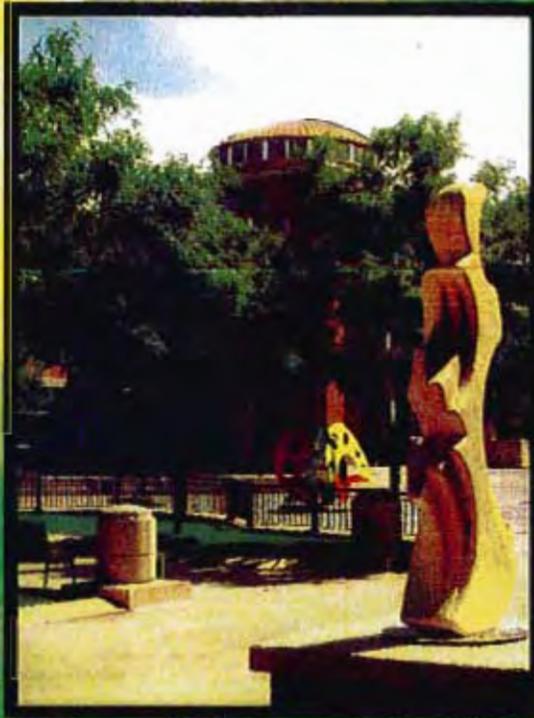




# **City of Lakewood**



## **City Council Policies & Procedures**

2009/10

2009-53

A RESOLUTION

ADOPTING THE 2009/2010 CITY COUNCIL POLICIES AND PROCEDURES

WHEREAS, Chapter 2.02, Section 2.02.020 of the City of Lakewood Municipal Code requires City Council to adopt a Policies and Procedures Manual; and,

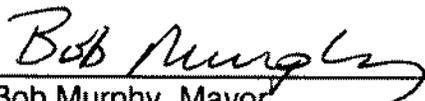
WHEREAS, City Council has reviewed the 2009/2010 Policies and Procedures Manual and agrees to the policies and procedures contained within.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

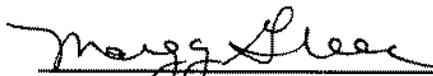
SECTION 1. The Mayor and City Council of the City of Lakewood hereby adopt the City Council Policies and Procedures Manual 2009/2010.

INTRODUCED, READ AND ADOPTED by a vote of 11 For and 0 Against at a regular meeting of the City Council on October 26, 2009, at 7 p.m., at Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.



  
\_\_\_\_\_  
Bob Murphy, Mayor

ATTEST:

  
\_\_\_\_\_  
Margy Greer, City Clerk

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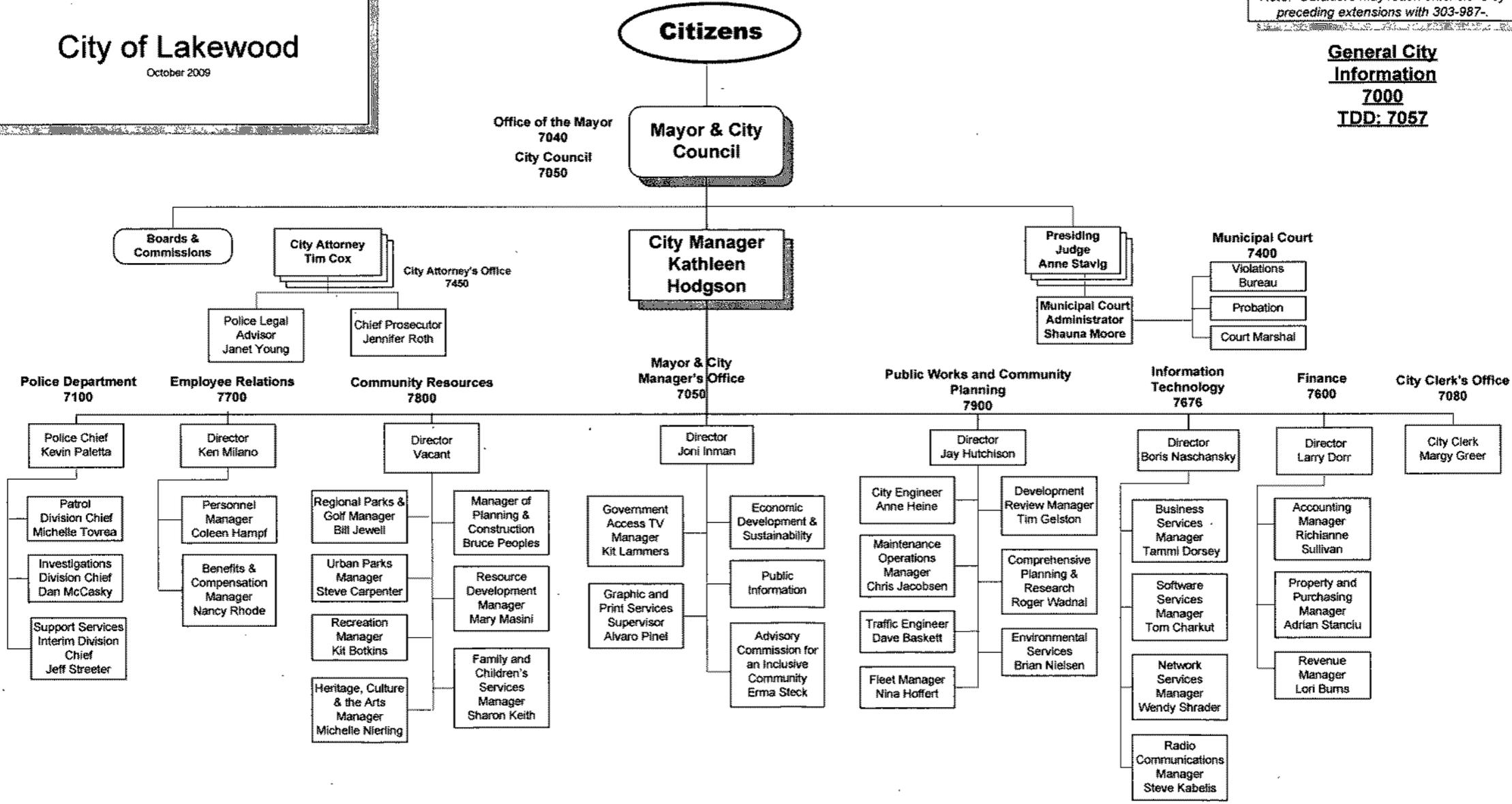
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**City of Lakewood**  
October 2009

Note: Outsiders may reach extensions by preceding extensions with 303-987-

**General City Information**  
**7000**  
**TDD: 7057**



**Council/Manager  
form of government**

## COUNCIL/MANAGER FORM OF GOVERNMENT

The City of Lakewood operates under the council/manager form of government with an elected mayor and 10 elected council members representing five different wards.

The city council is the policy-making body of the City and the city manager is the full-time professional who has the responsibility of carrying out the policies set by the council. Another way to look at this is to consider the mayor and city council members as the board of directors and the city manager as the chief executive/operating officer. The council has exclusive responsibility for making policy, the most important aspect of local government. The chief duty of the city manager is administration through the supervision of the operation of City departments.

It is often confusing to try to make a clear delineation between policy and administration because most policy recommendations come from the administration, to the city council, through the city manager. *(Example: snow removal policies are adopted by city council after recommendations to the council by the professional staff that is responsible for snow removal operations. The professional staff analyzes a situation based on service to the community, cost effectiveness of providing the service using a variety of different methods – i.e. sanding, plowing, magnesium chloride – equipment and staffing available, etc. Once all the information is received by the council, along with a professional recommendation, a policy is determined and usually enacted by ordinance. It is then the responsibility of the city manager and his staff to carry out that policy using the best practices available. Council is no longer involved in the details – i.e. how MUCH sand, when to put it down, how many people are hired to do the job.)*

Policy – What is to be done.

Administration – How to get it done.

### Role of the Mayor:

The mayor is directly elected by the voters. He/she presides over meetings and has the same rights and responsibilities of a city council member – the ability to speak his/her opinions at council meeting and to vote on issues – but has no veto power.

The mayor, however, is expected to fulfill a more significant leadership role, including performing ceremonial functions and representing the City in intergovernmental relationships at the regional, state and national levels. The mayor is most often put in the position of speaking on behalf of the entire council, through the media.

The mayor is the chairman of the city council, responsible for ensuring cohesion and respect amongst its members. He/she is considered the mediator of conflict within the council team and should demonstrate the ability to effect compromise when needed.

The mayor has routine responsibilities that include signing legal instruments and, in the case of an emergency, so declaring one and calling upon the governor for additional resources.

#### Role of the City Council Member:

City council members, while elected from within a specific ward, make decisions that impact the city as a whole and must do due diligence in ascertaining the facts of a situation and the possible impacts of their decisions before voting. Individually a council member has no more authority or power than any other resident of the city. It is only through teamwork and the ability to relate concerns and suggestions that an individual council member can positively impact public policy.

Council members, and the mayor, have been elected by constituents who chose them because they felt the candidate was the person who most closely represented their own views. There are thousands of people in each ward and it would be impossible to make policy decisions that would please everyone. Council members, as elected representatives, have been given the trust of their constituents to look at the facts, ask questions, and then make the best possible decision based on those facts.

Citizens put you in office so that they don't have to be personally involved in everything. If you don't hear from them it usually means that they trust that you are doing a good job representing them.

#### Role of the City Manager:

The City Manager has certain legal responsibilities outlined in the City Charter (preparation of the budget, hiring executive level employees, etc.) but the more significant role of an effective city manager is to serve as an advisor and consultant to the city council on policy issues.

Elected officials come and go through their positions from year to year but the professional staff is the constant in the provision of services to the public. The manager and his/her team, has significant knowledge in all aspects of municipal service and should be used as a resource by council members. The manager knows the status of finances, personnel and projects.

The manager can, and should, outline desirable community goals, but if the council cannot be convinced of the logic of the plan, the manager must adhere to the direction of the council. Only the council (as a body, not individually) can make laws and establish policies. The burden of political leadership falls squarely on the council.

One of the manager's primary responsibilities is to keep the council informed of the City's financial condition, future needs, progress on major projects, mandates from the state or federal government, and investigations involving the affairs of the City. It is the city manager's responsibility to attend all meetings of the city council and take part in the

discussions of matters being considered. This type of discussion will be more prevalent at study sessions. By the time an item gets to a formal council meeting, most of the information and discussion probably has been presented and the manager primarily serves as a clarifying resource for specific questions asked by the mayor or city council members.

The city manager, the mayor, and the city council have a very close working team relationship.

Tips for Being an Effective Representative of the People:

- 1) **Take every opportunity to learn about city policies and operations.** Attend orientation sessions, tour departments, meet with directors and the manager to examine the history behind the decisions of previous councils.
- 2) **Assume the role of public opinion leader.** The longer you are in office, the more informed you will become about the operations and long-term objectives of providing top notch, cost effective services to citizens. Because of this knowledge, there will be times when you will have to attempt to change public opinion and convince citizens that a different course of action might be in their best interests.
- 3) **Bring forth the concerns of your constituents** to the body as a whole, if you perceive them to be widespread and not case specific, and help to identify whether they represent issues that need to be examined on a citywide basis.
- 4) **Work to gain the support of your fellow council members** if you wish to propose a change in policy. You cannot affect change single handedly. Identify the problem and a potential solution and discuss it with colleagues.
- 5) **Participate in events, meetings, trainings and organizations** where you can learn from the experiences of other elected officials.
- 6) **Do your homework.** Read agendas, reports and recommendations in advance of meetings. Call staff for more information or clarification. Contact constituents who might be impacted by a decision and weigh their input along with other information. Look at what needs to be done, what the people want to be done, and what, in broad policy terms, is best to be done for the community at large.
- 7) **Read about municipal government,** attend conferences about municipal government, become knowledgeable so that you can help educate your constituents and make wise decisions on their behalf.

## **City Charter**

## CITY CHARTER

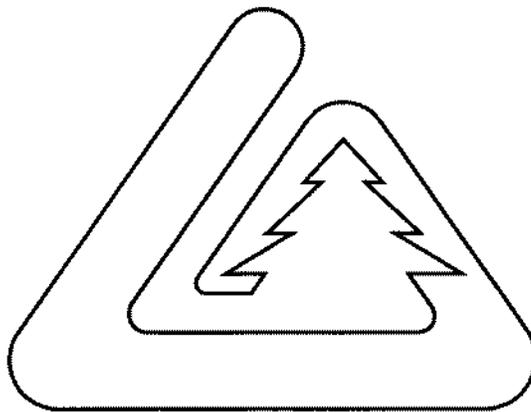
The City Charter is the first governing document we turn to for information and clarification regarding City policy.

On November 1, 1983, the citizens of Lakewood adopted a home rule Charter to guide officials in the daily operations of City functions. Among other things, this Charter established a council-manager form of government, with the City Council consisting of ten members, elected two from each of five wards with four-year overlapping terms and a Mayor elected at large, also for a four-year term. The position of City Manager, appointed by the City Council, was made the chief administrative officer. The Charter also provided for an independent municipal court with municipal judges appointed by the City Council upon recommendation of a judicial nominating committee. Subsequent to their appointment, each judge of the municipal court stands for retention in office through an election. A 1999 Amendment allowed for the appointment of part time judges by the presiding Municipal Judge.

After almost eight years of operation under the original Charter, city officials proposed five changes to clarify specific provisions in the areas of the City Council's ability to hold executive sessions, the administrative positions of City Clerk and City Treasurer, the date of the regular municipal election, the duties of the Board of Adjustment, and the notification process for annual public hearings on the city budget. These housekeeping amendments, designed to bring Lakewood into conformance with state statutes and existing city policy, were approved by the voters of Lakewood on November 5, 1991. Three additional housekeeping amendments pertaining to the qualifications for municipal office and to term limitations were approved by the voters on November 3, 1992. On November 2, 1999, voters approved three ballot questions, amending the City Charter to bring initiative and referendum procedures into conformance with state law; to clarify provisions of the personnel merit system; and to change the appointment process for part-time municipal judges and eliminate the requirement that part-time judges be subsequently retained in office by municipal election. On November 2, 2004, voters approved charter amendments pertaining to qualifications for City Council office and to change the date for regular municipal elections to coincide with TABOR elections per the Colorado Constitution.

# **CITY OF LAKEWOOD**

## **CHARTER**



**Adopted November 1, 1983**  
**Amended November 5, 1991**  
**Amended November 3, 1992**  
**Amended November 2, 1999**  
**Amended November 2, 2004**

## CITY CHARTER

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## CHARTER FOR THE CITY OF LAKEWOOD

### PREAMBLE

We, the people of the City of Lakewood, proclaiming that we are unified in the desire to achieve self-government to the fullest measure allowable under the Constitution of the State of Colorado, do ordain, establish, and adopt this Charter for the benefit of ourselves and the future citizens of the City of Lakewood.

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## ARTICLE I

### GENERAL PROVISIONS

1.1 NAME AND BOUNDARIES. The municipal corporation presently incorporated as the City of Lakewood, Colorado, shall remain and continue as a body politic and corporate under this Charter with the same name and with the same boundaries until such boundaries are lawfully changed.

1.2 POWERS. The City of Lakewood, hereafter referred to as the "City", shall have all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado. The enumeration of any particular power in this Charter shall not be deemed to exclude the exercise of any other power. All powers shall be exercised in the manner set forth in this Charter or, if not provided in this Charter, in such manner as shall be provided by ordinance or resolution of the City.

1.3 PRIOR ACTS IN FORCE. All ordinances, resolutions, rules, and regulations of the City that are in effect upon the effective date of this Charter and that are not in conflict with any provision of this Charter shall continue in full force and effect after the effective date of this Charter until repealed or amended.

1.4 FORM OF GOVERNMENT. The municipal government established by this Charter shall be the Council-Manager form of government.

ARTICLE II  
CITY COUNCIL

2.1 POWERS OF THE CITY COUNCIL. The City Council shall be the governing body of the City and shall exercise all legislative powers and functions of the City. All powers of the City not otherwise limited or conferred upon others by this Charter shall vest in the City Council.

2.2 MEMBERSHIP OF THE CITY COUNCIL. The City Council shall consist of eleven members and shall include a Mayor elected at large and ten council members elected two each from five wards as hereafter provided in this Charter.

2.3 MAYOR. The Mayor shall be a member of City Council, shall preside over meetings of the City Council, and shall have all the powers, rights, and duties of a member of the City Council, including the right to vote and speak at meetings of the City Council. The Mayor shall have no veto power. The Mayor shall be recognized as the head of the municipal government of the City for all ceremonial purposes and shall execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor shall have such other powers as may be conferred upon the Mayor by the City Council so long as those powers are not in conflict with the provisions of this Charter.

2.4 MAYOR PRO TEM. A Mayor Pro Tem shall be selected by the City Council from among its members for a term and in a manner determined by the City Council. In the event of a temporary absence of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

2.5 MAYOR VACANCY. Should the office of Mayor be vacated for any reason, the City Council shall select from its members a replacement, who shall perform all duties and have all powers of the Mayor until the next regular municipal election. Upon taking the oath of office, the person selected shall no longer serve as a ward council member, and a vacancy shall exist in the ward from which the replacement was elected. Such vacancy shall be filled in accordance with the provisions of the Charter.

2.6 TERMS OF OFFICE. (a) The terms of office of the Mayor and of each member of the City Council shall commence at the first regular meeting following the regular municipal election.

(b) The terms of office of the Mayor and of each member of the City Council shall be four years. Any person appointed or elected as the Mayor or elected as a member of the City Council who serves or has served at least one-half of a term of office shall be considered to have served a term in that office. At the first regular municipal election held after the effective date of this Charter, the Mayor shall be elected for a four-year term; the

member of City Council in each ward receiving the greatest number of votes shall serve a four-year term; and the member of City Council in each ward receiving the next greatest number of votes shall serve a two-year term. Thereafter, each member of the City Council shall be elected for a four-year term. Unless disqualified or removed from office, the Mayor and each member of the City Council shall continue in office until a successor has been elected and sworn. (Amended November 3, 1992.)

(c) Neither the Mayor nor any member of the City Council shall serve as the Mayor or as a member of the City Council, respectively, for more than two consecutive terms after the effective date of this Charter. Terms of office commencing after November 3, 1992 are considered consecutive unless they are at least four years apart regardless of any change in ward boundaries or the residency within wards of a member of the City Council. Such limitation on consecutive terms shall not prohibit a person from serving as the Mayor immediately after serving as a member of the City Council or serving as a member of the City Council immediately after serving as the Mayor. (Amended November 3, 1992.)

2.7 WARDS. The City shall be divided, by ordinance, into five wards to be numbered consecutively beginning with the number "1". Ward boundaries shall be contiguous. The wards shall be as compact and as nearly equal in population as is practicable. The boundaries of the wards may be changed by ordinance.

2.8 COUNCIL VACANCIES. In the event the office of any member of the City Council, except the Mayor, is vacated for any reason, the City Council shall call a special election within 90 days of the effective date of such vacancy in order to elect a successor for the remainder of the term of office; provided, however, that the City Council shall not call a special election if a regular municipal election will be held within 90 days from the effective date of the vacancy.

2.9 QUALIFICATIONS FOR OFFICE. Each member of the City Council shall be a citizen of the United States of America, at least twenty-one years of age, a resident of the City or of the area annexed to the City for at least twelve consecutive months immediately preceding the date of the election, a registered elector in the City, and a resident of the ward from which elected. As a condition of holding office as a member of the City Council, the Mayor shall be a resident of the City and each member of the City Council shall be a resident of the ward from which elected, provided that a change in ward boundaries shall not cause the removal from office of any member of the City Council until the end of the term for which such member was elected. No member of the City Council during a term of office shall be an employee of the City or hold any elected office of the State of Colorado or any political subdivision thereof. The City Council shall be the judge of the election and of the qualifications of its members." (Amended November 3, 1992.) (Amended November 2, 2004.)

2.10 OATH OF OFFICE. Prior to assuming office, the Mayor and each member of the City Council shall affirm or take an oath to support the Constitution of the United States of America, the Constitution of the State of Colorado, the Charter and ordinances of the City of Lakewood, and to faithfully perform the duties of the office.

2.11 COMPENSATION. The members of the City Council shall receive such compensation, and the Mayor such additional compensation, as the City Council shall determine by ordinance. The City Council shall neither increase nor decrease the compensation of the Mayor or any member of the City Council during a term of office, except members of the City Council whose terms do not expire at the next regular municipal election shall receive the same compensation as that provided for incoming members for the remainder of their term of office. The Mayor and members of the City Council may, upon order of the City Council, be paid ordinary and necessary expenses incurred in the performance of the duties of office.

2.12 FINANCIAL DISCLOSURE. The Mayor and members of the City Council and any candidate for Mayor or City Council shall comply with provisions for financial disclosure as established by ordinance.

2.13 REMOVAL FROM OFFICE. The City Council shall have the power to remove its members from office, including the Mayor, for cause, as provided in ordinance hereafter adopted. Removal from office shall require a vote of not less than three-fourths of all members of City Council.

2.14 RECALL FROM OFFICE. (a) Any member of the City Council, including the Mayor, may be recalled after six months in office.

(b) The procedure for recall of members of City Council shall be as follows:

(1) A petition for recall of a member of City Council shall be filed with the City Clerk. The petition shall be signed by those registered electors entitled to vote for a successor of the member of City Council sought to be recalled. The number of signatures required on the petition shall be a least equal in number to twenty-five percent of all votes cast at the last preceding election for all candidates for the office that the person sought to be recalled occupies;

(2) The petition shall contain a general statement, in not more than 200 words, of the grounds upon which recall is sought;

(3) The registered electors signing the petition for recall shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the grounds for recall and such grounds shall not be subject to review;

(4) All petitions are sufficient if they appear to be signed by the requisite number of signers who are registered electors, unless a protest, in writing and under oath, is filed with the City Clerk within fifteen days after the recall petition has been filed with the City Clerk. The protest shall specify the grounds upon which the protest is filed;

(5) The City Clerk shall hold a hearing on the protest. All testimony shall be under oath. The hearing shall be concluded within thirty days after the recall petition is filed with the City Clerk. The findings and conclusions of the City Clerk shall be certified to the person or persons representing the signers of the recall petition;

(6) In case the petition is not sufficient, it may be withdrawn by the person or a majority of the persons representing the signers of the recall petition. Within fifteen days thereafter, the petition may be amended and refiled as an original petition;

(7) When a recall petition is sufficient, the City Clerk shall submit the petition and a certificate of its sufficiency to the City Council at its next regular or special meeting. The City Council shall order and fix the date for a special election to be held in not less than thirty days nor more than sixty days after the date of submission of the recall petition to the City Council, except that if a regular municipal election is to be held within ninety days after the date of submission of the recall petition to the City Council, the recall election shall be held as part of the regular municipal election;

(8) There shall be printed on the ballot, for each member of City Council whose recall is to be voted upon, the words, "Shall (name of person against whom the recall petition is filed) be recalled from the Office of (Mayor) (City Council for Ward)." Following such question shall be the words "Yes" and "No" on separate lines;

(9) The names of candidates to succeed the person sought to be recalled will be placed on the ballot in accordance with the provisions of ordinance or as otherwise provided by law. In no event shall the name of the person against whom the recall petition is filed appear as a successor candidate for such office;

(10) If a majority of those voting on the question of recall of any incumbent from office vote "No" said incumbent shall continue in office. If a majority vote "Yes", the incumbent shall be removed from the office immediately upon certification of the election results;

(11) If the vote in a recall election recalls a member of City Council, the successor candidate receiving the highest number of votes for the office vacated shall be declared elected for the remainder of the term of office upon certification of the election results, and

(12) After one recall petition and election, no further petition shall be filed against the same member of City Council during the remainder of the term for which elected unless the petitioners signing such petition equal fifty percent of all ballots cast for that office at the last preceding regular municipal election.

2.15 MEETINGS. (a) The City Council shall meet regularly at City Hall at least once a month on a day and at an hour established by ordinance. The City Council shall establish notification procedures for holding special or emergency meetings by ordinance.

(b) All official meetings of City Council and those of any board, commission, or committee of the City shall be held within the corporate boundaries of the City and shall be open to the public, except for executive sessions.

(c) Any meeting of the City Council may be recessed by a two-thirds vote of those present in order to hold an executive session, which shall be closed to the public, for any of the following purposes:

(1) To consider documents or testimony given in confidence;

(2) To determine a position relative to issues subject to negotiation, to receive reports on the progress and status of negotiations, to develop strategy, and to instruct negotiators;

(3) To consider the purchase or sale of property by the City;

(4) For matters of attorney-client privilege;

(5) For matters required by federal or state law to be confidential;

(6) For matters critical to the personal safety of members of City Council, and for matters involving the protection and security of City property;

(7) For classified or confidential police matters, subject to criteria established by ordinance, and

(8) To consider personnel matters. (Amended November 5, 1991.)

(d) No board, commission, or committee of the City shall hold an executive session, except as may be provided by an ordinance consistent with the provisions of this Charter.

(e) No final policy decision, resolution, rule, ordinance or regulation, and no action approving a contract or calling for the payment of money shall be adopted at any executive session.

2.16 QUORUM. Six members of the City Council shall constitute a quorum for any meeting of the City Council.

ARTICLE III  
CITY MANAGER

3.1 CITY MANAGER. The City Manager shall be the chief administrative officer of the City. The City Council, by majority vote of all members, shall appoint a City Manager who shall serve at the pleasure of the City Council and at a salary fixed by the City Council. The City Council shall appoint a City Manager within a reasonable time after a vacancy exists in the position. The City Manager shall be chosen on the basis of executive and administrative qualifications with particular emphasis on actual experience and knowledge of the duties of the office. During tenure in office, the City Manager shall reside within the corporate boundaries of the City.

3.2 ACTING CITY MANAGER. (a) During the period of any vacancy or extended absence in the office of City Manager, the City Council shall appoint an Acting City Manager.

(b) The City Manager may appoint an employee of the City as Acting City Manager during the temporary absence of the City Manager.

(c) Any Acting City Manager shall have all responsibilities, duties, and authority of the City Manager during a vacancy in office or during the temporary absence or disability of the City Manager.

3.3 POWERS AND DUTIES. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in the City Manager's charge. The City Manager shall have the following powers and duties:

(a) Supervise the enforcement of laws and ordinances of the City;

(b) Appoint, promote, suspend, transfer, and remove all administrative employees of the City in accordance with the provisions of the personnel merit system.

(c) Appoint managerial employees on the basis of executive and administrative abilities;

(d) Prepare a proposed budget and submit it to the City Council, and administer the adopted budget;

(e) At the end of each fiscal year, prepare and submit to the City Council a complete report on the finances and administrative activities of the City; and upon request of the City Council, report on the affairs of the City supervised by the City Manager;

(f) Advise the City Council of the financial condition of the City and make recommendations to the City Council for future City needs;

(g) Exercise supervision and control over all administrative departments and recommend to the City Council any proposal the City Manager believes advisable to establish, alter, consolidate, or abolish administrative departments;

(h) Exercise responsibility for the enforcement of all terms and conditions imposed in favor of the City in any contract or franchise, and report violations thereof to the City Council;

(i) Attend meetings of the City Council and participate in discussions with the City Council in an advisory capacity;

(j) Inform the public concerning approved plans and activities of the City Council and of the City Administration; and

(k) Perform such other duties as prescribed in this Charter, by ordinance, or by the City Council, that are not in conflict with this Charter.

3.4 REMOVAL. The City Council, upon a vote of the majority of all members of City Council, may remove the City Manager or any Acting City Manager from office. However, the City Council shall provide the City Manager or any Acting City Manager with notice of its intent to consider such removal at its next regular or special meeting.

3.5 ANNUAL REVIEW. The job performance of the City Manager shall be evaluated annually by the City Council. The City Council shall review such evaluation with the City Manager.

## ARTICLE IV

### ORGANIZATION AND ADMINISTRATION

4.1 COUNCIL-ADMINISTRATION RELATIONS. No member of City Council shall direct or request the appointment or removal of any person to or from the employment of the City, or in any manner take part in the appointment or removal of employees of the City, except for the City Manager, City Attorney, and municipal judges. Members of the City Council, except for the purpose of inquiry, shall deal with employees of the City solely through the City Manager, City Attorney, or Presiding Municipal Judge. No member of the City Council, either publicly or privately, shall give an order to any employee of the City. Any violation by a member of the City Council shall constitute misconduct and shall be punishable in a manner as determined by the other members of the City Council. (Amended November 5, 1991.)

4.2 CITY CLERK. The City Manager shall appoint a City Clerk to perform duties required by law and ordinance and such other duties as directed by the City Manager. (Amended November 5, 1991.)

4.3 CITY TREASURER. The City Manager shall appoint a City Treasurer to perform duties required by law and ordinance and such other duties as may be required by the City Manager. (Amended November 5, 1991.)

4.4 ADMINISTRATIVE DEPARTMENTS. The administrative functions of the City will be performed within administrative departments that exist on the effective date of this Charter. The City Council may establish, alter, consolidate, or abolish administrative departments by ordinance. All administrative departments shall be under the supervision and control of the City Manager.

4.5 BOARDS AND COMMISSIONS. (a) All City boards and commissions that exist on the effective date of this Charter shall continue until changed by ordinance. Except as otherwise provided in this Charter, the City Council may, as it deems necessary or desirable, establish, alter, consolidate, or abolish boards and commissions by ordinance. Such ordinance shall prescribe the duties and responsibilities of boards and commissions. Ad hoc advisory committees may be created or abolished by resolution or upon motion of the City Council.

(b) The City Council may provide compensation for service and reimbursement for expenses of members of boards, commissions, and ad hoc committees by ordinance.

4.6 CITY ATTORNEY. (a) The City Council shall appoint a City Attorney who, at the time of appointment, shall be licensed to practice law in Colorado. The City Attorney shall serve at the pleasure of the City Council and at a compensation fixed by the City Council. The City Council may retain special counsel upon its own motion or upon the request of the City Attorney.

(b) The City Attorney shall be the chief legal counsel of the City and the legal advisor to the City Council, City Manager, all departments of the City and boards and commissions. The City Attorney shall perform such other duties as the City Council may direct.

(c) The City Attorney shall appoint, promote, suspend, transfer, and remove City employees of the office of the City Attorney in accordance with the provisions of the personnel merit system.

4.7 PERSONNEL MERIT SYSTEM. (a) There is hereby established a personnel merit system for the employment, promotion, and evaluation of employees of the City which shall be based upon principles of merit. The City Council shall, by ordinance and within twelve months from the effective date of this Charter, adopt provisions consistent with this section.

(b) The personnel merit system ordinance shall include but not be limited to the following provisions:

- (1) Procedures for employment and promotion based on merit;
- (2) Procedures for reasonable probationary periods for employment and promotions;
- (3) Procedures for the resolution of grievances of employees;
- (4) Procedures for administrative appeal of disciplinary action, including discharge, taken against a non-probationary employee, which shall include notice, hearing, and the right to be represented; and
- (5) A requirement that any disciplinary action taken against a non-probationary employee, including but not limited to suspension or discharge from employment, shall be for cause.

(c) All employees of the City shall be subject to the provisions of the personnel merit system except as follows: the City Manager; the City Attorney; the Court Administrator; municipal judges; and such other managerial, executive, and confidential employees of the City as identified in the personnel merit system ordinance, as it may from time to time be amended. (Amended November 5, 1991.) (Amended November 2, 1999.)

## ARTICLE V

### MUNICIPAL COURT

5.1 MUNICIPAL COURT CREATED. (a) There shall be a Municipal Court, which shall be a qualified municipal court of record as provided by law, to hear and try all alleged violations of ordinances of the City and shall have such other jurisdiction as may be conferred by law. Sentence and fine limitations shall be established by ordinance. All fines and costs collected by the Municipal Court shall be reported and paid to the City Treasurer for deposit in the General Fund of the City.

(b) The City Council shall furnish the Municipal Court with suitable courtroom facilities and funds for the proper conduct of the business of the Municipal Court.

5.2 MUNICIPAL JUDGES. (a) The number of full-time and part-time municipal judges shall be established by ordinance.

(b) In the event the City Council finds there exists a substantial reduction in the work load of the Municipal Court, the number of full-time or part-time municipal judges may be reduced by ordinance.

(1) Such ordinance shall identify each full-time or part-time municipal judge whose position is to be eliminated. Such ordinance shall also provide that the municipal judge position to be eliminated shall be that of an incumbent judge who has served the least time in office as a municipal judge in the Municipal Court of the City.

(2) In no event shall a position of municipal judge be eliminated prior to the expiration of six months from the effective date of such ordinance.

(c) At no time after the elimination of a position of a municipal judge under the provisions of this section shall the number of municipal judges be increased unless and until the City Council finds there exists a substantial increase in the work load of the Municipal Court.

(d) In the event that more than one full-time municipal judge is appointed, the City Council shall designate a Presiding Municipal Judge, who shall serve in such capacity at the pleasure of the City Council. All other full-time municipal judges shall be designated as Municipal Judges. Part-time judges of the Municipal Court shall be designated as Associate Judges. A judge serving in the Municipal Court for limited or special purposes on a temporary basis, as determined by the Presiding Municipal Judge, shall be designated as Special Judge.

(e) All judges appointed to serve in the Municipal Court shall be licensed to practice law by the Supreme Court of the State of Colorado. All such judges shall have been licensed to practice law for not less than five years at the time of appointment. (Amended November 2, 1999.)

5.3 JUDICIAL NOMINATING COMMITTEE. (a) For each appointment of a Municipal Judge, except an Associate Judge or a Special Judge, made hereafter to the Municipal Court, there shall be appointed by the City Council an ad hoc judicial nominating committee consisting of three registered electors of the City who are not attorneys-at-law, a designee of the president of the local bar association, provided such designee has been an attorney-at-law for at least five years and either resides or practices law within the corporate boundaries of the City, and the chief judge of the judicial district in which the City is located or a designee thereof who is a member of the state judiciary of the judicial district in which the City is located.

(b) Each judicial nominating committee shall establish procedures for recruiting, interviewing, and referring nominees to the City Council.

(c) A judicial nominating committee shall recommend and refer the names of not more than three qualified nominees for each vacancy on the Municipal Court, except for Associate Judges. Upon receipt of a name or names from the judicial nominating committee, the City Council shall appoint a nominee to serve an initial term on the Municipal Court. (Amended November 2, 1999.)

5.4 RETENTION OF JUDGES. (a) Upon appointment by the City Council, each judge, except Associate Judges and Special Judges, shall serve an initial term of office of not less than one year, after which the names of such judge shall be placed on the ballot at a regular municipal election. In order that the name of a judge be placed on the ballot, such judge shall file a written declaration with the City Clerk of intent to serve another term prior to ninety days before such regular municipal election.

(b) Upon filing such declaration, a question shall be placed on the regular municipal election ballot as follows: "Shall Judge ... of the City of Lakewood Municipal Court be retained in office? Yes \_\_. No \_\_." If a majority of those voting on the question vote "No," then a vacancy on the Municipal Court shall exist and such judge shall be removed from office. (Amended November 2, 1999.)

5.5 TERMS OF OFFICE. (a) An initial term of office for each judge, except Associate Judges or Special Judges, shall be not less than one year, and thereafter, until the next regular municipal election. A full term of office for each judge of the Municipal Court, except Associate Judges or Special Judges, shall be four years.

(b) For each judge retained in office by a majority vote after a regular municipal election, said judge shall serve a four-year term, after which the name of such judge shall again be placed on the ballot at a regular municipal election. There shall be no limit on the number of full terms that a judge may serve. (Amended November 2, 1999.)

5.6 ASSOCIATE JUDGES, SPECIAL JUDGES AND COURT REFEREES. The Presiding Judge shall have authority to appoint Associate Judges, Special Judges and Court Referees as such may be authorized by ordinance, who shall serve at the pleasure of the Presiding Municipal Judge. Compensation for Associate Judges, Special Judges, and for Court Referees shall be established by ordinance. (Amended November 2, 1999.)

5.7 ACTING MUNICIPAL JUDGES. In the event of a vacancy in the office of a municipal judge, the City Council may appoint an Acting Municipal Judge for a temporary term, which shall expire upon appointment of a qualified nominee recommended by the judicial nominating committee. Any Acting Municipal Judge shall serve at the pleasure of the City Council.

5.8 COMPENSATION OF MUNICIPAL JUDGES. (a) The City Council shall establish the compensation of all judges of the Municipal Court by ordinance.

(b) Each full-time Municipal Judge shall receive compensation as fixed by City Council, which shall not be reduced during a term of office of such judge, except as hereinafter provided. The compensation of the Presiding Municipal Judge may be reduced to that of a Municipal Judge by the City Council should the City Council designate another full-time Municipal Judge to perform the duties and responsibilities of the Presiding Municipal Judge.

(c) In the event of a general salary decrease for employees of the City and if such salary decrease includes the compensation of the City Manager, City Attorney, and department heads of the City, the City Council may reduce the compensation of all judges by an amount equal to the average reduction for the City Manager, City Attorney, and department heads of the City. (Amended November 2, 1999.)

5.9 JUDICIAL REVIEW COMMISSION. (a) There is hereby established a Judicial Review Commission, which shall consist of three registered electors of the City who are not attorneys at law, a designee of the president of the local bar association, provided such designee has been an attorney at law for at least five years and either resides or practices law within the corporate boundaries of the City, and the chief judge of the judicial district or a designee thereof who is a member of the judiciary of the judicial district in which the City is located. The membership and terms thereof shall be established by the City Council.

(b) The Judicial Review Commission shall have authority to investigate all complaints against judges of the Municipal Court and to recommend to City Council, after hearing before the Judicial Review Commission, the removal of any judge for cause. Such hearings shall be closed to the public and all records privileged, except as to the City Council.

(c) The Judicial Review Commission shall prepare findings following a hearing and may recommend that a judge of the Municipal Court be removed from office. The City Council, after review of the record and findings, may remove a judge from the Municipal Court by a majority vote of all members of the City Council.

(d) The City Council may establish by ordinance such supplemental procedures as are necessary and not in conflict with the provisions of this section.

5.10 COURT ADMINISTRATION. (a) The Presiding Municipal Judge shall appoint a Court Administrator, who shall serve at the pleasure of the Presiding Municipal Judge and who shall be the chief administrative officer of the Municipal Court.

(b) All employees of the Municipal Court, except as otherwise provided in this Charter, shall be subject to the personnel merit system. The Presiding Municipal Judge shall have the power and authority to appoint, promote, suspend, transfer, and remove employees of the Municipal Court subject to the provisions of the personnel merit system.

5.11 TRANSITION OF PART-TIME MUNICIPAL JUDGES. The Municipal Judges (part-time) in office on the effective date of this Charter Amendment shall continue to serve and carry out the functions, powers and duties of their respective offices until their terms expire and their successors are appointed. Thereafter, the associates Judges positions are appointive pursuant to the Charter. (Amended November 2, 1999.)

ARTICLE VI  
ELECTIONS

6.1 LAWS GOVERNING ELECTIONS. City elections shall be governed by the Colorado municipal election laws, except as otherwise provided in this Charter or in any ordinance not in conflict with this Charter.

6.2 ELECTION COMMISSION. The City Council may establish an Election Commission by ordinance.

6.3 REGULAR MUNICIPAL ELECTIONS. A regular municipal election shall be held in each odd-numbered year on the first Tuesday in November. (Amended November 5, 1991.) (Amended November 2, 2004.)

6.4 NONPARTISAN ELECTIONS. All municipal elections shall be nonpartisan.

## ARTICLE VII

### ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1 FORMS OF CITY COUNCIL ACTION. The City Council shall act by ordinance, resolution, or motion. In addition to any other provision of this Charter, the following actions by the City Council shall be by ordinance that:

- (a) Authorizes the borrowing of money;
- (b) Imposes or levies any tax;
- (c) Establishes any regulation for violation of which a penalty may be imposed, or
- (d) Places a burden upon or limits the use of property.

7.2 VOTES REQUIRED. (a) Every ordinance adopted by the City Council shall require an affirmative vote of a majority of those members of City Council present and voting, except that no ordinance shall be adopted with less than five affirmative votes of such majority. Resolutions and motions shall require an affirmative vote of a majority of those members of City Council present and voting.

(b) A member of the City Council shall not vote on any ordinance, resolution, or motion in which that member has a personal, financial, or business interest, nor shall a member of Council vote when that member has been excused from voting by the unanimous consent of the other members present at such meeting. An individual member of City Council shall not vote on any question or issue relative to the conduct of that individual member. Each member of City Council present shall vote on all other ordinances, resolutions, or motions at any regular, special, or emergency meeting of City Council.

7.3 FORM OF ORDINANCE. The enacting clause for all ordinances adopted by the City Council shall be as follows: "Be it Ordained by the City Council of the City of Lakewood, Colorado".

7.4 ORDINANCE ENACTMENT PROCEDURES. (a) The procedure for enactment of an ordinance shall be as follows:

(1) A proposed ordinance shall be introduced and read by title at any regular, special, or emergency meeting of the City Council;

(2) Upon an affirmative vote of a majority of those members present, such proposed ordinance shall be ordered published in full and a day and time fixed for a public hearing at a subsequent regular, special, or emergency meeting of the City Council;

(3) The public hearing and consideration by the City Council on a proposed ordinance at such subsequent regular, special, or emergency meeting shall be not less than ten days from the date of publication;

(4) The proposed ordinance shall again be read by title. After a public hearing, the City Council may consider and vote upon the adoption of the ordinance, and

(5) If such ordinance is adopted by the City Council, it shall be published by title only, except that any amendment to such ordinance shall be included in the publication.

(b) No ordinance shall take effect and be in force before thirty days after adoption by the City Council and publication by title, except that ordinances necessary for the immediate preservation of the public peace, health, or safety shall take effect and be in force after the following: Adoption by an affirmative vote of two-thirds of all members of City Council; signature on the ordinance by the Mayor or Mayor Pro Tem, and provided such ordinance contains in a separate section the emergency nature of such ordinance. Such ordinance shall then be published by title only, except that any amendment to the ordinance shall be included in the publication.

(c) Notwithstanding any provision to the contrary in subsection (b) above, no ordinance that zones, rezones, or changes any zoned district shall be subject to any emergency provision and no such ordinance shall take effect and be in force before forty-five days after adoption by the City Council and publication by title.

7.5 PUBLICATION OF ORDINANCES. The publication of any ordinance, either in full or by title, shall be in a newspaper of general circulation in the City or in such other news media as authorized by the City Council by ordinance.

7.6 CODES. (a) The City Council shall cause ordinances of a general and permanent nature to be codified and maintained thereafter in current form.

(b) The City Council may adopt, by ordinance, standard codes by reference in such manner as it deems appropriate.

7.7 AUTHENTICATION OF ORDINANCES. A true copy of each ordinance adopted by City Council shall be numbered and recorded in the Permanent Ordinance Record with a certificate of adoption and publication authenticated by the signature of the Mayor or Mayor Pro Tem and the City Clerk or designated deputy thereof.

## ARTICLE VIII

### FRANCHISES

8.1 PRESENT FRANCHISES. All franchise ordinances and agreements of the City in effect on the effective date of this Charter shall remain in full force and in effect in accordance with the terms and conditions thereof, unless otherwise modified by a subsequent franchise ordinance or agreement.

8.2 GRANTING OF FRANCHISES. (a) The City Council shall grant franchises by ordinance, except as otherwise determined by law.

(b) The City Council may establish procedures and other matters related to the granting of franchises by ordinance.

(c) No franchise shall be granted for longer than twenty years.

## ARTICLE IX

### PLANNING AND ZONING

9.1 PLANNING AND ZONING. (a) There is hereby established a Planning Commission. The Planning Commission shall make and adopt a comprehensive master plan for the physical development of the City, including amendments thereto and periodic updating thereof, subject to the approval of the City Council.

(b) The Planning Commission shall review and make recommendations to the City Council on land use matters, including but not limited to zoning, rezoning, platting, annexation, and subdivision of land; provided, however, that the City Council may also establish a zoning commission by ordinance to assume the responsibilities relative to the review and the making of recommendations on all such land use matters as may be determined by the City Council.

(c) No member of the City Council shall serve as either a member of the Planning Commission or, if established, a zoning commission.

(d) For the purpose of promoting the health, safety, and general welfare of the City, the City Council shall provide for zoning regulations and restrictions within the City by ordinance.

(e) There is hereby established a Board of Adjustment, which shall have the following duties and responsibilities:

(1) To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of any zoning ordinance adopted pursuant to this section; and to reverse, affirm, modify, or amend any such order, requirement, decision, or determination; and

(2) To vary or modify the application of the regulations or provisions of any such ordinance relating to the construction or alteration of buildings or structures, where there are practical difficulties or unnecessary hardships. (Amended November 5, 1991.)

9.2 ZONING CHANGES AND LEGAL PROTESTS. Zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case of a protest against changes in regulations or restrictions, or changes in the zoned district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the vote by the City Council on the change; and which is signed by the owners of twenty percent or more of the area subject to the proposed change or twenty percent or more of the area bounded by a line drawn at a distance of 100 feet

from every point of the outer boundary of the area subject to the change, disregarding intervening public streets and alleys and excluding those areas of land outside of the corporate boundaries of the City, such changes shall not become effective except by a favorable vote of two-thirds of all members of the City Council.

9.3 WARD ADVISORY COMMITTEES. (a) The City Council may by ordinance establish a system of ward advisory committees. Such ordinance, if adopted, shall provide for one such committee in each ward of the City. The membership of a ward advisory committee shall consist of an elected committee member from each municipal precinct within a ward. The qualifications for committee members shall be the same as those for members of the City Council or as otherwise provided in the ordinance.

(b) The duties and responsibilities of the ward advisory committees shall be as follows:

- (1) Participate in the ongoing planning processes of the City;
- (2) Review all proposals for zoning or rezoning within or adjacent to the ward and submit comments and recommendations on such proposals to the City Administration and Planning Commission for consideration in reviewing such proposals for zoning and rezoning;
- (3) Advise the City Council and Planning Commission regarding matters involving the economic health of the ward and the City;
- (4) Review and make comments and recommendations on such other matters as requested by the City Council or Planning Commission; and
- (5) From time to time report to the City Council on such matters as in the opinion of the ward advisory committees require the attention of the City Council or City Administration.

## ARTICLE X

### IMPROVEMENT DISTRICTS

10.1 POWER TO CREATE DISTRICTS. (a) The City Council shall have the power, except as hereafter provided, to create improvement districts within the City for the purpose of constructing or installing local improvements of every character within such districts; to assess the cost thereof, entirely or in part, upon the property benefited within such districts, and to issue local improvement securities therefor.

(b) The City Council shall, by ordinance and consistent with the provisions of this article, prescribe the method and manner of creating improvement districts, including but not limited to the requirements for notice; the method and time for filing objections and disposition thereof; the method and manner of constructing or otherwise acquiring improvements; letting contracts therefor; assessing the cost thereof; issuing and paying securities for the construction, installation, or purchase or equipping of such improvements, including the costs incidental thereto, for assessing the costs thereof, and for all other matters related to improvement districts.

(c) In the ordinance prescribing the method and manner of creating improvement districts, initiation of improvement districts shall be either by:

(1) Ordinance adopted by the City Council on its own motion, or

(2) By petition of the owners of not less than twenty-five percent of the property by area within an improvement district.

(d) The City Council shall create no improvement district without the express written consent of owners of a majority of the property by area within an improvement district. As used in this section, the term "owners" means only those entities or persons in whom record fee title is vested, although such title may be subject to a lien or other encumbrance; and the term "property" means all land, whether platted or unplatted, regardless of improvements thereon and regardless of lot or land lines.

10.2 IMPROVEMENT DISTRICT SECURITIES. Securities for any improvement district payable from special assessments, which payment may be additionally secured as provided in this article, shall not be subject to any debt limitation or otherwise affect the power of the City to incur indebtedness, nor shall such securities be required to be authorized at any election. Such securities shall not be held to constitute a prohibited lending of credit or donation, or to contravene any limitation of this Charter, Colorado statute, or the Constitution of the State of Colorado.

10.3 TRANSFERS OF UNENCUMBERED FUNDS. When all outstanding securities for an improvement district have been paid and monies remain in accounts provided for such improvement district or for payment of such securities, such monies may be transferred, in whole or in part, by resolution of the City Council to any other fund of the City or to a surplus and deficiency fund. Whenever the monies in any improvement district fund are insufficient to pay the principal of, premium, if any, or interest on any securities, monies sufficient therefor shall be transferred from the surplus and deficiency fund to the extent such monies are available.

10.4 PAYMENT OF SECURITIES. In addition to any other provision for payment, whenever there has been paid and canceled three-fourths of the securities issued for a local improvement district and for any reason the remaining assessments are not paid in time to redeem the final securities for an improvement district, the City shall pay the securities when due and reimburse itself by collecting the unpaid assessments due the improvement district.

10.5 REVIEW OF IMPROVEMENT DISTRICT PROCEEDINGS. No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the issuance or payment of any securities; or the levy or collection of any assessments authorized by this article, or for any other relief against any acts or proceedings of the City done or had under this article, shall be maintained against the City, unless commenced within twenty days after the performance of such act or the effective date of the ordinance or resolution complained of, or else be thereafter forever barred.

## ARTICLE XI

### MUNICIPAL BORROWING

11.1 FORMS OF BORROWING. The City may issue the following securities to evidence any borrowing authorized by this Article XI and Article X: short-term notes; general obligation securities; revenue securities; improvement district securities; and securities similar to the foregoing, and any other lawfully recognized security.

11.2 SHORT-TERM NOTES. The City may borrow money, by ordinance, without an election, payable from the proceeds of ad valorem taxes or any other revenue of the City and issue short-term notes or similar securities to evidence the amount borrowed. The short-term notes or similar securities shall mature within twelve months from the date of issuance thereof.

11.3 LONG-TERM GENERAL OBLIGATION SECURITIES. (a) Except as otherwise provided in Section 11.5, no securities payable in whole or in part from the proceeds of ad valorem taxes of the City and having a term or terms exceeding twelve months, shall be issued until the questions of issuance thereof be submitted to a vote of the registered electors of the City at a special or regular municipal election and approved by a majority of those voting thereon at such election.

(b) The total outstanding amount of such long-term securities to which ad valorem taxes are so pledged, as heretofore provided in this section, in whole or in part, shall not exceed at any time three percent of the actual value of the taxable property in the City as last determined by the County Assessor for assessment purposes pursuant to law.

(c) Requirements and limitations set forth in this section shall not apply to securities issued pursuant to the provisions of Article X.

11.4 REVENUE SECURITIES. (a) Revenue securities may be issued without an election and be payable solely from revenues other than the proceeds of the general ad valorem property tax, including, without limitation, revenue derived from the operation of the project or capital improvement constructed, acquired, or improved with the proceeds from such revenue securities; from other municipal projects or improvements; from any city-imposed fees; from the available proceeds of any sales, use, excise or other tax; from revenue received by the City from the state or any other governmental entity; or from any part or combination of such sources.

(b) Revenue securities issued pursuant to this section may also be secured by pledge of ad valorem taxes of the City; provided, however, that prior to the issuance thereof such revenue securities shall be approved by a majority of the registered electors of the City at an election held as required in Section 11.3 hereof.

(c) Revenue securities to which ad valorem taxes are not pledged shall not be included in the limitation on total outstanding indebtedness as specified in Section 11.3 hereof.

11.5 REFUNDING SECURITIES. The City may issue refunding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the City as the same mature, or in advance of maturity by means of an escrow or otherwise. No refunding bonds or other like securities issued for the purpose of refunding revenue securities shall be made payable in whole or in part from the proceeds of general property taxes or pledge the full faith and credit of the City unless they are first submitted to a vote pursuant to Section 11.3, except that no such vote shall be necessary as a condition precedent to the issuance of securities to refund securities originally issued with voter approval and local improvement securities.

11.6 LONG-TERM RENTALS AND LEASEHOLDS. The City Council may by ordinance, and without an election, enter into long-term rental or leasehold agreements for any municipal purpose. The agreements may include an option or options to purchase and acquire title to the property within a period not exceeding the useful life of the property. Long-term rental or leasehold agreements shall not be included in the limitation on total outstanding indebtedness as specified in Section 11.3 hereof.

11.7 REVIEW OF PROCEEDINGS. No action or proceeding at law or in equity to review any acts or proceedings, or to question the validity of, or enjoin the performance of the issue or collection of any securities; or the levy or collection of any assessments, or for any other relief against any acts or proceedings of the City done or had under this article shall be maintained against the City, unless commenced within twenty days after the performance of the act or the effective date of the resolution or ordinance or else be thereafter forever barred.

11.8 TERMS, INTEREST, AND SALE OF SECURITIES. The terms, redemption features, maximum interest rate, and similar details of securities shall be fixed by the authorizing ordinance or resolution, and the securities shall be sold at public or private sale, at above or below par, all as determined upon issuance to be to the best advantage to the City.

## ARTICLE XII

### BUDGET, TAXATION, AND FINANCE

12.1 FISCAL YEAR. Unless otherwise provided by ordinance, the fiscal year of the City shall begin on the first day of January and end on the last day of December.

12.2 PROPOSED BUDGET. The City Manager shall submit the proposed budget for the ensuing fiscal year to the City Council on or before the 15th day of September of each year.

12.3 SCOPE OF BUDGET. The proposed and the adopted budget for the ensuing fiscal year shall include but not be limited to the following:

- (a) An estimate of anticipated revenues from all sources;
- (b) An estimate of cash available, if any, as of December 31 of the present fiscal year;
- (c) An estimate of proposed expenditures necessary for the operation of the City;
- (d) The expenditures necessary for debt service;
- (e) The proposed capital expenditures and methods of financing such expenditures;
- (f) An estimate of the amount required to be raised from an ad valorem property tax levy, and
- (g) The balance between total estimated expenditures and total anticipated revenues, including surpluses.

12.4 PUBLIC HEARING. There shall be at least two public hearings on the proposed budget before it is adopted by the City Council. There shall be a notice of the time and place of public hearing, which shall include the location of where the proposed budget is on file for public inspection. Such notice shall be published not later than five days prior to each public hearing in a newspaper of general circulation in the City, or in such other news media as authorized by City Council. (Amended November 5, 1991.)

12.5 BUDGET ADOPTION AND APPROPRIATION. On or before the first day of November of each year, the City Council shall adopt a budget for the ensuing fiscal year. Prior to the commencement of the fiscal year, the City Council shall make the appropriation for the ensuing fiscal year by ordinance. The amounts appropriated shall not exceed the balanced amounts between estimated revenues and estimated expenditures as set forth in the adopted budget.

12.6 FUNDS. (a) All revenues not specifically allocated to any other fund shall be deposited in the General Fund. The General Fund may provide for contingencies in such manner as determined by the City Council.

(b) Special funds may be created by ordinance in order to provide for the deposit of monies to be held or used for special purposes as determined by the City Council.

(c) The Capital Improvements Fund is hereby established for the purpose of paying the costs of capital improvements. The City Council may establish rules and regulations by ordinance for the administration of the Capital Improvements Fund.

12.7 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. The City Manager shall report all such transfers to the City Council. The City Council may authorize the transfer of any unencumbered appropriation balance, or portion thereof, between administrative departments or among funds.

12.8 SUPPLEMENTAL APPROPRIATIONS. The City Council may make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City, provided the aggregate of such supplemental appropriations made during the fiscal year does not exceed the amount by which actual and anticipated revenues for the fiscal year are exceeding the revenues as estimated in the adopted budget, or as such monies not anticipated in the adopted budget may otherwise become available to the City.

12.9 APPROPRIATIONS TO LAPSE. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been encumbered or expended, except that an appropriation within the capital improvements fund or a special fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned.

12.10 LEVY AND COLLECTION OF TAXES. The City Council shall, by ordinance, provide for the levy and collection of taxes and special assessments by either the City or by the County or by the State.

12.11 LIMITATION ON SALES AND USE TAX RATES. No increase in municipal sales or use tax rates within the City shall take effect until such increase is approved at a special or regular municipal election by a majority of those registered electors voting thereon. The requirement for an election on sales or use taxes shall apply only to an increase in rates of sales or use taxes, and no election shall be required for the administration, revision, extension, or any other action taken by the City Council affecting sales and use taxes.

12.12 LIMITATION ON PROPERTY TAXES. (a) The City Council shall not levy an ad valorem tax on taxable property in the City that provides revenue from such levy in an amount greater than was levied in the preceding year plus seven percent, except as hereafter provided. This limitation on the levy of an annual ad valorem tax on taxable property shall not apply for any purpose to the following:

(1) The payment of securities issued by the City pursuant to the provisions of this Charter if such securities and interest thereon are payable from ad valorem property taxes, and all such securities issued by the City shall be payable pursuant to the terms of issuance;

(2) The payment of any contractual obligation that has been approved by the registered electors of the City; and

(3) In the event the City, as the result of exclusion, dissolution, or as otherwise provided by law, continues to provide the services of a special district or special taxing district, the City Council may levy and collect the ad valorem property tax necessary to continue such services in an amount not to exceed that amount most recently levied by the special district or special taxing district for such services; provided, however, that any subsequent levy by the City pursuant to this subsection (a)(3) shall be subject to the seven percent limitation as provided herein.

(b) In computing the seven percent limitation, the following shall be excluded:

(1) The increased valuation for assessment attributable to annexation or inclusion of additional land, improvements thereon, and personal property connected therewith within the City for the preceding year;

(2) The increased valuation for assessment attributable to new construction and personal property connected therewith within the City for the preceding year; and

(3) The increased valuation for assessment attributable to increased volume of production for the preceding year by a producing mine or petroleum well if said mine or petroleum well is wholly or partially within the City and if such increase in volume of production causes a change in services or an increase in the level of services provided by the City.

(c) The City Council may submit the question of increasing the levy over the seven percent limitation for any one year to a vote of the registered electors of the City at a regular or special municipal election. If a majority of the registered electors voting thereon vote in favor of increasing the levy over the seven percent limitation, then the City Council may increase the levy for the year voted upon by the amount approved by the registered electors.

12.13 ACCOUNTING. The City Manager shall direct and administer a system of accounts and records in conformance with generally accepted municipal accounting practices.

12.14 ANNUAL AUDIT. An audit of all City accounts and financial records shall be conducted annually by a certified public accountant selected by City Council. The City Council may call for special audits at any time.

12.15 DEPOSIT OF FUNDS. The City Treasurer may deposit funds in those depositories that are legally designated by state statute. The City Council may designate, by ordinance, those depositories in which funds of the City may be deposited, provided such depositories are legally authorized by statute.

12.16 INVESTMENT OF FUNDS. (a) The City Treasurer is authorized to invest funds of the City in any of the following investments:

(1) Those investments that are legal for governmental entities as provided by statute;

(2) Bonds or other interest-bearing obligations of any agency of the United States, and

(3) Repurchase agreements that are fully collateralized by obligations of the United States or any agency thereof.

(b) The City Treasurer shall adhere to the investment standards prescribed for pension and death and disability funds of the City by the Employee Retirement Income Security Act of 1974, as amended.

## ARTICLE XIII

### INITIATIVE AND REFERENDUM

13.1 INITIATIVE PROCEDURES. (a) Any initiated measure shall be in the form of an ordinance, which shall be legislative in character.

(b) An initiated ordinance may be submitted to the City Council by filing a petition with the City Clerk. The petition shall be signed by registered electors of the City in a number at least equal to five percent of the total number of registered electors of the City on the date of the last regular municipal election.

(c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.

(d) Within thirty days after the petition is presented by the City Clerk, the City Council shall either adopt the initiated ordinance by a majority vote of all members of City Council without any change to the initiated ordinance or submit the initiated ordinance to a vote of the registered electors of the City at a special election to be held within ninety days, but not less than thirty days, after the petition is presented to the City Council; or at any regular municipal election to be held not more than ninety days after presentation of the petition to the City Council.

(e) The initiated ordinance shall be published in full not less than ten days prior to the election. The ballot shall have printed on it the ordinance title and submission clause, and on separate lines under the submission clause, the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE".

(f) If a majority of the registered electors voting vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the ordinance.

(g) In the event that initiated ordinances containing conflicting provisions are approved at the same election, the initiated ordinance receiving the greatest number of votes shall prevail to the extent of the conflict. (Amended November 2, 1999.)

13.2 REFERENDUM PROCEDURES. (a) All ordinances adopted by the City Council that are legislative in character shall be subject to referendum. Any ordinance necessary for the immediate preservation of the public peace, health, or safety; fixing the rate of general property taxation for any year; related to the issuance of securities; adopting the budget; making an appropriation for the ensuing fiscal year; calling for a special election; levying special assessments, or initiating improvement districts shall not be subject to referendum.

(b) If a petition calling for a referendum of an ordinance is signed by registered electors of the City in a number at least equal to three percent of the total number of registered electors of the City on the date of the last regular municipal election, such petition may be submitted to the City Council by filing it with the City Clerk. A referendum petition shall be filed with the City Clerk prior to the effective date of an ordinance as provided in Section 7.4 (b) and (c) of this Charter.

(c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.

(d) Upon presentation to the City Council of such petition by the City Clerk, the ordinance shall be suspended from operation.

(e) The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety-day period.

(f) A referred ordinance shall be published in full not less than ten days prior to the date of the election. The ballot for the referred ordinance shall have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". If a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results. If a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results. (Amended November 2, 1999.)

13.3 PROHIBITED ACTION BY CITY COUNCIL. (a) No initiated ordinance adopted by the registered electors of the City may be amended or repealed by the City Council during a period of six months after the date of the election on the initiated ordinance.

(b) No referred ordinance repealed by the registered electors of the City may be subsequently adopted by the City Council during a period of six months after the date of the election on the referred ordinance.

13.4 REFERRAL BY THE CITY COUNCIL. The City Council shall have the power to submit any proposed or adopted ordinance or any question to a vote of the registered electors of the City without receipt of a petition.

13.5 SUPPLEMENTARY PROVISIONS. The City Council may adopt by ordinance, and consistent with the provisions of this article, supplementary provisions for initiative and referendum, including but not limited to provisions for the form and content of petitions; the requirements for circulation, signing, and submission of petitions; the method for preparing an ordinance title and submission clause for a ballot, and the requirements for examination and certification of petitions by the City Clerk. Should any provision of this article be judicially declared invalid, the City Council may adopt ordinances further supplementing this article.

## ARTICLE XIV

### SPECIAL LEGAL PROVISIONS

14.1 SEVERABILITY OF CHARTER PROVISIONS. If any part of this Charter, or application thereof to any person or circumstance, is adjudged invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining parts of this Charter that can be effective without the invalid part, and to this end this Charter is declared to be severable.

14.2 INTERPRETATION. (a) Where any question exists as to the meaning of any portion of this Charter, it shall be interpreted consistent with the Charter's purpose to reserve to the City and its citizens the broadest possible powers of home rule and of local self-government available under the Constitution of the State of Colorado, as limited only by the specific language of this Charter.

(b) Except as otherwise expressly provided herein or as indicated by the context, 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. The singular number shall include the plural, and the plural shall include the singular.

14.3 SALE, LEASE AND DISPOSAL OF CITY PROPERTY. (a) The City Council may, on such terms and conditions as the City Council deems appropriate and by ordinance, without the prior approval of the registered electors of the City, except as hereafter provided, lease, sell, or otherwise dispose of public buildings, real property, or water rights held or used for any municipal purpose.

(b) Except for those parts of utilities or systems no longer useful to the operation of a utility or system, there shall be no lease or sale of water works; gasworks; geothermal systems; solar systems; electric distribution systems or other public utilities; or any real property used or held for open space or park purposes without the question of such lease or sale, and the terms and consideration therefor being submitted to a vote of the registered electors of the City at a special or regular municipal election and a favorable vote by a majority of those registered electors voting thereon.

(c) Nothing in subsection (b) above shall prohibit the City from granting utility easements across, under, or over any City property held for open space or parks purposes.

14.4 EMINENT DOMAIN. The City shall have the right of eminent domain and dominant eminent domain within or without its corporate boundaries.

14.5 ARTICLES AND SECTIONS. The numbering and titles of articles and sections of this Charter are for convenience only and shall not affect the meaning of any provision in this Charter.

14.6 PUBLIC RECORDS. It shall be the policy of the City that all public records of the City shall be open for inspection at reasonable times, except as otherwise provided by Colorado statute. Those public records of the City that are open to inspection shall be reasonably accessible for inspection. The public records of the City may be deposited at any public facility for the purpose of availability for inspection.

14.7 SPECIAL TAXING DISTRICTS. The City Council may, by ordinance, establish special taxing districts as provided by the Constitution or laws of the State of Colorado.

14.8 ELECTION REQUIRED FOR URBAN RENEWAL AUTHORITY. The City Council shall not create an urban renewal authority as provided in the Colorado Urban Renewal Law until the question of creating an urban renewal authority has been submitted to a vote of the registered electors of the City at a special or regular municipal election and approved by a majority of those voting thereon at such election.

14.9 CHARTER AMENDMENT. This Charter shall be amended in the manner provided by Article XX of the Constitution of the State of Colorado and any statute enacted by the Colorado General Assembly pursuant thereto.

## ARTICLE XV

### TRANSITIONAL PROVISIONS

15.1 PURPOSE. The purpose of this article is to provide for an orderly transition from the present municipal government to a home rule government under the provisions of this Charter. The provisions of this article shall constitute a part of this Charter only to the extent necessary to accomplish an orderly transition.

15.2 EFFECTIVE DATE OF CHARTER. This Charter shall become effective upon an affirmative vote of a majority of registered electors of the City voting thereon.

15.3 CONTINUATION OF MAYOR AND CITY COUNCIL. The Mayor and members of the City Council in office on the effective date of this Charter shall continue to serve and carry out the functions, powers, and duties of their respective offices until the Mayor and members of City Council are elected at the first regular municipal election following the effective date of this Charter and until such elected Mayor and members of City Council take the oath of office; provided, however, should this Charter become effective at the regular municipal election to be held on November 1, 1983, the Mayor and members of City Council elected at said election shall commence their terms of office at the time and for the terms as prescribed in Section 2.6 (a) and (b) of this Charter.

15.4 CITY COUNCIL DUTIES. The Mayor and members of the City Council in office on the effective date of this Charter shall take all actions necessary or desirable to accomplish the orderly transition from the present municipal government to a home rule government under the provisions of this Charter.

15.5 CONTINUATION OF OFFICIALS AND EMPLOYEES. (a) The City Clerk and the City Treasurer in office on the effective date of this Charter may continue to serve and carry out the functions, powers, and duties of their respective offices as though they had been appointed or employed in the manner provided by this Charter for administrative employees of the City. Their offices shall be considered administrative in nature under this Charter and they and their offices shall in all respects be subject to the provisions of this Charter and any ordinance not in conflict therewith.

(b) Should this Charter become effective at the regular municipal election held on November 1, 1983, those persons elected at said election as City Clerk and City Treasurer shall hold their respective offices as elected officials of the City until the regular municipal election in the year 1985, or unless those persons sooner vacate their respective elected offices for any reason. Such persons shall commence their terms of office as prescribed in Section 2.6 (a) of this Charter.

(c) All other officers and employees of the City may continue in office or in the employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided by this Charter, and they shall in all respects be subject to the provisions of this Charter and any ordinance not in conflict therewith.

15.6 MUNICIPAL COURT. (a) Those judges of the Municipal Court in office on the effective date of this Charter shall continue to serve in their respective capacities as Presiding Municipal Judge and Associate Municipal Judge. Any part-time municipal judge in office on the effective date of this Charter shall be designated as a Municipal Judge.

(b) The name of the Presiding Municipal Judge in office on the effective date of this Charter shall be placed on the ballot for a full term at the regular municipal election to be held in the year 1985, provided such judge files a declaration of intent to serve with the City Clerk as provided in this Charter.

(c) The names of the Associate Municipal Judge and of any Municipal Judge in office on the effective date of this Charter shall be placed on the ballot for a full term at the first regular municipal election to be held after the effective date of this Charter, provided such judges file with the City Clerk a declaration of intent to serve as provided in this Charter.

## **Home Rule Status**

## **HOME RULE STATUS**

A Home Rule Charter allows for exclusive control of all matters of local and municipal concern. Thus, Lakewood may cause its own elections, set policy, and create laws as they pertain within the boundaries of Lakewood. A Home Rule Charter does not allow Lakewood to preempt any county, state, or federal law, rule or regulations.

For example: Lakewood may not hold an election to vote against paying sales and use tax to the State of Colorado. Lakewood may hold an election to vote against paying sales and use tax to the City of Lakewood.

Cities who have not adopted a Home Rule Charter (statutory cities) are exclusively controlled by the State of Colorado's statutes, rules, and regulations.

## **Separation of powers**

## **Separation of Powers**

The City Council has the authority to make laws and policies. The City Manager is charged with the duty to enforce the laws and policies. The Municipal Court is charged with interpreting the laws and applying those laws to specific cases.

While there is a close working relationship between the City Council and City Manager, as described in detail at the beginning of this chapter, the separation between the Council and the Courts is greater. The Municipal Court is largely independent of other City operations, but not entirely. The Municipal Court depends on various City Departments such as Employee Relations, Finance and Information Technology to carry out its daily operations.

You, as elected City Council members, establish the laws and the sentence and fine limitations. The municipal judges have sole responsibility for determining which laws apply to any given case, to interpret the law, apply it appropriately and adjudicate those cases of municipal code violations accordingly.

Neither City Council members, nor the City Manager, have any authority, individually or as a group, to interfere with a specific case.

The Council, through a method prescribed in the Charter, hires the full-time judges and designates a Presiding Municipal Judge, who acts as the head of the Municipal Court. Once appointed by Council, municipal judges must stand for retention on the municipal ballot. A Council committee meets annually to set the judges' salaries.

If approached by a constituent to intervene on their behalf with a court case, just inform them that you have no authority in that area. If approached by a constituent with a complaint about the Municipal Court, that complaint must be filed with the Court Administrator.

## **Meetings**

## **MEETINGS**

### **What Constitutes a “Meeting?”**

The statutes broadly define a “meeting” as “any kind of gathering convened to discuss public business, in person, by telephone, electronically, or by other means of communication.”

In a case involving meeting notice obligations, the Colorado Supreme Court provided important direction concerning what sort of meetings are covered by the Open Meetings Law, a decision that affects the scope of the Law as a whole. The Court clarified that for a gathering to be subject to Open Meetings Law requirements “there must be a demonstrated link between the meeting and the policy-making powers of the government entity holding or attending the meeting.” The Court went on to explain that such a link exists when the meeting is “convened to discuss or undertake... a rule, regulation, ordinance, or formal action.” “Merely discussing matters of public importance,” does not trigger the requirements of the Open Meetings Law.

### **“Open” Meetings**

Whenever three or more members (or quorum of the members, if fewer than three) of the “local public body” get together and public business is discussed or formal action may be taken, the gathering is a “meeting” and must be open to the public.

### **Council and Staff Retreats**

Under the expansive definition of “meeting” in the statute, “any kind of gathering” to discuss public business can qualify, regardless of how it may be labeled. Thus, if the retreat is attended by three or more members of the local public body, or by a quorum of the body (if fewer than three), the retreat qualifies as an open meeting, to which requirements for notice may also apply. However, an unlimited number of administrative staff members may attend the retreat since the Open Meetings provisions are inapplicable, due to the specific exclusion of administrative staff from the “local public body” definition.

### **Providing Notice of the Meeting**

The public cannot exercise its right to attend open meetings unless given sufficient notice. Therefore, the Open Meetings Law requires that the public receive “full and timely notice” of any meeting held. The statute prescribes the notice requirement as follows:

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated

annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

### **Quorum**

A quorum of city council members must be present to do business. A simple majority constitutes a quorum; i.e. a minimum of six of the eleven city council members must be present in order to hold a Regular or Special City Council Meeting.

### **Executive Sessions**

Because the underlying principle of the Open Meetings Law is that the formation of public policy is public business, and therefore cannot be conducted in secret, the exceptions provided by statute are limited and strictly tailored to situations where the General Assembly has determined that private discussion could serve the public interest.

Except for sessions held to receive legal advice, discussions that occur in an executive session of a local public body shall be electronically recorded.

#### *Topics of Executive Sessions*

- The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.
- Conferences with any attorney for the local public body for the purpose of receiving legal advice on specific legal questions.
- Matters required to be kept confidential by federal or state law or rules and regulations.
- Specialized details of security arrangements or investigations, including defenses against terrorism.
- Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.
- Personnel matters except if the employee who is the subject of the session has requested an open meeting.

### **Procedure for Calling an Executive Session**

The governing body may only call an executive session at a regular meeting or special meeting. While the Open Meetings Law requires "full and timely notice" of the regular or special meeting, nothing in the statute requires any particular notice of the governing body's intention to hold an executive session as part of that meeting. Thus, there is apparently no notice requirement that would impair the governing body from spontaneously calling an executive session during one of its meetings.

The governing body must first announce the topic of discussion, including the specific citation to the Open Meetings Law that authorizes consideration of the announced topic in executive session, as well as “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,” and then vote on whether to hold the session for the purpose of discussing only the topic announced. Two-thirds of the quorum present must vote affirmatively before the governing body can close the meeting to the public. The minutes of the regular or special meeting must reflect the topic of discussion at the executive session. Sample executive session procedures are provided in Appendix 1.

The purpose of calling an executive session is merely to deliberate on sensitive matters that could be compromised by premature public disclosure, and no formal action may be taken in executive session. The discussion on the record at the open meeting must indicate what policy considerations and motivations led to the final decision.

### **Special Meetings**

A “Special Meeting” is a meeting held at other than the designated dates and times of a Regular Meeting (outside of the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month/ 7:00 p.m.). A vote may be held at a Regular Meeting to conduct a “Special Meeting” or a “Notice of Special Meeting” which has been signed by the Mayor and three Council members may be delivered to the City Council members at least 24 hours in advance of the Special Meeting. City Council members are to sign a receipt for the Notice of Special Meeting, which is returned to the City Clerk.

### **Rezoning**

The Colorado courts have ruled that when Council considers applications for rezoning it is acting in a quasi-judicial capacity. This means the Council acts as a panel of judges, making an unbiased decision on the basis of information provided at a formal Public Hearing by competing interests. For these reasons, Council members should seek to avoid any prehearing contacts regarding applications for rezonings.

### **Meeting Procedures**

The Mayor presides over all meetings and meetings are generally held in accordance with Robert’s Rules of Order/Parliamentary Procedure, giving some discretion and flexibility to the chair (Mayor).

The Council President is the person selected to make motions on items on the agenda. The Mayor Pro Tem is the person selected to second the motions on items on the agenda.

### **Recesses of the City Council**

The Mayor may, in his or her sole discretion, call a recess at any time from a Formal Meeting of the City Council.

During a recess:

Council members may discuss procedures for considering a particular substantive issue before them; Council members constituting a quorum shall not discuss substantive issues before them; Council members shall not take formal votes, make final policy decisions, or take any other formal action.

### **Meeting Attendance Requirements**

Section 2.15 of the Lakewood City Charter states that City Council must hold at least one meeting per month at the time and date designated by ordinance. City Council members are expected to serve the public by attending all regular and special meetings as well as study sessions. Attendance at any other meetings is at the discretion of the individual city council member.

### **Rescheduling**

Regularly scheduled meetings, which fall on holidays recognized by the City may be held on the next regular City business day, or may be canceled.

### **Agenda**

Regular Council meetings are held on the second and fourth Monday evenings of the month (beginning at 7 p.m.)

Following is the usual order of business:

- Meeting called to order
- Roll call, pledge of allegiance, moment of silent reflection
- Recognitions, proclamations, etc.
- Public Comment on Other than Agenda Items
- Consent Agenda (handling of routine business)
- Ordinances on First Readings
- Resolutions
- Approval of Council Minutes
- Acceptance of Minutes of Boards and Commissions
- Public Comment on Consent Agenda
- Ordinances on Second and Final Reading and Public Hearing
- General Business
- Reports
- Adjournment

## **Study Sessions**

Informal Study Sessions are used as regular procedure to familiarize the Council members with detailed aspects of subjects on upcoming agenda items, thus saving valuable time in the council meeting itself. Public comment is reserved for formal City Council meetings. Study Sessions are held on the first and third Monday evenings of the month (beginning at 7 p.m.)

## **Minutes**

### *Maintenance of Official Records*

Regular Council meetings are recorded and a written record, in summary form, is also prepared by the City Clerk and approved by Council. All of these records are open for public inspection, as well as ordinances and resolutions adopted by Council. Notes are taken on Study Sessions and are also available to the public.

# CITY COUNCIL VOTING REQUIREMENTS

## I. Legal Distinctions Between “City Council” and “Governing Body”

According to the remodification of State Statutes relating to municipalities, “City Council” and “Governing Body” are no longer distinguished. “City Council” and “Governing Body” includes all of the elected Council members and the Mayor.

## II. City Council Voting Requirements

SITUATION	CHARTER PROVISIONS	NUMBER OF VOTES REQUIRED FOR PASSAGE
To pass an ordinance	Section 7.2 (a)	Majority of Council present and voting, except no Ordinance shall be adopted with less than 5 affirmative votes of such majority
To pass an ordinance as an emergency ordinance	Section 7.4 (b)	Vote of two-thirds of all members of City Council - 8
To pass a resolution	Section 7.2 (a)	Majority of Council present and voting
To appoint officers	Section 2.4	Mayor selects, with Council consent, one of the Council a Mayor Pro Tem. The Council votes on a Council President.
To pass rezoning changes with legal protests	Section 9.2	Favorable vote of two-thirds of all members of the City Council - 8
To pass an ordinance granting of franchises	Section 8.2 (a) & 7.2(a)	Majority of Council members present and voting, exception ordinance shall be adopted with less than 5 affirmative votes of such majority
Quorum	Section 2.16	Six members of the City Council shall constitute a quorum for any meeting of the City Council

## **ROBERTS RULE'S OF ORDER (AS USED IN LAKEWOOD)**

The City Council has the authority to determine its own rules of procedures for the conduct of its meetings. The common practice is for a new Council to adopt the rules of procedure of the previous Council, although amendments or changes are permissible, and in order. Presently, Robert's Rules of Order is used as Council's procedural guide. Council has also adopted a number of Resolutions governing procedural matters, such as rezonings. Procedures for the adoption of Ordinances are set forth in State Statute.

**Main Motion:** A motion which brings before the assembly, for its consideration, any particular subject. All other motions take precedence. It is the first motion made and the last motion voted on. It requires a second and is debatable. It requires a majority vote and is reconsiderable.

**Subsidiary Motion:** A motion applied to other motions for the purpose of disposing of them. There are seven subsidiary motions, five of which are commonly used in Lakewood. They are:

**Amend:** This motion changes the wording of a pending motion. It requires a second and is debatable. An amendment may be amended, except an amendment to an amendment may not be debated. An amendment requires a majority vote and is reconsiderable.

**Postpone definitely:** (In Lakewood, we call it "continue to a date certain".) This postpones a motion to a certain date. It requires a second and is debatable; however, debate is limited to the propriety of postponement. It can be amended by changing the date or the time. This motion requires a majority vote and is reconsiderable.

**Postpone indefinitely:** This motion removes the main motion from consideration and "entrusts it to the care of the secretary" until consideration is resumed at an unspecified future time. It requires a second and is not debatable. It requires a majority vote, cannot be amended nor is it reconsiderable. The object of this motion is to postpone the main motion in such a way that it can be taken up when the Council wishes (or when it is ready to be taken up) rather than at a specified time set in advance.

**Close, limit or extend limits of debate:** (In Lakewood, we call it "call for the question" or "Call the question".) In essence, this motion closes all debate and requires a vote on the motion. Once this motion is made, and seconded, then it is neither debatable nor amendable. It requires a two-thirds vote for approval, and, if approved, all debate ceases and a vote on the main motion is then taken.

**Commit or refer:** This motion sends a pending motion to a committee, such as the Planning Commission. It requires a second, is debatable, amendable, reconsiderable (as long as the committee has not begun reconsideration of the matter), and requires a majority vote. In Lakewood, this motion is rarely used.

**Reconsider:** (This is technically a "miscellaneous" motion.) This motion allows the Council to consider again a motion on which a vote has already been taken. This motion must be made at the next meeting of the Council by a person who voted on the prevailing

side. The effect of making this motion is to suspend all action the original motion would have required and to place before the Council the original question in the exact condition it had before it was voted upon. It must have a second and cannot be amended. It is debatable only if the motion to which it pertains was also debatable. It requires only a majority vote, and the motion to reconsider cannot itself be reconsidered. If a motion is reconsidered, then the original motion may be amended (The motion is called "amend after adoption").

## **Ordinances**

Ordinances are the "laws" of the City, enforceable in Court, and for which penalties are assessed for violation in the amount of up to \$1000.00 or 365 days in jail, or both, on conviction of violation.

Ordinance adoption is a principal duty of the Council. An Ordinance that Council adopts, however, must provide for the public health, safety and welfare and must be in harmony with the State Constitution and State Statutes. In addition, it must be in accord with the Federal Constitution and Acts of Congress.

When the City Council enacts an ordinance, it takes effect at one of three different times: 1) 30 days after the publication by title; 2) 45 days after publication by title (zoning ordinance); or 3) immediately if passed by emergency ordinance.

Ordinances must be passed in accordance with the procedures specified by the City's Home Rule Charter and rules adopted by the Council. These procedural requirements, fixed by the State Statute, determine: 1) method of presentation of the Ordinance; 2) the number of readings at successive meetings; 3) public hearings; 4) majority of the Council necessary for passage; 5) officers, such as Mayor and City Clerk, whose signatures must be affixed; 6) publication prior to legal effect; 7) authority of the Council to give emergency Ordinances immediate effect; and 8) provision for recording Ordinances for permanent record.

By Home Rule Charter, public hearings must be held on all Ordinances and some additional matters. It is Council policy to set a date for a Public Hearing on First Reading and not conduct a Public Hearing until the Second Reading of the Ordinance. The public must be properly notified of these hearings through legal publications. Public Hearings may be continued from time to time as long as a continuation is to a specific date.

## **Resolutions**

A Resolution, unlike an Ordinance, does not establish a permanent local law. Resolutions are commonly used for letting contracts, ordering paving of streets, construction of public improvements and items of a short-term nature. Motions are used as a means to bring before Council any matter for consideration, including Ordinances and Resolutions.

## **Committees**

## City Council Committee Appointments

City Council Members, in addition to their responsibilities in representing constituents through policy making decisions for the City of Lakewood, are asked and expected to serve on one or more committees per year, as assigned by the Mayor.

These committees take a number of different forms, some are community organizations that have asked for City Council leadership (i.e. Co Hope,) some are of an intergovernmental nature (i.e. Colorado Municipal League; Denver Regional Council of Governments,) some are required by law to have an elected official as a member (i.e. Head Start Policy Board,) and still others are groups providing specific guidance to staff or others (i.e. the Council Legislative Committee; Budget and Audit Committee.)

In November of each year, the Mayor will send out a memo asking members of City Council which committees they have an interest in. While mayors have typically attempted to pair Council Members with committees of interest to them, this is not always feasible. Committee assignments, for the following calendar year, are made by the Mayor in December.

### **Current committees are:**

Budget and Audit Committee: This committee consists of three Council Members and three citizens appointed at large. It meets as necessary and is charged with serving as an oversight committee reviewing financial statements, budget forecasts and to provide feedback on budgetary compliance with City policies.

City Council Legislative Committee: One member from each ward is assigned to this committee. It meets as needed during the legislative session, January through May, to consider any legislation that has a potential impact to the Lakewood community. It takes positions on pending legislation and conveys those positions to state elected representatives.

City Council Screening Committee: This committee consists of one Council Member from each ward. It meets as necessary and is charged with interviewing applicants for the City's boards and commissions and making recommendations on appointments to the entire Council.

CoHope: CoHope is a South Jeffco community organization that focuses on neighborhoods south of Lakewood's borders in unincorporated Jefferson County. The

appointee to this group serves as a liaison between the City and the group and is generally a Council Member from Ward V.

Colorado Municipal League Municipal Issues & Trends Committee: This is one of many committees within the Colorado Municipal League (CML) structure. It meets as needed to review trends and issues impacting municipalities and to provide guidance to the CML Executive Board.

Colorado Municipal League Policy Committee: This is another of the Colorado Municipal League committees. It meets three times per year, generally in February, May and November, to consider pending state legislation and to recommend positions to the CML Executive Board and staff. The City has two appointments to this committee, one is always the City Council Legislative Committee chairperson and the other is always the staff legislative liaison.

Denver Regional Council of Governments (DRCOG): The purpose of DRCOG is to foster regional cooperation amongst the 52 cities and counties that comprise its membership. It focuses on quality of life issues such as mobility, environment, public safety and growth. Each member government has an elected official serving on the Board of Directors of the Denver Regional Council of Governments. One regular and one alternate is appointed to represent Lakewood on the Board. It meets the third Wednesday of the month at 7 p.m.

Head Start Governing Board: Three Council Members are appointed to serve as the Governing Board for the Head Start Program. The Board has fiduciary responsibility for the program and meets monthly, or as needed.

Jefferson County Community Corrections Board: This group meets once a month, on the fourth Thursday of each month, at 7 a.m. for the purpose reviewing the status and background of Department of Corrections inmates nearing parole release for placement at transitional housing at 1651 Kendall St., and to provide sentencing options for judges in felony cases.

Jefferson County Criminal Justice Strategic Planning Committee: This group represents the various elements of the criminal justice system in Jefferson County and includes some state and elected officials. It discusses and makes recommendations on issues such as managing the jail population, efficiencies in the criminal justice system, mental health issues that might impact the system, and prevention programs. It meets the third

Wednesday of odd months at 5 p.m. A regular, and an alternate, elected official from Lakewood are appointed to the Committee.

Jefferson County Transportation Advisory and Advocacy Group: (JEFFTAAG) This Committee consists of an elected official representative from each of the cities in the county and an alternate position, filled by a staff person. It meets the second Wednesday of each month to review issues related to funding of transportation projects for the county and the municipalities within it.

Judges Salary Committee: One Council Member from each ward meets annually to study data and make recommendations to the whole Council as to the appropriate compensation for the presiding judge and all regular full-time judges.

Police Seizure Fund Committee: This Committee (comprised of a Council Member and the District Attorney) meets as needed to make recommendations on the disposition of money and property seized during major arrests. The Committee receives and reviews written requests by the Police Department.

Rooney Valley Joint Project Review Committee: This Committee is composed of three members appointed by the City of Lakewood and three appointed by the Town of Morrison. It reviews and approves land development plans for the majority of the land area in the Rooney Valley. Appointees include City Council Members, Planning Commission Members or executive level staff. It meets on an as needed basis.

Sister Cities Committee: This committee meets on the third Thursday of each month to discuss updates from Lakewood's four Sister Cities - Portsmouth and Chester, England; Sutherland Shire, Australia; and Stade, Germany.

Sister City Music Scholar Exchange Committee: This Committee meets as needed, approximately five to six times per year, to plan and organize a cultural exchange of student musicians between Chester, England and Lakewood.

Urban Drainage and Flood Control District: By law, the appointment to this Board of Directors must be either the mayor or mayor pro term. The District oversees multi-jurisdictional drainage systems and flood control mitigation. The Board meets the third Thursday of the month from 12:30-2:30p.m.

## JUDICIAL PAY PROCESS

Section 5.8 (a) of the City Charter states: "The City Council shall establish the compensation of all judges of the Municipal Court by ordinance."

Pursuant to this City Charter provision the following process is hereby established:

1. The mayor shall appoint a Judges' Salary Review Committee at the beginning of each calendar year.
2. The Municipal Court Administrator, in coordination with the Department of Employee Relations, shall conduct a salary survey comprised of municipal and county judges in the metropolitan area. The survey will include a weighted average of municipal judges' salaries. The survey may include other relevant salary information.
3. The salary survey shall be provided to the Judges' Salary Committee by the end of the first week of April each year.
4. Upon completion of the salary survey and no later than April 20<sup>th</sup> of each year, the Court Administrator shall set up a meeting between the Salary Committee and the full-time municipal judges. The purpose of the meeting is to discuss the salary survey; to exchange information about the Municipal Court and the judges; and to ask and answer questions.
5. After meeting with the full-time judges, the Judges' Salary Review Committee shall meet to make a recommendation on appropriate pay for the Municipal Judges and the Presiding Municipal Judge. The committee shall also recommend an hourly rate for the Associate Municipal Judges. This process should be completed by May 1<sup>st</sup> of each year.
6. The Court Administrator shall complete the process of preparing a revision to the ordinance reflecting the recommended pay for judges.
7. The City Council shall adopt an ordinance establishing the pay for Municipal Court judges.
8. The Court Administrator shall complete NOPA's reflecting the adopted pay for all judges. These salary figures will be used in the preparation of the annual budget for the Municipal Court.

## **Boards & Commissions**

## BOARDS AND COMMISSIONS

The City of Lakewood has several citizen boards and commissions. All but one are regulatory in nature. The Advisory Commission for an Inclusive Community serves in an advisory capacity to the City Council.

Those that perform specific legal functions for the City are:

**Advisory Commission for an Inclusive Community** – The commission consists of 60 citizens who serve on committees representing Parks/Trails & Open Space; Public Arts & Culture; Environment; Historic Preservation; Youth; Seniors; Neighborhoods; Business; and Diversity and Education.

Advisory Commissioners are interviewed, selected and appointed in the same manner as the other groups, by the City Council Screening Committee. No City Council members sit on the Commission.

**Board of Adjustment** – Hears and decides requests by property owners for variances from development regulations.

**Board of Appeals** – Hears and decides appeals from any order, requirement, decision or determination made by the Codes Administrator.

**Employees Money Purchase Pension Plan** – Administers the Plan by establishing rules, selecting investment and making determinations of the right of an employee to a benefit.

**Housing Authority** – City Council appoints members to the Housing Authority Board and then it operates as a separate entity from the City and is governed by Colorado Statutes. Its function is to provide affordable housing that offers healthy and safe living for those with low to moderate incomes.

**Judicial Review Commission** – Investigates all complaints against Lakewood Municipal Court Judges and makes recommendations to the City Council regarding same. This Commission also recruits, screens, interviews and makes recommendations to City Council regarding selection and appointment of judges.

**Planning Commission** – Conducts public hearings on proposed rezonings and subdivision applications. The Commission is also the approval authority for special use permits and is responsible for the City's Comprehensive Plan. Land use cases will be considered first by the Planning Commission before being forwarded, with recommendations, to the City Council.

**Police Pension Board** – Manages the pension plan and the Death, Duty, Disability Trust. This is the only board that has a member of City Council appointed to it. By Municipal Code, the Mayor is to serve as a member of the board.

**Victim Assistance Compensation Board** – Provides compensation to victims through an established application and review process.

Complete information on each of these groups can be found in the Boards and Commissions Orientation Manual. The only role that City Council members have is through the Council Screening Committee process described in detail in the “Committees” portion of this manual.

Through this process, Council interviews, selects and appoints members to the above boards and commissions.

**Lakewood  
Reinvestment Authority**

## **CITY COUNCIL AS THE LAKEWOOD REINVESTMENT AUTHORITY (LRA)**

In November of 1997, the voters of Lakewood authorized the creation of an urban renewal authority, known in Lakewood as the Lakewood Reinvestment Authority. At the same election but in a separate question, the voters designated the Mayor and City Council to serve as the Lakewood Reinvestment Authority Board of Directors.

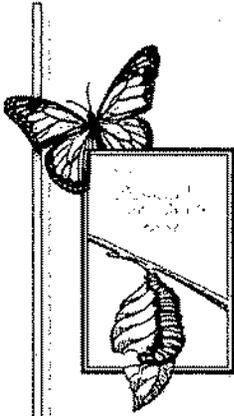
The Lakewood Reinvestment Authority (LRA) meets on an as-needed basis when potential project areas are under consideration. Authority boundaries are identical to the city boundaries but before a project or area can be designated as a "reinvestment area" specific boundaries and certain conditions must be identified. More detail on how urban renewal works, including state guidelines, follows later in this section.

Officers of the LRA include the mayor, who serves as the LRA Chairman; the mayor pro-tem who serves as the Vice-Chair; council members who serve as the board members; the city manager, who serves as the Executive Director; a contract attorney who serves as the LRA Attorney; and the city clerk who serves as the LRA Clerk.

Other staff from Planning and Public Works double as staff to the LRA.

The LRA Board of Directors generally meets immediately before or after a regular City Council meeting for convenience to those who serve in both official capacities. When this occurs, such as annually to approve its budget or when project areas are being considered, the regular meeting of the City Council is adjourned and the official LRA meeting is called to order, business conducted, and the meeting adjourned. Even though you might meet back-to-back and stay seated in the same seats on the dias, each meeting is conducted as its own separate legal forum.

The following documents provide a primer as to the role and expectations of City Council Members while serving as Lakewood Reinvestment Authority Board Members.



## LRA - Frequently Asked Questions

### **How does Reinvestment benefit the citizens of Lakewood?**

LRA establishes Reinvestment Areas in areas where the existing conditions negatively impact the community and where barriers impede redevelopment. Reinvestment results in quality redevelopment that benefits the adjacent neighborhoods, and permanent increases in the revenue that the City has available to provide services to its residents.

### **How does Reinvestment benefit Lakewood businesses?**

Businesses thrive in commercial areas that are vibrant and attractive. In some areas of Lakewood, market forces were failing to draw private redevelopment due to costly improvements needed to meet health & safety codes. In designated reinvestment areas, the LRA is authorized to use a variety of tools for redevelopment. LRA reinvestment projects strengthen the area for all businesses. The LRA can also offer support to existing businesses within a reinvestment area.

### **How does the LRA decide where to designate a Reinvestment Area?**

Colorado Revised State Statute defines the criteria for establishing reinvestment areas. In order to declare a reinvestment area, the LRA must first conduct a study to demonstrate that significant impediments to redevelopment exist in that area. The LRA has established reinvestment areas only where the number of impediments found far exceed the State required minimum. The study and a reinvestment plan are presented at public hearings, and must be accepted by the City Council in order to finalize the reinvestment area designation.

### **What is the difference between a reinvestment area and a redevelopment project?**

A reinvestment area is an area within which the LRA's redevelopment tools may be used for a redevelopment project(s). An area may encompass just a few acres or a large area such as an urban corridor or downtown area. A redevelopment project occurs when the LRA partners with the private sector for redevelopment of a specific location within a reinvestment area or area. If the area is small, a project may cover the entire area, such as at the Creekside shopping center redevelopment project, located in the Colfax-Wadsworth Reinvestment Area. A project area may be smaller than the area, such as the Belmar redevelopment project that is located in the West Alameda Avenue Corridor Redevelopment Area.

### **How does a Reinvestment Area affect property values?**

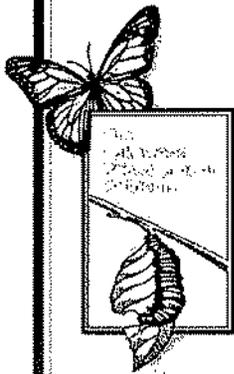
Being in a reinvestment area typically increases property values, as nearby redevelopment occurs and because the designation signals a commitment by local government to the area that encourages private investment. Property values in both the West Alameda corridor and Colfax-Wadsworth reinvestment areas have increased significantly since they were designated, at rates much faster than the citywide average. The same benefit is expected to happen over time in the recently designated West Colfax Corridor.

### **Will I have to pay additional taxes if my property is in a Reinvestment Area?**

The reinvestment area designation does not cause any new restrictions on property or any new taxes.

### **Will my property be condemned if it is located in a Reinvestment Area?**

No, being located within a Reinvestment Area does not mean that your property will be condemned. Only if your property is in a redevelopment project area could you be required to sell (see project vs. area, above). Property owners may be able to participate in the redevelopment project rather than relocate.



### **How does the LRA decide where to undertake a redevelopment project?**

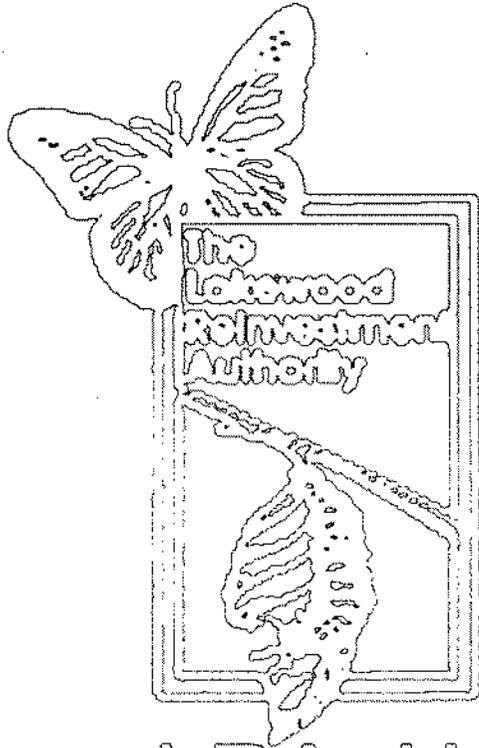
The LRA can only undertake a redevelopment project within an established Reinvestment Area. When an area is created, a redevelopment plan outlines the purpose of the area and the tools that may be used. The LRA establishes projects where the tools available can effectively be used to meet the goals of the area – for example, improving commercial viability and public amenities in a distressed area. The LRA only uses its tools where market forces alone are unable to bring about quality redevelopment. The LRA typically partners with private developers who can share the costs of reinvestment.

### **Can I be a participant in the redevelopment if my property is located in a Reinvestment Project area?**

Yes, it is possible for a property owner to participate in a redevelopment project. All property owners in a redevelopment area have the opportunity to submit a proposal for redevelopment. The proposal competes against all other submittals as to its ability to meet the project criteria, which are determined in accordance with the goals and purpose of the Reinvestment Plan for the Area. A property owner may submit a proposal alone or seek to be a partner in a proposal.

### **How are property owners and tenants compensated if they must move for a project?**

The LRA must pay fair market value for any property obtained through condemnation. If a fair price cannot be agreed upon, a court determines the fair market value. The LRA also pays relocation costs to businesses and residents. Relocation compensation includes a wide variety of costs such as business closure, new business cards and advertising the new address. Unlike the open market, in a reinvestment project, tenants have the same rights to relocation assistance as property owners and are justly compensated.



# LRA: Using Reinvestment to Improve Lakewood

Prepared by Lakewood Reinvestment  
Authority



# What is the LRA?

Lakewood voters approved the formation of the Lakewood Reinvestment Authority (LRA) in 1997.

The mission of the LRA is to encourage private reinvestment within targeted areas of Lakewood to enhance, preserve and restore the city's vitality and quality of life.

# What is Reinvestment?

Reinvestment is the use of tools authorized by the state under “Urban Renewal” law to partner with the private sector for redevelopment in Lakewood’s distressed areas.

“Urban Renewal” is a statute-based tool that provides government with an affordable method to contribute public investment to the renovation of deteriorating property.

# The LRA has three primary goals:

Maintain a strong identity and image for Lakewood

Assure economic soundness of public/private development

Increase the tax base



# How does the LRA work?

LRA uses a variety of tools authorized by State statute to accomplish its mission.

The best known urban renewal tools are tax increment financing (TIF) and condemnation.

The LRA uses condemnation only as a last resort and encourages private developers to acquire properties through negotiation whenever possible.

LRA may work only in areas that have been established as a Reinvestment Area.

To establish a Reinvestment Area, the area must be studied to determine “blight.”

For an area to be defined by the State of Colorado as “blighted,” it must be shown that in its present condition and use, the area meets the State definition.



# What is Blight?

The LRA must find four or more factors of blight to establish a Reinvestment Area.

By Colorado State Statute, blight is defined as:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;

- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction or faulty or inadequate facilities;



(j) Environmental contamination of buildings or property;

(k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or

(l) If there is no objection by the property owners or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the

(l cont.) presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

# What is TIF?

TIF is a financing tool that uses future growth in property and sales taxes to finance reinvestment improvements.

Future growth in tax revenues due to property improvements and increases in the LRA's portion of sales tax revenues, constitute the "increment."

Revenues from the increment are used solely for reinvestment in public improvements.

TIF does not constitute a tax increase. It is a reallocation of new tax revenues above a base value. The base value can increase or decrease.

The reallocation of tax revenues above the base value continues for a period of twenty-five years after the base year.

The amount of increment captured by the LRA may be negotiated with other taxing entities before the creation of a reinvestment project.

# Urban Renewal in Lakewood

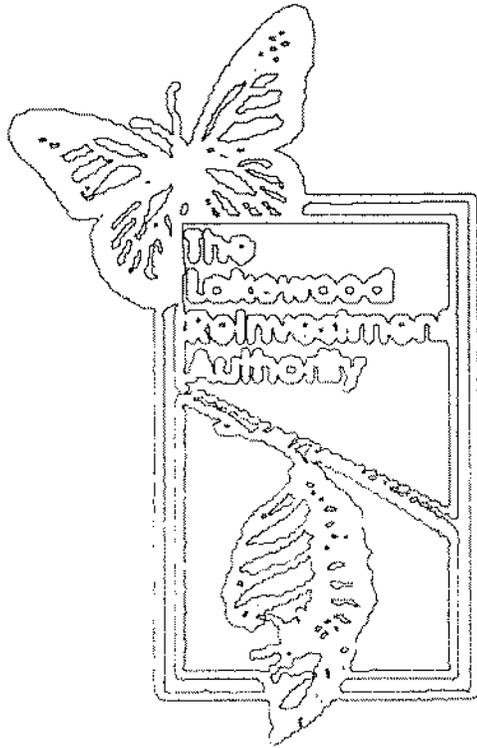
Intended primarily for commercial property and high density residential.

Utilized only where the private market has not or cannot support a project.

Use is considered on a case-by-case basis: only four projects have occurred between 1997 and 2009.

Lakewood agreements are structured so that the public payback occurs on the back end. There is no upfront taxpayer money involved.

The initial investment comes from the developer, who then is paid back over time with public funds for their investment in public improvements.



Lakewood Reinvestment Authority

480 South Allison Parkway

Lakewood, CO 80226

[www.lakewood.org](http://www.lakewood.org)

## **Council Officers**

## City Council Officers

Two members of City Council are chosen each year to serve as Council Officers, one in the position of Mayor Pro Tem and one as Council President.

The Mayor Pro Tem is chosen by the Mayor and the choice is ratified by the City Council at the first regular meeting after a study session in December. The Council President is nominated and voted on by members of the City Council and assumes the responsibility at the same time as the Mayor Pro Tem. Each serves for a one-year period.

The primary responsibility of the Mayor Pro Tem is to serve in an acting capacity in the absence of the Mayor, including presiding over meetings and signing any documents that require a Mayoral signature.

The primary responsibility of the City Council President is to serve as a resource to fellow Council Members and to coordinate communication to and amongst Council members. The Council President acts as Mayor in the event that neither the Mayor nor Mayor Pro Tem is available.

The Council Officers, along with the Mayor, City Manager, City Clerk and Director of the Mayor and City Manager's Office, meet at 4 p.m. each Monday prior to a regular City Council meeting to discuss the logistics of the meeting ahead. This generally includes going through the agenda item by item and making sure that the officers know who will be speaking on each topic, how to properly pronounce names, whether or not to combine items, etc. Any member of Council is welcome to sit in on, what is commonly called, "the 4 o'clock."

## **Resignations/Vacancies**

## **RESIGNATIONS/VACANCIES**

Per Article II of the Lakewood Home Rule Charter:

Section 2.5 – Mayor Vacancy. Should the office of Mayor be vacated for any reason, the City Council shall select from its members a replacement, who shall perform all duties and have all powers of the Mayor until the next regular municipal election. Upon taking the oath of office, the person selected shall no longer serve as a ward council member, and a vacancy shall exist in the ward from which the replacement was elected. Such vacancy shall be filled in accordance with the provisions of the Charter.

Section 2.8 – Council Vacancies. In the event the office of any member of the City Council, except the Mayor, is vacated for any reason, the City Council shall call a special election within 90 days of the effective date of such vacancy in order to elect a successor for the remainder of the term of office; provided, however, that the City Council shall not call a special election if a regular municipal election will be held within 90 days from the effective date of the vacancy.

**Removal or censure**

## **REMOVAL OR CENSURE PROCEDURES FOR CITY COUNCIL MEMBERS**

The City of Lakewood Charter provides that the City Council shall have the power to remove its members from office, including the Mayor, for cause, as provided by Ordinance. This Policy also allows for the censure of City Council members and the Mayor.

I. Removal or Censure. The City Council possesses the power to censure or remove its members from office, including the Mayor, for cause, upon a vote of not less than three-fourths of all members of the City Council. The causes for censure or removal are:

- A. Physical or mental disability rendering the Council member unable to perform Council duties;
- B. Absences from regular City Council meeting or study sessions when such absences equal thirty (30) percent of all regular City Council meetings and study sessions in a calendar year;
- C. For a Council member, lack of residence in ward from which elected; for the Mayor, lack of residence within the City.
- D. Knowing disclosure of confidential information. Confidential information means information which is not available to the general public under applicable laws, ordinances and regulations, and which is obtained by reason of the Council member's position with the City.
- E. A conviction of a violation of the Colorado Constitution or Colorado Statutes, which conviction prohibits serving as a Council member.

II. Procedure. The procedure for the censure or removal of a City Council member or Mayor is:

- A. Charges shall be brought against the Council member by a majority vote of all members of the City Council;
- B. The charged Council member shall be provided written notice of the charge or charges and the time and place of the hearing on said charge or charges, which hearing shall be held before the City Council;
- C. The charged Council member may be represented by counsel. The City Council must appoint counsel to conduct the hearing and present evidence;
- D. The hearing shall be conducted in a quasi-judicial forum. The allegations shall be presented on behalf of the City, by a special counsel selected by the City.
- E. At the hearing, which shall be open to the public, the parties shall have the right to:
  - 1. Present testimony.
  - 2. Produce evidence.
  - 3. Cross-examine witnesses.
  - 4. Be represented by legal counsel.

III. Vacancy. Vacancy shall be filled as provided by City Charter. A Council member may not be charged a second time for the same offense.

## **Conflict of interest**

## CONFLICT OF INTEREST

Colorado state statutes provide Standards of Conduct which relate to the Mayor and City Council members. These Standards of Conduct have been adopted by City Council resolution as Council's Code of Conduct. Generally, they provide as follows:

- A. A City Council member shall not engage in a financial transaction for his private business purposes with a person whom he supervises in the course of his official duties.
- B. A City Council member shall not perform an official act substantially affecting to its economic benefit a business in which he either has a financial interest or is engaged as a consultant or agent.
- C. A City Council member who has a personal or private interest in any matter pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.
- D. A City Council member may vote if his participation is necessary to obtain a quorum if he makes certain disclosures related to his personal interest in the matter.
- E. A City Council member cannot:
  - 1. Disclose or use confidential information acquired in the course of his official duties in order to further substantially his person financial interests; or
  - 2. Accept a gift of substantial value which would tend improperly to influence a reasonable person in his position. Substantial value means Fifty Dollars (\$50.00) or more.
  - 3. Generally, the following shall not be considered gifts of substantial value:
    - a. Campaign contributions and contributions in kind;
    - b. An occasional nonpecuniary gift, insignificant in value;
    - c. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
    - d. Payment for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting.
    - e. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events;
    - f. Payment of salary from employment, including other government employment.

## **LOGISTICS**

## **TRAVEL PROCEDURES (receipts/documentation required)**

*Travel arrangements made thru City Manager's Office – required mayor or designee approval.*

Meal costs for all elected and appointed officials (mayor, city council members, judges, board and commission members will be reimbursed based on actual receipts submitted. Your hotel accommodations (first night deposit), travel arrangements, registration and other related travel needs are handled through the Executive Assistant to the Mayor and the City Manager.

If you choose to drive rather than fly to an event that would normally be flown to, actual miles driven to/from the event from the Lakewood Civic Center will be computed at the IRS' standard mileage rate and reimbursed at the conclusion of the trip. The maximum mileage allowance for the use of a personal vehicle is NOT to exceed the cost of the LOWEST available airfare for the individual(s) traveling.

Only lodging accommodations for the dates of the conference will be covered. Not extra lodging or meals for the extra time it takes to drive. You may opt to take the train or bus rather than fly – the same criteria for reimbursement will be used. (Exceptions: unforeseen circumstances where all air travel is cancelled.)

Registration, airfare, the first night's guarantee for lodging and an advance check (for taxis etc. – receipts will be required to document the use of the advance – without receipts the entire amount of the advance will need to be returned to the City) will be paid in advance.

The City will pay the single rate for lodging accommodations. When a spouse or guest accompanies a council member, the council member will be responsible for any additional charges.

The City will pay for additional cost for optional meal functions which are not included in the registration fee and for which you may be expected to attend as a representative of the city, i.e., awards luncheon, banquet, etc. Appropriate deduction for those meals will be calculated during the travel reconciliation process.

The City will not pay for entertainment, social or extracurricular activities (i.e., golf games, running events, special tours of area, etc.) including additional lodging or per diem expenses, offered as part of the conference unless specifically related to the council member's job and approved in advance by the department director/mayor.

**Please keep all receipts and turn them in to travel coordinator upon your return.**

## EXPENSE REIMBURSEMENT (receipts/documentation required)

Expenses incurred while conducting City business are reimbursed with appropriate receipts and documentation. Examples of expenses appropriate for reimbursement from the City include such items as attending local meetings requiring a registration fee, meal or other expenses, or making calls for City business on your personal cell phone. Unless specifically authorized by the Mayor, City Council, or City Manager, the City will NOT reimburse the cost of alcoholic beverages.

Expenses for spouses are only covered when you attend an event in your official capacity and it is an event where spouses are expected to participate.

Requests for reimbursement should be submitted at the end of each month.

Documentation should state the reason for the expense, those in attendance at the event or meeting and the purpose of the meeting, meal or event. If alcohol is purchased, the prior authorization should be included in the documentation or the documentation should reflect that the alcohol was purchased with private funds.

## **MILEAGE GUIDELINES (requires mayor approval)**

Reimbursement forms are available from the City Manager's Office for documenting mileage and parking expenses occurred while conducting City business. The IRS standard rate of 55 cents per mile is used. This does NOT cover mileage for travel to and from City Council meetings.



# **City Council Guide to Information Technology Department Procedures & Policies**

Lakewood City Council Members are provided with a laptop to assist in communicating with citizens and City staff. This guide covers Information Technology (I.T.) security procedures, care of equipment, access to and use of the City e-mail system, and voicemail access as well as E-mail, Internet and Security Policies.

The laptop is property of the City of Lakewood and it is each Council Member's responsibility to be aware of the procedures and policies for use of I.T. equipment.

The I.T. Help Desk is available from 7:30 A.M. until 4:30 P.M., Monday through Friday for questions or assistance at 303-987-7602.

## **Password and Security**

Computer security is of utmost importance for Information Technology (I.T.) in order to protect the City's information systems. Each City employee using the City's systems is assigned an individual User Name (login name) and password. The User Name is composed of the first three letters of both your first and last names

- For example, John Smith would have the **User Name** of **johsmi**.

Along with a User Name, each user is required to set your own password using a combination of letters, numbers and characters. The reason for password complexity is that simple word passwords are easily compromised and I.T. must protect the City's systems from unauthorized use.

The default or initial password that is provided to new users is used for all new City users and computers so it should be changed promptly.

### **How to Change Password**

Passwords must meet the following requirements:

- Minimum of seven (7) characters long
- Contain at least one capital letter
- Contain at least one special character, and/or numbers.

For example, *Abcd123* would be a valid password, so would *Maryis5* or *mary'S5* or *mary'Sfive*; but *maryis5* is not valid.

#### **Follow these steps:**

1. **Logon to the laptop at City Hall with a cable connected to the City network.**  
Cables and network connections are available in the conference room behind Council Chambers or in the City Manager's Office. Please call the Help Desk if you have any questions.
2. Press ***Ctrl+Alt+Del***
3. Click the ***Change Password*** button
4. Enter your current password in the ***Old Password*** field

5. Enter your new password in the *New Password* field
6. Confirm your new password in the *Confirm New Password* field
7. Click *OK*

Your password should now be changed. Do not share your new passwords with other users.

### **Incorrect Password**

- If you enter the incorrect password three times and the account will be locked

There is a built-in security mechanism during login to protect you from someone guessing at your password to logon as you. After three (3) attempts to login using a wrong password, your account will be locked (suspended).

If you incorrectly type your password 3 times, contact the I.T. Help Desk to unlock your account.

- Tip: Always ensure the *Caps Lock* key is not on while typing your password.
- I.T. staff cannot see your password but can reset your password if your account is locked.

### **Computer Viruses**

Tens of thousands of times everyday, our e-mail system is receiving junk e-mail (spam) or e-mail with viruses. Even with the many layers of protection that are in place it is possible that you may receive junk e-mail or malicious e-mail.

If you think you have been sent a suspicious e-mail, do not open it or click on any attachment or link. Simply delete the questionable e-mail message.

If you suspect that you have a virus on your computer, contact the I.T. Help Desk immediately by calling 303-987-7602. Even if you have a question, assume it is a virus and the I.T. Help Desk staff will gladly assist you.

Stopping a virus early is critical to minimizing the impact on all users and systems.

## **Care of Equipment**

Periodically keyboards and screens should be cleaned. Using the wrong cleaning product can damage monitors and internal parts of the laptop. Here are recommendations for cleaning computer equipment:

### **Screen**

Do not use Windex or other general purpose or window cleaners. The screen has a protective film that is damaged by using window cleaners. I.T. has supplied cleaning wipes along with your laptop specifically designed for this purpose.

### **Keyboard**

Soft drinks, coffee and even water spills can damage a keyboard. You can use a dampened paper towel or Lysol/Clorox wipe or similar product to clean and disinfect the keyboard. Do not use any type of spray cleaner.

Any cleaning should be performed while the laptop is powered off.

If you have the misfortune of spilling something on your keyboard and it is not working properly, contact the I.T. Help Desk. In many instances, giving the keyboard a chance to dry will remedy the problem.

**Administrative Regulation – I.T. Policies**

**VI/G            E-mail Systems Usage Policy**

**VI/H            Internet Access and Usage Policy**

**VI/E            Systems Security Policies**

VI/G

## **ADMINISTRATIVE REGULATION**

### **E-MAIL SYSTEMS USAGE POLICY**

Effective Date: July 2007  
Revision of: September 2003  
Original Date of Publication: September 2000

#### **SCOPE**

The E-mail Usage Policy sets the standards for appropriate use of City e-mail systems by all City employees, volunteers, contractors, and elected officials.

#### **POLICY**

##### **No Expectation of Privacy**

All e-mail software, servers, messages and associated backup copies are and remain City property. All messages and attachments sent or received through the e-mail systems are subject to inspection by City management, Information Technology staff, at the direction of City management, and may be subject to public inspection under the Colorado Open Records Act. E-mail communication is intended for official business use, and messages are not private, nor the property of any employee.

##### **Personal Use**

The use of the City's e-mail system is available and reserved to conduct City business. Like telephones, incidental and occasional personal use of e-mail is permitted during lunch or break periods, or before and after work hours. The E-Mail Usage Policy applies regardless of the time of day, on or off work hours, on City-owned equipment or other equipment used to access City e-mail systems. In no case is e-mail to be used for solicitations or for any form of personal or commercial gain.

## **Broadcast Messages**

The use of broadcast e-mail messages to employees for personal use is prohibited. The e-mail system may not be used for any non-City-related solicitations including: commercial ventures, religious or political causes, social events, etc.

Use of e-mail to broadcast business-related messages to the City or outside organizations is permitted in accordance with the City's Electronic Privacy Policy.

## **Employee Responsibility**

It is the responsibility of each employee to use the e-mail system responsibly and to ensure that any e-mail messages do not harm an employee's own work performance, other employee's work performance or the City's reputation.

- a. Employees must ensure messages do not harass or obstruct the work of other employees in any way.
- b. Accordingly, the e-mail system must not be used to send jokes or other comments that may be discriminatory, offensive or harassing to others, or to send material that defames an individual or the City.

## **Prohibited Content**

Prohibited e-mail content includes, but is not limited to:

- a. Adult material (sexually explicit written material, jokes, pictures, video, etc.)
- b. Gambling or sports pools
- c. Discriminatory material (any content that is biased, based on national origin, gender, age, disability, sexual orientation, religious or political beliefs)
- d. Harassment of any type
- e. Violence
- f. Content otherwise prohibited by any federal or state law or City ordinance or policy

The City's e-mail systems shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization from management. The City forbids any use of its e-mail systems in a manner that violates any law, regulation, ordinance or policy of the City.

## **Unauthorized Disclosure**

Intentional or unintentional disclosure or dissemination of restricted or confidential information via e-mail, both inside and outside the City, to parties who do not have a need to know is strictly prohibited.

## **Security**

The City has a variety of security mechanisms in place including firewalls, proxy services, filters, monitors, etc. that help ensure the safety and security of the City network. Users are prohibited from attempts to disable, defeat, circumvent, or otherwise override any City security mechanism.

## **Retention**

E-mail is generally not a permanent City record. E-mail messages are not to be stored for archival or permanent records retention purposes.

- a. If content or attachments within e-mail messages are to be archived, a separate file should be created and stored on a network drive and folder designated specifically for permanent storage.
- b. If attachments to e-mail cannot be filed electronically, the document must be printed and placed in an appropriate hard copy file for archival purposes.
- c. E-mail messages that are stored (saved on a network drive or individual PC) may be subject to review under the Colorado Open Records Act.

Employees are responsible for properly filing and disposing of their e-mail; ensuring appropriate content in messages they send; making messages accessible to others as business requires; taking reasonable precautions to ensure the integrity, confidentiality and security of information transmitted over the City's e-mail systems; and for appropriate dissemination of their e-mail messages.

## **E-mail Backup**

E-mail systems are backed-up nightly for catastrophic disaster recovery purposes only. Specific e-mail messages cannot be individually retrieved from backups.

- a. All messages sent, received or stored in Exchange folders (Inbox, Sent Items, Deleted Items, etc.) and all network folders prior to the time of backup are backed up nightly and continue to be backed up as long as the messages are saved by the user.
- b. The e-mail system keeps deleted messages in the "Deleted Items" folder until the user purges those messages.

- c. Recovery or retrieval of any personal or public e-mail folders or message shall not be done after it has been deleted from the employee's e-mail box.
- d. E-mail messages are retained on backup media for a period of 14 days and then overwritten.

### **Access, Security and Filtering**

The City reserves the right to access all files stored and all messages transmitted over City systems. Messages and attachments are filtered for viruses, spam, spyware, malware, other security threats and inappropriate content. The City may delete incoming e-mail that poses a security risk or threat to efficient or effective operations of City systems without prior notification to users.

Employees must ensure the security of their e-mail account by protecting the integrity of their password.

- a. Passwords must never be shared. The Delegate's feature within the e-mail system can be used to share e-mail access.
- b. Supervisors must notify Information Technology immediately when an employee leaves the City and make arrangements for accounts to be disabled and e-mail forwarded as necessary.
- c. E-mail accounts will be deleted after 30 days unless special arrangements have been made.

### **Enforcement**

Employees, volunteers, contractors and elected officials not in compliance with this policy may be subject to restriction or suspension of e-mail privileges and/or disciplinary action, up to and including termination.

Submitted by: Information Technology Department

Approved by:

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Michael J. Rock, City Manager

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Date

## ADMINISTRATIVE REGULATION

### INTERNET ACCESS AND USAGE POLICY

Effective Date: December 2007  
Revision of: July 2007  
Original Date of Publication: September 2000

#### SCOPE

The Internet Access and Usage Policy sets the standards for appropriate use of City Internet communication systems (website browsing, file downloads, chat, instant messaging, newsgroups, etc.) by all City employees, volunteers, contractors, and elected officials.

#### POLICY

##### **No Expectation of Privacy**

All Internet communications, servers, downloaded files, software, messages and associated systems are and remain City property. Any such files or software may be used only as relevant to City job duties and in a manner consistent with any applicable license agreement or copyright. All files and information sent or received through the City Internet systems are subject to inspection by City management, Information Technology staff at the direction of City management, and may be subject to public inspection under the Colorado Open Records Act.

Internet use and communication is intended for official business use and is not private nor the property of any employee. Anyone using the City-provided Internet access should not assume they have any degree of anonymity. Access to websites and message authorship can easily be traced. Only those employees who are authorized to represent the City to the media, to analysts or in public gatherings on behalf of the City may speak/write in the name of the City to any newsgroup, chat room or other forum. Employees are to identify themselves accurately and completely, including City affiliation and function where

requested (such as when participating in chats, newsgroups, webinars, or when setting up accounts on outside computer systems and websites).

### **Personal Use**

The use of the City's Internet service is available and reserved to conduct City business. Like telephones, incidental and occasional personal use of the Internet is permitted during lunch or break periods, or before and after work hours. The Internet Access and Usage Policy applies regardless of the time of day, on or off work hours, on City-owned equipment or other equipment used to access the City's Internet service. In no case is the City's Internet service to be used for solicitations or for any form of personal or commercial gain.

### **Employee Responsibility**

It is the responsibility of each employee to use the Internet responsibly and to ensure that his or her Internet usage does not harm his or her own work performance, other employee's work performance or the City's reputation.

- c. Employees must ensure Internet usage does not harass or obstruct the work of other employees in any way.
- d. Accordingly, the Internet must not be used to download files, pictures, jokes or other material that may be discriminatory, offensive or harassing to others, or to send material that defames an individual or the City.

### **Prohibited Content**

Prohibited Internet content includes, but is not limited to:

- g. Adult material (sexually explicit written material, jokes, pictures, video, etc.)
- h. Gambling or sports pools
- i. Discriminatory material (any content that is biased, based on race, color, creed, national origin, religion, ancestry, sex, sexual orientation, age, military service, veteran status, marital status or disability )
- j. Harassment of any type
- k. Violence
- l. Content otherwise prohibited by any federal or state law or City ordinance or policy

The City's Internet systems shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization from management. The City forbids any use of its Internet systems in a manner that violates any law, regulation, ordinance, or policy of the City.

## **Security**

The City has a variety of security mechanisms in place including firewalls, proxy services, filters, monitors, etc. that help ensure the safety and security of the City network. Users are prohibited from attempts to disable, defeat, circumvent, or otherwise override any City security mechanism. Internet access is only available through the City's network controlled by City security systems. Dial-up Internet access over a modem is prohibited and will only be set up on PC's that are not connected to the network and where there is a legitimate business need.

## **Monitoring Usage**

Department managers and supervisors are responsible for discussing, understanding, and monitoring Internet usage by their employees to ensure that employees comply with the Internet Access and Usage Policy. Information Technology has the ability to monitor and log all Internet activity to administer security and to manage traffic and resources. Internet usage logs or other reports can be made available to Information Technology staff and/or department managers and supervisors upon request, to support operational, maintenance, security, and investigative activities.

## **Unauthorized Disclosure**

Intentional or unintentional disclosure or dissemination of restricted or confidential information via the Internet to internal or external parties or in public newsgroups, chats, or forums, who do not have a need to know, is strictly prohibited.

## **Enforcement**

Employees, volunteers, contractors and elected officials not in compliance with this policy may be subject to restriction or suspension of Internet privileges and/or disciplinary action, up to and including termination.

Submitted by: Information Technology Department

Approved by:

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Michael J. Rock, City Manager

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Date

V/E

## **ADMINISTRATIVE REGULATION**

### **SYSTEMS SECURITY POLICIES**

Effective Date: July 2005  
Revision of: September 2003  
Original Date: September 2000

#### **SCOPE:**

This administrative regulation applies to all City systems used by all City employees, volunteers and contractors (users).

#### **PURPOSE:**

This administrative regulation sets the standards and responsibilities for handling and safeguarding electronic data and communications on the City's systems.

#### **POLICIES:**

- 1) Electronic data or information is a City-wide asset requiring that all users share responsibility for its integrity and security.
  - a. Use City information for tasks related to job responsibilities and not for personal purposes.
  - b. Access only accounts, files and data that are your own, that are available City-wide, or to which you have been given authorized access to conduct City business.
  - c. Accurately update your own records through City self-service systems and other processes provided to you.
  
- 2) In some cases, the City maintains sensitive data, and discreet treatment is essential.
  - a. Never release sensitive information to which you have access, but for which you do not have ownership, authority, or permission to disclose. Discuss any questions with your supervisor.

- b. All public inquiries for City data shall be directed to the City Clerk's Office or the Police Records Section as appropriate.
  - c. Information collected from the City's online services is to be handled in accordance with the City's Web Site Privacy Policy.
  - d. Do not store or maintain personal information or any data unrelated to City business on the City's systems. Data is subject to retrieval by law or public inspection under the Colorado Open Records Act.
  - e. A few examples of sensitive data are: police records involving criminal investigations, home address and telephone numbers, health insurance records and citizen information collected from online web services.
- 3) **Usernames and passwords assigned to individual users are to be used only by the individual and not to be divulged or shared with any other party. Understand that you are responsible for all transactions made by your username/account id.**
- 4) Sign off the system when unattended.
- 5) Failure to comply with this policy may lead to restriction or suspension of system privileges or disciplinary action, up to and including termination. Violations of law may be turned over to the appropriate law enforcement agency for investigation and prosecution

Submitted by: Information Technology

Approved by:

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Michael J. Rock, City Manager

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Date

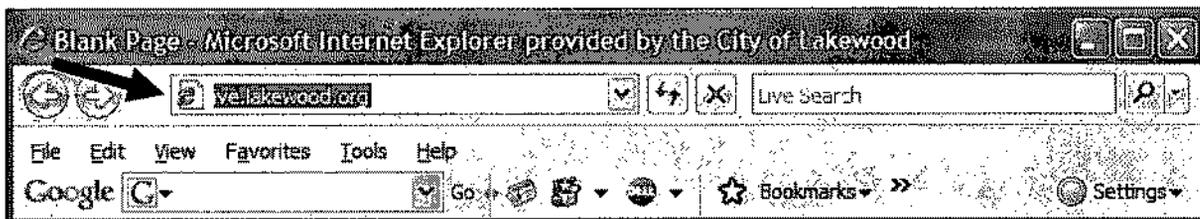
## Remote Access to E-mail

### Definition of Terms

- SSL VPN stands for Secure Socket Layer Virtual Private Network. SSL VPN creates a secure session between your laptop and the City network.
- SSL VPN gives any City of Lakewood employee with a network logon the ability to safely access some City systems remotely. All you need is a PC or other device with access to the internet.

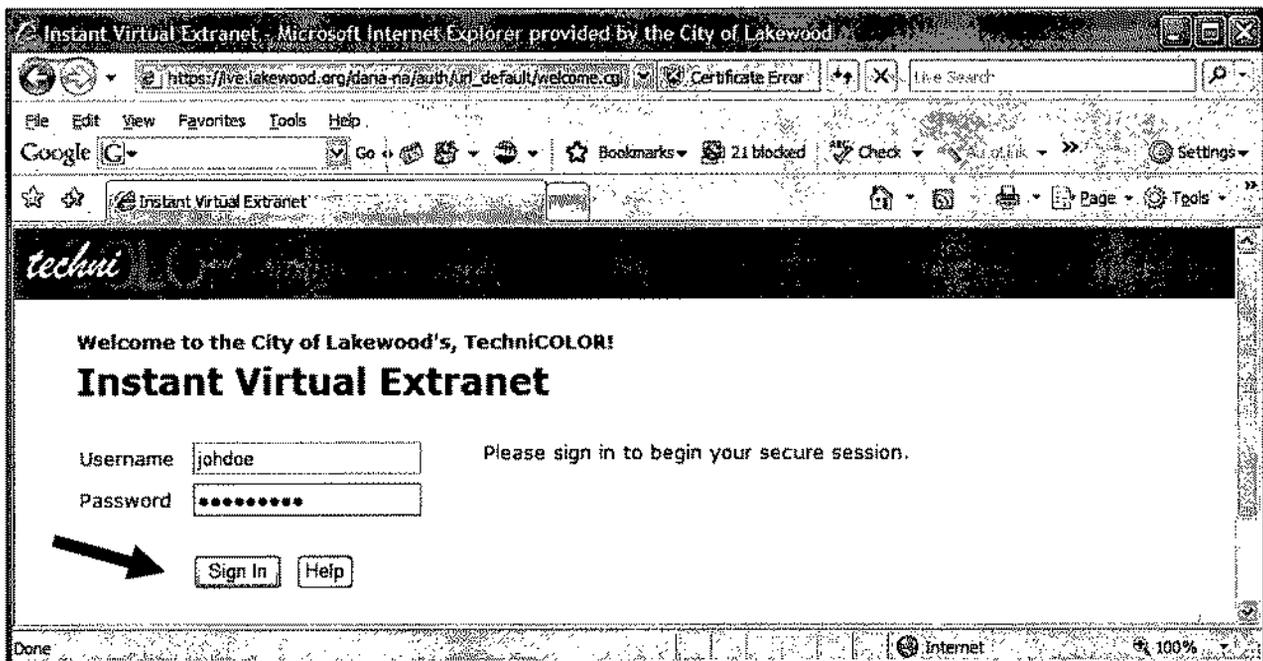
### How to Gain Access

- Open your Internet Browser
- Type the following in the address bar: **ive.lakewood.org** and press *Enter*.



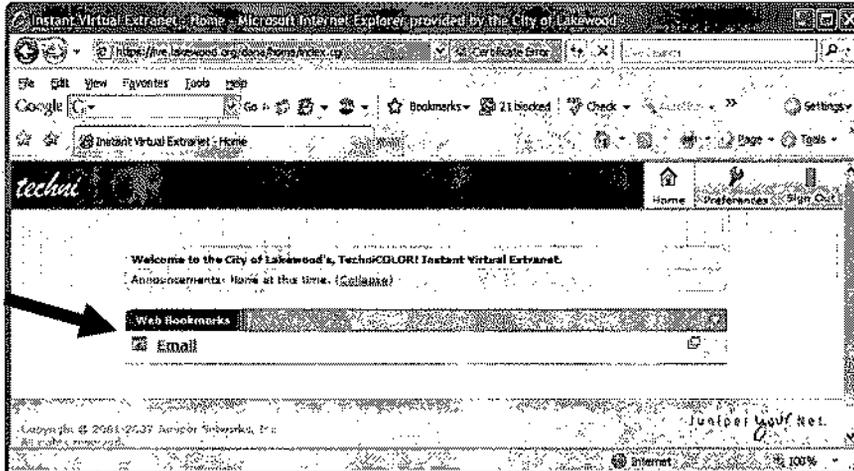
### Login Page

- Enter your Username and Password provided and click the *Sign In* button.

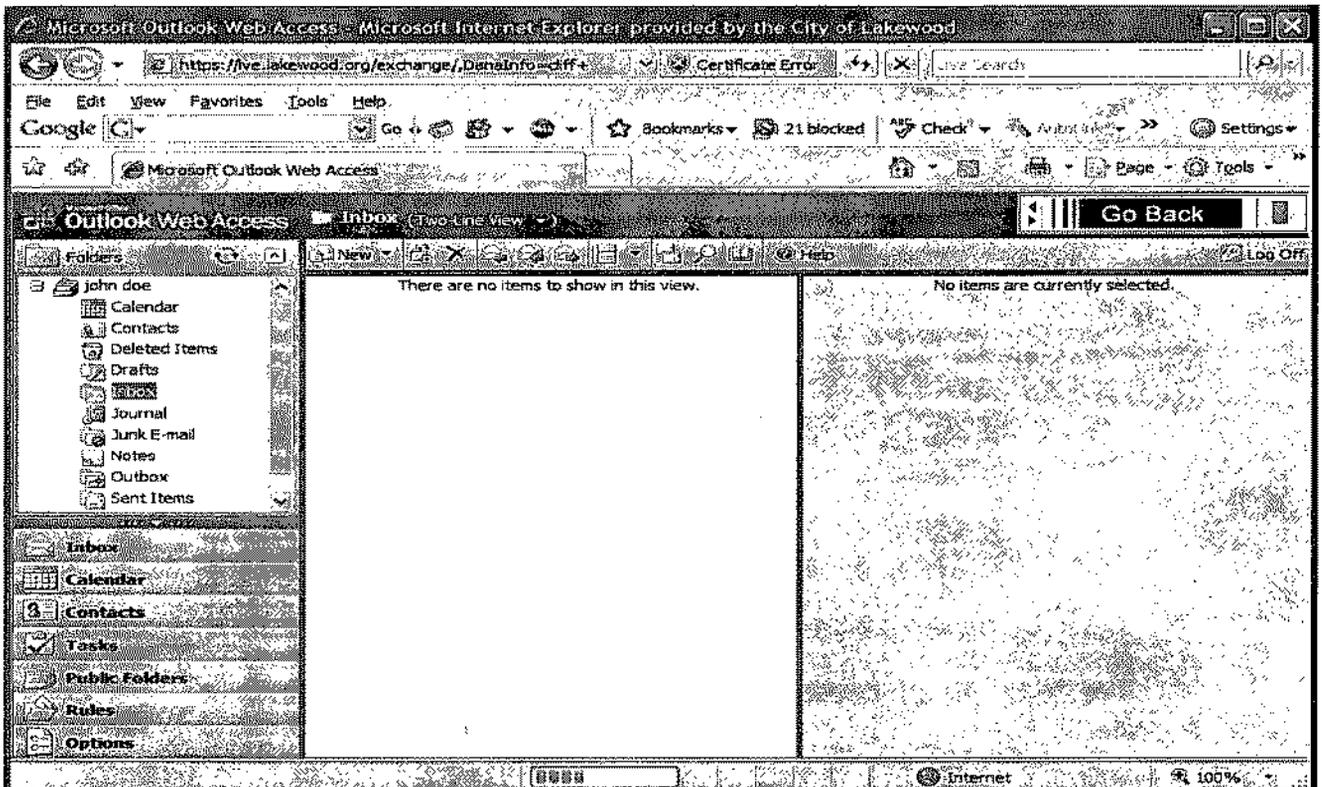


If you see the screen below you have successfully connected.

- To access your e-mail, click the **Email** link.



Below is the e-mail screen you will see once you are connected:

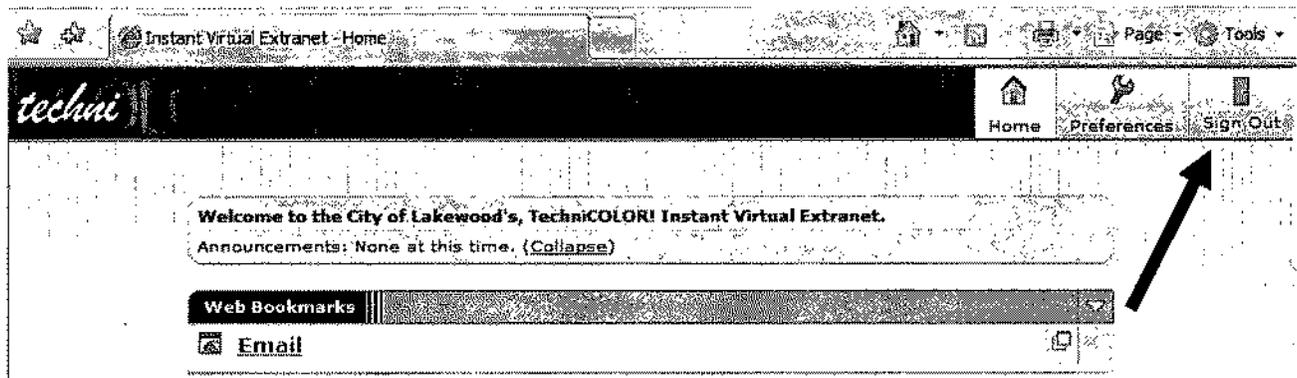


## Important Sign Out Procedure

- To finish your remote session, click the **Go Back** button in the upper right corner of the E-mail Web Page.



- Then click the **Sign Out** button on the Instant Virtual Extranet (IVE) Home page.



For assistance please contact the I.T. Help Desk at 303-987-7602. The Help Desk is available from 7:30 A.M. until 4:30 P.M., Monday through Friday.

## Voicemail Access

### New Voicemail Set Up

- Dial your ten digit telephone number
- When Voicemail answers press ###
- Enter your four digit extension (the last four digits of your telephone number)
- Enter the default password: **1234 and #**
- Voicemail will walk through changing you password and recording your name
- To record a personalized greeting press 7, then select option 1

For complete instructions on use of the voicemail system please see the ShoreTel Voicemail Quick Reference Guide provided by Information Technology.

### Check Voicemail

- **From outside the City:** dial your ten digit telephone number, when Voicemail answers press ###, then enter your extension and password when prompted
- **From a telephone in the City:** press the Voicemail button, when Voicemail answers press ###, then enter your extension (the last four digits of your telephone number) and password when prompted

For assistance please contact the I.T. Help Desk at 303-987-7602. The Help Desk is available from 7:30 A.M. until 4:30 P.M., Monday through Friday.

## **PROCEDURES FOR PUBLIC COMMENT FOLLOUP**

1. The attending Public Information Officer will take notes of specific requests for information or service and enter those into the Service Request System the following day.
2. The Public Information Officer's best judgment will be used in determining which requests to send on. In some cases a staff member may already be working with an individual on a request. The staff would be aware of this when the Council may or may not be aware of this. For this reason, it is important that the Mayor and/or Council members not promise a response.
3. If the Mayor or City Council Member wishes to also receive information back on a topic brought up during public comment, he or she need only mention that to the PIO at the meeting, e.g. "Stacie, please give us a status report on that when you have it. Thanks."
4. If the PIO is unsure whether a comment from the public required further attention he/she will consult with the Director of the Mayor and City Manager's Office or the City Manager.

Following this procedure should ensure quality communication while at the same time using staff time the most efficiently.

## **RESPONSE TO MASS EMAIL OR SNAIL MAIL**

City Council Members often receive letters or emails that are addressed individually but sent to every member of Council. This happens most often during the time prior to hearings on land use cases.

If you receive such communication you always have the option to reply personally, however, there are those instances where it might make more sense for a single response to be sent by the Mayor on behalf of the entire Council. If you receive such communication and feel that a joint response is preferable you can forward the email or letter to the Director of the Mayor and City Manager's Office who will coordinate a response. All responses will be copied to every member of Council.

If you receive mail regarding a zoning case, you must be cautious to treat it as information to be included in the public record. Send the original to the Director of the Mayor and City Manager's Office and he or she will make sure that it is included in the Planning documents that go before Council. Because you act in a quasi-judicial capacity in zoning cases, it is advisable that you not reply to those types of communication prior to hearing the case.

## Constituent Requests

When you receive calls from constituents asking for the City to “do” something, you should take the caller’s name, number, address, and as much information about the situation as possible, and call the Public Information Officer for Citizen Relations with the information. We have a very sophisticated “Service Request” system that allows us to manage concerns and requests and ensure that your constituents don’t inadvertently fall through the cracks.

Concerns and calls for service can range from complaints about signs in a neighbor’s yard to suggestions for better types of service, to questions about how the City manages its finances – basically anything that you, personally, don’t have the answer to.

The Public Information Officer for Citizen Relations enters the information into a tracking system, sends it to one of the Department Directors for response, makes sure that either a department or division manager personally communicates with the constituent, and gets back to you with the outcome of the request. Service Requests (as we call all of them) are tracked and periodic reports are given to the entire City Council. This allows you to identify issue trends that might arise.

The City Council policy has been to have department or division managers respond to constituents and never to send form letters.

The Public Information Officer’s desk number is: 303-987-7098. If you are providing her/his number to the public please use the main City Manager’s Office number of 303-987-7050.

**POLICIES ESTABLISHED BY CITY COUNCIL**

## **COUNCIL REVIEW OF THE CITY MANAGER'S MONTHLY EXPENDITURES**

The City Manager does not have an expense account but is authorized to make business expenditures in the course of performing his/her duties. Those expenditures will typically be made via a City-issued Visa or MasterCard procurement card. Each month, the City Manager's procurement card statement shall be reviewed and approved by the Mayor. Each quarter, the City's Budget & Audit Committee shall receive a copy of the City manager's procurement card activities. Each year, an internal auditor of the City shall conduct an audit of the City Manager's procurement card activities and provide a copy of the audit to the Mayor.

## Performance Evaluations of the City Manager and City Attorney

In accordance with the City Charter, the City Council directly supervises only two City officials, the City Manager and the City Attorney. The City Manager is a regular full-time employee of the City. The City Attorney, while acting with all of the responsibilities of a full-time employee and overseeing the administration of the City Attorney's Office, is retained by contract. The performance evaluations for these two positions are therefore different.

### City Manager Performance Evaluation

The job performance of the City Manager is typically evaluated annually during the same time period as the performance reviews of other City employees. Normally, during the first quarter of each year the City Council will participate in a written review of the Manager, copies of which will be distributed by the Mayor in conjunction with the Department of Employee Relations. When information is compiled the Manager will be given a copy of the written review and will meet in Executive Session with the City Council to go over the review and discuss any points of concern and develop performance measures for the subsequent year. The timeframe for employee reviews in 2010 has been extended by 14 weeks to more closely coincide with a delayed salary adjustment period. The Council and Manager may opt for a similar delay in the review timeframe for the City Manager in 2010. A schedule for the City Manager's review process will be developed jointly by the Mayor and City Manager and conveyed to the entire Council during the first quarter of 2010.

### City Attorney Performance Evaluation.

The City of Lakewood entered into an agreement in September of 2007 with the law firm of Widner & Michow LLP, now Widner Michow & Cox LLP, to provide legal services to the City Council and to oversee the administration of the City Attorney's Office. Tim Cox serves as the City Attorney pursuant to that agreement. He may, at his discretion, retain special counsel or call upon others in his firm to perform specialized duties. The contract will be up for renewal on August 31, 2012.

While no specific process is provided in the contract for review of the City Attorney, the City Council can, at its discretion, request an annual report of activities and services rendered on behalf of the City by the firm.

## **PROCESS FOR DEVELOPING THE MAYOR AND CITY COUNCIL'S ANNUAL OPERATING BUDGET**

The Director of the Mayor and City Manager's Office is responsible for proposing and managing the operating budget for the Mayor and City Council. Each year he/she will prepare a draft budget and work with Council Officers to ensure adequate funding for the work of the Council.

A copy of the 2010 Mayor and City Council departmental budget is attached to this section.

If any member of Council feels that line items should be adjusted you should make those recommendations to Council Officers no later than March 31 of each year.



EXPENDITURE LINE ITEM DETAIL BY DEPARTMENT AND BY PROGRAM STRUCTURE

DEPT	PROGRAM STRUCTURE	ACCOUNT DESCRIPTION	CATG	FUND DESCRIPTION	2008 ACTUALS	2009 BUDGET	2009 REVISED	2010 BUDGET
M&CC	MAYOR & CITY COUNCIL	REGULAR EMPLOYEES - FULL TIME	PERS	GENERAL	188,834	191,524	188,701	190,061
M&CC	MAYOR & CITY COUNCIL	PENSION EMPLOYER CONTRIBUTION	PERS	GENERAL	6,623	6,986	6,704	6,840
M&CC	MAYOR & CITY COUNCIL	GROUP HEALTH & DENTAL INSURANCE	PERS	GENERAL	84,592	78,587	90,810	98,188
M&CC	MAYOR & CITY COUNCIL	GROUP LIFE & DISABILITY INSURANCE	PERS	GENERAL	854	913	874	894
M&CC	MAYOR & CITY COUNCIL	MEDICARE INS-EMPLOYER CONTRIBUTIONS	PERS	GENERAL	2,595	2,774	2,733	2,753
			<b>PERS TOTAL</b>		<b>283,498</b>	<b>280,784</b>	<b>289,822</b>	<b>298,736</b>
M&CC	MAYOR & CITY COUNCIL	OTHER PROFESSIONAL & TECHNICAL	SERV	GENERAL	6,129	8,700	8,700	8,700
M&CC	MAYOR & CITY COUNCIL	BOARD & COMMISSIONS	SERV	GENERAL	2,922	9,500	12,756	9,500
M&CC	MAYOR & CITY COUNCIL	DUES & MEMBERSHIPS	SERV	GENERAL	131,643	135,385	135,385	137,385
M&CC	MAYOR & CITY COUNCIL	MEAL EXPENSE	SERV	GENERAL	9,226	7,500	7,500	7,500
M&CC	MAYOR & CITY COUNCIL	PHOTO PROCESSING	SERV	GENERAL	75	0	0	0
M&CC	MAYOR & CITY COUNCIL	POSTAGE & DELIVERY	SERV	GENERAL	31	75	75	75
M&CC	MAYOR & CITY COUNCIL	PRINTING, COPYING & BINDING	SERV	GENERAL	210	0	0	0
M&CC	MAYOR & CITY COUNCIL	PROMOTIONAL EXPENSE	SERV	GENERAL	190	27,500	27,500	27,500
M&CC	MAYOR & CITY COUNCIL	TELECOMMUNICATIONS	SERV	GENERAL	1,096	1,180	1,180	1,180
M&CC	MAYOR & CITY COUNCIL	TRAINING	SERV	GENERAL	4,903	16,500	16,500	16,500
M&CC	MAYOR & CITY COUNCIL	TRAVEL - AUTO EXPENSE	SERV	GENERAL	518	1,500	1,500	1,500
M&CC	MAYOR & CITY COUNCIL	TRAVEL - OTHER	SERV	GENERAL	21,214	21,000	21,000	21,000
M&CC	MAYOR & CITY COUNCIL	BOOKS & PUBLICATIONS	SERV	GENERAL	1,208	256	256	256
M&CC	MAYOR & CITY COUNCIL	OFFICE SUPPLIES	SERV	GENERAL	470	480	480	480
M&CC	MAYOR & CITY COUNCIL	REPAIR & MAINTENANCE SUPPLIES	SERV	GENERAL	1,673	0	0	0
M&CC	MAYOR & CITY COUNCIL	OTHER SMALL TOOLS & EQUIPMENT	SERV	GENERAL	910	1,000	1,000	1,000
M&CC	MAYOR & CITY COUNCIL	MISC. EXPENSES	SERV	GENERAL	0	50	50	50
			<b>SERV TOTAL</b>		<b>182,418</b>	<b>230,626</b>	<b>233,882</b>	<b>232,626</b>
	<b>MAYOR &amp; CITY COUNCIL TOTAL</b>				<b>465,916</b>	<b>511,410</b>	<b>523,704</b>	<b>531,362</b>
<b>M&amp;CC TOTAL</b>					<b>465,916</b>	<b>511,410</b>	<b>523,704</b>	<b>531,362</b>