

TOWN OF RICO HOME RULE CHARTER



ADOPTED MAY 2ND, 2000

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TOWN OF RICO
HOME RULE CHARTER

PREFATORY SYNOPSIS

The original Home Rule Charter for the Town of Rico was prepared by the nine members of the Rico Home Rule Charter Commission in accordance with Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, as amended, and was adopted by election on May 2nd, 2000.

OBJECTIVES

The Charter seeks to achieve the following main purposes:

- to reserve to the Town of Rico the greatest autonomy and power of self-government legally permissible under the Constitution and the laws of the State of Colorado;
- to establish a structure for the efficient and orderly conduct of the Town government while also providing for and encouraging the fullest possible citizen participation in the affairs of the Town; and
- to safeguard the well-being of all inhabitants of the Town and set forth the framework for the Town's future growth and development as a quality community.

The functions of government are carried out by a popularly elected seven member Town Trustees, which includes the position of Mayor. The Mayor Pro-Tem is appointed by the Trustees. A Town Manager, who serves as the Town's chief administrative officer, is hired by, and serves at the direction, of Trustees.

The Charter also addresses initiatives and referendums, elections, finances, taxation, borrowing, public utilities, taxation, and improvement districts. This Charter vests the citizens of Rico with every power and authority grant to Home Rule municipalities under the Constitution of the State of Colorado.

ORIGINAL HOME RULE CHARTER COMMISSION MEMBERS

Peter Carter, Trustees and Home Rule Charter Chairperson
Joseph V. Croke, Mayor
Jerry Ackey, Trustee
David Allen, Planning Commission Chairperson
Barb Turrin, Planning Commission Member
Joan Folsum
Kathy McJoynt, Home Rule Charter Secretary
Dara Kinsey
Bruce Kinsey

Town Attorney: Eric James Heil, Esq.

PREAMBLE

Municipal home rule is based upon the theory that the citizens of a municipality should have the right to decide how their local problems should be solved. Still, the powers of home rule municipalities are limited by their charters, federal law, the state constitution, court decisions and legislation enacted by the General Assembly. It is the primary goal of this charter document to allow the government of the Town of Rico to operate more efficiently and to be successful in solving problems. It will always be the objective of the government of the Town of Rico to act in the best interests of the Town and its residents.

**ARTICLE I
GENERAL PROVISIONS**

§ 1.1 TOWN OF RICO

The municipal corporation previously existing as the Town of Rico shall remain and continue in perpetuity as a body politic and corporate under this Charter, with the same name and boundaries until changed in accordance with law.

§ 1.2 MUNICIPAL POWERS

The Town of Rico shall have and may exercise all powers, functions, rights, and privileges allowed or granted to any municipalities including home rule cities or towns by law except as limited or expressly forbidden by this Charter or the Constitution of the State of Colorado or the United States.

All powers of the Town of Rico shall be exercised in a manner prescribed by this Charter, or if the manner is not prescribed then as prescribed by ordinance, or if no ordinance exists which is applicable, then as prescribed by statute or other law.

§ 1.3 FORM OF GOVERNMENT

All legislative powers granted to the Town of Rico shall be vested in an elected Board of Trustees. The Board of Trustees shall delegate administrative and executive authority as provided in this Charter, or when not so provided, as it deems necessary to the Mayor and/or the Town Manager.

**ARTICLE II
BOARD OF TRUSTEES**

§ 2.1 BOARD OF TRUSTEES

The Board of Trustees shall consist of seven (7) members, comprised of: six (6) representatives and one (1) Mayor nominated and elected at large from the Town of Rico. Elections shall be non-partisan and no candidate for political office shall run under any party label.

§ 2.2 QUALIFICATIONS

Each Trustee, when elected, shall be a qualified elector and shall have resided in the Town of Rico for one (1) year immediately preceding such election.

§ 2.3 TERM OF OFFICE

The terms of office for the Trustees shall be three (3) years. There shall be no limitations on the number of terms which may be served. Two (2) representative Trustees shall be elected at each regular municipal election and the Mayor shall be elected every third year.

At any election for Mayor, a Trustee whose term of office does not expire may run for Mayor without resigning his or her seat. If such Trustee is elected as Mayor, then the Trustee vacancy shall be filled by the person with the next highest number of votes after all other Trustee seats have been filled.

Whenever multiple Trustee seats of differing term duration are available then the seat with the longest term shall be filled by the candidate with the highest number of votes and so forth in descending order.

§ 2.4 VACANCIES

A Trustee seat shall become vacant whenever any member resigns, ceases to be a resident of the Town of Rico, dies, is incapacitated or is recalled. A Trustee who submits a resignation shall continue to serve until a replacement is appointed or elected. If a regular municipal election date is not within one hundred and twenty (120) days of the date of such vacancy, the Town Clerk shall promptly publish a notice inviting applications for the Trustee seat. The Trustees shall appoint a qualified applicant to the fill the vacancy at the next regular meeting occurring at least thirty (30) days after publication of the notice inviting applications. Persons appointed to fill vacancies shall serve until the next regular municipal election.

When three (3) or more vacancies exist simultaneously, the remaining Trustees shall, at the next regular meeting, call an election to fill such vacancies. If a regular election date does not occur within ninety (90), then a special election shall be held within sixty (60) days.

§ 2.5 POWERS

All legislative, policy making, administrative and other powers of the Town of Rico shall be vested in the Board of Trustees. The Trustees may appoint such administrative authority to appointed officials, boards or commissions as deemed appropriate by the Trustees.

§ 2.6 MAYOR

The Mayor shall preside at meetings of the Trustees and shall have all the powers, rights and privileges of a Trustee, including voting rights. The Mayor shall be recognized as the head of the Town government for all ceremonial and legal purposes, shall execute and authenticate legal instruments on behalf of the Board of Trustees. The Mayor shall countersign all checks expending Town funds, except such authority for expenditures as may be delegated by the Trustees. Any vacancy of the Mayor's position shall be filled in accordance with § 2.4 VACANCIES.

§ 2.7 MAYOR PRO-TEM

A Mayor Pro Tem shall be elected by the Trustees from its own membership. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees shall designate another of its members to serve as Acting Mayor during such absence or disability.

§ 2.8 COMPENSATION

The Trustees shall receive such compensation as is established by ordinance. The Trustees may be paid or reimbursed for expenses incurred on behalf of the Town.

§ 2.9 OATH OF OFFICE

All Trustees shall take, subscribe and file with the Town Clerk an Oath of Office that such Trustee will support this Charter, the ordinances of the Town of Rico, and will faithfully perform the duties of office.

**ARTICLE III
ACTIONS OF TRUSTEES**

§ 3.1 FORM OF ACTION

The Trustees shall act only by ordinance, resolution, or motion. All legislative actions or enactments of a permanent nature or imposing fines, penalties, or fees shall be by ordinance. All other actions may be in the form of resolution or motion unless otherwise provided in this Charter. Ordinances, resolutions and motions need not be confined to one subject.

§ 3.2 QUORUM

Four members of the Trustees shall constitute a quorum for action of the Board of Trustees. A conflict of interest by any Trustee shall not affect the presence of a quorum.

§ 3.3 VOTING

Every ordinance, resolution, and motion shall require the affirmative vote of a majority of Trustees present and constituting a quorum unless otherwise required in this Charter or by ordinance. The vote of each member on all ordinances and resolutions shall be recorded in the minutes of the Trustees.

§ 3.4 FORM OF ORDINANCE

The enacting clause of all ordinances shall be: "THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS . . ."

§ 3.5 PROCEDURES FOR PASSAGE OF ORDINANCE

The procedure for passage of an ordinance shall be:

(a) First Reading. An ordinance shall be introduced and considered for first reading at a Trustee meeting. The ordinance may be read by title only if copies of the ordinance are available to the public at the meeting; otherwise, ordinances shall be read in full at the

meeting. An ordinance may be approved, approved with amendments, disapproved, continued for amendments or continued for further consideration before taking action on first reading.

(b) Publication: Upon approval at first reading, the title only of the ordinance shall be published at least ten (10) days prior to each Trustee meeting at which it will be considered on second reading. The publication of the title of the ordinance shall include a statement identifying any fines or penalties for violation of the ordinance and a statement that the full text of the ordinance, including any amendments, shall be available for public inspection at the office of the Town Clerk.

(c) Second Reading: After approval of first reading, the ordinance shall be considered for second reading. An ordinance may be approved, approved with minor amendments, disapproved, continued for substantive amendments or continued for further consideration before taking final action on second reading. In the event that consideration of an ordinance is continued for substantive amendments, publication of the title of the ordinance for second reading shall include a statement that the ordinance contains substantive amendments. An ordinance which is not approved on second reading within 135 days after approval on first reading shall be deemed disapproved.

Amendments to an ordinance at the second reading shall be considered minor if they are clerical or administrative in nature; if they reduce a fine, penalty or fee amount adopted on first reading; or, if they decrease a regulation adopted on first reading. Amendments to an ordinance at second reading ordinance shall be considered

substantive if they increase a fine, penalty or fee; or, increase the standards or requirements of a regulation.

(d) Final Publication: After final passage the ordinance shall be published by title only along with a statement indicating the effective date of the ordinance and that the full text of the ordinance is available at the office of the Town Clerk.

(e) Effective Date: An ordinance shall take effect and be in force immediately upon final passage.

§ 3.6 EMERGENCY ORDINANCES

Emergency ordinances for the preservation of public health, welfare, peace, safety or property shall be approved by a majority vote of the Trustees present at any meeting at which the said ordinance is introduced. Only one reading shall be required. The facts showing the emergency and need shall be specifically stated in the ordinance itself. No ordinance making, renewing or amending a grant of any franchise, special privilege or fixing rates charged by any Town-owned utility shall be adopted as an emergency ordinance. An emergency ordinance shall take effect upon passage and for informational purposes shall be posted or published by title only in the manner set forth at § 14.10. A statement in any such ordinance that the Trustees deem the passage of said ordinance to be for the immediate preservation for the public peace, health or safety shall be conclusive.

§ 3.7 ENACTMENT OF CODES AND AMENDMENT THEREOF BY REFERENCE

Standard codes promulgated by the federal government, the 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, or any codification of the Town code, may be adopted with or

without amendment by reference using the procedure of §3.5; provided that publication of the ordinance adopting any said code shall advise that copies and amendments are available for inspection at the office of the Town Clerk.

§ 3.8 RECORDING OF ORDINANCES, PUBLIC RECORDS

a. All ordinances shall be recorded by the Town Clerk in a book called the "Ordinance Book." It shall be the duty of the Mayor and Town Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate any ordinance shall not invalidate it nor suspend its operation.

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

c. No ordinance, section or sub-section thereof shall be amended, superseded or repealed except by an ordinance regularly adopted.

§ 3.9 RESOLUTIONS AND MOTIONS

The Trustees may act by resolution or motion with respect to any matter not specifically required to be acted upon by ordinance by this Charter, by any ordinance of the Town, or by applicable law. Resolutions shall be written. Motions may be oral or written. Unless otherwise provided herein, the procedure for adoption of resolutions and motions shall require a majority vote of a quorum of Trustees present.

§ 3.10 TRUSTEE MEETINGS

a. The Trustees shall meet regularly at least once each month at a day, hour and place to be fixed by the Trustees. The Trustees shall prescribe the rules of procedure governing meetings. All meetings of the Trustees shall be open to the

public, except as provided in §3.12. The public, citizens and Town employees shall have a reasonable opportunity to be heard at regular Trustees meetings. No item affecting an owner of real property or holder of a business or liquor license, may be added to any meeting agenda without a reasonable attempt to contact such owner. Written minutes of each meeting shall be kept by the Clerk and signed by the Mayor.

b. A majority of the members of the Trustees may by vote request the attendance of its members and other officers of the Town at the next regular or a special meeting of the Trustees. Any member of the Trustees or other officer who, when notified of such request for his or her attendance fails to attend such meeting for reasons other than confining illness, the requirements of his or her employment or absence from the Town, or because said Trustee is attending a meeting as a representative of the Town, shall be deemed guilty of misconduct in office unless excused by the Trustees.

c. Four members of the Trustees shall be a quorum for the transaction of business at all Trustees meetings. In the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Town Clerk may adjourn any meeting for not longer than one week.

§ 3.11 SPECIAL MEETINGS

Special meetings of the Trustees shall be called by the Town Clerk on the oral request of the Mayor or of any two Trustees on at least forty-eight hours oral or written notice to each member of the Trustees. Written notice of any special meeting shall be posted in two public places at least twenty-four hours prior to the meeting. No business shall be transacted at any special meeting of the Trustees unless the subject thereof has been stated in the notice of such meeting.

§ 3.12 EMERGENCY MEETINGS, STUDY SESSIONS, EXECUTIVE SESSIONS

a. **Emergency meetings:** An emergency meeting may be held if a quorum of the Trustees consents and all Trustees are notified where practical. Such meetings may be called for the purpose of preservation of public health, welfare, peace, safety or property. Maximum practical notice shall be given to the public stating the purpose, time and place of any such meeting. The requirements of §3.12 shall not apply to such notice.

b. **Study sessions:** The Trustees may hold such study sessions as the Mayor or any Trustee may request. No quorum shall be required at any study session and no legally binding or formal action shall take place at any session.

c. **Executive sessions:** The Trustees may hold executive sessions only at a regular or special meeting. Upon a vote of two-thirds of the quorum present, the Trustees may exclude the public and citizens from such sessions, after first stating the subject matter to be discussed. No formal action or decision may be passed, adopted, approved or finally decided in a session which is closed to the public.

§ 3.13 CONFLICT OF INTEREST

Neither the Mayor nor any Trustee shall vote or participate in discussion or deliberation on any question in which he or she has a substantial personal or financial interest, direct or indirect, including an interest held through a spouse or family member, other than the common public interest, or on any question concerning his or her own conduct. In the event the Mayor or any Trustee has such an interest, he or she shall declare such interest. Whether or not such a declaration is made, the remaining Trustees may determine by a majority vote whether said interest does in fact constitute a

conflict of interest. When such conflict of interest is established, the Mayor or Trustee affected shall not vote on the matter, and the remaining Trustees shall take any further action they deem to be in the best interests of the Town. This Section and any ordinance adopted in furtherance thereof shall abrogate and replace any common law doctrine on this subject.

§ 3.14 REMOVAL FOR CAUSE

The Mayor or any Trustee may be removed for cause by the concurring vote of five (5) members of the Town Board of Trustees after providing a hearing thereon and 15 days prior written notice stating the grounds for considering such removal and the time, date and place of the hearing. Cause for removal shall include three (3) un-excused absences from regular Town Board meetings within a calendar year; failure to disclose a conflict of interest in accordance with §3.13; conviction of a felony or commission of a crime of moral turpitude; or, unauthorized disclosure of confidential information provided, or discussions held, in executive session.

**ARTICLE IV
TOWN ADMINISTRATION**

§ 4.1 TOWN MANAGER

The Trustees may hire a Town Manager who shall have such duties and authority as the Trustees designate by ordinance or motion.

§ 4.2 TOWN CLERK

The Trustees shall appoint a Town Clerk, who shall be custodian of the Town seal and who shall keep a journal of Trustees proceedings and record in full all ordinances, motions and resolutions. He or she shall have power to administer oaths and take acknowledgments under seal of the Town, and shall perform such other duties as required by this Charter or the Trustees.

§ 4.3 TOWN ATTORNEY

The Trustees shall appoint a Town Attorney who shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall serve at the pleasure of the Trustees and may be terminated at any time by a majority vote of the entire membership of the Trustees. The Town Attorney shall be the legal representative of the Town and shall advise the Trustees and Town officials in matters relating to their official powers and duties and shall perform such other duties as required by the Charter or as the Trustees may direct. The Town Attorney's client shall be the municipal corporation of the Town of Rico.

§ 4.4 TOWN MARSHALL

The Trustees may appoint a Town Marshall who shall have such duties as are determined by ordinance or motion.

§ 4.5 EMPLOYMENT STATUS AND AGREEMENTS

All employees of the Town of Rico shall be deemed to be "at will" employees and may be terminated at any time with or without cause. Any personnel or employment policies adopted by the Town and any agreements entered into by the Town shall not create any property interest in employment with the Town nor be construed to create any property interest in employment with the Town. The Town may enter into employment agreements that provide a maximum of four (4) months severance payment based upon the monthly base salary but may not enter into any employment contract that creates a greater financial liability. Any agreement or policy in contravention of this section shall be deemed null and void and unenforceable against the Town.

**ARTICLE V
MUNICIPAL COURT**

§ 5.1 MUNICIPAL COURT ESTABLISHED

a. There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the Town. 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 under the statutes of the State of Colorado unless superseded by ordinance presently or hereafter enacted. The Municipal Court shall be a qualified municipal court of record and all proceedings therein and evidence at trial shall be kept by verbatim record by either an electronic or stenographic means.

b. The Trustees shall provide for the enforcement of its ordinances by fine, imprisonment, public service or any combination thereof.

§ 5.2 MUNICIPAL JUDGE

a. The Municipal Court shall be presided over by a judge who is an attorney at law admitted to practice before the Supreme Court of the State of Colorado. The judge shall be appointed by the Trustees to serve for a term of two years, unless otherwise provided by ordinance. All judges appointed under this section shall receive a fixed salary or compensation as determined by the Trustees, not dependent upon the outcome of the cases or matters to be decided. The Trustees may appoint as many municipal judges as it deems necessary for the proper function of the Court. If, however, the Trustees shall appoint more than one judge it shall designate who shall be the chief or senior judge.

b. In the event all regularly appointed judges are absent, disqualified, or unable to act in any particular case the Trustees may

call any eligible person, as defined in §5.2.a, to act and serve temporarily as a substitute judge.

c. The forms of summons and complaint and all rules, procedures and proceedings in the Municipal Court shall be fixed and determined by the presiding Municipal Judge unless the Trustees, by ordinance, determines otherwise.

d. The Municipal Judge shall determine the method of summoning jurors and witnesses, of securing the presence of accused persons and shall determine the costs for docket fees, witness fees, transcript costs, appeal costs and other fees and costs. A schedule of such fees and costs shall be provided to the Trustees for its review and approval.

e. The Municipal Judge may be removed during his or her term of office only for cause. A judge may be removed by a majority vote of the entire membership of the Trustees for cause if:

1. He or she is found guilty of a felony or any other crime involving moral turpitude; or
2. He or she has willfully or persistently failed to perform his or her duties; or
3. He or she has a disability which interferes with the performance of his or her duties, which disability is or is likely to become of permanent character.

**ARTICLE VI
TOWN FINANCES**

§ 6.1 FISCAL YEAR

The fiscal year of the Town and all of its agencies, boards, commissions and advisory bodies shall begin on the first day of January and end on the thirty-first of December of each year.

§ 6.2 ANNUAL BUDGET

A proposed budget for the ensuing fiscal year shall be presented to the Trustees at least forty-five days prior to the date provided by law for approval by the Trustees.

§ 6.3 SCOPE OF ANNUAL BUDGET

The budget shall provide a complete financial plan of all Town funds for the ensuing fiscal year and, except as required by law or this Charter shall be in such form as the Trustees may require. The total of proposed expenditures and provision for contingencies shall not exceed the total of estimated revenues and reserves.

§ 6.4 ADOPTION OF BUDGET AND APPROPRIATION

Not later than the date required by law for certification of the mill levy, the Trustees shall adopt on final reading an ordinance adopting the budget and appropriating monies for the purposes described therein. Copies of the budget as adopted shall be public records and shall be made available to the public in the office of the Town Clerk. If the Trustees fails to adopt a budget in any year, 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 Trustees adopts a budget for the current fiscal year.

§ 6.5 CERTIFICATION OF TAX LEVY

As required by law, the Trustees shall fix the amount of tax levy which shall be assessed, if any, upon each dollar of assessed valuation of all taxable property within the incorporated limits of the Town, and shall cause the same to be certified to the County as required by law. If the Trustees should fail in any year to make

such levy, the rate shall be fixed and levied as provided by law.

§ 6.6 TRANSFER OF FUNDS

The Trustees may by policy approve the transfer of appropriated expenditures between departments within a fund.

§ 6.7 INCREASE OR REDUCTION OF APPROPRIATIONS

The Trustees may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the Town. Such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year and prior year cash reserves exceed the expenditures as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health, safety or property.

§ 6.8 INDEPENDENT AUDIT

An independent audit shall be made of all Town accounts at least once annually and more frequently as deemed necessary by the Trustees unless an exemption from an annual audit requirement is approved by the State. Such audit shall be made by certified public accountants selected by the Trustees who shall complete the audit within one hundred twenty days after the close of the fiscal year. Copies of such audit shall be made available for public inspection at the office of the Town Clerk.

**ARTICLE VII
MUNICIPAL BORROWING**

§ 7.1 FORMS OF BORROWING PERMITTED

The Town may borrow money and issue the following securities to evidence each borrowing:

a. **General obligation bonds:** No bonds or other evidence of borrowing payable in whole or in part from the proceeds of general property taxes, or to

which the full faith and credit of the Town are pledged, shall be issued, except in pursuance of an ordinance, nor until the question of their issuance shall, at a special or regular election be submitted to a vote of the registered electors of the Town, and approved by a majority of those voting thereon.

b. **Revenue bonds:** Pursuant to ordinance, after thirty (30) days' public notice, and without an election, the Town may borrow money, issue bonds, or otherwise extend its credit for purchasing, equipping, and constructing, condemning or otherwise acquiring, extending or improving a utility system or income-producing project, provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system or project, or from the proceeds of any revenue tax other than general *ad valorem* property tax imposed by the Town or the State of Colorado or agency thereof. Any one or more of such systems and projects may be combined, operated and maintained as joint municipal systems or projects in which case such bonds or other obligations shall be made payable out of the net revenue derived from the operation of such joint systems or projects. Any ordinance approving revenue bonds shall not take effect for thirty (30) days and shall be subject to initiative and referendum.

c. **Special assessment bonds:** The Board of Trustees shall be ordinance prescribe the method and manner of making such improvements, assessing the cost thereof, determining special assessments therefor, and issuing the improvement district bonds to provide for the costs and expenses of constructing or installing such improvements.

d. **Refunding bonds:** The Trustees may authorize, by ordinance, without an election, the issuance of refunding bonds or

other securities for the purpose of refunding any borrowing of the Town, whether due or not, or which has or may become payable at the option of the Town, or by the consent of the bond holders or by any lawful means, whether such borrowing be now existing or may hereafter be created. The proceeds derived from the issuance of any refunding bonds under the provisions of this section shall either be immediately applied to the payment, or redemption, and retirement of the bonds to be refunded, and the costs and expenses incident thereof, or shall immediately be placed in escrow to be applied to the payment of said bonds upon their presentation therefore, and the costs and expenses incident thereto, as may be provided by the Trustees. Any funds of the Town legally available therefor may be placed in any escrow account established under the provisions of this section, and may be used for the purposes specified in the escrow agreement, if such procedure is deemed by the Trustees to be in the best interests of the Town.

e. **Lease purchase; installment purchase agreements:** The Trustees may enter into lease purchase and installment purchase agreements as a means of acquiring any real or personal property for public purposes.

f. **Other obligations:** The Town may issue or undertake all other obligations authorized to municipalities by the Colorado Constitution and Statutes.

Each type of obligation shall be issued by the Trustees in the name of the Town pursuant to an ordinance and may be issued without an election except as otherwise provided in this Article. The Trustees may in its discretion adopt an ordinance not inconsistent with the provisions of this Article specifying the terms, conditions and other details upon which any such type of obligation may be issued. No debt shall be

incurred until approved, if and as required pursuant to Article X, §20 of the Colorado Constitution.

§ 7.2 LIMITATIONS

There shall be no limitation as to the amount of bonds and securities, except in documents providing for the issuance of same, which may be issued by the Town, subject only to the election provisions of this Article. All bonds issued pursuant to the provisions of this Charter shall be sold at public or private sale to the best advantage of the Town at, above or below par. Bonds may contain provisions for calling same at designated periods prior to the final due date, with or without the payment of a prior redemption premium.

**ARTICLE VIII
TAXATION**

§ 8.1 AUTHORITY TO LEVY TAXES

The Trustees may levy and collect taxes without limitation as to amount for municipal purposes which may include but shall not be limited to: general ad valorem property taxes, sales tax, use tax, bed tax, occupation tax, excise tax or income tax. No new tax or tax rate increase shall be effective until approved, if and as required, pursuant to Article X, § 20 of the Colorado Constitution.

**ARTICLE IX
IMPROVEMENT DISTRICTS**

**§ 9.1 POWER TO CONSTRUCT
IMPROVEMENTS AND CREATE
IMPROVEMENT DISTRICTS**

a. The Town shall have the power to create improvement districts within the Town and to contract for, construct or install improvements of every character within the Town and within designated districts within the Town. The Town shall have authority to assess the cost of improvements wholly or in

part upon property specially benefitted in such district and to issue bonds for the entire cost therefor.

b. The Trustees shall by ordinance prescribe the procedure for: creation of districts, notice, the method and time for filing protest and disposition thereof, the method and manner of making such improvements, letting contracts therefore, assessing the cost thereof, and issuing and paying bonds for costs and expenses of the organization of said districts and of construction or installation of said improvements.

c. The Trustees may adopt by ordinance procedures for the conduct of elections, if any, for the creation of districts, issuance of bonds or levy of special assessments.

**§ 9.2 REVIEW OF IMPROVEMENT
DISTRICT PROCEEDINGS**

No action or proceeding, at law or in equity to review any acts or proceedings, or to question the validity or enjoin the performance of any act, or the issuance or collection of any bonds, or the levy or collection of any assessments, authorized by this Article, or for any other relief against any acts or proceedings done or had under this article, whether based upon irregularities or jurisdiction defects, shall be maintained, unless commenced with thirty (30) days after the passage of the resolution or ordinance complained of, or else it shall be thereafter perpetually barred.

§ 9.3 Elections

The Town may issue debt and impose fees and assessments upon benefitted properties for any improvement district without Town wide voter approval where such debt repayment is limited to the benefitted properties and is not a Town wide general obligation.

**ARTICLE X
FRANCHISES AND PUBLIC
UTILITIES**

§10.1 TOWN POWERS

a. The Town shall have and exercise with regard to all utilities and franchises all municipal powers, functions and authority now existing and which may be hereafter provided by the Colorado Constitution and State Statutes.

b. The Town shall have power and authority within or without the territorial limits of the Town, to construct, condemn, purchase, acquire and lease public utilities and assets, equipment and everything in relation to or in connection therewith, in whole or in part, for the use of the Town and its inhabitants.

c. Except as otherwise provided by the Colorado Constitution or this Charter, all powers concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Trustees.

**§10.2 GRANT OF PUBLIC UTILITY
FRANCHISES**

a. 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 Colorado Constitution and Statutes which may be applicable to home rule municipalities as now in effect or as hereafter amended and shall be submitted to a vote of the people only if required by the Colorado Constitution or by ordinance.

b. No exclusive franchise shall be granted.

§10.3 WATER RIGHTS

The Town shall have the power to buy, exchange, lease, sell, own, control and otherwise deal in water rights.

§10.4 UTILITY RATES

The Trustees shall, by ordinance, establish rates, rules and regulations for services provided by municipally owned utilities. If the Trustees desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

**§10.5 TERM; COMPENSATION;
RESTRICTION**

No franchise, lease or right to use the streets, or the public places or property of the Town shall be granted for a term which exceeds twenty 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 Trustees. The grantee of any franchise shall be and remain subject to any and all lawful taxation upon property and any license, charge or other imposition levied by the Trustees not levied on account of the use granted by the franchise.

§10.6 REVIEW

Each franchise granted under the provisions of this Charter shall include a § specifying a periodic review of said franchise by the Trustees.

§10.7 ASSIGNMENT

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

§10.8 COMMON USE OF FACILITIES

The Trustees shall have the power to require good faith negotiations by any holder of a franchise or other public utility to allow the use of its rights-of-way, poles, wire, cable or other device placed in the public right-of-way and trenches by any

franchise holder, or by the Town itself. Agreement by the franchise holder to such use shall not be unreasonably withheld. The Trustees in its discretion may require payment of a reasonable rental for the use of any rights-of-way, poles, wires, cable or other device placed in the public right-of-way and trenches of any franchise holder. The Town may, under the terms prescribed by the Trustees, allow any franchise holder to use rights-of-way, poles, wires, cable or other device placed in the public right-of-way and trenches of Town-owned utilities.

§10.9 FRANCHISE RECORDS

The Trustees shall cause to be kept in the office of the Town Clerk and open to the public for view, a franchise record in which shall be transcribed copies of all franchises granted by the Town. The record shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions at law affecting the same, copies of all annual reports and such other information and matters of public interest as Trustees may from time to time require.

§10.10 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.

§10.11 REVOCABLE PERMITS

The Trustees may grant a permit at any time for the temporary use or operation of any street, alley or Town owned place, provided such permits shall be revocable by the Trustees at its pleasure, regardless of whether or not such right to revoke is expressly reserved in such permit.

**ARTICLE XI
ELECTIONS**

§11.1 ELECTION RULES

Town elections shall be governed by the Colorado municipal election laws as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance hereafter enacted. All special and regular elections shall be nonpartisan. No candidate for any municipal office shall run under any party label, unless permitted by ordinance adopted thirty days or more prior to the election. The Town shall consist of one election precinct.

§11.2 ELECTION DATE AND TIME

A regular Town election shall be held on the first Tuesday in November commencing in the year 2000, and in each year thereafter. Polling places for all Town elections shall be open from 7:00 a.m. to 7:00 p.m. on Election Day. The Town may also conduct an election on the first Tuesday in even numbered years which shall constitute the biennial local district election for the purposes of Article X, §20 of the Colorado Constitution.

§11.3 PENALTY FOR ELECTION FRAUD

The intentional or knowing falsification of voter registration forms, falsification of mail ballots, voting more than once per person per ballot issue, and/or voting in a Town election when not a registered voter of the Town shall be punishable by a fine of up to \$5,000.00 and/or imprisonment of up to 6 months per offense. This penalty provision shall be included in bold face 12 point type near the signature line on voter registration cards, near the signature line on mail ballot return registration envelopes, and near the signature line of voter sign-in cards.

§11.4 NOMINATING PETITIONS

The nomination petition for each candidate for Mayor or Councilmember shall be signed by not fewer than fifteen registered electors. Petitions shall be filed with the Town Clerk not earlier than sixty days and not later than twenty-five days before the regular Town election.

§11.5 NOTICE OF ELECTION

Prior to each regular, recall or special election, the Town Clerk shall cause to be published, no later than ten days preceding said election, a notice of said election. Said notice shall consist of a list of the candidates together with the offices to be filled, and the questions or propositions to be submitted to the voters. The notice shall be in the same size and form as the official ballot and shall be preceded by a short statement denoting the date and type of election, the hours the polls will be open, and the location of the polling place or places.

§11.6 SPECIAL ELECTION

Any special Town election may be called by resolution of the Trustees at least thirty days in advance of such election. The resolution calling a special Town election shall set forth the purpose or purposes of such election.

§11.7 RECALL

Every elective officer and any person appointed as the Town Marshall may be recalled from office after holding office for at least six months. The procedure to effect the recall of any elective officer shall be as follows:

a. A petition shall be signed in accordance with Article XXI § 4 of the Colorado Constitution. The petition shall contain a general statement of not more than two hundred words setting forth the specific factual reasons for the recall of the officer sought to be removed. The petition shall be

filed with the Town Clerk. The only valid grounds for recall are willful misconduct or failure to perform duties.

b. When such petition is filed, the Town Clerk shall notify the Council and the Council shall by resolution call a recall election to be held within ninety days after the filing of the petition, if such petition is found to meet all the requirements of this Charter and the Colorado Constitution.

c. The ballot upon which the proposed recall is submitted shall be prepared by the Town Clerk and shall summarize and state the grounds set forth in the petition for demanding such recall and there shall also be printed thereon the words, "Shall [name of person against whom the recall petition is filed] be recalled from the office of [title of office]?" Following such question shall be the words "Yes" or "No" and a mechanism for indicating the vote for or against such recall.

d. In the event an officer is recalled by a majority vote of those voting on the question, the office shall be deemed vacant and shall be filled as provided in this Charter for the filling of such vacancies, except that the officer recalled shall not be appointed to fill the vacancy.

e. In the event an officer is not recalled after an election pursuant to this section, no petition for the recall of the same officer for the same reason or reasons shall be accepted for filing by the Town Clerk for a period of six months from the date of the recall election.

**ARTICLE XII
INITIATIVE AND REFERENDUM**

§12.1 INITIATIVE

The registered resident electors of the Town shall have the power to propose any ordinance to the Trustees in accordance with the provisions of this Article, except:

ordinances concerning the budget, capital program, salaries of Town employees or officers, or ordinances for the zoning or rezoning of specific real property. In the event the Trustees fails to adopt any such proposed ordinance (without any change in substance), the ordinance shall be submitted to the registered electors at a Town election for their acceptance or rejection.

§12.2 REFERENDUM

The registered resident electors of the Town shall have the power to require reconsideration by the Trustees of any ordinance and, if the Trustees fails to repeal such an ordinance, to approve or reject the same at a Town election, in accordance with the provisions of this Article, provided that such power shall not extend to the following: budget, capital program, salaries of Town employees or officers, ordinances for the zoning or rezoning of specific real property, or ordinances approving subdivisions, planned unit developments or vested rights. Ordinances approving annexations are subject to referendum but only to a Town Meeting in accordance with petition requirements and procedures in **ARTICLE XIII** and shall not be subject to referendum to an election.

§12.3 PETITIONERS' COMMITTEE AFFIDAVIT

Any five registered electors of the Town may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating:

- a. That they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form,
- b. Their names and street addresses and specifying the address to which all notices to the Committee are to be sent. The petition shall set out in full the proposed initiative

ordinance or the ordinance sought to be reconsidered.

Promptly after the affidavit of the Petitioners' Committee is filed, the Town Clerk shall issue the appropriate petition blanks to the Petitioners' Committee.

§12.4 PETITIONS

a. **Number of signatures:** Initiative and referendum petitions must be signed by at least fifteen (15%) of the registered electors of the Town. The Town Clerk shall verify the number of registered resident voters as of the date that an affidavit of the Petitioners' Committee is submitted.

b. **Form and content:** All pages of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in non-erasable ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

c. **Affidavit of circulator:** Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating:

- 1. That he or she personally circulated the petition, the number of signatures thereon,
- 2. That all signatures were affixed in his or her presence,
- 3. That he or she believes them to be the genuine signatures of the persons whose names they purport to be,
- 4. That all signatures are of persons who are registered electors within the Town of Rico,
- 5. That each signer had an opportunity before signing to read the full

text of the ordinance proposed or sought to be reconsidered.

d. Time for filing referendum petitions: Complete referendum petitions must be filed within the first regular Town Hall business day that is at least thirty days after adoption by the Trustees of the ordinance sought to be reconsidered.

§12.5 PROCEDURE AFTER FILING

a. Certificate of clerk, amendment: Within ten days after a petition is filed, the Town Clerk shall complete a certificate, as to its sufficiency, specifying if it is insufficient the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intention to amend it with the Town Clerk within two working days after receiving the copy of the Town Clerk's certificate and files a supplementary petition upon additional forms within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of sub-sections b and c of § 12.4, and within five days after it is filed the Town Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by certified mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Trustees review under sub-section b of this section within the time required, the Town Clerk shall promptly present his or her certificate to the Trustees, and such certificate shall then be a final determination as to the sufficiency of the petition.

b. Trustees review: If a petition has been certified insufficient and the

Petitioners' Committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the Committee may, within two working days after receiving the copy of such certificate, file a request that the petition be reviewed by the Trustees. The Trustees shall review the petition at its next meeting following the filing of such request and approve or disapprove it, and the Trustees' determination shall then be a final determination as to the sufficiency of the petition.

c. Court review; new petition: A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

§12.6 REFERENDUM PETITIONS

When a valid and sufficient referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall remain in effect until such time as:

a. The Trustees shall suspend the ordinance pending an election; or

b. The ordinance shall be repealed in a referendum election held for that purpose; or,

c. A court order reverses the ordinance.

§12.7 ACTION ON PETITIONS

a. Action by the Trustees: When an initiative or referendum petition has been finally determined sufficient, the Trustees shall, within thirty days either:

1. Adopt the ordinance as submitted by the initiatory petition, provided that repeal of any referred ordinance may be effected only by a majority vote of the entire Trustees, or

2. Repeal the ordinance, or part thereof, referred to by referendum petition, or

3. Determine to submit the proposal provided for in the petition to the registered electors of the Town; provided, however, that the Trustees shall have power to change the detailed language of any proposed initiative ordinance and to affix a title thereto, so long as the general character of the measure will not be substantially altered.

b. **Submission to voters:** The vote of the registered electors on a proposed or referred ordinance shall be held not less than thirty days and not more than ninety days from the date of the final Trustees action thereon, as described in § 12.7, unless otherwise required by the Colorado Constitution. If no regular Town election is to be held within the period prescribed in this sub-section, the Trustees shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Trustees may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the initiated or referred ordinance shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.

c. **Withdrawal of petition:** No initiative or referendum petition may be withdrawn once it has been deemed sufficient by the Town Clerk.

§12.8 RESULTS OF ELECTION

a. **Initiative:** If a majority of the registered electors voting on a proposed initiative 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 receiving the greater

number of affirmative votes shall prevail to the extent of such conflict.

b. **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.

§12.9 AMENDMENT OR REPEAL

An ordinance adopted by the electorate may not be amended or repealed by the Trustees for a period of six months after the date of the election at which it was adopted. An ordinance repealed by the electorate may not be reenacted by the Trustees for a period of six months after the date of the election at which it was repealed. Any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiative procedure in accordance with this Article or if submitted to the electorate by the Trustees on its own motion. A proposed ordinance which fails at the election held to consider it shall not be re-filed as an initiative petition for at least six months after the election held to consider said ordinance.

ARTICLE XIII TOWN MEETING

§13.1 TOWN MEETING

a. **Town Meeting.** The Trustees or the electorate may “Call a Town Meeting” at any time in accordance with the procedures of this Article XIII. Town Meetings are intended to allow for direct democracy and governance by the registered resident voters of Rico. This Article XIII shall be liberally construed to uphold the will of the people as determined at Town Meetings.

b. **Call by Trustees.** The Trustees may Call a Town Meeting with the concurring votes of four (4) members.

c. **Call by Petition.** The registered resident electors may Call a Town Meeting by submitting a petition signed by at least

15% of the registered resident electors to the Town Clerk. The petition shall state the items for discussion or action.

d. **Date and Notice of Town Meeting.** Once a Town Meeting has been called the Mayor shall set a date and place for the Town Meeting which shall be no sooner than forty (40) days or later than seventy (70) days after the Call. Notice of the Town Meeting shall be provided at least thirty (30) days prior to the meeting, shall be provided in the same manner as Board of Trustee meetings, and shall state the agenda items for discussion or action.

§13.2 MEETING PROCEDURES

a. **Admittance to Meeting.** No registered resident elector of the Town shall be denied admission or the right to vote in the Town Meeting. The Town Clerk shall deny admission to the Town Meeting room to all persons who are not registered electors of the Town; provided, however, that any member of the working press and any person certified by the Town Clerk as an observer shall be admitted but shall be prohibited from voting. The Town Clerk may deny admission to anyone who is not sober. The Town Clerk shall take minutes of the Town Meeting and shall make an audio recording of the Town Meeting.

b. **Quorum.** Quorum for a Town Meeting shall be twenty-five percent (25%) of the number of registered resident electors. No action may be taken at a Town Meeting unless the Town Clerk determines that a quorum is present at the time of each vote.

c. **Meeting Moderator.** The Mayor or Mayor Pro-Tem shall act as the Meeting Moderator. In the absence of the Mayor or Mayor Pro-Tem a Meeting Moderator shall be appointed at the Town Meeting as the first order of business. The Meeting Moderator shall preside according to reasonable parliamentary procedure,

denying no person the right to be heard, and preventing intemperate or obstructive conduct, including the ability to order the ejection of unruly or disorderly persons. The Moderator shall publicly declare the result of each vote.

d. **No Alcohol or Drugs.** No alcohol or illegal drugs shall be permitted in the Town Meeting room and anyone found with the same shall be promptly ejected from the Meeting.

e. **Ratification by Trustees.** The Trustees shall cause each action of the Town Meeting to be recorded, ratified and entered upon the public records of the Town without substantial change. The Trustees shall have the power to change the detailed language of any action passed at the Town Meeting in written form, provided that such change shall not materially alter the substantial provisions of the action.

In the case of an ordinance, such recording and ratification shall be performed by the Trustees without first reading or public hearing. The enacting clause of any ordinance passed at a Town Meeting or ratified by the Trustees as a result of a Town Meeting shall be, "THE PEOPLE OF THE TOWN OF RICO ORDAIN . . ." Such ordinances shall take effect in accordance with ARTICLE IV, and may not be substantially modified by the Trustees within one (1) year of taking effect, but may be referred to the electorate at any time.

§13.3 VETO

The Trustees may veto any action of the Town Meeting by the concurring vote of five (5) members in favor of a veto no more than thirty-five (35) days after the Town Meeting.

**ARTICLE XIV
MISCELLANEOUS PROVISIONS**

**§14.1 PURCHASE, SALE OR LEASE OF
REAL PROPERTY**

The Trustees by ordinance may purchase, sell, exchange, receive a donation of, enter into a lease for greater than two years, or dispose of any interest in real property including easements. The Trustees may enter into a lease of real property for a term of up to two years by motion. The title of an ordinance shall identify the location of the property or property interest by lot and block or subdivision designation. Ordinances authorizing the acquisition or disposal of real estate interests shall take effect thirty days after final approval and shall be subject to citizen referendum according to the procedures in **Article XII**. Any lease of real property greater than two years shall be approved by ordinance.

§14.2 RIGHT OF EMINENT DOMAIN

The Town shall have the right of eminent domain for all municipal purposes whatever either within or without the limits of the Town.

§14.3 CHARTER AMENDMENTS

This Charter may be amended or repealed in the manner provided by Article XX of the Colorado Constitution and by § 31-2-201 *et seq.*, Colorado Revised Statutes or any successor statute on the same subject.

§14.4 EFFECT OF STATE 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 Colorado Constitution and subsequent amendments to this Charter and by ordinance. Unless otherwise provided by this Charter or by ordinances adopted by the

Trustees hereunder, the statutes of the State of Colorado shall be in effect.

§14.5 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 part so adjudged to be invalid, and to this end the provisions of this Charter are declared to be severable.

§14.6 EMERGENCY POWERS

In case of riot, insurrection or extraordinary emergency, the Mayor and the Manager, acting jointly, shall assume the authority to execute any action necessary for the protection of life and property. Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Trustees who may take such action as it deems necessary.

§14.7 CONTINUITY OF GOVERNMENT

The Trustees shall have the power to provide for the continuity of government of the Town in the event of natural or enemy caused disaster. Such power shall be employed in a manner which will preserve representative government to the Town and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem and shall then revert to the Trustees by order of seniority, then through an orderly line of succession of the management department heads.

§14.8 TITLES AND SUBHEADINGS

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

§14.9 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 adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and “person” may extend to and be applied to bodies politic, corporate partnerships, corporations, associations and individuals.

§14.10 INDEMNIFICATION OF MAYOR AND TRUSTEES

The Trustees may by ordinance indemnify any Trustees, 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 he or she is or was an officer or employee of the Town, against expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in the best interest of the Town and had no reasonable cause to believe his or her conduct was unlawful.

§14.11 PUBLICATION AND POSTING OF ORDINANCES, NOTICES AND OTHER DOCUMENTS

When the posting or publication of a notice, ordinance or portion thereof, resolution or other document is required or allowed by this Charter, such posting shall be satisfied by posting the notice at the Rico Town Hall and at the Rico Post Office, and such publication may be satisfied by publication of the same in any newspaper of general circulation in the Town of Rico published weekly or daily, whether or not having a paid circulation, or as otherwise as determined by ordinance. Said publication may appear at any place within said newspaper.

§14.12 BOARDS AND COMMISSIONS

Robert’s Rules of Order shall be adopted as the official procedures rules and authority for all Town Boards and Commissions except as may conflict with this Charter or any adopted ordinance. The Mayor and the Chairperson of any Board or Commission shall have the right to vote on all matters unless otherwise determined by this Charter or by ordinance. The Town Clerk shall maintain a copy of the most current edition of Robert’s Rules of Order on file at the Town Hall.

**ARTICLE XV
TRANSITION PERIOD**

§15.1 PURPOSE OF TRANSITIONAL PROVISIONS

The purpose of this Article is to provide for an orderly transition from the present Town government of Rico to a home rule Town government under provisions of this Charter. The provisions of this Article shall constitute a part of this Charter only to the extent necessary to accomplish that purpose.

§15.2 EFFECTIVE DATE OF CHARTER

This Charter shall become effective immediately upon voter approval at a regular or special election held for the purpose of considering this Charter.

§15.3 CONTINUATION OF PRESENT ELECTED OFFICIALS

The present Town Board of Trustees and the Mayor in office at the time of the adoption of this Charter shall become the Trustees and the Mayor and shall continue to serve and carry out the functions, powers and duties of those offices under this Charter until their successors assume such duties as provided in § 3.5.

§15.4 CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES

All appointed officers and employees of the Town at the time this Charter is adopted shall continue in that office or employment which corresponds to the Town office or employment which they held prior to the effective date 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 which this Charter provides to be held at the pleasure of Trustees shall hold such position only at such pleasure regardless of the term for which he or she was originally appointed.

§15.5 CONTINUATION OF PRIOR LEGISLATION AND OBLIGATIONS

All bylaws, ordinances, resolutions, contracts, rules and regulations of the Town in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with the provisions of this Charter, or shall be amended or repealed by ordinance enacted under authority of this Charter. This Charter shall not affect any contractual relationships existing on the effective date of this Charter

between the Town and any officer or employee by reason of any retirement or pension plan in effect.

§15.6 NOVEMBER, 2000, ELECTION

All Trustee seats including the Mayor's seat shall be up for election in November, 2000. The first term for Mayor shall run from November, 2000 to November, 2003. The Trustee candidates receiving the two highest number of votes shall serve three year terms, the Trustee candidates receiving the next two highest number of votes shall serve two year terms, and the Trustee candidates receiving the next two highest number of votes shall serve a one year term.

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