

ORDINANCE NO. _____

AN ORDINANCE SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON AUGUST 8, 2023 A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PUEBLO AND FIXING THE BALLOT TITLE THEREFOR

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

There is hereby submitted to a vote of the registered electors of the City of Pueblo at the special municipal election to be held on August 8, 2023 a proposed amendment to the Charter of the City of Pueblo, more particularly set forth in Section 3 of this Ordinance.

SECTION 2.

This ballot title (submission clause and title) for the proposed Charter Amendment set forth in Section 3 hereof is hereby fixed and adopted as follows:

BALLOT QUESTION NO. __ - CHARTER AMENDMENT

(Change Form of Government to Council-Manager)

SHALL THE CHARTER OF THE CITY OF PUEBLO BE AMENDED TO CHANGE THE FORM OF GOVERNMENT FROM A COUNCIL-MAYOR GOVERNMENT TO A COUNCIL-MANAGER GOVERNMENT, AND IN CONNECTION THEREWITH: REQUIRING THAT THE CITY COUNCIL - CITY MANAGER FORM OF GOVERNMENT NOT BE CHANGED EXCEPT BY CHARTER CONVENTION UPON MAJORITY VOTE OF QUALIFIED VOTERS; ELIMINATING THE OFFICE OF CITY MAYOR, DEPUTY MAYOR AND CHIEF OF STAFF AND ESTABLISHING THE OFFICE OF CITY MANAGER TO BE SELECTED BY CITY COUNCIL, IN WHICH ALL EXECUTIVE AND ADMINISTRATIVE POWERS OF THE CITY SHALL BE VESTED; GIVING CITY COUNCIL THE POWER TO APPOINT ALL CITY BOARDS AND COMMISSIONS WHOSE MEMBERS WILL BE LIMITED TO FOUR-YEAR TERMS; REMOVING THE PROHIBITION AGAINST CITY COUNCIL INTERFERING IN THE REMOVAL OF MEMBERS OF CITY BOARDS AND COMMISSIONS; RECOGNIZING THE PRESIDENT OF THE CITY COUNCIL AS HEAD OF CITY GOVERNMENT FOR ALL CEREMONIAL PURPOSES AND AUTHORIZING THE PRESIDENT OF

THE CITY COUNCIL TO EXECUTE AND AUTHENTICATE LEGAL DOCUMENTS AS MAY BE REQUIRED; GIVING THE CITY COUNCIL THE RIGHT TO ENFORCE ITS OWN ORDINANCES; GIVING CITY COUNCIL THE POWER TO APPOINT THE CITY CLERK AND MUNICIPAL COURT JUDGES; ALLOWING CURRENT AND FORMER MEMBERS OF THE CITY COUNCIL TO BECOME CITY MANAGER OR CITY EMPLOYEES AFTER THE FIRST YEAR FOLLOWING THE EXPIRATION OF THEIR TERMS OF OFFICE; AUTHORIZING CITY COUNCIL TO DIRECT THE CITY ATTORNEY TO INSTITUTE LAWSUITS; ALLOWING THE FUNCTIONS OF THE DEPARTMENT OF AVIATION BE DETERMINED BY RESOLUTION; MANDATING THAT THE CITY COUNCIL - CITY MANAGER FORM OF GOVERNMENT TAKE EFFECT IMMEDIATELY UPON APPROVAL OF THIS CHARTER AMENDMENT BY THE REGISTERED ELECTORS OF THE CITY OF PUEBLO AND PROVIDING THAT THE CITY COUNCIL SHALL APPOINT AN INTERIM CITY MANAGER.

_____ YES
_____ NO

SECTION 3.

There is hereby submitted to a vote of the registered electors of the City of Pueblo at the special municipal election to be held on August 8, 2023 an amendment to the Charter of the City of Pueblo, as follows: (brackets indicate matter being deleted, underscoring indicates new matter being added):

ARTICLE 1 General Provisions

Section 1-2. Form of Government - The Municipal Government provided by this Charter shall be known as **the "[Mayor-Council] City Council-City Manager Government,**" and shall not be changed except in accordance with the laws of the State of Colorado and provisions of this Charter, **by Charter Convention upon majority vote of the qualified voters.** Pursuant to its provisions and subject only to limitations imposed by the State Constitution and by this Charter. Pursuant to its provisions and subject only to limitations imposed by the state constitution and by this Charter, all executive powers of the city shall be vested in **[an elected Mayor] the City Manager** and all legislative powers shall be vested in an elective council, **except as provided by law or city charter.**

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

- a. "Agency" shall mean any Bureau, Department, Division, or other organizational unit in the executive branch of city government;
- b. "Allotment" shall mean a portion of an appropriation made available for expenditure during a specified period of less than one year;
- c. "Appropriation" shall mean an authorization by the Council to expend from public funds a specified maximum sum for a specified purpose and during a specified time;
- d. "Area" in the case of councilmen elected by district shall mean the councilmanic district; for councilmen elected at large, it shall mean the City;
- e. "Bureau" shall mean an organization of two or more departments headed by one person, responsible directly to the **City Manager [Mayor]**. The heads of departments within the Bureau are directly responsible to the Bureau Head;
- f. "Candidate" shall mean any person seeking nomination or election to any city office in Pueblo;
- g. "Class" when used in connection with personnel administration, shall mean a definitely recognized kind of employment in the Classified Service comprising positions that are so nearly alike in duties and responsibilities that they can be equitably treated under similar conditions for personnel purposes;
- i. "Classified Service" shall mean the aggregate of all positions in municipal service covered by Civil Service;
- j. "Department" shall mean one of the major organizational units of the City;
- k. "Division" shall mean a primary subdivision of a department headed by one person responsible directly to the Department Director;
- l. "Emergency Ordinance" shall mean an ordinance, the passage of which shall be necessary to the preservation or protection of public health, property, or safety;
- m. "Employees" shall mean all persons in municipal service who are not officers;
- n. "General Law" shall mean the Constitution and Statutes of the State of Colorado and common law to the extent that common law has been adopted in Colorado;
- o. "Officers" shall mean persons in municipal service specifically declared by this Charter to be officers;
- p. "Qualified Elector" shall mean a person entitled to vote at a general municipal election, if registered, and if not registered, otherwise eligible to vote; the term is synonymous with qualified voter;
- q. "Qualified Taxpaying Electors" shall mean such of the qualified voters as shall in the twelve months immediately preceding the date of election have paid a City property tax on property listed on the county assessment rolls;
- r. "Unclassified Service" shall mean the aggregate of all positions in municipal service not covered by Civil Service.

ARTICLE 2

Municipal Officers

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

[Mayor	\$12,500.00]
President of the City Council	\$125.00
Member of the City Council	\$100.00

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

- [Mayor]**
- Members of the City Council;
- Members of the Civil Service Commission;
- Such other officers as provided for in this Charter.

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

Section 2-5. Appointive Boards and Commissions - Unless otherwise required by law, all boards and commissions shall be appointed by the **[the Mayor] City Council**, subject to Council confirmation and shall have such powers and perform such duties as are prescribed by the Charter or by ordinance.

Members of such boards and commissions shall serve for a period of four years, or until their successors are appointed.

Appointments by the **City Council [Mayor]** shall specify the term of office of each individual in order to achieve overlapping of tenure.

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

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

Notwithstanding the foregoing, **[the Mayor and] the City** Council shall have no jurisdiction or control over the independent Board of Water Works of Pueblo, Colorado and shall act in accordance with section 15.2 of this Charter.

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

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

[Any vacancy in the office of the Mayor shall be filled in accordance with section 4-11 of this Charter]

ARTICLE 3

City Council

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

Section 3-5. General Powers – The Council shall have the power to adopt all ordinances, resolutions, or other legislation conducive to the welfare of the people of

the City and not inconsistent with this Charter, and the Council shall not perform any executive functions except those functions assigned to the Council by this Charter. The Council shall have all legislative powers and functions of municipal government conferred by general law, except as provided in this Charter:

a. Have all legislative powers of municipal government conferred by general law, except as provided in this Charter. The Council shall act only by ordinance in matters of legislation or appropriations, or when action by ordinance is otherwise required by this Charter, by ordinance, or by general law: and may act by ordinances or resolutions in other matters. When council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

b. Provide for penalties for violations of its ordinances. **The Council shall provide for enforcement of its ordinances.** No fines or imprisonments shall exceed the following limits: Fines, one thousand dollars (\$1,000.00); imprisonment, one (1) year; or a combination of both fine and imprisonment within the designated limits. The amount by which any fine exceeds three hundred dollars (\$300.00) is dedicated to graffiti control and removal and other law enforcement activities as determined by the Council.

c. **The Council is [Not] not** to be otherwise limited in its punitive or enforcement measures.

d. **The Council shall [Approve] approve** compensation for boards, commissions, and employees in the Classified and Unclassified Service.

e. **The Council, or a duly authorized committee thereof, may [Have] have** the discretion to investigate any agency and the official acts of any officer or employee thereof, and may compel by subpoena attendance and testimony of witnesses and production of books and documents.

f. Establish and adopt by ordinance or resolution five-year goals and one-year objectives for the City, which goals and objectives shall be reviewed and revised annually by the Council. In doing so, Council shall **[consult with the Mayor,]** seek advice from appropriate boards and commissions, and hold one or more public hearings before adopting or revising the goals and objectives of the City.

g. **The Council may [Hire] hire** the personnel necessary to enable the Council to adequately perform its duties.

h. **The Council shall [Not] not** interfere in executive appointments or removals except for the purpose of confirmation on appointments. The Council and its members shall deal with the administrative service **solely through the city manager, [solely through the Mayor and neither the Council] and** no member thereof shall give orders to any subordinates of the **[Mayor] city manager** either publicly or privately. Council shall not interfere in the removal of heads or directors of bureaus, departments, city employees. **[or Mayor- appointed boards and commissions.]**

i. Faithfully execute and comply with all laws, ordinances, regulations and resolutions of the City and all laws of the State of Colorado and the United States of America which apply to the City.

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

Section 3-10. Independent Audits - The Council shall contract with or employ an independent practicing individual or firm, permitted to practice public accounting under general law and of known standing, to perform an annual general audit of municipal government and such other periodic post audit as the Council may determine. Such audits shall include:

- a. Post auditing all financial records and transactions of the Municipal Government at length or by test checks;
- b. Verifying general financial statements and existence and amounts of the assets and liabilities of the Municipal Government;
- c. Recommending to the **City Manager [Mayor]** the scope, form, and content of the financial records to be kept by all agencies in order to permit a proper post audit.
- d. Reporting deficiencies to proper officials for administrative, civil or criminal action;
- e. A condensed financial statement, including findings and recommendations of the auditors, to be published annually.

Section 3-11. City Clerk - **The City Council [Mayor]** shall appoint the City Clerk, **subject to Council confirmation**, who shall act as Clerk of the Council. The City Clerk shall give notice of council meetings, keep a journal of its proceedings, authenticate by **[his] his/her** signature and record in full in the book kept for the purpose, all ordinances and resolutions and shall perform such other duties as shall be required by this Charter or by ordinance.

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

Section 3-21. Disposition of Ordinances — **The President of the Council shall sign all ordinances approved by the Council, both on the ordinance itself and in the ordinance record.** The City Clerk shall present all ordinances approved by the Council to the **City Council President [Mayor]** within forty-eight (48) hours of final passage. **[If the Mayor approves the ordinance as passed by the Council, he or she shall sign it within five (5) days after receiving it. If the Mayor disapproves, the ordinance shall be returned to the Council within five (5) days after with the Mayor's objections in writing. If then five (5) of the Council members vote to**

pass the same over the Mayor's veto at the next regular meeting of Council, it shall become an ordinance notwithstanding the objections of the Mayor. If the Mayor does not return the ordinance with written objections within the time specified, it shall take effect as if the Mayor had approved it. Ordinances shall be signed by both the Mayor and the President of the Council or the President of the Council in case of veto override; both on the ordinance itself and in the ordinance record.] All ordinances of Pueblo shall be indexed by subject by the City Clerk in a book kept for that purpose which shall be a public record.

ARTICLE 4 **[Mayor]City Manager**

Section 4-1. Appointment - The Council shall hire a City Manager who shall be the Executive Head of the Municipal Government. The Council shall fix his/her salary at such amount as it shall approve. He/she shall be appointed based on administrative and executive qualifications with special reference to his/her actual experience in and his/her knowledge of accepted practice in respect to the duties of his/her office as hereafter set forth. At the time of his/her appointment the City Manager need not be a resident of the City of Pueblo or State of Colorado, but during his/her tenure of office he/she shall reside within the City of Pueblo within 6 months of hire. No Councilor shall be appointed to the position of City Manager or any position in the Classified or Unclassified Service of the City during the term for which the councilor shall have been elected nor within one year after the expiration of his term.

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

Section 4-3. Removal of City Manager. The Council shall appoint the City Manager for an indefinite term and may remove him/her by majority vote of its members. At least thirty (30) days before such removal shall become effective, the Council shall by majority vote of its members, adopt a resolution stating the reasons for his/her removal. Upon removal of the City Manager, the Council shall in any case cause to have paid him/her forthwith any unpaid balance of his/her salary for the current month and his salary for the next calendar month following adoption of the resolution.

Section 4-4. Council - Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City

Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager either publicly or privately.

The City Manager shall:

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

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

c. Except as herein otherwise provided, exercise supervision and control over all executive and administrative departments and agencies created herein or that may be hereafter created by the Council; Each Department shall be headed by a Director, recommended by the city manager, and appointed by the city council with the majority vote. Two or more departments may be headed by the same individual. Directors of departments may also serve as chiefs of divisions. All persons appointed as Directors of Bureaus or Departments shall be selected on the basis of their training, experience, qualifications and fitness for the particular job to be performed. Consideration shall be given to persons already employed in the respective department at the time of the appointment. Appointments shall be subject to Council confirmation. The city manager shall have power, whenever the interest of the City requires, to assign any employee of one department to temporary performance of similar duties in another department.

d. Prepare the Budget annually and submit it to the Council and be responsible for its administration after adoption. Direct the Financial Director to prepare annual budget. City Manager and Finance shall present to council for approval, and both are responsible for its administration and after adoption as directed by council.

e. Prepare a written state of the City report annually, which report shall be filed with the City Clerk by the first Tuesday in February and made a part of the permanent records of the City and available to the public. Such report shall be submitted to the Council as of the end of the fiscal year, a complete report on finances and administrative activities of the City for the preceding year and the future needs of the City and make written or verbal reports to the Council at any time required by it as to any particular matter relating to the affairs of the City within their supervision.

f. Keep the Council advised of the financial condition and future needs of the City and make such recommendations to the Council for adoption as he may deem necessary or expedient.

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

[Section 4-1. Election of Mayor - The Mayor shall meet the qualifications for elective officer on the date of filing of the declaration of candidacy for the office of Mayor. The Mayor shall be elected by the qualified electors of the City.]

[Section 4-2. Mayor's Term - The term of Mayor, unless sooner recalled or removed, shall begin on the second Tuesday in January of the year following election and shall be for four years or until a successor is duly elected and qualified. After having served two consecutive terms, the incumbent Mayor shall be ineligible to hold office thereafter.]

[Section 4-3. Powers – The executive branch of the City government is created. The office of Mayor is created. The Mayor shall control and direct the executive branch. The Mayor is authorized to delegate executive and administrative power within the executive branch. The Mayor shall be the chief executive officer with all executive and administrative powers of the City, except as otherwise provided in this Charter. The Mayor is the official head of the City for all ceremonial purposes. The Mayor shall devote full-time and attention to the performance of the duties of office the position and shall hold no other paid public or private employment.]

[Section 4-4. Duties of Mayor. The Mayor shall:]

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

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

[c. Except as herein otherwise provided, exercise supervision and control over all executive and administrative departments and agencies created herein or that may be hereafter created by the Council; Each Department shall be headed by a Director, recommended by the city manager, and appointed by the city council

with the majority vote. Two or more departments may be headed by the same individual. Directors of departments may also serve as chiefs of divisions. All persons appointed as Directors of Bureaus or Departments shall be selected on the basis of their training, experience, qualifications and fitness for the particular job to be performed. Consideration shall be given to persons already employed in the respective department at the time of the appointment. Appointments shall be subject to Council confirmation. The city manager shall have power, whenever the interest of the City requires, to assign any employee of one department to temporary performance of similar duties in another department.]

[d. Prepare the Budget annually and submit it to the Council and be responsible for its administration after adoption. Direct the Financial Director to prepare annual budget. City Manager and Finance shall present to council for approval, and both are responsible for its administration and after adoption as directed by council.]

[e. Prepare a written state of the City report annually, which report shall be filed with the City Clerk by the first Tuesday in February and made a part of the permanent records of the City and available to the public. Such report shall be submitted to the Council as of the end of the fiscal year, a complete report on finances and administrative activities of the City for the preceding year and the future needs of the City and make written or verbal reports to the Council at any time required by it as to any particular matter relating to the affairs of the City within their supervision.]

[f. Keep the Council advised of the financial condition and future needs of the City and make such recommendations to the Council for adoption as he may deem necessary or expedient.]

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

[h. Appoint the Deputy Mayor subject to Council confirmation:]

[i. Appoint the members of city boards and commissions pursuant to Section 2-5]

[j. Recommend to the Council such measures and ordinances as he or she may deem necessary or expedient, and to make such other recommendations to the Council concerning the affairs of the City. as the Mayor finds desirable:]

[k. Participate in discussions of the Council in an advisory capacity, have the right to attend and be heard at any regular, special, open or closed session meeting of the Council, but not the right to vote at such meetings:]

[l. Perform such other duties as may be prescribed by this Charter.]

[m. Faithfully execute and comply with all laws, ordinances, and regulations of the City and all laws of the State of Colorado and the United States of America which apply to the City.]

[Section 4-5. Deputy Mayor - The Mayor shall designate a member of the cabinet, as the term is defined in Section 4-6 of this Charter, to be the Deputy Mayor. The designation shall be filed with the City Clerk. The designation shall be valid for one (1) year unless a vacancy in the office occurs, in which case the Mayor shall appoint another member of the cabinet to be the Deputy Mayor. The Deputy Mayor shall serve at the pleasure of the Mayor.]

[Section 4-6. Administrative Departments - Mayor's Cabinet — There shall be the following Departments: Aviation, Finance, Fire, Health, Law, Parks and Recreation, Personnel, Police, Public Works, and Purchasing. and such others as may be established by ordinance. upon the recommendation of the City Manager. The Mayor's cabinet shall be composed of the directors of the Departments and such other Departments as may be established by ordinance upon the recommendation of the Mayor.]

[Section 4-7. Directors of Departments - Each Department shall be headed by a Director, recommended by the appointed the Mayor city manager, and appointed by the city council with the majority vote. Directors shall serve at the pleasure of the Mayor.]

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

[Two or more departments may be headed by the same individual; the Deputy Mayor must head one or more departments. Directors of departments may also serve as chiefs of divisions.]

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

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

[Section 4-10. Action on Ordinances — Upon presentation of all ordinances approved by the Council to the Mayor in accordance with Section 3-21 of this Charter, the Mayor shall:]

[a. Sign such ordinance within five (5) days if he or she approves; or]

[b. Return such ordinance to the Council within five (5) days if he or she disapproves, with the Mayor's objections in writing.]

[If then five (5) of the Council members vote to pass the same over the Mayor's veto, it shall become an ordinance notwithstanding the objections of the Mayor. If the Mayor does not return the ordinance with written objections within the time specified, it shall take effect as if the Mayor had approved it.]

[Section 4-11. Vacancy in the Office of Mayor — Succession of Acting Mayor In the event a vacancy occurs in the office of Mayor, the Deputy Mayor shall resign his or her office and shall become acting Mayor; except that if the Deputy Mayor refuses or is unable to discharge the duties of the office of Mayor, the person shall not resign as a Director; and the office shall be filled by appointment of the Council.]

[Any person appointed to fill a vacancy in the office of Mayor shall have the qualifications required of persons regularly elected and shall hold the office until the next general municipal election or special run-off election, when the vacancy shall be filled by election according to law and until his or her successor is qualified. The term of office of any person filling the vacancy in the office of Mayor shall terminate at the expiration of the term during which the vacancy occurred.]

ARTICLE 5

Municipal Court

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

Judge, the presiding Judge may designate a reputable attorney to serve in the place of the absent Judge.

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

ARTICLE 6

Department of Law

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

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

ARTICLE 7

Finance Administration Part I- Budget

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

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

b. A capital budget.

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

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

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

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

d. Debt service requirements for the ensuring fiscal year;

e. An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of levy necessary to produce such sum based on a percentage of collection not exceeding the lowest percentage of current levy collection experienced during the three preceding complete fiscal years;

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

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

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

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

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

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

Section 7-13. Transfers of Appropriations – **[The Mayor] 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. At the request of the **[Mayor] City Manager** the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office, or agency to another.

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

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

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

Part II - Department of Finance

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

- a. Compile the current expense estimates for the Budget of the City;
- b. Compile the capital estimates for the Annual Budget in compliance with recommendations of the Planning and Zoning Commission;
- c. Supervise and be responsible for disbursement of all monies to ensure that budget appropriations are not exceeded, or payments illegally made;
- d. Maintain a general accounting system for the City Government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for items of appropriation contained in the City Budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of City Government to be made daily or at such intervals as he may deem expedient;
- e. Submit monthly to the **[Mayor and]** Council a statement of all accounts and funds, including trust and custodial funds, showing receipts and disbursements in sufficient detail to show the exact financial condition of the City, and release same for public information;
- f. Prepare, as of the end of each fiscal year, a complete financial statement and report;
- g. Prepare tax maps and give such notice of taxes and special assessments as may be required by law;

- h. Receive from the County Treasurer all funds due the City from taxes, special assessments, and other items which are collected for the City by said County Treasurer. To collect such other taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the state or federal government, or from any court, or from any office, department or agency of the City, or any other agency or office which is not now in existence but which may in the future be created or provided for;
- i. Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City Government, and deposit or invest all funds coming into his hands as shall be designated by resolution of the Council, subject to the requirements of law as to surety and payment of interest on deposits or investments. All interest shall be the property of the City and shall be accounted for and credited to the proper account;
- j. Have custody of all investments and invested funds of the City Government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- k. Unless he shall certify that there is a balance of appropriation for proposed expenditure and available funds, no expenditure shall be made.

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

- a. Prescribe the forms of receipts, bills, vouchers, or claims to be used by all offices, departments, and agencies of the City Government.
- b. Examine all contracts, orders and other documents by which the City Government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligation shall become due and payable; and audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands or charges against the City Government and with the advice of the City Attorney determine the regularity, legality and correctness of such claims, demands or charges.

Part IV - Purchases

Section 7-28. Purchases - There shall be established a Department of Purchases and Supplies, the Director of which shall be the City Purchasing Agent, under jurisdiction of the **[Mayor] City Manager.** Pursuant to rules and regulations established by ordinance, the Purchasing Agent shall contract for and purchase all supplies, materials, equipment, and contractual services required by any department, office, or agency of the City Government. **[He] The Purchasing Agent** shall have the following powers and duties:

- a. To establish and enforce with approval of the **[Mayor] City Manager** and after consultation with the directors of the departments concerned, standard specifications for all supplies, materials and equipment required by the City Government;
- b. To prescribe the time of making requisitions for such supplies, materials and equipment, and the future period which said requisitions are to cover;
- c. To inspect, or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality and conformance with the specifications;
- d. To supervise and control such central storerooms as the Council may provide by ordinance to serve the several departments, offices or agencies;
- e. To supervise transfer of materials, supplies and equipment between departments or agencies, as needed, after consultation with the department or agency heads concerned;
- f. To sell those surplus articles no longer of use to the Municipality before their value is lost through obsolescence, deterioration or spoilage, and to sell all scrap metals, materials or equipment. At each sale a number of prospective buyers shall be asked to quote prices by sealed bids and such articles shall be sold to the highest bidder, or the Purchasing Agent may reject all bids;
- g. To create and maintain a record of non-expendable property owned by the City of Pueblo. The Equipment-Owned Record is to cover only those items of movable equipment having the following characteristics:
 - (1) Having a unit cost in excess of \$50.00, and such other items as the Purchasing Agent may prescribe;
 - (2) Shall include only those items of equipment not carried as a regular stock item in the city storerooms;
- h. To mark, or cause to be marked, with identification or number, all equipment owned by the City of Pueblo to prevent misuse thereof;
- i. To purchase at the expense of the City, Surety Bonds for all officers and employees of the City required by law or ordinance to furnish such bonds to the City, and insurance of such types against liability, loss or damage on the part of the City or its property as the Council, upon recommendation of the **[Mayor] City Manager**, may authorize, and be responsible for collection of insurance benefits and other matters relating to the administration of the City's insurance.

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

- a. Accept the lowest bid and recommend to the council that it authorize the work or improvement to be performed. (See section 7-29);
- b. Reject all bids and order the Purchasing Agent to readvertise for bids;
- c. Abandon the project.

ARTICLE 8

Personnel Administration

Section 8-2. Director - Duties - The Director of Personnel and the Civil Service Commission shall have authority and be required to prepare and recommend to the City Council, through the **[Mayor] City Manager** such rules as may be considered necessary, appropriate, or desirable to carry out the provision of this Article and perform such other duties as may be required by this Charter, by ordinance, or by the **[Mayor] City Manager**.

Section 8-5. Unclassified and Classified Service

a. Employment in the City shall be divided into Unclassified and Classified service. The Unclassified Service shall comprise and consist of the following offices:

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

(2) The City Clerk;

(3) **The [Mayor, Deputy Mayor, and Assistant Deputy Mayors if any;] City Manager, and Assistant Managers if any;**

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

(5) One Private Secretary to the **[Mayor] City Manager;**

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

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

(8) Municipal Judges;

(9) City Attorneys;

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

- (11) Persons performing service to the City without compensation from the City;
- (12) Police Surgeon;
- (13) Part-time Employees. (A part-time employee is defined as follows: No such person shall work more than the equivalent of eight months in any year in such temporary, part time, incidental or emergency status.)

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

Section 8-8. Pay Schedule - There shall be prepared and maintained by the Director of Personnel a Uniform Schedule of Pay in the Classified Services, which shall be approved by the **[Mayor] City Manager**. The **[Mayor] City Manager** shall then submit the Pay Schedule to the City Council and such schedule shall take effect when approved by the City Council, except that, the Pay Schedule for employees in the Classified Service who are represented by a sole and exclusive collective bargaining agent shall be determined in accord with Section 8-14 of this Charter. The adoption of a Pay Schedule, including provisions relating to wages and hours and classification of positions in the Classified Service, and all details relating thereto is hereby specifically declared to be an Administrative Act or function of the **[Mayor and]** City Council and shall not be subject to the initiative and referendum provisions of the Charter, except as is otherwise provided in Section 8-14.

Section 8-11. Establishment of Retirement Plans - The Director of Personnel may cause to have prepared a retirement and disability plan or plans. Retirement funds may be administered by the Department of Finance. The Directors of Personnel and of Finance shall collaborate in continuous study of pension benefits and costs and shall provide for actuarial studies of costs of such plans. They shall report their findings and recommendations to the **[Mayor] City Manager**, the Council, and the public. No benefit plan shall be established or shall any increases in existing plans be provided except pursuant to such studies and recommendations. Any benefit plan shall be established on a jointly contributory basis with the employees and the City sharing the cost.

ARTICLE 9

Department of Fire

Section 9-1. Department Created - There is hereby created a Department of Fire, the Director of which shall be the Fire Chief. Personnel in the Department shall include Assistant Fire Chiefs, Captains, Engineers, Operators, and other employees of such rank and grade as the **[Mayor] City Manager** and Council may deem necessary for public safety, provided such employees shall be subject to provisions of Sections 87 and 8-10.

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

ARTICLE 10

Department of Police

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

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

Section 10-3. Chief of Police - The Chief of Police shall be in direct command of the Department of Police. He shall assign all members of the Department to their respective posts, shifts, details, and duties. He shall make rules and regulations with approval of the **[Mayor] City Manager** and in conformity with the ordinances and resolutions of the City, concerning the operation of the Department and conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department.

ARTICLE 12

Public Works

Section 12-5. Powers and Duties - The City Planning and Zoning Commission shall have authority to prepare and submit to the Council for its approval a master plan for the physical development of the City, including the general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds and

spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any public housing or slum clearance projects. The Commission shall recommend such modifications of said plan, from time to time, as it deems in the City's interest. All plats of proposed subdivisions presented to the Council for approval shall be submitted to the City Planning and Zoning Commission, which shall make recommendations to the Council with respect thereto. The Commission shall submit annually to the **[Mayor] City Manager**, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the Commission are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

ARTICLE 13

Department of Parks and Recreation

Section 13-3. Powers and Duties - The Director of Parks and Recreation shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property of the City entrusted to the Department. He shall be responsible for the performance of all functions of the Department.

The construction and reconstruction of all parks, playgrounds, and recreation facilities shall be vested in the Department of Public Works. The specific determination of the functions relating to such construction and reconstruction the Department of Public Works shall be made by the **[Mayor] City Manager**.

Section 13-4. Rules and Regulations - On recommendation of the Director of Parks and Recreation to the **[Mayor] City Manager**, the Council shall have power by ordinance to adopt all needful rules and regulations relating to properties and related facilities under supervision of the Parks and Recreation Department, whether inside or outside the City, and for the preservation of order, safety, and decency therein. For the purpose of enforcing such rules and regulations, all such properties shall be under the police jurisdiction of the City. Any member of the police force of the City, or park employee appointed as a special policeman, shall have power to arrest without warrant on all such properties any person who has violated any such rule or regulation or committed an offense therein.

ARTICLE 14

Department of Aviation

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

ARTICLE 17

Elections

Section 17-2. Municipal Elections* - A general municipal election shall be held on the first Tuesday in November of each odd number year [, **except that the first Mayoral election shall be held as provided in Section 20-3**] . Special municipal elections shall be held in accord with the provisions of this Charter.

[To be elected Mayor, a qualified candidate shall have received a majority of the votes cast for such office. If no candidate receives a majority of the votes cast, a special run-off election shall be held on the first Tuesday in the month following. If a run-off election is required, the two (2) persons with the highest number of votes cast for the office shall appear on the ballot as candidates. Notwithstanding, the Council, by ordinance, may designate an alternative method of run-off election.]

ARTICLE 20

Transitional Provisions

Section 20-1. Reorganization Period — The period from the passage of this Charter Amendment shall be known as the reorganization period. During the reorganization period to a City Council – City Manager form of government all officers and employees shall proceed with due diligence to effectuate the provisions of this Charter Amendment, which will take effect immediately with majority vote of the registered electors of the City of Pueblo. City Council will immediately appoint an interim City Manager by majority council vote. The interim position shall be a current city employee capable of completing duties until the permanent appointment is made through proper personnel procedures, and majority vote by council.

Section 20-2. Status of Employees and Officers - Employees occupying, or to be transferred to a position to be placed in the Classified Service by executive order shall be included in the Classified Service with a qualifying examination as of the date fixed in the executive order which classifies the position. This date shall in no case be later than July 1, 1954. The status of employees and officers not specifically affected by this Charter Amendment shall remain unchanged and, liabilities including any benefits payable to employees and officers, shall remain a liability to the Municipal Government.

Section 20-3. Local Improvements – Local Improvements not completed on the effective date of this Charter Amendment shall be governed by prior existing provisions of this until completed by the last Charter. as amended.

Section 20-4. Retirement Plans – This Charter Amendment shall not affect any contractual relationships existing on the effective date of this Charter Amendment between the Municipal Government and any officers or employees by reason of any retirement plans in effect.

Section 20-5. Outstanding and Authorized Bonds - The provisions of this Charter Amendment shall not affect municipal bonds outstanding on the effective date of this Charter Amendment. Failure to observe requirements of the last Charter, as amended, governing municipal elections shall not invalidate any bonds authorized at an election held prior to the effective date of this Charter. Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the municipal government in accordance with their import.

Section 20-6. Saving Clause - This Charter Amendment shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter Amendment shall invalidate any existing contracts between the municipal government and individuals, corporations, or public agencies.

Section 20-7 Severability Clause The words, phrases, sentences, paragraphs, sections, and articles of this Charter Amendment shall be considered to be severable, so that if any word, phrase, sentence, paragraph, section, or article, or its application to any person or circumstance, is superseded by state law or held invalid, the remainder of the particular phrase, sentence, paragraph, section, or article, or the application thereof to other persons or circumstances, shall not be deemed affected.

[Section 20-1. Status of Transitional Provisions - The purpose of this Article is to provide for an orderly transition from the Council- Manager government to a Mayor-Council government under provisions of this Charter Amendment. Such Article shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.]

[Section 20-2. Reorganization Period — The period from the passage of this Charter Amendment to the first mayor taking office shall be known as the reorganization period. During the reorganization period from the mayor-council government to the City Council – City Manager form of government all officers and employees shall proceed with due diligence to effectuate the provisions of this Charter Amendment, which will take effect immediately with majority vote of the registered electors of the City of Pueblo. The Council, upon

recommendations of the int and in accordance with Article 7, shall adopt a budget and appropriations ordinance for the year 2018 that effectuates the orderly transition. The Council and the City Manager shall, in cooperation with the Mayor-elect, designate the succession of organization units, employees, and allocate equipment and space.]

[Section 20-3. First Election Under Charter Amendment— Section 17-4 All other matters pertinent to this election shall be in accord with Article 17. The first Mayor to take office in accordance with this Charter Amendment shall be elected at a municipal election to be held on November 6, 2018 for a term expiring on the second Tuesday in January 2024. Thereafter, the Mayor's term and election shall be in accordance with Article 17 and Section 4-2.]

[Section 20-4. Present City Manager to Continue in Office - The City Manager in office at the time of the adoption of this Charter shall continue at the same rate of pay to serve and carry out the functions, power, and duties of the office until the first Mayor elected under this Charter Amendment takes office.] The office of mayor, deputy mayor and chief of staff will be immediately dissolved. The council shall consult with staff and appoint an interim city manager for a smooth transition of power.]

[Section 20-5. Status of Employees and Officers employee occupying, or to be transferred to, a position to be placed in the Classified Service by executive order shall be included in the Classified Service without qualifying examination as of the date fixed in the executive order which classifies the position. This date shall in no case be later than July 1, 1954. The status of employees and officers not specifically affected by this Charter Amendment shall remain unchanged. Accrued prior to the first Mayor taking office, liabilities including any benefits payable to employees and officers, shall remain a liability to the Municipal Government as if the Council-Manager form of government remained.]

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

[Section 20-7. Local Improvements – Local Improvements not completed on the effective date of this Charter Amendment shall be governed by prior existing provisions of this until completed by the last Charter. as amended.]

[Section 20-8. Outstanding and Authorized Bonds - The provisions of this Charter Amendment shall not affect municipal bonds outstanding on the effective date of this Charter Amendment. Failure to observe requirements of the last Charter, as amended, governing municipal elections shall not invalidate any bonds

authorized at an election held prior to the effective date of this Charter.] Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the municipal government in accordance with their import.]

[Section 20-9. Saving Clause - This Charter Amendment shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter Amendment shall invalidate any existing contracts between the municipal government and individuals, corporations, or public agencies.]

[Section 20-10 Severability Clause The words, phrases, sentences, paragraphs, sections, and articles of this Charter Amendment shall be considered to be severable, so that if any word, phrase, sentence, paragraph, section, or article, or its application to any person or circumstance, is superseded by state law or held invalid, the remainder of the particular phrase, sentence, paragraph, section, or article, or the application thereof to other persons or circumstances, shall not be deemed affected.]

SECTION 4.

The City Council does hereby find, determine and declare that the ballot title set forth in Section 2 hereof fairly expresses the true meaning and intent of the referred Charter amendment.

SECTION 5.

The officials of the City are authorized and directed to take all actions necessary, appropriate or required to implement the provisions of this Ordinance. The City Clerk is directed to publish notice of election of the proposed Charter Amendment in conformity with the provision of 5-3-2, P.M.C., C.R.S. 1-7.5-101 et seq. and C.R.S. 31-2-210(4) by no later than sixty days before the August 8, 2023, as provided by C.R.S. 31-2-210(4).

SECTION 6.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk