OFFICE OF THE CITY CLERK
350 KIMBARK ST. | LONGMONT, CO 80501
PHONE: 303-651-8649

April 22, 2019

Dear Mayor or City Council Candidate:

This election booklet has been prepared by the City Clerk's Office for use as a general guide for City Council Candidates and Committees. The attached packet of information provides a summary of the basic requirements associated with candidacy for Council office in the Regular Municipal Election scheduled for November 5, 2019.

The November 5, 2019 election will be conducted as a mail ballot election and will be coordinated by the Boulder County Elections Division. The election will be administered in accordance with the Uniform Election Code of 1992 as amended and the City Charter. Candidates should pay particular attention to the filing provisions of the Longmont Fair Campaign Practices Act, one copy of which is provided as part of the attached packet. The City Charter and an election ward map are also included.

This Election Guide will give you basic information on the municipal election process and should answer most of your questions. However, if you feel there are issues not included or not fully covered, please feel free to contact my office at 350 Kimbark Street, 303-651-8649.

Good luck with your campaign! I look forward to working with you.

Sincerely,

Dawn Quintana
City Clerk

MUNICIPAL ELECTION GUIDE

For

MAYOR AND CITY COUNCIL CANDIDATES

REGULAR MUNICIPAL ELECTION

TUESDAY, NOVEMBER 5, 2019

City of Longmont, Colorado – Office of the City Clerk
350 Kimbark
Longmont, CO 80501
303-651-8649

MUNICIPAL ELECTION GUIDE
FOR
MAYOR AND CITY COUNCIL
CANDIDATES

REGULAR MUNICIPAL ELECTION
MAIL BALLOT ELECTION
November 5, 2019

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Back Pocket:	Ward Map

SECTION I - ELECTION CALENDAR
IMPORTANT DATES

WITHIN 10 DAYS AFTER BECOMING A CANDIDATE	**Candidate Affidavit** must be filed with City Clerk [LMC 2.04.209(A)]
August 6, 2019	First day candidate nomination petitions may be circulated. [C.R.S. 1-4-805]
August 26, 2019	Last day to circulate and file nomination petitions. Must be filed by 5:00 p.m. at the City Clerk's office, 350 Kimbark. [CRS 1-4-805]
September 2, 2019	Write-in candidates must **file Affidavit of Intent** with the City Clerk by close of business [C.R.S. 1-4-1102(2)]
September 4, 2019	Lot drawing for candidate position on the ballot will be held at 5:30 p.m. in the City Council Study Session Room, 350 Kimbark St.
September 4, 2019	Candidate orientation on the Longmont Fair Campaign Practices Act requirements, 5:30 p.m., City Council Study Session Room, 350 Kimbark St.
October 14, 2019	County Clerk may begin mailing ballots to active registered electors [CRS 1-7.5-107(3)(a)(I)]
October 21, 2019	Counting of mail ballots may begin [C.R.S. 1-7.5-107.5]
October 28, 2019	Last day to register to vote in person, at a voter registration agency, or online in order to receive a ballot by mail [C.R.S. 1-2-201(3)(b)(III)]
November 5, 2019	**Election Day**– eligible electors may register to vote at the Clerk and Recorder's office [C.R.S. 1-2-201(3)(a)]
November 11, 2019	New Council Candidates sworn in at City Council meeting at 7:30 p.m. in the City Council Chambers, 350 Kimbark. **(*immediately after the meeting, formal City Council group photos will be taken – please plan accordingly*)

LFCPA REPORTING DEADLINES

BEFORE ACCEPTING ANY CONTRIBUTIONS - For all candidate and political committees: **Candidate Committee Statement of Organization** or a **Registration of Political Committee** form must be filed with the City Clerk [LMC 2.04.207(B)]

May 1, June 1, July 1, August 1	Monthly Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due - L.M.C. 2.04.207(A)(3)
September 6, 2019	Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due L.M.C. 2.04.207(A)(2)
October 7, 2019	Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due L.M.C. 2.04.207(A)(2)
October 15, 2019	Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due L.M.C. L.M.C. 2.04.207(A)(2)
October 22, 2019	Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due L.M.C. L.M.C. 2.04.207(A)(2)
October 30, 2019	Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due L.M.C. L.M.C. 2.04.207(A)(2)
December 5, 2019	Contribution & Expenditure Reports due for Candidates who have declared and Independent Expenditure Reports due L.M.C. L.M.C. 2.04.207(A)(2)

GENERAL NOTES:

1) The above summary offers a quick reference for important deadlines for candidates or events. Candidates should be familiar with all provisions of the Longmont Fair Campaign Practices Act and not rely solely on the above information.
2) All Fair Campaign Practices Act forms must be filed with the City Clerk by the deadlines outlined. [LMC 2.04.208(D)]
3) Reports may be filed electronically or faxed to the City Clerk. If filed electronically, an original report must be received no later than seven (7) business days after the deadline. [LMC 2.04.208(B)]
4) All contributions and expenditures must be reported. All contributions and expenditures of **$50 or more** must be itemized. [LMC 2.04.207(A)]

SECTION II – GENERAL INFORMATION

At the November 5, 2019, Regular Municipal Election, the following Council positions will be vacant:

One (1) Mayor	2-year term expiring 11/2021
One (1) Council Member Ward I	4-year term expiring 11/2023
One (1) Council Member Ward III	4-year term expiring 11/2023
One (1) Council Member At-Large	4-year term expiring 11/2023

Council members receive a salary of $1,000 per month. The Mayor receives a salary of $1,500 per month.

There are three (3) wards divided into County election precincts within the City limits of Longmont. An election map showing ward boundaries for this election is included with this packet. Additional copies of the map may be obtained from the City Clerk's office at a cost of $5.00 each.

The Boulder County Election Division will provide printouts of registered voters for a charge and will provide the list in either hard copy or electronic format. Candidates who would like a voter registration list should contact the Boulder County Election office directly at 303-413-7740.

Under provisions of the Uniform Election Code, the Longmont Municipal Charter, and the City's Code of Ordinances, the Designated Election Official for coordinated elections is the Boulder County Clerk and Recorder. The Local Election Official is the City Clerk. All questions regarding the Municipal Election should be addressed to the City Clerk at 350 Kimbark Street, 303-651-8649.

SECTION III - QUALIFICATIONS FOR OFFICE

Each Council member, when elected, shall have been a qualified elector for one (1) year immediately preceding the election, a citizen of the United States, twenty-one (21) years of age, and shall have resided in the City for one (1) year immediately preceding the election.

Additional Municipal Charter provisions regarding the qualifications of Council members are:

- Each Council member elected for a ward position shall have been a qualified elector for one (1) year and, during the term of office, shall reside in the ward from which elected;
- No Council member shall be a salaried employee of the City during the Council member's term of office; and
- The Council shall be the judge of the election and of the qualifications of its own members, subject to judicial review.

SECTION IV - NOMINATION PETITIONS

Candidates for At-Large positions (including Mayor) must have petitions signed by not fewer than fifty (50) qualified electors.

Candidates for Ward positions must have petitions signed by not fewer than twenty-five (25) qualified electors from the Ward in which the candidate is seeking election.

> "QUALIFIED ELECTOR" is defined in the Longmont Municipal Charter Sec. 13.15(h) as: "…a resident of the City who is qualified to vote under the Constitution and statutes of the State of Colorado and <u>who is registered to vote</u>."

Candidates must sign the Acceptance of Nomination form on the back of the petition. The Circulator of each petition must sign the statement provided on the petition. These signatures must be notarized. The City of Longmont has a notary available to perform these notarizations in the event you are unable to find one elsewhere. The Candidate and/or Circulator must appear in person to sign before the Notary Public.

Nomination petitions must be circulated and filed with the City Clerk not earlier than ninety-one (91) days and not later than seventy-one (71) days before the election.

The City Clerk will notify the candidates as to the sufficiency of the signatures on the petition(s). Any petitions that do not have the required number of signatures may be amended to correct or replace signatures. Please keep in mind that if a candidate waits until the last day to submit completed petitions, that allows only a few days for signatures to be checked and any insufficiency which may exist to be corrected.

Any candidate who has been nominated may withdraw from the ballot at a later date. However, the ballot must be certified to the County Clerk and Recorder no later than September 8, 2019. The nomination must be withdrawn before that date in order to insure that the candidate's name does not appear on the ballot.

Names of eligible candidates will appear on the ballot in random order established by lot. The date, time and location for the drawing for position on the ballot is noted under the calendar toward the front of the packet. Candidates are welcome to attend and witness the drawing of the names for ballot position. The City Clerk will also conduct an orientation on the provisions of the Longmont Fair Campaign Practices Act at that same time.

SECTION V - CAMPAIGN REPORTING REQUIREMENTS

Candidates are required to report campaign income and expenditures. One copy of the Longmont Fair Campaign Practices Act (LFCPA) and associated reporting forms are included with this packet. An orientation session will be held as noted on the calendar toward the front of the packet to provide basic information about campaign filing timeframes and requirements. Candidates and their campaign treasurers are invited, and strongly encouraged, to attend this session. The LFCPA has strict sanctions for late filing of reports and violations of campaign

laws. It is the candidate's responsibility to file all reports in a timely and accurate manner and to know the requirements of the LFCPA.

Please feel free to use the forms in this candidate booklet as master copies and make duplicates as needed. This information may also be downloaded from our website at:

http://longmontcolorado.gov/departments/departments-a-d/city-clerk/election-information/fair-campaign-reporting-act

An election calendar summary has been included in Section I which lists important filing dates for candidates and committees to remember. All reports are required to be filed at the City Clerk's office, 350 Kimbark, Longmont, Colorado 80501, by the dates and times listed.

SECTION VI - POLITICAL SIGNS

The City of Longmont Election Sign Specifications following this section contains information regarding allowable political signs for each of the zoning districts in the City of Longmont. It is important for candidates to be aware that all campaign advertising and **SIGNS SHOULD BE POSTED ON PRIVATE PROPERTY ONLY,** not on City rights-of-way or other City property including parks, drainage ways, greenways, etc.

City right-of-way usually extends five to ten feet behind any sidewalk attached to the street or to the edge of a detached sidewalk. No **campaign signs** should be placed **in these areas** or they **may be subject to removal by City Code Enforcement Officers or other City officials without prior notice to the candidate or campaign managers**. Retrieval of confiscated signs may not be possible. Always ask permission from private property owners before posting any campaign signs.

It is the responsibility of each candidate to make sure that all campaign advertising and signs are **REMOVED NO LATER THAN SEVEN DAYS AFTER THE ELECTION.** Failure to comply with any provision of the City's Sign Code is subject to the enforcement guidelines of the Longmont Municipal Code including the potential of a court summons and/or fine.

City of Longmont Election Sign Specifications

RESIDENTIAL ZONES:

Freestanding:

Minimum Setback from right-of-way	1 ft. inside property line
Maximum Height	4 ft.
Maximum Size	8 sq. ft.
Number of Signs	One (1) per Candidate or issue/street frontage
Duration	Until 7 days after election
Illumination	None allowed

Wall:

Maximum Height	10 ft. to top of sign
Maximum Size	8 sq. ft.
Number of Signs	One (1) per Candidate or issue/ approved wall area
Duration	Until 7 days after election
Illuminated	None allowed

NON-RESIDENTIAL (COMMERCIAL & INDUSTRIAL) ZONES:

Freestanding:

Minimum Setback from right-of-way	equal to sign height
Maximum Height	10 ft.
Maximum Size	32 sq. ft.
Number of Signs	One (1) per Candidate or issue/ street frontage
Duration	Until 7 days after election
Illuminate	None allowed

Wall:

Maximum Height	10 ft. to top of sign
Maximum Size	32 sq. ft.
Number of Signs	One (1) per Candidate or issue/ approved wall area
Duration	Until 7 days after election
Illuminated	None allowed
Maximum Projection:	6 inches

KEY INFORMATION ABOUT ELECTION SIGNS:

- Signs Must Be Posted On **Private Property Only**
- As A Courtesy To Longmont Residents, Signs Should Be Removed No Later Than Seven (7) Days After The Election.
- Failure To Comply With Any Provision Of The City's Sign Code Is Subject To The Enforcement Guidelines Of The Longmont Municipal Code

SECTION VII - ADDITIONAL ELECTION INFORMATION

Recent changes to election laws allow residents to register to vote up to and including Election Day. The following dates apply to voter registration:

- October 28, 2019 – Last day to ***register to vote by mail*** , at a registration agency (i.e. the City Clerk's office), or online in order to receive a ballot by mail http://www.bouldercounty.org/elections/pages/default.aspx

The Regular Municipal Election will be conducted by mail in both Boulder County and Weld County. Longmont citizens who are registered to vote by the deadline will receive their ballot in the mail. Ballots will be printed and ready for mailing by October 14, 2019. All active Longmont registered voters will receive a mail ballot packet that will include a ballot, a return mail envelope, and instructions on how to complete and return the ballot.

Citizens who have questions regarding the election and ballot counting process should be directed to the Boulder County Clerk's office at 303-413-7740. The City Clerk's office is also available to assist with process questions by calling 303-651-8649. Voters who have not received a ballot by Monday, October 21, 2019, should call the **Boulder County Clerk's office at 303-413-7740.**

The City Clerk's Office, 350 Kimbark, Longmont, Colorado, is open from 8:00 a.m. to 5:00 p.m., Monday through Friday. The telephone number for the City Clerk's office is **303-651-8649.**

CITY OF LONGMONT, COLORADO

MUNICIPAL CHARTER

As Adopted by the Citizens of Longmont

August 8, 1961

and
<u>Amended</u>
June 24, 1975
November 8, 1977
November 6, 1979
October 5, 1982
April 19, 1983
November 8, 1983
June 3, 1986
November 7, 1989
November 2, 1993
November 8, 1994
November 4, 2008
And
November 6, 2012

PART I - CHARTER[1]

Footnotes:

*--- **(1)** ---*

***Editor's note—** Printed herein is the Charter of the City of Longmont, Colorado. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.*

PREAMBLE

We, the people of Longmont, Colorado, under authority granted by the Constitution of Colorado, do ordain and establish this Charter for the City Government of Longmont.

ARTICLE I. - GENERAL PROVISIONS

1.1. - Name and boundaries.

The municipal corporation heretofore existing as the City of Longmont in Boulder County, State of Colorado, shall remain and continue a body politic and corporate and under this Charter be known as the City of Longmont in Boulder County, State of Colorado, with the same boundaries until changed in a manner authorized by law.

1.2. - Powers.

The city shall have all the power of local self-government and home rule and all power possible for a city to have under the Constitution and laws of the State of Colorado. The enumeration of particular powers in this Charter is not exclusive of others.

1.3. - Rights and liabilities.

By the name of the City of Longmont, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the city, and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities; and shall acquire all benefits and does assume and shall pay all bonds, obligations, and indebtedness of the city; may, by the name of the City of Longmont, sue and defend, purchase, receive, hold and enjoy, or sell and dispose of real and personal property; shall have a common seal and alter the same at pleasure.

1.4. - Present ordinances in force.

All ordinances of the city in force at the time this Charter becomes effective shall continue in force except in so far as they may conflict with the provisions of this Charter, or, shall be amended or repealed by ordinance enacted under authority of this Charter.

ARTICLE II. - ELECTIONS

2.1. - Colorado Municipal Election Laws adopted.

City elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance.

2.2. - Registrations, judges, clerks and election commission.

The council shall by ordinance establish the method for the registration of electors; the qualifications and compensation of election judges and clerks, and the boundaries of election precincts. The council may by ordinance establish an election commission consisting of the city clerk as chairman; and two additional members to be appointed by the council with such powers, duties, terms and qualifications as provided by ordinance.

2.3. - Election date.

A regular city election shall be held on the first Tuesday in November in each odd-numbered year.

(Question C, 11-2-1993)

2.4. - Hours of voting.

Polling places for all city elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

2.5. - Elective officers.

The elective officers shall be seven councilmen, one to be elected from each of the three wards, three to be elected from the city at large, and one to be elected from the city at large as mayor. Elections shall be non-partisan.

2.6. - Wards.

The city is hereby divided into three wards whose boundaries shall be the same as presently established. Changes in the boundaries of wards may be made by ordinance adopted by the council at least 120 days prior to any general municipal election. Wards shall be contiguous and compact wherever

possible, and shall have approximately the same number of qualified electors. As a minimum requirement, the boundaries of each ward shall be reestablished every ten years in order to achieve the provisions of this article, such review to commence not later than 1984.

(Amd. No. 1, 11-8-1983)

2.7. - Nominating petition required signatures.

The nominating petition for each candidate for mayor and for the council to be elected from the city at large shall be signed by not fewer than 50 qualified electors; and for each candidate for the council to be elected from a ward, not fewer than 25 qualified electors from such ward. Petitions shall be filed and withdrawn within applicable state law time limits.

(Question 2A, 11-8-1994)

2.8. - Vacancies.

1. The office of mayor shall become vacant, whenever the person elected to the office is recalled, dies, resigns, becomes incapacitated, removes from, or becomes a non-resident of the city.
2. A vacancy in the office of mayor shall be filled by the mayor pro tem, subject to provisions of paragraph 4 hereof, who shall serve as mayor for the duration of the term of the regularly elected mayor, and upon the expiration of said mayor's term, shall continue to serve as councilman for the term for which he was elected.
3. The office of any councilman shall become vacant, whenever the person elected to the office is recalled, dies, resigns, becomes incapacitated, removes from, or becomes a non-resident of the city or ward from which he was elected.
4. A vacancy which occurs less than one year but more than 90 days before the next regular city election shall be filled by a majority vote of the remaining councilmen within 30 days after such vacancy occurs. When a vacancy occurs with one year or more remaining in a term, the council at the next regular meeting shall call a special election for the constituency for which the vacancy occurs. Vacancies which occur within 90 days before any city election shall not be filled by the council. The term of the appointment shall be until a successor is elected and qualified at the next regular city election. If three or more vacancies exist at any one time, the remaining councilmen shall call a special election to elect members to fill out the unexpired terms of the offices so vacant, provided there will not be a regular city election within 90 days.

(Amd. No. 1(part), 1977; Amd. No. 3, 1975)

2.9. - Special elections.

Any special city election shall be called by resolution of the council at least 30 days in advance of such election. The resolution calling a special election shall set forth the purpose of such election.

ARTICLE III. - CITY COUNCIL

3.1. - City council.

All powers of the city not otherwise limited or conferred upon others by this Charter shall be vested in a council consisting of seven members. It shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health, and property; to declare, prevent and summarily abate and remove nuisances; to preserve and enforce good government, general welfare, order and security of the city and the inhabitants thereof; to enforce ordinances and regulations by ordaining fines or imprisonment, or both fine and imprisonment for each and every offense; to provide for the granting of probation and the conditional suspension of sentences by the Municipal Court; and to delegate to boards and commissions, within limitations of the Constitution and this Charter, such functions, powers, and authority of the city as it deems proper and advisable. No enumeration of particular powers granted to the council shall be construed to impair any general grant of power herein contained or granted by the State Constitution, nor to limit any such grant to powers of the same class or classes as those so enumerated.

(Question E, 11-2-1993)

3.2. - Qualifications of councilmen.

Each councilman when elected shall have been a qualified elector for one year immediately preceding the election, a citizen of the United States of America, 21 years of age, and shall have resided in the city for the past one year immediately preceding the election. Each councilman elected from a ward shall have been a qualified elector for one year, and during the term of his office shall reside in the ward from which he is elected. No councilman shall be a salaried employee of the city during his term of office. The council shall be the judge of the election and qualifications of its own members, subject to judicial review.

(Amd. No. 4, 1975)

3.3. - Mayor.

The mayor shall be the presiding officer of the council, and the recognized head of the city government for all ceremonial and legal purposes. All contracts in writing binding the city, all conveyances of interests in land by the city, and any other document requiring his signature, shall be signed by the mayor and attested

by the city clerk under the seal of the city. The council may, however, by ordinance, permit the mayor to delegate to other city officials authority to sign, or may allow the mayor's facsimile signature on, written contracts.

(Question F, 11-2-1993)

3.4. - Mayor pro tem.

A mayor pro tem shall be elected by the council from its own membership at the first meeting following each biennial election or an adjournment thereof. The election shall be by secret ballot, and all councilmen elected must be present and vote at such election. The mayor pro tem shall serve until the council meeting following the next regular city election, and shall act as mayor during the absence or disability of the mayor, and subject to provisions of paragraph 4 of art. II, section 2.8 shall serve as mayor in the event of a vacancy in the office of mayor.

In the event that the mayor pro tem as elected by council is performing the duties of mayor due to a vacancy in the office of mayor, the council, in the same manner as above set forth, shall elect a successor mayor pro tem to act during the absence or disability of the mayor.

In the event of absence or disability of both mayor and mayor pro tem, or both the mayor and the Successor mayor pro tem, the council shall designate another of its members to serve as Acting mayor during such absence or disability.

(Amd. No. 1, 1977)

3.5. - Financial interest prohibited.

No member of the council shall have any direct financial interest in any contract with the city.

3.6. - Terms of office.

Terms of the councilmen and the mayor shall begin at 7:30 p.m. on the first Monday following the regular city election. The terms of the councilmen shall be for four years, except that councilman elected as mayor, whose term shall be for two years. At the first election for councilmen following the adoption of this Charter, seven councilmen shall be elected as follows: the mayor shall be elected for a two-year term; the councilmen to be elected from Ward One and Ward Three and one councilman at large shall be elected for two-year terms; the councilman to be elected from Ward Two and two councilmen to be elected at large shall be elected for four-year terms. At each succeeding election the councilmen, except the mayor, shall be elected for four-year terms.

3.7. - Oath of office.

Each councilman shall take an oath or affirmation before entering upon the duties of his office, that he will support the Constitution of the United States and the State of Colorado, and the Charter and ordinances of the City of Longmont, and faithfully perform the duties of his office.

3.8. - Compensation of councilmen.

The Compensation of each councilman shall be $125.00 per month, provided, however that the council may alter such compensation as the council shall by ordinance prescribe, however, the council shall neither increase or decrease the compensation of any councilman during his term of office, except councilmen whose terms do not expire at the next regular city election, who shall receive the same compensation as that provided for incoming councilmen for the remainder of their terms of office. councilmen shall upon order of the council, be paid such necessary bona fide expenses incurred in service on behalf of the city as are authorized, itemized and maintained as a matter of public record.

(Amd. No. 7, 1975)

Editor's note— Ordinance No. 0-99-67 provided the mayor receives $1,500.00 per month and that council members receive $1,000.00 per month.

3.9. - Council meetings.

The council shall meet regularly at the city hall, at least twice each month at a day and hour to be fixed by the rules and proceedings of each council. The council shall prescribe the rules of procedure governing meetings. All regular and special meetings of the council shall be open to the public, and citizens and employees shall have a reasonable opportunity to be heard. An organizational meeting shall be held on the Monday following each regular city election. Four members of the council shall constitute a quorum. Written minutes of the proceedings of each meeting shall be kept by the city clerk and signed by the mayor.

3.10. - Special meetings.

Special meetings of the council shall be called by the clerk on the written request of the mayor, or any two members of the council, on at least 24 hours written notice to each member of the council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice, if all members of the council are present or have waived notice thereof in writing.

3.11. - Power to investigate.

The council, or a committee thereof duly authorized by it, shall have power to investigate the official acts and conduct of any officer or employee of the city, and may compel the attendance and testimony of witnesses and the production of books and documents.

3.12. - Council-administration relations.

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 of the subordinates of the city manager.

3.13. - Civil service.

The council may provide by ordinance for a civil service system based on the merit principle of personnel management for all full time regular employees of the city, except the heads of departments unless they are presently under civil service.

3.14. - Parks and recreation programs.

The council shall provide by ordinance for the financing, planning, and supervision of a community recreation program. The council shall provide by ordinance for equipping, financing, and maintaining city-owned or controlled parks, recreational areas and facilities, both in and outside the corporate limits of the city. The city may cooperate with other public authorities, special districts, organizations, or individuals in or outside the city to implement the operation of these programs.

3.15. - Audit of accounts.

An independent audit shall be made annually of all financial affairs of the city, and more frequent audits may be made if deemed necessary by the council. Such audits shall be made by registered or certified public accountants, experienced in municipal accounting, selected by the council.

ARTICLE IV. - ORDINANCES

4.1. - Ordinances, resolutions and motions.

The council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject, except in case of repealing ordinances, and ordinances making appropriations shall be confined to the subject of appropriation.

4.2. - Voting.

The vote by "Yes" and "No" shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the minutes of the council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire council for final passage. Resolutions and motions shall

require the affirmative vote of a majority of the members present. Every member, when present, must vote upon ordinances, resolutions, and motions unless he shall have a personal interest therein.

4.3. - Action by ordinance required.

In addition to such acts of the council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing 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.

4.4. - Form of ordinance.

Every ordinance shall be introduced in writing or printed form. The enacting clause of all ordinances shall be, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS.

4.5. - Procedure of passage.

The course that an ordinance shall take for passage shall be:

(a) Introduction at any regular or special meeting by any member of the council.

(b) Reading in full unless otherwise provided in this Charter, or provided by the council to be read by title.

(c) Passage or rejection on first reading by a roll call vote of the council.

(d) If passed on first reading, it shall be published in full unless otherwise provided in this Charter.

(e) Introduction a second time at a meeting not earlier than seven days after publication for final passage or rejection by a roll call vote of the council. An ordinance may be amended before final passage by a roll call vote of the council.

(f) If amended, an ordinance shall be published in full after final passage, unless otherwise provided in this Charter. If not amended, it shall be published either by title, or in full as the council may determine.

(g) The council shall hold a public hearing before final passage of any ordinance.

(h) An ordinance, when passed, shall take effect and be in force ten days after final publication, except for ordinances necessary for the immediate preservation of the public peace, health, or safety, which said excepted ordinances shall take effect five days after final publication, provided said excepted ordinances are approved by at least three-fourths of the council on final reading. A recitation in any such excepted ordinance that the council deems the passage of said ordinance to be for the immediate preservation of public peace, health and safety shall be conclusive.

(i)

Any ordinance in the passage of which the required publications were published by posting as set forth in section 13.15(d) shall be published in full, unless otherwise provided in this Charter, in a newspaper of general circulation within the city as soon as such newspaper publication is available; but such required newspaper publication of an ordinance, or of any notice of public hearing called in connection with the passage of said ordinance, shall not be a requirement for the effectiveness of any ordinance so passed.

4.6. - Disposition of ordinances.

A true copy of every ordinance, as adopted by the council, shall be numbered and recorded, and adoption and publication when required shall be authenticated by the signature of the mayor and the city clerk and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the qualified electors of the city, shall be separately numbered and recorded commencing with PUBLIC ORDINANCE NO. 1.

4.7. - Codification.

The council shall cause the ordinances to be codified and revised at such intervals as it deems necessary or desirable, but at least every ten years. Codification may be accomplished by the adoption of such a code by reference, as herein provided. Additions or amendments to the code shall be adopted as ordinances, and when passed in such form as to indicate the intention to make the same a part of the municipal code, shall be deemed to be incorporated in such code.

4.8. - Ordinance revision committee.

The council shall establish a committee on ordinance revision consisting of the city attorney, the Municipal Judge, and one other member appointed by the council. The members of the committee shall serve without compensation as such, but shall receive their actual and necessary expenses incurred in the performance of their official duties. The committee shall make recommendations for the revision, codification, arrangement, and publication of such ordinances as are presently in effect in the City of Longmont with such help as the council may authorize, and periodically thereafter.

4.9. - Enactment of codes by reference.

In accordance with statutes relative to adoption by reference now or hereafter in effect, the council may enact any standard code, or any appropriate Colorado Statute, promulgated or enacted by any municipality, state or federal agency, or by recognized trade or professional organizations, by reference thereto in an enacting ordinance and without reading or publishing such codes or statutes in full.

4.10. - Revision of codes adopted by reference.

In the event that any such code or statute, after being adopted by reference, is revised or amended by the agency or organization by whom it was promulgated, then any such revision or amended version may be adopted by reference by an ordinance passed in the usual manner without strict compliance with the statutory regulations relative to notices and public hearings.

4.11. - Severability of ordinances.

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion of application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

ARTICLE V. - INITIATION, REFERENDUM AND RECALL

5.1. - Initiation and referendum.

An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, or the council may, on its own motion, submit an ordinance to the electorate as hereafter provided.

5.2. - Petition requirements.

An initiation or referendum petition shall be signed by qualified electors in a number not less than ten percent of the number of persons who were registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within 21 days before the date of filing the petition with the clerk. Any such petition shall be addressed to the council and may be the aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiation petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendum petition shall identify the ordinance or part thereof, or code section it proposes to have repealed. Each signer of a petition shall sign his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper, there shall be attached a sworn affidavit by the circulator thereof stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the clerk who shall, within 15 days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of qualified electors of the city, or any other error or insufficiency shall be found in the petition, the clerk shall notify forthwith by

registered mail the person filing such petition, and 15 days from such notification shall be allowed for filing of supplemental or corrected petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the clerk shall present the petition to the council at its next regular meeting.

5.3. - Council procedure on initiation and referendum petitions.

Upon presentation to the council of an initiation or referendum petition by the clerk, the council shall, within thirty days, either:

(a) Adopt the ordinance as submitted by an initiation petition,

(b) Repeal the ordinance, or part thereof, referred to by a referendum petition, or

(c) Determine to submit the proposal provided for in the petition to the electors.

5.4. - Submission of initiation and referendum ordinances to electors.

Should the council decide to submit the proposed ordinance to the electors, or should they, on their own motion, submit an ordinance to the qualified electors, it shall be submitted at the next regular city election or special city election scheduled for any other purpose, or in the discretion of the council at a special election called for that specific purpose. In the case of an initiation petition, if no city election is to be held for any other purpose not less than 30 days or within 150 days from the time the petition is presented to the council, and it does not enact the ordinance, then the council shall, by resolution, call a special election within 60 days from such date of presentation for the submission of the proposal. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon.

(Amd. No. 3, 11-8-1983)

5.5. - Miscellaneous provisions on initiation and referendum petitions.

An ordinance adopted by the electorate may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six months after the date of the election at which it was repealed provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electorate by the council on its own motion. If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

5.6. - Ordinances excepted.

Anything herein to the contrary notwithstanding ordinances authorizing the issuance of bonds, levying taxes, the annual appropriation ordinances and those ordering improvements initiated by petition and to be paid for by special assessments shall be excepted from initiative and referendum powers.

5.7. - Recall.

Every elective public officer of the city may be recalled at any time after six months in office by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner provided for in Article XXI of the Constitution of the State of Colorado.

5.8. - Recall procedure by council.

The council may provide by ordinance such further procedure as may be deemed necessary as long as it is not inconsistent with the Constitution of the State of Colorado or this Charter. However, in no event shall an ordinance require any recall petition to be signed by more than 25 percent of the electors of the entire vote cast at the last preceding election for all candidates for the office.

ARTICLE VI. - CITY ADMINISTRATION

6.1. - City manager.

The city manager shall be the chief administrative officer of the city.

6.2. - Appointment and qualifications.

The council by a majority vote shall appoint a city manager within a reasonable length of time after any vacancy exists in such position. He shall serve at the pleasure of a majority of the council at a salary to be fixed by the council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his actual experience in and his knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or State, but during tenure of office he shall reside within the city.

(Amd. No. 4, 11-8-1983)

6.3. - Absence of city manager.

The council may appoint or designate an acting city manager during the period of vacancy in the office, or during the absence of the city manager from the city. Such acting city manager shall, while he is in such office, have all the responsibilities, duties, functions, and authority of the city manager.

6.4. - Powers and duties.

The city manager shall be responsible to the council for the efficient administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to:

(a) Enforce the laws and ordinances of the city.

(b) Appoint, suspend, transfer and remove all employees of the city, except as otherwise provided herein, subject to the personnel regulations of the city adopted by the council.

(c) Make appointments on the basis of executive and administrative ability, and of the training and experience of such appointees in the work which they are to perform.

(d) Prepare a proposed budget annually and submit it to the council, and be responsible for the administration of the budget after its adoption.

(e) 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 upon request of the council make written or verbal reports at any time concerning the affairs of the city under his supervision.

(f) Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council as he may deem necessary or expedient.

(g) Exercise supervision and control over all executive and administrative departments, and recommend to the council any proposal he thinks advisable to establish, consolidate or abolish administrative departments.

(h) Enforce 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 same to the council for such action and proceedings as may be necessary to enforce the same.

(i) Attend council meetings and participate in discussions with the council in an advisory capacity.

(j) Establish a system of accounting and auditing for the city; show that legal provisions have been complied with and reflect the financial condition and financial operation of the city; establish cost accounting systems whenever practicable.

(k) Act as a purchasing agent for the city.

(l) Be responsible for engineering, architectural, maintenance, construction and work equipment services required by the city.

(m) Perform such other duties as may be prescribed by this Charter, by ordinance, or by the council.

6.5. - Departments created.

The administrative functions of the city shall be performed by the following departments: water and sewer, streets, electric, police, fire, parks and forestry, finance, and such other departments as are or may be established by this Charter or ordinances of the city. Upon recommendation of the city manager, the council may by ordinance consolidate or merge any of the said departments, whether set forth in the

Charter or created by ordinance, in order to achieve more efficient operation and administration. All departments of the city, except as otherwise provided in this Charter, shall be under the supervision and control of the city manager.

6.6. - Director of finance.

There shall be a director of finance who shall be appointed by the city manager, to serve at the pleasure of the city manager. The director of finance shall be city treasurer and shall keep and supervise all accounts, receive and have custody of all monies of the city, collect special assessments, city-owned utilities fees and charges, and perform such other duties pertaining to the department of finance as are specified in this charter or required by ordinance.

(Amd. No. 6(part), 11-8-1983)

6.7. - City clerk.

There shall be a city clerk who shall be appointed by and shall serve under the direction of the city manager. The city clerk shall be the clerk of the council, shall have the power to administer oaths and take acknowledgments under seal of the city, issue licenses and collect fees therefor, make and keep public records of the city not specifically entrusted to any other department by this Charter or by ordinance and perform such other duties as may be specified by the charter and ordinances of the city.

Deputy city clerks may be appointed and shall have the power as specified by the Charter applicable to the city clerk.

(Question G, 11-2-1993; Amd. No. 6(part), 11-8-1983)

6.8. - Department of health (Repealed).

(Amd. No. 7, 11-8-1983)

ARTICLE VII. - BOARDS AND COMMISSIONS

7.1. - General provisions for boards and commissions.

Unless otherwise provided by this Charter or by ordinance, all boards and commissions shall be appointed by the council, shall be advisory in character, shall serve without compensation, but shall be paid their authorized expenses actually incurred in the discharge of their official duties, and shall have such powers, and perform such duties as are provided by ordinance. The council shall establish policy for

appointing members of boards and commissions and for the terms of said appointments. All members shall serve at the pleasure of city council and shall be subject to removal by two-thirds vote of the entire council. The council shall make appointments to fill vacancies of the unexpired terms.

Each board and commission shall choose its own chairman and vice-chairman and shall adopt its own rules of procedure for the proper conduct of its business. Persons shall be eligible to serve on boards and commissions who have been qualified electors of the City of Longmont for one year prior to their appointment.

(Amd. No. 8, 11-8-1983; Amd. No. 9, 1975)

ARTICLE VIII. - CITY ATTORNEY AND MUNICIPAL COURT

8.1. - Appointment of city attorney.

The council shall appoint a city attorney who shall be the legal representative of the city, and shall advise the council and city officials in matters relating to their official powers and duties. The city attorney shall be an attorney-at-law admitted to practice in Colorado, and have a minimum of five years experience in the active practice of the law. The council may provide the city attorney with such assistants as the council may deem necessary. The council shall establish compensation for the city attorney, his assistants and special counsel.

8.2. - Duties.

The city attorney or his assistants shall represent the city in all legal proceedings, supervise the drafting of all ordinances, and the preparation of all other legal documents. He or his assistants shall attend all council meetings, and shall perform all services incident to his position as may be required by this Charter or the ordinances of the city.

8.3. - Special counsel.

The council may, on its own motion or upon request of the city attorney, in special cases employ special counsel to serve under the direction of the city attorney. Special counsel engaged in regard to irregularities found by audit, or any alleged dereliction in the duties of any officer or employee, shall serve independently of the city attorney.

8.4. - Municipal Court.

There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the city. The powers of and the procedure in such Municipal Court and the manner of enforcement of its orders and judgments, shall be such as is provided for under the Statutes of the State of Colorado, and the present ordinances of the city with respect to police magistrates, except as may be otherwise provided in this Charter or by ordinance hereafter enacted. The council shall have the power to provide for juries for service in the Municipal Court.

8.5. - Qualification and appointment of judge.

The Municipal Court shall be presided over, and its functions exercised by, a Municipal Judge who shall be a licensed member of the Colorado Bar in good standing. The council may by ordinance, establish the position of Associate Municipal Judge, as may be required. The procedure for initial appointment of any such judge shall commence by the appointment by council of an ad hoc judicial appointment committee consisting of an attorney practicing in Longmont, a lay person residing in Longmont, and the Chief Judge of the Twentieth Judicial District or his designee, being any State Judge presiding in said district.

Said committee shall promulgate necessary rules, and review the personal data, references and oral interviews of all qualified applicants, and submit the names of three candidates, in order of preference to council, together with such written communications as will assist council, which shall designate appointment from the list. If less than three qualified persons apply, the name of each shall so be submitted to council. This procedure shall not be applied to the Municipal Judge sitting at the time of the effective date of this amendment.

After no less than one year from the date of initial appointment, or continuing service of the present Municipal Judge, and at the next general municipal election thereafter, the issue of retention or nonretention of said judge, for a continuing term of two years, shall be submitted to a vote of the qualified electors of the city. After each such two-year term, the issue of retention shall be presented to the electors for continuing two-year term. A vote of nonretention shall envoke the selection procedures herein set forth, and the incumbent judge shall continue to serve until the appointment of a successor.

At any time during the term of such judge, council may remove a judge for cause. The judge may appeal the determination by serving council with written notice within 14 days thereof, and the judicial appointment committee shall determine the issue, which determination shall be final.

In the event of the vacancy of the office of the Municipal Judge for any reason, council may forthwith appoint an acting Municipal Judge to serve until the selection process of a replacement has been completed. If absent, disqualified or unable to act in any matter or case, the Municipal Judge may appoint any eligible person to act and serve temporarily, and if he fails to, or cannot call a substitute, council shall so appoint.

The Municipal Judge, or any Associate, shall receive a fixed salary not dependent on the outcome of matters to be decided by him, and fixed by council from time to time.

(Amd. No. 1, 1979)

8.6. - Limitation on fines or imprisonment.

The council shall provide for the enforcement of its ordinances by fine, or imprisonment, or both; but no fine exceeding $999.00, and no imprisonment exceeding 180 days, shall be provided for, levied, or imposed by ordinance, or by the Municipal Court, unless under the exercise of the full powers of home rule, the city has jurisdiction to provide for a greater fine or term of imprisonment, and any ordinance imposing such penalty shall specifically set forth such greater fine and imprisonment.

(Amd. No. 1, 6-3-1986)

ARTICLE IX. - CITY FINANCES

9.1. - Fiscal year.

The fiscal year of the city, and of all its agencies, shall begin on January 1, and end on December 31 of each year.

9.2. - Annual budget.

The city manager shall present a proposed budget for the ensuing fiscal year to the council, together with a budget message, on or before September 1 of each year.

9.3. - Budget hearing.

The council shall hold a public hearing on the proposed budget on or before October 1 of each year. Notice of the time and place of such hearing shall be published at least once five days prior to such hearing, and copies of the proposed budget shall be made available to the public by depositing them in the office of the city clerk.

The council may at any time before final adoption increase, decrease, add or strike out any item in the budget.

9.4. - Scope of annual budget.

The budget adopted by the council shall contain (a) an estimate of anticipated revenue from all sources other than the tax levy for the ensuring 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 the operation of the several departments, offices, and agencies of the city; (d) debt service requirements for the ensuing fiscal year; (e) the amount to be set aside for the public improvements fund, together with a schedule showing all recommended public improvement expenditures during the ensuing five years; (f) an estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of levy necessary to produce such sum based on the percentage of current levy collection experience during the three preceding fiscal years; (g) a balance between the total estimated expenditures, including any deficit to be met, and moneys set aside for public improvements and total anticipated revenue, plus any surplus. All estimates shall be in detail showing revenues by source, and expenditures by organizational units, activities, character and object.

9.5. - Adoption of budget and appropriation.

Not later than December 15 of each year or such other date required by law, the council shall adopt on final reading an ordinance for the budget, and an ordinance for the annual appropriations. When finally adopted, the budget shall become a public record, and sufficient copies shall be deposited with the city clerk to insure adequate circulation.

(Question I, 11-2-1993)

9.6. - Certification of tax levy.

Not later than November 1 of each year, or such other date required by law, the council shall fix the amount of tax levy which shall be assessed upon each dollar of assessed valuation of all taxable property within the corporate limits of the city, and shall cause the same to be certified to the county as required by law. If the council should fail in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as by law provided.

9.7. - General fund.

There is hereby established a fund to be known as the general fund. All revenues not specifically allocated to any other fund shall be placed in the general fund. All general functions of the city shall be financed by expenditures from the general fund.

9.8. - Contingencies.

The general fund may contain an item for contingencies. Except in those cases where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to contingencies, but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the express approval of the council, and then only for expenditures which could not be readily foreseen at the time the budget was adopted.

9.9. - Special funds.

Additional funds which shall be known as special funds shall be created by ordinance to provide for moneys to be held or used for special purposes, such as: depreciation and obsolescence; debt service; equipment and building replacement; special services; local improvements; city-owned utilities; trust funds and endowments; and such other purposes as the council may determine.

9.10. - Public improvements fund.

There is hereby established a fund to be known as the public improvements fund for the purpose of paying the cost of capital improvements. The council shall have power to define the rules and regulations pertaining to such fund by ordinance, and shall have power to transfer from time to time moneys from the general fund to the public improvements fund. Appropriations for construction or other permanent improvements from the public improvements fund shall not lapse until the purpose for which the appropriations was made shall have been accomplished or abandoned; unencumbered balances from projects accomplished or abandoned shall be used for payment of any outstanding bond indebtedness of the city, or if none, to any other fund. Any unappropriated or unencumbered balance in the public improvement fund may be transferred by the council to any fund, or used to pay outstanding bonded indebtedness of the city.

9.11. - Transfer of funds.

The city manager 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. Report of any such transfer shall be made to the council. The council may, by resolution, transfer any unencumbered appropriation balance or portion thereof from one department, office, or agency to another. The council may also, by resolution, transfer any excess earnings of any city-owned utility to any other fund of the city, providing, however, that any such transfer be restored to such fund prior to any rate increase by the transferring utility, except administrative and other fees reflecting cost of equipment, materials, construction, facilities or service usage provided by other departments.

(Amd. No. 9, 11-8-1983).

9.12. - Additional appropriations.

The council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the city, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

9.13. - Departmental appropriations revert.

Any annual departmental appropriation, or any portion thereof, remaining unexpended and unencumbered at the close of the fiscal year, shall revert to the fund from which it was originally appropriated.

(Question H, 11-2-1993)

9.14. - Expenditures forbidden.

No expenditure shall be made for any charitable, industrial, education, or benevolent purposes to any person, corporation, or organization not under the control of the city, nor to any denominational or sectarian institution or association.

9.15. - Sales and use tax.

Within 45 days after the date of enactment of this section (9.15), the sales and use tax of the city shall be limited to a maximum of $0.02 on the dollar unless a majority vote of those electors voting at a regular or special election authorizes an increase of the Sales and Use Tax in excess of the $0.02 on the dollar. A proposed increase of the sales and use tax may be submitted as a referred ordinance by the Longmont city council or by initiative as provided in this Charter. Any such ordinance shall specify the allocation of such sales and use tax between the general and public improvement funds and furthermore, such allocation shall be amended only by ordinance.

(Amd. No. 10, 11-8-1983; Amd. No. 1, 1982)

ARTICLE X. - BONDED INDEBTEDNESS

10.1. - General obligation bonds.

Indebtedness and obligations of the city shall be incurred and limited as provided in Articles XI and XX of the Constitution of the State of Colorado, applicable to towns and cities, except as otherwise provided in this Charter. The council shall have power to issue general obligation bonds of the city for any public

purpose upon the affirmative vote of a majority of the qualified electors of the city voting thereon, at any special or general election. The total outstanding general obligation indebtedness of the city, other than water bonds, shall not at any time exceed three percent of the actual value of the taxable property within the city as shown by the last preceding assessment for tax purposes, or otherwise as may be established and permitted by the laws of the State of Colorado applicable thereto. Bonds of the city, other than water bonds, shall mature in not more than 25 years from date of issue, and shall be payable in annual installments commencing not later than five years after the date of issue of said bonds. Water bonds shall mature and be payable as provided by the ordinance authorizing the issuance of said bonds.

(Question J, 11-2-1993; Amd. No. 2, 1979)

10.2. - Revenue bonds.

The council shall have power to issue revenue bonds for any public purpose upon the affirmative vote of a majority of the qualified electors of the city voting thereon, at any special or general election. The council shall have power to issue revenue bonds for any public purpose without the vote of the qualified electors, provided that the aggregate amount of the revenue bonds outstanding at any time, issued without being authorized by such vote, shall not exceed one-half of one percent of the assessed valuation of the taxable property within the city as shown by the last preceding assessment for tax purposes.

(Question J, 11-2-1993)

10.3. - Refunding bonds.

The council may authorize by ordinance, without an election, issuance of refunding bonds for the purpose of paying outstanding bonds of the city, including special improvement bonds; provided such refunding does not result in an increase in the interest rate.

10.4. - Special and local improvement district bonds.

Special and local improvement districts may be initiated either (a) by resolution of the council, or (b) by petition of 25 percent of the property owners in the designated district; subject in either event to protest by the majority of the property owners in the designated district. Right of protest and notice of public hearing is hereby given in the method to be provided by ordinance.

Unless a majority of the property owners within the designated district file objection pursuant to such ordinance, the city shall have power to contract and construct, or install special or local improvements within the designated district in the city. The council shall prescribe by ordinance the method and manner of making such improvements, of assessing the cost thereof, of issuing and paying bonds for costs and expenses of constructing and installing such improvements.

10.5. - Special or local improvement district bonds—Special surplus and deficiency fund.

Whenever all outstanding bonds of a special or local improvement district shall have been paid, any moneys remaining to the credit of the district shall be transferred to a special surplus and deficiency fund. 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 a special or local improvement district shall have paid and cancelled three-fourths of its bonds issued, and for any reason the district is unable to pay the remaining bonds and interest when due, and after applying any money available in the special surplus and deficiency fund, the city shall pay the remaining bonds when due and interest due thereon and reimburse itself by collecting the unpaid assessments due the district.

Should the city pay any bonds which it is authorized to pay under this section, the limitation provided for in section 10.1 of this Charter shall not apply to such bonds and the interest thereon.

10.6. - Special or local improvement district bonds—General benefits.

In consideration of general benefits conferred on the city at large, by reason of the construction or installation of improvements in special or local improvement districts, the council may levy annual taxes on the taxable property within the city, not exceeding two mills in any one year, to be disbursed as determined by the 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 levies, the 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 10.5 of this Charter.

10.7. - Bond sales—Limitations.

Bonds shall be sold to the highest and best bidder for cash at public sale; provided, however, that the city shall reserve the right to reject any and all bids for the purchase of said bonds and sell the same at private sale if it is to the best advantage of the city as determined by the council. Bonds may contain provisions for calling the same at designated periods prior to maturity.

10.8. - Public improvement financing.

Anything contained in this article X to the contrary, notwithstanding, the council shall be authorized for the purpose of cooperating with or assisting an authority or district created pursuant to (C.R.S. § 31-25-101 et seq.), as the same presently exists or may be hereafter amended, including downtown development and urban renewal authorities, and special districts, existing within the city, and without an election or the one-half of one percent of assessed valuation limitation set forth in section 10.2 of this Charter, to grant, loan or pledge to such authority all or any portion of incremental ad valorem property tax or incremental sales and use tax proceeds, or both levied and collected for the benefit of the city within an authority or district area as to which a plan for development has been adopted by the council, and, in the discretion of the council, to create and incur indebtedness and issue bonds of the city, both indebtedness and bonds to be payable solely from such incremental ad valorem property tax proceeds or incremental sales and use tax proceeds, or both, with or without the additional or the exclusive pledge of revenues derived solely pursuant to the plan for development adopted. As used in this section, the term "incremental ad valorem tax proceeds" shall mean that portion of such taxes produced by the levy at the rate fixed each year by the council upon that portion of the valuation for assessment of taxable property within the authority or district area which is in excess of the valuation for assessment of such taxable property last certified prior to the effective date of the ordinance of the council authorizing such loan, grant, pledge, incurrence of indebtedness or issuance of bonds, or, as to an area later included within such area, the effective date of the ordinance including the area within the existing authority or district. As used in the paragraph the term "incremental sales and use tax proceeds" shall mean that portion of the proceeds of city sales and use tax collected within the authority or district area, if any, in excess of the amount of such proceeds collected within such area for the city's fiscal year next preceding the effective date of the ordinance of the council, authorizing such grant, loan, pledge, incurrence of indebtedness or issuance of bonds, or as to an area subsequently included to the existing authority or district, the effective date of the ordinance including such area within the authority or district. Any securities issued pursuant to this section 10.8 shall not be included in the determination of the debt limitation based on actual value of taxable property as set forth in section 10.1 of this Charter.

In the event there is a general reassessment of taxable property valuations in the County of Boulder, Colorado, including all or part of the area of the authority or district subject to a division of valuation for assessment under the provisions of this section, or a change in the sales and use tax percentage levied in any municipality including all or part of the authority or district area subject to division of sales and use taxes under the provisions of this section, the portions of valuations for assessment or sales and use taxes herein contemplated shall be proportionately adjusted in accordance with such reassessment or change.

(Amd. No. 1, 2-1-1983)

ARTICLE XI. - CITY-OWNED UTILITIES

11.1. - Authority and powers.

The city shall have and exercise, with regard to city-owned utilities, including water and water rights and acquisition thereof, and bonded indebtedness in connection therewith, all the authority and powers provided by the Constitution and Statutes of the State of Colorado. In addition, the city shall have the power to exchange water rights owned by it for water rights owned by other persons, municipalities, or quasi-municipal corporations. The city shall also have the right to contract with such aforementioned persons or entities for the purpose of forming consolidated water or sewer districts, or for furnishing any municipal services, within or without the corporate limits of the city, provided any agreements or contracts arising therefrom would clearly benefit the inhabitants of the city.

11.2. - Rate and finances.

The council shall by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees, or charges for water and electricity, and for water, sewer, electric service, and other utility service furnished by the city, as will produce revenues at least sufficient to pay the cost of operation and maintenance of said utilities in good repair and working order; to pay the principal of and interest on all bonds of the city payable from the revenues of said utilities; to provide and maintain an adequate fund for replacement of depreciated or obsolescent property, and for the extension, improvement, enlargement, and betterment of said utilities; to pay the interest on, and the principal of, any general obligation bonds issued by the city to extend or improve said utilities. The provisions hereof shall be subject at all times to the performance by the city of all covenants and agreements made by it in connection with the issuance, sale or delivery of any bonds of the city, payable out of the revenues derived from the operation of its water, electric, and other utilities, whether such revenue bonds be heretofore or hereafter issued.

ARTICLE XII. - FRANCHISES

12.1. - Present franchises.

All franchise ordinances of the city in effect at the time that this Charter is adopted shall remain in full force and effect, according to their provisions and terms, until the expiration date provided in such ordinances.

12.2. - Franchises granted upon vote.

No franchise shall be granted except upon the affirmative vote of a majority of the qualified electors voting thereon at a special election called for that purpose. The council shall establish by ordinance the terms, fees, compensation, conditions and any other matters related to the granting of the franchise. In no event shall an exclusive franchise ever be granted.

(Amd. No. 13, 11-8-1983)

12.3. - Extension of territory.

With respect to any franchise after negotiation or mutual agreement, the council may by ordinance extend the area to include streets, alleys, or public places and property not embraced in such franchise, when public convenience and necessity requires, subject to all the terms and conditions of such original franchise, and coextensive with the terms thereof, without a vote of the qualified electors.

12.4. - Term, compensation, restriction.

No franchise, lease, or right to use the streets, or the public places or property of the city, shall be granted for longer than 20 years. Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges, or other impositions levied by the council, not levied on account of the use granted by the franchise.

12.5. - Railroad tracks and crossings.

The council may require, by ordinance, any railroad or other transportation system, to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; and to construct and maintain all street crossings, bridges, viaducts or other conveniences in good condition, with proper approaches and safety devices. The cost of such work shall be apportioned fairly, subject to arbitration.

12.6. - Revocable licenses.

After public hearing, the council by ordinance may grant a revocable license to lay sidetracks and switches along or across any public thoroughfare, in accordance with standards and procedures to be adopted by the council.

12.7. - Revocable permits.

The council may grant permits for the temporary use or occupation of any street, alley or public place, and establish conditions and compensation to be paid the city therefor.

12.8. - Condemnation or purchase.

The right of the city to construct, purchase, or condemn any public utility, work or way, as provided by law, is expressly reserved.

12.9. - Assignment.

Assignment or leasing of a franchise shall be considered a forfeiture unless consent is given by the council by ordinance.

12.10. - Books and records.

The council shall cause to be kept in the office of the city clerk, an indexed franchise record in which shall betranscribed copies of all franchises granted by the city. 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 information as the council may require.

12.11. - Control of franchise for use of water reserved to city.

No franchise, right, or privilege shall be granted affecting the use of the water belonging to the city, or affecting its water systems, without retaining complete and absolute control in the city.

12.12. - Common use of facilities.

The council shall have the power to require any holder of a franchise from the city, or other public utility, to allow the use of its right-of-way, poles, and wires by any franchise holder, or the city itself, upon payment of a reasonable rental therefor; and the city may, under the terms prescribed by the council, allow such franchise holders to use rights-of-way, poles and wires of city-owned utilities.

ARTICLE XIII. - MISCELLANEOUS LEGAL PROVISIONS

13.1. - Water rights in annexation.

The city shall have power to purchase, or obtain, such existing water rights as may be used upon, or allotted to, any land which is annexed to the city.

13.2. - Restriction on sales of land and water rights.

Neither lands owned and used by the city for park purposes, nor water rights, shall be sold or conveyed without an affirmative vote of a majority of the qualified electors voting thereon. Other real property may be sold or conveyed by administrative ordinance adopted by a two-thirds majority of the entire council. Nothing in this provision, however, shall prohibit the city from exchanging water, or changing point of diversion of water rights without such vote.

(Amd. No. 19, 11-17-1989)

13.3. - Notice required on negligence action.

No action for the recovery of compensation for personal injury, or death, or property damage, against the city on account of its negligence, shall be maintained unless such action is brought in compliance with the Colorado Governmental Immunity Act as the same presently exists or may be hereafter amended.

(Amd. No. 15, 11-8-1983)

13.4. - Fidelity bonds.

Before any officer or employee of the city who handles city funds, or inventories of materials and supplies, shall be permitted to enter upon the duties of his office or employment, he shall obtain and file with the city clerk a fidelity bond from a bonding company authorized to do business in the State of Colorado, in an amount to be fixed by the council. The cost of such bonds shall be borne by the city.

13.5. - Right of eminent domain.

The city shall have the right of eminent domain as provided by the Constitution and the Statutes of the State of Colorado.

13.6. - Authority to levy taxes.

The council may levy and collect taxes for municipal purposes, and it may levy and collect special assessments for local improvements as provided in this Charter or by ordinance.

13.7. - Contracts with other governmental units.

The council may, by resolution or by ordinance, enter into contracts or agreements with other governmental units or special districts for the use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services.

13.8. - Bequests, gifts and donations.

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

13.9. - Purchases.

The council shall establish by ordinance procedure for entering into contracts for purchases, and contracts for construction of public works.

13.10. - City not to pledge credit.

The city shall not lend or pledge its credit or faith, directly or indirectly, or in any manner to, or in aid of any person, corporation, or other organization, public or private, for any amount or any purpose whatsoever, or become responsible for any debt, contract, or liability thereof.

13.11. - Article and section headings.

The article and section headings, used in this Charter are for convenience only, and shall not be considered as part of the Charter.

13.12. - Amendments.

This Charter may be amended at any time in the manner provided by the Constitution. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

13.13. - Business days of the city.

Whenever the date fixed by this Charter, or by ordinance, for the doing or completion or any act falls on a nonbusiness day of the city, such act shall be done or completed on the next succeeding day which is a business day of the city.

(Amd. No. 16, 11-18-1983)

13.14. - Temporary zoning (Repealed).

(Amd. No. 12, 1975)

13.15. - Interpretations.

(a) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
(b) The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.
(c) The word "person" may extend and be applied to bodies politic and corporate, and to partnerships, trusts, and associations as well as to individuals.

(d) The word "publication" shall mean publishing in a newspaper of general circulation within the city. Only in time of emergency or disaster, or when no such newspaper is available, the requirements of publication may be met by posting such notice in at least six conspicuous public places within the city. Any notice published by posting shall be published in a newspaper of general circulation within the city as soon as such is again available.

(e) Except in reference to signatures, the words "written" and "in writing" shall include printing, typewriting, engraving, stencil duplicating, lithographing, or any other similar method.

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

(g) The word "city" shall mean the City of Longmont, Colorado, a municipal corporation.

(h) The words "qualified elector" shall mean a resident of the city who is qualified to vote under the Constitution and statutes of the State of Colorado and who is registered to vote.

(i) The term "public utility" or "public utility corporation" when used in this Charter shall mean any person, firm or corporation operating heat, power or light systems, communication systems, water, sewer or scheduled transportation systems, and serving or supplying the public. It shall not include any person, firm or corporation owning or operating sidetracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines, and shall not include city-owned utilities.

(Question J, 11-2-1993)

ARTICLE XIV. - TRANSITIONAL PERIOD

14.1. - Status of transitional provisions.

The purpose of this article is to provide for an orderly transition from the present city government to a home rule government under the provisions of this Charter. This article shall constitute a part of this Charter during the transition period.

14.2. - Effective date and transition period.

The effective date of the Charter shall be August 9, 1961. The period from August 9, 1961, through November 13, 1961, shall be known as the "transition period." During this transition period, the Colorado statutes governing second class cities shall remain in force and effect, except where parts of this Charter become effective which may conflict with said statutes. For the purpose of nominating and electing members of the council and the mayor, article II and article III of this Charter shall become operative immediately. During the transition period the council shall provide by resolution how and when various

portions of this Charter may become operative during the transition period, except as hereinafter provided. In any event, all articles and sections of this Charter shall be in effect and become operative on November 13, 1961, except as specified in section 14.4 of this Charter.

14.3. - 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 their present salaries, to serve and carry out the functions, powers and duties of their offices until November 13, 1961.

14.4. - Continuation of present boards and commissions.

All boards and commissions in office at the time of adoption of this Charter shall continue to function with their present powers and duties until January 2, 1962.

14.5. - Continuation of appointed officers and employees.

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the city shall continue in that city office or employment, which corresponds to the city office or employment which they held prior to the effective date of the Charter, as though they had been appointed or employed in the manner provided in this Charter; and they shall in all respects be subject to the provisions of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body, shall hold such position only at such pleasure regardless of the term for which originally appointed.

14.6. - First election under the charter.

The first election under this Charter shall be held Tuesday, November 7, 1961, pursuant to article II of this Charter. The councilmen and mayor elected at such city election shall take office at 7:30 p.m., Monday, November 13, 1961.

14.7. - Retirement plans.

This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the city and any officer or employee by reason of any retirement and pension plans in effect.

14.8. - Budget.

Not later than November 1, 1961, the present council shall adopt on final reading an ordinance for the budget, and an ordinance for the annual appropriations for the year 1962; and also by said date shall fix the amount of the tax levy, and cause the same to be certified to the county as required by law. The budget for

the fiscal year 1961 shall not be affected by the adoption of this Charter. Insofar as practicable, the council shall comply with the provisions of Article IX pertaining to the preparation and adoption of the budget.

ARTICLE XV. - COLLECTIVE BARGAINING FOR POLICE AND FIRE DEPARTMENT EMPLOYEES

15.1. - Statement of policy.

The protection of the public health, safety and welfare demands that police and fire department employees of the Longmont police and fire departments not be allowed to strike or engage in any work stoppage, slowdown or mass absenteeism. This necessary prohibition does not, however, require the denial to such employees the right to organize, the right to be represented by an employee organization of their choice, and the right to bargain collectively. This process promotes better employee management relations, and improved morale in the workplace, which translates into better productivity and retention of police and fire department employees. It is hereby declared the policy of the City of Longmont to have a system of collective bargaining to establish a productive relationship between the City and its police and fire department employees and to set compensation and certain other conditions of employment as specified in this article of the City Charter. In lieu of allowing police and fire department employees to strike to resolve impasses in negotiations, the City hereby adopts a system of independent fact finding with submission of all unresolved issues to qualified electors of the City of Longmont to resolve such impasses.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.2. - Definitions.

As used in this article of the City Charter, the following terms shall, unless the context requires a different interpretation, have the following meanings:

"Police employee(s)" shall mean the bargaining unit, which shall consist of all full time sworn police officers at or below the rank of sergeant in the police department of the City of Longmont, and all full time community service officers, police service technicians and communications specialists (dispatchers) employed by the City of Longmont, maintaining a position defined by the corporate authorities as equivalent to the police department rank that is at or below police sergeant.

"Fire employee(s)" shall mean the bargaining unit, which shall consist of all full time sworn firefighters and first level supervisors in the fire department of the City of Longmont.

"Corporate authorities" shall mean the city manager, chief of police, chief of fire and the city council of the City of Longmont or their officially designated representatives.

"Sole and exclusive bargaining agent or bargaining agent" shall mean an employee organization chosen by the police or fire employees pursuant to Section 15.5. For police employees, it shall mean an organization that engages exclusively in the representation of law enforcement employees, including representation in collective bargaining. For fire employees, it shall mean an organization that engages exclusively in the representation of firefighters, including representation in collective bargaining.

"Fair share" shall mean the fair share of the cost of negotiating and administering a negotiated agreement under this article, including all costs germane to collective bargaining and/or to the collective bargaining process, assessed police or fire bargaining unit employees who choose not to belong to the employee organization so chosen by the police or fire employees as their exclusive bargaining agent. The manner, method and exceptions thereto shall be a subject of mandatory bargaining included in section 15.4(b)(7) of this article of the City Charter.

"Independent fact finding" shall mean the investigation and hearing of issue(s) of impasse arising out of the negotiation of a cooperative agreement, selection of an independent fact finder, submitting a report defining the issue(s) of impasse, analyzing and reporting the facts relating thereto, and making non-binding recommendation(s) on the final offers of the corporate authority or the employees' bargaining agent for the purpose of resolving the issue(s) of impasse.

"Final offer" shall be the written offer made latest in time by a party to the other party at least seven (7) days prior to the start of the independent fact finding impasse hearing.

"Mandatory subject of bargaining" shall mean a subject that shall be discussed during negotiations if either party wishes to discuss it and may be submitted to independent fact finding by either party in the event of an impasse.

"Permissive subject of bargaining" shall mean a subject that may be discussed during negotiations only if both parties agree to discuss it and shall not be submitted to independent fact finding unless both parties agree to submit it.

"Prohibited subject of bargaining" shall mean a subject that shall not be included in any cooperative agreement and shall not be subject to independent fact finding.

"Fringe benefits" shall include, but not be limited to: vacation leave; holidays; sick leave; bereavement leave; jury duty leave; other paid or unpaid leave; payments for injuries, sickness, or death arising from the line of duty; any insurance (levels of contribution and levels of benefit); allowances for uniforms and equipment and the maintenance of uniforms and equipment; retirement plans and pension contribution levels.

"Compensation" shall mean wages, salaries, and any other monetary compensation paid to police or fire department employees.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.3. - Management rights.

The City reserves and retains solely and exclusively all of its constitutional, statutory, charter and common law rights and responsibilities to manage the police and fire departments and to take all necessary actions to carry out the mission of the employer and of the State during emergencies. The management of the departments and the direction of the employees are vested solely and exclusively in the City, and shall not in any way be abridged except as specifically limited by the express terms of a cooperative agreement between the parties as provided for in the Charter.

(a) The exclusive rights of the City include, but are not limited to, the right to determine department policy, including the right to manage the affairs of the departments in all respects; to develop, enforce, modify or terminate any policy, procedure, manual or work method associated with the operations of the employer; to determine training needs, methods of training and employees to be trained; to establish employee committees, and employee suggestion programs; to determine or consolidate the location of operations, offices, work sites, including permanently or temporarily moving operations in whole or part to other locations; to determine the employer's functions, programs, organizational structure and use of technology; to determine the levels of service and the introduction of new equipment; to determine the employer's mission and strategic plans; to hire, lay-off, transfer, promote and assign employees in the City; to classify, evaluate and retain employees; to demote, suspend and discharge or otherwise discipline employees; to determine work schedules, and establish or modify the workweek including mandatory overtime work; to establish, modify and enforce department rules, regulations and orders; to determine and implement the methods, equipment, facilities and other means and personnel by which City operations are to be conducted, and to take steps it deems necessary to maintain the efficiency and safety of said operations and of the personnel engaged therein; to determine its budget, organization and the merits, necessity and level of any activity or service provided by the City and size of its workforce and the financial basis for any layoffs.

(b) Nothing in a cooperative agreement between the corporate authority and the employee's bargaining agent shall be construed to limit the authority of the chief of police, chief of fire, city manager or the city council to exercise powers to discipline as set forth in the Charter. However, in exercising management rights, nothing shall be construed or applied which negates, modifies or supersedes the rights of employees, or their bargaining agent, where such rights are included in a cooperative agreement between the corporate authority and the employee's bargaining agent as set forth in the Charter.

(c) Section 15.4, subsections (b)(2) and (b)(12) of this Charter, to the extent they are negotiated into a cooperative agreement, may be temporarily suspended to address compelling organizational needs or compelling public needs as determined by the fire chief or police chief.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.4. - Right to organize and bargain collectively; mandatory, prohibited and permissive subjects of bargaining.

(a) Police and fire department employees shall have the right to bargain collectively with the City of Longmont, and to be represented by an employee organization in such negotiations.

(b) The following shall be mandatory subjects of bargaining for police and fire department employees:

(1) Compensation and fringe benefits; and

(2) The work schedule including number of shifts and the number of hours in a work shift; and

(3) The definition of "seniority"; and

(4) Personal safety and health equipment; and

(5) An employee bargaining agent recognition clause; and

(6) Procedures relating to labor/management cooperation and communication; and

(7) A dues check-off and fair share clause and payment of fees as set forth in Section 15.19(e); and

(8) Grievance and grievance arbitration procedures for allegations of violations of the cooperative agreement; and

(9) Procedures for discipline, but not the decision to discipline; and

(10) Procedures for employee representation and notification during internal investigations, but not the decision or authority to investigate; and

(11) Grievance and grievance arbitration procedures for appealing discipline; and

(12) Procedures for promotions and assignments in the department, but not the decision or authority to do so; and

(13) Procedures relating to the layoff and recall of police and fire department employees and notice thereof, but not the decision or whether to order layoff or recall; and

(14) Procedures for mental, drug, and/or alcohol testing, but not the decision or authority to so order, and

(15) The duration of the cooperative agreement; and

(16) The cooperative agreement severability clause.

(c) The following shall be prohibited subjects of bargaining:

(1) Any proposal that would conflict with state or federal laws that are mandatory on the City of Longmont; and

(2) Any proposal that would conflict with the City Charter provisions not superseded by this article; and

(3) Any proposal over which the City has no authority to act because of State or Federal law; and

(4) The standards of service of the police department, fire department, and the City of Longmont; and

(5) The tables of organization of the police and fire departments; and

(6) The budgets of the police and fire departments; and

(7) Civilianization; and

(8) Training, to include equalization or selection for outside department training.

(d) The following shall be permissive subjects for bargaining:

(1) Off-duty employment; and

(2) Safety and health matters; and

(3) The notice and the time intervals regarding changes of shifts and the emergency exceptions thereto; and

(4) A re-opening clause and procedures thereof applicable during the duration of a cooperative agreement to modify and/or delete any provision of the cooperative agreement; and

(5) Procedures for physical testing, but not the decision or authority to so order.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.5. - Selection and recognition of bargaining agent.

(a) The police or fire department employees' sole and exclusive bargaining agent for the purpose of bargaining shall be the sole and exclusive representative of all of the police or fire department employees defined Bargaining Unit, if the majority of the police or fire department employees voting in an election vote for such bargaining agent.

(b) Questions concerning the selection or removal of a police or fire department employee bargaining agent may be raised by petition of any police or fire employee, group of police or fire department employees, or employee organization representing or wishing to represent police or fire employees, but only if such petition is signed by at least fifty (50) percent of the police or fire department employees. Such a petition may be submitted at any time to the American Arbitration Association (or its successor organization) provided that in the event there is a police or fire employee bargaining agent then certified or recognized by the City, no petition may be filed within twelve (12) months of that bargaining agent's certification by the American Arbitration Association; and provided further that no petition may be filed during the term of an existing agreement with the police or fire employee bargaining agent, except during the period from January 1 to January 31 of the final year of such agreement.

(c) When a petition is filed concerning the selection or removal of a police or fire employee bargaining agent, the American Arbitration Association (or its successor organization) shall promptly send the petition to the police or fire department for determination of whether it contains the requisite number of signatures. The police or fire department shall promptly make that determination and notify the American Arbitration Association (or its successor organization) of its conclusion. If the petition has the requisite number of signatures, the American Arbitration Association (or its successor organization) shall determine the question of selection or removal of any police or fire employee bargaining agent or by taking a secret ballot of police or fire department employees and certifying in writing the results thereof to the corporate authorities and the person, persons, and employee organizations involved. The secret ballot election shall be conducted not less than fifteen (15) days or more than thirty (30) days

from the date of filing the petition. The American Arbitration Association (or its successor organization) shall certify the results of the above-described election within three (3) days of the close of the polls. The cost of running the election shall be borne equally by each organization on the ballot.

(d) The employee organization selected by the majority of the police or fire department employees voting in an election conducted pursuant to subsection (c) above shall be recognized by the corporate authorities as the sole and exclusive bargaining agent for all police or fire department employees unless and until the American Arbitration Association or its successor certifies a different organization.

(e) The election procedure shall follow the rules established by the American Arbitration Association.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.6. - Obligation to bargain in good faith.

(a) It shall be the obligation of the corporate authorities to meet and bargain in good faith with the representatives of the police or fire employee bargaining agent at all reasonable times and places. This obligation shall include the duty to cause any agreements to be reduced to a written contract and executed in a timely manner. Any such contract shall be for a term of not more than three (3) years and not less than one (1) year.

(b) It shall be the obligation of the police or fire employee bargaining agent to meet and bargain collectively in good faith with 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 and executed in a timely manner.

(c) It shall be the obligation of the corporate authorities to make every reasonable effort to grant employees, designated by the police or fire employee bargaining agent as part of its negotiating team, reasonable time from their primary duties to participate in collective bargaining negotiations.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.7. - Facilitation assistance.

It is recognized that from time to time, the bargaining teams of the parties may find it difficult readily to achieve agreement. Whenever it is deemed appropriate or beneficial to do so, the parties may engage the services of one (1) or more experts, consultants, facilitators or mediators as they may jointly agree may benefit the process of reaching agreement on one (1) or more items. It is specifically contemplated that the parties might engage individuals who have demonstrated knowledge or expertise in a given topic under discussion or skills and abilities in dispute resolution to serve as a facilitator, mediator or other assistant to promote the parties reaching a voluntary resolution. The parties will share fees and expenses of such individuals equally, unless otherwise agreed.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.8. - Unresolved issues submitted to independent fact finding.

In the event that the police or fire employee bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, final offers on any or all unresolved issues concerning mandatory subjects of bargaining may be submitted by either or both parties to an independent fact finder; and final offers on any permissive subjects of bargaining may be submitted to an independent fact finder provided both parties agree. The obligation of the parties to bargain in good faith shall continue after submission of unresolved issues to an independent fact finder. Any or all issues, which are unresolved between the police or fire employee bargaining agent and the corporate authorities, may be resolved by the parties at any time. In the event the police or fire employee bargaining agent and the corporate authorities are able to reach agreement upon any or all issues prior to the receipt of the decision of the independent fact finder, then the independent fact finder shall make no decision on such issue or issues. All monetary decisions or agreements shall be retroactive to the date of expiration of the previous cooperative agreement, should one exist, if it has expired during the negotiations and/or the independent fact finding process. The parties may mutually agree to extension of any or all time requirements herein.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.9. - Independent fact finder selection.

(a) Within three (3) days after the expiration of the thirty (30) day time period referred to in Section 15.8 hereof, the police or fire employee bargaining agent and the corporate authorities (for the purpose of this Section referred to as the "parties") shall notify the American Arbitration Association, or its successor organization that an independent fact finder is required. The parties shall request that said association or organization submit simultaneously to each side an identical list of seven (7) persons qualified to serve as an independent fact finder within ten (10) days after the notification.

(b) In order to be qualified as an independent fact finder, a person must be a member of the National Academy of Arbitrators or on the American Arbitration Association. Any person whose only experience is as a hearings 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 as an independent fact finder.

(c) Within five (5) days from the service of the list on the parties, each party shall cross off two (2) names from the list, rank the remaining names, indicating the order of its preference, and return the list to the association or organization. If a party does not return the list within the time specified, then all persons named therein shall be deemed acceptable as an independent fact finder to that party.

(d) Within ten (10) days after service of the last list on the association or organization, or within ten (10) days after the time the list must be returned by the parties, the association or organization shall, from among the persons who have been approved on both lists, appoint one (1) independent fact finder to serve and shall notify the parties of such appointment.

(e) Upon appointment, the independent fact finder shall sign an oath to uphold the terms of this article of the City Charter.

(f) Nothing herein shall be construed to prevent the parties from agreeing to an independent fact finder.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.10. - Hearings.

(a) The independent fact finder shall call a hearing to begin within twenty-five (25) days of selection, and shall give at least ten (10) days notice in writing to the employees' 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.

(b) All oral or documentary evidence and other data deemed competent and relevant by the independent fact finder shall be received in evidence. The independent fact finder shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of books, records and other evidence relating to or pertinent to the issues presented for determination.

(c) The hearing conducted by the independent fact finder shall be concluded within seven (7) days of the time of commencement. Within five (5) days following the conclusion of the hearing, the parties may, if they deem necessary, submit written briefs to the independent fact finder.

(d) Within ten (10) days of receipt of such briefs, or within ten (10) days after the conclusion of the hearing if no post-hearing briefs are filed, the independent fact finder shall make written findings and conclusions setting forth the basis of the independent fact finder's decision on the issues presented, a copy of which shall be delivered to the employees' bargaining agent and the corporate authorities in the same manner on the same date. The written findings and conclusions shall be reached in accordance with the provisions of Section 15.11 and in accordance with Section 15.12.

(e) In the event the employees' bargaining agent and/or the corporate authorities reject any or all of the independent fact finders decision(s) they may submit the unresolved issue(s) of impasse to a special election as set forth in Section 15.15 of this article of the Charter.

(f) Issue(s) of impasse not submitted to a special election shall be deemed resolved by the decision of the independent fact finder and included in the cooperative agreement as set forth in Section 15.16(a).

(g) By mutual agreement of the parties and the independent fact finder, the provided time frames in this article of the City Charter may be extended.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.11. - Factors that shall be considered by the independent fact finder.

The independent fact finder shall conduct the hearing and render his or her decision(s) with due consideration of the need for a prompt, peaceful and just settlement of all unresolved issues between the involved employees' bargaining agent and the corporate authorities. The independent fact finder shall rely

on the following in arriving at a decision:

(a) The interests and welfare of the citizens of Longmont;

(b) The finances of the City of Longmont;

(c) The lawful authority of the City of Longmont;

(d) Stipulations of the parties;

(e) Comparison of the compensation, fringe benefits, hours, and other terms and conditions of employment of Longmont police or fire department employees with other law enforcement or fire service employees performing comparable services in public employment in comparable communities;

(f) The cost of living;

(g) Any claims of failure of a party to bargain in good faith pursuant to Section 15.6; and

(h) Other similar standards normally recognized in Colorado in the resolution of interest disputes involving police or fire employee cooperative agreements, whichever employee group is applicable.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.12. - Final offers procedure.

The corporate authorities and the police or fire department employee bargaining agent shall submit to the independent fact finder final offers on each issue of impasse that is to be decided by the independent fact finder. The decision of the independent fact finder on each issue of impasse shall be the final offer of the corporate authorities or the final offer of the police or fire department employee bargaining agent. The independent fact finder shall state the reasons for the decision in writing in accordance with Section 15.10(d).

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.13. - The independent fact finder's decision.

The decision(s) of the independent fact finder are not binding on the employees' bargaining agent or the corporate authorities. Nothing herein shall prohibit the parties from agreeing to terms different from the decision of the independent fact finder, as long as such agreements are made within fifteen (15) days after receipt of the independent fact finder's decision.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.14. - Fees and expenses of independent fact finding.

Fifty (50) percent of the necessary fees and necessary expenses of independent fact finding (excluding all fees and expenses incurred by either party in the preparation or presentation of its case) shall be borne by the City and fifty (50) percent shall be borne by the employees' bargaining agent.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.15. - Unresolved issues submitted at special election.

(a) Upon the request of the police or fire department employee bargaining agent or the corporate authorities made within twenty (20) days after receipt of the independent fact finder's decision, and after the employees' bargaining agent or the corporate authorities have had fifteen (15) days, under section 15.13, to further negotiate the disputed issue(s) of impasse, the final offers of the employees' bargaining agent or the corporate authorities on the issue(s) of impasse remaining unresolved may each be submitted as alternative single measures to a vote of the qualified electors of the City of Longmont in a special election according to the Longmont Charter and Ordinances, or as otherwise permitted by law, whichever is earliest in time.

(b) The format and wording of the ballot question (ballot title) shall be framed to accurately reflect the final offers of the employees' bargaining agent and the corporate authorities as presented to the independent fact finder.

(c) The qualified electors shall select either the final offer of the employees' bargaining agent or final offer of the corporate authorities as presented to the independent fact finder.

(d) Issues agreed to during the fifteen-day period described in Subsection (a) of this Section shall not be included in the final offer of the employees' bargaining agent or final offer of the corporate authorities.

(e) The cost of such special election shall be borne by either the corporate authority or the employees' bargaining agent, whichever refuses to accept the recommendations of the independent fact finder.

(f) If both refuse, the cost shall be borne equally by the corporate authority and the employees' bargaining agent. In such event, the employees' bargaining agent shall pay its proportionate share of the election expenses that are related to resolving the impasse.

(g) In the event that issue(s) unrelated to the unresolved issue(s) of impasse are also to be decided upon in any special election mandated by this amendment then the employees' bargaining agent shall pay only its proportionate share of the election expenses that are related to resolving the issue(s) of impasse.

(h) Any prorating of cost under this section shall be on the basis of the number of questions, issues, or offices included on the ballot, with the unresolved issue(s) of impasse collectively considered as one (1) matter.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.16. - Cooperative agreement; what constitutes.

(a) The cooperative agreement between the City and the police or fire department employee bargaining agent shall consist of all terms actually agreed to by the parties, decided by an independent fact finder as set forth in Section 15.10 of this article and accepted by the parties or determined by special election as set forth in Section 15.15 of this article.

(b) At the request of either the police or fire department employee bargaining agent or the corporate authorities, the cooperative agreement shall contain a grievance procedure that culminates in a binding decision by a neutral arbitrator to process alleged violations of the cooperative agreement.

(c) Whenever there is a conflict between the terms of the final cooperative agreement, as agreed to by the parties to that agreement and a rule, procedure, policy, or ordinance, which is applicable to bargaining unit employees as defined by the Charter, the provisions of the agreement shall prevail.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.17. - Foundation of first negotiated cooperative agreement.

In order to establish a foundation for the first cooperative agreement negotiated between either the police or fire employee bargaining agent and the corporate authority, the existing compensation, fringe benefits, and other terms and conditions of employment granted to police and fire employees by current policy, ordinance or charter as of the date of adoption of this article and all subsections thereof, shall not be reduced except by voluntary agreement between the corporate authorities and the respective bargaining agent. This section shall be applicable only to the negotiation of the first agreement after adoption of this article of the Charter.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.18. - Request for bargaining.

(a) In order to begin the bargaining process, and unless otherwise agreed to by the police or fire employee bargaining agent and the corporate authorities, it is the obligation of the police or fire department employee bargaining agent to serve written notice of request for bargaining on the corporate authorities no later than April 15th of the year before the contract period which will be the subject of the bargaining process with bargaining to commence no later than April 30th. It shall be the obligation of the police or fire employee bargaining agent and the corporate authorities to accommodate any reasonable request to change these dates.

(b) All time limits for action contained in any section of this article of the City Charter may be waived by mutual consent of the parties.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.19. - Prohibition.

(a) Neither the police or fire department employee bargaining agent, nor the police employees, fire employees, nor any person acting in concert with them, will cause, sanction, or take part in any withholding of services to the City of Longmont by means of a strike, walkout, sit down, slowdown, stoppage of work, abnormal absenteeism, or other method that would interrupt or disrupt services to the City. Therefore, all such actions are expressly prohibited.

(b) Violation of any provision of Subsection (a) of this Section by the police or fire department employee bargaining agent shall be cause for the City to terminate a cooperative agreement with the police or fire department employee bargaining agent upon giving written notice to that effect to the chief representative of the police or fire department employee bargaining agent, in addition to whatever other remedies may be available to the City of Longmont at law or in equity.

(c) Violation of any provision of Subsection (a) of this Section by any police employee or fire employee shall be cause for discipline of the police or fire employee, in addition to whatever other remedies may be available to the City at law or in equity. Any employee accused of violation of Subsection (a) of this Section shall be entitled to the due process procedure granted in the cooperative agreement of the parties.

(d) Neither a police employee, fire employee, or person seeking to become a police employee or fire employee, shall be appointed, promoted, reduced, removed or in any way discriminated against by the corporate authority or police or fire department employee bargaining agent because of affiliations or non-affiliations with any employee organization; nor shall they be required to belong to any employee organization.

(e) It shall be allowable and it shall not be in violation of this Section for an agreement between the police or fire department employee bargaining agent and the corporate authorities to require bargaining unit employees, who are not members of the bargaining agent organization, to pay to the police or fire employee bargaining agent a fair share representation fee not to exceed the normal dues and assessments required of members of the police or fire employee department bargaining agent organizations so long as the City is adequately indemnified and held harmless as part of the negotiated agreement.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

15.20. - Severability.

If any clause, sentence, paragraph, or part of this article of the City Charter, or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this article of the City Charter or its application.

(Approved by voters Nov. 4, 2008 as Ord. No. O-2010-66)

ARTICLE XVI. - LONGMONT PUBLIC HEALTH, SAFETY AND WELLNESS ACT

16.1. - Purpose.

To protect property, property values, public health, safety and welfare, and the environment by prohibiting the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Longmont.

(Question 300, 11-6-2012)

16.2. - Findings.

The people of Longmont hereby make the following findings with respect to the process of hydraulic fracturing within the City of Longmont:

- The Colorado Constitution confers on all individuals in the state, including the citizens of Longmont, certain inalienable rights, including "the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness," Colo. Const. Art. II, Sec. 3;

- The Colorado Oil and Gas Act requires oil and gas resources to be extracted in a "manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources," C.R.S. § 34-60-102;

- The well stimulation process known as hydraulic fracturing is used to extract deposits of oil, gas, and other hydrocarbons through the underground injection of large quantities of water, gels, acids or gases; sands or other proppants; and chemical additives, many of which are known to be toxic;

- The people of Longmont seek to protect themselves from the harms associated with hydraulic fracturing, including threats to public health and safety, property damage and diminished property values, poor air quality, destruction of landscape, and pollution of drinking and surface water;

- The people of Longmont have determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to and ensure the "protection of public health, safety, and welfare, including protection of the environment and wildlife resources" as provided under the Colorado Oil and Gas Act, is to prohibit hydraulic fracturing and the storage and disposal of its waste products within the City of Longmont.

(Question 300, 11-6-2012)

16.3. - Policy.

It shall hereby be the policy of the City of Longmont that it is prohibited to use hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Longmont. In addition, within the City of Longmont, it is prohibited to store in open pits or dispose of solid or liquid wastes created in connection with the hydraulic fracturing process, including but not limited to flowback or produced wastewater and brine.

(Question 300, 11-6-2012)

16.4. - Retroactive application.

In the event this measure is adopted by the voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.

(Question 300, 11-6-2012)

ADOPTED IN CONVENTION, THIS 24th DAY OF JUNE 1961, AND SIGNED IN TRIPLICATE

RICHARD C. TROXELL, CHAIRMAN

VIRGINIA S. ESTES, SECRETARY

LON C. ALLEN

J. MAX LEWELLEN

RAY T. ASHBAUGH

JOHN G. MACKIE

DOROTHY BATT

JOHN P. MURPHY JR.

JEWEL A. BEATLE

MARGARET NELSON

NORTON R. BILLINGS

RALPH PRICE

ED C. DWORAK

VICTOR J. REHWOLDT

L. B. FLANDERS

THEO. D. SCHEY, JR.

FRED G. HARSCH

PAUL R. SCHOPABACH

HORACE H. JURGENS

W. W. SPALLINGER

P. REED WALKER

Published by the Longmont Daily Times-Call.

CHARTER COMPARATIVE TABLE - AMENDMENTS/QUESTIONS

This table shows the location of amendments to the Charter.

Amendment, Question or Ordinance Number	Date	Section in Charter
Amd. No. 1	1977	3.4
	1979	8.5
	1982	9.15
	2- 1-1983	10.8
	11- 8-1983	2.6
	6- 3-1986	8.6
Amd. No. 1(part)	1977	2.8
Amd. No. 2	1979	10.1

Amd. No. 2A	11- 8-1994	2.7
Amd. No. 3	1975	2.8
	11- 8-1983	5.4
Amd. No. 4	1975	3.2
	11- 8-1983	6.2
Amd. No. 6(part)	11- 8-1983	6.6, 6.7
Amd. No. 7	1975	3.8
	11- 8-1983	6.8
Amd. No. 8	11- 8-1983	7.1
Amd. No. 9	1975	7.1
	11- 8-1983	9.11
Amd. No. 10	11- 8-1983	9.15
Amd. No. 12	1975	13.14
Amd. No. 13	11- 8-1983	12.2

Amd. No. 15	11- 8-1983	13.3
Amd. No. 16	11-18-1983	13.13
Amd. No. 19	11-17-1989	13.2
Question C	11- 2-1993	2.3
Question E	11- 2-1993	3.1
Question F	11- 2-1993	3.3
Question G	11- 2-1993	6.7
Question H	11- 2-1993	9.13
Question I	11- 2-1993	9.5
Question J	11- 2-1993	10.1, 10.2
		13.15
O-2010-66(Ord.)	11- 4-2008 Added	15.1—15.20

Question 300	11- 6-2012 Added	Art. XVI, §§ 16.1—16.4

LONGMONT
FAIR CAMPAIGN PRACTICES ACT

LONGMONT MUNICIPAL CODE
CHAPTER 2.04
SECTIONS 201 THROUGH 214

Adopted as Ordinance O-2000-36 on July 11, 2000
Amended with Ordinance O-2009-12 on March 10, 2009
Amended with Ordinance O-2009-28 on June 23, 2009
Amended with Ordinance O-2010-03 on January 26, 2010
Amended with Ordinance O-2010-49 on October 26, 2010
Amended with Ordinance O-2011-32 on June 14, 2011
Amended with Ordinance O-2019-28 on April 23, 2019

LONGMONT FAIR CAMPAIGN PRACTICES ACT
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LONGMONT FAIR CAMPAIGN PRACTICES ACT
Longmont Municipal Code Sections 2.04.201 through 2.04.214
Last amended date: April 23, 2019 (effective May 6, 2019)

2.04.201. -2.04.201. - Short title.

Sections 2.04.201 through 2.04.214 of this Code shall be known and may be cited as the "Longmont Fair Campaign Practices Act."
(Code 1993, § 2.04.201; Ord. No. O-2000-36, § 1)

2.04.202. - Legislative declaration.

The people of the City of Longmont find and declare that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.
(Code 1993, § 2.04.202 ; Ord. No. O-2000-36, § 1; Ord. No. O-2010-49, § 2, 10-26-2010)

2.04.203. - Definitions.

As used in this Act:

"Agent" means a person acting on behalf of a candidate, candidate committee, issue committee or political committee, including, but not limited to, professional fundraisers, campaign managers, designated spokespersons, and treasurers.

"Candidate" means any person who seeks nomination or election to any City of Longmont public office that is to be voted on at any municipal election.

1. A person is a candidate for election if the person has publicly announced an intention to seek election to public office.

2. A person who seeks to be retained in the office of municipal judge under the Longmont Municipal Charter and any person who seeks to be retained in office in a recall election is a candidate.

3. A person remains a candidate for purposes of this Act as long as the candidate maintains a registered candidate committee.

"Candidate committee" means a person, including the candidate, or persons acting under the authority of a candidate. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the city clerk.

"Conduit" means a person who transmits any contribution from another person directly to a candidate or candidate committee. The following shall not be considered a conduit:

1. The contributor's immediate family members who make contributions.

2. The candidate or the agent(s) of the candidate committee receiving the contribution.

3. A volunteer fundraiser hosting an event for a candidate committee, but only for the duration of the event.

4. A professional fundraiser retained by the candidate, candidate committee, issue committee or political committee, if the fundraiser is compensated at the usual and customary rate.

5. A political committee.

“Contribution” means any gift; subsidy; loan; reduction or forgiveness of indebtedness; any advance, payment or deposit of money; or anything of value made by any person, including an in-kind contribution, for the purpose of influencing any election for public office or an election on a ballot measure. "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee or issue committee.

1. “In-kind contribution” means the fair market value of any gift or loan of property without compensation for the purpose of influencing an election. Volunteer work hours shall not be considered an in-kind contribution.

“Distributed” means broadcast by television, radio, Internet, cable or satellite; printed in a newspaper or on a billboard; directly mailed or delivered by hand to personal residences or otherwise disseminated.

“Election cycle” means the period of time beginning 31 days following a regular city election and ending 30 days following the next regular city election.

“Election year” means each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot as part of a municipal election.

“Electioneering communication” means any communication which is distributed that:

1. Refers to a clearly identified candidate. The candidate is considered to be "clearly identified" if the candidate's picture appears or the candidate's identity is apparent by clear reference; and

2. Is distributed within 90 days before a city election or special election; and

3. Is distributed to an audience that includes members of the electorate for such public office.

The following shall not be considered an "electioneering communication":

1. Any news articles, editorial endorsements, opinion or commentary writings, including all electronic communication, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate, or agent of a candidate committee or political committee;

2. Any endorsements or opinions aired by any broadcast facility, including cable or satellite not owned or controlled by a candidate or agent of a candidate committee or political committee; or

3. Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

4. A communication which constitutes an independent expenditure.

“Expenditure” means the payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of influencing the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement, purchase order, or written estimate requiring such spending.

The following shall not be considered an "expenditure":

1. Any news articles, editorial endorsement, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party.

2. Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party.

3. Spending by persons, other than political parties, political committees and issue committees, in the regular course and scope of their business or payments by a membership organization for any communication solely to members and their families.

4. Any transfer by a membership organization of a portion of a member's dues to a political committee sponsored by such membership organization, or payments made by a corporation or labor organization for the costs of establishing, administering, or soliciting funds from its own employees or members for a political committee.

“Expressly advocating” means promoting the election or defeat of a candidate through the use of explicit phrases, including but not limited to: "vote for", "elect", "support", "vote against", "defeat" or "reject".

“Independent expenditure” means any expenditure made for the purpose of expressly advocating the election or defeat of a candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or in coordination with, or at the request or suggestion of, a candidate, candidate's agent or candidate's committee.

1. Expenditures that are controlled by or coordinated with a candidate's agent are deemed to be both contributions by the maker of the expenditures and expenditures by the candidate committee.

“Issue committee” means: 1) two or more persons who are elected, appointed, or chosen, or have associated themselves for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question, and 2) that have accepted contributions or made expenditures of $5,000.00 or more during an election cycle or special election cycle. "Issue committee" does not include political committees or candidate committees. A married couple shall not be considered an "issue committee."

“Person” means any natural person, partnership, committee, association, corporation, labor organization, or other organization or group of persons.

“Political committee” means two or more persons who are elected, appointed, or chosen, or have associated themselves for the purpose of making contributions to candidate committees, issue committees, or other political committees, or for the purpose of making independent expenditures. "Political committee" does not include issue committees, candidate committees, or married couples.

For purposes of this Act, the following constitute a single political committee:

1. All political committees established by a single corporation or its subsidiaries;

2. All political committees established by a single labor organization unless the political committee is established by a local unit of the labor organization which has the authority to endorse candidates independently of the state and national units and if the local unit contributes funds raised only from its members;

3. All political committees established by substantially the same group of persons.

“Principal place of operations” means the primary geographical location of the committee. When a committee does not have a primary geographical location from which it operates, the street address listed on the registration shall be the street address of the registered agent.

“Registered agent” is the natural person who has filed with the city clerk for receiving mailings and filing reports on behalf of a candidate committee, issue committee or political committee, addressing concerns and responding to inquiries pursuant to sections 2.04.207 and 2.04.208 below, and any other pertinent requirements concerning the committee.

“Special city election” is an election called by resolution of the city council at least 30 days in advance of such election.

“Special election cycle” means the period of time from the day that city council passes a resolution calling the special election and ending 30 days following such election.

"Unexpended campaign contributions" means the balance of funds on hand in any candidate committee, issue committee or political committee at the end of any election cycle. *(Code 1993, § 2.04.203 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 1; Ord. No. O-2010-49, § 3, 10-26-2010; Ord. No. O-2011-32, § 3, 6-14-2011)*

2.04.204. - Contributions.

A. No person shall act as a conduit for a contribution.

B. Notwithstanding any other section of this Act to the contrary, a candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

C. All contributions received by a candidate committee, issue committee or political committee shall, within seven business days after receipt, be deposited in a financial institution in a separate account whose title shall include the name of the committee. All records pertaining to such accounts shall be maintained by the committee for 90 days following any municipal election in which the committee received contributions unless a notice of violation is issued by the city clerk for a violation of this Act, in which case they shall be maintained until final disposition of the violation and any consequent litigation. Such records shall be subject to inspection at any hearing held under this Act. *(Ord. No. O-2019-28, §2, 04-23-2019)*

D. No candidate committee, political committee or issue committee shall accept a contribution, or make an expenditure, in currency or coin exceeding $100.00.

E. No person shall make a contribution to a candidate committee, issue committee or political committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee or political committee, nor shall any person make such reimbursement except as provided in subsections B. and G. of this section.

F. Contribution limits.

1. No person shall contribute more than $240.00 to any one candidate committee for an election or special election, except that this limit shall not apply to contributions by a candidate to the candidate's own committee.

2. Commencing with the election cycle that begins two years after the effective date of the ordinance from which this section is derived, and every two years thereafter, the contribution limits set forth in this subsection shall increase by adding an inflationary adjustment, rounded to the nearest ten dollars, which shall be equal to the inflation increase as defined by the Consumers Price Index for All Urban Consumers for the Denver-Boulder-Greeley Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics or its successor ("CPI"). If publication of the CPI is discontinued, any similar index published for the Longmont area and recognized by the financial community as a substitute for the CPI shall be used in its place. In no event shall the contribution limits be decreased. *(Ord. No. O-2019-28, §2, 04-23-2019)*

G. Notwithstanding any other provision of this Act, a candidate may make a monetary loan to the candidate's own candidate committee at zero percent interest pending the receipt of contributions. The candidate must file with the city clerk either a promissory note or a report on a form provided by the city clerk setting forth the amount of the loan. On or before the date that the candidate committee is closed, the candidate must file a report with the city clerk setting forth the amount, if any, of the loan that has been converted into a contribution.
(Code 1993, § 2.04.204 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 2; Ord. No. O-2010-49, § 4, 10-26-2010)

2.04.205. - Unexpended campaign contributions.

A. 1. Unexpended campaign contributions to a candidate committee may be donated to a charitable organization recognized by the Internal Revenue Service, returned to the contributors, retained by the committee for use by the candidate in a subsequent campaign, or contributed to a new candidate committee established by the same candidate for a different elected municipal office in Longmont if the existing candidate committee making such a contribution is affirmatively closed by the candidate not later than ten days after the date such a contribution is made under the restrictions set forth in subsection B. of this section. In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate. *(Ord. No. O-2019-28, §3, 04-23-2019)*

2. In addition to any use described in subsection A.1. of this section, a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

a. Voter registration;

b. Political issue education, which includes obtaining information from or providing information to the electorate;

c. Postsecondary educational scholarships;

d. To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

e. Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

B. Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as unexpended campaign contributions in any subsequent election for purposes of section 2.04.207.A. of this chapter no matter how those contributions were originally classified. Unexpended campaign contributions shall not be counted towards the contribution limits set forth at section 2.04.204 of this chapter.

C. Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

D. This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to the passage of this Act to a candidate committee registering after passage of this Act under section 2.04.207 of this chapter.
(Code 1993, § 2.04.205 ; Ord. No. O-2000-36, § 1; Ord. No. O-2010-49, § 5, 10-26-2010)

2.04.206. - Independent expenditure disclosure.

A. Any person making one or more independent expenditures totaling in excess of $250.00 shall be required to file a report of such expenditure(s). Such reports shall be filed with the city clerk on the first day of the month following the expenditure; or if within sixty days of an election, on the sixtieth day, thirtieth day, twenty-first day, fourteenth day or on the Wednesday before or 30 days after the election in election years, or on May 1 or November 1 in off-election years. Independent expenditure reports shall include the amount of such expenditure, a detailed description of the use of such independent expenditure, shall specifically state the name of the candidate whom the independent expenditure is intended to support or oppose, and shall be delivered to the city clerk. *(Ord. No. O-2019-28, §4)*

B. Any person making an independent expenditure in excess of $250.00 shall disclose in the communication produced by the expenditure, the full name of the person making the independent expenditure and the specific statement that the advertisement or material is not authorized by any candidate. Such disclosure shall be prominently featured in the communication.
(Code 1993, § 2.04.206 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 3; Ord. No. O-2010-03, § 1, 1-26-2010; Ord. No. O-2010-49, § 6, 10-26-2010)

2.04.206.5. - Electioneering communication disclosure.

A. Electioneering communications shall clearly state the full name of the person making the expenditure. Such disclosure shall be prominently featured in the electioneering communication. *(Ord. No. O-2019-28, §, 5, 04-23-2019)*

B. Electioneering communications shall clearly state whether the communication has been authorized by a candidate, candidate committee or agent, or made in cooperation with or with the prior consent of, or in consultation or coordination with, or at the request or suggestion of, a candidate or candidate's committee, or its agents. Such disclosure shall be prominently featured in the electioneering communication.
(Ord. No. O-2010-49, § 7, 10-26-2010; Ord. No. O-2019-28, §5, 04-23-2019)

2.04.207. – Disclosures and reporting.

A. All candidate committees, political committees, and issue committees shall report to the city clerk the balance of funds at the beginning of the reporting period, all contributions received, including the name and address of each person who has contributed $50.00 or more per election year; expenditures made; unexpended campaign contributions; obligations entered into by the committee or candidate, including expenses incurred but not yet paid, and the name and address

of the financial institution used by the committee. All candidates and committees shall file such reports, whether or not contributions have been received.

1. Reports of contributions and expenditures filed by issue committees shall be prospective only. Contributions received and expenditures made prior to reaching the $5,000.00 threshold set forth in the definition of issue committee are not required to be reported. Contributions received and expenditures made after reaching the $5,000.00 threshold shall be reported in accordance with this Act.

2. Such reports shall be filed with the city clerk on the sixtieth day, thirtieth day, twenty-first day, fourteenth day and on the Wednesday before and 30 days after the election in election years, and on May 1 and November 1 in off-election years. Open candidate committees from prior election years shall file a report within five days after the candidate publicly declares his or her candidacy for the current election.

3. Any person who publicly announces their intention to become a candidate prior to the statutorily defined period for circulating petitions, shall file a contributions and expenditures report on the first of every month until the city clerk certifies their nomination petition sufficient. Once certified by the city clerk, the candidate will follow the reporting schedule outlined in this section.

4. All reports filed with the city clerk shall be subject to the following:

a. The reporting period for all reports required to be filed with the city clerk shall close two calendar days before the effective day of filing.

b. The reporting period for the report due 30 calendar days after a regular municipal election shall close on the last day of the calendar month in which the election was held.

c. The reporting period for the report due 30 calendar days after a special municipal election shall close 25 calendar days after the date on which such election was held.

B. All candidate committees, political committees and issue committees shall register with the city clerk before accepting or making any contributions. Registration shall include a statement listing:

1. The committee's full name, spelling out any acronyms used therein;

2. A natural person authorized to act as a registered agent and up to four other agents;

3. A street address and telephone number for the principal place of operations;

4. A mailing address of the principal place of operations to which correspondence with the committee is to be directed, if different than the street address;

5. All affiliated candidates and committees;

6. The purpose or nature of interest of the committee.

C. Any political committee whose purpose is the recall of any elected official shall file a statement of organization with the city clerk within ten business days of receiving its first contribution. Reports of contributions and expenditures shall be filed with the city clerk within 15 days of the filing of the statement of organization and every 30 days thereafter until 60 days before the recall election, at which point a report shall be filed 60 days, 30 days, 21 days, 14 days and the Wednesday before the recall election and 30 days following the recall election.

D. Upon a request from the city clerk, all candidate and issue committees shall, within one business day, provide documentation for all expenditures and obligations entered into by such committee, including expenses incurred but not yet made, including the date of the transaction or agreement, items contracted for and the amount of the expenditure. All documentation shall be contemporaneous with the transaction or agreement and may include, but is not limited to, contracts, estimates, receipts and purchase orders.

E. Persons associated for the purpose of obtaining signatures on an initiative or referendum petition shall file one report of their contributions and expenditures 30 days after the city clerk approves the form of the petition. The report shall be filed in accordance with the provisions of section 2.04.208 below.
(Code 1993, § 2.04.207 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 4, 3-10-2009; Ord. No. O-2009-28, § 2, 6-23-2009; Ord. No. O-2010-49, § 8, 10-26-2010; Ord. No. O-2011-32, § 4, 6-14-2011; Ord. No. O-2019-28, §6, 04-23-2019)

2.04.208. - Filing—Where to file—Timeliness.

A. All reports required to be filed by this Act shall be filed with the Longmont city clerk.

B. There shall be no charge to file a report that is timely filed. Any report not filed in accordance with this Act shall be a violation of this Act. (*Ord. No. O-2019-28, §7, 04-23-2019)*

C. In addition to any other reporting requirements of this Act, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of C.R.S. § 24-6-203.

D. All reports required by this Act are public records and shall be open to inspection by the public during regular business hours. All reports shall be accessible to the public electronically on the city's website within 24 hours after they are filed. Any report which is deemed to be incomplete by the city clerk shall be accepted on a conditional basis and the candidate and committee treasurer shall be notified by mail as to any deficiencies found. The candidate or committee treasurer shall have seven business days from mailing of such notice to file an addendum that cures the deficiencies.
(Code 1993, § 2.04.208 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 5, 3-10-2009; Ord. No. O-2010-49, § 9, 10-26-2010; Ord. No. O-2019-28, §7, 04-23-2019))

2.04.208.5. - Computation of time.

A. If the reporting day for reports required by this Act falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

B. The deadline for all reports required by this Act shall be close of business on the date due. Reports may be filed electronically, including by facsimile or email, and are timely if received by the city clerk not later than the close of business on the due date only if an original of the report is received by the city clerk within seven days of the due date.

C. Unless this Act uses the term business day, all computations of time shall be based on calendar days.

D. In computing any period of time prescribed or allowed by this Act, including the computation of the number of days of a violation of this Act, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included. *(Ord. No. O-2010-49, § 10, 10-26-2010; Ord. No. O-2019-28, §8, 04-23-2019)*

2.04.209. - Candidate affidavit.

A. When any individual becomes a candidate, such individual shall certify, by affidavit filed with the city clerk within ten days, that the candidate is familiar with this Act.

B. If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with this section after the withdrawal or defeat. *(Code 1993, § 2.04.209 ; Ord. No. O-2000-36, § 1)*

2.04.210. - Duties of city clerk.

The city clerk shall:

A. Develop forms for reports and statements required by this Act and a filing and indexing system for the city clerk's office consistent with the purposes of this Act; (*Ord. No. O-2019-28, §9, 04-23-2019)*

B. Keep a copy of any report or statement required to be filed by this Act for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

C. Make reports and statements filed under this Act available to the public for inspection and copying no later than 24 hours after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

D. Upon request by the secretary of state, transmit records and statements filed under this Act to the secretary of state;

E. Notify any person under the city clerk's jurisdiction who has failed to fully comply with this Act; (*Ord. No. O-2019-28, §9, 04-23-2019)*

F. Issue notice for violations of this Act and forward timely requests for hearings to the Longmont Municipal Court.

(Code 1993, § 2.04.210 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 6, 3-10-2009; Ord. No. O-2010-49, § 11, 10-26-2010; Ord. No. O-2019-28, §9, 04-23-2019)

2.04.210.5. - Reserved.

Editor's note— Section 12, of Ord. No. O-2010-49, adopted Oct. 26, 2010, repealed § 2.04.210.5, which pertained to the election committee and derived from Ord. No. O-2009-12, adopted Mar. 10, 2009.

2.04.211. - Violations and civil fines.

A. Issuance of notice of violation(s).

1. If the city clerk determines that any person has violated any provision of this Act, the city clerk shall issue a notice of violation to such person by personal service or regular mail. No notice of violation may be issued more than 90 days after the election in an election year, or more than 90 days after the required date of filing of any report required to be filed by this Act in an off election year. The notice of violation shall include the following information:

a. The section or sections of the Act the person violated and a general description of the violation(s).

b. Notification to cure the violation no later than seven business days from the date of the notice of violation.

c. The appropriate civil fine for each violation, except that no such fine shall be due or payable if the person cures the violation within seven business days of the date of the notice of violation.

d. A notice in substantially the following form:

Notice of Violation of the Longmont Fair Campaign Practices Act

You have violated the provisions of the Longmont Fair Campaign Practices Act referred to above. You have seven business days from the date of this notification to cure the violation. If you do not cure the violation within seven business days, or pay the fine, or contest the violation within 14 days of the date of issuance of the violation, an additional fine will be assessed and this item will be referred to the City Attorney's office for collections. You may pay the fine by bringing it or mailing it to the City Clerk's Office, 350 Kimbark St., Longmont, CO, 80501.

IF YOU WISH TO CONTEST THE VIOLATION, you must file a written request for a hearing with the city clerk's office within 14 days of the date of the notice of violation. The hearing shall be held by the Longmont Municipal Court. You will be notified of the date

of the hearing by the Court within 30 days of the request. You have the right to be represented by an attorney at the hearing.

2. In the event the violation cannot be cured by complying with the reporting requirements in this Act, the person shall propose an alternative resolution to cure the violation to the city clerk. The city clerk shall have the discretion to accept, recommend an alternative, or decline the proposed alternative resolution. Acceptance of an alternative resolution by the city clerk is deemed to be a cure of the violation if made within seven business days of the date of the notice of violation.

3. If the person fails to cure the violation, the person shall, within 14 days of the date of the notice of violation, either pay the fine or contest the violation by requesting a hearing in writing. The person shall pay the fine or request a hearing by bringing or mailing the payment or written request for a hearing to:

City Clerk's Office
350 Kimbark Street
Longmont, CO, 80501
Attn: City Clerk

Upon timely receipt of a written request for a hearing, the city clerk shall forward the request to the Longmont Municipal Court which shall, within 30 days of the request, notify the person of the date of the hearing.

B. Hearing. Upon a timely request for a hearing, the Longmont Municipal Court shall conduct the hearing. If the violation is proved by a preponderance of the evidence, the Court shall affirm the violation and issue a civil judgment for a fine in accordance with this Act. If the Court affirms the violation, the Court may increase or reduce the amount of fine imposed by the city clerk upon a finding of good cause or excusable neglect based on evidence presented during the hearing and any other lawful consideration, except that the maximum total combined fine for all violations considered in a particular appeal shall not exceed $999. If the notice of violation is affirmed in whole or in part, the Court shall also assess costs in the amount of $50.00 plus $5.00 for each subpoena issued on behalf of any party to the hearing.

C. Civil fines. Civil fines for violations of this Act are set forth below. Candidates shall be personally liable for fines imposed against the candidate's committee. Failure to comply with this Act shall have no effect on the validity of any election. In no event shall the maximum total combined fines for all violations of this section by a single person, candidate, or committee during a single election cycle exceed $999.

1. Failure to file a report required by this Act, other than independent expenditures, if not cured within 7 business days of notice of violation issued by the city clerk: $400.00.
2. Failure to file a report for independent expenditures: $200.00.
3. After notification by the city clerk, failure to cure a report/violation within the specified time period: $499.00.

4. Accepting contributions in excess of the amounts allowed by this Act: $400.00, except that it shall not be considered a violation if the candidate or issue committee returns the contribution within 72 hours of its receipt. Each such contribution accepted in excess of the amounts allowed by this Act shall be a separate violation.
5. Acting as a conduit in violation of this Act: $400.00 for each violation.
6. Failing to disclose a contribution or expenditure, including obligations entered into by the committee: $100.00 for each violation.
7. Failure to timely file a candidate affidavit: $100.00.
8. Failure to file a candidate committee, political committee or issue committee statement of registration: $100.00.
9. Failure to deposit funds in a separate account in a financial institution: $100.00.
10. Accepting coin or currency in excess of the limits set by this Act: $50.00 per violation.
11. Use of unexpended campaign funds in violation of this Act: $400.00.
12. Encouraging withdrawal from a campaign: $499.00.
13. Any violation of this Act not otherwise set forth herein: $100.00 per violation.

D. The city clerk shall reconcile all fines issued during an election cycle, including any judgment entered by the Court, and adjust the amount due such that no single person, candidate, or committee owes more than $999.00 during a single election cycle.

E. Collection of civil fines. If the civil fine is not paid when due or upon entry of a civil judgement by the municipal court, the city may commence procedures to collect the fine, including referral to the city attorney's office for commencement of a civil action to collect the fine. A person found to be in violation of this Act shall be responsible for all costs of collection, including reasonable attorney’s fees.

F. Judicial review. All decisions by the municipal court shall be final subject only to judicial review pursuant to Colorado Rules of Civil Procedure 106(A)(4).
(Code 1993, § 2.04.211 ; Ord. No. O-2000-36, § 1; Ord. No. O-2009-12, § 7; Ord. No. O-2010-49, § 13, 10-26-2010; (*Ord. No. O-2019-28, §10 amending all of 2.04.211, 04-23-2019)*

2.04.212. - Expenditures—Political advertising—Rates and charges.

No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a different charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly. Nothing in this Act shall be construed to prevent an adjustment in rates related to frequency, volume, production costs and agency fees if such adjustments are offered consistently to other advertisers.
(Code 1993, § 2.04.212 ; Ord. No. O-2000-36, § 1; Ord. No. O-2010-49, § 14, 10-26-2010)

2.04.213. - Encouraging withdrawal from campaign prohibited.

No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.
(Code 1993, § 2.04.213 ; Ord. No. O-2000-36, § 1)

2.04.214. - Severability.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and, to this end, the provisions of this Act are declared to be severable.
(Code 1993, § 2.04.214 ; Ord. No. O-2000-36, § 1)

CITY COUNCIL
RULES OF PROCEDURE

LONGMONT, COLORADO

Published:

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CITY COUNCIL
CITY OF LONGMONT, COLORADO
RULES OF PROCEDURE
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RULE 1 ORDER OF BUSINESS. The following orders of business shall apply to meetings of Council, unless it is specifically determined by majority vote of Council that a different order is on any occasion required to serve the convenience of the public attending:

REGULAR SESSIONS

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. CHAIR REMINDER TO PUBLIC THAT:

1. those wishing to speak at "First Call - Public Invited To Be Heard" shall add their names to the list since only those on the list will be invited to speak at the first session; and

2. speakers who do not place their names on the list will have the opportunity to speak at public hearing items for that evening (if pertinent to the public hearing topic) or at "Final Call - Public Invited To Be Heard" (any item).

D. CORRECTION AND APPROVAL OF REGULAR MEETING MINUTES

E. AGENDA REVISIONS, SUBMISSION OF DOCUMENTS, AND MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS

F. CITY MANAGER'S REPORT

G. SPECIAL REPORTS AND PRESENTATIONS

H. FIRST CALL - PUBLIC INVITED TO BE HEARD

I. CONSENT AGENDA AND FIRST READING, BY TITLE, OF ORDINANCES

J. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER

K. CARRY-OVER BUSINESS AS IDENTIFIED FOR PRIORITY PLACEMENT

L. ITEMS REMOVED FROM CONSENT AGENDA

M. GENERAL BUSINESS

N. OTHER BUSINESS

O. FINAL CALL - PUBLIC INVITED TO BE HEARD

P. MAYOR AND COUNCIL COMMENTS

Q. CITY MANAGER REMARKS

R. CITY ATTORNEY REMARKS

S. ADJOURN

STUDY SESSIONS

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS

D. PUBLIC INVITED TO BE HEARD

E. GENERAL BUSINESS

F. MAYOR AND COUNCIL COMMENTS

G. CITY MANAGER REMARKS

H. CITY ATTORNEY REMARKS

I. ADJOURN

RULE 2 BASIC PARLIAMENTARY PROCEDURE.

A. The Mayor is elected by the people to serve as a voting member of Council, and unless otherwise disqualified, must vote on all questions, even those appealing the ruling of the Chair. The Mayor, Mayor Pro Tem, or other designated Council member in their absence shall, however, serve as the presiding officer or Chair in the conduct of meetings.

B. Motions may be amended only to the third degree, that is, only one amendment to an amendment is permitted. A substitute motion is considered an amendment.

RULE 3 ADDRESSING THE COUNCIL. At all times, the discussions and motion of the Council and remarks of members of the public shall be directed to the Chair, and shall be preceded by recognition from the Chair.

RULE 4 GENERAL DISCUSSION.

A. Limitation on Debate: A member of Council shall be permitted to speak only once on the subject under discussion, limited to the matter at hand, until all other members of the Council desiring to speak have been heard. The Chair may set a time limit on any such discussion of members of Council.

B. If a matter requires a vote by roll call, it shall not be in order for members of Council to explain their vote during the roll call. Such explanation is, however, permitted during the discussion of the question.

RULE 5 CITIZEN PARTICIPATION.

A. The Longmont Charter, § 3.9, guarantees citizens and employees a reasonable opportunity to be heard at each regular and special City Council meeting. To implement that right, any person may speak to the Council on any matter, whether scheduled for public hearing or not. The City Clerk shall prominently post a speakers' list form outside the Council Chambers, at least fifteen minutes before each Council meeting. Immediately before the "First Call - Public Invited to Be Heard", the Clerk will tally the number of speakers for "First Call - Public Invited to Be Heard" and submit the list to the Chair. Speakers have the right to speak at scheduled public hearings, and during the "public invited to be heard" segments of Council meetings. Except for scheduled public hearings, those wanting to speak shall list their names on a speakers' list, showing the topics (including agenda item number(s), if any) on which they want to speak. At the "First Call - Public Invited to Be Heard", the Chair shall call to speak those listing consent agenda and general business items, and topics not on the Council meeting agenda. Speakers shall address other matters as the Chair recognizes them at public hearings, or at "Final Call - Public Invited to Be Heard" (regular session meetings only). Speaking at a called public hearing and at "Final Call - Public Invited to Be Heard" (regular session meetings only) requires no listing on the speaker's list.

B. The Chair, consistent with these Rules, may regulate the time for public participation, and may require that each speaker's comments pertain to the subject under discussion. The Chair may restrict cumulative or redundant presentations. Speakers may not assign their time to others.

C. No speaker shall speak longer than three minutes, except:

1. A staff member making a presentation to the Council;

2. Others invited by the City Council or City Manager to make presentations, or to answer Council questions; and

3. When the Council suspends these Rules.

D. Those attending Council meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Council. The Chair may take any reasonable steps to maintain the order and dignity of Council meetings.

RULE 6 METHOD OF VOTING. Except as otherwise provided by Charter or Council, voting on all matters shall be recorded on the electric ballot board in Council Chambers. Each Council member shall activate his or her private voting switch prior to the Mayor activating the master switch. The Chair shall announce the result of the ballot, which shall be placed in the minutes of the meeting by the Clerk.

RULE 7 ABSTAINING FROM VOTE. If a member of Council has a personal, financial or other conflict of interest, or appearance thereof which would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Council member to require abstention, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by Council, and the abstaining Council member shall then physically remove himself or herself from the placement of Council sitting as a body. Upon full disclosure of the basis for announced abstention, the requesting Council member may, however need not, request that the Council vote on the propriety and necessity of abstention.

RULE 8 TEMPORARY CHAIR. In the case of the absence of the Mayor and Mayor Pro Tem, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, Council shall proceed to elect, by a majority vote of those present, a Chair of the meeting, to act until the Mayor or Mayor Pro Tem appears.

RULE 9 RIGHT OF FLOOR. When recognized by the Chair, a member of Council shall confine himself or herself to the question under debate, and in order to ensure the dignity of the proceedings, avoid personal insult and refrain from impugning the motives of any fellow Council member's argument or vote.

RULE 10 RIGHT OF APPEAL. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his or her ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Aye," the ruling of the Chair is sustained, otherwise it is overruled.

RULE 11 MAKING MOTIONS. The presiding officer will have the same rights and privileges of making motions as any other members. A majority vote of those in attendance, unless otherwise noted, shall decide all questions. No motion for formal final action or for establishing a position of the City shall be made during Mayor and Council comments.

RULE 12 PRECEDENCE OF MOTIONS. When a question is before the Council, no motion shall be entertained except: (a) to fix the hour of adjournment, (b) to adjourn, (c) to recess, (d) to lay on the table, (e) for the previous questions, (f) to postpone to a certain day, (g) to refer, (h) to amend, and (i) to postpone indefinitely. These motions shall have precedence in the order indicated. The following motions shall NOT be debatable: "Call for Motion", "Motion to Adjourn" and "Motion to Table."

RULE 13 MOTION TO ADJOURN, POLICY OF ADJOURNMENT. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

In order to facilitate the convenience of the public and Council, whenever practicable, it shall be the policy of Council to adjourn at 11:00 P.M., and that items not under present consideration be continued and not be called for consideration after such hour.

RULE 14 MOTION TO LAY ON TABLE. A motion to lay on the table shall preclude all amendments or debates of the subject under consideration. The motion to lay on the table carries no time element. A tabled motion can be called from the table at any time.

RULE 15 DIVISION OF QUESTION. If the question contains two or more divisible parts or propositions, the Chair may, on its own motion or upon request of any member of Council, divide the same.

RULE 16 MOTION TO AMEND AN ORDINANCE OR RESOLUTION. A motion to amend an ordinance or resolution shall be made with such specificity to ensure that City staff can accurately make the amendments. Where appropriate, the motion to amend will state the words proposed to be stricken out and those to be inserted, and include reference to the applicable page and line number(s) in the Council agenda packet where such amendments are to be made.

RULE 17 MOTION TO POSTPONE. A motion to postpone definitely carries a time limit to a date certain, can be debated as to the merits of postponement, and may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

RULE 17.5 MOTION INSTRUCTING THE CITY MANAGER OR CITY ATTORNEY. Unless such duty is imposed by the Charter, ordinances of the City or otherwise by operation of law, direction to the City Manager or City Attorney to take action on behalf of the City Council shall be made pursuant to motion duly made, seconded, and approved by the majority of the quorum of Council made at a regular or specially called meeting, or at a study session of Council, unless such direction is intended to implement the final action or position of the City, in which event such direction shall be given at a regular or specially called session of Council.

RULE 18 VOTING REQUIREMENT. Every participating member of Council shall be required to vote, unless excused for cause by consent or vote of the Council.

RULE 19 RECONSIDERATION. After the decision on any question, any member who voted with the prevailing side may move to reconsider the decision at the same meeting or at the next meeting at which Rule 25 permits final or official action on the subject question.

RULE 20 ANONYMOUS COMMUNICATIONS. Unsigned written or anonymous communications shall not be introduced or considered by the Council.

RULE 21 AMENDMENT OF RULES. Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular session and shall be acted upon no sooner than at the next meeting of Council as an agenda item or new business. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.

RULE 22 RESOLUTIONS. All resolutions considered by Council shall be in written form. Any member of Council wishing to introduce a resolution which has not been previously reduced to writing, may request the indulgence of the Chair for ten minutes to allow him or her to prepare his or her resolution in written form. Upon the resolution thus being presented in writing, it may then be put to a vote of Council.

RULE 23 REPRESENTING CITY. No member of Council, employee of the City, or Council appointee shall state a position or policy of the City until said position or policy has been adopted by affirmation or resolution of Council. No restraint on individual expression is hereby intended, so long as the narrator clearly indicates that the position expressed is his or her individual opinion and not the position or policy of the City.

RULE 24 AGENDA

A. Consistent with Rule 1, the Agenda shall be set by the City Manager and may be augmented

or modified by the Mayor. The Agenda may also be augmented by majority vote of the City Council to direct the City Manager to place an item on a future Agenda. The Agenda shall be made available to the public upon request, and shall generally be distributed immediately prior to each meeting.

B. One copy of the agenda and work packet (excluding information regarding personnel or other material constituting legally privileged communications) shall be sent to the Public Library for public information.

C. Members of Council shall generally be provided the agenda and work packet no later than the Tuesday preceding any regularly scheduled meeting. Agenda items and substantive information not involving unforeseen emergency and not included in the packet as timely provided shall not be considered unless Council, by motion, determines to consider same, which motion shall not be debatable.

RULE 25 MEETINGS.

A. The regular session for the City Council shall be set for the second and fourth Tuesdays of each month at 7:00 P.M.

B. Study sessions shall be set for the first, third and any fifth Tuesdays of a month at 7:00 P.M. In the interest of efficiently conducting Council business, the Mayor or City Manager may, with reasonable advance notice to the Council and the public, cancel any study session. As applicable, rules of procedure for study sessions shall be the same as for regular sessions. Except motions instructing the City Manager or City Attorney, the Council shall take no final or official action at study sessions.

C. On Tuesday nights, the period of time between 5:30 P.M and 7:00 P.M. is generally reserved for City Council executive sessions, pre-sessions, or meetings with other governmental entities. The City Manager may schedule a meeting during this reserved time period by providing notice in compliance with the Open Meetings Law.

D. At least twenty-four hours before each meeting, the City Manager or the Manager's designee shall post, in the designated public place or places within the city, notice of the meeting. At the first regular meeting of each calendar year, the Council shall, by motion, designate the place or places for posting. Postings shall include specific agenda information where possible.

RULE 25.5 EXECUTIVE SESSIONS.

A. A confidential Executive Session may be requested by the Mayor, a member of Council, the City Manager, or the City Attorney, to discuss any of the following (set forth in State of Colorado Sunshine Law):

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no Executive Session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer, or sale;

2. Conferences with an attorney for the City for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an Executive Session of the City Council is not sufficient to satisfy the requirements of this subsection;

3. Matters required to be kept confidential by federal or state law or Rules and Regulations;

4. Specialized details of security arrangements or investigations;

5. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;

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

b. The provisions of paragraph a of this paragraph 6 shall not apply to discussions concerning any member of the Longmont City Council, any elected official, or the appointment of a person to fill the office of a member of the Longmont City Council or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

7. Consideration of any documents protected by the mandatory nondisclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act".

B. Notice of the request for an Executive Session shall be delivered to each member of Council, the City Attorney and the City Manager at least 24 hours in advance of the Council session at which an Executive Session will be requested. The Notice shall be in writing and contain a brief statement of the matter to be discussed during the Executive Session. The Notice may be delivered electronically, in person, or otherwise in writing reasonably calculated to reach Council members at least 24 hours in advance of the Executive Session

C. A request to meet in Executive Session must be voted on and approved by a 2/3 majority of the Council members present before the session is commenced. The motion shall set forth the matter to be discussed during the Executive Session, including specific citation to the provision of this Rule authorizing the Council to meet in an Executive Session, and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized. Prior to the time the Council convenes in Executive Session, the Mayor shall announce the specific citation to the provision of this Rule authorizing the Executive Session as enumerated in Subsections A.1. through A.7. of this Rule.

D. The Council shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public. Discussions that occur in an Executive Session shall be recorded by making an audiotape recording, according to C.R.S. 24-6-402(2)(II)(A) and (B).

E. The record of an Executive Session of the City Council recorded pursuant to this Rule shall be retained for ninety days after the date of the Executive Session.

F. The Mayor shall act as the liaison for those present at the Executive Session. The Mayor shall be responsible for any public statements about the subject matter of the Executive Session.

RULE 26 FINANCES. The City will pay or reimburse Council members for necessary bona fide expenses incurred in service on behalf of the City if authorized, itemized and maintained as a matter of Public Record. The City will pay or reimburse Council members for travel expenses and mileage allowance according to the City's generally applicable policies governing employee travel expenses and mileage allowance. In addition, if a Council member attends a conference, convention, seminar or similar function where spouses customarily accompany attendees, the City will pay for the spouse's conference registration and the room rate differential from a single to a double room. All Council member and spouse's extracurricular activities and spouse's meals are the responsibility of the Council member.

RULE 27 BOARDS. In addition to criteria outlined in the City Charter and the Longmont Municipal Code for specific boards and commissions, the Council may adopt policies regarding boards and commissions by motion which will be recorded in this rule of procedure. The following policies have been adopted by Council and apply to all City board and commission appointments made by City Council:

A. All board and committee vacancies will be announced through the local news media before appointments are made;

B. No board or commission member appointed by City Council shall serve on more than one board at any one time;

C. No board or commission member appointed by City Council shall serve more than two consecutive terms in office. This limitation on the number of terms shall apply to terms of office beginning on or after June 24, 2008.

D. All board or commission members appointed by City Council shall remain a resident of the City during the term of their appointment.

E. All board or commission candidates shall have been both a resident of the City of Longmont and registered to vote in the City of Longmont for at least one year immediately prior to their appointment to a City board or commission.

RULE 28 ROBERT'S RULES OF ORDER. Unless the procedures are specifically set forth herein, Robert's Rules of Order, Newly Revised, shall govern the procedures applicable to all City Council meetings.

Amended on August 9, 2016; January 12, 2016; February 24, 2015; December 20, 2011; October 25, 2011; March 23, 2010.

APPROVED AS TO FORM:

Eugene Mei — 8/16/16

CITY ATTORNEY — DATE

L. Petrucci — 8/15/16

PROOFREAD — DATE

APPROVED AS TO FORM AND SUBSTANCE:

Valeria R. Skatt — 8/18/16

ORIGINATING DEPARTMENT — DATE