

Preamble

We, the Town of Superior, in order to form a more effective and responsive government of the people, by the people, and for the people, do ordain and establish this Home Rule Charter.

Through this Charter and the local government it defines, the people of Superior reserve their right to address matters of local concern at the local level. The Charter enables the people of Superior to fully enjoy the benefits of self-governance and to provide for a sustainable future by establishing a municipal government that is open, accessible, responsive, accountable, responsible, and professional.

To maintain the qualities that make Superior a unique community, it is also important to protect and enhance the Town's natural, cultural, and recreational resources, and preserve the Town's scenic, historic, and aesthetic features. In order to achieve these goals, we adopt this Home Rule Charter as a framework for local governance, and we commit ourselves to its execution for all the residents of Superior.

Article 1 General Provisions

1.01 Name and Boundaries.

The municipal corporation heretofore existing as the Town of Superior, located in Boulder and Jefferson Counties, State of Colorado, shall remain and continue a body politic and corporate and under this Charter shall be known as the Town of Superior, with boundaries the same as presently established, until changed in a manner authorized by law.

1.02 Form of Government.

The municipal government established by this Charter shall be a Council/Manager form of government. Pursuant to the Charter provisions and subject only to limitations imposed by the Constitution of the State of Colorado, all powers shall be vested in an elected Town Council, pursuant to this Charter and applicable law.

1.03 Authority.

- (1) The Town shall have all the authority of local self-government, home rule, and all authority possible for a municipality to have under the Constitution and laws of the State of Colorado.
- (2) The enumeration of any particular authority in this Charter shall in no way be deemed to limit or exclude the exercise of any authority.
- (3) All authority shall be exercised in the manner set forth in this Charter, or if not provided for in this Charter, in such manner as provided for by ordinance, resolution, or state statute.

1.04 Rights and Liabilities.

- (1) By the name of the Town of Superior, a municipal corporation, the Town shall have the following rights and liabilities:
 - (a) The right to perpetual succession;
 - (b) The right to own, possess, and hold all property, real and personal, heretofore owned, possessed, and held by the Town, and to manage and dispose of all trusts in any way connected therewith;
 - (c) The right to purchase or otherwise acquire property on which there are delinquent taxes or special assessments and to dispose of them in like manner as any other property;
 - (d) The right to succeed to all rights and liabilities of the Town;
 - (e) The right to acquire all benefits of the Town and to assume and pay all bonds, obligations, and indebtedness of the Town;
 - (f) The right to sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings;

- (g) The right to purchase, lease, receive, hold, and use, or sell and dispose of real and personal property, except as limited by this Charter;
- (h) The right to establish and provide public works, public utilities, and other public services as permitted by law;
- (i) The right to adopt, have, and use a common seal and alter the same;
- (j) The right to adopt ordinances and resolutions on all matters unless otherwise prohibited by this Charter or by laws applicable to home rule municipal corporations in the State of Colorado; and
- (k) The right to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Constitution of the State of Colorado and Title 31, Colorado Revised Statutes, and other applicable statutes, as amended.

Article 2 Elections

2.01 Election Laws.

Town elections shall be governed by the Colorado Municipal Election Code of 1965, C.R.S. § 31-10-101, *et seq.*, as amended, except as otherwise provided in this Charter or by ordinance.

2.02 Types of Elections.

- (1) Regular municipal elections shall be held on the Tuesday following the first Monday in November of each even-numbered year.
- (2) The Mayor and each Council Member shall take office at the first regular meeting of the Town Council following certification of the election and shall continue in office until their successors have been elected and take office.
- (3) Special Town elections shall be held in accordance with the provisions of the Colorado Municipal Election Code of 1965, C.R.S. § 31-10-101, *et seq.*, as amended, except as otherwise provided in this Charter or by ordinance hereafter enacted. Any special Town election may be called by resolution of the Council not less than forty-five (45) days in advance of such election or when required by this Charter or by statute. The resolution calling a special Town election shall set forth the purposes of such election.

2.03 Nonpartisan Elections.

All municipal elections shall be nonpartisan.

2.04 Campaign Finance.

The Town Council shall adopt and maintain by ordinance local campaign finance regulations that address the matters covered by Article XXVIII of the Constitution of the State of Colorado and the Fair Campaign Practices Act, C.R.S. § 1-45-101,

et seq., as amended. Such ordinance shall control local election matters instead of Article XXVIII of the Constitution of the State of Colorado and the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, as amended. The local campaign finance regulations shall require timely disclosure of all campaign contributions and spending.

Article 3 Town Council

3.01 Town Council and Mayor.

(1) The Town Council shall include a Mayor and six (6) Council Members. The positions of Mayor and Council Member are separate offices. As used in this Charter, “Town Council” includes the Mayor and all Council Members; the term “Council Member” excludes the Mayor.

(2) The Mayor and Council Members shall be elected at large by the registered electors of the Town.

(3) The Mayor and all Council Members shall be elected to serve four (4) year terms unless a two (2) year term is required to restore staggered positions on the Town Council. In such case, the four (4) year term(s) shall go to the candidate(s) with the highest number of votes, and the two (2) year term(s) shall go to the candidate(s) with the next highest number of votes.

(4) No elected Mayor or Council Member shall serve more than two (2) consecutive terms in one office. Terms are not consecutive if they are at least four (4) years apart or are for separate offices. For the purposes of this limitation, any term to which an individual is appointed does not count as a term.

(5) Candidates for Mayor are required to obtain fifty (50) valid signatures on their candidate nomination petitions. Candidates for Council Member are required to obtain twenty-five (25) valid signatures.

3.02 Mayor.

(1) The Mayor shall be the presiding officer of the Town Council and the recognized head of the Town government for all legal and ceremonial purposes. The Mayor, or anyone acting as Mayor, shall have the following duties, authorities, and responsibilities:

(a) To vote in the same manner as a Council Member without veto power upon any question;

(b) To sign all contracts binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring their signature except as may be delegated by ordinance to the Town Manager or as otherwise provided by ordinance and attested by the Town Clerk under the seal of the Town; and

(c) To have such other authority as may be conferred upon the Mayor by this Charter and the Town Council, so long as that grant of authority does not conflict with this Charter.

3.03 Authority of the Town Council.

- (1) The Town Council shall have the following authority:
 - (a) To enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare, and property;
 - (b) To declare, prevent, and summarily abate and remove nuisances in accordance with due process;
 - (c) To preserve and enforce good government, general welfare, order, and security of the Town and the inhabitants thereof;
 - (d) To enforce ordinances and regulations by fines or imprisonment as permitted by state law, or by both fines and imprisonment for every offense; and
 - (e) To delegate to boards, commissions and committees, within the limitations of the Constitution of the State of Colorado and this Charter, such functions and authority of the Town as the Town Council deems proper and advisable.
- (2) The Town Council shall deal with the administrative service solely and directly through the Town Manager. No member of Town Council shall dictate the appointment of, direct, or interfere with the work of any employee under the Town Manager.
- (3) The Town Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town.

3.04 Qualifications to Serve on Town Council.

- (1) No person shall be eligible to be elected or appointed to the Town Council, or to remain seated on the Town Council, unless they are:
 - (1) A citizen of the United States of America;
 - (2) A registered elector of the Town of Superior; and
 - (3) A resident of the Town for a period of no less than twelve (12) consecutive months preceding the election.
- (2) No person who is an employee of the Town may serve on the Town Council. Any Town employee elected or appointed to the Town Council shall be deemed to have resigned as an employee on the date of taking office on the Town Council. A Town board, commission, or committee member may also serve on the Town Council if permitted by ordinance or resolution. If not permitted by ordinance or resolution, any Town board, commission, or committee member elected or

appointed to the Town Council shall be deemed to have resigned as a board, commission, or committee member on the date of taking office on the Town Council.

(3) No person may be a candidate for more than one Town office in the same election. A person may be a candidate for one Town office while serving in another Town office and, if not elected, may serve out their existing term.

(4) No person may simultaneously hold a position as an elected or appointed state or county government official while a member of Town Council.

(5) The Mayor and each Council Member shall continue to meet the requirements of this Section throughout their term of office.

(6) The Town Clerk shall be the judge of all qualifications for candidates for Town Council, except as otherwise provided by ordinance.

3.05 Town Council Meetings.

(1) The Town Council shall meet regularly at least once each month at a day, hour, and place fixed by the Town Council.

(2) Four (4) members of the Town Council shall constitute a quorum, but in the absence of a quorum, a lesser number may continue any meeting or hearing to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting.

(3) All regular and special meetings of the Town Council shall be open to the public and the public shall have a reasonable opportunity to be heard. A permanent record of the proceedings of each meeting shall be kept by the Town Clerk and signed by the Mayor.

3.06 Special Meetings.

(1) Special meetings of the Town Council shall be called by the Town Clerk on the request of at least two (2) Council Members or by the Mayor, with at least twenty-four (24) hours' notice provided to each member of the Town Council.

(2) Written notices of any special meeting and the topic of any special meeting shall be posted consistent with the posting of notice for regular Council meetings. No business shall be transacted at any special meeting of the Town Council unless such business has been stated in the notice of such meeting.

3.07 Executive Sessions.

(1) Any Town Council meeting may be recessed into an executive session by the affirmative vote of two-thirds (2/3) of the Town Council present and may be closed to the public for the purpose of considering any of the following matters:

(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest;

- (b) Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions;
 - (c) Matters required to be kept confidential by federal or state law or rules and regulations. The Town Council shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session;
 - (d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;
 - (e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators;
 - (f) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting;
 - (g) Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended; or
 - (h) Any other matter authorized by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*, as amended.
- (2) The general subject matter of every executive session shall be stated in the motion calling for the session unless doing so would compromise the purpose of the executive session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any executive session.
- (3) The Town Manager, the Town Attorney and other relevant persons, upon invitation by Town Council, may attend executive sessions.
- (4) The provisions of this Section are specifically intended to supersede any conflicting provisions of Colorado statutes governing open meetings and executive sessions.

3.08 Voting.

- (1) Unless a member of Town Council provides a basis for recusal, every member of Town Council, if present, shall vote on every matter. If a member of Town Council refuses to vote without providing a basis for recusal, the Town Clerk shall consider the refusal as a negative vote.

(2) To be adopted, every resolution and motion shall require the affirmative vote of a majority of the Town Council present.

(3) To be adopted, every non-emergency ordinance shall require the affirmative vote of a majority of the Town Council present, and every emergency ordinance shall require a two-thirds (2/3) affirmative vote by the Town Council then in office.

(4) For the consideration of ordinances appropriating funds, for emergency ordinances, and when requested by a Council Member, a roll call vote shall be taken and entered upon the minutes of the Council proceedings. At all other times, a voice vote is permitted, and the outcome of a voice vote shall be announced.

3.09 Code of Conduct and Ethics.

The Town Council shall adopt and maintain by ordinance a Code of Conduct and Ethics, which shall address Town Council conflicts of interest and behavior. The adopted Code of Conduct and Ethics shall specify reporting and enforcement mechanisms, including penalties, for violations of this Charter.

3.10 Compensation of Mayor and Council Members.

(1) The Mayor and Council Members shall receive such compensation as the Council shall prescribe by ordinance.

(2) The Town Council shall neither increase nor decrease the compensation of the Mayor or any Council Member during their current term of office.

(3) The Mayor and Council Members may, upon order of the Town Council, be paid such necessary bona fide expenses incurred in service on behalf of the Town as authorized by the Town Council.

3.11 Oath of Office.

Before entering upon the duties of the office of Mayor or Council Member, every person shall take, subscribe before, and file with the Town Clerk the following oath or affirmation:

I, (name), swear (or affirm), that I will support the Constitution of the United States, the Constitution of the State of Colorado, the Charter and the ordinances of the Town of Superior, and will faithfully perform the duties of my office.

3.12 Mayor Pro Tem and Acting Mayor.

(1) A Mayor Pro Tem shall be elected by the Town Council from its own membership at the first regular Town Council meeting following certification of the regular municipal election results. The Mayor Pro Tem shall serve until a replacement is selected in the same manner following the next regular municipal election or the first meeting after a vacancy occurs in the office of the Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor during the absence of the Mayor.

(2) In the event both the Mayor and the Mayor Pro Tem are absent, the Town Council shall designate another Council Member to serve as Acting Mayor during such absence.

(3) Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all authority granted herein to Council Members and may, at the conclusion of their service as Mayor Pro Tem or Acting Mayor, serve out the remainder of their original term.

3.13 Town Council Vacancies.

(1) A vacancy occurs when the Mayor or a Council Member dies or resigns, when there is an insufficient number of candidates at an election, or at such time as the Mayor or a Council Member fails to meet the requirements to hold office.

(2) At the first Town Council meeting following an event causing a vacancy, the Town Council shall declare a vacancy.

(3) Vacancy in the office of Mayor.

(a) If a vacancy in the office of Mayor is declared, the Mayor Pro Tem shall automatically assume the role of Mayor until the electors choose a successor Mayor at the next regular municipal election.

(b) If the Mayor Pro Tem accedes to the office of Mayor, the Town Council shall declare a Council Member vacancy, and a replacement Mayor Pro Tem shall be elected by the Town Council from its own membership.

(4) Vacancy in the office of Council Member.

(a) In the case of a vacancy in the office of a Council Member, the Council shall fill a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as amended, except no appointment may be made within ninety (90) days preceding the next regular municipal election.

(b) If a special election is ordered, it shall be held as soon as practical.

(5) A person so appointed shall hold office only until a successor chosen by the electors at the next regular municipal election duly takes office.

(6) If three (3) or more vacancies have been declared, and exist at the same time, a special election is required. The special election shall be held as soon as practical to fill all vacancies.

3.14 Emergency Powers.

(1) In case of emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life or property.

(a) Such authority shall include without limitation, establishing regulations, governing conduct, and activities related to the cause of the emergency. If the emergency continues, the Mayor shall convene the Town

Council as soon as practical so that the Town Council, as a whole, may take such action as it deems necessary.

(b) Any unilateral action taken by the Mayor during an emergency shall be temporary in nature and duration. Such action shall be effective only until it is safe and reasonable for the Town Council to convene to ratify the action.

(c) In the event it becomes necessary, the line of succession provided in this Charter shall be followed. The Town Council shall have the authority to provide for the continuity of government of the Town in the event of a disaster. Such authority shall be employed in a manner that will preserve representative government to the Town and that will provide an orderly line of succession, as set forth below.

(d) The Town's line of succession shall commence with the Mayor, then the Mayor Pro Tem, and shall then revert to Council Members, in order of their seniority by date elected, followed by the Town Manager and then through the Town Manager's order of succession of Town staff, as referenced in Section 4.01(3)(e) herein.

Article 4 Town Officers

4.01 Town Manager.

(1) The Town Manager shall be appointed to the position by a majority vote of the Town Council members then in office. The Town Manager shall be the chief administrative officer of the Town and shall serve at the will of the Town Council.

(2) The Town Council shall choose the Town Manager on the basis of executive and administrative qualifications, with particular emphasis on experience and training related to the duties of the office, and shall have the minimum qualifications, if any, as may be set by the Town Council by ordinance. No person holding or who has held Town elective office shall be hired as Town Manager during or within one (1) year after the end of the term of such elected official.

(3) The Town Manager shall be responsible to and report directly to the Town Council on the proper administration of all affairs of the Town placed in the Town Manager's charge, and to that end the Town Manager shall have the powers and duties as set forth by the Town Council, by ordinance, including, but not limited to:

(a) Enforcing or supervising the enforcement of all laws of the Town;

(b) Hiring and supervising personnel, overseeing all aspects of Town functions and activities, and servicing contracts and departments that report to the Town Manager;

- (c) Performing or supervising the performance of budget-related duties, accounting duties, financial and risk planning, and reporting and management;
- (d) Reporting regularly to the Town Council on the functioning of all Town departments, services, activities, performance measures, and financial matters;
- (e) Providing for Town Council approval of a plan that specifies an order of succession of Town staff who may execute the Town Manager's duties and powers in instances when the Town Manager is temporarily unavailable;
- (f) Hiring or retaining a chief financial officer who shall perform such duties as may be prescribed by the Town Manager;
- (g) Hiring or retaining a Town Clerk who shall perform such duties in this Charter and as may be prescribed by the Town Manager; and
- (h) Performing such other duties as set forth in the ordinances of the Town or by direction of the Town Council.

(4) At any regular or special meeting called for the purpose and subject to the Town Manager's employment agreement, if any, the Town Council may terminate the employment of the Town Manager by a majority vote of the Town Council members then in office. The action of the Town Council in removing the Town Manager shall be final, it being the intent to vest all authority and fix all responsibility for such removal in the Town Council.

4.02 Town Attorney.

- (1) The Town Attorney shall be an attorney licensed to practice law in good standing in the State of Colorado who shall be appointed to the position by a majority vote of the Town Council members then in office.
- (2) The Town Attorney shall serve at the will of the Town Council without a definite term and with compensation fixed by resolution of the Town Council.
- (3) The Town Attorney shall be responsible to the Town Council; shall formally report to the Town Council at least once annually, and more often upon the Town Council's request; and shall perform such duties as provided by ordinance.
- (4) The Town Attorney may be removed from the position by a majority vote of the Town Council members then in office.

4.03 Municipal Judge.

- (1) The Municipal Judge shall be an attorney licensed to practice law in good standing in the State of Colorado who shall be appointed to the position by a majority vote of the Town Council members then in office.

(2) The Municipal Judge shall be appointed to serve a definite term of two (2) years, with compensation fixed by resolution of the Town Council and may be reappointed for subsequent terms.

(3) The Town Council may appoint such qualified assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification, or inability of the Municipal Judge to act.

(4) The Municipal Judge shall be responsible to the Town Council, shall formally report to Town Council upon request, and shall perform such duties as provided by ordinance.

(5) The Municipal Judge may only be removed during a term for cause, as defined by Title 13, Article 10, of the Colorado Revised Statutes, as amended.

4.04 Town Prosecutor.

(1) The Town Prosecutor shall be an attorney licensed to practice law in good standing in the State of Colorado who shall be appointed to the position by a majority vote of the Town Council members then in office.

(2) The Town Prosecutor shall serve at the will of the Town Council without a definite term and with compensation fixed by resolution of the Town Council.

(3) The Town Prosecutor shall be responsible to the Town Council; shall formally report to the Town Council upon request; and shall perform such duties as provided by ordinance.

(4) The Town Prosecutor may be removed from the position by a majority vote of the Town Council members then in office.

4.05 Town Clerk.

(1) The Town Manager shall hire a Town Clerk as an employee of the Town. The Town Clerk or designee shall attend all meetings of the Town Council, shall keep a permanent record of its proceedings, and shall have the following other duties and responsibilities:

(a) Be custodian of the Town Seal, affix it to all documents and instruments requiring the seal, and attest to the same;

(b) Be custodian of all papers, documents, and records pertaining to the Town, the custody of which is not otherwise provided for;

(c) Certify by their signature all ordinances and resolutions enacted or passed by the Town Council;

(d) Provide and maintain a supply of forms required to be filed with the Town as part of regular municipal elections by the provisions of this Charter, ordinance or state law;

(e) Review the sufficiency of all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted

hereunder. Yet, nothing contained herein shall require the Town Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Town Clerk;

- (f) Administer oaths of office;
- (g) Act as the Town’s designated election official; and
- (h) Perform such other duties as may be prescribed by this Charter, ordinance, state law, or the Town Manager.

Article 5 Boards, Commissions, and Committees

5.01 Right to Establish, Amend, and Abolish.

(1) The Town Council shall have authority to create and disband boards, commissions, and committees and confer upon the same such powers and duties as it deems advisable by resolution or by ordinance.

(2) Members of Town boards, commissions, and committees shall be appointed in accordance with a resolution or an ordinance setting forth the number of members, qualifications, terms, appointment and removal procedures, and compensation, if any, for each board, commission, or committee.

Article 6 Ordinances

6.01 Action by Ordinance Required.

In addition to such acts of the Town Council that are required by other provisions of this Charter to be by ordinance, every act creating indebtedness, authorizing borrowing of money, levying a tax subject to voter approval in compliance with Section 10.01 of this Charter, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. However, this Section shall not apply to the budget adoption or other appropriations as defined in Section 8.05 of this Charter.

6.02 Form of Ordinance.

Every ordinance shall be introduced in written or printed form. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not. The enacting clause of all ordinances shall be:

Now, Therefore, be it Ordained by the Town Council of the Town of Superior, Colorado.

6.03 Adoption Procedure for Ordinances.

- (1) With the exception of emergency ordinances, the following procedure shall be followed in adopting any ordinance:
 - (a) The ordinance shall be introduced at a regular or special meeting of the Council and read by title.
 - (b) The opportunity for public comment shall be provided before the Council acts upon any ordinance.
 - (c) If required by law or ordinance, the Town Council shall conduct a public hearing on the ordinance.
 - (d) After the public hearing, if applicable, and any discussion or deliberation, the Town Council shall vote to adopt, amend, or reject the ordinance or take other action as it deems appropriate.
 - (e) Any member of Town Council may require one additional reading of any introduced ordinance at the next regular or special meeting of the Town Council. Once a Council Member or the Mayor has exercised the option of one additional reading, it may not be exercised by any other Council Member or the Mayor. Nothing in this subsection (e) may be deemed to limit the Town Council's authority to continue action on an ordinance by a majority vote.
 - (f) If the ordinance is adopted by the Town Council, either as presented or as amended, it shall be published and made available for public inspection.
 - (g) Each ordinance shall be effective ten (10) days after publication or at such later date as specified in the ordinance.
 - (h) The method of official publication of ordinances shall be set by ordinance.
 - (i) Each ordinance shall be signed by the Mayor and attested to by the Town Clerk, and affidavits of publication shall be retained with the ordinance in the Town's records.

6.04 Emergency Ordinances.

- (1) The Town Council may adopt an emergency ordinance, if necessary, for the immediate preservation of public property, health, welfare, peace, or safety. Determination by the Town Council as to the existence of an emergency shall be final and conclusive.
- (2) Emergency ordinances shall meet the following criteria:
 - (a) The facts determining the emergency shall be specifically stated in the ordinance; and

(b) No ordinance granting, renewing, or amending any franchise, or imposing any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, extension of an expiring tax, or tax policy change directly causing a net tax revenue gain to the Town shall be adopted as an emergency ordinance.

(3) An emergency ordinance may be introduced and adopted at any regular or special meeting. Approval of an emergency ordinance requires a two-thirds (2/3) affirmative vote by the Town Council then in office. An emergency ordinance shall take effect upon adoption. Following adoption, an emergency ordinance shall be published in full.

6.05 Codification.

(1) The Town Council shall cause the ordinances of a general and permanent character to be codified and thereafter maintained in their current form.

(2) Any ordinance that is not of a general and permanent character shall not be codified.

6.06 Adoption of Codes by Reference.

The Town Council, by ordinance, may adopt by reference any code published by the federal government, State of Colorado, or by any agency of either of them, or by any municipality, or by recognized trade or professional organizations, or amendments or revisions thereof. The procedure of adoption of a code by reference shall be as provided in the Colorado Revised Statutes applicable to the adoption of codes by reference, as amended.

6.07 Fines and Penalties for Ordinance Violations.

Penalties for the violation of Town ordinances shall be established by ordinance.

Article 7 Municipal Court

7.01 Created.

(1) There shall be a Municipal Court that shall have non-exclusive jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the Town.

(2) The Town Council shall provide an adequate budget; a suitable place and all supplies and personnel, including a court administrator, necessary for the proper functioning of the Court; and shall ensure the independence of the judiciary.

(3) The Town Council shall provide by ordinance for the enforcement of its ordinances by fine or imprisonment.

(4) The Municipal Court shall be presided over by the Municipal Judge, who shall be appointed by the Council as provided by this Charter and state law.

7.02 Powers.

(1) The powers of and the procedure in the Municipal Court and the manner of enforcement of its orders and judgments shall be as provided for by ordinance presently enacted or hereafter enacted. The Municipal Court shall be a qualified Municipal Court of record.

(2) The Municipal Court may provide for the granting of probation and the conditional suspension of sentences.

(3) The Municipal Court may order restitution as the Municipal Court deems appropriate.

Article 8
Town Finances and Borrowing

8.01 Fiscal Year.

The fiscal year of the Town, and all of its agencies, shall begin on the first (1st) day of January and end on the thirty-first (31st) day of December of each year.

8.02 Annual Budget.

A proposed budget reflecting the needs and desires of the community for the ensuing fiscal year shall be delivered to the Town Council by the Town Manager on or before the fifteenth (15th) day of October of each year.

8.03 Budget Hearing.

(1) The Town Council shall hold a public hearing on the proposed budget on or before the thirtieth (30th) day of November of each year.

(2) Notice of the time and place of such hearing shall be published at least once seven (7) days prior to such hearing, and copies of the proposed budget shall be made available to the public.

(3) The Town Council may at any time before final adoption increase, decrease, add, or strike out any item in the budget.

8.04 Scope of Annual Budget.

(1) The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Town Manager deems desirable or the Town Council may require.

(2) In organizing the budget, the Town Manager shall use fund, department, revenue, and expenditure classifications and groupings consistent with generally accepted budgetary practices for municipal governments in keeping with guidelines published from time to time by the Government Finance Officers Association or its successor entity. The budget shall include a budget message from the Town Manager highlighting the key features of the budget. The budget

shall lay out a clear plan for all the operations, programs, capital acquisitions, projects, and debt service payments of the Town.

(3) The budget shall display beginning fund balances, revenues and other sources of funds, expenditures and other uses of funds, transfers between funds, and ending fund balances for all governmental and proprietary funds of the Town, as defined by the Governmental Accounting Standards Board or its successor entity. These displays shall include the actual audited amounts for at least the immediately preceding year, the budgeted amounts for the current year, estimated amounts for the current year, and proposed amounts for the next fiscal year.

(a) Reasonable provisions for contingencies may be budgeted for any fund.

(b) The total of proposed expenditures, including contingencies, shall not exceed the total of beginning fund balances available plus revenues and other sources of funds for any fund.

8.05 Adoption of Budget and Appropriation.

(1) Not later than the fifteenth (15th) day of December of each calendar year, the Town Council shall adopt a resolution adopting the budget and a resolution adopting the annual appropriations. All such annual appropriations shall lapse at the end of each fiscal year.

(2) If the Town Council fails to adopt a budget by this date, the amounts appropriated for the operation of the various departments and areas of the Town during the prior fiscal year shall be deemed adopted for the current fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the Town Council adopts the budget for the current fiscal year.

8.06 General Fund.

The General Fund is the Town's primary operating fund. All revenues not specifically allocated to any other fund shall be placed in the General Fund.

8.07 Other Funds.

In addition to the funds provided for in this Charter, the Town Council may by ordinance establish other funds, including enterprise and special purpose funds, as it deems necessary and appropriate in accordance with Generally Accepted Accounting Principles. The ordinance establishing such funds shall clearly state the purpose of the fund.

8.08 Capital Program.

The Town shall develop and maintain a long-range capital planning program, the contents of which shall be reviewed at least annually as part of the budget process.

8.09 Transfer of Funds.

Except as may be restricted by law, the Town Council may by resolution transfer any unencumbered appropriation, balance, or portion thereof from one fund to another.

8.10 Independent Audit.

An independent audit shall be made of all Town funds for each fiscal year and more frequently if deemed necessary by the Town Council. Such an audit shall be made by certified public accountants approved by the Town Council who shall complete the audit in accordance with state regulations. Copies of such audit shall be available for public inspection.

8.11 Forms of Borrowing.

(1) The Town may, subject to any applicable limitations in the Constitution of the State of Colorado, including any requirements for voter approval, borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Town Council to be in the best interests of the Town. All prior Town borrowing, securities, or financial obligations, including without limitation those involving voter-approved waivers or amendments to constitutional limits, remain in full force and effect.

(2) In addition to being authorized by this Article to issue bonds for any municipal purpose as authorized by law, the Town is specifically authorized, by ordinance, with or without an election, as determined by the Town Council, to issue revenue bonds or otherwise to extend its credit for the purpose of purchasing, equipping, constructing, or otherwise acquiring, extending or improving a water, sewer, or other public utility, facility or project, provided that the bonds or other obligation shall be made payable from the net revenues derived from the operation of such system, utility or project, or from the proceeds of any tax other than the general ad valorem tax imposed by the Town.

(a) Such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held.

(b) Notice of such hearing shall be published at least once seven (7) days prior to such hearing.

8.12 Long-Term Rentals and Leaseholds.

(1) The Town may enter into long-term installment purchase contracts and rental or leasehold agreements in order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be approved by resolution.

(2) The Town Council may provide for payment of installments thereof out of the general ad valorem tax levy, by the imposition of rates, tolls, or service charges for the use of such property or any part thereof, out of any other available

municipal revenues or by any combination of the foregoing methods. The obligation to pay such rentals shall not constitute an indebtedness of the Town.

8.13 Special Districts.

The Town Council may, by ordinance, limit the maximum mill levy authorized to be imposed by any special district formed under Title 32 of the Colorado Revised Statutes, as amended, by a developer to finance development in the Town. The Town shall maintain special district review criteria to protect the interests of Town residents and ensure their representation in special district governance and shall apply such criteria during Town consideration of special district service plans.

Article 9
Public Utilities, Franchises, and Use of Public Property

9.01 Town Authority.

(1) The Town shall have and exercise with regard to all utilities, public services, and franchises, including water and water rights and acquisition thereof and bonded indebtedness in connection therewith, all municipal authority and functions now existing and that may be hereafter provided by the Constitution of the State of Colorado and the Colorado Revised Statutes, as amended.

(2) The Town shall have authority, within or without the territorial limits of the Town, to construct, condemn, purchase, acquire, lease, and operate public works, utilities and assets, equipment, and everything in relation to or in connection therewith, in whole or in part, for the use of the Town, its inhabitants and those it serves.

(3) Except as otherwise provided by the Constitution of the State of Colorado or this Charter, all authority concerning the granting, amending, revoking, or otherwise dealing in franchises shall be exercised by the Town Council.

9.02 Grant of Public Utility Franchise.

Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the Constitution of the State of Colorado and statutes that are applicable to home rule municipalities as now in effect or as hereafter amended.

9.03 Water Rights.

The Town shall have the authority to buy, exchange, lease, own, control, or otherwise deal in water rights. The sale or final disposition of water rights shall occur only by ordinance, following a public hearing.

9.04 Utility Rates.

The Town Council shall, by resolution, establish rates, rules, and regulations for services provided by municipally owned utilities.

9.05 Extraterritorial Utility Service.

If the Town Council desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

9.06 Term, Compensation, and Restriction.

(1) No franchise, lease, or right to use the streets or the public places or property of the Town shall be granted for a term that exceeds twenty (20) years. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the franchise at the option of the Town Council. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges or other impositions levied by the Town Council, not levied on account of the use granted by the franchise.

(2) Every non-Town owned public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the Town harmless from all damages arising from said use.

(3) The Town may require every such public utility to permit joint use of its property and appurtenances located in the streets, alleys, or other public places of the Town by the Town and by other utilities insofar as such joint use may be reasonably practicable.

9.07 Assignment of Franchise.

Any assignment or leasing of a franchise shall be considered forfeiture unless consent is given by the Town Council by ordinance.

Article 10
Taxation

10.01 Power to Tax.

The Town shall have all powers of taxation available to municipalities in the Colorado Constitution or any other enabling law.

10.02 Certification of Tax Levy.

(1) As required by law, the Town Council shall fix the amount of tax levy that shall be assessed, if any, upon each dollar of assessed valuation of all taxable property within the incorporated limits of the Town, and the Town Council shall cause the same to be certified to Boulder and Jefferson Counties as required by law.

(2) If the Town Council fails in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as provided by law.

10.03 Expenditure of Revenues.

The Town shall be authorized to collect, retain, and expend all of the sales and use tax revenues and all revenues generated by the Town, subject only to those limitations previously approved by the voters, notwithstanding any limitation contained in Article X, Section 20, of the Constitution of the State of Colorado or any other law.

Article 11 Initiative, Referendum, and Recall

11.01 Initiative.

(1) The initiative power, reserved by Article V, Section 1(9) of the Constitution of the State of Colorado, is hereby extended to the registered electors of the Town.

(2) Procedures for initiative shall be governed by the Constitution of the State of Colorado and the Colorado Revised Statutes, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(3) An initiative petition shall be signed by registered electors of the Town equal in number to at least five percent (5%) of the total number of registered electors of the Town as of the date of filing the petition.

(4) The Town Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

(5) A complete initiative petition shall be filed within one hundred eighty (180) days of the Town Clerk's approval of the form of petition.

(6) Within thirty (30) days following the final determination of petition sufficiency, the Town Council shall either:

(a) Adopt the ordinance as submitted by the initiative petition; or

(b) Submit the initiated ordinance to the registered electors of the Town; provided, however, the Town Council shall have the power to change the detailed language of any proposed initiated ordinance and to affix the title thereto without changing the meaning of the initiated ordinance.

11.02 Referendum.

(1) The referendum power, reserved by Article V, Section 1(9), of the Constitution of the State of Colorado, is hereby extended to the registered electors of the Town.

- (2) Procedures for referendum shall be governed by the Colorado Revised Statutes, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.
- (3) Ordinances addressing budgets, capital programs, appropriations, levies of taxes, special elections, and salaries or terms of employment of Town officers or employees are not subject to referendum. Emergency ordinances adopted pursuant to this Charter are not subject to referendum.
- (4) A referendum petition shall be signed by registered electors of the Town equal in number to at least five percent (5%) of the total number of registered electors of the Town as of the final date of publication of the ordinance at issue.
- (5) The Town Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.
- (6) Complete referendum petitions must be filed within forty-five (45) days after adoption by the Town Council of the ordinance sought to be reconsidered.
- (7) Within thirty (30) days following the final determination of petition sufficiency, the Town Council shall either:
 - (a) Repeal the ordinance, or part thereof, subject to the referendum petition; or
 - (b) Submit the proposal provided for in the referendum petition to the registered electors of the Town.
- (8) The Town Council, at its discretion, may suspend the ordinance pending an election on a referendum petition.

11.03 Form and Content of Petitions.

- (1) The petition shall set out in full the proposed initiative or cite the ordinance sought to be reconsidered. All pages of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each entry shall be executed in a permanent and verifiable manner with a signature and shall include the full name, street address of the person signing, and date of signature. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or proposed Charter amendment sought to be considered. Petitions shall include the names and mailing addresses of two (2) registered electors of the Town to serve as the Petition Committee to whom all notices related to the petition are to be sent.
- (2) The form of petition shall be submitted to the Town Clerk, during regular business hours, for review and approval. The Town Clerk shall approve or reject the form of the petition no later than five (5) business days following the date on which the Town Clerk received the petition for review. If rejected, the Town Clerk shall state the specific basis for rejection. Rejected petitions may be resubmitted within the deadline for a complete petition set forth in this Charter.

11.04 Affidavit of Circulator.

- (1) Each page of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating the following:
 - (a) The affiant’s name, address, and the date the affiant signed the affidavit;
 - (b) That the affiant has read and understands the laws governing the circulation of petitions;
 - (c) That the affiant was eighteen (18) years of age or older at the time of circulating the petition;
 - (d) That the affiant personally circulated the petition;
 - (e) That all signatures were affixed in their presence;
 - (f) That the affiant believes the signatures to be the genuine signatures of the persons whose name they purport to be;
 - (g) That, to the best of affiant’s knowledge, all signatures are of persons who are registered electors of the Town of Superior; and
 - (h) That the affiant has not paid or will not in the future pay, and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer’s signature to the petition.

11.05 Procedure After Filing.

- (1) Within thirty (30) days after a petition is filed, the Town Clerk shall complete a certificate as to its sufficiency and as to the validity of the signatures thereon, specifying if it is insufficient the particulars wherein it is defective. The Town Clerk shall promptly send by mail a copy of the certificate to the Petition Committee.
- (2) The Clerk’s final determination of petition sufficiency shall occur on the date following the passage of the period of time within which a protest must be filed pursuant to state law or ordinance or the date on which any protest filed, pursuant to state law or ordinance, results in a finding of sufficiency, whichever is later.

11.06 Results of Election.

- (1) Initiative. If a majority of the registered electors voting on a proposed initiated ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) Referendum. If a majority of registered electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

(3) Amendment or repeal. An ordinance adopted by the electorate may not be amended or repealed for the period of one hundred eighty (180) days after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one hundred eighty (180) days after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Article, or if submitted to the electorate by the Town Council on its own motion. A proposed ordinance or proposed Charter amendment that fails at the election held to consider it shall not be refiled as an initiative petition for at least one hundred eighty (180) days after the election held to consider said ordinance or Charter amendment.

11.07 Town Council Referral.

The Town Council shall have the power to submit to a vote of the registered electors of the Town, without receipt of any petition, any proposed ordinance, or any question.

11.08 Withdrawal of Petition.

No initiative or referendum petition may be withdrawn once the Town Clerk has certified it as sufficient.

11.09 Recall.

(1) A petition to recall the Mayor or any Council Member may be filed at any time after the Mayor or Council Member has been in office for one hundred eighty (180) days, pursuant to C.R.S. § 31-4-501, *et seq.*, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(2) A recall petition must be presented to the Town Clerk for review and approval as to form. A recall petition must be submitted by a registered elector of the Town entitled to vote for a successor of the incumbent(s) sought to be recalled. The petition shall name not less than three (3) registered electors who are qualified to vote for a successor of the officer(s) sought to be recalled who shall represent the recall effort and specify a mailing address where notices related to the petition shall be sent.

(3) The recall petition shall include a statement of no more than two hundred (200) words of the grounds on which the recall is sought.

(4) No recall petition shall be circulated until approved as to form by the Town Clerk. The Town Clerk shall approve or disapprove the form of the petition by the close of the third business day following submission of the proposed petition. If a recall petition is disapproved as to form, the Town Clerk shall state the specific basis for disapproval. On the day that any such petition is approved as to form, the Town Clerk shall mail notice of such approval to the person sought to be recalled.

- (5) A recall petition shall be signed by registered electors of the Town entitled to vote for a successor of the incumbent sought to be recalled. Each entry shall be executed in a permanent and verifiable manner with a signature and shall include the full name, street address of the person signing, and date of signature.
- (6) The signers shall number at least twenty-five percent (25%) of the entire vote cast in the last preceding regular municipal election for all candidates for the particular office occupied by the incumbent sought to be recalled, such entire vote being divided by the number of all officers elected to such office at the last preceding regular election.
- (7) The Town Clerk shall not count as valid any signature on a recall petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk. The Town Clerk shall not count, as valid, any signature on a recall petition if more than sixty (60) days have elapsed between the date the Town Clerk approved the form of the petition and the date of the signature.
- (8) A signed recall petition must include an affidavit of circulator in the same form as required under Section 11.04.
- (9) The signed recall petition shall be submitted to the Town Clerk during regular business hours within sixty (60) days from the date the Town Clerk approves the form of the recall petition. The Town Clerk shall issue an initial statement to the mailing address provided by the Petition Committee and the incumbent of the number of valid signatures and whether the recall petition is sufficient or insufficient by the close of business on the tenth business day after the petition is filed.
- (10) Written protests to the sufficiency of a petition may be filed by registered electors of the Town within fifteen (15) days after the filing of the petition. Protests shall be processed in accordance with the Colorado Revised Statutes, as amended.
- (11) If a recall petition is determined sufficient, the Town Clerk shall submit it to the Town Council at the first regular meeting of the Town Council following final determination of petition sufficiency. No recall petition may be withdrawn after the final determination of petition sufficiency.
- (12) The recall election shall be held not less than forty-five (45) days nor more than ninety (90) days from the date of the final determination of sufficiency of the petition. However, if a regular municipal or statewide election is scheduled to be held within one hundred eighty (180) days after submission of a recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular municipal or statewide election.
- (13) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which they were elected or appointed

unless the signers number at least fifty percent (50%) of the number of votes cast for that office in the last preceding regular municipal election.

Article 12 **Open Space**

12.01 Purpose.

The Town is committed to the preservation of open space to benefit the residents of Superior and its value to the quality of life of the community. As used in this Charter, “open space” shall mean any interest in real property designated by the Town as open space.

12.02 Designation.

(1) The Town shall establish and maintain an inventory of vacant land owned in whole or in part by the Town. After considering the recommendations of the open space advisory committee and Town staff, the Town Council shall periodically review and determine whether any such land should be designated as open space.

(2) The Town shall provide and maintain an appropriate and distinct zoning or land use designation for all property designated as open space. With respect to any such land jointly owned by the Town and another government entity, the Town shall seek the consent of such government entity to designate the land as open space.

12.03 Disposal or Rezoning of Open Space.

(1) Disposal or rezoning of land designated as open space area shall require prior approval by the Town’s registered electors.

(a) “Disposal”, for purposes of this Article, means divesting the Town of the full fee interest in the land.

(b) “Rezoning”, for purposes of this Article, means the rezoning of open space to a zoning designation that permits more dense development than an open space or similar zone designation.

(2) The Town Council may by ordinance further regulate and protect the designation, conveyance, and disposition of Town land in use as open space that is not inconsistent with this Charter.

12.04 Open Space Advisory Committee.

(1) The Town shall maintain an open space advisory committee so long as there is a special fund for open space, to make recommendations to the Town Council on the expenditure of that revenue.

(2) The open space advisory committee has the duty to advise the Town Council on matters regarding the acquisition, funding, preservation, and managing of open space and trail lands, including land that has been designated as open space

pursuant to applicable zoning and land use documents and trails owned by the Town.

Article 13 Miscellaneous Provisions

13.01 Eminent Domain.

The Town shall have the right of eminent domain for all municipal purposes, either within or without the limits of the Town, in accordance with Title 38, Article 1, of the Colorado Revised Statutes, as amended.

13.02 Public Records.

All public records of the Town shall be open for inspection by any person at reasonable times in accordance with applicable law.

13.03 Contracts for Purchases, Leases, and Construction of Public Works.

(1) The Town Council shall establish procedures for entering into contracts for purchases, leases, and construction of public works.

(2) Purchases of or contracts for supplies, materials, equipment, or improvements shall be made under such requirements regarding competitive bidding as prescribed by the Town Council.

13.04 Amendment.

(1) In addition to the provisions otherwise stated in this Charter, this Charter may be amended in the manner provided by Article XX of the Constitution of the State of Colorado at any regular municipal election or special election called for such purpose under the following circumstances:

(a) Upon proposed amendments referred to the Town electors by a majority of the Town Council; or

(b) Upon proposed amendments submitted by electors, pursuant to the initiative process.

(2) If provisions of two (2) or more proposed amendments are adopted or approved at the same election conflict, the amendment receiving the greatest number of votes shall prevail on the conflicting issue.

13.05 Effect of Colorado Revised Statutes.

The power to supersede any law of the State of Colorado now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the Town, acting by ordinance, subject only to restrictions of the Constitution of the State of Colorado and subsequent amendments to this Charter. Unless otherwise provided by this Charter or by ordinances adopted by the Town Council hereunder, the statutes of the State of Colorado shall be in effect.

13.06 Severability.

If any provision, article, section, sentence, clause, or part of this Charter, or the application thereof to any person or circumstance, is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the Charter as a whole or any part hereof other than the parts so adjudged to be invalid, and to this end, the provisions of this Charter are declared to be severable.

13.07 Titles and Subheadings.

The Article titles and subheadings in this Charter are inserted for convenience and reference only and shall not be construed to limit, describe, or control the scope or intent of any provision herein.

13.08 Construction of Words.

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the effective date of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. "Person" may extend to and be applied to bodies politic and corporate and partnerships as well as individuals.

13.09 Indemnification.

The Town Council may indemnify any Council Member, the Mayor, any employee, or any appointed official who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding by reason of the fact that they were an officer of the Town, against expenses (including attorney fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by them in connection with such action, suit, or proceeding if they acted in good faith within the scope of their employment, in a manner they reasonably believed to be in the best interest of the Town, and had no reasonable cause to believe their conduct was unlawful.

Article 14
Transition Provisions

14.01 Effective Date of Charter.

This Charter shall become effective immediately upon certification of the election at which a majority of the registered electors of the Town approve this Charter.

14.02 Continuation of Elected Officials.

(1) The Mayor and the Board of Trustee members in office on the effective date of this Charter shall become the Town Council.

(2) For purposes of applying term limits as set forth in Section 3.01(4) of this Charter, the position of Mayor before and after the effective date of this Charter is the same office. Similarly, the positions of Board of Trustee member and Council Member are the same office.

14.03 Continuation of Appointed Officers and Employees.

(1) All appointed officers and employees of the Town at the time this Charter becomes effective shall continue in that office or employment that corresponds to the Town office or employment that they held prior to the effective date of this Charter.

(2) All appointed officers and employees of the Town shall, in all respects, be subject to the provisions of this Charter as though they had been appointed or employed in the manner provided in this Charter except that any officer or employee who holds a position that this Charter provides to be held at the will of Town Council shall hold such position only at such will regardless of the term for which they were originally appointed or hired.

14.04 Continuation of Prior Town Legislation.

All bylaws, ordinances, resolutions, contracts, rules, and regulations of the Town in force at the time this Charter becomes effective shall continue in full force except insofar as they conflict with the provisions of this Charter or are subsequently amended or repealed by ordinance enacted under authority of this Charter.

14.05 Existing Boards, Commissions, and Committees.

All boards, commissions, and committees existing at the time this Charter is adopted shall continue as established by ordinance or resolution, except as may be otherwise provided by this Charter or subsequent ordinance or resolution.

14.06 Existing Franchises.

All franchise ordinances of the Town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

14.07 Savings Clause.

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town and any person.

14.08 Time Limitation.

Acts required by this Charter to be performed by the new Town Council shall be performed within one hundred eighty (180) days of the effective date of this Charter.

**The Town of Superior
Home Rule Charter Commission Certificate of Final Adoption**

We, the undersigned, members of the Town of Superior Home Rule Charter Commission, duly elected by the people of Superior, Colorado at a regular election held on November 7, 2023, under the authorization of Article XX of the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Superior, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Charter Commission on the _____ day of _____, _____, for submission to the Town of Superior Board of Trustees for referral to the people of Superior at an election to be held November 5, 2024.

Respectfully submitted to the Board of Trustees at Superior, Colorado, on the ____ day of _____, _____.

Dalton Valette, Chair

Mike Foster, Vice Chair

Ryan Hitchler

Chris Hanson

Ryan Welch

Heather Cracraft

Claire Dixon

Jeff Chu

Clint Folsom