a special surplus and deficiency fund, and whenever there is a deficiency in any special or local improvement district fund to meet the payment of outstanding bonds and interest due thereon, the deficiency shall be paid out of said surplus and deficiency fund. Whenever there are paid and canceled three fourths ($^3/_4$) of the bonds of an issue, and for any reason the remaining assessments are not paid in time to take up the remaining bonds of such issue and interest due thereon, and there is not sufficient money in the special surplus and deficiency fund, then the City shall pay the bonds when due and interest thereon and reimburse itself by collecting the unpaid assessments due for such district or districts. Nothing in this Charter shall be construed to limit the power of the City Council to issue and sell an issue of bonds for more than one district, nor to limit the City Council's power to issue and sell, without regard to the limitations of Section 7-23, general obligation temporary notes payable within not exceeding two years after issue, or special assessment interim notes, or both, for the payment of contracts and related expenses for one or more improvement districts pending the issuance and sale by the City Council of special or local improvement district bonds.

* AS AMENDED NOVEMBER 4, 1975 BY VOTE OF 6,305 TO 4,369.

Section 7-27. **Special or Local Improvement District Bonds - General Benefits** - In consideration of general benefits conferred on the City at large from the construction or installation of improvements in special or local improvement districts, the City Council may levy annual taxes on the taxable property within the City, not exceeding two (2) mills in any one year, to be disbursed, as determined by the City Council, for the purpose of paying for such benefits, for the payment of any assessments levied against the City itself in connection with bonds issued for special or local improvement districts, and for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of bonds issued for any special or local improvement district hereafter created. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein, provided however, that in lieu of such tax to mature at such time or times and to contain such pro-levies, the City Council may annually transfer to such special fund any available money of the City, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited. As long as any bonds issued for special or local improvement districts hereafter organized remain outstanding, the tax levy or equivalent transfer of money to the special fund created for the payment of said bonds shall not be diminished in any succeeding year until all of said bonds and the interest thereon shall be paid in full, unless other available funds are on hand therefor, or such bonds and interest are paid by the City as required in Section 7-26 of this Part III.

Part IV - Purchases

Section 7-28. **Purchases** - There shall be established a Department of Purchases and Supplies, the Director of which shall be the City Purchasing Agent, under jurisdiction of the City Manager.

Pursuant to rules and regulations established by ordinance, the Purchasing Agent shall contract for and purchase all supplies, materials, equipment and contractual services required by any department, office or agency of the City Government. He shall have the following powers and duties:

a. To establish and enforce with approval of the City Manager and after consultation with the directors of the departments concerned, standard specifications for all supplies, materials and equipment required by the City Government;

b. To prescribe the time of making requisitions for such supplies, materials and equipment, and the future period which said requisitions are to cover;

c. To inspect, or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality and conformance with the specifications;

d. To supervise and control such central storerooms as the Council may provide by ordinance to serve the several departments, offices or agencies;

e. To supervise transfer of materials, supplies and equipment between departments or agencies, as needed, after consultation with the department or agency heads concerned;

f. To sell those surplus articles no longer of use to the Municipality before their value is lost through obsolescence, deterioration or spoilage, and to sell all scrap metals, materials or equipment. At each sale a number of prospective buyers shall be asked to quote prices by sealed bids and such articles shall be sold to the highest bidder, or the Purchasing Agent may reject all bids;

g. To create and maintain a record of non-expendable property owned by the City of Pueblo. The Equipment-Owned Record is to cover only those items of movable equipment having the following characteristics:

(1) Having a unit cost in excess of $50.00, and such other items as the Purchasing Agent may prescribe;

(2) Shall include only those items of equipment not carried as a regular stock item in the city storerooms;

h. To mark, or cause to be marked, with identification or number, all equipment owned by the City of Pueblo to prevent misuse thereof;

i. To purchase at the expense of the City, Surety Bonds for all officers and employees of the City required by law or ordinance to furnish such bonds to the City, and insurance of such types against liability, loss or damage on the part of the City or its property as the Council, upon recommendation of the City Manager, may authorize, and be responsible for collection of insurance benefits and other matters relating to the administration of the City's insurance.

Section 7-29. **Competitive Bidding** - Before the Purchasing Agent makes any purchases of supplies, materials or equipment, he shall give ample opportunity for competitive bidding, with such exceptions as the Council may prescribe by ordinance, provided, that the Council shall not exempt any individual contracts, purchases or sales from the requirement of competitive bidding, except as

provided in Section 2-11. The lowest and best bid shall be accepted, or all bids be rejected. If the lowest bid is not accepted as being the best, it must be approved by the Committee of Awards (see Section 7-32) and the reasons therefor stated and filed with the bids. Provisions in this Section shall not apply to professional or technical services.

Section 7-30. **Accounting Control of Purchases** - All purchases and contracts executed by the Purchasing Agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the Director of Finance certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Section 7-31. **Accounting Control for Withdrawals from Central Storerooms** - Withdrawals of materials and supplies from city storerooms shall be by requisition, which shall be approved by the department head and which shall be charged to the proper account, subject to such rules and regulations as may be prescribed by the Purchasing Agent. It shall be the responsibility of the Department Head approving withdrawal of materials from city storerooms, or the Director of Finance, to certify that there is to the credit of the office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, materials or equipment to be withdrawn from the storeroom.

Section 7-32. **Contracts for City Improvement** - Any city improvements except those performed directly by a city department or in special or local improvement districts shall be contracted for as follows: The Purchasing Agent shall, on the basis of specifications prepared by the Department of Public Works and approved by the Director of the department concerned and the City Manager, advertise for and receive bids for any public work or improvement and shall open and tabulate same and present the results to a Committee of Awards consisting of the City Manager, the Director of Public Works and the Head of the department, division or agency concerned. The Committee of Awards shall have the following alternatives:

a. Accept the lowest and best bid and recommend to the Council that it authorize the work or improvement to be performed. (See Section 7-29);

b. Reject all bids and order the Purchasing Agent to readvertise for bids;

c. Abandon the project.

ARTICLE 8

Personnel Administration

Section 8-1. **Department Created** - There is hereby created a Department of Personnel, the Director of which shall be appointed on the basis of his training, experience, qualifications, and fitness in personnel administration.

Section 8-2. **Director - Duties** - The Director of Personnel and the Civil Service Commission shall have authority and be required to prepare and recommend to the City Council, through the City Manager, such rules as may be considered necessary, appropriate, or desirable to carry out the

provision of this Article and perform such other duties as may be required by this Charter, by ordinance, or by the City Manager.

Section 8-3. **Civil Service Commission -** There shall be a Civil Service Commission consisting of three members, none of whom shall be a City employee or officer of the City. They shall be elected by qualified electors of the City for a period of six years. Each member of the Civil Service Commission shall be a qualified elector of the City and one shall be elected every two years. Incumbents of the present Civil Service Commission shall be allowed to remain in office until their present term expires, at which time the office shall be filled as hereinbefore provided. They shall elect their own chairman and operate under such rules of procedure as established by the City Council. The compensation of members of the Civil Service Commission shall be determined by the City Council.

Section 8-4. **Duties and Powers of Civil Service Commission*** **-** It shall be the duty of the Civil Service Commission in compliance with rules established by the Council:

a. To hear appeals from any action pertaining to classification, reclassification, and allocation of positions, and from any disciplinary action involving suspension, demoting, or dismissing any employee in the classified service as hereinafter provided, and to report in writing to the superior taking the action appealed from, its findings and decisions. Any superior taking action such as above mentioned shall present such an employee, in writing, a statement as to what action is being taken and for what reason. If the employee desires, he may take the complaint to the Chairman of the Civil Service Commission and be given a hearing by the Commission within five (5) days. The decisions of the Civil Service Commission on appeals shall be final unless reversed by the District Court;

b. To provide for reinstatement of any employee found innocent of preferred charges;

c. To investigate any or all matters relating to conditions of employment in the City and to make at least annually a report of its findings to the Council;

d. To hold a public hearing on proposed Civil Service rules. Public notice of such hearing shall be given at least five (5) days in advance;

e. To hold periodic competitive examinations in accordance with the rules adopted by the City Council;

f. To perform such other and different lawful acts and functions as may be set forth by the Council.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-5. **Unclassified and Classified Service -** Employment in the City shall be divided into Unclassified and Classified service.

a. The Unclassified Service shall comprise and consist of the following offices:

(1) Members of the City Council and other elective officers, and persons appointed to fill vacancies in elective offices;

(2) The City Clerk;

(3) The City Manager, and Assistant Managers if any;

(4) The Directors and Heads of Bureaus and Departments;

(5) One Private Secretary to the City Manager;

(6) Members of Boards and Commissions in the Municipal Service except those specifically provided for in other sections of the Charter;

(7) Persons employed to make or conduct a special inquiry, investigation, examination, or installation, if the Council or the City Manager certifies that such employment is temporary, and that the work should not be performed by employees in the Classified Service.

(8) Municipal Judges;

(9) City Attorneys;

(10) The Post-Auditor appointed by the Council;

(11) Persons performing service to the City without compensation from the City;

(12) Police Surgeon;

(13) Part-time Employees. (A part-time employee is defined as follows: No such person shall work more than the equivalent of eight months in any year in such temporary, part time, incidental or emergency status.)

b. The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service, and shall be subject to Civil Service.

Section 8-6. **Return to Former Position** - Any employee who has accepted appointment from a classified position to an unclassified position, shall if removed from such position, be eligible to return to the Classified Service in the rank of the last position held prior to such appointment. The time spent by such an employee in the Unclassified Service shall be included in computing his length of service, seniority, and retirement benefits. If such removal or dismissal is based on cause, and proper hearing held on written charges after notice has been given, such employee shall not be returned to the Classified Service.

Section 8-7. **Present Employees Continued in Office** - All persons who, at the time this Charter is adopted by vote of the people, are holding positions hereby placed in the Classified Service shall be entitled to hold such positions as though appointed in accordance with the provisions hereof.

Section 8-8. **Pay Schedule*** - There shall be prepared and maintained by the Director of Personnel a Uniform Schedule of Pay in the Classified Services, which shall be approved by the City Manager. The City Manager shall then submit the Pay Schedule to the City Council and such schedule shall take effect when approved by the City Council, except that, the Pay Schedule for employees in the Classified Service who are represented by a sole and exclusive collective bargaining agent shall be determined in accord with Section 8-14 of this Charter. The adoption of a Pay

Schedule, including provisions relating to wages and hours and classification of positions in the Classified Service, and all details relating thereto is hereby specifically declared to be an Administrative Act or function of the City Council and shall not be subject to the initiative and referendum provisions of the Charter, except as is otherwise provided in Section 8-14.

* AS AMENDED NOVEMBER 3, 1959, BY VOTE OF 1,611 TO 1,241; ALSO AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790.

Section 8-9. **Prohibitions*** - No person in the Classified Service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his race or his political or religious opinions or other affiliations or non-affiliations; provided that it shall be permissible and it shall not be in violation of this Charter for the City to enter into an agreement with the sole and exclusive collective bargaining agent for the classified employees in a bargaining unit, which requires the payment by the classified employees in a bargaining unit to said sole and exclusive collective bargaining agent of an amount not to exceed the normal dues and assessments required of members of said sole and exclusive collective bargaining agent if seventy-five percent (75%) or more of the classified employees in a bargaining unit voting in an election conducted by the Civil Service Commission approve including such a provision in any collective bargaining agreement entered into between the City and said sole and exclusive collective bargaining agent. No person shall willfully or corruptly make any false statement, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of this Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. Any employee of the Classified Service desiring to run for public office shall take a leave of absence during such campaign and if elected shall cease to be employed by the City. No person seeking appointment to or promotion in the Classified Service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion. No person shall orally, or by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the Classified Service of the City. No person holding a position in the Classified Service of the City shall make any contribution to the campaign funds of any political party or any candidate for public office or take part in the management, affairs, or political campaign of any political party or any candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote. The above prohibitions shall be in accord with Section 2-8.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-10. **Retirement** - The rights of all persons in the service of the City actually receiving or entitled to receive, prior to the effective date of this Charter, pensions or retirement allowances for city employees, the police or the firemen, as provided by law or ordinance, are expressly validated and the City shall continue to pay such pensions or retirement allowances. All persons in the service of the City, prior to the effective date of this Charter, who were actually contributing to the retirement system for city employees, the police or the firemen, shall, unless they voluntarily withdraw from the same, continue to be members thereof.

Section 8-11. **Establishment of Retirement Plans** - The Director of Personnel may cause to have prepared a retirement and disability plan or plans. Retirement funds may be administered by the Department of Finance. The Directors of Personnel and of Finance shall collaborate in continuous study of pension benefits and costs and shall provide for actuarial studies of costs of such plans. They shall report their findings and recommendations to the City Manager, the Council, and the public. No

benefit plan shall be established or shall any increases in existing plans be provided except pursuant to such studies and recommendations. Any benefit plan shall be established on a jointly contributory basis with the employees and the City sharing the cost.

Section 8-12. **Compulsory Retirement** - Compulsory retirement ages for city employees shall be: sixty (60) years for the Police and Fire Departments, and sixty-five (65) years for all other city employees.

As of the effective date of this Charter, present employees of the Fire and Police Departments who are fifty-five (55) years of age, or older, may at their discretion, continue in such employment for an additional five (5) years. Employees of all other city departments who are sixty (60) years of age or older may at their discretion continue in such employment for an additional five (5) years. Such employees desiring to continue employment for an additional five (5) years must pass once each year a physical and mental examination based upon the requirements of the job they are holding at such time.

Certain exceptions to the compulsory retirement age for city employees may be permitted within the following limitations: Upon reaching the retirement age, such employees who desire to continue employment beyond the compulsory retirement age shall be required to pass a physical and mental examination based upon the requirements of the job they are holding at such time and upon passing such examination, conducted under supervision of the Civil Service Commission, may apply to have such employment continued for a two-year period. Nothing herein shall prevent the continuance of such employment upon passing the proper examination for additional periods of one year in each instance until reaching the age of seventy (70).

Section 8-13. **Extension of Other Retirement Plans to Municipal Employees** - If the City and any departmental group of city employees by mutual agreement at any time hereafter desires, through federal legislation or otherwise, to contribute to any system of retirement allowances for employees covered by this Article, the City shall deduct from the amount of retirement allowances payable hereunder the actuarial equivalent of such contributions as determined by those administering the pension plan or plans.

Section 8-14. **Collective Bargaining for Employees in the Classified Service of the City of Pueblo*** - The protection of the public health, safety, and welfare demand that employees in the Classified Service of the City of Pueblo not be accorded the right to strike or engage in any work stoppage, slowdown, or mass absenteeism. This necessary prohibition does not, however, require the denial to such employees of the City of Pueblo other well recognized rights of employees, such as the right to organize, be represented by an employee organization of their choice, and the right to bargain collectively concerning wages, rates of pay, hours, grievance and disciplinary procedures, working conditions, and other terms and conditions of employment, except that employees in the Classified Service shall not be permitted to bargain in regard to disciplinary measures and the application thereof to individual employees, provided that the application thereof to individual employees may be grieved according to the grievance procedures contained in a collective bargaining agreement.

It is hereby declared to be the public policy of the City of Pueblo to accord to employees in the Classified Service of the City all rights of labor other than the right to strike or organize any work stoppage, slowdown or mass absenteeism. To provide for the exercise of these rights, a method of resolution of disputes is hereby established in lieu of the right to strike.

The establishment of this method of resolution of disputes shall be deemed to be a recognition of the necessity to provide an alternative mode of settling disputes where employees in the Classified Service as a matter of public policy must be denied the right to strike.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(a). **Definitions*** - As used in this Section and its subparts, the following terms shall, unless the context requires a different interpretation, have the following meanings:

(1) The term "fire fighters" shall mean the members and positions of the classified service of the fire department of the City of Pueblo at the time of adoption hereof, including the positions of Assistant Fire Chief, Fire Captain, Fire Engineer, Fire Fighter Corpsman, Fire Prevention Inspector, Fire Fighter I, Fire Fighter II, Fire Fighter III and Fire Fighter IV.

(2) The term "police officers" shall mean all certified peace officers in the classified service of the department of police employed by the City of Pueblo, with the exception of Captains and Majors.

(3) The term "other classified employees" shall mean all other non-supervisory employees in the classified service of the City of Pueblo except fire fighters, police officers and stagehands. For the sole purpose of the initial election for a sole and exclusive bargaining agent for other classified employees pursuant to Section 8-14(c), all employees in the classified service except fire fighters, police officers and stagehands may vote and such right to vote shall not be considered in determining whether any such employee is a supervisory employee.

(4) The term "corporate authorities" shall mean the proper officials, including, but not limited to, department heads of the City of Pueblo whose duty it is to establish the wages, salaries, rates of pay, hours, working conditions, or other terms and conditions of employment of employees in the classified service.

(5) The term "sole and exclusive bargaining agent" shall mean an employee organization chosen by a bargaining unit pursuant to Section 8-14(c) for the purpose of bargaining regarding the wages, salaries, rates of pay, hours, working conditions, or other terms and conditions of employment.

(6) The term "bargaining unit" shall mean: (a) fire fighters, (b) police officers, or (c) other classified employees.

(7) The term "supervisory employee" shall mean any individual having authority, in the interest of the City of Pueblo, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(b). **Right to Organize and Bargain Collectively*** - The employees in the classified service of the City of Pueblo shall have the right to bargain collectively with the City of Pueblo and to be represented by an employee organization in such collective bargaining respecting wages, rates of

pay, hours, grievance and disciplinary procedures which may result in arbitration, working conditions and all other terms and conditions of employment, except that employees in the classified service shall not be permitted to bargain in regard to disciplinary measures and the application thereof to individual employees, provided that the application thereof to individual employees may be grieved according to the grievance procedures contained in a collective bargaining agreement.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(c). **Selection and Recognition of Bargaining Agent*** -

(1) The sole and exclusive bargaining agent for each bargaining unit for the purpose of collective bargaining shall be the sole and exclusive representative of all classified employees in the bargaining unit, if the majority of the classified employees of the respective bargaining unit, voting in an election, vote for such collective bargaining agent.

(2) When a question arises concerning the selection of a sole and exclusive collective bargaining agent, the Civil Service Commission shall determine the question thereof by taking a secret ballot of employees in that bargaining unit and certifying in writing the results thereof to the person, persons, employee organization and corporate authorities involved, said secret ballot election to be conducted not less than fifteen (15) days nor more than thirty (30) days from the date of filing the petition. The Civil Service Commission shall certify the results in the above described manner within one (1) working day of the close of the polls.

(3) Questions concerning the selection of a sole and exclusive bargaining agent may be raised only by petition of the classified employees in the bargaining unit or any employee organization representing or wishing to represent the classified employees in the bargaining unit, signed by at least 33 percent of the classified employees in the respective bargaining unit employed on the date of filing the petition. Such petition may be submitted at any time to the Civil Service Commission provided that in the event there is a sole and exclusive collective bargaining agent for the bargaining unit then certified or recognized by the corporate authorities, no petition may be filed until said certified or recognized sole and exclusive collective bargaining agent has had a twelve-month period in which to attempt to enter into a collective bargaining agreement with the corporate authorities unless said sole and exclusive collective bargaining agent can be shown to have been initiated, created, or dominated by the corporate authorities or persons acting on behalf of the corporate authorities; and provided further that no petition may be filed during the term of an existing collective bargaining agreement, until the period from January 1 to January 31 of the final year of such collective bargaining agreement. The Civil Service Commission shall make such rules as are necessary, and provide appropriate forms for the filing of such petition and the conduction of such elections.

(4) The employee organization selected by the majority of the classified employees in a bargaining unit as herein provided shall be recognized by the City of Pueblo as the sole and exclusive collective bargaining agent for all classified employees in that bargaining unit, unless and until recognition of such employee organization is withdrawn by a majority vote of the classified employees in such bargaining unit voting in an election for such withdrawal.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(d). **Duty to Bargain in Good Faith*** - It shall be the obligation of the City of Pueblo, acting through its corporate authorities' designated representatives, to meet and confer in

good faith with the representative or representatives of the sole and exclusive collective bargaining agent for each bargaining unit within 10 days after receipt of written notice from said exclusive collective bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreements resulting from negotiations to be reduced to a written contract.

It shall be the obligation of the sole and exclusive collective bargaining agent of each bargaining unit after giving written notice for collective bargaining and within 10 days after receipt of written notice from the corporate authorities of a request for a meeting for collective bargaining purposes to meet and confer in good faith with the designated representatives of the corporate authorities at all reasonable times and places. This obligation shall include the duty to cause any agreements to be reduced to a written contract.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(e). **Unresolved Issues Submitted to Advisory Arbitration*** - In the event that the sole and exclusive collective bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, or such additional time as is mutually agreed upon by the sole and exclusive collective bargaining agent and the corporate authorities, which additional time, however, shall not exceed five (5) days, to reach an agreement on a contract, any and all unresolved issues shall be submitted to advisory arbitration.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790.

Section 8-14(f). **Arbitration Board - Composition*** - Within five (5) days from the expiration of the time period referred to in Section 8-14(e) hereof, the sole and exclusive collective bargaining agent or the corporate authorities shall inform the American Arbitration Association, or its successor organization, that an arbitrator is required. Within ten (10) days thereafter, the appropriate arbitration association shall submit simultaneously to each party an identical list of seven (7) persons as a proposed arbitrator. It shall have been previously determined by the appropriate arbitration association that the proposed members of the board shall be available and will accept appointments as arbitrators within the time period specified hereafter. Within seven (7) days from the mailing date of the list, each party shall cross off three (3) names from the list, and shall number the remaining names indicating the order of its preference and return the list to the appropriate arbitration association. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. Within ten (10) days after the time the list must be returned to the appropriate association, it shall do the following:

(1) From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, it shall appoint one (1) arbitrator to serve.

(2) It shall notify the parties of such appointment.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790.

Section 8-14(g). **Arbitrator Duties*** - The arbitrator selected shall be considered a temporary municipal officer as provided for in Article XX, Section 6, subparagraph (a) of the Constitution of the State of Colorado. He shall have the duty to consider the interests and welfare of the public, as well as other factors set out in Section 8-14(i) of this Charter, in reaching his recommendations.

The arbitrator shall sit for one arbitration only, unless the parties mutually agree to a continuance of his appointment for another advisory arbitration. Upon the submission of his written findings,

opinions and decision, the tenure of the arbitrator shall end. Once selected according to the provisions in this Section, no arbitrator can be removed from the board without a judicial determination of fraudulent behavior on the part of the arbitrator.

The arbitrator shall be paid on a per diem basis. The per diem fee paid to each arbitrator shall be reasonable and within the prevailing range of fees paid to persons who perform similar duties.
* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790.

Section 8-14(h). **Hearings*** - The arbitrator shall call a hearing to be held within twenty-one (21) days after the date of his appointment and shall give at least ten (10) days notice in writing to the sole and exclusive collective bargaining agent and the corporate authorities of the time and place of such hearing. The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the arbitrator shall be received in evidence. The arbitrator shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, production of books, records and other evidence relating to or pertinent to the issues presented to him for determination.

The hearings conducted by the arbitrator shall be concluded within thirty (30) days of the time of commencement. Within five (5) days following the conclusion of the hearings, the parties may if they deem necessary submit written briefs to the arbitrator. Within ten (10) days of receipt of such briefs, or within ten (10) days after the conclusion of the hearings if no post-hearing briefs are filed, the arbitrator shall make written findings and conclusions and a written opinion and recommendations regarding the issues presented, a copy of which shall be mailed or otherwise delivered to the sole and exclusive collective bargaining agent and its designated representative and the corporate authorities. Said written opinion and recommendations shall include recommended contract language to resolve the issues in dispute. Said written findings, conclusions, opinions and recommendations shall be reached and discussed in accordance with the provisions of Section 8-14(i).
* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790.

Section 8-14(i). **Factors to be Considered by Arbitrator*** - The arbitrator shall conduct the hearings and render his recommendations upon the basis of a prompt, peaceful and just settlement of all unresolved issues between the sole and exclusive collective bargaining agent and the corporate authorities. The factors to be given weight by the arbitrator in arriving at a decision shall, if applicable and relevant, include:

(a) Comparison of wage rates, hours, terms and conditions of employment of the classified employees in the bargaining unit with prevailing wage rates, hours, terms and conditions of employment of skilled employees of the building trades and industry in the local operating area involved.

(b) Comparison of wage rates, hours, terms and conditions of employment of the classified employees in the bargaining unit with the wage rates, hours, terms and conditions of employment of similar employees in the cities or towns of at least equal size to Pueblo in the State of Colorado.

(c) Interest and welfare of the public and the financial ability of the corporate authorities to finance the cost items proposed by each party.

(d) Comparison of peculiarities of employment in regard to other trades or professions, specifically:

(1) Hazards of employment
(2) Physical qualifications
(3) Educational qualifications
(4) Mental qualifications
(5) Job training and skills
(6) Degree of responsibility exercised
(7) Work schedules
(8) Experience requirements

(e) Other similar standards recognized in the resolution of interest disputes.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(j). **Fees and Expenses of Arbitration*** - The necessary fees and costs of arbitration shall be borne by either the City or the sole and exclusive collective bargaining agent of the bargaining unit, whichever refuses to accept the recommendations of the advisory arbitrator. If both refuse, or both accept, the fees and costs shall be borne equally by the City and the bargaining agent.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(k). **Impasse Election*** -

(1) The recommendations of the arbitrator shall be advisory only. The corporate authorities and the sole and exclusive collective bargaining agent of the classified employees in a bargaining unit shall simultaneously notify each other whether or not it will accept and implement the recommendations of the arbitrator within ten (10) days of receipt of the advisory arbitrator's recommendations.

(2) (a) In the event both the corporate authorities and the sole and exclusive collective bargaining agent for the classified employees in a bargaining unit are unwilling within twenty (20) days after receipt of the advisory arbitrator's recommendations to enter into a collective bargaining agreement, the corporate authorities shall cause the final written proposal of both the corporate authorities and the bargaining agent made before the start of the advisory arbitration hearing to be referred to a vote of the qualified electors of the City of Pueblo at an election to be held not less than thirty (30) nor more than ninety (90) days from the date of the arbitrator's recommendations on the final written proposals submitted by the parties. If either the corporate authorities or bargaining agent has accepted the arbitrator's recommendations, then the arbitrator's recommendations shall be referred to a vote of the electors instead of the final proposal of the party which has so accepted the arbitrator's recommendations with the notation that such party has accepted the arbitrator's recommendations.

(2) (b) The ballot for any election conducted pursuant to paragraph (a) of this section shall, if both parties are unwilling to accept the arbitrator's recommendations, list the final written proposals of the sole and exclusive collective bargaining agent for the classified employees in the bargaining unit and the final proposal of the corporate authorities. The order of listing on the ballot shall be determined by the Civil Service Commission by lot or by a flip of a coin. If either party has timely accepted the arbitrator's recommendations, the ballot shall contain the arbitrator's recommendations instead of the final written proposal of such party, together with the final written proposal of the other party, in which event the arbitrator's recommendations shall be listed first on the ballot.

(2) (c) At any election conducted pursuant to this section, the proposal or recommendation receiving the most votes shall be enacted and implemented by the corporate authorities and the bargaining agent.

(2) (d) Final written proposal shall mean the written proposal made latest in time by a party, provided such proposal is made not less than ten (10) days prior to the start of the advisory arbitration hearing.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(l). **Collective Bargaining Agreement - What Constitutes*** - Any agreement actually negotiated between the sole and exclusive collective bargaining agent of the classified employees in a bargaining unit and the corporate authorities before the enactment of a Resolution referring the final proposals to a vote of the people, or if the issue is presented to the voters, the proposal receiving the most votes at any such election, or issues resolved by an arbitrator pursuant to Section 8-14(r) through 8-14(v) shall be reduced to writing and signed by the sole and exclusive collective bargaining agent for the classified employees in the bargaining unit and the corporate authorities and shall be enacted as an ordinance by the corporate authorities. All collective bargaining agreements shall be for a term of at least one year and not more than three (3) years and shall be effective on a January 1 date and shall terminate on a December 31 date. All such agreements shall be effective and enforceable throughout their term notwithstanding either the provisions of Article 7 of this Charter or any other provision of this Charter or any state statute.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618; ALSO AS AMENDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(m). **Request for Collective Bargaining*** - Collective bargaining shall not be requested or initiated except during the last calendar year of a collective bargaining agreement, providing that if no collective bargaining agreement then exists between the corporate authorities and the sole and exclusive bargaining agent for a bargaining unit, collective bargaining shall not be requested or initiated more than once during a calendar year. Written notice requesting a meeting for collective bargaining shall be served upon the other party on or before the first day of April of such calendar year, except that for fire fighter and police officer bargaining units the written notice shall be served on or before June 21 of such calendar year.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618; ALSO AS AMENDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(n). **Pensions Not to be Reduced*** - The benefits provided by Sections 8-10 and 8-11 shall remain in full force and effect until such time as the benefits provided by said sections may be modified by the terms of a collective bargaining agreement or agreements entered into pursuant to the requirements and provisions of Section 8-14 of this Charter and the subdivisions thereof, provided however, that such agreement or agreements as they may modify or change said sections shall in no way lessen, lower, diminish or reduce the benefits, salaries, pensions or other entitlements that are granted to classified employees of the City, pursuant to said sections on the date of adoption of this amendment; and provided further that no person who is either receiving or has contributed monies toward a pension shall cease in any manner to be eligible for the full pension which was contemplated on the date of the adoption of this amendment, unless they voluntarily withdraw from the same.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(o). **No Action in Conflict With a Collective Bargaining Agent*** - The corporate

authorities, its employees and the Civil Service Commission shall not either make or enforce any assignment, rule or regulation or order which is in conflict with the provisions of any collective bargaining agreement entered into pursuant to Section 8-14 of this Charter between the City and the sole and exclusive collective bargaining agent for any bargaining unit.
* AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(p). **Strikes Prohibited*** - Employees in the classified service of the City are prohibited from engaging or participating in any strike, work stoppage, work slowdown, or mass absenteeism involving employees of the City or the City of Pueblo.
* AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

Section 8-14(q). **Impasse Resolution for Fire Fighter and Police Officer Bargaining Units*** - Unless specifically referred to hereafter, the provisions of Section 8-14(e) through 8-14(k) shall not apply to the fire fighter and police officer bargaining units. Instead, any impasse in negotiations shall be resolved pursuant to Section 8-14(r) through 8-14(v).
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(r). **Unresolved Issues Submitted to Binding Arbitration* -** In the event that the sole and exclusive bargaining agent and the City are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to binding arbitration. The obligation of the parties to bargain in good faith shall continue after submission of unresolved issues to binding arbitration. Any or all issues which are unresolved between the sole and exclusive bargaining agent and the City within the time periods contained in this paragraph may be resolved by the parties. In the event the sole and exclusive bargaining agent and the City are able to reach an agreement upon any or all issues prior to the issuance of the decision of the arbitrator, then the arbitrator shall not make a decision on such issue or issues. In the event that, within fifteen (15) days following the receipt of the decision of the arbitrator, the sole and exclusive bargaining agent and the City are able to reach an agreement upon any or all issues decided by the arbitrator, then those agreements shall supersede the decision of the arbitrator.
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(s)**. Binding Arbitrator X Selection*** -

(1) Within thirty (30) days after the adoption of this amendment, the City shall, in some reasonable manner, solicit applications from persons who desire to be on a permanent panel of arbitrators to resolve impasses as described in Section 8-14(r) herein.

(2) In order to be eligible to be on the permanent panel of arbitrators, a person must be impartial and disinterested and must be qualified by experience and training as a neutral hearing officer or arbitrator in labor/management disputes. In order to be so qualified, the person must have served as a neutral hearing officer or arbitrator in labor/management disputes for at least three (3) years and have conducted at least five (5) hearings per year in each of two (2) of the last three (3) years. These hearings shall be either hearings to resolve an impasse in collective bargaining negotiations between labor and management, disputes over the meaning or application of collective bargaining contracts between labor and management or discipline under a collective bargaining agreement. Any person whose only experience is as a hearing officer in any civil or career service system shall not be qualified. Persons who are members of the National Academy of Arbitrators or on the American Arbitration Association panel of labor arbitrators are presumptively qualified.

(3) No later than the first negotiation session for a bargaining unit covered by this Section the City Council shall create a permanent panel of at least three (3) arbitrators from those qualified persons who apply. Placement on the permanent panel shall be by a vote of the City Council. Any qualified person can be added to the permanent panel at any time by a vote of the City Council. Any person on the permanent panel may be removed by a vote of the City Council unless that person has been selected to conduct a hearing pursuant to subsection (5) of this Section and then that person can only be removed after issuing a decision in that dispute.

(4) Each person put on the permanent panel shall sign an oath to uphold the terms of this Article.

(5) Within three (3) days of the expiration of the 30-day time period referred to in Section 8-14(r), the City Clerk shall submit a list with the names of all members of the permanent panel to the sole and exclusive bargaining agent and the City. Within ten (10) days of receipt of this list, the sole and exclusive bargaining agent and the City shall meet and alternatively strike one (1) name from the list until one (1) name remains (if the panel has an odd number of names) or two (2) names remain (if the panel has an even number of names). If one (1) name remains that person becomes the arbitrator for that dispute. If two (2) names remain, the President of the City Council shall select one (1) of these two (2) names to be the arbitrator for that dispute. The President of the City Council's selection must take place within three (3) working days of the completion of the striking process by the sole and exclusive bargaining agent and the City. The determination of whether the sole and exclusive bargaining agent or the City strikes first shall be done by flip of a coin.

(6) Nothing herein shall be construed to prevent the sole and exclusive bargaining agent and the City from agreeing to an arbitrator from the permanent panel.
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(t). **Hearings* -** The arbitrator shall call a hearing to begin within twenty-one (21) days of his selection, and shall give at least ten (10) days notice in writing to the sole and exclusive bargaining agent and the City of the time and place of such hearing. The hearing shall be conducted in accordance with the time limits contained in Section 8-14(h). In reaching his decision, the arbitrator shall consider, if applicable and relevant, the factors contained in Section 8-14(i).
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(u).**Final Offer Procedure* -** The arbitrator shall choose either the final offer of the City or the final offer of the sole and exclusive bargaining agent on each issue and shall state his reasons for choosing such position. A Final Offer means the last written offer made by a party no less than seven (7) days prior to the start of a binding arbitration hearing.
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(v)**. Finality of the Arbitrator's Decision* -**

(1) Except as provided in this Section, the decision of the arbitrator shall be binding on the sole and exclusive bargaining agent and the City. Nothing herein shall prohibit the parties from agreeing to terms different from the decision of the arbitrator as long as such agreements are made within fifteen (15) days after receipt of the arbitrator's decision.

(2) The arbitrator's decision shall be subject to court review only pursuant to the terms of this Section. Any party desiring court review must file suit in district court no later than thirty (30) days

after the date of the arbitrator's decision. Failure to file suit within this time frame shall waive the right to appeal the decision. The district court shall affirm the award unless it determines:

(a) The award was procured by corruption, fraud or other undue means;

(b) The decision on any issue is arbitrary and capricious, to wit, there is no competent evidence in the record to support the decision; or

(c) The decision on any issue was reached without considering the factors listed in Section 8-14(i) hereof.

(3) The court shall not conduct de novo review except to determine whether the award was procured by corruption, fraud or other undue means. If the court determines that the award was procured by corruption, fraud or other undue means, the entire award shall be vacated and the matter shall be remanded back to a different arbitrator selected pursuant to the terms of Section 8-14(s) hereof. The arbitrator who issued the award determined to be procured by corruption, fraud or other undue means shall no longer be deemed qualified to be on the permanent panel of arbitrators, shall be removed from that panel and shall not be eligible for reappointment to the permanent panel. If the court determines that the arbitrator's decision on any issue is arbitrary and capricious, the court shall remand that issue to the arbitrator with instructions to conduct a new hearing on that issue if either the sole and exclusive bargaining agent or the City so desires and, with or without a new hearing, to issue a new decision on that issue which is based on some competent evidence in the record. If the court determines that the arbitrator's decision on any issue was reached without considering the factors listed in Section 8-14(i) hereof, the court shall remand that issue to the arbitrator with instructions to conduct a new hearing on that issue if either the sole and exclusive bargaining agent or the City so desires and, with or without a new hearing, to issue a decision which considers the factors listed in Section 8-14(i) hereof as the arbitrator deems proper.

(4) If the arbitration decision is appealed and the appeal is unresolved by the expiration of the existing contract, the terms and conditions of employment for the bargaining unit affected by the appeal shall be:

(a) All terms and conditions agreed upon by the parties prior to the appeal, and

(b) For those terms and conditions in dispute in the appeal, the provisions of existing contract.

At the conclusion of the appeal process, including any remands to the arbitrator, the terms of the contract so established shall be retroactive to the effective date of that contract.
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-14(w). **Non-Severability* -** If any clause, sentence, paragraph or part of Sections 8-14(q) through 8-14(v) or application thereof to any person or circumstance is for any reason adjudged by a court of competent jurisdiction to be invalid, such judgement shall invalidate all provisions of Section 8-14(q) through 8-14(v) plus this amendment to Sections 8-14(l) and 8-14(m) and the provisions of Section 8-14(e) through 8-14(k) shall again apply to fire fighter and police officer bargaining units.
* ADDED NOVEMBER 3, 1998, BY VOTE OF 18,330 TO 12,701.

Section 8-15. **Fire Fighters Surviving Spouse Benefits -**

(a) Notwithstanding any other provision of this Charter, City ordinance, or Colorado statute, the minimum annuity paid to existing or future surviving spouses of members of Pueblo's fire department who were hired before April 8, 1978 shall be seven hundred fifty dollars ($750.00) per month.

(b) Section 8-15(a) shall apply to all existing and future surviving spouses on the date when Section 8-15(a) becomes effective in accordance with Section 8-15(c). The minimum benefits of seven hundred fifty dollars ($750.00) shall be paid only for the period of time after Section 8-15(a) became effective.

(c) The minimum set forth in Section 8-15(a) shall not become effective until the first of the month following the Fire and Police Pension Association Board of Directors' decision to permit such modification pursuant to C.R.S. 31-30.5-210(2). For such purpose, upon passage of this Charter amendment, this Section 8-15(c) shall be construed to be a request by the City to so modify the Pueblo Firemen's Pension Fund.

(d) Notwithstanding any other provision of this Charter, City ordinance, or Colorado statute, the minimum benefits set forth in Section 8-15(a) shall be funded in their entirety by the City in such amounts as determined by an actuarial study done in accordance with the requirements set forth by the Fire and Police Pension Association Board of Directors. The City shall fund in its entirety the cost of any actuarial study determined by the Fire and Police Pension Association Board of Directors to be appropriate.

* ADDED NOVEMBER 2, 1999, BY VOTE OF 14,099 TO 6,401.

ARTICLE 9

Department of Fire

Section 9-1. **Department Created** - There is hereby created a Department of Fire, the Director of which shall be the Fire Chief. Personnel in the Department shall include Assistant Fire Chiefs, Captains, Engineers, Operators, and other employees of such rank and grade as the City Manager and Council may deem necessary for public safety, provided such employees shall be subject to provisions of Sections 8-7 and 8-10.

Section 9-2. **Functions of Department** - The Department of Fire shall be responsible for the protection of life and property from fire, and enforcement of laws, ordinances and regulations relating to fire prevention and fire safety and such other related functions as to insure public safety.

Section 9-3. **Fire Chief*** - The Fire Chief shall be in direct command of the Department of Fire. He shall assign all members of the Department to their respective posts, shifts, details and duties. He shall make rules and regulations with the approval of the City Manager and in conformity with the ordinances and resolutions 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 for the care and custody of all property used by the Department. The Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions relating to fire prevention and fire safety.

* AS AMENDED NOVEMBER 8, 1977, BY VOTE OF 7,638 TO 6,790; ALSO AS AMENDED NOVEMBER 4, 1980, BY VOTE OF 17,039 TO 16,618.

ARTICLE 10

Department of Police

Section 10-1. **Department Created** - There is hereby created a Department of Police, the Director of which shall be the Chief of Police. Personnel in the Department shall include Captains, Detective Sergeants, Patrolmen, Matrons, and other employees of such rank and grade as the City Manager and Council may deem necessary for public safety, provided such employees shall be subject to provisions of Sections 8-7 and 8-10.

Section 10-2. **Functions of Department** - The Department of Police shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and the enforcement of the laws of the State, and the ordinances of the City as provided by this Charter and all rules and regulations made in accordance therewith, and such other functions as the City Manager and Council may prescribe for public safety. All members of the Department shall have all powers with respect to the service of criminal process and the enforcement of criminal laws as are vested in police officers by the general statutes.

Section 10-3. **Chief of Police** - The Chief of Police shall be in direct command of the Department of Police. He shall assign all members of the Department to their respective posts, shifts, details and duties. He shall make rules and regulations with approval of the City Manager and in conformity with the ordinances and resolutions 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.

ARTICLE 11

Department of Health

Section 11-1. **Department of Health** - Except as hereinafter provided, there shall be a Department of Health, the head of which will be the Director, who shall be a Doctor of Medicine, licensed by the State of Colorado, graduate of a reputable school of medicine, and with experience in public health work.

Section 11-2. **Power and Duties** - The Director shall have all the powers and duties conferred by this Charter, by ordinance and by general statutes on health officers of municipalities. He shall have power, after approval by the Public Health Board, to make rules and regulations for the preservation of public health not inconsistent with this Charter and ordinances of the City. He shall be charged with the enforcement of all laws, ordinances, rules and regulations in respect to public health.

The Director of Public Health shall have the power, in compliance with this Charter and the ordinances of the City, to declare any land or building in the City for health reasons to be unfit, unsafe, or unsuitable for human habitation and issue orders concerning the occupancy of such land or building. If the owner thereof, or his responsible agent, shall fail to comply properly with such directive, the Director of Public Health shall have the power to proceed forthwith to order all work required to be done in compliance with the order, provided that:

a. Approval be given by the Public Health Board and the Council;

b. A period of 30 days be granted the owner or responsible agent of the property concerning in which to complete appeal to the Council regarding approval of said order.

If the original decision of the Council is not altered or changed by such appeal, the Director of Public Health shall proceed at once with action as finally decided.

The cost of such work on, or demolition of, any structure or structures covered by such order may be recovered by the City.

The Director of Public Health, with the advice of the Public Health Board, and with the approval of the Council, shall have the power to order the occupants of any land or building declared for health reasons unfit, unsafe, or unsuitable for human habitation to vacate the same. The Department of Police when called upon by the Director of Public Health shall enforce each order.

Section 11-3. **Public Health Board** - There shall be a Board of Public Health consisting of five members appointed by the Council on the basis of their broad interests in public health. The composition of this Board shall comply with Section 2-5.

Section 11-4. **Merger With County and District Health Department** - The Council may by ordinance enter into an agreement with the governing body of the County or District Board of Health to merge the City Department of Public Health with the County or District Health Department. In the event of the dissolution of any County or District Health Department or of the withdrawal of the Municipal Corporation which has voluntarily merged its Health Department with the County or District Health Department, the Pueblo Municipal Department of Health and the Board of Health shall again be established. The said Board and Department shall assume the powers and duties conferred on such local boards by said provisions of law and this Charter.

ARTICLE 12

Public Works

Section 12-1. **Department Created** - There shall be a Department of Public Works headed by a Director who shall be a Registered Professional Engineer, licensed to practice in the State of Colorado.

The Department shall consist of a Division of Engineering, Division of Streets, Division of Shops and such other Divisions as may be created by resolution of the City Council.

Section 12-2. **Functions** - The Department shall provide all engineering, architectural, maintenance, construction and work equipment services required by the City except those performed by private persons, firms, or corporations under contract, or those assigned to other departments by this Charter.

Section 12-3. **Powers and Duties** - The Director shall be responsible for the performance of all functions of the Department.

Each Division shall be headed by a person responsible to the Director. One or more Divisions may be headed by one person. The Director may also head one or more Divisions.

Section 12-4. **City Planning and Zoning Commissions*** - The City Planning and Zoning Commission shall consist of seven members, one of whom shall be a member of the Council designated by the Council. The six additional members shall be appointed by the Council for staggered terms of four years on such basis as the Council may provide. Such additional members shall be qualified electors, residents of the City of Pueblo at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the city administration. Appointments to fill vacancies shall be for unexpired terms only. The Commission shall elect its chairman annually from among the appointive members.

There may be a Director of Planning who shall be qualified by special training and experience in the field of city planning. He shall be the technical advisor of the Commission, may also be designated its executive secretary, and shall have such other authority, duties and responsibilities under the direction and control of the Commission as it may require and establish. Such assistants and technical advisers shall be hired as deemed necessary.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 8,250 TO 3,107.

Section 12-5. **Powers and Duties** - The City Planning and Zoning Commission shall have authority to prepare and submit to the Council for its approval a master plan for the physical development of the City, including the general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds and spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any public housing or slum clearance projects. The Commission shall recommend such modifications of said plan, from time to time, as it deems in the City's interest. All plats of proposed subdivisions presented to the Council for approval shall be submitted to the City Planning and Zoning Commission, which shall make recommendations to the Council with respect thereto. The Commission shall submit annually to the City Manager, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the Commission are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

The City Planning and Zoning Commission shall exercise such authority as vested in it by the State Zoning enabling acts. It shall prepare and recommend to the Council a comprehensive zoning ordinance, or propose amendments or revisions thereto, with such provisions as the Commission shall deem necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the City. Such provisions may include districts, regulations as to the location, width, height and bulk of buildings and other structures, the size of yards, courts and other open spaces surrounding buildings and structures; the use of buildings, structures, and land. The Commission shall hear applications for amendments, modifications or revisions of zoning ordinances, and shall forward such applications to the Council with its recommendations thereon. The recommendations of the Commission shall not be binding on the Council, which may approve or disapprove the Commission's findings; however, no general city plan, nor zoning ordinance, nor any modification, amendment or revision thereof, shall be considered by the Council unless the same shall have been first submitted to the Commission for its examination and recommendation.

Section 12-6. **Board of Appeals*** - There shall be a Zoning Board of Appeals, which shall consist of five members, appointed by the Council for staggered terms of four years on such basis as

the Council may provide. Members shall be qualified electors, residents of the City at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the City Administration. One member of the City Planning and Zoning Commission shall be a member of the Zoning Board of Appeals. Appointments to fill vacancies shall be for unexpired terms only. The Board shall select its officers, and establish rules for the functioning of the Board. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions. Every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board, and shall be a public record. The Board shall have power to hear and determine appeals from refusal of building permits; make special exceptions to the terms of the Zoning regulations in harmony with their general purpose and intent; authorize variances from the strict application of regulations in such situations and subject to such limitations as may be set by ordinance. The findings and decisions of the Board shall be final, subject only to reversal by the District Court.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 7,896 TO 3,260.

ARTICLE 13

Department of Parks and Recreation

Section 13-1. **Department Created** - There shall be a Department of Parks and Recreation, the head of which shall be the Director.

Section 13-2. **Functions*** - Except as may be assigned to another Department created by Council by Ordinance, the Department of Parks and Recreation shall exercise all administrative functions of the Municipal Government as to:

a. Operation of municipal parks, park areas, playgrounds, playfields, lake facilities, swimming pools, fountains, recreation and community buildings, sports arenas, stadia, golf courses, city cemeteries, and related facilities, both inside and outside the corporate limits;

b. Planning, conduct, and supervision of organized public, physical, and cultural recreational programs;

c. Cooperation with public and private agencies in public recreation programs, concerts and other entertainment;

d. Maintenance and preservation of public monuments, museums and collections;

e. Maintenance of rest rooms, refreshment facilities, and restaurants on properties under supervision of the Department of Parks and Recreation.

* AS AMENDED NOVEMBER 6, 1973, BY VOTE OF 7,306 TO 4,090.

Section 13-3. **Powers and Duties** - The Director of Parks 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 reconstruction of all parks, playgrounds, and recreation facilities shall be vested in the Department of Public Works. The specific determination of the functions relating to such construction and reconstruction the Department of Public Works shall be made by the City Manager.

Section 13-4. **Rules and Regulations** - On recommendation of the Director of Parks and Recreation to the City Manager, the Council shall have power by ordinance to adopt all needful rules and regulations relating to properties and related facilities under supervision of the Parks 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.

ARTICLE 14

Department of Aviation

Section 14-1. **Department Created** - There is hereby created a Department of Aviation, the head of which shall be the Director. The Department shall be responsible for such functions as shall be determined by resolution of the City Council.

ARTICLE 15

Water and Water Works

Section 15-1. **Consolidation*** - Consolidation of the water works systems and properties managed and controlled by the Trustees of the Pueblo Water Works and by the Board of Commissioners of Pueblo Water Works District No. 2, may be effected upon a plan submitted by the Council, or upon such terms and conditions as may be agreed upon between the Trustees of the Pueblo Water Works and the Board of Commissioners of Public Water Works District No. 2, provided that no such plan or agreement for consolidation shall become effective until the same shall have been approved at a general city election, or at a special city election, by a majority of qualified taxpaying electors of each district voting thereon; PROVIDED, that all bonds and indebtedness of any kind of either of the Districts outstanding at the time of such consolidation shall remain the sole indebtedness and obligation of such District as contracted the indebtedness, and shall not become the indebtedness or obligation of the Consolidated District or of the City, but the property located in the District which contracted the indebtedness shall be and remain subject to the payment thereof as if such consolidation had not been effected.

* CONSOLIDATED EFFECTIVE JUNE 11, 1957.

Section 15-2. **Board of Water Works of Pueblo, Colorado*** - Title to the properties of the former districts now consolidated and any property of the water works is in the City of Pueblo. The entire control, management and operation thereof shall be exercised by an independent Board named "Board of Water Works of Pueblo, Colorado," over which the Council shall have no jurisdiction or control, but shall adopt all ordinances requested by said Board which shall be reasonably necessary to assist the Board in the management of the water works system and property, or to enable said Board to purchase or condemn additional water, water rights, reservoirs, reservoir sites or property of any

kind, needed to supply water to the City or its inhabitants. The Board shall consist of five members all elected at large for six year terms as hereafter provided. The Board shall initially consist of the following five members: one previously elected holding a six year term expiring December 31, 1965; one previously elected holding a six year term expiring December 31, 1967; one holding a six year term expiring December 31, 1969, elected at the November 1963 election; one appointed by the City Council from January 1, 1964 to December 31, 1965, and one appointed by the City Council from January 1, 1964 to December 31, 1967. As the term of each member expires, a member to fill a new term of six years shall be elected, said terms to commence the first day of January next after their election. The Board of Water Works shall have and exercise all powers which are granted to cities of the first class by the Constitution and Laws of the State of Colorado, except the power to levy and collect taxes directly or indirectly. Surplus water may be supplied to territories outside the City until same is needed by the inhabitants of the City. It shall have power to make and execute contracts in the name of the City, institute and defend all litigation affecting its powers and duties or in relation to the water works system, and as to all other property under its management. The members of the Board shall continue to receive their present salaries until changed by ordinance of the Council. This amendment shall become effective January 1, 1964.

* AS AMENDED NOVEMBER 5, 1963, BY VOTE OF 8,704 TO 5,201; ALSO AS AMENDED NOVEMBER 7, 1995, BY VOTE OF 13,064 TO 8,731.

Section 15-3. **District No. 2** - The water plant together with all other property belonging to Public Water Works District No. 2 shall continue to belong to the District, and be held, managed and operated in the same manner as at present, until the ownership, control and management shall be changed pursuant to the provisions of this Charter, and no change shall be made except as herein provided unless such change be approved by a vote of the majority of the qualified taxpaying electors of the District voting thereon.

The Commissioners of Public Water Works District No. 2 shall continue to hold office until January 1, 1956. Except in the event of consolidation, three Commissioners of the Public Water Works District No. 2 shall be elected at each general city election, and shall hold office for a term of two years from the first day of January following each election. The Commissioners shall possess the same powers as are now possessed by the Commissioners of Public Water Works District No. 2.

Section 15-4. **Pueblo Water Works** - The Trustees of the Pueblo Water Works now in office shall continue to hold office until January 1, 1956. Except in the event of consolidation, three Trustees of the Pueblo Water Works shall be elected at each general city election, and shall hold office for a term of two years from the first day of January following each election. The trustees shall possess the same powers as are now possessed by the present Trustees of the Pueblo Water Works.

Section 15-5. **Election** - The nomination and election of the Commissioners and Trustees and members of the Board of Water Works of Pueblo shall be conducted in the same manner as is herein provided for the nomination and election of members of the Council.

Section 15-6. **Contracts*** - No contract shall be entered into, and no purchase shall be made by the Trustees or Commissioners of the existing water districts, or by the Board of Water Works of Pueblo, involving the expenditure of a sum in excess of One Thousand Dollars ($1000.00), except for personal, professional or technical services not lending themselves to competitive bidding, until a proposal for bids for the materials or services covered by such contracts or purchase shall have been advertised by one publication in a daily newspaper of general circulation in Pueblo at least ten days prior to the making of such contract or purchase.

* AS AMENDED NOVEMBER 4, 1967, BY VOTE OF 10,038 TO 5,793.

ARTICLE 16

Franchises and Public Utilities

Section 16-1. **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 plants, telephone or telegraph systems, water or heating plants, or transportation systems, and serving or supplying the public; 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, and shall not include the Trustees of the Pueblo Water Works, Public Water Works District No. 2 of the City of Pueblo, and the Board of Water Works of Pueblo, Colorado.

Section 16-2. **Franchises Granted Upon Vote** - No franchise shall be granted except upon the majority vote of the qualified taxpaying electors voting thereon, and the question of its being granted shall be submitted to such vote by ordinance upon deposit with the Director of Finance of the expense (to be determined by the Director of Finance) of such submission by the applicant for said franchise. No exclusive franchise shall ever be granted.

Section 16-3. **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 index shall give the name of the grantee and his assignees. The Record 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 16-4. **Term - Compensation - Restriction** - No franchise shall be granted for a longer period than twenty-five years nor without reserving to the City such fair percentage of the gross receipts arising 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, but shall exempt the grantee or his or its assignees from the payment of any licenses, charges or any other impositions levied by the City. The percentage of gross receipts shall be paid annually and a failure to pay such percentage shall work a forfeiture of the franchise.

Section 16-5. **Extension of Territory** - The Council may extend the area or include streets, alleys, public places and property, not embraced in such franchise, by ordinance, when public convenience and necessity requires, subject to all of the terms and conditions of such original franchise and coextensive with the term thereof, without a vote of the taxpaying electors.

Section 16-6. **Elevate or Lower Tracks** - The Council shall have power by ordinance when necessary, to require any railroad company, at its own expense, to elevate or lower any of its tracks running over, along or across any street, avenue or alley of the City to conform to the established grade of such street, avenue or alley, and to require any railroad company or companies on some fair apportionment of the cost of expense thereof between it and the City and/or other public authority in interest, to construct and maintain all street crossings, bridges or viaducts in good condition with proper approaches and other conveniences thereto upon any street, avenue or alley of the City and over, under and across its or their track or tracks.

Section 16-7. **Provide for Safety** - Every franchise shall be subject to the right of the Council to

make all necessary regulations for the safety, welfare and accommodation of the public.

Railroad franchises shall be subject to the right of the Council to construct sewer, water and gas mains and pipes and wire conduits under, over or through their property.

Section 16-8. **Revocable Licenses** - The Council shall have power by ordinance to grant a license, revocable for good cause shown, to any railroad company, manufacturer or merchant, to lay side tracks and switches along or across any street, avenue or alley in the City, when the application therefor is accompanied by the assent in writing of the owners of two-thirds of the frontage on each side of any street, avenue or alley, or parts thereof, on which it is desired to lay same.

Section 16-9. **Revocable Permits** - The Council shall have power to grant permits in or upon any street, avenue, alley or public place for temporary purposes; provided, such permits may be revoked by the Council at its pleasure.

ARTICLE 17

Elections

Section 17-1. **Applicability of State Constitution** - The Council shall provide by ordinance for the manner of holding city elections and such additional regulations in respect to elections, not inconsistent with the provisions of this Charter or the State Constitution as may be necessary to accomplish the intent of this Article.

Section 17-2. **Municipal Elections*** - A general municipal election shall be held on the first Tuesday in November of 2007, and on the first Tuesday in November of every second year thereafter. Special municipal elections shall be held in accord with the provisions of this Charter.

* AS AMENDED NOVEMBER 8, 2005, BY A VOTE OF THE PEOPLE 12,979 TO 4,761.

Section 17-3. **Notice of Election** - The City Clerk, on the tenth day before election, shall prepare a list of the candidates whose names are entitled to appear on the ballot, with the office to be filled, and shall publish the same, in accord with the provisions of this Charter.

Section 17-4. **Nomination** - Any qualified elector may be nominated for an elective office by petition. A petition for this purpose shall be signed by not less than one hundred (100) nor more than two hundred (200) qualified electors for each candidate to be elected at large, and not less than fifty (50) nor more than one hundred (100) qualified electors for each candidate to be elected from districts. A qualified elector may sign as many petitions as there are offices to be filled by election at large, and may also sign one petition for each candidate to be elected from his district. The signatures on the nominating petition need not all be subscribed on one petition, but to each separate page of the petition there shall be attached a signed statement of the circulator thereof, stating the number of signers of each page of the petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. All signatures on the petitions of nomination shall include thereon the place of residence of the signer with sufficient description to identify it. The form of the nominating petition shall be determined by the City Clerk.

Section 17-5. **Acceptance of Nomination*** - No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination form, such form to be determined by the City Clerk.

If a petition is found to be signed by more persons than the number legally permitted, the last signatures in excess of that number shall be disregarded even if some of the earlier signatures are void. If a petition is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. If a petition is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. Within five days after the filing of a nominating petition the City Clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of registered electors. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition (in which case the time of the first filing shall be disregarded in determining the validity of signatures thereon) or a different petition may be filed for the same candidate. The petition of each person nominated shall be preserved by the City Clerk until the expiration of the term of office for which he has been nominated. Any signature made earlier than sixty (60) days prior to the date of the election shall be void. All nominating papers comprising a petition shall be filed as one instrument with the City Clerk not earlier than ninety-one (91) days before the election and not later than seventy-one (71) days before the election. The City Clerk shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. A person who has been nominated, may withdraw by filing with the City Clerk a request therefor in writing, and in the event that the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes for the candidate shall be deemed invalid and shall not be counted.

*AS AMENDED NOVEMBER 2, 2004 BY A VOTE OF THE PEOPLE 23,874 TO 15,110.

Section 17-6. **Balloting** - The vote on all proposals and election of candidates shall be by voting machines whenever available. If a voting machine should become inoperative during balloting, paper ballots shall be used under the supervision of the Board of Elections of the City.

Section 17-7. **Board of Elections*** - There is hereby created a Board of Elections consisting of the City Clerk and two members appointed by the Council. They shall recommend to the Council (in conformity with Article XX, Section 6, of the Constitution of the State of Colorado) such rules and regulations as necessary for the conduct of election for approval, and shall most particularly provide for ballots and sample ballots, appointment, removal, compensation, and terms of judges of elections, absentee voting, determination of the winner in case of tie vote, canvass of returns, and issuance of appropriate certificates. Board members may receive such compensation, if any, as may be determined by the Council.

Section 17-8. **Registration*** - Registration of all voters shall be as follows:

a. The City Clerk shall register all voters at his or her office up to and including twenty-nine (29) days before any election.

b. A voter may be legally registered by presenting himself in person or by a member of his immediate family of legal age residing at the same address.

c. The name of a voter once registered shall remain on the registration list until stricken as hereby provided:

(1) Within thirty (30) days after any general city election the City Clerk shall strike from the registration lists in each precinct the name of every person who failed to vote at such election.

(2) At any time up to and including twenty-nine (29) days before any election, any qualified elector may file a verified complaint with the Judge of the Municipal Court, giving the name, or names of any person or persons, whom he believes to be illegally registered with his reasons therefor. Immediately upon receipt of such a complaint the Municipal Judge shall issue and provide for the delivery of a summons which shall command attendance at a hearing before him of such persons mentioned in the verified complaint. If upon hearing, it shall appear that any such person, or persons, has been illegally registered, his name shall be stricken from the registration list.

d. For the twenty-nine (29) days before and on the day of any municipal election, any registered elector, by appearing in person at the City Clerk's office, may complete a sworn affidavit for change of address from a precinct within the City in which the elector is registered, stating that the elector has moved prior to the thirtieth day before the election and that the elector has lived at the new address in the new precinct within the City for at least thirty days. Upon the receipt of the request, the City Clerk shall verify the registration of the elector at the new address and, upon verification, change the elector's registration to the new address.

*AS AMENDED NOVEMBER 2, 2004 BY A VOTE OF THE PEOPLE 20,627 TO 18,439.

Section 17-9. **Optional Registration Plan*** - At any time in the future the City Council may adopt this plan for registration instead of the aforementioned Section. Registration of all qualified electors shall be follows: The City Clerk shall, not later than twenty-nine (29) days before any City election, obtain from the County Clerk a registration list of all qualified electors who are residents of the City of Pueblo. Such registration list shall be the official city registration record. All qualified electors shall be considered duly registered and continue to be registered until such time as their names are stricken from the election records of the County Clerk.
*AS AMENDED NOVEMBER 7, 1989, BY A VOTE OF THE PEOPLE 12,175 TO 4,424; *AS AMENDED NOVEMBER 2, 2004 BY A VOTE OF THE PEOPLE 20,627 TO 18,439.

Section 17-10. **Statement of Expenses*** - Every candidate at any City election shall within thirty (30) days thereafter file a sworn statement of election expenditures which shall include such itemizations and disclosures as the City Council shall by ordinance specify and require.

No political party, directly or indirectly, and no public service corporation, nor any other person, firm or corporation owning, interested in, or intending to apply for any franchise or contract with the City, shall contribute or expend any money or valuable thing, directly or indirectly, to assist in the election or defeat of any candidate or candidates.

The provisions and prohibitions of this Article relating to candidates shall also apply to each and every City officer and employee in Pueblo.

Section 17-11. **Corrupt Practices** - Any person who shall at any city election violate any state law, provision of this Charter or ordinance of Pueblo relative to registration or election, or who, if a candidate, shall fail to file a sworn statement of expenses as herein required, upon conviction thereof, shall be disqualified from holding office, position or employment under the City for two (2) years, or an elective office for four (4) years, and such other punishment as the Municipal Court shall

direct.

Section 17-12. **Informalities** - No informalities in conducting city elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this Charter.

ARTICLE 18

Initiative and Referendum

Section 18-1. **The Initiative*** - Any proposed ordinance may be submitted to the Council by petition signed by registered electors of the City equal in number to the percentage hereinafter required.
*AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 19,459 TO 18,717.

Section 18-2. **Submissions*** - If the petition accompanying the proposed ordinance is signed by registered electors equal in number to five (5) per centum of the total vote cast in the last general city election, and requests that such proposed ordinance be submitted to a vote of the people, the Council shall either pass said ordinance within thirty (30) days without alterations, subject to the referendum, or refer the proposed ordinance to the registered electors of the City at a regular or special city election to be held not less than sixty (60) days and not more than one hundred fifty (150) days after the final determination of petition sufficiency by the City Clerk.

An initiated ordinance shall be published in like manner as other proposed ordinances. The ballot title shall be fixed by Council, shall correctly and fairly express the intent and meaning of the measure, and, whenever possible, avoid titles for which the general understanding of a "yes" or "no" vote would be unclear. If a majority of the registered electors voting thereon shall vote in favor thereof, the same shall thereupon without further publication become an ordinance of the City.

Any number of proposed ordinances may be submitted at the same election. Not more than one special election under this Article shall be held in any twelve months. Special elections during said period held under other Articles of this Charter shall not be counted.

There shall be no administrative protest procedure to challenge the City Clerk's determination of sufficiency or insufficiency of the petition.
*AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 19,459 TO 18,717.

Section 18-3. **The Referendum*** - The referendum shall apply to all ordinances passed by the Council, except ordinances making the tax levy, the annual appropriation or ordering improvements initiated by petition and to be paid for by special assessments. If at any time within thirty (30) days after the final passage of an ordinance to which the referendum is applicable, a petition signed by registered electors equal in number to at least five (5) per centum of the total vote cast in the last general city election, be presented to the Council, protesting against the going into effect of any ordinance, the same shall thereupon be suspended, and the Council shall reconsider such ordinance and if the same be not entirely repealed, shall submit the same to a vote of the registered electors of the City, in manner as provided in respect to the Initiative, at the next general city election or at a special election called therefor. Such ordinance shall then go into effect if a majority of the qualified electors voting thereon vote in favor thereof, without further publication. The Council, of its own motion, shall have the power to submit, at a general or special election, any proposed ordinance to the

vote of the people, in manner as in this Charter provided. If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.
*AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 19,459 TO 18,717.

Section 18-4. **Procedure*** - Except as provided in this Charter or by ordinance adopted by the Council, the procedures respecting initiative and referendum petitions shall be substantially as provided in the Colorado Municipal Election Code of 1965, as amended, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavits required.
*AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 19,459 TO 18,717.

Section 18-5. **Amendments** - An ordinance adopted by electoral vote, under either the initiative or referendum, cannot be repealed or amended except by electoral vote; but the Council shall have power to submit a proposition without a petition therefor, for the repeal or amendment of any such ordinance.

ARTICLE 19

Recall for Elective Officers

Section 19-1. **Petition for Recall*** - Any elective officer may be recalled by the registered electors of Pueblo. The procedure to effect such removal shall be as follows: No recall petition shall be circulated until the form thereof has been approved by the City Clerk who shall approve or disapprove the form of petition by close of business of the second business day following submission of the proposed form of petition. A petition signed by registered electors residing in the area from which an elected officer is elected, equal in number to at least twenty-five (25) per centum of the entire vote cast at the last preceding election for all candidates for the position which the incumbent sought to be recalled occupies, demanding an election for the recall of such incumbent, and for the election of his successor, shall be addressed to the Council and filed with the City Clerk. The petition shall contain a specific statement in not more than two hundred (200) words of the grounds upon which removal is sought. The signatures on the petition need not all be appended to one page of the petition but every signer shall include thereon the place of residence, with sufficient description to identify it. One of the signers of each such petition shall make affidavit before an officer competent to administer oaths, that each signature appended to the petition is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be filed as one instrument with an endorsement thereon of the names and addresses of three person designated as filing the same; provided, that before any petition for recall is circulated, an affidavit of not more than two hundred (200) words shall be made by one or more registered electors residing in the area from which the officer is elected, stating the name of the officer sought to be removed and the grounds upon which the removal is sought, and filed with the City Clerk. Said affidavit may be on information and belief. The officer sought to be removed may file with the City Clerk a statement of not more than three hundred (300) words in reply by way of justification of his or her course in office. *AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 22,291 TO 16,252.

Section 19-2. **Filing Petition** - Within ten (10) days from the filing of said petition the City Clerk shall ascertain whether the petition is signed by the requisite number of qualified registered electors, and shall attach thereto his certificate showing the result of such examination.

If the petition be insufficient he shall forthwith in writing notify one or more of the persons designated on the petition as filing the same. The petition may then be amended within ten (10) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto his certificate of the result. If still insufficient he shall return the petition to one of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same purpose.

Section 19-3. **Calling Election*** - If the petition or amended petition is found sufficient the City Clerk shall submit the same with his or her certificate to the Board of Elections without delay. If the officer sought to be removed does not resign within five (5) days thereafter, the Council shall order an election to be held on a Tuesday, fixed by it, not less than forty-five (45) nor more than ninety (90) days from the date of the City Clerk's certificate that a sufficient petition is filed; provided, that if any city election is to occur within ninety (90) days from the date of the City Clerk's certificate, the recall election shall, whenever feasible, be held as a part of such other city election.

There shall be no administrative protest procedure to challenge the City Clerk's determination of sufficiency or insufficiency of the petition.

If a vacancy occurs in said office after a recall election has been ordered, the election to fill the vacancy shall nevertheless proceed as provided in this Article.
*AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 22,291 TO 16,252.

Section 19-4. **Officer Recalled** - If the officer be recalled, the candidate for succession receiving the highest number of votes at said election shall be declared elected and become the successor of the officer removed.

The incumbent shall continue to perform the duties of his office until the recall election. If not then recalled, he shall continue in the office as if no recall election had been held; but if at said election he is recalled, he shall forthwith vacate his office.

Section 19-5. **Nominations on Recall*** - Anyone desiring to become a candidate at the recall election shall do so by petition as required in Section 17-4, except that nominating petitions may be circulated beginning on the first business day after the Council sets the date for the recall election, and shall be filed with the City Clerk at least twenty (20) days before said election in order to have the candidate's name placed on the ballot.

The officer sought to be recalled shall not be a candidate to succeed himself.
*AS AMENDED NOVEMBER 2, 2004, BY A VOTE OF THE PEOPLE 22,291 TO 16,252.

Section 19-6. **Disqualification** - No person, who has been recalled, or who has resigned while recall proceedings were pending against him, shall be appointed or elected to any office within four years after such removal or resignation.

ARTICLE 20

Transitional Provisions

Section 20-1. **Status of Transitional Provisions** - The purpose of this Article is to provide for an orderly transition from the old government of Pueblo to a new Council- Manager government

under provisions of this Charter. Such Article shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

Section 20-2. **Reorganization Period** - The period from the effective date of this Charter to July 1, 1954, 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 written order designate the succession of organization units, and employees, and allocate equipment and space. During the reorganization period, the City Manager shall by written order designate provisions of this Charter to become operative. The orders shall fix the dates on which, and the agency or agencies to which, each provision becomes operative. During the reorganization period the last Charter, as amended, shall be in effect as to the subject matter of sections not so designated by executive order. This Charter shall be fully operative on July 1, 1954, except as otherwise provided in this Charter.

Section 20-3. **First Election Under Charter** - The first Council to take office in accord with this Charter shall be elected at a special municipal election to be held on the second Tuesday of August in 1954. Terms of this Council shall be as provided in Section 3-1. All nominations of candidates for offices to be filled at said election on August 10, 1954, shall be by petition as otherwise set forth in Section 17-4. All other matters pertinent to this election shall be in accord with Article 17.

Section 20-4. **Present Council and Mayor to Continue in Office** - The Council and Mayor in office at the time of the adoption of this Charter shall continue at the same rate of pay to serve and carry out the functions, power, and duties of their office until January 1, 1955, unless removed as provided in Section 2-6 or Article 19, of this Charter. The salaries provided by this Charter for all city officers shall become effective January 1, 1955.

Section 20-5. **Status of Employees** - Every employee occupying, or to be transferred to, a position to be placed in the Classified Service by executive order shall be included in the Classified Service without qualifying examination as of the date fixed in the executive order which classifies the position. This date shall in no case be later than July 1, 1954.

Section 20-6. **Retirement Plans** - This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the Municipal Government and any officers or employees by reason of any retirement plans in effect.

Section 20-7. **Local Improvements** - Local Improvements not completed on the effective date of this Charter shall be governed until completed by the last Charter as amended.

Section 20-8. **Outstanding and Authorized Bonds** - The provisions of this Charter shall not affect municipal bonds outstanding on the effective date of this Charter. Failure to observe requirements of the last Charter, as amended, governing municipal elections shall not invalidate any bonds authorized at an election held prior to the effective date of this Charter. Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the municipal government in accordance with their import.

Section 20-9. **Saving Clause** - This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any

existing contracts between the municipal government and individuals, corporations, or public agencies.

-A-

ATTORNEY, CITY
- Appointment; qualifications 6-1
- Functions 6-2
- Institution of suits 6-3
- Notice of personal injury 6-4
- Recovery by City to compensate for judgments 6-5
- Settlement of claims 6-6
- Special counsel 6-7

AVIATION DEPARTMENT
- Department created 14-1

-C-

COUNCIL, CITY
- City Clerk, duties 3-11
- Composition 3-1
- Contracts with other governmental bodies 3-8
- Councilmanic districts 3-2
- Creation of new departments or offices; change of duties 3-12
- Dedication of streets, alleys and public highways 3-7
- General powers 3-5
- Independent audits 3-10
- Licenses and permits 3-13
- Meetings; quorum 3-15
- Membership rules 3-3
- Ordinances
  - codification 3-22
  - disposition 3-21
  - emergency 3-20
  - form of 3-18
  - procedure for passage 3-19
  - publication by reference 3-23
  - resolution; motions 3-16
  - when required 3-17
- Power to make contracts 3-9
- President of the council 3-4
- Public libraries 3-6
- Surety bonds 3-14

-E-

ELECTIONS
- Applicability of State Constitution 17-1
- Balloting 17-6
- Board of Elections 17-7
- Corrupt practices 17-11

Municipal elections 17-2
Nomination 17-4
acceptance 17-5
Notice of elections 17-3
Informalities 17-12
Optional registration plan 17-9
Registration 17-8
Statement of expenses 17-10

-F-

FINANCE ADMINISTRATION
Bonded indebtedness
general obligation bond 7-23
refunding bonds 7-24
special or local improvement district bonds
general benefits 7-27
issuance 7-25
special surplus and deficiency fund 7-26
Budget
Additional appropriations 7-14
Adoption 7-11
Appropriation ordinance 7-7
Appropriations to lapse 7-15
Budget message 7-4
Capital budget 7-16
Certification of tax levy 7-6
Council changes 7-10
Departmental estimates 7-5
Fiscal year 7-1
Public hearing 7-9
Public record 7-8
Scope of annual 7-3
Submission 7-2
Transfers of appropriations 7-13
Work program and allotments 7-12
Department of Finance
Accounting; supervision and control 7-19
Department created 7-17
Director of Finance;
powers and duties 7-18
Earmarking 7-22
General fund; receipts and expenditures 7-20
Special funds 7-21
Purchases
Accounting control for withdrawals 7-31
Accounting control of purchases 7-30
Competitive bidding 7-29
Contracts for City improvement 7-32
Purchases 7-28
FIRE DEPARTMENT
Department created 9-1
Fire Chief 9-3
Functions of department 9-2

FRANCHISES AND PUBLIC UTILITIES
See PUBLIC UTILITY FRANCHISES

-G-

GENERAL PROVISIONS
Amending Charter 1-8
Constitutionality 1-7
Construction of words 1-4
Definitions 1-5
Form of Government 1-2
Name-boundaries 1-1
Powers 1-3
Present ordinances in force 1-6

-H-

HEALTH DEPARTMENT
Department of Health 11-1
Merger with County and District Health Department 11-4
Power and duties 11-2
Public Health Board 11-3

-I-

INITIATIVE AND REFERENDUM
Amendments 18-5
Initiative 18-1
Procedure 18-4
Referendum 18-3
Submissions 18-2

-L-

LAW, DEPARTMENT OF
See ATTORNEY, CITY

-M-

MANAGER, CITY
Absence 4-2
Administrative departments 4-6
Appointment 4-1
Assignment of employees 4-9
Council not to interfere in appointments or removals 4-4
Departmental division 4-8
Directors of departments 4-7
Powers and duties 4-5
Removal 4-3

MUNICIPAL COURT
Established 5-1
Penalty for violation 5-2

MUNICIPAL OFFICERS

Appointive Boards and Commissions	2-5
Books, records and properties delivered to successors	2-7
Destination of officers	2-1
Elected officers	2-6
Elective officers	2-3
Legal notices-publication	2-10
Municipal employees	2-2
Oath of office	2-8
Participation of all officers and employees interested in contracts	2-11
Public records	2-9
Qualification of elective officers	2-4

-P-

PARKS AND RECREATION DEPARTMENT
- Department created 13-1
- Functions 13-2
- Powers and duties 13-3
- Rules and regulations 13-4

PERSONNEL ADMINISTRATION
- Civil Service Commission 8-3
  - duties and powers 8-4
- Collective bargaining
  - agreement; what constitutes 8-14(l)
  - agent, no action in conflict 8-14(o)
  - arbitration Board; composition 8-14(f)
  - arbitrator duties 8-14(g)
  - binding arbitrator x selection 8-14(s)
  - definitions 8-14(a)
  - duty to bargain in good faith 8-14(d)
  - employees in the classified service of the City 8-14
  - final offer procedure 8-14(u)
  - finality of arbitrator's decision 8-14(v)
  - hearings 8-14(t)
  - factors to be considered by arbitrator 8-14(i)
  - fees and expenses of arbitration 8-14(j)
  - hearings 8-14(h)
  - impasse election 8-14(k)
  - impasse resolution for fire fighter and police officer bargaining units 8-14(q)
  - nonseverability 8-14(w)
  - pensions not to be reduced 8-14(n)
  - request for collective bargaining 8-14(m)
  - right to organize and bargain collectively 8-14(b)
  - selection and recognition of bargaining agent 8-14(c)
  - strikes prohibited 8-14(p)
  - unresolved issues submitted to advisory arbitration 8-14(e)
  - unresolved issues submitted to binding arbitration 8-14(r)
- Department created 8-1
- Director; duties 8-2
- Fire fighters surviving spouse benefits 8-15
- Pay schedule 8-8
- Present employees continued in office 8-7
- Prohibitions 8-9
- Retirement plans
  - compulsory retirement 8-12
  - establishment 8-11
  - extension of other plans to municipal employees 8-13
  - retirement 8-10
- Return to former position 8-6
- Unclassified and classified service 8-5

POLICE DEPARTMENT
- Department created 10-1

Chief of Police 10-3
Functions of department 10-2

PUBLIC UTILITY FRANCHISES
Books of record 16-3
Definitions 16-1
Elevate or lower tracks 16-6
Extension of territory 16-5
Franchises granted upon vote 16-2
Provide for safety 16-7
Revocable licenses 16-8
Revocable permits 16-9
Term; compensation; restriction 16-4

PUBLIC WORKS
Board of Appeals 12-6
City Planning and Zoning Commissions 12-4
powers and duties 12-5
Department created 12-1
Functions 12-2
Powers and duties 12-3

-R-

RECALL FOR ELECTIVE OFFICERS
Calling election 19-3
Disqualifications 19-6
Filing petition 19-2
Nominations on recall 19-5
Officer recalled 19-4
Petition for recall 19-1

REFERENDUM
See INITIATIVE AND REFERENDUM

-T-

TRANSITIONAL PROVISIONS
First election under Charter 20-3
Local improvements 20-7
Outstanding and authorized bonds 20-8
Present Council and Mayor to continue in office 20-4
Reorganization period 20-2
Retirement plans 20-6
Saving clause 20-9
Status of employees 20-5
Status of transitional provisions 20-1

-W-

WATER AND WATER WORKS
Board of Water Works 15-2

Consolidation 15-1
Contracts 15-6
District No. 2 15-3
Election 15-5
Pueblo Water Works 15-4