

THE CHARTER
OF THE
CITY *of* GRAND JUNCTION
COLORADO



Amended to January 1, 1926

THE CHARTER

OF THE

CITY OF GRAND JUNCTION COLORADO

March, 1926

Framed by the Charter Convention, August 6, 1909

By Authority of

ARTICLE XX OF THE CONSTITUTION

Adopted September 14, 1909

Revised, Compiled and Indexed

By

W. R. HINMAN

City Attorney

And Containing All Subsequent Amendments to Date

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1926

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THE CHARTER OF THE CITY OF GRAND JUNCTION, COLO.

PREAMBLE

We, the people of the City of Grand Junction, under the authority of the Constitution of the State of Colorado, do ordain and establish this Charter for the City of Grand Junction, Colorado.

ARTICLE I.

NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES.

1. *Name—Boundaries.*—The municipal corporation now existing and known as the "City of Grand Junction" shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries in manner authorized by law.

2. *Powers—Rights—Liabilities.*—By the name of the "City of Grand Junction," the city—

(a) Shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said City of Grand Junction, and shall assume, manage and dispose of all trusts in any way connected therewith;

(b) Shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Grand Junction; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property;

(c) May receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for public, charitable, or other purposes; and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation;

(d) Shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire,

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ease, add to, maintain, conduct and operate waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, and any other public utilities or works or ways, local in use and extent, in whole or in part, and everything required therefor, for the use of said city and the inhabitants thereof, and any such systems, plants, or works, or ways, or any contracts in relation or connection therewith, that may exist and which said city may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city, which may enforce such purchase by proceedings at law as in taking and for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes;

(e) The legislative, executive and judicial powers of the city shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this Charter shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed;

(f) The city shall also have all powers, privileges and functions which, by or pursuant to the Constitution of this state, have been, or could be granted to or exercised by any city of the first or second class;

(g) All powers of the city shall, except as otherwise provided in this Charter, be vested in its elective officers, subject to distribution and delegation of such powers as provided in this Charter or by ordinance.

ARTICLE II. ELECTIONS.

3. *General and Special Municipal Elections.*—A municipal election shall be held in the city on the first Tuesday after the first Monday in April, 1925, and on the first Tuesday after the first Monday in April of every second year thereafter, and shall be known as the General Municipal Election. All other municipal elections that may be held shall be known as Special Municipal Elections.

4. *Registration.*—No person shall be permitted to vote at any municipal election without having been registered. The registration shall be the same as is now or may hereafter be provided by the general laws of the state, except as the council may otherwise by ordinance provide.

5. *Judges and Clerks.*—The judges and clerks of any election shall be selected from a list of persons, one each of whom may be proposed for each election precinct by each candidate. In case

there are five candidates or more who present lists at any election, not more than one judge or clerk of election shall be chosen for each precinct from the names proposed by any one candidate. All such lists shall be proposed in writing at least fifteen days before election. In case an insufficient number of names are so proposed, the city council may select such number as may be necessary in order to provide three judges and two clerks for each election precinct.

6. All nominations for elective offices shall be made by petition signed by not less than fifty qualified electors of the city; and, except as herein provided, the manner of nominations and acceptances shall be governed by the state laws applicable thereto unless otherwise provided by ordinance. No petition of nomination, however, shall contain the name of any political party or organization or other like designation.

Sections 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, repealed.

17. *Election Notices.*—The city clerk shall, on the tenth day before every city election, certify a list of the candidates so nominated for office at such election, whose names are entitled to appear on the ballot, as being the list of candidates nominated as required by this Charter, together with the offices to be filled at such election, designating whether such election is for a full or unexpired term; and he shall file in his office said certified list of names and offices so to be filled, and he shall cause to be published in a notice calling such election, for three successive days before such election, in two daily newspapers of general circulation, and published in the City of Grand Junction, an election notice, which said notice shall contain a list of said names of candidates, the offices to be filled, and the time when, and the places of holding such election.

18. *Preferential Ballot—Form.*—The city clerk shall cause ballots for each general and special election to be printed, bound, numbered, endorsed, and authenticated, as provided by the constitution and laws of the state, except as otherwise required by this Charter. The ballots shall contain the full list and correct name of all the respective offices to be filled, and the names of the candidates nominated therefor. It shall be in substantially the following form, with the cross (X) omitted, when there are four or more candidates for any office. (When there are three and not more candidates for any office, then the ballot shall give first and second choice only; when there are less than three candidates for any office, all distinguishing columns as to choice, and all reference to choice, may be omitted.)

GENERAL (OR SPECIAL) MUNICIPAL ELECTION,
CITY OF GRAND JUNCTION.
(Inserting the date thereof.)

INSTRUCTIONS.—To vote for any person, make a cross (X) in ink in

one square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote any other choice in the third column; vote one first and one second choice. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. Omit voting for one name for each office, if more than one candidate therefor. All distinguishing marks make the ballot void. If you wrongly mark, tear or deface this ballot, return it, and obtain another.

	First Choice	Second Choice	Third Choice
Commissioner of Public Affairs.			
John Doe			X
James Foe	X		
Louis Hoe		X	
Nick Joe			X
Richard Roe			
Commissioner of Highways.			
Mary Brown		X	
Harry Jones	X		
Fred Smith			
Commissioner of Water and Sewers.			
Joe Black	X		
Robert White			

Charter Amendments, Ordinances, or Other Referendum Propositions.

19. *Blank Spaces for Additional Candidates.*—One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

20. *Requirements of Ballots.*—All ballots printed shall be identical, so that without the numerical number thereon it would be impossible to distinguish one ballot from another. Space shall be provided on the ballot for charter amendments or other questions to be voted on at the municipal elections, as provided by this Charter. The names of candidates for each office shall be arranged in alphabetical order of the surnames. Nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

21. *Sample Ballots.*—The city clerk shall, at least five days before the election, cause to be printed not less than five hundred sample ballots, upon paper of different color, but otherwise identical with the ballot, to be used at the election, and shall distribute the same, upon application of the candidates, to the registered voters at his office.

22. *Canvass and Election.*—As soon as the polls are closed,

the election judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor. They shall also carefully enter the number of the first, second and third choice votes for each candidate on said tally sheet and make return to the city clerk as provided by law. No vote shall be counted for any candidate more than once on any ballot, all subsequent votes on that ballot for that candidate being void.

The person receiving more than one-half of the total number of ballots cast at such election as the first choice of the electors for any office shall be elected to that office; provided, that if no candidate shall receive such a majority of the first choice votes for such office, then and in that event, the name of the candidate printed on the ballot having the smallest number of first choice votes, and all names written on the ballot having a less number of votes, than such last named candidate, shall be excluded from the count, and votes for such candidate or persons so excluded shall not thereafter be counted. A canvass shall then be made of the second choice votes received by the remaining candidates for said office; said second choice votes shall then be added to the first choice votes received by each remaining candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto; and provided, further, that if no such candidate shall receive such a majority after adding the first and second choice votes, then and in that event, the name of the candidate having the smallest number of first and second choice votes shall be excluded from the count, and no votes for such candidate so excluded shall thereafter be counted. A canvass shall then be made of the third choice votes received by the remaining candidates for such office; said third choice votes shall then be added to the first and second choice votes received by each remaining candidate for such office, and such remaining candidate receiving the highest number of first, second and third choice votes shall be elected thereto. When the name of but one person remains as a candidate for any office, such person shall be elected thereto regardless of the number of votes received.

A tie between two or more candidates is to be decided in favor of the one having the greatest number of first choice votes. If all are equal in that respect, then the greatest number of second choice votes determine the result. If this will not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

23. *Informalities in Election.*—No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this charter.

24. *Use of Carriages on Day of Election.*—No candidate for any elective office shall directly or indirectly use or cause to be used in aid of his candidacy on the day of any municipal election, more than one carriage or other vehicle to aid voters to get to the polling places. Such carriage or other vehicle shall be used to transport only those voters who by reason of illness or other infirmity are unable to go to the polling places unless so transported. Any candidate desiring to use the one carriage or other vehicle above mentioned shall, not less than one day prior to the day of election, file in the office of the clerk a statement of such desire on his part, which shall contain such a description of the carriage or vehicle he desires to use as will readily identify the same. No other carriage or vehicle than the one so described in the said statement shall be used by the said candidate, or by any committee or association promoting his candidacy for the purpose of conveying voters to the polling places on the day of election.

A violation of any of the provisions of this section by any candidate shall disqualify him from holding the office for which he is a candidate.

Every elective officer of the city shall, at the time he takes the oath of office, be required to take and subscribe an oath that he has not violated any of the provisions of this section.

25. *General Election Regulations.*—The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary public of said city to take the place of said candidate upon said canvassing board as a member thereof.

26. *Voting Machines.*—The city council may by ordinance authorize the use of voting machines, provided said machines are so constructed as to carry out the provisions of this article in reference to Preferential Voting; provided, however, said ordinance may be adopted only upon vote of the qualified electors of the city.

ARTICLE III.

RECALL OF ELECTIVE OFFICERS.

27. *Applies to All Elective Officers.*—Any holder of an elective office may be recalled and removed therefrom by the qualified electors of the city as provided in this article.

28. *Petition for Recall.*—Any qualified elector of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a specific statement of the grounds of removal. The clerk shall thereupon deliver to the elector making such affidavit, a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of said clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said clerk within thirty days of its issuance. Said petitions before being returned and filed, shall be signed by qualified electors equal in number to at least twenty per centum of the last preceding vote cast for all the candidates for Governor of the State of Colorado by the electors of the city, and to each such signature shall be attached his place of residence, giving the street and number. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the indorsements thereon of the names and addresses of three persons designated as filing the same.

29. *Petition May Be Amended or New Petition Made.*—Within ten days from the filing of said petition, the clerk shall ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified electors, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the council.

If his certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the per-

ns designated on the petition as filing the same; and the petition may be amended at any time within ten days from the filing of the certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If still insufficient, if no amendment is made, he shall return the petition to one of the persons designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

30. *Election Under Recall Petition, Unless Officer Resigns.*—If the petition or amended petition shall be found and certified by the clerk to be sufficient, he shall submit the same with his certificate to the council without delay, and the council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday next by it, not less than thirty nor more than forty days from the date of the clerk's certificate that a sufficient petition is filed; provided, however, that if any other municipal election is to occur within sixty days from the date of the clerk's certificate, the council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occur in said office after a removal election has been ordered, the election shall nevertheless proceed as in this article provided.

31. *Candidates—Election.*—Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of notice of such removal election, and the conduct of the same, shall all be in accord with the provisions of article II hereof, relating to elections.

32. *Incumbent Removed.*—The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

33. *No Recall Petition for First Three Months.*—No recall petition shall be filed against any officer until he has actually held his office for at least three months.

34. *Incapacity of Recalled Officer.*—No person who has been removed from office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such removal by recall or resignation.

ARTICLE IV.

ELECTIVE OFFICERS.

35. *Officers—Terms.*—That the elective officers under the Charter of Grand Junction shall be members of the council as hereinafter provided, all of whom shall be nominated and elected by the qualified electors of the city as herein provided. The terms of all elective officers shall commence at ten o'clock a.m. on the first Monday in May following the election and shall be for a term of four years each and until ten o'clock a.m. on the first Monday following the election and qualification of their successors; provided, however, that the office of one of the councilmen elected from the city at large and two councilmen elected from districts at the general municipal election in April, 1925, shall be for two years only, so that their successors shall be elected at the general municipal election in April, 1927, and every four years thereafter. The term of the remaining four members of the city council elected at the general municipal election held in April, 1925, shall be for four years. The determination of which terms of the city council shall be for four years and which terms shall be for two years shall be fixed by lot under the direction of the county judge of Mesa County, Colorado, within sixty days after the April, 1925, election.

36. *Membership.*—The council shall consist of seven members to be designated as councilmen, one of which councilmen shall be elected by the qualified electors of the entire city from each of the districts hereinafter described, and two members to be elected from the city at large. The council shall be the judge of the election and qualification of its own members; shall determine its own rules; shall punish its own members for disorderly conduct, and may compel the attendance of its members. The council may from time to time, by two-thirds vote of all its members, change the boundaries of the districts hereby created, and said districts, until so changed by the council, shall be designated and described as follows:

District A shall contain and include all that portion of the City of Grand Junction now included within City Voting Precinct No. 9.

District B shall contain and include all that portion of the City of Grand Junction now included within City Voting Precinct No. 10.

District C shall contain and include all that portion of the City of Grand Junction now included within City Voting Precinct No. 11.

District D shall contain and include all that portion of the

ity of Grand Junction now included within City Voting Precinct
o. 12.

District E shall contain and include all that portion of the
ity of Grand Junction now included within City Voting Precinct
o. 16.

The councilmen from said districts and at large from the city
shall be elected at the general city election to be held in April,
1925.

37. *Vacancies.*—A vacancy in the council, from whatever
cause arising, shall be filled by the council from among the elec-
tors of the district in which the vacancy occurs if a district coun-
cilman, or at large if a councilman at large, until the next gen-
eral municipal election, when a successor shall be chosen for the
expired term. A vacancy shall be taken to exist when a mem-
ber of the council fails to qualify for thirty days after the com-
mencement of his term, dies, resigns, removes from the city or
from the district which he was elected to represent, absents him-
self from five consecutive meetings of the council unless excused
by resolution thereof, is convicted of violating any provision of
this Charter, or of a felony, or is judicially declared a lunatic as
defined by statute.

38. *Salaries.*—At least two meetings of the city council shall
be held monthly at such times as may be fixed by the council,
such two meetings to be known as the regular meetings. All
other meetings of the city council shall be known as special meet-
ings, or adjournments of the regular meetings. Each councilman
shall be paid five dollars (\$5.00) per meeting for each meeting,
whether regular or special, actually attended. Such compensation
shall be limited to the sum of twenty dollars (\$20.00) for each
calendar month for each councilman.

ARTICLE V.

PRESIDENT OF THE COUNCIL.

39. *Term—Duties.*—Each council, at its first regular meet-
ing and thereafter when a vacancy occurs, shall elect from its
membership a president of the council. He shall serve for a term
of three years and until his successor is elected and qualified.
During such term he shall be a member of the council with the
same right to speak and vote therein as any other member, but
without the right of veto. He shall be recognized as the official
head of the city for all ceremonial purposes, by the courts for the
purpose of serving civil process, and by the governor for military
purposes. In case of his absence or disability, his duties shall be
performed by a president pro tempore chosen by the council from
among its own members.

Sections 40 and 41 repealed.

ARTICLE VI.

THE COUNCIL.

42. *Legislative Powers.*—The city council shall consist of all
the elective officers of the city, and shall, except as otherwise
provided by this Charter, be vested with all the legislative powers
of the city.

Sections 43 and 44 repealed.

45. *Meetings.*—The council shall prescribe the time and place
of its meetings and the manner in which special meetings thereof
may be called. The city clerk shall be the clerk of the council,
and shall, with the president of the council, sign and attest all
ordinances and resolutions. A majority of all the members shall
constitute a quorum to do business, but a less number may ad-
journ. The council shall sit with open doors at all legislative
sessions and shall keep a journal of its proceedings which shall
be a public record.

46. *Restrictions Upon Members.*—No member of the council
shall be elected or appointed to any office, position, or employ-
ment, the compensation of which was increased or fixed by the
council while he was a member thereof until after the expiration
of one year from the date when he ceased to be such a member.

Section 47 repealed.

ARTICLE VI, SECTION 48. *Contractual Powers and Sale of Real Property.*—The Council shall have no power
to make any contract of any kind or nature whatsoever, or to make any lease of city property, the existence or term of
which will extend beyond the time of the installation of the new Council elected at any subsequent general municipal
election; but the Council shall have the following powers: (a) to sell and dispose of Water Works, Ditches, Gas Works,
Electric Light Works, or other Public Utilities, Public Buildings, Real Property used or held for park purposes or any
other real estate used or held for any governmental purposes, providing, however, that before any sale thereof shall be
made the question of such sale and the terms and consideration thereof shall be submitted to and ratified by a majority
vote of the qualified electors of the City who shall have paid a property tax therein during the preceding calendar year,
and the vote thereon shall be by ballot deposited in a separate ballot box at a regular municipal election or at a special
election called and held in the manner provided for by law; and (b) by ordinance or resolution to sell and dispose of any
other real estate owned by the municipality, upon such terms and conditions as such City Council may determine at a
regular or special meeting; and deeds of conveyance duly executed and acknowledged by the proper officers of the City
and purporting to have been made in pursuance of these provisions shall be deemed prima facie evidence of due compli-
ance with all the requirements hereof.

49. *Intoxicating Liquors.*—The sale, exposure for sale, bar-
ter, exchange, giving away, manufacture or storage of any spirit-
ous, vinous, malt fermented, distilled, alcoholic or other intoxi-
cating liquors is hereby inhibited and forbidden within the limits
of the City of Grand Junction, and within one mile of the outer
boundaries thereof, and the city council shall have no power to
license the manufacture or sale of any such liquors. Such giving
away and such storage shall not apply to the giving away or
storage of such liquors by a person in his private dwelling, pro-
vided, such dwelling is not a place of public resort.

It shall be a good defense in any prosecution under this sec-
tion, or under any ordinance passed in pursuance thereof, to show

at the sale in question was at retail, by a regularly licensed pharmacist for exclusively known medicinal purposes, and that was sold only in good faith upon written prescription issued, signed, and dated in good faith by a duly licensed physician in active practice in the City of Grand Junction, and that the prescription was used but once.

Each such pharmacist shall keep, in a conspicuous place on the counter, a bound book for public inspection, containing a memorandum entry of such prescription, with the name of the physician prescribing, the name of the person prescribed for, the date, and the number thereof, which entry shall be made and signed by said pharmacist before said prescription shall be filled.

The city council shall pass ordinances providing suitable penalties for a violation of this section, and to make it effective.

50. *Ordinances and Resolutions.*—(a) In legislative sessions, the council shall act by ordinance, resolution or motion.

(b) The ayes and nays shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of its proceedings. Upon the request of any member, the ayes and nays shall be taken and recorded upon any motion. Every member when present must vote, and every ordinance passed by the city council shall require on final passage the affirmative vote of a majority of all members of the council.

(c) No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by the unanimous vote of all members of the council. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

(d) The enacting clause of all ordinances passed by the council shall be in these words: "Be It Ordained by the City Council of the City of Grand Junction."

51. *Publication of Ordinances.*—Every proposed ordinance shall be published once in full in a daily newspaper of the city, at least ten days before its final passage. After such final passage, it shall be again published once in a daily newspaper as amended and completed, except in cases of an emergency ordinance, which may be passed as heretofore provided, and which shall take effect upon passage, and be so published on the following day.

52. *Amendment or Repeal.*—No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

53. *Ordinances Granting Franchises.*—No proposed ordinance granting any franchise shall be put upon its final passage within sixty days after its introduction, nor until it has been published

not less than once a week for six consecutive weeks in two daily newspapers of the city in general circulation.

54. *Record of Ordinances.*—A true copy of every ordinance when adopted shall be numbered and recorded in a book marked "Ordinance Record," and a certificate of adoption and publication shall be authenticated by the certificate of the publisher and by the signature of the mayor and clerk. The ordinances adopted by the vote of the qualified electors of the city shall be separately numbered and recorded, commencing with "People's Ordinance, No. 1."

55. *Proof of Charter and Ordinances.*—This Charter or any ordinance may be proved by a copy thereof, certified to by the city clerk under seal of the city; or when printed in book or pamphlet form, and purporting to be printed by authority of the city, the same shall be received in evidence in all courts without further proof.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

56. *Appointive Offices—Power of Council.*—The said council shall appoint a city manager by a majority vote, who shall be the chief executive officer of the city, and who need not, at the time of his appointment, be a resident of Grand Junction or of the State of Colorado; a civil service commission of three members; a city auditor, who shall be ex-officio city clerk; a city attorney, and a judge of the municipal court. The city manager prior to his appointment shall either have had a successful experience as city manager of a city operating under the manager form of city government, or had a recognized successful business experience. The council shall have power, except as otherwise provided in this Charter, to fix the salaries and official bonds, establish the qualifications, and prescribe the powers and duties of all officers and employes of the city. The council shall further have power to create offices and to alter the powers and duties relating thereto. Provided, that nothing in this section shall be taken to give the council power to diminish the power of city manager or to alter the relation established by this Charter between the city manager and the other officers and employes of the city. Provided, further, that, in fixing salaries of employes in the classified service, the council must provide uniform salaries for like service in each grade determined by the civil service commission.

57. *City Manager — Bond — Discharge.*—The city manager shall be the administrative head of the city and shall be responsible for the conduct of all its departments. He shall receive a salary to be fixed by the council by ordinance. Before taking office, he shall file with the council a surety company bond in the penal

sum of \$10,000, conditioned upon the true, honest and faithful performance of the duties of his office. The city manager may be discharged or removed by a vote of a majority of the members of the council.

58. *Powers of Appointment and Dismissal.*—The city manager shall appoint, subject to the provisions of this Charter, all the officers and employes of the city except where this amendment expressly provides otherwise. The city manager may remove, suspend, demote or discipline any officer or employe of the city except such as are appointed by the council.

59. *Duties.*—The city manager shall see to the faithful execution of the laws and ordinances of the state and city; control and direct the several officers and departments of the city government; investigate at any time the affairs of any department; attend all meetings of the council and take part in its discussions, but not vote; keep the council advised of all the needs of the municipality; recommend measures for its adoption; prepare the annual budget, and perform such other duties as may be imposed on him by this Charter or any ordinance.

60. *Limitations of Council.*—Neither the council nor any member thereof shall dictate the appointment of any person by the city manager, or in any manner interfere with him or prevent him from exercising his own judgment in the appointment of officers and employes. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service of the city for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager either publicly or privately.

61. *City Auditor and Clerk—Duties.*—The city auditor shall act as city clerk and shall be the clerk of the council and record and keep all the proceedings thereof. It shall be his duty to affix the seal of the city to contracts and all other documents whenever the same shall be necessary. He shall safely keep all books, records and other documents required to be filed in his office. He shall, until the council otherwise provides, be secretary of the civil service commission. He shall audit all accounts against the city, and no account shall be paid without his approval, unless otherwise ordered by the council. He shall perform all duties characteristic of his office as city auditor or city clerk, and the council may prescribe other powers and duties to be performed by him by ordinance of the city.

62.—*City Attorney—Duties.*—There shall be a city attorney who shall have had at the time of his appointment at least five years experience in the active practice of the law in the State of Colorado. He shall draw all ordinances, contracts and other in-

struments when requested to do so by the council or the manager. He shall be the legal adviser of the manager and the council, and shall represent the city in all cases in which the city shall be a party. He shall attend all meetings of the council and shall have such other powers and duties as may be prescribed by ordinance. By and with the consent of the council, he may appoint one or more deputies.

63. *Chief of Police—Fire Chief.*—There shall be a chief of police and fire chief who shall be respectively heads of the police department and fire department and who, under the direction and control of the city manager, shall have full power to conduct the affairs of those departments.

64. *Hours and Wages.*—Eight hours shall constitute a day's work, whether done by the city or contractors or subcontractors, and the minimum wage in all such cases shall be two dollars and fifty cents (\$2.50) per day for all laborers.

65. *Health Officer—Duties and Powers.*—There shall be a health officer who shall be head of the department of health. He shall be a physician, duly licensed to practice medicine in the State of Colorado, or shall hold a certificate or degree in public health or sanitary engineering from a college of recognized standing, and shall have practiced his profession for a period of not less than five years. He shall have all the powers and duties provided by the laws of the State of Colorado for boards of health and city physicians, and such other powers and duties as may be provided by ordinance.

66. *City Treasurer.*—There shall be a city treasurer who shall be the custodian of the moneys of the city. He shall pay money from the city treasury only upon warrant signed by the manager and countersigned by the auditor. He shall have such other powers and duties as the council may by ordinance provide. He shall be appointed by the council.

67. *Newspaper and Publication Fees.*—All election notices, or list of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this Charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the City of Grand Junction may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letterheads, or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be rendered to or paid by the city for such advertising or printing in excess of the said usual business rates, even though higher rates may be fixed by the general law for other cities of the state.

ARTICLE VIII.

DEPARTMENT OF PUBLIC AFFAIRS.

Sections 68 and 69 repealed.

70. *Judge and Jurisdiction.*—The judge of the municipal court of the city shall have all the jurisdiction, powers, duties and limitations of a police magistrate as provided in Sections 4931 to 4945, inclusive, of the Revised Statutes of Colorado, 1908, except as otherwise provided by this Charter, and shall have exclusive original jurisdiction to hear, try and determine all charges of misdemeanor as declared by this Charter, and all causes arising under this Charter or any of the ordinances of the city for violation thereof. There shall be no trial by jury, and there shall be no change of venue from said court.

ARTICLE IX.

DEPARTMENT OF FINANCE AND SUPPLIES.

71. *Fiscal Year Same as Calendar Year.*—The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

72. *Public Money.*—The cash balance of the city in the hands of the city treasurer shall be deposited by the same in each of the banks of the City of Grand Junction, without discrimination, in proportion to their capital stock and surplus as far as possible. Such banks shall pay interest on the average daily balances at the rate of two per cent per annum and shall credit the same monthly to the account of such treasurer; provided, however, that such banks shall be required to furnish a good and sufficient surety bond for the securing of such deposits. Nothing herein shall prevent said treasurer, under the orders of the city council, from temporarily having such funds otherwise deposited; provided that, as soon as practicable, he shall re-deposit such deposits. No demand for money shall be approved, allowed, audited or paid unless it shall be in writing, dated and sufficiently itemized to identify the demand against the city.

Section 73 repealed.

74. *Special Revenues Limited.*—No occupation or license tax shall be assessed, levied or collected against any merchant or manufacturer for the sale or manufacture of goods, wares or merchandise, who pays an annual tax thereon under the revenue laws of the state; nor against persons who sell commodities manufactured or raised by themselves in this state; ~~nor against any person selling fruits and vegetables.~~ No poll tax shall ever be levied or collected by the city for any purpose whatsoever.

75. *Adoption of Existing Law.*—Until the council shall otherwise by ordinance provide, the statutes of the State of Colorado now or hereafter in force, shall govern the making of assessments by the assessor of the county in which the city is situated, the making of equalization by the board of county commissioners of said county, and the collection of taxes by the treasurer of said county for and on behalf of the city, and also the certification and collection of all delinquent charges, assessments or taxes.

76. *Certificate of Assessment.*—It shall be the duty of the commissioner of finance and supplies to procure, as soon as available each year, a certificate from the county assessor of the total amount of property assessed for taxation within the limits of the city, as shown by the assessment roll in the assessor's office.

Sections 77, 78 and 79 repealed.

80. *Annual Appropriation.*—Upon said budget as adopted and filed, the council shall pass an ordinance, not later than the thirty-first day of December, in each year, which shall be entitled "The Annual Appropriation Ordinance," in which it shall appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the city, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object and purpose therein named for the ensuing fiscal year.

81. *Levy.*—Such ordinance shall include the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for city purposes necessary to provide for payment during the ensuing fiscal year of all properly authorized demands upon the treasurer, and the council shall thereupon cause the total levy to be certified by the city clerk to the county assessor, who shall extend the same upon the tax list of the current year in a separate column entitled, "The City of Grand Junction Taxes," and shall include said city taxes in his general warrant to the county treasurer for collection, as provided by law.

If the council fails in any year to make said levy as above provided, then the rate last fixed shall be the rate fixed for the ensuing fiscal year.

The amount required to make payment of any interest, or principal of bonded indebtedness, shall always be included in and met by tax levy except as otherwise provided in this Charter.

82. *No Liability Without Appropriation.*—Except as herein otherwise specifically provided, the city expenditures in any one year shall not be increased over and above the amount provided in the annual appropriation ordinance for that year, and no con-

t involving the expenditure, and no expenditure for any improvement to be paid out of the general or special funds of the city or for defraying the expenses and liabilities of the city shall be made, in any one year, the amount provided in the annual appropriation ordinance to be paid out of the said general and special funds so appropriated and set apart, but the said several funds shall be maintained for, use and devoted to the particular purposes specified in the annual appropriation ordinance.

It shall not be lawful for any department or officer of the city to incur or contract any expense or liability for or on behalf of the city unless such an appropriation shall have been made covering such expense. Such contract shall be *ab initio* null and void as to the city for any other or further liability; provided, that nothing herein contained shall prevent the council from providing by ordinance for payment of any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

83. (Special appropriation for 1909 and 1910.)

84. *Collection of Taxes.*—Until the council shall otherwise by ordinance provide, the county treasurer shall collect city taxes in the same manner and at the same time as state taxes are collected, and all laws of this state for the assessment of property and the levy and collection of general taxes, including laws for the sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect of taxes for the city as of such general taxes, except as modified by this Charter.

On or before the fifth day of every month, the county treasurer shall report and pay to the city treasurer the amount of tax collections of the city for the preceding month.

85. *City Indebtedness.*—The indebtedness of the city shall be incurred and limited as provided in Article XI of the Constitution of the State of Colorado.

86. *Special Statutes Continued in Force.*—The provisions of Sections 6657 and 6658 of the Revised Statutes of Colorado, 1908, relating to sidewalks, and of Sections 6687 to 6694 thereof inclusive, relating to refunding bonds, are hereby made and declared to be in full force and effect in the city until otherwise provided by ordinance.

ARTICLE X.

87. In the performance of all public work in the city, whether by contract or otherwise, preference shall be given to resident

labor and no alien labor shall be employed. Seventy-five per cent of all such labor shall be resident labor if obtainable.

ARTICLE XI.

Sections 88, 89, 90, 91 and 92 repealed.

ARTICLE XII.

DEPARTMENT OF WATER AND SEWERS.

93. *Department of Water and Sewers.*—There is hereby created the department of water and sewers, which shall embrace all property rights and obligations of the city in respect to water, waterworks and sewers, and shall, as far as practicable, be administered as an entity. All contracts, records and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department. Nothing herein contained, however, shall be construed to interfere with the powers and duties conferred by this Charter upon the city manager.

Sections 94 and 95 repealed.

96. *Rates—Regulations—Fines.*—The city council shall by ordinance fix rates, establish regulations for the use of water by consumers, provide for the orderly administration of the department, and impose fines and penalties for the violation thereof. Such ordinance shall establish a uniform system of rates for the use of water consumers, from which rates there shall be no rebates or reductions, it being the intent hereof to prevent any consumers of water from having any advantage or favor over other consumers, by contract or otherwise, except as herein provided.

Whenever the revenue from the waterworks system shall produce a surplus over and above the cost of maintenance and interest on the cost of constructions, it shall be the duty of the city council to reduce the rates to consumers so that, as far as practicable, the people may receive the benefits of this department at not more than actual cost.

All consumers of water for domestic use outside of the city limits shall pay not less than double the rates so established and fixed for users within the city limits, and all consumers of water for manufacturing or industrial or school uses in connection with manufactories and industrial and school located within a radius of four miles of Fifth and Main Streets in the City of Grand Junction, shall pay such rates as may be established and fixed by ordinance of the city council.

ARTICLE XIII.

OFFICERS AND EMPLOYEES.

Sections 97 and 98 repealed.

99. *Oath of Office.*—Every officer or salaried employe shall, before he enters upon the duties of his office, take, subscribe, and sign with the clerk an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, and the Charter and ordinances of the City of Grand Junction, and faithfully to perform the duties of the position upon which he is about to enter.

100. *Bonds.*—Any officer or employe required to give bond, shall not be qualified for his office or employment until such bond has been duly approved, by the council, and filed with the clerk, and he shall have custody thereof.

101. *No Extra Compensation.*—No officer or employe shall receive or be entitled to receive any pay, commission, money, or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from any office or position, or by reason of any dealings with, or service for the city, or himself or by others, or from or by reason of any improvements, alterations, or repairs required by authority of the city, except his lawful compensation or salary as such officer or employe. No officer or salaried employe of the city shall, except as otherwise provided by this Charter, accept directly or indirectly, from any railroad, telegraph, or telephone company, or from any manager of any public utility franchise in the city, any pass, frank, or ticket, free service or other service upon terms more favorable than those granted to the public generally. Any violation of this section shall be a misdemeanor.

102. *Opinions Not Affect Appointments.*—No appointment to any position under the city government shall be made or withdrawn by reason of any religious or political opinions, or affiliations, or political service; and no appointment or election to, or removal from, any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected or made by reason of such opinions, affiliations, or service.

103. *Official Books and Documents.*—(a) All books, records, and papers of each office, department, board or commissioner, shall be the city property and must be kept as such by the proper official employe during his continuance in office, and delivered to his successor, who shall give duplicate receipts therefor, one of which shall be filed with the city clerk. The failure to so deliver such books, records, and papers, shall be a misdemeanor.

(b) Certified copies or extracts from the books, records, and

files shall be given by the officer, board, commission or employe having the same in custody to any person demanding the same, and paying for such copy, or extract; but the records of the police department shall not be subject to inspection or copy without the permission of the mayor.

(c) All equipment, collections, models, materials, construction tools and implements, which are collected, maintained, used, or kept by the city, or by any department, board or commission, shall be city property, and be turned over by the custodian thereof to his successor, or duly accounted for.

104. *Payment of Debts.*—Failure of any employe to promptly pay any legal indebtedness contracted by him while in the service of the city shall be ground for his removal from such employment.

ARTICLE XIV.

FRANCHISES AND PUBLIC UTILITIES.

105. *Franchise Granted Upon Vote.*—No franchise relating to any street, alley, or public place of the said city shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise, and no such franchise shall be granted unless a majority of such electors voting thereon vote in favor thereof.

106. *Contracts for Service.*—All contracts for service between the city and the owner or manager of any such franchise shall be made by ordinance, the terms of which shall be agreed to in writing by said owner or manager prior to the passage of such ordinance. No contract for service shall be made by the city for a longer period than two years unless such contract be submitted to a vote of the qualified electors of the city, and approved by a majority of those voting on said question.

107. *Franchise Specify Streets.*—All franchises or privileges hereafter granted for laying tracks or pipes, or supplying heat, light, or power, shall plainly specify on what particular streets, alleys, avenues, or other public property, the same shall apply; and any other franchise shall state the bounds of the district or districts in which it shall be exercised; and no franchise or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

108. *Power to Regulate Rates and Fares.*—All power to regulate the rates, fares, rentals and charges for service by public utility corporations is hereby reserved to the people to be exercised by them by ordinance of the council, or in the manner herein provided for initiating or referring an ordinance. Any right of

ent and adequate service to the public and reasonable extensions of such service and of such public utility works. The grant of a franchise shall further include the right to require uniform, and the charge for service any return upon the value of the franchise or grant itself.

109. *Ordinance in Plain Terms.*—No franchise, right, privilege, or license shall be considered as granted by any ordinance except when granted therein in plain and unambiguous terms, and every ambiguity therein shall be construed in favor of the city and against the claimant under said ordinance.

110. *Issuance of Stock.*—Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof by any corporation holding or doing business thereunder.

111. *License Tax.*—The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters, or any other similar device for measuring service; also telegraph, electric light, and power poles, subways and tunnels. The said license or tax shall be exclusive of and in addition to all other lawful taxes upon the property of the holder thereof.

112. *Special Privileges on Street Railroad.*—The grant of any franchise for a street, suburban, or interurban railroad shall provide that all United States mail carriers and all policemen and firemen of the city in uniform, and all elective officers, shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroads within the boundaries of the city without paying therefor, and with all the rights of other passengers.

113. *Railroad Elevate or Lower Tracks.*—The council shall, by ordinance, require under proper penalties, any railroad company, whether steam or electric, to elevate or lower any of its tracks running over, along, or across any of the streets or alleys of the city, whenever in the opinion of the council the public safety and convenience requires.

114. *Street Sprinkling, Cleaning and Paving.*—Every grant of any franchise for privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, sprinkle, clean, keep in repair, and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and leave a space of two feet outside said track.

115. *Franchise Provide for Safety, Etc.*—The grant of every

franchise or privilege shall be subject to the right of the city, whether in terms reserved or not, to make any regulations for the safety, welfare, and accommodation of the public, including among other things, the right to require proper and adequate extensions of the service of such grant, the right to require any or all wires, cables, conduits, and other like appliances, to be placed under ground, and the right to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise.

116. *Oversight of Water Reserved to City.*—Every franchise, right or privilege which has been, or which may hereafter be granted, conveying any right, permission or privilege to the use of the water belonging to the city, or to its water system, shall always be subject to the most comprehensive oversight, management, and control in every particular by the city; and such control is retained by the city in order that nothing shall ever be done by any grantee or assignee of any such franchise, right or privilege which shall in any way interfere with the successful operation of the waterworks of the city, or which shall divert, impair, or render the same inadequate for the complete performance of the trust for the people under which such waterworks are held by the city, or which shall tend so to do.

117. *No Exclusive Franchise—Renewal.*—No exclusive franchise shall ever be granted, and no franchise shall be renewed before one year prior to its expiration.

118. *No Franchise Leased Except.*—No franchise granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Any assignment or sale of such franchise to any foreign corporation, shall operate as a forfeiture to the city of such franchise.

119. *Amendment, Renewal, Extension or Enlargement of Franchise.*—No amendment, renewal, extension or enlargement of any franchise, or grant of rights or powers previously or heretofore granted to any corporation, person, or association of persons, shall be made except in the manner and subject to all the conditions provided in this article for the making of original grants and franchises. The city shall require as a condition of any amendment, alteration, or enlargement of a franchise or grant, unless otherwise expressly determined by a majority vote of the qualified electors of the city, that the person, association, or corporation owning the original franchise or grant, shall, as a prior condition to, and in consideration for such amendment, alteration, or enlargement, covenant and agree, as a part thereof,

such original franchise shall be brought within all the conditions provided in this article for the exercise and enjoyment of franchises hereafter granted, including the right of the city to purchase the plant and physical property, whether within or without the city limits, or both, at a fair valuation, which valuation shall not include any franchise value, or any earning power of such property.

120. *Provision for Common Use of Tracks, Poles, Etc.*—The council may, by ordinance, require any person or corporation holding a franchise from the city for any public utility, to allow the use of any of its poles, tracks, wires, conduits, or electric current by any other person or corporation to which the city shall grant a franchise, upon the payment of a reasonable rental therefor; and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway, or other public service, within the city or its suburbs, shall be subject to the condition that the city shall have the right to grant to any other person or corporation desiring to build or operate a street railway, interurban railway, or other public service, within or into the city, the right to operate its cars over the tracks of said street railway, or to utilize its poles, wires, conduits, or electric current, so far as may be necessary to enter the city and to reach any station thereof; provided, that the person or corporation desiring to operate its cars over the lines of said street railway, or to use any other public service, shall first agree in writing with the owner thereof to pay it a reasonable compensation for such operation or use. And if the person or corporation desiring to use the same cannot agree with said owner to said compensation, within sixty days from offering in writing to do so, and as to the terms and conditions for such use, then the council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the council when so made, shall be final and binding on the parties concerned.

121. *City Maintain General Supervision—Reports—Inspection.*—The city shall maintain general supervision and police control over all public utility companies in so far as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law.

It shall require every person or corporation operating under a franchise or grant from the city, to submit to the council within sixty days after the first day of January of each year, an annual report verified by the oath of the president, the treasurer, or the general manager thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the council, or by

ordinance; and the council shall have the power, either through its members or by experts or employes duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Any such person, persons, or corporation which shall fail to make any such report, shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each and every day thereafter, during which he shall fail to file such report, to be sued for and recovered in any court of record having jurisdiction.

The mayor shall, either personally or through the city's inspectors or employes, duly authorized by the council, enter into or upon and inspect the buildings, plants, power houses, and all properties of any such person, persons, or corporation, and shall inspect the same at least once a year, and shall immediately thereafter report to the council a detailed and complete statement of such inspection.

122. *Books of Record and Reference.*—The mayor shall provide and cause to be kept in his office the following books of record and reference:

First—A franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

Second—A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest as the mayor may, from time to time, acquire. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and in writing, report the same to the council. All such annual reports, or a synopsis thereof, shall be published once in two daily newspapers of general circulation, published in the city, or printed and distributed in pamphlet form, as the council may determine.

The provisions of this section shall apply to all persons or

corporations operating under any franchise now in force or hereafter granted by the city.

123.—*Books of Account—Examination.*—The city, when owning any public utility, shall keep the books of accounts for such public utility distinct from other city accounts, and in such a manner as to show the true and complete financial result of such ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the city of the public utility owned; all cost of maintenance, extension and improvement, all operating expenses of every description, in case of such city operation; if water or other service shall be furnished for the use of any department of the city without charge, the accounts shall show, as nearly as possible, the actual cost of such service; such accounts shall also show reasonable allowance for interest, depreciation, and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The council shall cause to be printed annually for distribution, a report showing the financial results, in form as aforesaid, of such city ownership, or ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the council the result of his examination. Such expert accountant shall be selected in such manner as the council may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the council may prescribe.

124. *Term Not Longer Than Twenty-Five Years—Compensation.*—No franchise, lease or right to use the streets or the public places, or property of the city, shall be granted by the city, except as in this Charter provided, for a longer period than twenty-five years. Every grant of a franchise shall fix the amount and manner of the payment of the compensation to be paid by the grantee, for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges, or impositions not levied on account of such use.

125. *City May Purchase, Operate or Sell—Procedure.*—(a) Every grant, extension, or renewal of a franchise or right shall provide that the city may upon the payment therefor of its fair valuation, purchase, and take over the property and plant of the grantee in whole or in part; such valuation shall be made as provided in the grant, but shall not include any value of the franchise or right of way through the streets, or any earning power of such property. The valuation may include, as part of the cost of the plant, interest on actual investment during the period of construction, and prior to operation. Such grant may provide

that if the purchase is made within five years of the time when the franchise is granted, the city shall pay an additional sum or bonus of not to exceed ten per centum (10%) on the actual value of the tangible property, exclusive of the franchise value, which additional sum or bonus shall be reduced proportionately from such five-year period to the end of the franchise period when no bonus shall be given.

The procedure to effect such purchase shall be as follows:

When the council shall, by resolution, direct that the mayor shall ascertain whether any such property or part thereof, should be acquired by the city, or in the absence of such action of the council, when a petition subscribed by qualified electors of the city, equal in number to at least ten per centum (10%) of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, requesting that the mayor shall ascertain whether any such property or part thereof, should be acquired by the city, shall be filed with the clerk, the mayor shall forthwith carefully investigate said property and report to the council—

- (1) At what probable cost said property may be acquired?
- (2) What, if any, probable additional outlays would be necessary to operate the same.
- (3) Whether, if acquired, it could be operated by city at a profit or advantage in quality or cost of service, stating wherein such profit or advantage consists.
- (4) Whether, if granted, it could be paid out of its net earnings, and, if so, within what time; and
- (5) Such other information touching the same as he shall have acquired.

Such report shall be made in writing, shall include a statement of facts in relation thereto with such particularity as will enable the council to judge of the correctness of his findings, and immediately after submission to the council, shall be filed with the city clerk, recorded in the public utility record, and published once in each of two daily newspapers of general circulation published in the city, or printed and distributed in pamphlet form, as the council may determine.

If a petition subscribed by qualified electors of the city, equal in number to at least ten per centum (10%) of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, requesting that the question whether or not the city shall acquire said property, shall be submitted to a vote of the people, shall within sixty days after the filing of said report be filed with the clerk, the council shall provide by ordinance for the submission of the question to a vote of the qualified electors.

- (b) Every grant reserving to the city the right to acquire the

t as well as the property, if any, of the grantee situated in, above, or under the public places of the city, or elsewhere, in connection therewith, shall in terms specify the method arriving at the valuation therein provided for, and shall further provide that upon the payment by the city of such valuation, the plant and property so valued, purchased and paid for, shall become the property of the city by virtue of the grant and payment thereunder, and without the execution of any instrument of conveyance; and every such grant shall make adequate provision for the way of forfeiture of the grant, or otherwise, for the effectual carrying of efficient service and for the continued maintenance of the property in good order and repair and its continuous use throughout the entire term of the grant. The grant may also provide that in case of such reserved right to operate or to take over a plant or property is not exercised by the city, and it shall, prior to payment for the same secure a bid for the property, and grant a new franchise for the same service or utility, as provided in Paragraph *c* of this section, or grant the right to another person or corporation to operate said utility, so occupied and used by the grantor, under the former grant, that the title to and possession of the plant and property so taken away be transferred directly to the new grantee upon the terms upon which the city has purchased it.

(*c*) Whenever any plant or property shall become the property of the City of Grand Junction, the city shall have the option at any time, then or thereafter, either to operate the same on its own account, or by ordinance to lease the same or any part thereof together with the franchise or right to use the streets or other public property in connection therewith, for periods not exceeding twenty-five years, under such rules and regulations as it may prescribe, or by ordinance to sell the same; provided, however, that no such ordinance shall be adopted except by a majority vote of the qualified electors of the city.

126. *Charter Provisions Not to Impair Right to Insert Other Matters in Franchise.*—The enumeration and specification of particular matters in this charter which must be included in every franchise or grant, shall never be construed as impairing the right of the city to insert in such franchise or grant, such other and further conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures, or any other provisions whatever, as the city shall deem proper to protect the interests of the people.

127. *Revocable Permits.*—The council may grant a permit at any time, in or upon any street, alley, or public place, provided such permit may be revocable by the council at its pleasure at any time, whether such right to revoke be expressly reserved in such permit or not.

ARTICLE XV.

COMMISSIONS AND BOARDS.

PARKS.

128. *Commission—Statutes Apply.*—A park commission shall be appointed by the city council, to serve without compensation, with the powers, functions and duties established by Sections 6771 to 6788 inclusive, of the Revised Statutes of Colorado, 1908, until otherwise provided by ordinance.

PUBLIC LIBRARY.

129. *Board—Statutes Apply.*—The existing board of directors of the Public Library of the City of Grand Junction shall continue with the powers, functions and duties established by Section 3972 to 3984 inclusive, of the Revised Statutes of Colorado, 1908, until otherwise provided by ordinance.

PUBLIC CHARITIES.

130. *Board of Charities.*—The city council shall establish a commission of public charities and appoint commissioners thereon, to serve without compensation, with such tenures, powers and duties of office as may be fixed by ordinance.

CIVIL SERVICE.

131. *Commission.*—There is hereby established a civil service commission consisting of three members who shall serve without compensation, and who shall have tenures, rights, powers and duties of office as may be prescribed by ordinance not in conflict with this Charter. Such commission shall be appointed by the city council prior to January 1, 1913.

132. *Classified List.*—Such commission shall classify any salaried employes in the five departments of the city as provided by ordinance, for open, non-partisan, competitive, and free examination as to fitness, with limitations as to residence, health, habits and moral character; for an eligible list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record. Such civil service appointees shall only be removed from their employment for cause unless by unanimous vote of the council.

ARTICLE XVI.

DIRECT LEGISLATION BY THE PEOPLE.

133. *Direct Legislation.*—Any proposed ordinance may be submitted to the council by petition signed by qualified electors of the city, equal in number to the percentage hereinafter re-

ed. The procedure in respect of such petition shall be the same as provided in Sections 28 and 29, Article III, of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

134. *Ten Per Centum Petition.*—If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the council, the clerk shall thereupon ascertain and certify its number of qualified signers; whereupon, if such certificate shows the required number of qualified signers, the council shall within twenty days thereafter, either—

(a) Pass said ordinance without alteration (subject to the referendum vote provided in this article); or

(b) Call a special election, unless a general or special municipal election is to be held within ninety days thereafter, and at the next general or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the city.

135. *Five Per Centum Petition.*—If the petition be signed by qualified electors equal in number to at least five per centum but less than ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, as shown in the manner hereinbefore provided, and said proposed ordinance not passed without alteration by the council within twenty days, as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the council to a referendum vote at the next general municipal election, if any, occurring within forty days thereafter. If filed before forty days, and within twenty days of such election, said petition shall be valid.

136. *Mode of Protesting Against Ordinances.*—No ordinance passed by the council shall take effect before thirty days after its final passage and final publication, except an emergency ordinance, as provided in Article VI of this Charter. If, within said thirty days, a petition signed by qualified electors of the city equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, be presented to the council, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the council shall submit it, by the method provided in this article,

to a vote of the qualified electors of the city, either at the next general municipal election, or at a special election, which may, in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of the qualified electors voting on the same at such election, shall vote in favor thereof.

The procedure in respect of such referendum petition shall be the same as provided in Sections 28 and 29 of Article III of the Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

137. *Reference by the Council.*—The council may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this article for submission on petition. If the provisions of two or more proposed ordinances or measures, adopted or approved at the same election, are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

138. *Publication of Electoral Ordinance.*—Whenever any proposed ordinance is required by this Charter to be submitted to the voters of the city at any election, the council shall cause it to be published as required of other proposed ordinances.

139. *Election.*—The ballots used when voting upon such proposed ordinance shall state the nature of the ordinance in terms sufficient to identify it, and, on separate lines, the words, "For the Ordinance," and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the city.

140. *Several Ordinances at One Election.*—Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

141. *Limit to Special Elections.*—There shall not be held under this article more than one special election in any period of six months.

142. *Repeal or Amendment.*—An ordinance adopted by electoral vote, cannot be repealed or amended except by electoral vote.

143. *Regulations.*—The council may, by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this article.

ARTICLE XVII.

GENERAL PROVISIONS.

Sections 144, 145 and 146 referred to previous government, and now of no effect.

147. *Present Ordinances Continue in Force.*—All laws, ordinances, resolutions, by-laws, orders, rules or regulations in force in the City of Grand Junction, at the time this Charter takes effect, not inconsistent with its provisions, whether enacted by the authority of the city or any other authority, shall continue in full force and effect until otherwise provided by ordinance.

148. *Penalty for Violation.*—Any person who shall violate any of the provisions of this charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred (\$100.00) dollars, or by imprisonment in the city jail not exceeding three months, or by both such fine and imprisonment.

149. *Definition of Misdemeanor.*—The term "misdemeanor," as used in this Charter, shall mean a violation thereof, or of any ordinance, of which the municipal court or magistrate thereof shall have jurisdiction, and shall not have the meaning attached to it in Chapter XXXV entitled "Crimes," Revised Statutes of Colorado, 1908.

150. *Continuing Bonds, Etc.*—All official bonds, recognitions, obligations, contracts and all other instruments entered into or executed by or to the city before this Charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed, due or owing the city, shall be enforced or collected and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter; and all legal acts done by or in favor of the city shall be and remain as valid as though this Charter had not been adopted.

151. *Submission of Charter Amendments.*—This Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment or measure at any one election.

152. *Reservation of Power.*—The power to supersede any law of this state, now or hereafter in force, in so far as it applies to local or municipal affairs, shall be reserved to the city, acting by ordinance.

153. *Budget Plan—Warrants.*—The city council by ordinance

shall adopt a budget plan for the city and shall establish the procedure for issuing and registering city warrants.

154. *Termination of Offices of Commissioners.*—The several offices known and designated as commissioner of public affairs, commissioner of finance and supplies, commissioner of highways, commissioner of health and civic beauty and commissioner of water and sewers shall be abolished and cease to exist at 10:00 o'clock a.m. on January 2, 1922; and the office and position and term of any and all such commissioners are hereby abolished at 10:00 o'clock a.m. on the 2nd day of January, 1922, and no salaries or compensation shall be paid to or be received by such commissioners after such date.

All powers and duties heretofore conferred or imposed upon said commissioners or upon the mayor are hereby conferred and imposed upon the city manager, except such as are by this charter, as hereby amended, specifically conferred or imposed upon the council or other officers, employes or departments of the city.

155. *Membership of First Council—Recall.*—These amendments and repeals shall go into effect at ten o'clock a.m. on January 2, 1922, and from said date, and until their successors, to be chosen at the general municipal election in April, 1925, are elected and qualified, the council shall consist of the following persons who shall so hold office as members of the council, representing the several districts of the city and the city at large, with the same rights, duties and powers as if elected thereto, and vacancies in the membership so designated shall be filled in the manner provided for in this Charter, to-wit:

District A—L. O. Marshall.

District B—Reed G. Miller.

District C—W. R. Dowrey.

District D—W. E. Meders.

District E—T. J. Hampson.

At Large—William Murr.

At Large—W. G. Hiron.

But such persons shall be subject to recall, as provided in Article III of the Charter, except that the petition for recall of such persons need not contain any statement of the grounds therefor.

The adoption of this amendment and its taking effect shall not be held to terminate without appropriate action by the council or city manager, the tenure or authority of persons holding appointive offices or employment under the city.

156. *Powers and Duties.*—The council taking office January 2, 1922, shall have the power and it shall be its duty to pass such special appropriation or ordinance as may be necessary to pay the

lary of the city manager and other officers and employes for the year 1922; and the warrants for the payment of such salary, after being duly allowed and audited, may be drawn against such appropriation, and the amount so required for the payment of such warrants, or so much thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, and, failing such moneys, the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year.

157. *Liberal Construction.*—This measure or Charter amendment shall be construed as a whole and receive a liberal construction to carry out the intent and purposes herein set forth, and any and all parts of the Charter in conflict herewith are hereby repealed, and the remaining sections or portions of sections of said Charter shall be so construed as to harmonize with the provisions of this measure or amendment.

OFFICIAL DATA.

Grand Junction was selected, located, staked and founded as a townsite under and by virtue of the laws of the United States, on September 26, 1881, by and in the names of George A. Crawford, Richard D. Mobley, M. Rush Warner, James W. Bucklin and their associates, Allison White and H. E. Rood, who, pursuant thereto, on October 10, 1881, incorporated "The Grand Junction Town Company."

June 22, 1882, a vote was taken to incorporate the municipality by the name of the "Town of Grand Junction," which incorporation was completed July 19, 1882.

February 14, 1883, the town was made the county seat of the new county of Mesa.

April 20, 1891, the town was graded into a city of the second class.

April 6, 1909, Grand Junction became a charter city by vote, pursuant to the State Constitution, and on June 8, 1909, the 21 charter delegates were elected who completed and filed the charter on August 7, 1909.

September 14, 1909, the election to adopt or reject the charter took place, and it was adopted, the first election thereunder occurring November 2, 1909. On November 8, 1921, the charter was amended, adopting the city-manager form of government.

The population of Grand Junction as shown by official census was, in round numbers, in 1885, 500; in 1890, 2,000; in 1900, 3,503; in 1910, 7,754; in 1920, 8,665.

The elevation as fixed by the U. S. government is 4,587 feet above sea level.

The city comprises all of Section 14; the SE $\frac{1}{4}$ of Section 11; the south 65 feet of NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; the SE $\frac{1}{4}$ Section 15; the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 except the NE $\frac{1}{4}$ NE $\frac{1}{4}$ thereof; the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 except the following: Lots 12 to 21 inclusive in Blocks numbered 3, 6 and 11 and all of Blocks 4, 5 and 12 in Benton Canon's Sub-Division. All of the above described lands lying and being in Township 1 south, Range 1 west of the Ute Meridian, Mesa County, Colorado, containing approximately 1,300 acres of land.

City Organization Jan. 1, 1926.

	Dr. J. E. Bell, President
	F. W. Logsdon
	C. D. Moslander
Councilmen	H. O. Bear
	W. E. Meders
	O. H. Ellison
	O. L. Fairley
City Manager	T. E. Thompson
City Clerk and Auditor	Fred A. Peck
City Treasurer	John G. McKinney
City Attorney	W. R. Hinman

