

Candidate Guidelines

A source of general information about the basic requirements of candidacy for individuals interested in being elected to the office of Mayor or City Council in the city of Thornton.



**Regular Municipal Election
November 5, 2019**



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City Charter

Chapter 2, Thornton City Code

Fair Campaign Practices Act

Article XXVIII Campaign and Political Finance

ORGANIZATION MEETING

Terms of office for Councilmembers elected in 2019 begin at the December 3, 2019 City Council Meeting. The only exception would be if any seat is involved in a recount. At that meeting the Presiding Judge will administer oaths of office for the newly-elected Mayor and Councilmembers. City Council will also elect a Mayor pro tem from among its members for a two-year term.

COUNCIL MEETINGS

Regular Council meetings are generally held on the second and fourth Tuesdays of each month beginning at 7:00 p.m. in the Council Chambers. These meetings typically end by 10:00 p.m. and are preceded by a Council Update, which begins at 5:45 p.m. Planning Sessions are generally held on the first and third Tuesdays of each month from 5:45 p.m. to approximately 9:30 p.m. Council Updates and Planning Sessions are held in the Training Room. The meeting schedule adopted by Council for 2019 is listed on page 1-3.

Agendas and packets outlining matters to be decided by Council are available on the Thursday prior to each Council meeting and are transmitted electronically. This gives Councilmembers an opportunity before meetings to review the issues that they are being asked to consider. It takes an average of three hours to review each Council meeting packet. Planning Session and Council Update packets are also transmitted electronically on the Thursday before each meeting. On Thursdays all the completed packets are available on the City's website at www.cityofthornton.net.

Other sessions may be scheduled with City Council throughout the year, as necessary,

for issues such as strategic planning or providing direction to staff for the following year's budget.

POWERS

The City Charter defines the powers and responsibilities of the Mayor, Mayor pro tem, and Councilmembers.

All powers of the City and the determination of all matters of policy are vested in the Council except as otherwise provided in the City Charter. The City of Thornton is a home-rule City with the Council-manager form of government.

The Mayor presides at Council meetings and is the recognized head of the City government for all ceremonial purposes and for purposes of military law. The Mayor executes documents including proclamations, ordinances, and resolutions. The Mayor pro tem serves in these capacities during the absence of the Mayor.

Some actions the City Council takes are to:

- ♦ Appoint and provide direction to the City Manager, City Attorney, Presiding Municipal Judge and all Board and Commission members
- ♦ Determine the annual budget and tax levy
- ♦ Hold public hearings on annexation and zoning matters
- ♦ Adopt and/or modify City ordinances as needed
- ♦ Approve intergovernmental agreements
- ♦ Provide direction for the City of Thornton by determining short and long-term goals

ADDITIONAL DUTIES

Council also holds numerous meetings within the community such as Ward Meetings and Ice Cream Socials as a way of keeping both Council and residents informed about issues of mutual interest.

In addition to the Tuesday evening meetings, Councilmembers also serve on various committees outside of the organization such as Adams County Economic Development (ACED), Colorado Municipal League (CML) Policy Committee, Denver Regional Council of Governments (DRCOG), Airport Coordinating Committee, E-470 Authority, and School District 27-J Capital Facilities Foundation.

A copy of the brochure *Serving on Thornton City Council* is included in the pocket which gives more information regarding City Council responsibilities.

TERMS OF OFFICE

The City of Thornton is comprised of four wards and two Councilmembers serve within each ward. Each election year one Councilmember will be elected from each ward. A Mayor is elected at-large every four years. The Mayor and Councilmembers serve four-year terms. 2019 is a mayoral election year.

Article XVIII, Section 11 of the State Constitution limits elected officials to two consecutive terms.

ETHICS AND CONFLICTS OF INTEREST***City Code and Charter Provisions***

The relevant provisions of the City Code, City Charter, Fair Campaign Practices Act, and Colorado Constitution regarding campaign and political finance are attached to these

Guidelines. Candidates are encouraged to become familiar with these provisions.

Sec. 2-197. Quasi-judicial decisions.

Section 2-197 of the City Code, explains that City Council must remain impartial when making quasi-judicial decisions on land use matters and not discuss those matters with the land use applicants or constituents. If you, as a candidate, discuss a land use application with either an applicant or constituent or if you take a position on a land use application before you are elected to Council, you may be unable to vote on that application when it comes before Council. This section of the code states:

Each officer, board member and employee shall be and remain impartial when making any quasi-judicial decision. Any officer, board member or employee who cannot be impartial in making a quasi-judicial decision shall follow the procedure described in Subsection 2-192(c). In addition, no officer or board member shall receive nor shall any employee or member of the public provide to any officer or board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the Council or a board on which the board member sits, and which is the subject of a quasi-judicial hearing before the Council or the board, outside of the quasi-judicial hearing process. The term "quasi-judicial hearing process" includes but is not limited to preparations necessary for such hearing such as written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The city attorney shall provide affected officers, board members and employees advice on what constitutes a quasi-judicial decision.

Attachment A

2019 CITY COUNCIL MEETING SCHEDULE

TUESDAY
PLANNING SESSIONS ¹⁾

January 15
January 29
February 5
February 19
March 5
March 26
April 2
April 16
May 7
May 21
June 4
July 2
July 16
July 30
August 20
September 3
September 17
October 1
October 15
October 29
December 10

COUNCIL UPDATES ¹⁾ AND
COUNCIL MEETINGS ²⁾

January 8
January 22
February 12
February 26
March 19
April 9
April 23
May 14
May 28
June 11
June 25
July 9
July 23
August 13
August 27
September 10
September 24
October 8
October 22
November 19
December 3
December 17

¹⁾ scheduled to begin at 5:45 p.m. (Training Room)

²⁾ scheduled to begin at 7:00 p.m. (Council Chambers)

Strategic Planning Conference
Thorntonfest
4th of July
Harvest Fest
2020 Budget Review
Municipal Election
WinterFest

February 22-24
June 8
July 4
September 7
August 22
November 5
December 13-15

INTRODUCTION

The *Candidate Guidelines* are furnished as a source of general information about the basic requirements of, and deadlines for, candidacy for municipal office at the November 5, 2019 Regular Municipal Election. The *Guidelines* are also designed to assist you in completing forms required of you as a candidate. In addition, general information is provided regarding administration of the election and basic information about the organization of the City Council.

These *Guidelines* contain basic information and are not intended to be comprehensive in scope or depth. The City Clerk's Office cannot provide legal advice. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation.

OFFICERS TO BE ELECTED

All municipal elections are non-partisan. At the November 5, 2019 Regular Municipal Election, City voters will elect a Councilmember in each of the four wards. Voters citywide will directly elect a Mayor. All terms are for four years.

REGULAR MUNICIPAL ELECTIONS

The City of Thornton will participate in the Coordinated Mail Ballot Election conducted by Adams County for the November 2019 election.

All information regarding the conduct of the election and requirements of a candidate for municipal office should be obtained from the City Clerk's Office or on the City's website:

www.cityofthornton.net. The City Clerk's Office will assist you through the election process as much as possible.

If you have questions about issues not included or not covered in detail, please contact Kristen Rosenbaum or Nancy Vincent at 303-538-7230 for further information. The City Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of City observed holidays.

Mail Ballot Election

This will be a coordinated mail ballot election and ballots will be mailed between 18 and 22 days before the election to each active, registered City voter. The mail ballot package will contain a ballot listing all ballot questions and/or issues, if any, and the candidates for which the voter is entitled to vote; instructions on how to vote the ballot; and a return envelope with an affidavit that must be completed by the voter (as required by State law).

VOTER REGISTRATION

Voters in City elections are registered electors who live within the Thornton City limits. For those who are not already registered to vote, you may register for the November 2019 Regular Municipal Election, in one of the following ways:

- ♦ If you register to vote by mail, a voter registration agency (including the Thornton City Clerk's Office), a local driver's license facility, or online through www.govotecolorado.com by October 28 the Adams County Clerk and Recorder will automatically mail you a ballot.

- ♦ Voter registration forms are available at several locations including the Adams County Election Office, any City Clerk's Office, Motor Vehicle offices, or www.govotecolorado.com.
- ♦ If you register to vote through a voter registration drive, your application must be submitted no later than October 15.
- ♦ You may also register to vote by appearing in-person at a Voter Service and Polling Center through and including Election Day. After October 28, you must visit one of the Voter Service and Polling Centers in Adams County to register and receive a ballot. Go to www.adamsvotes.com for locations.

Citizens who are registering for the first time in Colorado must be living in Colorado for 22 days immediately before the election in which the individual intends to vote (October 15, 2019 for the 2019 Election) and provide a valid Colorado driver's license or Colorado identification number. Identification requirements for first time voters can be found by going to www.govotecolorado.com and clicking on the words "Acceptable forms of ID".

For questions relating to voter registration or registration status, visit www.govotecolorado.com, contact the Adams County Election Office at 720-523-6500, or the City Clerk's office at 303-538-7230.

REGISTRATION LISTS

If you plan to order voter registration lists, walking lists, and/or mailing labels from Adams County, you will need to do so by the City ward number.

ELECTION TABULATION/RESULTS

Ballots will be tabulated by the Adams County Election office after 7:00 p.m. on Election Day. As results become available, they will be posted on Adams County's website at <http://www.adamsvotes.com/> and from a link on the City's website at www.cityofthornton.net. Typically the initial results are released between 7:30 p.m. and 7:45 p.m.

If provisional ballots become relevant or a recount becomes necessary, election results for a particular office could be delayed until December.

GENERAL

An individual is eligible to be a Candidate for municipal office if, at the time of election, he or she:

- ♦ is a citizen of the United States;
- ♦ is at least 25 years of age;
- ♦ is a registered elector;
- ♦ has been a resident of Thornton and the appropriate ward for 12 consecutive months immediately preceding the date of the election or appointment. Any person who is a resident of the City or of any area annexed to or consolidated with the City, or when reapportionment occurs, has resided at an address within the new ward boundaries for the required length of time
- ♦ meets the residency requirements of the Thornton City Charter; and
- ♦ has not been convicted of a felony.

No person shall serve as Mayor or Councilmember while also holding another elected position in government.

NOMINATION PETITIONS

Each Candidate for municipal office must circulate and submit a Nomination Petition containing sufficient signatures.

A completed sample of the Nomination Petition for Councilmember is provided on pages 3-5 and 3-6. A separate Petition for the office of Mayor is available.

General Requirements

The Candidate must sign the Verified Acceptance of Nomination and the Petition Circulator must sign the Affidavit of Circulator on the Nomination Petition. Both statements must be notarized.

The Candidate must also on the Nomination Petition form state how he or she wants his or her name to be placed on the ballot. The Candidate's name may be a nickname. Quotation marks are the only punctuation that can be used, i.e., James "Jim" Jones. State law prohibits use of any title or degree designating the business or profession of the Candidate.

The Election Commission will draw names to determine the order of the ballot. All Candidates will be invited to attend this meeting which is tentatively scheduled for September 4.

Getting Ready to Circulate Your Petition

Make sure that prior to circulating any Petition the candidate information in the box at the top of each Petition page is filled out to show the candidate's name, address, and which office the candidate is running for.

Multiple petitions may be circulated and filed together as one Nomination Petition. There can be multiple circulators but just one for each double-sided Petition page.

If you are going to file more than one Petition page, all Petition pages must be filed at the same time to be considered part of the Nomination Petition.

Each registered elector signing the Petition must include their name, signature, street number and name, plus the City and County where they reside. If a registered elector is unable to print or sign the Petition, someone other than the Circulator may assist by entering the elector's printed name along with the remaining required information for the individual.

Petition signers must list their place of residence and are not permitted to use a Post office Box. Signatures will be eliminated by the City Clerk's office if the information is incomplete. Examples of what are not permitted include: use of ditto marks, individuals not registered to vote, a Post Office box instead of a street name and number, or a married individual signs as "Ms. Robert Smith" instead of "Margaret Smith."

Signature Requirements

Each Council Candidate's Petition must be signed by at least 25 registered electors who reside within the ward, or for a mayoral election, within the City.

Candidates are encouraged to obtain more than the required 25 signatures. The City Clerk's Office will examine and verify each Petition to ensure that there are 25 valid signatures and no one has signed more than one Petition for the same office.

Petition Deadlines

As provided by Thornton City Code Section 2-236 and State law, Nomination Petitions must be circulated and filed within the following timeframe:

Earliest date to pick up/circulate/file:

Tuesday, August 6, 8:00 a.m.

Filing deadline:

Monday, August 26, 5:00 p.m.

Nomination Petitions can also be downloaded from the City website: www.cityofthornton.net, on August 6.

Whether Candidates pick up Nomination Petitions in person or print them from the web, he or she will be asked to fill out a receipt so the City Clerk's Office has contact information to update Candidates on election-related matters including changes made during the 2019 Legislative Session.

Filing Your Nomination Petition

When you are ready to file your Petition with the City Clerk's office there are a few things to remember:

The Petition Circulator must initial the bottom of page 1 and towards the top of page 2, at the end of the "Signatures of Petitioners" Section, then sign the "Affidavit of Circulator" on page 2.

Remember, the Circulator's Affidavit must be completed by the person circulating the Petition. The Affidavit must be signed in the presence of a Notary Public before submitting the Petition. It may also be notarized by a Notary in the City Clerk's Office if the Circulator signs the Petition in the presence of the Notary. No additional signatures can be collected after the Affidavit has been notarized.

A Petition Circulator must personally observe every eligible voter who signs the Petition. (Petitions cannot be left on a counter or desk unattended for persons to sign.)

The Acceptance of Nomination must be completed by the Candidate and signed in the presence of a Notary Public before submitting the Petition. This may also be notarized by a Notary in the City Clerk's Office provided it is signed in the presence of the Notary. The Candidate must complete all portions on the back page of the Petition including how they want their name to appear on the ballot. Nicknames

may be used but no degrees or titles are allowed. Only quotation marks can be used with nicknames, i.e., Charles “Charlie” Cisneros, and no parentheses.

The Petition will be verified for sufficiency and the Candidate will be notified after the five-day protest period has passed.

Qualification Affirmation Statement

At the time the Petition is filed, the Qualification Affirmation Statement (Affirmation Statement) must be signed and notarized certifying among other requirements listed on page 3-1, that they have been a resident of the City and/or Ward, if appropriate, for one year prior to the Election.

Pursuant to Thornton City Code Section 2-243, the City Clerk must verify that the statements made in the Affirmation Statement are accurate including the residency requirement. Voter registration records will be reviewed first. If residency cannot be determined through voter registration records, the Candidate will be asked to provide documentation to assist in verifying eligibility.

Examples of those documents include:

(1) Property records from the County Assessor's Office indicating that the Candidate was the property owner of the primary residence for 12 consecutive months by the date the appointment will be effective;

(2) A lease for the primary residence which is in the name of the Candidate and includes the date of commencement; or

(3) A utility bill for the residence.

The Candidate may provide documentation not included on this list.

The City Clerk will determine whether the candidate has sufficiently proven they are in compliance with the residency requirements.

The City Clerk will notify the candidate in writing if the documents are deemed insufficient to determine residency.

Petitions are Open Record

Filed Nomination Petitions are open record and may be obtained through the City Clerk's Office. The fee for copies of other Candidate's Nomination Petitions is \$.25/page. There is no fee for copies of your own Petition.

WITHDRAWAL FROM CANDIDACY

A person who has been nominated may withdraw from candidacy by filing a signed affidavit with the City Clerk. Forms for withdrawing from candidacy may be obtained from the City Clerk.

The deadline to withdraw from candidacy is August 30.

WRITE-IN CANDIDATES

Write-in votes are counted only if the write-in Candidate files an affidavit of intent with the City Clerk by September 4.

Affidavit forms are available from the City Clerk's Office. Candidates must also meet the qualifications listed on page 3-1.

WARD MAPS

An 8-1/2" x 11" City ward map is located on page 3-7. A 24" x 36" detailed color map of your ward with County precincts is provided at the front of the notebook for Councilmember Candidates or a City map containing all four wards and County precincts for Mayoral Candidates. A second 24" x 36" map is available from the City Clerk's office for \$5.00. If you would like a map other than what is provided with the *Guidelines*, please contact the City GIS office at 303-538-7295.

SAMPLE



2019 NOMINATION PETITION

May be circulated August 6th through August 26th only

THE INFORMATION CONTAINED IN THIS BOX MUST BE FILLED OUT PRIOR TO CIRCULATING THE PETITION

TO: Kristen Rosenbaum, City Clerk, City of Thornton, Colorado, 9500 Civic Center Drive, Thornton, CO 80229
 I, James A. Chavez (full name of Candidate) who resides at 8990 Vale Street, (street address) in the City of Thornton, Colorado hereby petition to be a Candidate for the office of City Council in Ward 2 to be voted at the Regular Municipal Election to be held November 5, 2019.

SIGNATURES OF PETITIONERS

Signature	Printed Name	Street Number, Name and City	County	Date
1 Jane Doe signature	Jane Doe	2019 Thornton Pkwy, Thornton	Adams	8/6/19
2 John Doe signature	John Doe	2019 Thornton Pkwy, Thornton	Adams	8/6/19
3 Linda Smit signature	Linda Smit	12210 Clermont Drive, Thornton	Adams	8/8/19
4			Adams	
5			Adams	
6			Adams	
7			Adams	
8			Adams	
9			Adams	
10			Adams	
11			Adams	
12			Adams	
13			Adams	
14			Adams	
15			Adams	
16			Adams	
17			Adams	

of signatures on this page _____ Circulator's Initials _____ # of VALID signatures on this page _____

NOMINATION PETITION CONTINUED

SIGNATURES OF PETITIONERS

Signature	Printed Name	Street Number, Name and City	County	Date
18			Adams	
19			Adams	
20			Adams	

of signatures on this page _____ Circulator's Initials _____ # of VALID signatures on this page _____

AFFIDAVIT OF CIRCULATOR

I, David Wayne Johnson, (full name of circulator) hereby certify that I circulated this petition and that each signature is the signature of the person whose name it purports to be and that each signer has stated that he is a registered elector of Thornton and of Ward 2 for which this Nomination is made.

David Wayne Johnson's signature
Signature of Circulator
Date: 8/26/19

Subscribed and sworn before me in the County of <u>Adams</u> , State of Colorado, this <u>26th</u> day of <u>August</u> , 20 <u>19</u> .	
<u>Denice Coxon's Signature</u> (Notary's official signature) <u>December 26, 2021</u> (Commission Expiration)	(Notary Stamp)

ACCEPTANCE OF NOMINATION

I, the undersigned, being first duly sworn, depose and state that:

- I am a citizen of the United States.
- I am at least twenty-five years of age.
- I have been a resident of Ward 2, of the City of Thornton for twelve consecutive months immediately preceding the election.
- I am a registered elector.
- I have never been convicted of a felony.
- I am aware that, if elected, I cannot hold another elected position in government.

I, James A. Chavez (full name of Candidate), hereby accept the Nomination tendered me by the foregoing petitioners for the office of Ward 2 for the term of 4 years.

Signature of Candidate James A. Chavez's Signature Date: 8/26/19
Residence Address 8900 Vale Street, Thornton, CO 80229

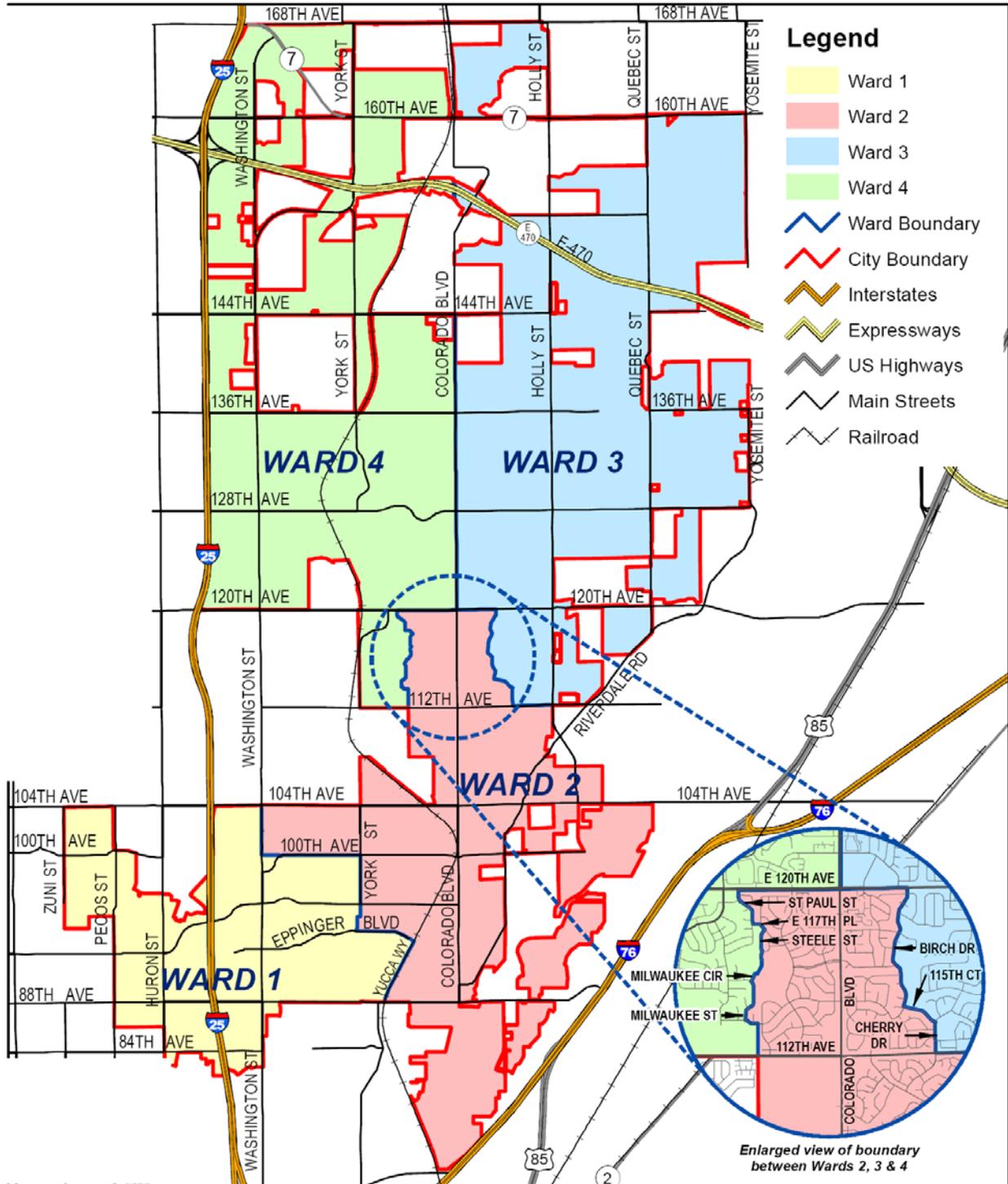
Subscribed and sworn before me in the County of <u>Adams</u> , State of Colorado, this <u>26th</u> day of <u>August</u> , 20 <u>19</u> .	
<u>Denice Coxon's signature</u> (Notary's official signature) <u>December 26, 2021</u> (Commission Expiration)	(Notary Stamp)

PLEASE INDICATE BELOW THE WAY YOU WISH YOUR NAME TO APPEAR ON THE BALLOT. NO DEGREE OR TITLE IS PERMITTED. PLEASE PRINT LEGIBLY.

James "Jim" Chavez

City of Thornton Ward Boundaries

Current as of September 1, 2012



COMMENCEMENT OF CAMPAIGN ACTIVITIES

There is not a set date when a Candidate for office may commence campaign activities. However, there are certain Campaign Reporting Requirements, which are outlined beginning on page 5-1 for filing a Candidate affidavit, registering Candidate committees, and maintaining bank accounts as well as sample forms and frequently asked questions.

ELECTION SIGNS

The City Code (Code) does not have a separate category for election signs. Signs expressing campaign-related messages must comply with the specific installation and display requirements in the Code for temporary or transient signs.

Temporary signs may be placed on private property with the permission of the property owner. Freestanding signs, banners, and/or feather flags may be displayed, and no permit is required. The signs must be placed at least five feet (or the height of the sign, whichever is greater) from the property line and at least 25 feet from intersection rights-of-way. On properties that have been developed with a structure, one sign may be displayed for up to 180 days, and the remaining signs cannot exceed 30 days of display. There is no display time limit for signs on undeveloped land. The total area of signage per property cannot exceed the amount specified in the Code, although there is no maximum size for each individual sign. Refer to the charts on the City's webpage for maximum total sign area, maximum height, and other requirements; type "temporary signs" in the search box. See Code Sections 18-706 and 18-761 beginning on page 4-8.

Individual private properties may also display a total of 40 square feet of additional signage if each sign is four square feet or less. This additional signage does not count toward the total allowed per property, noted in the prior paragraph and in Code Section 18-761. See Code Section 18-705. Beginning on page 4-6.

Freestanding transient signs can be displayed in the area along the public streets from 5 a.m. on Fridays until 7 a.m. on the following Monday. No permit is required, and there is no limit to the number of signs that can be displayed. Signs must be placed at least 50 feet away from all intersections and 5 feet away from the curb or from the edge of the road. No signs can be placed in a street, sidewalk, roundabout, or median. Signs in the rights-of-way can be no larger than 6 square feet in size (for example a 2 ft x 3 ft sign) and no taller than 4 feet in height. These signs must stand on their own; they cannot be attached to stop signs, street signs, vehicles, utility boxes, fences, poles, or trees. Nothing can be attached to the signs, including balloons, pennants, or moving parts. Transient signs may not be illuminated. Signs may not be installed on City-owned property unless associated with an approved permit for the use of the facility. Signs displayed improperly will be removed and disposed of without notice. See Code Sections 70-11 and 70-12.

Campaign materials such as those listed below and at the top of the next page are not regulated or prohibited by Code, except where noted. See Code Sections 18-705(3), 18-706, and 18-760.

- T-shirts
- Brochures
- Bumper stickers
- Buttons

- Signs in windows
- Balloons attached to a fixed object, such as a sign or a vehicle, are not allowed. Handing out balloons to people is permissible.
- Balloons, inflatable devices, and other signage used for a special event may require a permit.

Copies of the referenced City Code provisions are provided on pages 4-3 through 4-35.

If you have questions about sign placement or sign-related regulations, please call Code Enforcement at 303-538-7517 and a staff member will answer your specific question.

BOOTHS

If you are interested in obtaining a booth at one of the City's festivals, please refer to the following link on the City's website: <http://www.cityofthornton.net/festivals-events/Pages/default.aspx> or call 720-977-5912 for more information and to reserve your booth. Booth rental information will be available approximately three months prior to the festival.

IDENTIFICATION OF WRITTEN CAMPAIGN MATERIALS

There are no State or local requirements for Candidate committees to identify the sponsor(s) responsible for the publication, printing, or distribution of campaign material.

DOOR-TO-DOOR SOLICITATION

Political solicitations are allowed except at private residences where “**NO SOLICITATION**” or “**NO TRESPASSING**” signs are posted near the entrance to those premises.

Please be aware that littering any public highway, street, sidewalk, or public place with advertising material is unlawful.

USE OF CITY LOGO AND PICTURES PROHIBITED

Please be advised that the City and City employees cannot endorse or appear to endorse political candidates. Consequently, the City does not authorize the use of City logos, photos of City personnel or other items identifying Thornton government in connection with campaign materials.

GENERAL PROVISIONS AND POLITICAL CAMPAIGN SIGN REQUIREMENTS

Sec. 18-704. - General provisions.

- (a) *Compliance required.* All construction, relocation, enlargement, alteration, and modification of signs within the city shall conform to the requirements of this article, all state and federal regulations concerning signs and advertising, and the building code adopted in Chapter 10 of this Code.
- (b) *Responsibility for compliance.* The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the sign operator (if different from the sign owner), all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent of the owner and/or parties holding the legal right to immediate possession and control.
- (c) *Violations.* When a sign is displayed in violation of this article or chapter, or in violation of other applicable laws, rules, regulations, or policies regarding signs, each day the sign is displayed is a separate violation.
- (d) *Interpretations.* The director shall interpret this article as the need for interpretation arises, including for application to specific issues and proposed signs. Such interpretations may be appealed in accordance with the procedures in Section 18-34.
- (e) *Message neutrality.* It is the city's policy and intent to regulate signs in a manner consistent with the United States and Colorado Constitutions and all applicable law, and which is content-neutral as to protected speech.
- (f) *Message substitution.*
 - (1) A protected commercial or noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval, permitting, registration or notice to the city. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
 - (2) This message substitution provision does not:
 - a. Create a right to increase the total amount of signage on a parcel, lot or land use;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted;
 - c. Allow a change in the physical structure of a sign, its mounting device, or the technology used to present the message; or

- d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
- (g) *Discretionary approvals.*
- (1) Whenever any sign permit, variance, specific use permit, temporary use permit, large development signage plan, or other sign-related decision is made by any exercise of official discretion, such discretion shall be limited to the noncommunicative aspects of the sign, the architectural similarity of the proposed sign with other structures or signs in the surrounding area, and other factors listed in this article and in the Development Code.
 - (2) When discretion is authorized, it may be exercised regarding the following factors, as applicable:
 - a. Construction materials and details of structural design;
 - b. The number and spacing of signs in the area;
 - c. The sign's display area, height, and location in relation to its proposed use;
 - d. The sign's relationship with other nearby signs, other elements of street and site furniture and adjacent structures;
 - e. Form, proportion, and scale;
 - f. Potential effect of the proposed sign on driver, bicyclist and pedestrian safety;
 - g. Potential blocking of view, in whole or in part, of a structure or façade or public view of historical, cultural or architectural significance; and
 - h. Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks.
 - (3) Discretion may not be exercised as to the message content of the sign.
- (h) *Prospective regulation.*
- (1) This article applies to signs that may be proposed or erected in the future. It also applies to existing signs that are not legal under prior law.
 - (2) All existing legal signs may continue in use, but any change must comply with this article. Any nonconforming sign for a business shall be immediately brought into conformance with this article or removed if any one of the following conditions occurs:
 - a. When the sign becomes damaged to the extent of 50 percent or more of its total replacement value, regardless of the cause of the damage;
 - b. When the sign becomes an imminent danger to public health or safety;

- c. When there is a request to obtain a building permit to alter, enlarge, expand, or increase the structural support of the sign or any part of the sign;
 - d. When there is a request to obtain a building permit to make improvements to the facade of a building on a property on which a nonconforming sign is located; or
 - e. If the use or activity that the sign refers to has been discontinued or the property on which an on-site sign is located has been vacant for a period of six months or more.
- (3) Any sign in existence on the effective date of this article which does not conform to its provisions, but for which the board has previously granted a variance, shall be considered a legal nonconforming sign.
 - (4) In the event the regulations contained in this article are amended, any temporary sign that is not in compliance with the new regulations shall be removed immediately. Nonconforming temporary signs are not permitted.
- (i) *Noncommunicative aspects.* All applicable regulations concerning the noncommunicative aspects of signs, as defined in Article XI, stand enforceable independently of any permit or approval process.
 - (j) *Owner's consent.* No sign may be placed on private property without the consent of the legal owner of the property and all persons holding the present right of possession and control of signage. The city may require evidence of consent when enforcing the requirements of this article.
 - (k) *Signs accessory to main use.* Unless otherwise provided in this article, permanent structure signs shall be accessory to another main use on the same parcel.
 - (l) *Materials.* Materials selected for signs shall be durable and capable of withstanding weathering, with reasonable maintenance, over the life of the sign.
 - (m) *Zoning.*
 - (1) Any sign located in the zoning districts of Planned Development (PD) District, Preservation Revitalization (P/R) District (residential and/or commercial) or Mineral Conservation (MC) District, unless otherwise specified in the ordinance creating the district, shall be erected in accordance with the requirements for the categorical zoning districts of this chapter, based upon the use of the site that the sign is located on, as determined by the director or designee.
 - (2) In any zoning district where both residential and nonresidential land uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows:
 - a. Residential uses shall be treated as if they were located in the lowest intensity zone where a use of that type would be allowed as a matter of right; and

- b. Nonresidential uses shall be treated as if they were located in the lowest intensity zone where that particular use would be allowed, either as a matter of right or subject to a specific use permit or a temporary use permit.
- (n) *Maintenance and alterations.*
- (1) It shall be unlawful to fail to maintain or keep in good repair any sign, including without limitation the repairing of glass, plastic, or other sign face material which is missing, broken, damaged, or deteriorated and the repairing of any pole, frame, support or similar structure which is broken, damaged, or deteriorated.
 - (2) A permit is not required when only the sign face or copy is changed and the resulting sign complies with the requirements of this article.
 - (3) A permit is required for structural alteration or enlargement of the sign area.
 - (4) The maintenance, renovation, or repair of a sign without the alteration of noncommunicative aspects shall not require a new sign permit, but may require a building permit under the building code of the city.
 - (5) Whenever the use of a sign frame or sign supporting structure, has been discontinued for a period of six months or more, such sign, sign frame, or sign supporting structure shall be removed immediately.

Sec. 18-705. - Exemptions from the provisions of the sign code.

The following types of long-term and temporary sign devices are exempted from the provisions of this article, except as specified:

- (1) Official governmental signs, including but not limited to traffic control signs and devices, informational signs, temporary public notices, banners, flags, light pole banners, and any other signs required by law.
- (2) Signs that:
 - a. Are installed in a location or manner which do not create a traffic hazard; and
 - b. Are located on private property and not in any public rights-of-way; and
 - c. Do not exceed four square feet per sign face; and
 - d. Do not cumulatively exceed 40 square feet per zone lot; and
 - e. Are not prohibited or illegal signs as provided in Section 18-706 or otherwise regulated herein.
- (3) Signs painted on or placed in a window.
- (4) Flags that meet the following standards and that maintain a minimum seven foot clearance between the lowest point of the flag and grade level:

- a. On zone lots smaller than 10,000 square feet, one flag no larger than 15 square feet is permitted.
 - b. On zone lots between 10,000 and 100,000 square feet, flags shall be no larger than 50 square feet, and a maximum of two flags per zone lot is permitted.
 - c. On zone lots larger than 100,000 square feet, flags shall be no larger than 100 square feet, and a maximum of three flags per zone lot is permitted.
 - d. The maximum height of a flagpole for all flags is 35 feet or the height of the building, whichever is less.
- (5) Vehicular signs:
- a. Shall be permitted if they:
 1. Contain no flashing or moving elements;
 2. Are permanently mounted or affixed, or magnetically attached, to the vehicle;
 3. Do not project beyond the surface of the vehicle on which they are attached a distance in excess of six inches;
 4. Are attached to an operable vehicle;
 5. Are parked in a designated parking space, when available, when parked and visible from the public rights-of-way.
 - b. Shall not be used to increase the total permitted sign area or number of signs either on-site or off-site for a business as provided in this article except as provided for in Division 7 of this article. Vehicular signs parked within 25 feet of an arterial or collector street shall count against the total sign area allowance for the property unless there is no other location on the property where the vehicle can be parked.
- (6) Any sign on or constructed in association with a bus shelter or bus bench that is specifically allowed by a written contract with the city.
- (7) Temporary decorations of any type, number, area, height, location, illumination, or animation that are located on buildings or structures so as not to conflict with or obstruct traffic regulatory devices.
- (8) Private persons dressed in costume or displaying signs expressing messages that are within the protection of the First Amendment, subject to the following:
- a. The signs must be held by or attended by one or more persons;
 - b. Signs shall not be inflatable or air-activated;
 - c. In order to serve the city's interests in traffic flow and safety, persons and signs shall not:

1. Visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails;
 2. Be located on a public street median or round-a-bout;
 3. Conduct sales, transfer product, or collect monies of any kind; and
 4. Obstruct or impede scheduled activities.
- (9) Any signs required to be erected by city, state, or federal law.
- (10) Any signs not legible or intended to be read from the right-of-way or private streets.

Sec. 18-706. - Prohibited and illegal signs.

It shall be unlawful for any person to:

- (1) Erect, maintain, or continue the use of any sign with an image or message which is not within the protection of the Colorado Constitution and the First Amendment to the U.S. Constitution because of the harm that they cause to minors, or to individuals or to the community.
- (2) Erect, maintain, or continue the use of any sign that is not specifically permitted or exempted from this article, or is an animated sign, roof sign, building wrap sign, or searchlight.
- (3) Erect, maintain, or continue the use of any sign in, over, or extending into any public rights-of-way, or to paint or affix any sign on or to any object within any public rights-of-way, except as permitted in this article or in Chapter 70 of this Code.
- (4) Erect, maintain, or continue the use of any sign within a visibility triangle as defined in Section 18-567 unless otherwise exempted by this article.
- (5) Erect, maintain, or continue the use of any sign that causes a traffic hazard because of glare, focus or intensity of illumination.
- (6) Erect, maintain, or continue the use of any sign that blocks a doorway or opening which is required for entrance to or exit from any building, structure, parking lot or driveway by the International Building Code adopted in Section 10-151, the International Fire Code adopted in Section 10-160, or any development permit.
- (7) Erect, maintain, or continue the use of any sign on any fence, or paint or affix any sign on, or to, a fence set back five feet or less from the city's rights-of-way, except as specifically permitted by this article.
- (8) Erect, maintain, or continue the use of any sign on any property without the written permission of the property owner or person in lawful possession of the property.
- (9) Erect, maintain, or continue the use of any sign or signal, marking or device that is not authorized and which purports to be, is an imitation of, or

resembles but is not an official traffic control device or railroad sign or signal, within 10 feet of the edge of any street.

- (10) Erect, maintain, or continue the use of any sign that hides from view or interferes with the visibility of any official traffic control device or railroad sign or signal.
- (11) Erect, maintain, or continue the use of any sign attached to landscaping elements or other natural objects.
- (12) Erect, maintain, paint, affix or continue the use of any sign on or to any other sign unless done with a valid sign permit or unless exempted from the requirement for a permit under this article.

Sec. 18-707. - Enforcement.

(a) *Authority.*

- (1) The city shall have the authority to enforce provisions of this article. In addition to any other remedies provided in this section, a summons and complaint may be filed in the municipal court to any person for which probable cause exists concerning the violations of this article.
- (2) The city shall have the authority in emergency situations to place barriers in or about any sign which is dangerous or constitutes a hazard and when the city has attempted to serve notice as required in this section, but has been unable to do so or when such sign constitutes an immediate danger to the public. In such instances, notice after the placement of barriers shall suffice and the owner of the sign shall be responsible for reimbursement to the city for expenses incurred.
- (3) The city shall have the authority to move or remove any sign to facilitate public safety officials in dealing with any public emergency.
- (4) In addition to the enforcement remedies before the municipal court as set out in this section, the city shall have the authority to bring an action before any court of competent jurisdiction to secure equitable relief and secure damages for costs incurred by the city in securing compliance with this article.

(b) *Procedures.*

- (1) Prior to abatement of a violation of this article, the police department or the city development department shall provide notice to the responsible party of the property, as described in Section 18-704(b), upon which the sign is placed that:
 - a. No sign permit has been issued; or
 - b. The sign device has been determined to be dangerous or constitutes a hazard; or
 - c. Is prohibited; or
 - d. Is in violation of a specific provision of this article; and

- e. The sign shall be removed, repaired, or brought into compliance within a reasonable, specified length of time.
- (2) Notice of intent to abate any violation of this article shall be pursuant to the requirements specified in Section 18-4(e).
- (3) In lieu of or concurrent with subsection (b)(1) above, a summons and complaint may be issued to the responsible party of any property within the city, as described in Section 18-704(b), that is in violation of any provision of this article.
- (4) The city may decide not to enforce the provisions as they relate to a sign erected or installed before the first of January 2018 if it determines that such enforcement may create liability for the city based on any decision of a court of competent jurisdiction, including but not limited to the U.S. Supreme Court's decision in *Reed v Town of Gilbert* (576 U.S. _____ (2015)). This subsection (b)(4) shall be automatically repealed on January 1, 2018 unless otherwise amended by the city council.

Sec. 18-708. - Severability.

If any clause, sentence, paragraph, section or part of this article shall be determined by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder of this article but shall be confined in its operation to the clause, sentence, paragraph, section or part directly involved in the controversy for which the court's determination was made. Without affecting this general statement, each portion of these sign regulations is specifically severable, and the invalidity of any regulation in that portion shall not affect the validity or enforceability of other regulations in that portion. If any portion of this article is determined to be invalid, the remaining portions of this article shall be interpreted and applied to achieve as nearly as possible the result that would have been achieved if part of the article had not been determined to be invalid.

Sec. 18-715. - Sign permits.

- (a) *Permit required.* It shall be unlawful for any person to erect, maintain or continue the use of any sign regulated by this article without first obtaining a sign permit from the department, unless this article specifies that a permit is not required or the sign is specifically exempted in Section 18-705.
- (b) *Permit application.*
 - (1) An application for a sign permit shall be filed with the director in accordance with Section 18-31.
 - (2) In addition to the requirements of Section 18-31, the application shall include clear and complete graphic and written information adequate to show compliance with all applicable requirements of this article and any other applicable regulations of the city. At a minimum, the application shall include all requirements listed in the current sign permit application checklist.
- (c) *Permit approval.*

- (1) Sign permit applications shall be for review and action by the director. The director may take one of three actions:
 - a. Approval as submitted, if the application complies with all requirements of this article;
 - b. Approval with conditions which if followed will bring the application into compliance with all requirements of this article; or
 - c. Denial, if the application does not meet the requirements of this article.
 - (2) The director shall make a decision within 45 days after receiving a complete application for a sign permit.
 - (3) The actions of the director may be appealed to the board as provided in Section 18-718. If appealed, the board shall hear the appeal within 45 days after receiving a complete application for appeal.
 - (4) The requirement for a permit shall be deemed met upon specific agreement between the owner and the city to erect, maintain or continue the use of any sign.
- (d) *Inspection requirements.*
- (1) All signs for which a permit is required may be subject to the following inspections:
 - a. Footing inspection on all freestanding signs.
 - b. Electrical inspections on all illuminated signs or electronic signs.
 - c. An inspection of braces, anchors, supports and connections.
 - d. Site inspection to ensure that the sign has been constructed and located according to the approved application and valid sign permit.
 - (2) Every sign shall comply with the building code adopted in Chapter 10 of this Code.

Sec. 18-716. - Large developments.

- (a) Large developments shall submit a signage plan so the city may ensure that the signs on the site are similar in noncommunicative aspects with the main buildings and other signs.
- (b) For provisions of this chapter, a large development shall be any development project on a site that contains four acres or more that is located in the CR, RC, BP, CC, OI, EC, MU, TOD, EB, ES, EO, ETD, or I zone districts that either:
 - (1) Contains four or more contiguous tenant spaces in any one building on a zone lot; or
 - (2) Contains two or more main buildings on contiguous (disregarding intervening streets or alleys) lots, or the same lot, that share parking facilities and accesses.

- (c) The owner(s) of adjacent projects that were separately developed may request designation by the director as a large development if:
 - (1) The combined site meets the criteria in subsection (b) above; and
 - (2) The properties have access to internally connecting driveways.
- (d) The owner(s) shall submit to the director a large development signage plan containing the following:
 - (1) An accurate plot plan of the site, at such scale as the director may reasonably require;
 - (2) Location of buildings, parking lots, driveways, and landscaped areas on the site;
 - (3) Computation of the maximum total sign area, the maximum area for each individual sign, the height of each sign and the number of attached and freestanding signs included in the plan under this article based on the following:
 - a. The maximum sign area, maximum number of signs, maximum height, minimum setback, illumination, and additional requirements for attached signs shall be in accordance with Division 3 of this article;
 - b. The maximum sign area, maximum number of signs, maximum height, minimum setback, illumination, and additional requirements for freestanding signs shall be in accordance with Division 4 of this article;
 - c. All freestanding signs shall be monument signs;
 - d. One additional monument sign may be erected per street frontage.
 - e. Pad sites with no street frontage may have signage included in an off-site monument sign in accordance with subsection (d)(3)d above or on a monument sign erected off-site but within the large development boundaries if the owner of the property where the monument sign is to be located provides notarized written authorization; and
 - f. One electronic sign is permitted for large developments adjacent to I-25 or E-470 or an arterial or collector street in accordance with the regulations in Section 18-750.
 - (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except those signs exempted from this article under Section 18-705.
 - (5) The following design standards shall be used to ensure aesthetic consistency among all signs on a site for a large development and shall be reflected in the signage plan.
 - a. Wall signs on the same main building shall be placed in a common configuration sign area that is consistent with other signs;

- b. All wall signs on the same main building shall be similar in their noncommunicative aspects;
 - c. Each monument sign shall be located within a planted landscape area, which is of a shape and design that will provide ground definition to the sign and is similar in noncommunicative aspects with the surrounding area;
 - d. All monument signs shall be designed using materials, colors and design details that are complementary to the main building structure(s) in the large development.
- (e) Compliance with the large development signage plan shall be in accordance with the approved sign permit.

Sec. 18-717. - Interpretations for sign area.

Sign area shall be measured for all types of signs as follows:

- (1) *Signs with backing.* Signs with backing shall include, but not be limited to, cabinet signs or signs that are outlined or framed. The area of a cabinet sign or a sign enclosed by a box, outlined or framed, shall be measured by determining the smallest possible area of any rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of the display surface or face of the sign; including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.
- (2) *Signs without backing.* If the sign is composed of individual letters or symbols that are mounted against a surface that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area of the sign shall be measured by determining the area of the smallest possible area of a rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of each message. See Figures 717.1 to 717.5.

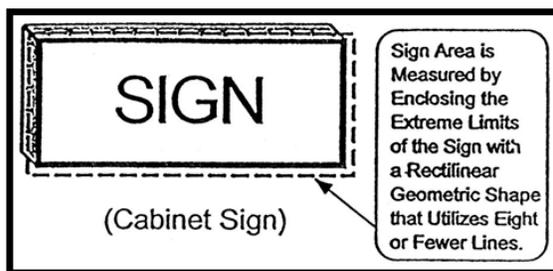


Figure 717.1

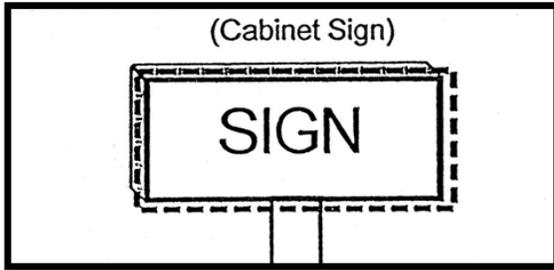


Figure 717.2

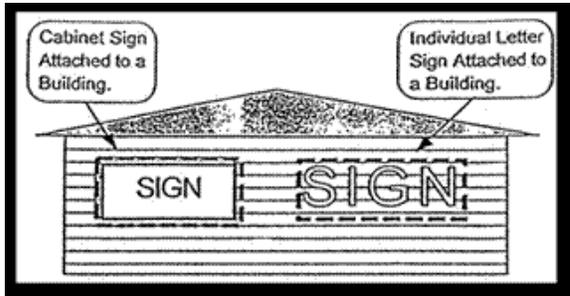


Figure 717.3

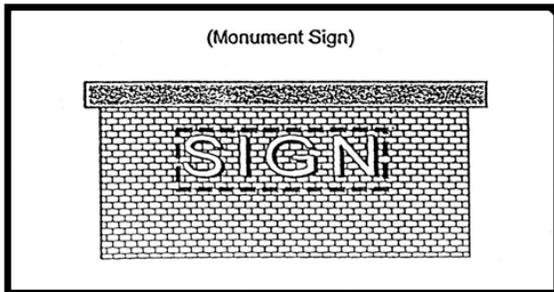


Figure 717.4

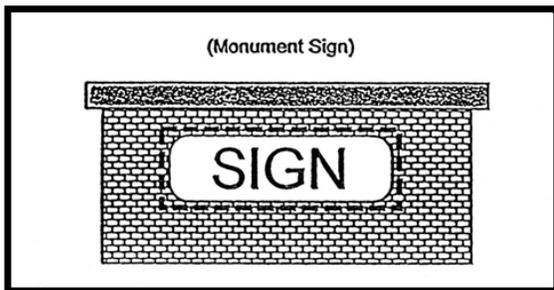


Figure 717.5

- (3) *Multi-faced signs.* Sign area for signs which have two parallel sign faces assembled in such a way that the faces cannot be viewed from any one point at the same time shall be calculated using only the larger of the two sign faces. Sign area for signs which have multiple sign faces not being parallel,

which can be viewed from any one point at the same time, such a v-shaped, triangles or cubes, shall be calculated using the total of all faces.

- (4) *Other forms.*
- a. When a sign is spherical, free form, sculptural and/or other nonplanar form, the sign area is measured as the sum of the area of the four vertical sides of the smallest polyhedron that will encompass the sign structure. See Figure 717.6.

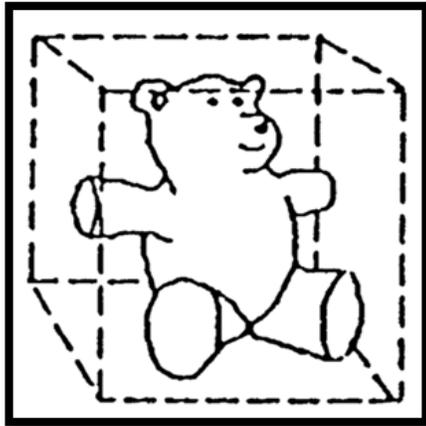


Figure 717.6

- b. Works of art, wall graphics, and architectural features shall be interpreted to constitute a sign, and the area shall be included in the calculation for determining the allowable sign area unless the applicant obtains any required approval from the Thornton Arts, Sciences and Humanities Council (TASHCO) pursuant to Division 7 of this article, or is exempted from the requirements of that division.
- (5) *Exceptions.*
- a. An illuminated canopy, awning, or architectural feature of a building is not considered a distinctive background for the purposes of measuring the sign area.
 - b. A decorative neon band or other outdoor building illumination which does not identify or convey information is not considered in the calculation of sign area.

Sec. 18-718. - Appeals, variances and adjustments.

(a) *Appeals.*

- (1) Appeals from a decision of the director or designee are available by the submission of a written request, on a form supplied by the department, to the board. The request shall specify the basis for the appeal. The board may overturn a decision of the director for two reasons:

- a. The board finds the director erred in the interpretation of the applicable regulation as provided in this article; or
 - b. The board finds a variance is in order due to an extraordinary hardship not induced by the appellant.
 - (2) The board shall make its determination only on the merits of each appeal brought before it.
 - (3) The board shall make a decision on the appeal within 45 days after receiving a complete application for appeal.
 - (4) Applications for a hearing for a variance or appeal before the board shall be processed in accordance with the rules, regulations and procedures governing actions of the board and contained in Section 18-34.
- (b) *Variances.*
- (1) In considering a variance to the sign regulations in this article, the board shall consider the following noncommunicative aspects of the proposed sign with and without the variance in making its determinations:
 - a. Whether the physical conditions are such that strict compliance with these regulations will create extreme, continuing, and undue hardship or harm.
 - b. Whether physical conditions are such that strict compliance with these regulations will unreasonably restrict the effectiveness of a sign and the absence of alternative means and locations available which would be in compliance with this article.
 - c. Whether the variance, if granted, will adversely affect an adjacent property or neighborhood.
 - d. Whether the variance, if granted, will comply with the overall intent of this article to secure the public health, safety, and welfare of the citizens of the city.
 - e. Whether the variance, if granted, is limited to the extent absolutely necessary to afford relief.
 - (2) Any variance granted by the board shall not be subject to any assignment or other permanent or temporary transfer by the variance recipient and shall terminate and become null and void upon discontinuance of the use or activity underlying the variance when granted.
 - (3) The board shall, in order to best satisfy the review criteria and standards set forth in subsection (b)(1) of this section, have the discretion to limit the time of the variance granted, subject the matter to periodic review, or impose other terms and conditions on the granting of the variance.
- (c) *Appeals to the director for minor adjustments.*
- (1) Applicants may seek approval from the director to allow for minor adjustments from the sign code on a form supplied by the department for this

purpose in response to unanticipated sign location issues or unusual physical site conditions, which may cause the need for some minor adjustments to be made to the allowable sign area or sign height. The director may authorize minor adjustments to the sign code that do one of the following:

- a. Allow for sign heights to be increased up to a maximum of two feet in height; or
 - b. Allow the maximum sign face area or sign dimensions of an individual sign to be increased up to a maximum of ten percent of the area or dimension otherwise provided; or
 - c. Allow the sign to encroach into a required property line setback up to a maximum of 20 percent of the required setback if such encroachment will not create a threat to public health or safety; or
 - d. Allow the sign to be located closer to another sign by reducing a required separation distance between the signs by up to 20 percent if such reduction will not create a threat to the public health or safety.
- (2) The director shall consider the criteria in Section 18-704(g) regarding discretionary approvals when making a decision.
 - (3) The director shall make a written decision within ten days of the request being made to the department.
 - (4) Appeals from the decision of the director are to be made to the board within ten days of the receipt of the letter concerning the action taken on the request.

Sec. 18-725. - Permitted signs chart.

This chart summarizes the types of signs allowed by zoning district. Additional criteria are included in the referenced sections, elsewhere in this article, and in the design standards in Article V of the Development Code.

CAMPAIGN REGULATIONS

Table 725.1 Permitted signs table

	Agricultural	Residential Estate	Single-Family Detached	Single-Family Attached	Multifamily	Manufactured Home	Eastlake Residential	Neighborhood Service	Community Retail	Regional Commercial	Business Park	City Center	Office/Institutional	Employment Center	Mixed Use	Transit Oriented Development	Eastlake Business	Eastlake Service	Eastlake Office	Eastlake TOD	Industrial
Legend: P = Permitted N = Sign type not permitted																					
Sign Type	Residential Districts								Nonresidential Districts												
<i>Attached signs—See Division 3</i>																					
Canopy sign	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-730 and 18-731.																					
Cylinder sign	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-730 and 18-732.																					
Projecting sign	N	N	N	N	N	N	N	P	P	P	N	P	N	P	P	P	P	P	P	P	N
Additional provisions. See Sec. 18-730 and 18-733.																					
Under-canopy sign	N	N	N	N	N	N	N	P	P	P	N	P	N	N	P	P	P	P	P	P	N
Additional provisions. See Sec. 18-730 and 18-734.																					
Wall sign	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-730 and 18-735.																					
<i>Freestanding signs—See Division 4</i>																					
Billboard sign	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Additional provisions. See Sec. 18-740 and 18-741.																					
Light pole banner	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-740 and 18-742.																					
Monument sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Secs. 18-740 and 18-743.																					
Pole sign	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	N	N	P
Additional provisions. See Secs. 18-740 and 18-744.																					
<i>Electronic signs—See Division 5</i>																					
Electronic Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-750.																					
<i>Temporary signs—See Division 6</i>																					
Special event sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-760.																					
Temporary sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Additional provisions. See Sec. 18-761.																					

Sec. 18-730. - General requirements.

The following standards shall apply to all attached signs in those zone districts where that type of attached signs is permitted pursuant to Section 18-725. These provisions shall not be interpreted to permit any attached sign in a zone district where it is not permitted by Section 18-725.

Sec. 18-731. - Canopy sign.

Table 18-731.1 Canopy Signs		
	Residential Zone Districts	Nonresidential Zone Districts
	Other	Agriculture
Maximum Number of Signs Allowed	None	Any number as long as the total square feet of all signs does not exceed 60 square feet.
Maximum Sign Area	N/A	60 square feet.
Maximum Sign Height	N/A	Controlled by the canopy structure
Minimum Setback	N/A	Controlled by the canopy structure.
Illumination	N/A	Concealed illumination or neon.

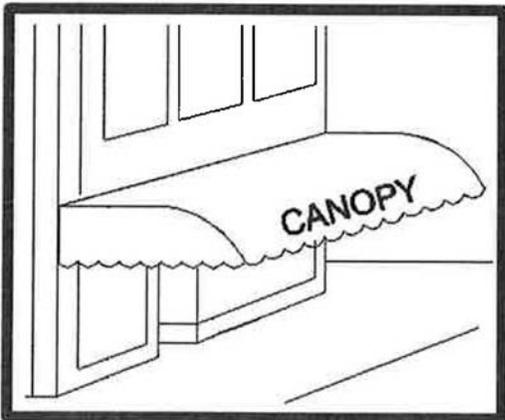


Figure 731.1

Sec. 18-732. - Cylinder sign.

Table 18-732.1 Cylinder Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	One
Maximum Sign Area	N/A	12 square feet
Maximum Sign Height	N/A	10 feet
Minimum Setback	N/A	Controlled by the wall on which the sign is attached.
Illumination	N/A	Concealed illumination.

(a) *Additional requirements.*

- (1) The outside edge of the sign shall project no more than 15 inches from the wall.
- (2) A cylinder sign may rotate on its axis but shall not exceed 50 revolutions per minute.



Figure 732.1

Sec. 18-733. - Projecting sign.

Table 18-733.1 Projecting Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	One per building user or tenant
Maximum Sign Area	N/A	Total for all projecting signs = 50% of permitted sign area for wall signs Total for all projecting signs and wall signs combined = 100% of permitted sign area for wall signs
Maximum Sign Height	N/A	Maximum height of first floor elevation
Minimum Sign Height	N/A	Minimum 7 foot clearance above grade required
Minimum Setback	N/A	Controlled by the wall on which the sign is attached
Illumination	N/A	Concealed illumination or neon

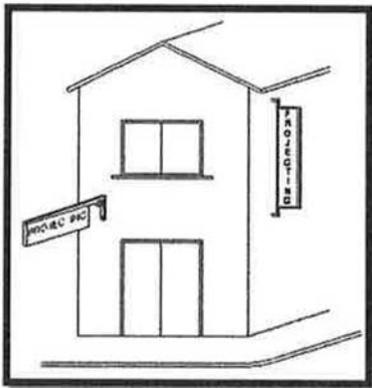


Figure 733.1

Sec. 18-734. - Under-canopy sign.

Table 18-734.1 Under-Canopy Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Number of Signs Allowed	None	2 per building user or tenant
Maximum Sign Area	N/A	4 square feet
Maximum Sign Height	N/A	Controlled by the canopy structure
Minimum Sign Clearance	N/A	7 feet from bottom edge of sign
Minimum Setback	N/A	Controlled by the canopy structure
Illumination	N/A	Concealed illumination

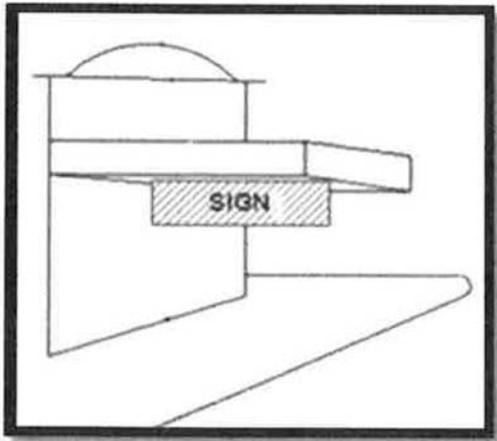


Figure 734.1

Sec. 18-735. - Wall sign.

Table 18-735.1 Wall Signs				
	Residential Zone Districts		Nonresidential Zone Districts	
	Other	Agriculture		
		Low-Rise (1 - 3 stories)	High-Rise (4 or more stories)	
Number of Signs Allowed	None	No limit	First floor = No Limit Above first floor = 2 (no more than 1 on an elevation)	
Maximum Sign Area	N/A	Greater of 60 sq. ft. or 8% of area of largest elevation of the main building(s) on a zone lot, subject to: Maximum on one elevation = 1,000 sq. ft. Maximum on all elevations = 2,000 sq. ft.	4 - 5 stories	300
			6 stories	325
			7 stories	350
			8-10 stories	400
			11-14 stories	575
			15+ stories	550
Total area of all wall signs and projecting signs combined shall not exceed maximum area for wall signs				
Maximum Sign Height	N/A	Controlled by wall on which sign is attached		
Minimum Sign Clearance	N/A	N/A		
Minimum Setback	N/A	Controlled by wall on which sign is attached		
Illumination	N/A	Concealed illumination or neon is permitted. Direct illumination is allowed if it does not increase the light level at the boundary of any adjacent residentially-zoned property, ignoring any intervening streets, by more than one foot-candle.		

(a) *Additional requirements.*

- (1) Wall signs can be placed on any elevation of a building three stories or less in height as long as the signs do not illuminate a residential area.

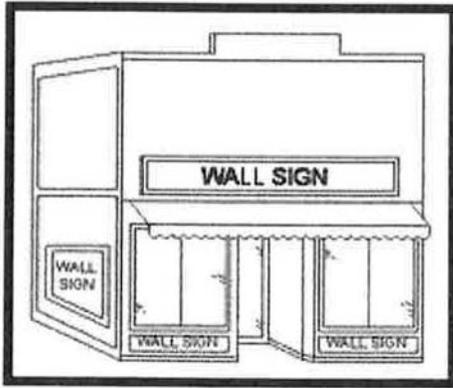


Figure 735.1

Sec. 18-740. - General requirements.

The following standards shall apply to all freestanding signs in those zone districts where that type of freestanding signs is permitted pursuant to Section 18-725. These provisions shall not be interpreted to permit any freestanding sign in a zone district where it is not permitted by Section 18-725.

- (1) *Minimum setback.*
 - a. One foot for every foot in height of the sign, or 25 feet, whichever is less. Signs located in an entry island shall have a setback of 25 feet from the flow line of the street.
 - b. No freestanding sign shall have less than a five-foot setback, as measured to the leading edge of the sign.
- (2) *Illumination.* Concealed illumination or neon.
- (3) *Bonus signage.*
 - a. Zone lots in the CR, RC, BP, CC, EC, OI, MU and I zoning districts with more than 400 lineal feet of street frontage may have one additional freestanding sign per 400-foot increment. One of the zone lot's additional freestanding signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
 - b. In the ETD and TOD zoning districts, zone lots with more than 300 lineal feet of street frontage may have one additional freestanding sign per 300-foot increment. One of the zone lot's additional freestanding signs may have a maximum sign area of 100 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
 - c. Large developments (as defined in Section 18-716(b)) may combine the individual lot street frontages adjacent to I-25 or E-470 for the purpose of calculating bonus signage.
 1. Large developments with more than 400 lineal feet of street frontage adjacent to I-25 or E-470 may have one additional freestanding sign per 400-foot increment. One of the additional signs may have a maximum sign area of 200 square feet. The

- size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
2. Frontages on other streets shall not be included in this calculation.
 3. The sign area calculated under this provision shall be the maximum freestanding signage allowed adjacent to I-25 or E-470.
 4. Other bonus signage shall be calculated based on the criteria in subsection (3)a or (3)b above. The street frontage adjacent to I-25 or E-470 shall not be included in that calculation.
- d. Large developments with a primary entrance drive located within 1,000 feet of the center of an interchange with I-25 or E-470 may combine the street frontage of individual lots adjacent to the roadway intersecting I-25 or E-470 for the purpose of calculating bonus signage.
1. Large developments with more than 400 lineal feet of street frontage along the roadway intersecting I-25 or E-470 may have one additional freestanding sign per 400-foot increment. One of the additional signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-740, 18-743, and 18-744.
 2. Frontages on other streets shall not be included in this calculation.
 3. The sign area calculated under this provision shall be the maximum signage allowed adjacent to the roadway intersecting I-25 or E-470.
 4. Other bonus signage shall be calculated based on the criteria in subsection (3)a or (3)b above. The street frontage adjacent to the roadway intersecting I-25 or E-470 shall not be included in that calculation.
- (4) *Multiple signs.* If two or more freestanding signs are constructed on one zone lot they shall be:
- a. Similar in noncommunicative aspects, including construction, design, and material; and
 - b. Separated by at least 250 feet.

Sec. 18-741. - Billboard sign.

Table 18-741.1 Billboard Signs		
	Residential Zone Districts	Nonresidential Zone Districts
Number of Signs Allowed	None	Any number as long as they are located at least 600 feet from any other permitted sign and at least 1,000 feet from any other billboard sign
Maximum Sign Area	N/A	300 square feet
Maximum Sign Height	N/A	25 feet; lowest point of any sign located within 1,000 feet of intersecting public rights-of-way shall be at least 8 feet above ground
Minimum Setback	N/A	25 feet, and at least 300 feet from intersecting rights-of-way.
Illumination	N/A	Concealed illumination or neon.

(a) *Additional requirements.*

- (1) Billboard signs shall be off-site freestanding signs; attached billboard signs are not permitted.
- (2) A billboard sign is permitted only on undeveloped property and shall be removed when development or redevelopment of the property begins.
- (3) Billboards located on undeveloped or developed property shall be removed when any redevelopment begins that requires a development permit.
- (4) A billboard sign may not have more than two structural supports.

Sec. 18-742. - Light pole banner.

Table 18-742.1 Light Pole Banners		
	Residential Zone Districts	Nonresidential Zone Districts
	Other	Agriculture
Number of Signs Allowed	None	Two light pole banners may be erected on any nonresidential zone lot that has at least 100 lineal feet of street frontage. Zone lots which have more than 100 lineal feet of street frontage may have two additional banners per 100-foot increment. No more than 2 light pole banners may be attached to one light pole.
Maximum Sign Area	N/A	15 square feet
Maximum Sign Height	N/A	Must be attached below the light arm.
Minimum Clearance	N/A	Seven feet from bottom arm supporting the banner. ^[1]
Minimum Setback	N/A	No minimum; light pole banners shall only be placed on light poles located on private property. ^[2]
Illumination	N/A	Only by existing light source on the light pole where the light pole banner is attached.
<p>^[1] The minimum clearance below a light pole banner may be less than seven feet if the applicant can demonstrate to the satisfaction of the director that the location of the light pole banner will not impede or block the regular flow of vehicle, bicycle or pedestrian traffic.</p>		
<p>^[2] Light pole banners may project onto the public rights-of-way by no more than 30 inches and shall not impede or block the flow of vehicle, bicycle, or pedestrian traffic on streets, sidewalks or trails.</p>		

(a) *Additional requirements.*

- (1) Light pole banners shall be designed, manufactured and installed specifically for use on light poles.
 - a. Light pole banners shall be made of fabric that can withstand all weather conditions to prevent fading and tearing.
 - b. Banners shall be mounted tautly and at a minimum shall have top and bottom support arms so that no part of the banner is flapping.
- (2) Light pole banners shall be maintained in accordance with Section 18-704(n).
- (3) A new sign permit is required if an approved light pole banner is replaced by a new light pole banner that varies in dimensions or placement to the original approval.

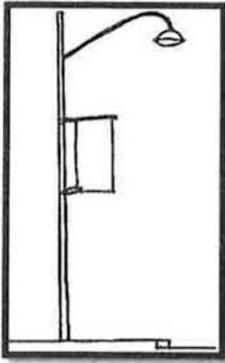


Figure 742.1

Sec. 18-743. - Monument sign.

Table 18-743.1 Monument Signs					
	Residential Zone Districts	EB, ES, and EO Zone Districts	ETD Zone District	A, NS, CR, MU, OI, and TOD Zone Districts	RC, BP, CC, EC, and I Zone Districts
Number of Signs Allowed	Two	General: One per zone lot street frontage longer than 90 linear feet, plus additional signs subject to Section 18-740(4). Large developments: General standard above applies, plus one additional sign per main building ^[1]			
Maximum Sign Area for signs legible from the public right-of-way	42 square feet	40 square feet	60 square feet	60 square feet ^{[2][3]}	100 square feet ^{[2][3]}
Maximum Sign Height	6 feet	8 feet	8 feet ^[4]	30 feet or the height of the building, whichever is less ^[4]	

Notes:

^[1] Provided that (a) the large development has internal roadways with a dedicated public access easement, (b) the additional sign is located adjacent to the internal roadway, (c) the additional sign does not exceed 8 feet in height or 40 square feet in area, and (d) complies with all other requirements of this article.

^[2] For nonresidential lots or large developments adjacent to I-25 or E-470, the bonus signage authorized by Section 18-740(3)a. or 18-740(3)c. may be consolidated into one monument sign. The consolidated sign shall be located on the side of the property adjacent to I-25 or E-470.

^[3] For nonresidential lots or large developments with a primary entrance drive located within 1,000 feet of the center of an interchange with I-25 or E-470, the bonus signage authorized by Section 18-740(3)a. or 18-740(3)d. may be consolidated into one monument sign. The consolidated sign shall be located on the side of the property adjacent to the roadway that intersects with I-25 or E-470.

^[4] For nonresidential lots or large developments adjacent to I-25 or E-470 that have consolidated sign area pursuant to note [1] above, the maximum sign height for the consolidated sign is 50 feet.

(a) *Additional requirements.*

- (1) Signs in residential districts should be located within a planted landscape area which is of a shape and design that will provide ground definition to the sign and is similar in noncommunicative aspects with the surrounding area.



Sec. 18-744. - Pole sign.

Table 18-744.1 Pole Signs				
	Residential Zone Districts		NS, CR, CC, MU, and OI Nonresidential Zone Districts	RC, BP, EC, and I Nonresidential Zone Districts
	Other	Agriculture		
Number of Signs Allowed	None	One per zone lot containing at least 90 linear feet of street frontage.		
Maximum Sign Area	N/A	40 square feet		80 square feet
Maximum Sign Height	N/A	30 feet or the height of the building, whichever is less.		

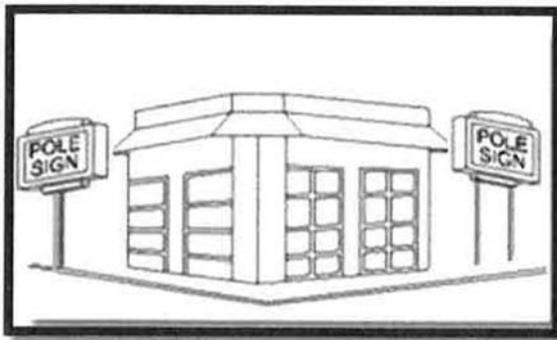


Figure 744.1

Sec. 18-750. - Electronic signs.

Table 18-750.1 Electronic signs	
All Zone Districts	
Number of Signs Allowed	One electronic sign per zone lot and one additional electronic sign per large development.
Maximum Sign Area	50 percent of the total allowed monument sign area; or 30 square feet for wall signs.
Maximum Sign Height	Wall signs shall comply with Sections 18-730 and 18-735. Monument signs shall comply with Sections 18-740 and 18-743.
Minimum Setback	Wall signs shall comply with Sections 18-730 and 18-735. Monument signs shall comply with Sections 18-740 and 18-743.
Illumination	Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 300 NITs (candelas per square meter) between dusk and dawn as measured from the sign's face. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT (candela per square meter) rating. City officials shall have the right to enter the property and view the programmed specifications of the sign to determine compliance with this provision. Other portions of the sign shall comply with the requirements of Section 18-735 or Division 4 of this article, whichever is applicable.
Minimum message hold time	The displayed message shall not change more frequently than once per five seconds.
Transition method and duration	The sign shall contain static messages only, changed only through dissolve or fade transitions, but which shall otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The transition time between each message displayed on the sign shall be less than one second.

(a) *Additional requirements.*

- (1) Electronic signs shall be accessory structures, except as permitted for large developments in Section 18-716.
- (2) Electronic signs are not allowed as pole signs or billboards.
- (3) In residential zones, electronic signs are only permitted on zone lots that are one acre or larger.

CAMPAIGN REGULATIONS

- (4) In the Neighborhood Service, Eastlake Business, Eastlake Service, Eastlake Office, and Eastlake TOD zones, electronic signs are permitted on zone lots that are one acre or larger.
- (5) In nonresidential zones, electronic signs are permitted for lots or large developments that are adjacent to I-25 or E-470 or an arterial or collector street. For purposes of this provision, a property shall be considered adjacent to the street or highway even if it is separated from the roadway by a publicly owned tract or a tract with a public easement that is restricted from development based on its use, topography, or physical characteristics.

Sec. 18-760. - Special event sign.

Table 18-760.1 Special Event Signs—Permit Required			
	Residential Zone Districts	Nonresidential Zone Districts	
Number of Signs Allowed	4 sign permits per calendar year, each not exceeding 15 consecutive days	6 sign permits per calendar year, each not exceeding 15 consecutive days	
Maximum Sign Area			
<i>Freestanding and Banners</i>	60 square feet	Floor Area of Use Conducting Event	Maximum Signage
		Less than 25,000 square feet	60 square feet
		25,000 square feet or larger but less than 100,000 square feet	150 square feet
		100,000 square feet or larger	400 square feet
<i>Small Balloons</i>	Unlimited	Unlimited	
<i>Large Balloons, Inflatable Device, pendant strands and Air Dancers</i>	One large balloon or inflatable device	One large balloon; one inflatable device; one air dancer; and 50 linear feet of pendant strands	
Maximum Sign Height			
<i>Banners</i>	Controlled by structure or surface the sign is attached to		
<i>Freestanding Signs and Feather Flags</i>	20 feet		
<i>Small Balloons</i>	No maximum		
<i>Large Balloons, Inflatable Device, Pendant Strands, and Air Dancers</i>	50 feet		

CAMPAIGN REGULATIONS

Minimum Setback	
Banners, freestanding signs, and feather flags	10 feet
<i>Large Balloons, Inflatable Device, Pendant Strands and Air Dancers</i>	Equal to the height of the balloon, inflatable device, pendant strands, or air dancer
Illumination	None

(a) *Additional requirements.*

- (1) A special event sign permit is required.
- (2) Special event permit signs are in addition to other temporary signs permitted on the property.
- (3) Banners.
 - a. Banners shall be securely fastened to a building or other permanent structure located on private property.
 - b. Banners may be attached to a tent or other temporary structure for which a temporary use permit has been approved.
- (4) The placement of special event signs shall not impede vehicle, bicycle, or pedestrian traffic at any time.

Sec. 18-761. - Temporary sign.

Table 761.1 Temporary Signs — No Permit Required				
	Residential Zones		Nonresidential Zones	
	Less than one acre	One acre or larger	NS, MU, OI, EC, EB, ES, EO, ETD	CR, RC, BP, CC, TOD, I
Number of signs allowed	Any number as long as the total square feet of all signs does not exceed the maximum sign area for that zone district or per building user or tenant, as applicable.			
Maximum sign area per zone lot				
<i>Developed</i>	72 square feet	100 square feet	Less than 25,000 square feet of floor area: 60 square feet per building user or tenant	
			25,000-100,000 square feet of floor area: 105 square feet per building user or tenant	
			100,000 square feet of floor area or larger: 230 square feet per building user or tenant	
<i>Undeveloped</i>	120 square feet	120 square feet	150 square feet	250 square feet
Maximum sign height	6 feet	10 feet	10 feet	20 feet
	Banner height controlled by the structure that the banner is affixed to			
Display duration				
<i>Developed</i>	One sign may be displayed for up to 180 days			
	Remainder of signs may not exceed 30 days of display			
<i>Undeveloped</i>	No limit			
Minimum setback	5 feet or the height of the sign, whichever is larger, and 25 feet from intersecting rights-of-way			
Illumination	Concealed illumination for swing signs only, and the level of illumination shall not exceed five foot-candles when measured five feet from the sign.			

(a) *Additional requirements.*

- (1) Temporary signs may be freestanding signs, banners or feather flags. All other types of temporary signage require a special event sign permit issued in accordance with Section 18-760 of the Code.
- (2) In large developments, the temporary signs authorized by this section may be displayed on any lot within the large development with the written

- approval of the property owner or owner's representative. In all other cases, the temporary signs shall be located on the lot with which it is associated.
- (3) Banners shall be securely attached to a building or other permanent structure located on private property.
 - (4) Banners may be attached to a tent or other temporary structure for which a temporary use permit has been approved.
 - (5) All other signs, including feather flags, shall be securely fastened to the ground to prevent them from falling over or being blown over in the wind.
 - (6) Signs, banners or feather flags that fall or blow into the public rights-of-way shall be removed in accordance with the provisions of Chapter 70 of the Code.

Sec. 70-11. - Traditional public forum areas.

- (a) *Applicability.* This section applies only in traditional public forum areas as defined herein.
- (b) *Display right.* In an area qualifying as a traditional public forum, private persons may dress in costume or display signs expressing messages that are within the protection of the First Amendment, without a permit, but subject to the following:
 - (1) The signs must be held by or attended by one or more persons;
 - (2) Signs shall not be inflatable or air-activated;
 - (3) In order to serve the city's interests in traffic flow and safety, persons and signs shall not:
 - a. Visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails;
 - b. Be located on a public street median or round-a-bout;
 - c. Conduct sales, transfer product, or collect monies of any kind; and
 - d. Obstruct or impede scheduled activities.
- (c) *Prohibited sign display.* Other than as allowed in subsection (b) above or in other provisions of this article, no transient signs may be mounted, erected, maintained, or displayed on city property.

Sec. 70-12. - Signs on city property.

- (a) Signs no larger than four square feet may be erected on public bulletin boards located in the public rights-of-way at the following locations:
 - (1) Hoffman Way just north of E. 88th Avenue;
 - (2) E. 108th Avenue just west of Colorado Boulevard near the entrance to the Multipurpose Fields; and
 - (3) Sherwood Hills Park at approximately E. 100th Avenue and Clayton Street.
 - (4) Other public bulletin boards designated by the city.
- (b) Transient signs.
 - (1) Transient signs shall comply with the following:

- a. Signs may be installed with stakes, except that signs placed in landscaped areas as determined by the city as locations that could create underground damage to public improvements shall be constructed as a weighted sign.
 - b. Signs may be installed in the public rights-of-way, excluding medians or roundabouts, as provided in this section. No sign shall be installed on a median or on a roundabout.
 - c. No sign shall visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails or visually or physically obstruct a traffic control device, railroad sign or signal.
 - d. Signs shall not exceed six square feet or four feet in height, and shall not be illuminated.
 - e. No sign shall be located within 50 feet of any intersection. See Figure 12.1.
 - f. Signs shall be setback five feet from the curb or pavement, unless the street is an unimproved roadway, in which case the sign shall be setback five feet from the flow line of the street.
 - g. When placing these signs at permitted locations, no person or vehicle shall obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or bikeways.
- (2) Additional provisions.
- a. Signs may be erected by a user of city parks or other facilities (other than a public right-of-way) pursuant to a permit issued by the city authorizing the use of that property.
 - b. Transient signs shall be displayed in city rights-of-way only during the time period beginning at 5:00 a.m. on Friday and extending to 7:00 a.m. of the following Monday. Transient signs are permitted in other locations if they are in compliance with Section 70-11.

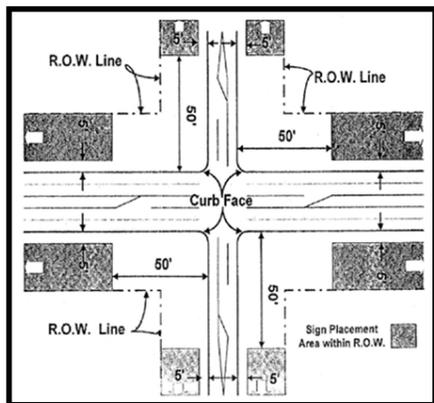


Figure 12.1. Sign Placement Areas within Rights-of-Way

GENERAL

The Colorado Constitution Article XXVIII (Article XXVIII) and Colorado Revised Statutes adopt the provisions of the *Fair Campaign Practices Act* (FCPA), Title 1, Article 45. Copies of both documents are attached behind the *Guidelines*.

Article XXVIII and the FCPA set forth certain requirements for Candidates to provide disclosure with respect to receiving campaign contributions and making expenditures. An individual who becomes a Candidate for City Council elective office is required to file certain forms with the City Clerk pursuant to these laws regardless of whether you receive or make expenditures. Copies of each blank form are available by request from the City Clerk's Office or on line at <http://www.cityofthornton.net/government/city-clerk/Pages/Candidate-Reporting-Forms.aspx>. An original must be filed with the City Clerk.

Electronic Filing of Reports

Reports may be filed electronically provided the report has been signed by the Candidate or the Registered Agent.

A completed sample of each form referenced is attached to assist you in completing the requirements of Article XXVIII and FCPA.

Political, issue, and small donor committees supporting or opposing Candidates or issues are also required to comply with these filing requirements.

Posting of Reports

Any report submitted pursuant to Article XXVIII and the FCPA will be made available for public inspection and placed on the City's website the day after reports are due.

If you have questions regarding your particular situation, you may wish to consult with a private attorney who can assist you with an interpretation of the applicable laws and regulations.

FREQUENTLY ASKED QUESTIONS

A list of frequently asked questions (FAQs) is on pages 5-8 and 5-9.

ANNOUNCING YOUR CANDIDACY

Candidate Affidavit

The Candidate Affidavit must be filed with the City Clerk's Office within 10 days of publicly announcing an intention to run for office and subsequently receiving a contribution *or* making an expenditure in support of the candidacy.

The definition of "publicly announced" contained in the Campaign and Political Finance Rule 1.19 states:

"Publicly announced an intention to seek election to public office or retention of a judicial office" means: 1.19.1, Registering a Candidate committee; or 1.19.2, Announcing an intent to seek election to public office through: (a) A speech, advertisement, or other communication reported or appearing in public media; or (b), A statement made in any place accessible to the public; or (c) A statement made in a manner that a reasonable person would expect to become public.

The City Clerk's office recommends that the Candidate Affidavit be filed as soon as possible after announcing candidacy to ensure compliance with Article XXVIII and the FCPA.

CAMPAIGN REPORTING REQUIREMENTS

Candidates are requested to provide an email address on this form so that our office can get information to you quickly, if it becomes necessary.

CANDIDATE COMMITTEES

Committee Registration Form

The Committee Registration form must be submitted prior to a Candidate accepting any contributions. A Candidate committee consists of a person, including the Candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a Candidate.

The Committee Registration form asks for the name of a Registered Agent. The Registered Agent, or committee treasurer is an individual designated to receive mailings and address concerns and questions regarding the committee. A Candidate may serve as their own Registered Agent. However, if there is a Registered Agent, that individual may sign the committee registration form and all disclosure reports instead of the Candidate.

A Candidate can only have one Candidate committee.

If you do not intend to accept contributions and will not be expending funds, or will only be expending personal funds, a Committee Registration Form will not need to be filed. However, you will still be required to file campaign reports throughout your candidacy.

Bank Accounts

All contributions received by a Candidate committee must be deposited and maintained in a financial institution in a separate account, the title of which must include the name of the committee.

All records pertaining to the account must be maintained by the committee for 180 days following the election.

2018 FCPA Changes to the Definition of “Contribution” and “Expenditure”

House Bill 18-1047 was adopted during the 2018 legislation session which changed the definition of “contribution” to exclude the payment of legal fees to advise a Candidate on compliance with campaign finance law or regulations or to represent a Candidate or Candidate committee in any action in which the Candidate or Candidate committee has been named as a defendant as used in Section 2(5)(a)(II) and (5)(a)(IV) of Article XXVIII of the State Constitution. Nor does “contribution” include an intervention by the Secretary of State, as authorized by Section 1-45-111.5(1.5)(g) of the FCPA, in any action brought to enforce the provisions of Article XXVIII of the State Constitution or Article 45.

The definition of “Expenditure” was also changed by House Bill 18-1047 to say that “Expenditure” does not include legal services paid to defend a Candidate or Candidate committee against any action brought to enforce the campaign finance provisions of the State Constitution or the FCPA.

CAMPAIGN REPORTING REQUIREMENTS

PROHIBITED CONTRIBUTORS

A Candidate committee cannot contribute to another Candidate committee or accept contributions from:

- ♦ Any person who is not a citizen of the United States, or
- ♦ A foreign government, or
- ♦ Any foreign corporation that does not have authority to transact business in Colorado pursuant to Article 115 of Title 7 of the Colorado Revised Statutes, or
- ♦ Another Candidate committee, or
- ♦ Issue Committees, or
- ♦ Anonymous donors of \$20 or more.

CONTRIBUTION LIMITS

There are no contribution limits for Candidate committees in a municipal election. However, please remember that:

- ♦ All contributions must be reported, and
- ♦ Contributions of \$20 or more must be itemized, and
- ♦ When a one-time contribution from an individual is \$100 or more, the employer and occupation of the contributor must be disclosed, and
- ♦ Contributions or expenditures exceeding \$100 must be made by check, money order, or traceable funds. No Candidate committee, political committee, small donor committee, issue committee, or political party can accept a contribution, or make an expenditure, in cash (currency or coin) exceeding \$100. [Article XXVIII Section 3(10)].

UNEXPENDED CONTRIBUTIONS

Unexpended contributions to a Candidate committee may be contributed to:

- a political party;
- a Candidate committee established by

the same Candidate for a different public office if the Candidate committee making such a contribution is affirmatively closed by the Candidate no later than ten days after the date such a contribution is made;

- donated to a charitable organization recognized by the Internal Revenue Service;
- returned to the contributors, or
- retained by the committee for use by the Candidate in a subsequent campaign.
- In no event shall contributions to a Candidate committee be used for personal purposes not reasonably related to supporting the election of the Candidate.

In addition, a person elected to a public office may use unexpended campaign contributions held by the person's Candidate committee for the following:

- Voter registration;
- political issue education;
- postsecondary educational scholarships;
- to defray reasonable and necessary expenses related to mailings and similar communications to constituents; and
- expenses directly related to official duties as an elected official, e.g., purchase or lease of office equipment and supplies.

EXPENDITURE LIMITS

There are no expenditure limits for Candidate committees in municipal elections. However, expenditures and obligations entered into by the committee must be reported. Expenditures or obligations of \$20 or more must be itemized and no Candidate committee shall make an expenditure in currency or coin exceeding \$100.

CAMPAIGN REPORTING REQUIREMENTS

payment is made or when there is a contractual agreement and the amount is determined (i.e., an obligation is made).

CAMPAIGN REPORTING

All Candidate, political, small donor, and issue committees and political parties are required to report to the City Clerk their contributions received, including the name and address of each person who has made contributions in the amount of \$20 or more; expenditures made; and obligations entered into by the committee. Candidates who do not receive contributions but use only their own funds must file Statements of Personal Expenditures by a Candidate, and Candidates who do not receive contributions and do not make expenditures must file Candidate Statements of Non-Receipt of Contributions or Non-Expenditure of Funds.

All reports must be submitted on forms provided by the City Clerk and complete in all respects. The City Clerk's Office will conduct a thorough review of each report filed. All reports will be accepted on a conditional basis and the registered agent and Candidate will be notified in writing if any deficiencies are found or if the report is incomplete. Notice may be provided in person, by mail, or by electronic mail if an electronic mail address is on file.

Late and Incomplete Filings

Failure to file reports by 5:00 p.m. on the date they are due could result in a \$50 per day fine.

If a report is deficient, the Registered Agent or Candidate will have 30 days from the date the notice is received to file an amended report. Amended reports not

filed by 5:00 p.m. on that date could result in a \$50 per day fine.

All small donor committees and political committees making contributions to municipal Candidates are required to file reports with the City Clerk even if they are registered with the Secretary of State [C.R.S. 1-45-109(1)(b)]. Small donor committees and political committees will be contacted if contributions are reported by a Candidate committee.

Reports must include any contributions or expenditures made up to five days prior to the filing date.

CAMPAIGN REPORTING FORMS

Applicability of Filing Deadlines

These filing deadlines are applicable to all candidate, issue, small donor, and political committees as well as independent expenditure committees who are contributing in a municipal election.

Filing Deadlines

All candidate, issue, small donor, political, and independent expenditure filing deadlines for reports in 2019 are as follows:

<u>Period Covered</u>	<u>Filing Date</u>
* - October 10	October 15
October 11 - October 27	November 1
October 28 - November 30	December 5

The reporting period closes five days prior to the filing date.

*From the date a contribution was received or expenditure made or, for incumbents with open committees from a prior election, from the date covered by the last report filed.

CAMPAIGN REPORTING REQUIREMENTS

An Annual Report of Contributions and Expenditures will need to be filed on November 1, 2020 (or next business day if the deadline falls on a weekend), and each year thereafter, if a Candidate's statement does not balance to -0- when the December 5, 2019 statement is filed **and** the Candidate has not terminated the committee.

Remember – if the Candidate's account balance is -0- on the December 5, 2019 report, the Committee may be terminated at that time. Just check the box next to "Termination Report" on the front page of the Report of Contribution and Expenditures Form.

The Annual Report should include the balance at the beginning of the reporting period, total of all contributions received, and total of expenditures made during the reporting period.

If the reporting deadline falls on a weekend or legal holiday, the report must be filed by the close of the next business day.

Completed reports, when signed, may be emailed to the City Clerk's Office at clerk@cityofthornton.net. If the signed report is emailed and received no later than 5:00 p.m. on the due date, it will be deemed received as of that date. Reports received after 5:00 p.m. will be deemed received on the following business day.

Following is a detailed summary for each of the three reporting forms with an example attached.

Report of Contributions and Expenditures Form

There are three methods that can be used to complete the reporting forms:

- 1) Requesting hard copy forms from the City Clerk's office and filled out manually;
- 2) Downloading the forms from the City's website and filling them out manually; or
- 3) Using the fill in forms on the City's website. The Report of Contributions and Expenditures fill-in form contains formulas that will calculate and carry-over totals from the itemized pages to the appropriate lines on pages 1 and 2 of the report as well as keep a running total of the amount of contributions and expenditures made on the detailed reporting pages.

Detailed instructions are included for completing the forms. Schedules A through D and Statement of Non-Monetary Contributions contain multiple pages should you need them. Below is a description of each page of this form (see attached sample) including basic instructions:

- ♦ **Report of Contributions and Expenditures:** This is the first page of the report. It contains all of the basic information about the committee, the type of report being filed and the reporting period, and a summary of the contributions and expenditures for the reporting period.
- ♦ **Detailed Summary:** This page is used to gather and calculate data from the other worksheets. This page and the first page of the report are where you enter your funds on hand from the previous reporting period.
- ♦ **Schedule A - Itemized Contributions:** All monetary contributions of \$20 or more should be reported here. Include the name and address of the individual and if the contribution is more than \$100,

CAMPAIGN REPORTING REQUIREMENTS

include the individual's place of employment and occupation.

- ♦ **Schedule B – Itemized Expenditures:** All expenditures are reported here. Any expenditure of \$20 or more needs to be itemized where indicated on this form and include the name, address, date, and purpose of each expenditure.
- ♦ **Schedule C – Loans:** Each loan from a lending institution received and repaid by the Candidate committee needs to be listed on a separate page.
- ♦ **Schedule D – Returned Expenditures & Contributions:** This form should be used to document any contributions or expenditures, or portions, that have been returned during the reporting period.
- ♦ **Statement of Non-Monetary Contributions:** The fair market value of all non-monetary gifts of any amount should be reported here.

Statement of Personal Expenditures by a Candidate

This form is for a Candidate who does not have a committee, has only expended personal funds, and has not accepted or received any contributions or non-monetary contributions. For such Candidates, this form may be substituted for the Report of Contributions and Expenditure.

NOTE: If a Candidate has expenditures or contributions in 2020, a non-election year, and each year thereafter, reports are to be filed annually on November 1 (or next business day if the deadline falls on a weekend).

Candidate Statement of Non-Receipt of Contributions or Non-Expenditure of Funds

This form is for a Candidate who does not have a committee, has not received contributions or made any expenditures, nor have any expenditures been made. For such Candidates, this form may be substituted for the Report of Contributions and Expenditures.

EXPENDITURES FOR POLITICAL ADVERTISING

A Candidate committee cannot pay any radio or television station, newspaper, periodical, or other supplier of materials, or services a higher charge than that normally required for local commercial customers for comparable use of space, materials or services. Any such rate shall not be rebated, directly or indirectly.

If any radio or television station, newspaper, or periodical charges a Candidate committee a lower rate for use of space, materials, or services than the rate charged another Candidate committee for comparable use of space materials, or services, the difference in such rate must be reported as a contribution to the Candidate committee that was charged the lower rate.

REPORTS ARE PUBLIC RECORD

Any report submitted pursuant to Article XXVIII and the FCPA will be made available for public inspection and placed on the City's website the day after reports are due.

No information contained in any campaign report may be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

NOTARY SERVICES

Some election forms must be notarized and some must be filed under oath. Notary public services are usually available at banks, car dealerships, real estate offices, and at places that provide mailing services. A notary public may charge up to \$5 for each document notarized. Notary public services are available at the City Clerk's Office on the second floor of City Hall during normal working hours. There is no charge for City-related business, such as notarization of campaign forms for City Candidates. However, the signer must be present.

CAMPAIGN REPORTING REQUIREMENTS

FREQUENTLY ASKED CAMPAIGN FINANCE QUESTIONS

- 1. Does a Candidate have to list employer and occupation of contributors on Schedule A and the Statement of Non-Monetary Contributions of the Report of Contributions and Expenditures form?** Yes, if a contribution is \$100 or more.
- 2. If a Candidate has a committee and has opened a bank account, what form should be filed?** The Report of Contributions and Expenditures form should be used even if the Candidate has only spent his or her own personal money. If the Candidate uses his or her own money to open the account, it should be listed as a contribution on Schedule A.
- 3. What should be listed on the non-monetary contributions page of the Report of Contributions and Expenditures form?** Examples of non-monetary contributions include payment for printing or other materials by someone other than the Candidate. The fair market value of the item should be the amount entered on that page. If the contribution is coordinated with the Candidate or Candidate committee, then the box on line 10 needs to be checked and the amount also needs to be listed on the Detailed Summary as a non-monetary expenditure.
- 4. Does a Candidate need to open a separate bank account if he/she does not have a committee and only spends personal funds?** No, there is no requirement for a Candidate without a committee to open a separate checking account. In this case, a Candidate should file the Statement of Personal Expenditures by a Candidate instead of the Report of Contributions and Expenditures form.
- 5. Can a Candidate pay individuals to do such things as distribute flyers and, if so, how is it reported?** This expenditure is okay as long as it is for campaign purposes. If the amounts spent are \$19.99 or less per worker, the total amount can be reported as a non-itemized expenditure on the Detailed Summary page of the Report of Contribution and Expenditures form. If it is \$20 or more then it has to be itemized on Schedule B.
- 6. Can a Candidate loan money to his/her committee?** Yes, and it should be reported as a contribution from the Candidate on Schedule A of the Report of Contributions and Expenditures form. Repayment of a loan by a Candidate would be reported as a returned contribution on Schedule D. Schedule C of the Report of Contribution and Expenditures Form is for reporting loans from lending institutions only.
- 7. Do I need to file copies of my campaign reports with the Secretary of State or Adams County?** No, Municipal Candidates only file reports with the City Clerk.
- 8. If a Small Donor Committee or Political Committee, that is registered with the Secretary of State and files reports with them, donates to my campaign, do**

CAMPAIGN REPORTING REQUIREMENTS

they have to submit a report with the City Clerk? Yes, C.R.S. 1-45-109(1)(b) states that, “For the purposes of meeting the filing and reporting requirements of this article: (b) Candidates in municipal elections, their Candidate committees, any political committee supporting or opposing a special district ballot issue; and small donor committees making contributions to such Candidates.” Small Donor Committees and Political Committees will be contacted if they are listed as a contributor to your campaign and have not filed the appropriate reports.

- 9. If I change who the Registered Agent is do I have to report that?** For Candidate Committees, when a registered agent resigns the candidate becomes the registered agent until the responsibilities are assigned to a new agent. You *must* file an amended Committee Registration form within ten days after the resignation of a registered agent or the appointment of a new registered agent.
- 10. What if I receive an anonymous contribution?** All anonymous contributions of \$20 or more must be donated to a charitable organization recognized by the Internal Revenue Service, or transmitted to the State Treasurer.
- 11. Can a Candidate Committee accept contributions from a “Go Fund Me” Account?** Contributions can be paid through a third party such as “Go Fund Me”, provided all contributions of \$20 or more are reported on the Report of Contributions and Expenditures form and includes the name and address of everyone who has donated \$20 or more. If the “Go Fund Me” service charges 10% for collecting the funds, for example, a contribution of \$100 would be listed as a \$100 contribution and the \$10 charge would be listed as an expenditure to “Go Fund Me”. It is still considered a \$100 donation because that is the amount donated/contributed to the “Go Fund Me” account. The Committee is still required to list the name, address, employer and occupation for a donation of \$100 or more. If the donation is \$20, it would need to be listed as a \$20 contribution and as a \$2.00 expenditure to “Go Fund Me”.

SAMPLE

Candidate Affidavit

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 200
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
Fax: (303) 869-4861
www.sos.state.co.us



Space Below For Office Use Only

SAMPLE

CANDIDATE AFFIDAVIT
[Art. XXVIII, Sec. 2(2) & 1-45-110(1), C.R.S.]

- State, County, School District, and Special District Candidates file with the Secretary of State
- Municipal Candidates file with the Municipal Clerk

This affidavit shall certify that I, John Citizen, a member of the
(Name*)
N/A political party/organization (if applicable), am a candidate
(Political Party*)
for the 2019 election, [Art. XXVIII, Sec. 2(2)] for the office of Councilmember,
(Year*) (Office*)
Ward # 1 (if applicable), County Adams (if applicable).
(Ward #*) (County*)

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance.

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate* Candidate Signature Date*: Date Signed

Physical Address of Candidate*: 8800 Thornton Street, Thornton, CO 80229
(Street/City/St/Zip*)

Mailing address: 8800 Thornton Street, Thornton, CO 80229

Business Phone: 303-777-0777 Residence Phone*: 303-777-0778

Fax: 303-777-0779 Web Address: www.mywebsite.com

E-Mail Address*: jcitizen@mywebsite.com

Fields marked with * are required unless they do not apply to the race for which you are submitting this affidavit. The notary section below must be completed in full.

STATE OF COLORADO
COUNTY OF Adams

Before me, Name of Notary, a notary/officer duly authorized to administer oaths, in and for said State, personally appeared John Citizen, whose name is subscribed to the foregoing Candidate Affidavit, and who affirms, that said statements are true and that he/she acknowledges the execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and affirmed to before me this 16th day of July, 2019.

(Seal)

Signature of Notary
(Notary/Official Signature)

Commission Expiration Date
(Commission Expires)

SAMPLE

**Committee
Registration**

Colorado Secretary of State
Elections Division
1700 Broadway, Suite 200
Denver, CO 80290
Ph: (303) 894-2200
Fax: (303) 869-4861
Email: cpfhelp@sos.state.co.us
Website: www.sos.state.co.us



Below Space or Office Use Only

SAMPLE

NEW COMMITTEE REGISTRATION FORM

(1-45-108, C.R.S.)

Please use this form if you are registering a new committee for Colorado campaign finance purposes.

Independent Expenditure Committees Use Secretary of State Form CPF-37

Or register online at: tracer.sos.colorado.gov

Select Only One Committee Type:

- Candidate Committee State Political Committee Small Donor Committee Political Party
 Issue Committee Small-Scale Issue Committee 527 Political Organization

Committee Name: Committee to Elect John Citizen

Name should be descriptive. Include office, organization name, etc. Note: Colorado does not have PACs, only Political Committees.

Committee Address (physical): 8800 Thornton Street, Thornton, CO 80229

Committee Address (mailing): 8800 Thornton Street, Thornton, CO 80229

Phone Number: 303-777-0777

Alternate Phone Number: 303-777-0778

Fax Number: 303-777-0777

Web Address: www.mywebsite.com

Check Only One Jurisdiction:

State

COUNTY

Special District

School District

Enter Applicable
Counties

Municipal (file with Municipality)

Purpose/Office Sought (include party, office, district & election year, if applicable):

To Elect John Citizen to Council Ward 1 at the November 5, 2019 Regular Election

Financial Institution Information:

Institution Name: US Bank

Institution Address: 9000 Colorado Street, Thornton, CO 80229

Authorized Agents Contact Information:

Registered Agent:

Name: Sally Smith

Phone Number: 303-538-7000

E-mail Address: smith@mywebsite.com

Address (Physical): 1000 Thornton Parkway, Thornton Co 80229

Address (Mailing): 1000 Thornton Parkway, Thornton Co 80229

Designated Filing Agent: (Optional)

Name: _____

Phone Number: _____

E-mail Address: _____

Address (Physical): _____

Address (Mailing): _____

Registered Agent's Signature:

X Signature

Date: 1/10/2019

Designated Filing Agent's Signature:

X _____

Date: _____

Candidate Committee Complete the following:

Print Candidate Name: John Citizen

Candidate Address (include mailing): 8800 Thornton Street

Candidate Signature:

X Signature

Date: 1/10/2019

Print Form

SAMPLE

**Report of
Contributions and
Expenditures**

DETAILED SUMMARY

Full Name of Committee/Person: John Citizen

Current Reporting Period: 10/11/19 Through 10/27/19

Funds on hand at the beginning of reporting period (Monetary Only):		\$569.00
6	Itemized Contributions \$20 or More [CRS 1-45-108(1)(a)] (Please list on Schedule "A")	\$250.00
7	Total of Non-Itemized Contributions (Contributions of \$19.99 and Less)	\$25.00
8	Loans Received (Please list on Schedule "C")	\$500.00
9	Total of Other Receipts (Interest, Dividends, etc.)	\$30.00
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$20.00
11	Total Monetary Contributions (Total of lines 6 through 10)	\$825.00
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$200.00
13	Total Contributions (Line 11 + line 12)	\$1,025.00
14	Itemized Expenditures \$20 or More [CRS 1-45-108(1)(a)] (Please list on Schedule "B")	\$86.00
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 and less)	\$10.00
16	Loan Repayments Made (Please list on Schedule "C")	\$35.00
17	Returned Contributions (To Donor) (Please list on Schedule "D")	\$25.00
18	Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee & Political Parties only)	\$25.00
19	Total Monetary Expenditures (Total of lines 14 through 17)	\$156.00
20	Total Monetary Expenditures (Line 18 + Line 19)	\$181.00

Schedule A - Itemized Contributions Statement (\$20 or more)

[C.R.S. 1-45-108 (1) (a)]

Full Name of Committee/Person: John Citizen

Reporting Period Covered: 10/11/19 date **Through** 10/27/19 date

WARNING: Please read the instruction page for Schedule "A" before completing!

Total Itemized Contributions: \$ 250.00

PLEASE PRINT/TYPE

1 <u>Date Accepted</u> 10/12/2019	4 Name (Last, First): <u>Manning, Fred</u>
2 <u>Contribution Amount</u> \$ 50.00	5 Address: <u>500 Main Street</u>
3 <u>Aggregate Amount*</u> \$	6 City/State/Zip: <u>Thornton, CO 80229</u>
	7 Description: <u>cash</u>
	8 Employer (if applicable, <u>mandatory</u>): <u>n/a</u>
	9 Occupation (if applicable, <u>mandatory</u>): <u>n/a</u>

1 <u>Date Accepted</u> 10/13/2019	4 Name (Last, First): <u>White, Lee</u>
2 <u>Contribution Amount</u> \$ 25.00	5 Address: <u>200 Thornton Parkway</u>
3 <u>Aggregate Amount*</u> \$	6 City/State/Zip: <u>Thornton, CO 80229</u>
	7 Description: <u>cash</u>
	8 Employer (if applicable, <u>mandatory</u>): <u>n/a</u>
	9 Occupation (if applicable, <u>mandatory</u>): <u>n/a</u>

1 <u>Date Accepted</u> 10/23/2019	4 Name (Last, First): <u>Black, Sandy</u>
2 <u>Contribution Amount</u> \$ 100.00	5 Address: <u>8500 Pearl Street</u>
3 <u>Aggregate Amount*</u> \$	6 City/State/Zip: <u>Thornton, CO 80229</u>
	7 Description: <u>check</u>
	8 Employer (if applicable, <u>mandatory</u>): <u>North Valley Bank</u>
	9 Occupation (if applicable, <u>mandatory</u>): <u>Administrative Assistant</u>

1 <u>Date Accepted</u> 10/13/2019	4 Name (Last, First): <u>White, Lee</u>
2 <u>Contribution Amount</u> \$ 75.00	5 Address: <u>200 Thornton Parkway</u>
3 <u>Aggregate Amount*</u> \$	6 City/State/Zip: <u>Thornton, CO 80229</u>
	7 Description: <u>cash</u>
	8 Employer (if applicable, <u>mandatory</u>): <u>n/a</u>
	9 Occupation (if applicable, <u>mandatory</u>): <u>n/a</u>

* For contribution limits within a committee's election cycle or contribution cycle, please refer to the following Colorado Constitutional cites: Candidate Committee Art. XXVIII, Sec. 2(6); Political Party Art. XXVIII, Sec. 3(3); Political Committee Art. XXVIII, Sec 3(5); Small Donor Committee Art. XXVIII, Sec. 2(14).

Schedule B - Itemized Expenditures Statement (\$20 or more)

[C.R.S. 1-45-108-(1) (a)]

Full Name of Committee/Person: John Citizen

Reporting Period Covered:

10/11/19

date

Through

10/27/19

date

Total Itemized Expenditures:

86.00

PLEASE PRINT/TYPE

1 <u>Date Expended</u> 10/23/19	4 Name (Last, First): <u>United Sates Postal Service</u>
2 <u>Amount</u> \$ 36.00	5 Address: <u>8804 Washington Street</u>
3 <u>Recipient is (optional):</u> <input type="checkbox"/> Committee <input checked="" type="checkbox"/> Non-Committee	6 City/State/Zip: <u>Thornton, CO 80229</u>
	7 Purpose of Expenditure: <u>Postage</u>

1 <u>Date Expended</u> 10/23/19	4 Name (Last, First): <u>Office Max</u>
2 <u>Amount</u> \$ 50.00	5 Address: <u>801 East 120th Avenue</u>
3 <u>Recipient is (optional):</u> <input type="checkbox"/> Committee <input checked="" type="checkbox"/> Non-Committee	6 City/State/Zip: <u>Thornton, CO 80241</u>
	7 Purpose of Expenditure: <u>Envelopes and paper</u>

1 <u>Date Expended</u>	4 Name (Last, First): _____
2 <u>Amount</u> \$ _____	5 Address: _____
3 <u>Recipient is (optional):</u> <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6 City/State/Zip: _____
	7 Purpose of Expenditure: _____

1 <u>Date Expended</u>	4 Name (Last, First): _____
2 <u>Amount</u> \$ _____	5 Address: _____
3 <u>Recipient is (optional):</u> <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6 City/State/Zip: _____
	7 Purpose of Expenditure: _____

Statement of Non-Monetary Contributions

[Art. XXVIII, Sect. 2, (5) (a) (II) (III), Sect. 5, (3)]
[C.R.S. 1-45-108 (1)]

Full Name of Committee/Person: John Citizen

Reporting Period Covered: 10/11/19 Through 10/27/19
date date

Total Itemized Expenditures: \$200.00

PLEASE PRINT/TYPE

1 <u>Date Provided</u> 10/13/19	4 Name (Last, First): Jones, John
2 <u>Fair Market Value</u> \$200.00	5 Address: 200 Thornton Parkway
3 <u>Aggregate Amount</u>	6 City/State/Zip: Thornton, CO 80229
	7 Description: used desk and chair
	8 Employer (if applicable, <u>mandatory</u>): Office Max
	9 Occupation (if applicable, <u>mandatory</u>): Manager
	10 <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
2 <u>Fair Market Value</u>	5 Address: _____
3 <u>Aggregate Amount</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
2 <u>Fair Market Value</u>	5 Address: _____
3 <u>Aggregate Amount</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
2 <u>Fair Market Value</u>	5 Address: _____
3 <u>Aggregate Amount</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

1 <u>Date Provided</u>	4 Name (Last, First): _____
2 <u>Fair Market Value</u>	5 Address: _____
3 <u>Aggregate Amount</u>	6 City/State/Zip: _____
	7 Description: _____
	8 Employer (if applicable, <u>mandatory</u>): _____
	9 Occupation (if applicable, <u>mandatory</u>): _____
	10 <input type="checkbox"/> Check box if Coordinated with a Candidate/Candidate Committee or Political Party.*

* Note: If coordinated, then contribution must also be reported as a non-monetary expenditure on Detailed Summary. Art. XXVIII, Sec. 2(9) states: "...Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee."

SAMPLE

**Statement of
Personal
Expenditures**

Colorado Secretary of State
 Elections Division
 1700 Broadway, Ste. 200
 Denver, CO 80290
 Ph: (303)894-2200 ext. 6383
 Fax: (303)869-4861
 Email: cpfhelp@sos.state.co.us
 www.sos.state.co.us



Space Below For Office Use Only

SAMPLE

STATEMENT OF PERSONAL EXPENDITURES BY A CANDIDATE

[C.R.S. 1-45-108(1) & C.R.S. 1-45-109]

For use by a candidate who has not received any contributions (does not have a candidate committee),
 but has made expenditures of personal funds.

Name of Candidate: John Citizen

Address of Candidate: 880 Thornton Street

City, State, and Zip Code: Thornton, CO 80229

Office Being Sought: Councilmember Ward: 1

Reporting Period: Beginning Date 10/11/19 Ending Date 10/27/19

- Scheduled** October 15, 2019 (21 days prior to the November 5, 2019 Municipal Election)
Filing November 1, 2019 (Friday prior to the November 5, 2019 Municipal Election)
Deadlines: December 5, 2019 (30 days after the November 5, 2019 Municipal Election)
 Annual - candidates from prior election held on _____

Total amount of Non-Itemized Expenditures (\$19.99 or less): \$ 10.00

Expenditure exceeding \$19.99 shall be itemized and listed below.

1. <u>Date Expended</u> <u>10/25/19</u>	3.Name: <u>Office Max</u> 4.Address: <u>801 East 120th Avenue</u>
2. <u>Amount</u> \$ <u>26.75</u>	5.City, State, Zip: <u>Thornton, CO 80241</u> 6.Purpose of Expense: <u>Copies</u>

1. <u>Date Expended</u> _____	3.Name: _____ 4.Address: _____
2. <u>Amount</u> \$ _____	5.City, State, Zip: _____ 6.Purpose of Expense: _____

1. <u>Date Expended</u> _____	3.Name: _____ 4.Address: _____
2. <u>Amount</u> \$ _____	5.City, State, Zip: _____ 6.Purpose of Expense: _____

I certify to the best of my knowledge this Statement of Expenditures is true and correct.

Candidate Signature: _____ Date: _____

SAMPLE

**Candidate
Statement of Non-
Receipt**

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 200
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
Fax: (303) 869-4861
Email: cpfhelp@sos.state.co.us
www.sos.state.co.us

Space Below For Office Use Only



SAMPLE

**CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS
OR**

NON-EXPENDITURE OF FUNDS

[C.R.S. 1-45-108(1) & C.R.S. 1-45-109]

This form is for the use of candidates that do **not** have a campaign committee and have not received contributions nor made expenditures. No expenditures have been made on behalf of the candidates.

Name of Candidate: John Citizen

Address of Candidate: 880 Thornton Street

City, State, Zip: Thornton, CO 80229

Reporting Period: Beginning Date 10/11/19 Ending Date 10/27/19

- Scheduled Filing Deadlines:**
- October 15, 2019 (21 days prior to the November 5, 2019 Municipal Election)
 - November 1, 2019 (Friday prior to the November 5, 2019 Municipal Election)
 - December 5, 2019 (30 days after the November 5, 2019 Municipal Election)
 - Annual - candidates from prior election held on _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$ 0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$ 0.00

I, John Citizen, affirm that no person received contributions on my behalf nor made any expenditures on my behalf. No contributions have been pledged to me nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my behalf during this election reporting period.

Candidate Signature: Signature of John Citizen Date: 11/1/2019

IMPORTANT CAMPAIGN DATES

The conduct of an election requires the City Clerk, Candidates, and voters to adhere to specific deadlines. The following is a list of important dates to remember. The majority of the dates are legal deadlines and cannot be waived. It is strongly suggested that you enter these dates in your personal calendar.

DATE	ACTION
THURSDAY, JULY 18	Candidate Briefing
TUESDAY, AUGUST 6	Nomination Petitions may be picked up or printed from the City's website and circulated 91 days before the election
MONDAY, AUGUST 26	Nomination Petitions are due to the City Clerk by 5:00 p.m. 71 days prior to the election
FRIDAY, AUGUST 30	Last day to withdraw from Nomination is no later than 64 days before the election
WEDNESDAY, SEPTEMBER 4	Election Commission meets to draw names to determine the order of the candidates on the ballot
MONDAY, OCTOBER 14	Ballots mailed to active registered voters not sooner than 22 days and no later than 18 days before the election, except UOCAVA voters
TUESDAY, OCTOBER 15	Last day to register to vote through a <u>voter registration drive</u>
TUESDAY, OCTOBER 15	First Contribution and Expenditure Statements for 2019 Candidates and issue committees are due
FRIDAY, OCTOBER 18	Last day ballots mailed to active registered voters not sooner than 22 days and no later than 18 days before the election, except UOCAVA voters
MONDAY, OCTOBER 21	Beginning today and including Election Day, voters can register to vote at a Voter Service and Polling Center or at the Adams County Election Office
MONDAY, OCTOBER 28	Last day to register to vote by mail or online at www.govotecolorado.com to receive a ballot by mail
FRIDAY, NOVEMBER 1	Annual Contribution and Expenditure Statements from <u>prior election</u> Candidates and issue committees are due
FRIDAY, NOVEMBER 1	Second Contribution and Expenditure Statements for 2019 Candidates and issue committees are due
TUESDAY, NOVEMBER 5	ELECTION DAY
THURSDAY, DECEMBER 5	Post-election Contribution and Expenditure Statements for 2019 Candidates and issue committees are due

IMPORTANT CAMPAIGN DATES

CANDIDATE CHECKLIST OF DOCUMENT FILINGS

To assist you in keeping track of documents which must be filed with the City Clerk's Office, the following checklist is provided:

ACTION	DEADLINE	DATE COMPLETED
Candidate Affidavit	Within 10 days of announcing or establishing candidacy and receiving a contribution	
Committee Registration	Before accepting any contributions	
Nomination Petitions may be picked up or printed from the City's website and circulated	August 6, 2019 (Tuesday)	
Deadline to file Nomination Petitions	August 26, 2019 (Monday)	
Campaign Reports due (21 days before Election)	October 15, 2019 (Tuesday)	
Campaign Reports due (Friday before Election)	November 1, 2019 (Friday)	
Annual Campaign Reports due (if applicable) from <u>prior election</u> Candidates	November 1, 2019 (Monday) and annually thereafter	
Campaign Reports due (30 days after Election)	December 5, 2019 (Thursday)	

IMPORTANT TELEPHONE NUMBERS

The following telephone numbers are provided to assist you with election and City government related questions.

Election-Related Questions

Kristen Rosenbaum, City Clerk 303-538-7309

Nancy Vincent, Senior Deputy City Clerk 303-538-7223

Sign Code Questions and Complaints Regarding Placement of Election Signs in the Public Right-of-Way

Code Compliance 303-538-7517

Voter Registration Questions/Requests for Voter Registration Records

Adams County Elections Office 720-523-6500
4430 S. Adams County Parkway, Suite 3102
Brighton, CO 80601-8207

General City Government Information

City Clerk's Office 303-538-7230

City Clerk's FAX Number 303-538-7224

GIS Department (to obtain City Ward maps) 303-538-7295



**City of
Thornton**

***Charter of the
City of Thornton***

Last amended on November 7, 2017

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CHARTER OF THE CITY OF THORNTON, COLORADO

PREAMBLE

We, the people of Thornton, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish, and adopt this Charter for our municipal government.

CHAPTER I NAME AND BOUNDARIES

1.1. NAME AND BOUNDARIES. The municipal corporation heretofore existing as the “City of Thornton” in Adams County of Colorado shall remain and continue a body politic and corporate and under this Charter shall be known as the “City of Thornton” with the same boundaries until changed in a manner authorized by law.

CHAPTER II MUNICIPAL POWERS

2.1. POWERS, RIGHTS, AND LIABILITIES. By the name of the City of Thornton the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City of Thornton and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said City of Thornton; may, in the name of the City of Thornton, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure.

The City shall have all the power of local self-government and home rule and all power possible for a city to have, under the Constitution of the State of Colorado. The City shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others.

All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the City. All ordinances of the City of Thornton in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provisions of this Charter or shall be amended or repealed by ordinances enacted under the authority of this Charter.

2.2. FORM OF GOVERNMENT. The municipal government provided by this Charter shall be known as the “Council-Manager Government.” Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter all powers of the City shall be vested in an elective Council and such other boards, commissions, departments, and officials as are provided for in this Charter.

CHAPTER III ELECTIONS

3.1. REGULAR MUNICIPAL ELECTIONS. Regular municipal elections shall be held on the first Tuesday in November in the odd-numbered years.

3.2. SPECIAL MUNICIPAL ELECTION. Special City elections shall be held when called by resolution of the Council at least forty (40) days in advance of such election, or when required by this Charter or statute. Any resolution calling a special election shall set forth the purpose of such election.

3.3. LAWS GOVERNING ELECTIONS. Regular and special municipal elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may by ordinance establish election procedures, the method for registration of electors, the number, qualifications and compensation for election judges and clerks, and the boundaries of election precincts.

3.4. RECALL FROM OFFICE.

- (a) Any person holding elective office may be recalled at any time after six months in office pursuant to the procedures set forth in this Charter, in those State statutes, as from time to time amended, which do not conflict with this Charter and which establish procedures for the recall of municipal elective

officers, and in those City ordinances which do not conflict with the Charter or those State statutes.

- (b) A recall petition must be signed by registered electors of the City numbering at least twenty-five percent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be recalled occupies. For the purpose of this Section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.
- (c) No signature on a recall petition shall be valid if signed on a date more than sixty days prior to the date the signed petition is filed with the City Clerk.
- (d) No recall election shall be held if the person sought to be recalled occupies one of the offices to be filled at a regular election which is scheduled within ninety days after submission of the recall petition.
- (e) After one recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty percent of the votes cast at the last preceding election for all candidates for the office held by such person, the number to be determined in the manner described in this Section.
- (f) A copy of the recall petition shall be filed with the City Clerk prior to any signatures being placed on the petition. The City Clerk shall provide, upon request, sample forms of petitions which conform to the requirements of this Charter.
- (g) The officer with whom any protest is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the officer may enforce the subpoena as provided by ordinance or may petition the Municipal Court and, upon proper showing, the Court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of Court shall be punishable as a contempt of court.
- (h) Except as to requirements contained in this Charter, in the State statutes, as from time to time amended, applicable to the recall of municipal elective officers, and in City ordinances, the

form, content, approval and other petition requirements in the municipal initiative statutes, as from time to time amended, shall apply as nearly as practicable to recall petitions.

- (i) If a regular Municipal election is scheduled to be held within ninety (90) days after submission of the recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular Municipal election.
- (j) If a general statewide election is scheduled to be held within ninety (90) days after submission of the recall petition, the recall election shall be held at the same time as that statewide election.
- (k) A recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

CHAPTER IV

CITY COUNCIL - MEETINGS

4.1. CITY COUNCIL. The City Council shall consist of nine (9) members, one of whom shall serve as Mayor. The City Council shall constitute the legislative and governing body of the City and shall have power and authority, except as otherwise provided in this Charter, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. The Council shall also have all legislative powers and functions of municipal government conferred by general law, except as otherwise provided in this Charter.

4.2. WARDS.

- (a) The City is hereby divided into four (4) wards. The Council shall change the boundaries of such wards to reflect population shifts at least once every ten (10) years. Changes in the boundaries of wards shall be made by ordinance adopted by the City Council, which changes shall be made at least one

hundred eighty (180) days prior to any regular municipal election, except that territory added to the City shall become a part of the ward or wards as determined by ordinance even if the addition is effective within the one hundred and eighty day period. Wards shall be contiguous and compact, and, as far as practical, shall have approximately the same number of residents.

- (b) No change in the boundary of any ward shall operate to exclude any Councilmember from office before the expiration of the term for which the incumbent was elected or appointed.

4.3. TERMS.

- (a) The terms of office of the Councilmembers hereafter to be elected in accordance with the provisions of this Charter shall be for four (4) years commencing on the first Council meeting, regular or special, following their election and shall continue during the term for which they shall have been elected until their successors shall have been elected and qualified. Every two (2) years at the regular municipal election one Councilmember shall be elected from each ward for a four (4) year term.
- (b) A Mayor shall be elected at-large for a term of four (4) years, the term of the Mayor commencing at the same time as herein provided for Councilmembers.

4.4. QUALIFICATIONS. No person shall be eligible to be elected or appointed to the office of Mayor or Councilmember unless the person is a citizen of the United States, at least twenty-five (25) years of age, shall have been for one (1) year immediately preceding such election or appointment a resident of the City of Thornton, Colorado, and is a registered elector. In addition to these requirements no person shall be eligible for the office of Councilmember unless the person is and has been a resident of the ward for the time period required by the Colorado Municipal Election Code. Any person who is a resident of the City or of any area annexed to or consolidated with the City for the required length of time, as herein provided, shall be deemed to meet the resident requirements of this Section. A person who has been convicted of a felony shall not be eligible to become a candidate for City office. No person shall serve as Mayor or Councilmember while also holding another elected position in government.

4.5. VACANCY.

- (a) If a vacancy occurs in the office of Mayor, the Mayor Pro-Tem shall become the Acting Mayor immediately. The Acting Mayor shall serve until the next regular election and then the Acting Mayor shall resume the duties as Councilmember for the remainder of that Councilmember's unexpired term of office. The term of office for Mayor at a regular election following a vacancy in that office shall be for four years.
- (b) If a vacancy occurs in the office of Councilmember, the Council shall appoint an eligible person to fill such vacancy to serve the remainder of the term of office that was vacated. Such appointment shall be by a majority of the members of the Council in office at the time.
- (c) A vacancy shall exist when an elective officer fails to qualify, dies, resigns, is removed from office, moves from the City, moves from the ward from which elected, is incapacitated or is absent continuously therefrom for more than three (3) months, is convicted of a felony, or is judicially declared mentally incompetent. That such cause of vacancy exists shall be established by competent evidence thereof and placed on record in the Council minutes. The Council shall determine the validity of the evidence and, based on its determination, decide when a vacancy exists.

4.6. COMPENSATION OF MAYOR AND COUNCILMEMBERS. The members of the Council shall receive such compensation as the Council shall by ordinance prescribe; but such compensation may increase or decrease only on the date of the first regular or special Council meeting following any regular election and only if the increase or decrease was adopted prior to the date of the election. The Mayor and Councilmembers may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the City as are authorized and itemized.

4.7. OATH OF OFFICE. Every elective and appointive officer of the City, before entering upon the duties of the office, shall take the oath or affirmation of office prescribed by Section 8 of Article XII of the Constitution of the State, together with an oath or affirmation to support this Charter and the ordinances of the City and to faithfully perform the duties of the office. In case of failure to comply with the provisions of this Section within ten (10) days from the date of appointment, or within ten (10) days from the date prescribed in this Charter to take office, such

officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

4.8. MAYOR.

- (a) The Mayor shall preside over meetings of the Council, shall have the right to speak and vote therein as any other member, shall be recognized as head of the City government for all ceremonial purposes, and shall execute and authenticate legal instruments requiring the signature of the Mayor.
- (b) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the City the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. Except as may be required by statute, the Mayor shall exercise only such power as specifically conferred by this Charter or the Council. For the purposes of this Section 4.8, "emergencies" means existing conditions actually arising from unforeseen contingencies which immediately endanger public property, health, peace, or safety.

4.9. MAYOR-PRO TEM. The Council shall, during the first Council meeting, regular or special, following each regular election, elect one of its members to serve as Mayor-Pro Tem for a term of two (2) years. In the event of absence or disability of the Mayor, the Mayor-Pro Tem shall serve as Mayor. Such election shall be by written ballot and by majority of the members of the Council in office at the time. In the event of absence or disability of both the Mayor and the Mayor-Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability. The Mayor-Pro Tem and Acting Mayor, when serving as Mayor, shall have all the power, duties, responsibility and authority of the Mayor.

4.10. REGULAR MEETINGS. The Council shall provide by ordinance for the time and number of regular Council meeting or meetings each month provided the Council may, by resolution, change the time and place of any particular regular meeting.

4.11. SPECIAL MEETINGS. Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any three members

of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally, left at the member's usual place of residence, or delivered electronically or by other technology to the member's residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

4.12. BUSINESS OF SPECIAL MEETINGS. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent.

4.13. MEETINGS TO BE PUBLIC. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold executive sessions as the Council may determine and may exclude from said meetings the public and citizens, provided however, no formal and legally binding action by the Council for the City shall be taken at any such executive sessions.

4.14. QUORUM. A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings.

4.15. ORGANIZATION AND RULES OF THE COUNCIL. The Council shall determine its own organization, rules, and order of business subject to the following provisions:

- (a) Minutes of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and clerk of the meeting.
- (b) A vote upon all ordinances and resolutions shall be taken by a "Yes" or "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to state that the vote was unanimous.
- (c) There shall be no standing committees of the Council.
- (d) The Council shall follow Robert's Rules of Order, newly revised, as from time to time amended, except to the extent otherwise provided by this Charter or by ordinance.
- (e) The Council shall, by ordinance, adopt procedures relating to its organization and operation, including attendance at meetings, which are consistent with this Charter, and shall compile its

procedures which are of a general and permanent nature in a procedures handbook.

4.16. BOARD OF HEALTH. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council shall constitute the Board of Health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute. The Council may by ordinance designate and appoint an existing area-wide health department as the City Health Department.

4.17. POWER TO MAKE CONTRACTS.

- (a) The Council may enter into contracts and leases on behalf of the City and may, by ordinance, delegate such power to officers or employees of the City subject to limits specified within the ordinance. All written contracts, to which the City is a party, including utilities contracts, shall be approved as to form by the City Attorney before final approval. All written contracts to which the City is a party shall be reviewed as to substance by the City Manager before final approval.
- (b) The Council may make contracts or spend money for capital improvements including those financed in whole or in part by issuance of bonds, and may make contracts or leases or contracts for services for a period exceeding the budget year in which such contract or lease is made, if otherwise not prohibited under this Charter. The City may enter into long term contracts or leases.
- (c) Except for contracts issued for acquiring water and rights thereto, or for acquiring, improving, or extending a municipal water system and except for long term rentals and leaseholds entered into pursuant to Section 11.7, any contract which is made for a period exceeding the budget year in which it is made and which contains an express statement that the full faith and credit of the City is pledged for its payment shall be subject to the election requirement of Section 11.2(a) and the debt limitation of Section 11.3.

4.18. CONTRACTS WITH OTHER GOVERNMENTAL BODIES. In addition to any authority granted by state statute or constitution, the Council by resolution may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

4.19. APPOINTMENTS BY COUNCIL. The Council shall appoint the officers and all members of the boards and commissions as provided in this Charter. Except as otherwise provided herein, such persons shall serve at the pleasure of Council and may be removed at any time, with or without cause.

4.20. CONFLICT OF INTEREST. No member of the Council shall be interested directly in any contract with the City. No member of the Council shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the member's own conduct.

4.21. ELECTIVE OFFICERS NOT TO BE EMPLOYED FOR TWO YEARS. No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office for which elected or for two (2) years thereafter, provided that after the expiration of that term of office, the officer may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilmember.

4.22. SELL OR OTHERWISE DISPOSE OF CITY PROPERTY. Any property owned by the City may be sold or otherwise disposed of by the City on approval of the Council by resolution passed by majority vote of members of the Council. After approval by the City Council, the City Manager and City Clerk are authorized to execute for the City the required documents including deeds, bills of sale, assignments or other appropriate documents. The Council may, by ordinance, delegate to officers or employees of the City the power to sell or otherwise dispose of any personal property owned by the City, subject to the limits specified within the ordinance.

4.23. CONTINUITY OF GOVERNMENT – DISASTERS AND EMERGENCIES. The City Council shall provide by ordinance for continuity of government of the City in the event of natural or enemy-caused disaster or emergency. Such ordinance shall provide for an orderly line of succession of City elected officials with the authority to take appropriate action for the protection of life and property, and provide for alternative Council meeting locations or use of telecommunication systems for Council meetings during a disaster or emergency notwithstanding the provisions of this Charter.

CHAPTER V

GENERAL ADMINISTRATIVE ORGANIZATION

5.1. DEPARTMENTS CREATED. The administrative functions of the City shall be performed by the departments as are or may be established by this Charter or ordinances of the City.

5.2. OPERATION OF DEPARTMENTS. All departments of the City except as otherwise provided in this Charter, shall be under the supervision and control of the City Manager, who shall have the right to divide such departments into separate divisions and to assign the various functions and duties to the different departments and divisions.

5.3. CITY MANAGER - APPOINTMENT AND QUALIFICATIONS. The Council shall appoint a City Manager within ninety (90) days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council, subject to the rights herein contained. The City Manager shall be selected solely on the basis of executive and administrative qualifications with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office as hereafter set forth. At the time of appointment, the City Manager need not be a resident of the City or State, but during tenure of office the City Manager shall reside within the City. The entire time and business interest of the City Manager shall be devoted to the management of the City's affairs, and the City Manager shall not, while in office, be an employee of, or perform any executive duty for any person, firm, corporation or institution other than the City of Thornton. The salary of the City Manager shall be fixed by the Council. Before the City Manager may be removed at any time after one year of service, the City Manager may demand written charges and a public hearing on the same before the Council, and the same shall be given prior to the date on which final removal of the City Manager shall take effect. Pending such a hearing, the Council may suspend the City Manager from office; and during such suspension, the Council shall designate some properly qualified person other than a member of the Council to perform the duties of the office. Following the hearing, the Council may remove the City Manager by resolution declaring it finds and determines that such removal is to the best interest of the City. Such decision shall be final. Upon such termination, the Council may in its discretion, provide termination pay.

5.4. CITY MANAGER - FUNCTIONS AND DUTIES. The City Manager shall be the chief administrative officer of the City government and shall have the following functions and duties:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the City government

except the department under the direction of the City Attorney. As to this department the powers herein granted shall not be applicable unless specifically provided.

- (b) To see that all laws and ordinances are enforced.
- (c) To appoint the heads of the several City departments whose appointment is not otherwise specified in this Charter, and to direct and supervise such department heads.
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.
- (e) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial conditions and needs of the City.
- (g) To recommend to the Council for adoption such measures as the City Manager may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote.
- (h) To exercise and perform all administrative functions of the City that are not imposed by this Charter or ordinance upon some other official. Notwithstanding any other provision in this Charter to the contrary, the City Manager may, in the event of an emergency, exercise complete administrative authority over any department, department head, or City employee and all City owned property. The City Manager shall determine when such emergency exists.
- (i) To be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by the Council and which shall conform to generally accepted principles and procedures of governmental accounting. The City Manager shall submit financial statements to the Council monthly, or more often as the Council directs.
- (j) To act as Purchasing Agent for the City and in such capacity to purchase all supplies and equipment and dispose of the same in accordance with procedures established by the Council.
- (k) To establish, to the extent the authority is delegated by the City Council, personnel rules and regulations governing officers and employees of the City.

- (l) To perform such other duties as may be prescribed by this Charter or required of the City Manager by ordinance or by direction of the Council.
- (m) To prepare an annual report of the affairs of the City, including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk.

5.5. ACTING CITY MANAGER. The Council may appoint or designate an Acting City Manager during the period of vacancy in the office or during the absence of the City Manager from the City or disability of the City Manager. Such Acting City Manager shall, while in such office, have all the responsibilities, duties, functions, and authority of the City Manager.

5.6. RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE. Neither the Council nor any of its members shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other City officer to prevent the City Manager from exercising judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

5.7. CLERK - FUNCTIONS AND DUTIES.

- (a) The City Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep minutes of its proceedings in the English language, and shall be appointed and removed by the City Manager with the approval of the Council.
- (b) The Clerk shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The Clerk shall also be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for.
- (c) The Clerk shall certify by signature all ordinances and resolutions enacted or passed by the Council.
- (d) The Clerk shall have power to administer oaths of office.
- (e) The Clerk shall perform such other duties as may be prescribed by this Charter, by the Council or by the City Manager.

5.8. CITY TREASURER - FUNCTIONS AND DUTIES.

- (a) The City Treasurer shall be the Director of Finance. The Director of Finance shall be appointed by the City Manager with the approval of the City Council.
- (b) The Director of Finance shall keep and supervise all accounts and evidences of indebtedness of the City and shall receive and have custody of all monies of the City.
- (c) The Director of Finance shall keep and deposit all monies or funds in such a manner as may be directed by the City Manager or by ordinance.
- (d) The Director of Finance shall disburse all City funds in accordance with the provisions of this Charter and such procedures as may be established by ordinance.
- (e) The Director of Finance shall perform such other duties as may be prescribed by this Charter, by ordinance adopted pursuant to this Charter, or by the City Manager.
- (f) There shall be established, in conformity with generally accepted principles and procedures of governmental accounting, appropriate utility funds into which shall be deposited all revenues received from City utility services.

5.9. CITY ATTORNEY.

- (a) The Council shall appoint a City Attorney for an indefinite term. The City Attorney shall be an attorney at law admitted to practice law in the State of Colorado and have a minimum of five (5) years experience in the active practice of law. The Council may provide the City Attorney with such assistance as the Council may deem necessary.
- (b) The City Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. The City Attorney shall advise any officer or department head of the City in matters relating to the officer's or department head's official duties when so requested.
- (c) The City Attorney shall prosecute ordinance violations, shall conduct for the City cases in Court and before other legally constituted tribunals, and shall file with the Clerk copies of documents as the Council may direct.
- (d) The City Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted by the Council or City Manager and shall promptly give an opinion as to the legal consequences thereof.

- (e) The City Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the City.
- (f) The City Attorney shall perform such other duties as may be prescribed by this Charter or by the Council.
- (g) The City Attorney or the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist and counsel with the City Attorney therein. The compensation of any special legal counsel retained by the City Attorney must be within budgetary limits established by the City Council.
- (h) The compensation of the City Attorney and of special legal counsel shall be set by the Council.

CHAPTER VI

MUNICIPAL COURT

6.1. MUNICIPAL COURT. There shall be a Municipal Court, which shall be a qualified municipal court of record, to hear and determine all cases arising under this Charter or the ordinances of the City, subject to appeal in the manner provided by law. The Court may punish contempt of Court within limitations established by ordinance. The Court may enforce its orders and judgments as provided by general law; and may render final judgment on any forfeited bond or recognizance returnable to such Court subject to appeal as in other cases. Cash bonds may be provided for or taken in lieu of property, individual, or corporate surety bonds.

6.2. PRESIDING OFFICER - QUALIFICATIONS AND COMPENSATION. The Municipal Court shall be presided over and its functions exercised by one or more judges, who are registered electors of the State of Colorado, at least twenty-five (25) years of age, and licensed to practice law by the Supreme Court of the State of Colorado, appointed by the Council to serve at the pleasure of the Council. The Council shall designate the presiding judge. Each judge shall receive a fixed salary or compensation, not dependent upon the outcome of the matters to be decided, and to be fixed by the Council from time to time. In the event all regularly appointed judges are absent, disqualified or unable to act in any matter or case, the presiding judge or, in the absence of the presiding judge, the Mayor, may call any eligible person to act and serve temporarily.

- (a) The Council shall provide a suitable place and all supplies and things necessary for the proper functioning of the Court.

- (b) The forms of the complaint and all other rules, procedures and proceedings in the Municipal Court shall be fixed by the presiding municipal judge. The court costs, fines, surcharges, assessments and fees in the Municipal Court shall be prescribed by the Council by ordinance or resolution after receiving the recommendation of the presiding judge.

CHAPTER VII

PERSONNEL AND CAREER SERVICE

7.1. CAREER SERVICE SYSTEM

- (a) The Council shall enact an ordinance establishing a Career Service System. The City Council shall have authority over the assignment of positions to the Career Service System.
- (b) The ordinance establishing a Career Service System shall embody the following principles but shall not necessarily be limited to them:
 - (1) Subject to approval of the Council, classification of all regular Career Service positions shall be made by the City Manager. The City Manager shall determine the duties, requirements, and qualifications for each position.
 - (2) Employment shall be based on open and competitive examinations as to fitness for employment consistent with generally accepted employment guidelines established by the City Manager upon recommendation of the department responsible for human resources. Actual employment shall be made by the City Manager.
 - (3) Employment and promotions shall be made by the City Manager from an eligibility list approved by the department responsible for human resources.
 - (4) Placement of names on the eligibility list for employment and promotions shall be as follows:
 - (i) If there are more than three (3) qualified applicants for a position and all are regular employees, competitive examinations shall be given. The names shall be placed on the eligibility list based on the final passing scores from high to low score.
 - (ii) If there are three (3) or fewer qualified applicants for a position and all are regular employees, the City Manager may determine whether competitive examinations will be given. In the absence of

examinations, the names shall be placed on the eligibility list in alphabetical order by last name.

- (iii) If any qualified applicant for a position is not a regular employee, competitive examinations shall be given. The names shall be placed on the eligibility list based on the final passing scores from high to low score.
 - (iv) Whenever a competitive examination is to be given pursuant to Paragraph (i) or (ii) of this Subsection (4), the City Manager may permit qualified applicants who are not regular employees to take the examination.
- (5) Each regular employee in the Career Service System shall be subject to a one (1) year probation employment period or such other probation employment period as the Council may set by ordinance for the employee's position. After the department responsible for human resources has verified that the employee has been continuously employed as a regular employee for the applicable probationary period and has, as determined by the City Manager, satisfactorily met all the terms and conditions of the probationary period, the City Manager shall declare an employee in the Career Service System to be "certified" as of the end of the employee's probationary period.
- (6) All certified employees who claim unjust suspension, demotion or discharge, shall have the right to request and receive a hearing as designated by ordinance. The decision following the hearing shall be final and binding on all parties. The procedure for the hearing shall be established by ordinance.
- (c) The City Manager or the Manager's designee shall annually conduct and complete a wage survey for all employees in the Career Service System. In preparing the pay plan, in addition to considering the wage survey, the City Manager or designee shall consider any recommendations and pay surveys made and conducted by employees or organizations representing employees. The pay plan, including fringe benefits shall be equal to general prevailing rates of employers (public and private sector) selected by the City Manager and approved by the City Council and shall provide like pay for like work. The City Council shall approve the pay plan.
- (d) The Council shall annually enact a pay plan for all positions in the Career Service System. The Council shall before adopting a pay plan, conduct a public hearing on the pay plan. At said

hearing any employees or agents or representatives of employees, including unions, may appear in addition to any other interested parties. Prior to said hearing, each employee shall be given written notice of the hearing. A notice advertising the public hearing shall be published in a manner set forth by ordinance at least ten (10) days before said hearing.

Following said hearing the Council shall adopt a resolution enacting a pay plan for the next ensuing fiscal year meeting the requirements of this Section. The adoption of such pay plan shall constitute a legislative act and shall be final and binding as to all wages for the next ensuing fiscal year.

- (e) Fringe benefits and overtime pay shall be annually based on the wage survey, but such benefits and pay shall not be less than the following:
 - (1) In addition to the annual salaries as set out in the adopted pay plan, hours of active duty assigned to and performed by members of the Career Service in excess of the established work day or established work week, shall be compensated by overtime or compensatory time off.
 - (2) Each eligible employee of the City shall be provided with a pension plan. The City shall annually contribute to said fund in accordance with the provisions of the pension contract.
 - (3) Each full-time regular employee shall be eligible for the City's group insurance program which shall be a comprehensive program including health insurance, life insurance and disability insurance. The City shall annually provide in the budget monies for the City participation in this program.
 - (4) The City shall provide the following schedule of annual vacation leave for each employee:
 - 1 - 5 years - 12 days per year accrued
at 1 day per month
 - 6 - 10 years - 15 days per year accrued
at 1-1/4 days per month
 - 11 - 15 years - 18 days per year accrued
at 1-1/2 days per month
 - 16 - 20 years - 21 days per year accrued
at 1-3/4 days per month
 - Over 20 years - 24 days per year accrued

at 2 days per month

- (5) The City shall compensate employees of the City for ten (10) paid holidays per year.
 - (6) Sick leave shall be accumulated at a rate of one day per month of employment with the City.
 - (7) The City shall provide and/or furnish a uniform allowance to employees required to wear a uniform.
- (f) The policy and procedure concerning employee grievances are as follows:
- (1) Grievances are employee complaints on those matters involving a phase of employment, working conditions or working relationships that are of concern and interest to an employee. Wherein such employee feels that the employee has been dealt with in an unfair or capricious manner in violation of the employee's rights as an employee, the employee may resort to the grievance procedure hereinafter provided.
 - (2) A grievance procedure is necessary to resolve grievances as quickly as possible, to correct the causes and prevent future similar complaints, to assure fair and equitable treatment of all levels of employees. An employee who feels aggrieved, may have another employee from within the aggrieved employee's department attend each of the meetings with the aggrieved employee, upon requesting same from the aggrieved employee's supervisor. Every effort shall be made to resolve grievances through an oral discussion between the employee and the employee's immediate supervisor. If the dispute is not resolved in this manner, an established grievance procedure shall be followed. The grievance procedure shall not take more than thirty-five (35) calendar days. Time limits may be extended by mutual agreement or mitigating circumstances.
- (g) As used in this Section 7.1:
- (1) "Employment" is the initial hiring of a person by the City Manager to work for the City and does not include a demotion, promotion or transfer.
 - (2) "Regular employee" is an employee in a regular position, as established by the City Council, and may be within or outside the Career Service System.

- (3) “Certified employee” is a regular employee in the Career Service System who has been declared certified by the City Manager as provided herein.

7.2. SURETY BONDS. Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that the officer or employee will on demand deliver over to any successor in office, or other proper officer or an agent of the City, all books, papers, monies, effects, and property belonging thereto, or appertaining to the office, which may be in custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that the officer will, on demand, pay over or account for to the City, or any proper officer or agent thereof, all monies received as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, City employees and officers. The requirements of this paragraph may also be met by the purchase of one or more blanket crime insurance policies covering all, or a group of, City employees and officers as determined by the City Manager.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. The Clerk shall be custodian of all bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk. In the event the offices of the Clerk and Treasurer are held by the same person, then the City Manager shall be custodian of any bonds pertaining to the Clerk and Treasurer.

7.3. DELIVERY OF OFFICE. Any officer or employee who ceases to hold such office or employment for any reason whatsoever shall within five (5) days, or sooner on demand, deliver to a supervisor or successor in office all books, papers, monies, and effects in the custody of such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the statute. Any employee found guilty by a competent tribunal of violating

this provision may be punished by fine or imprisonment, or both, as determined by the Court.

7.4. PECUNIARY INTEREST PROHIBITED.

- (a) No contract or purchase involving an amount in excess of one hundred dollars (\$100.00) shall be made by the City in which an elective or appointive officer or any member of the officer's family has any pecuniary interest, direct or indirect. For the purposes of this Section 7.4 only, a "contract" shall include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the City for a valuable consideration to be paid by the City or sold or transferred by the City, except the provision of personal services within the scope of employment as an officer of the City; the term "member of the officer's family" shall include spouse, children, and the spouse of any of them, and such other persons or classes of persons as may be provided by ordinance; and the term "officer" means each member of the City Council, each municipal judge, the City Manager, and the City Attorney.
- (b) Without limiting the generality of Paragraph (a) of this Section, an officer shall be deemed to have a pecuniary interest in a contract if the officer or any member of the officer's family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made. Ownership, individually or in a fiduciary capacity, by an officer or member of the officer's family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made, or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer or the members of the officer's family, shall amount to ten (10) percent of any class of the securities of such corporation then outstanding.
- (c) Any officer who knowingly permits the City to enter into any contract in which the officer has a pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office or employment.

- (d) The City Council shall adopt, by ordinance, a code of ethics which shall apply to City officers and employees, to members of City boards and commissions, and to such other persons or classes of persons as the City Council may provide. The ordinance shall not conflict with the Charter and shall include, at a minimum, provisions regulating conflicts of interest, appearances of impropriety, use or disclosure of confidential information, appearances before City boards and commissions, use of City property and employee services, conduct following termination of City employment or conclusion of a term of office, receipt of gifts or favors, and definitions of the terms contained in this Section 7.4. No such ordinance or amendment thereto shall be adopted as an emergency ordinance.

7.5. COMPENSATION OF EMPLOYEES AND OFFICERS.

- (a) The compensation of all employees and officers of the City whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council. The City may, from time to time, contract for professional services, and for such services pay such fees and charges as may be agreed upon.
- (b) Nothing contained in this Section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the City.

7.6. ANTI-NEPOTISM. The following relatives and their spouses (a) of any elective official or spouse, or (b) of the City Manager or spouse, are disqualified from holding any appointive office during the term for which said elective official was elected or during the tenure of office of the City Manager; child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This Section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the election of said elective official or the appointment of said City Manager.

**CHAPTER VIII
LEGISLATION**

8.1. PRIOR CITY LEGISLATION. All valid bylaws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective valid bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

8.2. ORDINANCES AND RESOLUTIONS, AND MOTIONS. In all legislative matters coming before it, the Council shall act only by ordinance, resolution or motion. In addition to such acts of the Council as are required by this Charter to be by ordinance, every act of the Council making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or jail penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

8.3. FORM OF ORDINANCES. All ordinances shall be introduced in written form and no ordinance or Section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Thornton, Colorado".

8.4. PROCEDURE FOR PASSAGE OF ORDINANCES.

- (a) An ordinance may be introduced at any regular or special meeting and shall be read in full at the time it is introduced or, in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting, said ordinance may be read by title only. It may be passed on first reading by the affirmative vote of not less than a majority of the members elected to the Council at the meeting at which it is introduced.
- (b) No ordinance may be passed on second and final reading earlier than ten (10) days after the first reading, provided this provision shall not apply to emergency ordinances.
- (c) An ordinance may be read by title only for its second reading at any regular or special meeting. It may be passed on second and final reading by a majority of the members of the Council present, provided a quorum exists. An ordinance may be amended after first reading and passage and before second reading and final passage, provided said amendment or amendments do not change the stated purpose of the ordinance. The text of any such amendment or amendments

shall be read in full unless copies of the amendment or amendments are available to the Council and to those persons in attendance at the Council meeting.

- (d) The effective date of all ordinances shall be on the date of final passage unless another date is prescribed herein.
- (e) The yes and no votes shall be taken upon the passage of all ordinances, resolutions, and motions and entered upon the journal of the Council proceedings. Should any Councilmember being present refuse to vote on any measure, the Councilmember's vote shall be recorded in the affirmative, but no such vote shall be recorded if the Councilmember refuses to vote because of a conflict of interest.

8.5. PASSAGE OF EMERGENCY ORDINANCES. An ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health, safety, or financial well-being of the City, may be enacted at the regular or special meeting at which it is introduced by seven affirmative votes without any requirement of prior posting or publication and without any requirement of a second reading and passage. Such emergency ordinances, after passage, shall be posted and the title published as required by this Charter.

8.6. POSTING AND PUBLICATION. The full text of each ordinance after passage on first reading and before second reading and final passage, and after second reading and final passage, shall be posted as provided for by ordinance of the Council. The title of each ordinance and a statement that the ordinance is on file in the City Clerk's office for public inspection shall be published in a manner set forth by ordinance as provided in this Charter after first passage and before second passage and again after second and final passage.

8.7. AMENDMENT OR REPEAL. No ordinance, section or subsection thereof shall be amended, superseded, or repealed except by an ordinance regularly adopted. No ordinance shall be amended by reference to its title only, but the revised sections or subsection of the ordinance, as amended, shall be reenacted. However, an ordinance, section or subsection thereof may be repealed by reference to its title and ordinance or code number only.

8.8. RETAINING ORDINANCES. All ordinances shall be retained by the Clerk and it shall be the duty of the Mayor and Clerk to authenticate such ordinances by their official signatures thereon, but the failure to so retain

and authenticate an ordinance shall not invalidate it or suspend its operation.

8.9. PENALTIES FOR VIOLATION OF ORDINANCES. The Council may, by ordinance, provide for the enforcement of its ordinances by fine or imprisonment, or both.

8.10. CODES. The City Council may adopt, by ordinance, codes by reference in such manner as it deems appropriate.

8.11. CODIFICATION OF ORDINANCES. The Council shall direct and complete the codification of all ordinances of the City of a general and permanent nature and shall provide for the subsequent amendments thereto so that such amendments may readily be made a part of such published code and maintained thereafter in current form. Any such codification may originally include provisions not previously contained in ordinances of the City. The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefor and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such codification, other provisions of this Charter for publication notwithstanding.

The copies of the ordinance and the codification thereof, and of provisions adopted by reference may be certified by the Clerk, and when so certified, shall be competent evidence in all Courts and other legally established tribunals as to the matter contained therein.

8.12. INITIATIVE AND REFERENDUM. The initiative and referendum apply only to ordinances of a legislative character. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided. The referendum provision of this Charter shall not apply to any ordinance which contains therein a declaration that said ordinance is necessary for the immediate preservation of the public peace, health or safety, nor shall the referendum provision apply to appropriations for the support and maintenance of any City department.

8.13. INITIATIVE OR REFERENDUM PETITION.

- (a) An initiative or referendum petition shall be signed by registered electors of the City numbering not less than ten (10)

percent of the number of persons who were registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within twenty-one (21) days before the date of filing the petition with the City Clerk. Any such petition shall be addressed to the Council and may be aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendum petition shall identify the ordinance or part thereof, or code section it proposes to have repealed. A referendum petition shall be void unless filed with the City Clerk within thirty (30) days from the effective date of the ordinances to which such petition refers.

- (b) Those State statutes applicable to the initiation or referral of a municipal ordinance and which do not conflict with this Charter shall apply to the initiation or referral of a City ordinance. The City Council may, by ordinance, provide for the withdrawal of any initiative or referendum petition, and establish initiative and referendum procedures which do not conflict with this Charter or with State statutes made applicable by this Charter.

8.14. COUNCIL PROCEDURE ON INITIATIVE AND REFERENDUM

PETITIONS. Upon the presentation to the City Council of an initiative or referendum petition by the City Clerk, the Council shall, within thirty days, either:

- (a) Adopt the ordinance as submitted by an initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Submit the proposal provided for in the petition to the electors and schedule an election thereon.

8.15. SUBMISSION OF INITIATIVE AND REFERENDUM ORDINANCE TO

ELECTORS. Should the Council decide to submit the proposal to the registered electors, it shall be submitted at the next Municipal election held in the City for any other purpose or, in the discretion of the Council, at a special Municipal election called for that specific purpose. In the case of an initiative petition if no Municipal election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special Municipal election within sixty (60) days from such date of presentation for the submission of the

initiative proposal. The result of all Municipal elections held under the provisions of this Section shall be determined by a majority vote of the registered electors voting thereon.

8.16. MISCELLANEOUS PROVISIONS ON INITIATIVE AND REFERENDUM.

- (a) The presentation to the Council by the Clerk of a valid and sufficient referendum petition containing a number of signatures of registered electors of the City equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular Municipal election, which signatures have been obtained within twenty-one (21) days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.
- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Chapter or if submitted to the electorate by the Council on its own motion.
- (c) If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.
- (d) The Council, on its own motion, may submit any proposed ordinance or question to a vote of the registered electors at any regular or special election.
- (e) The City Clerk shall provide, upon request, sample forms of initiative and referendum petitions which conform to the requirements of this Charter.
- (f) An initiative or referendum petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote, by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

8.17. SINGLE SUBJECT REQUIREMENT – INITIATED AND REFERRED MEASURES.

- (a) No measure proposing an amendment to the ordinances of the City by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.
- (b) The City Clerk shall approve for petition circulation measures proposing referred ordinances or initiated ordinances only when such measures contain a single subject.
- (c) As used in this section, the single subject requirement means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous.

CHAPTER IX

GENERAL FINANCE - BUDGET, AUDIT

9.1. FISCAL YEAR. The fiscal year of the City and of all its agencies shall begin on the first day of January of each year and end on the thirty-first day of December of the same year unless otherwise provided by ordinance.

9.2. BUDGET PROCEDURES. The City Manager shall prepare and submit to the Council, as required by ordinance, a recommended budget covering a period including at least the next fiscal year, which shall include the Utilities Budget, and shall include therein at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department, office, and agency of the City; and for the Court, showing the expenditures for corresponding items for the last preceding fiscal year in full; and for the current fiscal year.
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and outstanding, and the condition of sinking funds, if any.
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes with a comparative statement of the amounts received by the City from each of the same similar sources for the last preceding fiscal year in full, and for the current fiscal year.

- (d) A statement of the estimated balance or deficit for the end of the current fiscal year.
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.
- (f) Such other information as the Council may request or require.
- (g) If required by Council by resolution or ordinance, a schedule showing all recommended capital outlay expenditures during the following five (5) fiscal years, including recommended capital outlay expenditures for all City operations.

9.3. BUDGET HEARING. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one (1) week prior to such hearing.

9.4. ADOPTION OF BUDGET. Prior to the end of each fiscal year, the Council shall by resolution adopt a budget for a period including at least the next fiscal year, and shall provide for a levy of the amount necessary for at least the next fiscal year to be raised by taxes upon real and personal property for City purposes. The Council shall thereupon cause the total levy to be certified to the County Assessor for collection. On or before the last day of the current fiscal year the Council shall appropriate, by ordinance, the money needed for City purposes during a period including at least the next fiscal year of the City. The annual appropriation ordinance shall be based upon the budget as adopted.

9.5. BUDGET CONTROL.

- (a) Except for purposes which are to be financed by the issuance of bonds or by special assessment, no money shall be drawn from funds of the City except in accordance with an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year, except that money from any contingency fund may be transferred by resolution at any time during the year.

- (b) The Council by resolution may transfer any unencumbered appropriation balance or any unappropriated surplus of any fund or any portion thereof from one account, department, fund or agency to another.
- (c) The Council may by ordinance, amend the appropriations ordinance during the fiscal year but any supplemental appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety. The Council may, by ordinance, reduce appropriations, except amounts required for debt and interest charges, to such a degree as necessary to keep expenditures within the revenues and for other purposes.
- (d) The City Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date on a monthly basis or more often if required by the Council.
- (e) The balance in any budget appropriation at the end of the fiscal year shall become a part of the same fund for the next fiscal year.
- (f) The City Manager may, at any time, transfer any unencumbered and unappropriated balance, or portion thereof, between accounts within any fund.

9.6. DEPOSITORY. The Council shall designate depositories for City funds, which shall be banks or savings and loan associations which are eligible public depositories under State law, and shall provide for the regular deposit in interest or non-interest bearing accounts of all City monies exclusive of investments as provided in Section 9.7. The Council shall provide for such security for City deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

9.7. INVESTMENTS. Subject to the provisions of this Charter, monies remaining in any fund which the City Treasurer may determine are available for investment may, in the discretion of the City Treasurer, be invested in one or more of the securities permitted by the statutes of Colorado for the investment of state funds or by the statutes of Colorado for the investment of municipal funds, or in bonds payable out of the revenues of any service or facility furnished by the City; or in general obligation bonds of the City. Interest on such investments shall be credited to the fund to which the

invested money belongs, if such can be determined, otherwise to the General Fund of the City.

9.8. INDEPENDENT AUDIT - ANNUAL REPORT. Subject to the provisions of this Charter, independent audits shall be made of all City accounts at least annually, and more frequently if deemed necessary by the Council. Such audits shall be made by Certified Public Accountants, experienced in municipal accounting, selected by the Council.

9.9. COPIES OF AUDIT. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk.

CHAPTER X TAXATION

10.1. COLLECTION OF TAXES. Until the Council shall otherwise provide by ordinance, the County Treasurer shall collect City taxes in the same manner and at the same time as State taxes are collected. In like manner the Council may provide for collection of special improvement assessments by said Treasurer. All laws of this State for the assessment of property and the levy and collection of general taxes, sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes for the City as of such general taxes, except as modified by this Charter. The County Treasurer shall report and pay to the City the amount of tax collections of the City for the preceding month.

10.2. LIMITATION ON TAX INCREASES. Any increase, as defined and interpreted in the Colorado Constitution, in property, sales or use tax rates shall be approved by the voters.

10.3. AUTHORITY TO ACQUIRE PROPERTY. In addition to all other power which it has to acquire property, the City of Thornton is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and/or special assessments. The City may also dispose of any property acquired under this authority.

CHAPTER XI MUNICIPAL BORROWING

11.1. FORMS OF BORROWING. The City may borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Council to be advantageous to the City, and not in conflict with the provisions of this Charter.

11.2. GENERAL OBLIGATION SECURITIES.

- (a) No securities which mature after the close of the fiscal year in which they are issued and which are payable in whole or in part from the proceeds of ad valorem property taxes or to which the full faith and credit of the City are pledged, shall be issued, except in pursuance of an ordinance, nor until the question of their issuance shall be submitted to a vote of the registered electors at a special or regular election and approved by a majority of those voting on the question.
- (b) The election requirement of Subsection 11.2(a) does not apply to securities issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system.

11.3. LIMITATION ON INDEBTEDNESS. The City may issue general obligation securities and refunding securities which are general obligation securities only if the aggregate principal amount of all such securities does not exceed ten (10) percent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for City purposes. Excluded from this debt limitation shall be securities which mature prior to the close of the fiscal year in which they are issued, securities issued for acquiring water and rights thereto, or for acquiring, improving, or extending a municipal water system, or for refunding such water securities, and securities which have been refunded or otherwise defeased.

11.4. REVENUE SECURITIES. The City, pursuant to ordinance, shall have the power to issue revenue securities without an election for any public purpose payable in whole or in part from any source of revenues other than ad valorem property taxes or from any combination of sources of revenues other than ad valorem property taxes.

11.5. REFUNDING SECURITIES.

- (a) The City, pursuant to ordinance, may issue its securities without an election for the purpose of refunding outstanding securities to accomplish any refunding purpose determined by the Council to be advantageous and favorable to the City. Any refunding securities which are revenue securities may be

payable in whole or in part from any source of revenue other than ad valorem property taxes or any combination of sources of revenues other than ad valorem property taxes.

- (b) Refunding securities may be issued in such principal amount and otherwise on such terms as the Council may determine to be necessary or appropriate to accomplish the refunding purpose. The period of payment of refunding securities shall not exceed the time necessary or appropriate to accomplish the refunding purpose and in no event shall exceed a longer term than thirty (30) years from the date of the refunding bonds.

11.6. SECURITIES, INTEREST, SALE. The maximum interest rate and all other terms of securities shall be fixed by or pursuant to an ordinance and such securities shall be sold to the best advantage of the City as determined by the Council. All securities may contain provisions for calling the same prior to the final due date.

11.7. LONG TERM RENTALS AND LEASEHOLDS. In order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes, the City is hereby authorized to enter into long term rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such leased or rented property within a period of not exceeding the useful life of such property, and in no case exceeding forty (40) years. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the City, and no election shall be necessary to enter into such agreements. No such ordinance shall take effect before thirty (30) days after its passage. The Council is authorized and empowered to provide for the payment of said rentals from a general levy imposed upon both personal and real property included within the boundaries of the City, or by imposing rates, tolls, and service charges for the use of such property or any part thereof by others, or from any other available municipal income, or from any one or more of the above sources. The obligation to pay such rentals shall not constitute an indebtedness of the City within the meaning of this Charter or of the constitutional limitations on contracting of indebtedness by cities.

Property acquired or occupied pursuant to this Charter shall be exempt from taxation so long as used for authorized governmental or proprietary functions of the City.

11.8. LIMITATION OF ACTIONS. In addition to any other restrictions provided by ordinance, no action or proceeding, at law or in equity, to

review any elections, acts or proceedings, or to question the validity of or to enjoin the performance of any act or the issuance or payment of any securities, or the levy or collection of any taxes, or for any other relief against any acts or proceedings of the City done or had under this Chapter XI of this Charter, and with reference thereto, whether based upon irregularities or jurisdictional defects shall be maintained, unless commenced within thirty (30) days after the election or performance of the act or effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XII

IMPROVEMENT DISTRICTS

12.1. POWER TO CREATE IMPROVEMENT DISTRICTS AND TO ACQUIRE, CONSTRUCT, OR INSTALL IMPROVEMENTS AND TO ISSUE SPECIAL ASSESSMENT SECURITIES.

- (a) The Council shall have the power to contract for, acquire, construct, or install special or local improvements of every character within designated districts of said City, and to assess the cost thereof wholly or in part upon the property specially benefited.
- (b) The Council shall by ordinance prescribe the method and manner of creating special or local improvement districts, making such improvements, letting contracts therefor, assessing part or all of the cost thereof against the benefited property, and paying or issuing special assessment securities for costs and expenses of the organization of said districts and of the acquisition, construction, or installation of said improvements, and all things in relation thereto.
- (c) Nothing herein contained shall be construed to limit the power of the Council to otherwise act in accordance with the Constitution and Statutes of Colorado in carrying out such purposes.

12.2. IMPROVEMENT DISTRICT SECURITIES - GENERAL BENEFIT.

- (a) In consideration of general benefits conferred on the City at large from the acquisition, construction, or installation of improvements in special or local improvement districts, the City Council may levy annual taxes on all taxable property within the City at a rate not exceeding three (3) mills in any one year, the proceeds thereof to be disbursed among the following

purposes with such priority as contracted for or as otherwise determined by the Council:

- (1) Paying any assessment levied against the City itself, whether or not imposed on City-owned property, in connection with securities issued for any special or local improvement districts;
 - (2) Advancing money to provide for the payment of principal or interest, or both, on securities issued for any special or local improvement district; or
 - (3) Establishing reserves or otherwise securing the payment of securities issued for any special or local improvement district in the manner provided for in the authorizing ordinance(s).
- (b) In lieu of such tax levies, the Council may, in its sole discretion, apply any available money of the City for the purposes listed above in Paragraph (a), but in no event shall the amount so applied (together with any such taxes so collected) in any one year exceed the amount which would result from a tax levied in such year as herein limited. In the event of such application, the City may reimburse itself from taxes levied (not exceeding three (3) mills), or from the collection of assessments, to replace moneys so applied. The Council may direct by ordinance the disposition of such taxes or of such available moneys, or of any surplus assessments, including without limitation the deposit of such moneys to the surplus and deficiency fund provided for in Section 12.3 of this Charter.
- (c) The provisions of this Section do not limit or impair the powers granted in any other section of this Charter.
- (d) Securities of any special or local improvement district payable from special assessments, which payment may be secured or additionally secured as provided in this Section, shall not be subject to any debt limitation nor exhaust the City's debt incurring power, nor shall such securities be required to be authorized at any election; and such securities shall not be held to constitute a prohibited lending of credit or donation, nor to contravene any constitutional, statutory, or Charter limitation or restriction.

12.3. SURPLUS AND DEFICIENCY FUND. Where all outstanding securities have been paid in a special or local improvement district and any moneys remain to the credit of the district, the Council may transfer such moneys to a special surplus and deficiency fund. The Council may prescribe by

ordinance the manner in which any moneys deposited in said surplus and deficiency fund may be applied.

12.4. ADDITIONAL COMMITMENT TO PAY IMPROVEMENT DISTRICT SECURITIES. If the City has so contracted in the ordinance(s) authorizing the issuance of improvement district securities, and if at least four-fifths of the outstanding securities for such special or local improvement district have been paid and canceled, and if for any reason the remaining assessments are not paid in time to take up the remaining securities of the district, then the City shall pay the remaining securities when due and shall reimburse itself by collecting the unpaid assessments due the district.

12.5. REVIEW OF IMPROVEMENT DISTRICT PROCEEDINGS. In addition to any other restrictions provided by ordinance, 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 issue or collection of any bonds, or the levy or collection of any assessments, authorized by this Charter, or for any other relief against any acts or proceedings done or had under this Chapter, or of the City, with reference thereto, whether based upon irregularities or jurisdictional defects, shall be maintained, unless commenced within thirty (30) days after the performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XIII

LAND USE AND PLANNING

13.1. COMPREHENSIVE PLAN. The Master Plan for the City shall also be known as the Comprehensive Plan. The Council shall approve the Comprehensive Plan and any amendments after considering any recommendations by boards or commissions. The Council shall periodically update the Comprehensive Plan and subsidiary land use, functional, or infrastructure plans, and may receive recommendations from boards or commissions on such updates as designated by resolution. The Council shall adopt and amend plans for clearing and rebuilding of blighted areas and plan for redevelopment in the City, and may receive recommendations from boards or commissions on such plans as designated by resolution.

13.2. LAND DEVELOPMENT AND GROWTH MANAGEMENT. The City may establish and collect from development projects payments, charges or impact fees for public improvements and facilities, dedications of property

and fees in lieu thereof, and requirements to recover costs for public facilities provided to serve future land development in order for new development, not current citizens, to bear its proportionate share of the costs of public improvements and facilities reasonably necessitated by growth. Further, the City may regulate the rate of growth or adopt other measures to promote quality and coordinated development.

CHAPTER XIV

BOARDS AND COMMISSIONS

14.1. GENERAL PROVISIONS.

- (a) The City Council shall establish by ordinance all citizen boards and commissions necessary and required to carry out the duties and responsibilities provided in City codes and ordinances.
- (b) All regular and special meetings of such boards and commissions shall be open to the public, except that any such board or commission may hold executive sessions if and to the extent permitted by ordinance, but no formal or legally binding action shall be taken at any such executive session. Copies of all minutes of such meetings shall be kept and placed in the office of the City Clerk for public inspection. Public records of such boards and commissions shall be open for inspection as and to the extent provided by the State public records statutes.

CHAPTER XV

FRANCHISES

15.1. FRANCHISES REMAIN IN EFFECT. All franchises to which the City is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

15.2. GRANTING OF FRANCHISES.

- (a) All franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than twenty (20) years.
- (b) Any ordinance granting a franchise shall be subject to an election upon the submission of a referendum petition in the manner provided in this Charter, except that the ordinance granting such franchise shall be subject to an election

notwithstanding a declaration in such ordinance that the ordinance is necessary for the immediate preservation of the public peace, health, or safety, and except that such a petition need be signed by only five (5) percent of the number of persons who were registered electors of the City as of the date of the adoption of the ordinance. If such an election is ordered, the grantee of the franchise shall deposit the cost thereof with the City Clerk in an amount determined by the City Manager. No franchise election shall be held until the grantee deposits the cost thereof with the City Clerk in an amount determined by said City Manager.

- (c) No such franchise ordinance shall be approved by the Council before thirty (30) days after application therefor has been filed with Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk an unconditional acceptance of all terms of such franchise.

15.3. TERMS AND CONDITIONS. The Council shall, by ordinance, establish procedures, terms, fees, compensation, conditions, and other matters which the Council deems appropriate relating to the granting of franchises.

15.4. REVOCABLE PERMITS. The Council may grant a permit at any time for the temporary use or occupation of any public right-of-way, street, alley, or public place, provided such permit shall be revocable by the Council at its pleasure whether such right to revoke be expressly reserved in such permit or not.

CHAPTER XVI

MISCELLANEOUS

16.1. VESTED RIGHTS CONTINUED. After the effective date of this Charter the City shall be vested with all property, monies, contracts, rights, credits, effects and the records, files, books, and papers belonging to it under and by virtue of operation under statutes governing second class cities.

No right or liability, either in favor of or against the City, existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no

change had been made. All debts and liabilities of the City shall continue to be the debts and liabilities of the City, and all fines and penalties imposed at the time of such change shall be collected.

16.2. INTERPRETATIONS. Except as otherwise specifically provided or indicated by the context:

- (a) 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.
- (b) The singular number shall include the plural, and the plural number shall include the singular.
- (c) The word “person” may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (d) The word “officer” shall include the Mayor and other members of the Council, the administrative officers, members of City boards and commissions created by or pursuant to this Charter.
- (e) The word “statute” shall denote the laws of the State of Colorado in effect at the time the provision of the Charter containing the word “statute” is to be applied.
- (f) All references to section numbers shall refer to section numbers of this Charter.
- (g) The word “appropriation” shall mean the authorized amount of funds set aside for expenditure during a specific time for a specific purpose.
- (h) The word “City” shall mean the City of Thornton, Colorado, a municipal corporation.
- (i) The word “Clerk” shall mean City Clerk unless otherwise indicated.
- (j) The word “Council” shall mean City Council.

16.3. SATURDAYS, SUNDAYS AND HOLIDAYS. Whenever the date fixed by this Charter or by ordinance for the doing or completion of any act falls on a Saturday, Sunday or legal holiday, such act shall be done or completed as provided by ordinance.

16.4. PUBLICATIONS. The City Council shall, by ordinance, establish publication requirements.

16.5. EMINENT DOMAIN. In carrying out the powers and duties imposed upon it by this Charter or by the general statutes, the City shall have power to acquire within or without its corporate limits, lands, buildings, water,

water rights and water storage rights, water and sewer properties, and other properties, and any interest in land and air rights over land, and may take the same upon paying just compensation to the owner as provided by law.

16.6. CITY NOT TO PLEDGE CREDIT. The City shall comply with Colorado Constitution Article XI, Section 1, as from time to time amended.

16.7. CHAPTER AND SECTION HEADINGS. The chapter, section and subsection headings used in this Charter are for convenience only and shall not be considered as part of the Charter.

16.8. SEVERABILITY OF CHARTER PROVISIONS. If any provision, section, article or clause of this Charter in the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

CHAPTER XVII

TRANSITIONAL PROVISIONS

17.1. EFFECT OF AMENDMENTS AND REPEALERS. Approval by the electors of any Charter Amendment which repeals any section or portion of this Charter shall not be construed to be a limitation, denial, or suspension of any power of the City of Thornton, or any power of its elected City Council otherwise vested in or authorized to the City or the City Council by the constitution or the statutes of the State of Colorado; except as expressly provided by new language, such amendments shall be construed to the end that repealers or deletions eliminate obsolete, unnecessary and limiting language in the original Charter Document which previously served to restrict the powers of the City and the elected City Council.

CHAPTER XVIII

COLLECTIVE BARGAINING FOR FIRE FIGHTERS AND POLICE OFFICERS

18.1. STATEMENT OF POLICY. The protection of the public health, safety and welfare demand that fire fighters and police officers not be accorded

the right to strike or engage in any work stoppage, slowdown or mass absenteeism. This necessary prohibition does not, however, require the denial to such employees of the City other well-recognized rights of employees, such as the right to organize, be represented by an employee organization of their choice, and the right to bargain collectively concerning wages, rates of pay, hours, grievance procedure, working conditions, and other terms and conditions of employment.

It is hereby declared to be the policy of the City of Thornton to accord to fire fighters and police officers all the rights of labor other than the right to strike or organize any work stoppage, slowdown or mass absenteeism. To provide for the exercise of these rights, a method of resolution of disputes is hereby established in lieu of the right to strike. The establishment of this method of dispute resolution shall be deemed to be a recognition of the necessity to provide an alternative mode of settling disputes where employees such as fire fighters and police officers, as a matter of public policy, must be denied the right to strike.

18.2. DEFINITIONS. As used in this Chapter and its subparts, the following terms shall, unless the context requires a different interpretation, have the following meanings:

- (a) The term “fire fighter” shall mean the following regular employees of the Fire Department of the City of Thornton: sworn fire fighters up to and including the rank of Captain, and emergency medical technicians who are not supervisors and whose primary responsibilities are responding to emergency calls for fire suppression and/or emergency medical services.
- (b) The term “police officer” shall mean all full-time sworn police officers at or below the rank of Sergeant in the Police Department of the City of Thornton.
- (c) The term “bargaining unit” shall mean one of the two approved bargaining units, (1) the fire fighter bargaining unit consists of the fire fighters described in Section 18.2(a); and (2) the police officer bargaining unit consists of the police officers described in Section 18.2(b).
- (d) The term “corporate authorities” or “City” shall mean the proper officials, including but not limited to, the Chief of the Fire Department, Chief of the Police Department, Department of City Personnel or Human Resources, the City Manager, and the City Council, whose duty it is to establish the wages, salaries, rates of pay, hours, working conditions, or other terms

and conditions of employment of fire fighters and police officers.

- (e) The term “sole and exclusive collective bargaining agent” or “bargaining agent” shall mean an employee organization chosen by the fire fighters to represent the fire fighter bargaining unit and an employee organization chosen by the police officers to represent the police officer bargaining unit pursuant to Section 18.4 for the purpose of collective bargaining.
- (f) The term “final offer” shall be the written offer made latest in time by a party but at least seven (7) days prior to the start of an advisory fact finding hearing.
- (g) The term “economic issues” shall mean issues that concern rates of pay or benefits.

18.3. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.

- (a) Fire fighters and police officers shall have the right to bargain collectively with the City and to be represented by an employee organization in such collective bargaining respecting wages, rates of pay, hours, grievance procedure, working conditions and all other terms and conditions of employment, except pensions and the public and management rights contained in Subsection (b) herein.
- (b) Public and Management Rights. The following are the inherent and exclusive rights of the City and these shall not be the subjects of collective bargaining:
 - (i) To direct the work of its employees;
 - (ii) To hire, promote, demote, classify, evaluate and retain employees in positions with the City;
 - (iii) To demote, suspend and discharge or otherwise discipline employees for proper cause;
 - (iv) To transfer, assign and schedule employees, but nothing contained in this Paragraph (iv) shall prohibit bargaining over scheduling and the procedures for transfer and assignment;
 - (v) To determine whether to layoff employees because of lack of work, lack of funds, or for other legitimate reasons, provided that nothing contained in this Paragraph (v) shall prohibit bargaining over the process used to determine how any layoff will be accomplished;

- (vi) To determine and implement the methods, equipment, facilities and other means and personnel by which municipal operations are to be conducted, and to take the steps it deems necessary to maintain the efficiency and safety of said operations and of the personnel engaged therein; and
- (vii) To determine its budget, organization, and the merits, necessity and level of any activity or service provided by the City, provided, however, that nothing contained in Paragraphs (vi) and (vii) shall prohibit bargaining over minimum manning requirements.

This Subsection (b) shall not be construed as limiting, diminishing or repealing in any way the Career Service System provisions appearing in Chapter VII of this Charter.

18.4. SELECTION AND RECOGNITION OF BARGAINING AGENT.

- (a) The sole and exclusive collective bargaining agent for the purpose of collective bargaining shall be the sole and exclusive representative of all of the fire fighters and all of the police officers, as applicable, if the majority of the fire fighters and the majority of the police officers voting in separate elections vote for such collective bargaining agent.
- (b) When a question arises concerning the selection of a bargaining agent for the fire fighter bargaining unit or for the police officer bargaining unit, the Election Commission shall determine the question thereof by taking a secret ballot of fire fighters or police officers and certifying in writing the results thereof to the person, persons, employee organization and corporate authorities involved, said secret ballot election to be conducted not less than fifteen (15) days nor more than thirty (30) days from the date of filing the petition. The Election Commission shall certify the results of the above-described election within one (1) working day of the close of the polls.
- (c) Questions concerning the selection of a bargaining agent for the fire fighter bargaining unit or the police officer bargaining unit may be raised only by petition of any fire fighter, group of fire fighters, or of any police officer, group of police officers, or any employee organization representing or wishing to represent fire fighters or police officers and only if such petition is signed by at least thirty-three (33) percent of the fire fighters or thirty-three (33) percent of the police officers. Such a

petition may be submitted at any time to the City Clerk provided that in the event there is a fire fighter bargaining agent or police officer bargaining agent then certified or recognized by the City, no petition may be filed until said certified or recognized fire fighter bargaining agent or police officer bargaining agent has had a twelve (12) month period in which to attempt to enter into a collective bargaining agreement with the City, unless said fire fighter bargaining agent or police officer bargaining agent can be shown to have been initiated, created, or dominated by the corporate authorities or persons acting on behalf of the corporate authorities; and provided further that no petition may be filed during the term of an existing fire fighter collective bargaining agreement or police officer collective bargaining agreement, except during the period from January 1 to January 31 of the final year of such fire fighter or police officer collective bargaining agreement. The Election Commission shall make such rules as are necessary and provide appropriate forms for the filing of such petition and conducting of such elections.

- (d) The employee organization selected by the majority of the fire fighters or the majority of the police officers voting in separate elections conducted pursuant to Subsection (b) of this Section shall be recognized by the City as the sole and exclusive collective bargaining agent for the fire fighter bargaining unit or sole and exclusive collective bargaining agent for the police officer bargaining unit unless and until recognition of such labor organization is withdrawn by a vote of a majority of the fire fighters or police officers voting in the election.

18.5. OBLIGATION TO BARGAIN IN GOOD FAITH.

- (a) It shall be the obligation of the City to meet separately and bargain in good faith with the representative or representatives of the fire fighter bargaining agent or the police officer bargaining agent at all reasonable times and places within forty-five (45) days after receipt of written notice from said fire fighter or police officer bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreements resulting from negotiations to be reduced to a written contract, which contract shall be for a term of at least one (1) year, and not more than three (3) years.

- (b) It shall be the obligation of the bargaining agent of the fire fighters or the bargaining agent of the police officers to meet separately and negotiate in good faith with the City and/or its designated representatives at all reasonable times and places. This obligation shall include the duty to cause any agreements to be reduced to a written contract, which contract shall be for a term of at least one (1) year, and not more than three (3) years.
- (c) In any advisory fact finding hearing conducted pursuant to this Chapter, the advisory fact finding board shall consider any evidence about either the corporate authorities' or the fire fighter bargaining agent's or police officer bargaining agent's refusal to negotiate in good faith. If the advisory fact finding board concludes that either the corporate authorities or the fire fighter bargaining agent or police officer bargaining agent has failed to negotiate in good faith, it shall utilize this conclusion pursuant to Section 18.9 and may base its findings and recommendations on this conclusion.

18.6. UNRESOLVED ISSUES SUBMITTED TO ADVISORY FACT FINDING. In the event that the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to advisory fact finding. Submission of unresolved issues to advisory fact finding shall not cause the obligation of the parties to bargain in good faith to cease. Any or all issues which are unresolved between the bargaining agent and the corporate authorities within the time periods contained in this paragraph may be agreed to by the parties at any time prior to the second reading by the City Council of an ordinance to conduct a referendum vote of the people pursuant to Section 18.11. In the event the fire fighter bargaining agent or police officer bargaining agent and corporate authorities are able to reach agreement upon any or all issues prior to the receipt of the recommendations of the advisory fact finding board, then the board shall make no recommendations on such issue or issues. In the event that following receipt of the recommendation of the advisory fact finding board the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities are able to reach an agreement upon any or all issues prior to a second reading by the City Council of an ordinance to conduct a referendum vote, then those agreed upon issues shall not be submitted to said referendum vote.

18.7. FACT FINDING BOARD - COMPOSITION. Within three (3) days from the expiration of the time period referred to in Section 18.6. hereof, the fire fighter bargaining agent or police officer bargaining agent or the corporate authorities shall inform the American Arbitration Association, or its successor organization, that a fact finding board is required. Within ten (10) days thereafter, the appropriate arbitration association shall submit simultaneously to each party an identical list of seven (7) persons as proposed members of the board. It shall have been previously determined by the appropriate arbitration association that the proposed members of the board shall be available and will accept appointment as fact finders within the time period specified hereafter. Within seven (7) days from the mailing date of the list, each party shall cross off two (2) names from the list, and shall number the remaining names indicating the order of its preference and return the list to the appropriate arbitration association. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. Within ten (10) days after the time the list must be returned to the appropriate association, the arbitration association shall do the following:

- (1) From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, it shall appoint three (3) fact finders to serve.
- (2) It shall select from among said three (3) fact finders a person to serve as chairman.
- (3) It shall notify the parties of such appointments.

18.8. HEARINGS.

- (a) The fact finding board shall, acting through its Chairman, call a hearing to be held within twenty-one (21) days after the date of the appointment of the Chairman, and shall, acting through its Chairman, give at least ten (10) days notice in writing to each of the other two fact finders, the fire fighter bargaining agent or the police officer bargaining agent and the corporate authorities of the time and place of such hearing. The hearing shall be informal, and the rules or evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the fact finders shall be received in evidence. The fact finders shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of books, records and other evidence relating to or pertinent to the issues presented to them for determination.

- (b) The hearings conducted by the fact finders shall be concluded within fourteen (14) days of the time of commencement. Within five (5) days following the conclusion of the hearings, the parties may, if they deem necessary, submit written briefs to the fact finders. Within ten (10) days of receipt of such briefs, or within ten (10) days after conclusion of the hearings if no post-hearing briefs are filed, the fact finders shall make written findings and a written opinion and decision on the issues presented, a copy of which shall be mailed or otherwise delivered to the fire fighter bargaining agent or the police officer bargaining agent and its designated representative and the corporate authorities. A majority decision of the fact finders shall be the recommendation to both the fire fighter or police officer bargaining agent and the corporate authorities. Said written findings, opinions and decisions, and recommendations shall be reached and discussed in accordance with the provisions of Section 18.9.

18.9. FACTORS TO BE CONSIDERED BY THE FACT FINDING BOARD.

The fact finders shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of all unresolved issues between the fire fighter or police officer bargaining agent and the corporate authorities. The factors to be given weight by the fact finders in arriving at a decision shall include:

- (1) Comparison of wage rates, hours, terms and conditions of employment of the fire fighters, with wage rates, hours, terms and conditions of employment of fire departments in comparable cities and towns in the United States; or the comparison of wage rates, hours, terms and conditions of employment of the police officers, with wage rates, hours, terms and conditions of employment of police departments in comparable cities and towns in the United States.
- (2) Interest and welfare of the public, and the financial ability of the City to finance the cost items proposed by each party.
- (3) Other similar standards recognized in the resolution of interest disputes including but not limited to a comparison of the peculiarities of either fire fighter employment or police officer employment, as applicable, in regard to other trades, professions or occupations, specifically:
 - (a) hazards of employment,

- (b) physical qualifications,
- (c) educational qualifications,
- (d) mental qualifications,
- (e) job training and skills,
- (f) degree of responsibility exercised, and
- (g) work schedules.

18.10. FINAL OFFER PROCEDURE. The fact finding board shall recommend either the final offer of the corporate authorities or the final offer of the fire fighter bargaining agent, or the final offer of the corporate authorities or the police officer bargaining agent, as applicable, on each issue and shall state its reasons for recommending such position.

18.11. ELECTION PROCEDURE FOR IMPASSE RESOLUTION.

- (a) The recommendations of the fact finders shall be advisory only. Within seven (7) days of receipt of the recommendations of the fact finders, the City and the fire fighter or police officer bargaining agent, as applicable, shall meet and simultaneously, in writing, notify each other of their respective determinations to accept or reject those recommendations. Failure by either the City or the fire fighter or police officer bargaining agent to so notify the opposite party within these time limits shall be deemed rejection of the fact finders' recommendations by the defaulting party.
- (b) (i) In the event the City or the fire fighter bargaining agent or police officer bargaining agent is unwilling to enter into a collective bargaining agreement containing the recommendations of the fact finders, the corporate authorities shall cause the recommendations of the fact finders to be referred to a vote of the people not less than thirty (30) nor more than sixty (60) days from the date of the fact finders' recommendations. The final offer concerning those issues still in dispute of the party or parties rejecting the fact finders' recommendations shall also be placed on the ballot. The only issues that will be submitted to such an election will be economic issues or issues that change the rights of fire fighters contained in the fire fighter collective bargaining agreement or change the rights of police officers contained in the police officer collective bargaining agreement in effect at the time of the adoption of this Chapter or issues that the parties to the negotiations agree in the applicable fire fighter collective

bargaining agreement or police officer collective bargaining agreement may be placed on the ballot.

- (ii) The ballot for any election conducted pursuant to Subparagraph (i) of this Section shall list the recommendations of the fact finders first. The determination in an appropriate circumstance of whether the final offer of the fire fighter or police officer bargaining agent or the final offer of the corporate authorities shall be listed second shall be made by lot or by a flip of a coin.
- (iii) At any election conducted pursuant to Subparagraph (i) of this Section, voters shall be permitted to vote in favor of adopting either the recommendations of the fact finders, or the final offer of the corporate authorities, or the final offer of the fire fighter bargaining agent or police officer bargaining agent, whichever is on the ballot. The proposal receiving approval by a majority of those voting on the proposal(s) shall be deemed approved and be binding upon the parties. If no proposal receives a majority vote, the two proposals receiving the most votes will be placed on a run-off election ballot within forty (40) days. In no event shall any issue upon which the fire fighter bargaining agent or police officer bargaining agent and the corporate authorities have reached an agreement prior to the second reading by the City Council of an ordinance to call a referendum election pursuant to this Section be included in such referendum election.

18.12. COST OF ELECTION. The cost of any special election conducted solely pursuant to Section 18.11 and a pro rata portion of the cost of any special or general election conducted in part pursuant to Section 18.11 shall be paid by the party refusing to implement the recommendations of the fact finders. In the event both parties to a particular fact finding proceeding refuse to implement the recommendations of the fact finders, the parties shall share equally the cost of conducting an election conducted pursuant to Section 18.11. The Election Commission shall determine the cost involved in any special election and shall also determine the pro rata share of the party or parties refusing to implement the recommendations of the fact finders for the cost incurred by reason of such refusal.

18.13. FEES AND EXPENSES OF FACT FINDING. The necessary fees and necessary expenses of fact finding shall be shared equally by the City and by the fire fighter or police officer bargaining agent.

18.14. COLLECTIVE BARGAINING AGREEMENT - WHAT CONSTITUTES.

The collective bargaining agreement between the City and the bargaining agent of the fire fighters or bargaining agent of the police officers shall consist of any and all terms actually agreed to by the parties, or accepted by the parties from the recommendations of the fact finders, or selected by the electorate pursuant to this Chapter.

18.15. REQUEST FOR COLLECTIVE BARGAINING. Whenever wages, rates of pay, or any other matter requiring appropriation of money by the City are included as matters of collective bargaining under this Chapter, it is the obligation of the fire fighter bargaining agent or police officer bargaining agent to serve written notice of request for collective bargaining on the corporate authorities no later than the third Monday in February of the year in which money can be appropriated by the City to cover the contract period which will be the subject of the collective bargaining procedure.

18.16. BENEFITS NOT TO BE REDUCED. Those benefits granted to fire fighters or police officers by this Charter, or by applicable ordinances, personnel policy or procedure, or by state statute shall remain in full force and effect until such time as the benefits provided by these provisions may be modified by the terms of a collective bargaining agreement or agreements entered into pursuant to the requirements and provisions of this Chapter of the Charter and the subdivisions hereof, provided however, that no person who is either receiving or has contributed monies toward a fire fighter's or police officer's pension shall cease in any manner to be eligible for the full pension which was contemplated on the date of the adoption of this Chapter unless they voluntarily withdraw from the same.

18.17. PROHIBITION.

- (a) No fire fighter, police officer, or person seeking admission as a fire fighter or police officer shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of race, of sex, of political or religious opinions or other affiliations or non-affiliations or in violation of Federal, State, or the City's anti-discrimination laws; provided that it shall be permissible and it shall not be in violation of this Charter for the City to enter into an agreement with the bargaining agent of the fire fighters or the bargaining agent of

the police officers which requires the payment by fire fighters or police officers to said fire fighter or police officer bargaining agent of an amount not to exceed the normal dues and assessments required of members of said fire fighter bargaining agent or police officer bargaining agent if a majority of the fire fighters voting in an election of the fire fighter bargaining unit or police officers voting in an election of the police officer bargaining unit conducted by the Election Commission, approve including such a provision in any fire fighter or police officer collective bargaining agreement entered into between the City and said fire fighter or police officer bargaining agent.

- (b) Fire fighters and police officers shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on the matters of wages, benefits, and other terms or conditions of employment. Members of the fire fighter bargaining unit or police officer bargaining unit shall also have the right to refuse to join or participate in any activities of employee organizations and shall have the right to represent themselves individually and have individual grievances adjusted without resort to employee organizations; provided, however, that a representative of the fire fighter bargaining agent or police officer bargaining agent shall have the right to be present in any such adjustments which deal with the provisions of the fire fighter collective bargaining agreement or police officer collective bargaining agreement, and any resolution reached as a result of such individual representation or grievance must be in accord with the terms of any fire fighter or police officer collective bargaining agreement actually in effect and applicable to such fire fighter bargaining unit members or police officer bargaining unit members. Except as provided in Paragraph (a) of this Section, neither the City, nor any member of the fire fighter bargaining unit or police officer bargaining unit, nor any employee organization, nor any officially recognized fire fighter bargaining agent or police officer bargaining agent shall interfere with, intimidate, restrain, coerce or discriminate against any employee because of the exercise of the foregoing rights.

18.18. FIRE CHIEF AND POLICE CHIEF.

- (a) The Fire Chief shall be in direct command of the Department of Fire. The Fire Chief shall assign all members of the Fire

Department to their respective posts, shifts, details, and duties; shall make rules and regulations with approval of the City Manager and in conformity with the ordinances and resolutions of the City concerning the operation of the Fire Department and the conduct of all employees thereof; and shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department.

The Fire Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions relating to fire prevention and fire safety. The Fire Chief shall not either make or enforce any assignment, rule or regulation, or order, which is not in conformity with the provisions of any fire fighter collective bargaining agreement entered into pursuant to this Chapter of the Charter between the City and the bargaining agent of the fire fighters.

- (b) The Police Chief shall be in direct command of the Police Department. The Police Chief shall assign all members of the Police Department to their respective posts, shifts, details, and duties; shall make rules and regulations with approval of the City Manager and in conformity with the ordinances and resolutions of the City concerning the operation of the Police Department and the conduct of all employees thereof; and shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. The Police Chief shall, subject to approval of the City Manager and Council, have further power to make regulations with force of law, implementing and giving effect to the laws and ordinances and resolutions related to the Police Department and police public safety.

The Police Chief shall not either make or enforce any assignment, rule or regulations, or order, which is not in conformity with the provisions of any police officer collective bargaining agreement entered into pursuant to this Chapter of the Charter between the City and the bargaining agent of the police officers.

18.19. IMPACT UPON CAREER SERVICE SYSTEM. This Chapter shall not in any way be construed to expand, modify, delete, circumscribe or alter the Career Service System established pursuant to Chapter VII of this Charter except as specifically stated herein, to wit, Sections 7.1.(c) and 7.1.(d) shall not apply to fire fighters or police officers upon the certification of a fire fighter or police officer bargaining agent pursuant to Section 18.4. herein and furthermore that all other provisions of Section 7.1 shall remain in effect for fire fighters and police officers only until modified by or included in a fire fighter or police officer collective bargaining agreement between the City and the fire fighter or police officer bargaining agent. No rule or regulation of the Career Service System either in effect at the time of the adoption of this Chapter or thereafter adopted shall be enforced or applied as to any fire fighter or police officer covered by a collective bargaining agreement arrived at pursuant to this Chapter XVIII where to do so would contravene the terms of such a collective bargaining agreement. In the event of any conflict between a rule or regulation of the Career Service System and a fire fighter or police officer collective bargaining agreement, the provision of the fire fighter or police officer collective bargaining agreement shall control and supersede said rule or regulation.

18.20. SEVERABILITY. If any clause, sentence, paragraph, or part of this Chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter or its application.

18.21. STRIKES.

- (a) The protection of the public health, safety and welfare demands that neither the sole and exclusive collective bargaining agent of the fire fighters or sole and exclusive collective bargaining agent of the police officers, nor the fire fighters, nor the police officers, nor any person acting in concert with them, will cause, sanction, or take part in any strike, walkout, sitdown, slowdown, stoppage of work, retarding of work, abnormal absenteeism, withholding of services, or any other interference with the normal work routine.
- (b) A violation of any provision of this Section by the sole and exclusive bargaining agent of the fire fighters or sole and exclusive bargaining agent of the police officers shall be cause for the City to terminate the fire fighter or police officer

collective bargaining agreement with said agent upon giving written notice to that effect to the chief representative of said fire fighter or police officer agent, in addition to whatever other remedies may be available to the City at law or in equity.

18.22. TIME LIMITS. Any time limit contained in this Chapter, except ones governing notice and timing of elections, may be modified for that year upon the written consent of the City and the applicable fire fighter bargaining agent or police officer bargaining agent.



**City of
Thornton**

Chapter 2
Thornton City Code

**Contains City Code provisions relating to
City Council, Boards and Commissions,
Divisions and Departments,
Code of Ethics and Elections**

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ARTICLE II. - CITY COUNCIL

DIVISION 1. - GENERALLY

Sec. 2-26. - Payments to mayor, mayor pro tem and councilmembers.

(a) Each councilmember shall receive as salary the amount established by ordinance but such compensation may increase or decrease only on the date of the first regular or special council meeting following any regular election and only if the increase or decrease was adopted prior to the date of the election.

(1) *Reserved.*

(2) Councilmembers whose terms expire in November 2017 shall be paid \$900.00 per month for the remainder of their term. Councilmembers elected to office in November 2015, or duly appointed thereafter, shall be paid \$1,500.00 per month effective on the date of the first regular or special council meeting following the November 3, 2015 election. The mayor who will be elected to office in November 2015, or duly appointed thereafter, shall be paid \$2,000.00 per month. The Mayor Pro Tem who will be elected by city council on or after November 17, 2015 shall be paid \$1,750.00 per month.

(b) Councilmembers shall be paid no additional compensation for attending meetings of city boards and commissions pursuant to the requirements of the Charter, this Code and ordinances or otherwise attending meetings and civic events as representatives of the city and its council. Councilmembers shall, however, be eligible to receive reimbursement for necessary and bona fide expenses incurred in service in behalf of the city as are authorized by the travel, training, subsistence and incidental expense administrative directive and the approved council policy on travel, training, subsistence and incidental expense reimbursement.

Sec. 2-27. - Medical benefits.

The mayor and each councilmember shall be eligible to participate in the group medical benefits provided the city employees. The city shall fund such benefits on the same basis as city employees.

DIVISION 2. – RULES OF ORDER AND PROCEDURE

Sec. 2-51. - General rules.

That city council shall, pursuant to Section 4.15(3) of the Thornton City Charter, by ordinance establish a city council policy regarding rules of order and procedure for city council meetings.

Sec. 2-52. - Types of meetings.

(a) Regular meetings.

(1) The city council shall hold regular meetings on the second and fourth Tuesdays of each month at 7:00 p.m.

(2) Regular city council meetings shall be held in the Council Chamber at Civic Center, 9500 Civic Center Drive, Thornton, Colorado.

(3) The place and time of regular meetings may be otherwise designated by the city council when it deems necessary; provided, however, that all members shall be duly notified of the time and place of such meeting and provided that at least two meetings a month shall be held.

(4) A regular meeting may be cancelled by the mayor if it is known in advance that a quorum will not be present. All councilmembers shall be notified of the cancellation. The reason for cancellation shall be stated on the record at the next regular council meeting following the cancelled meeting.

(b) Special meetings .Special meetings of the council shall be called as provided in the Charter and the business of special meetings shall be as provided therein.

Sec. 2-54. - Public hearings.

City council may direct that a matter of significant interest be scheduled as a public hearing. Where the method of notice for a public hearing is not otherwise specified by law or by council action, notice shall be given pursuant to Section 2-1 at least ten consecutive days prior to the hearing, or less than ten days for good cause shown.

ARTICLE III. - BOARDS AND COMMISSIONS

Sec. 2-81. - General provisions.

(a) Creation; appointments; removal of members; officers. The council shall have the power to create such boards, commissions, and authorities as it may decide, provided that no such board, commission, or authority shall have the authority to perform functions or duties otherwise assigned in the Charter or to interfere with any function or duty otherwise assigned in the Charter. Unless otherwise required by law or the Charter, all boards, commissions, and authorities shall be appointed by the council and shall have such powers and perform such duties as are required by the Charter or by ordinance. Initial appointments by the council shall specify the term of office of each individual in order to achieve overlapping tenure. Members shall be appointed to serve four-year overlapping terms ending March 1 of even-numbered years except as otherwise provided. All members shall be subject to removal by the council. The council shall make appointments to fill vacancies for unexpired terms. Except as otherwise provided in the Charter, each board, commission, or authority shall choose its own chairman and vice-chairman from its members and shall operate in accordance with the rules of procedure set forth by the council. Any groups created by a board, commission, or authority are also subject to removal by council.

(b) Reports; residency requirements. Reports shall be made to the council as the council shall require. All board and commission members shall have been residents of the city immediately preceding appointment and shall be qualified electors of the city, except for the Businesses of Thornton Advisory Commission.

(c) Payments to members. Each board, commission, and authority member shall receive \$35.00 per meeting, and the chairman of each board shall receive \$45.00 per meeting attended; however, the council may by resolution provide that any such board, commission or authority be served by uncompensated volunteer citizens, in which event only authorized, reasonable expenses incurred will be reimbursed. Members of the

election commission, excluding city employees, shall be compensated for working on any election day in the same amount provided for election judges in the Colorado Uniform Election Code of 1992 (C.R.S. § 1-1-101 et seq.), as amended from time to time. In the event that the council should convert an existing board, commission or authority to volunteer status, during the remaining unexpired term of members then serving and receiving compensation, such compensation shall continue during the unexpired term of continuing office unless such continuing compensation is specifically prohibited by the council action or waived by the board, commission, or authority member.

Sec. 2-82. - Development permits and appeals board.

(a) *Creation.* There is hereby created the development permits and appeals board ("board").

(b) *Duties.* The board shall have the duties specified in the Code or as otherwise assigned by the city council. The board may adopt bylaws to establish procedures for meetings.

(c) *Membership.* The board shall consist of nine members to be appointed by the city council.

Sec. 2-83. - The Businesses of Thornton Advisory Commission.

(a) *Creation.* There is hereby created the Businesses of Thornton Advisory Commission.

(b) *Duties.* The Businesses of Thornton Advisory Commission shall have the duties assigned by the city council. The commission shall prepare and submit to the city council, for review and approval, bylaws for the procedural conduct of meetings.

(c) *Membership.* The commission shall consist of at least nine members to be appointed by the city council.

(d) [Staff support.] The city manager shall provide staff support to the Businesses of Thornton Advisory Commission.

Sec. 2-84. - Election Commission.

(a) *Creation.* An election commission is hereby created consisting of the Thornton city clerk and four or more registered electors of the

city. The city clerk shall be the chair of the election commission.

(b) Power and purpose. The election commission shall have the following powers, duties and responsibilities:

(1) The election commission shall have charge of all activities and duties required of it by state law, including the Colorado Municipal Election Code (C.R.S. 31-10-101, et seq., as amended), the Thornton City Code and ordinances relating to the conduct of elections in the city. In any case, when election procedures are in doubt, the election commission shall prescribe the procedure to be followed.

(2) The election commission shall appoint election judges for each of the precincts located within the city.

(3) The election commission shall establish precincts and polling places within the city.

(4) The election commission shall have power to adopt rules and regulations not in conflict with the state constitution, the City Charter, the Code or ordinances of the city.

(5) The election commission shall have such additional powers and duties as may be required by the city clerk for conduct of the municipal election and shall abide by all applicable ordinances and regulations prescribed by city council.

(c) Membership. During the terms of office, appointees shall not be city officers, employees, candidates or nominees for elected city office.

Sec. 2-85. - Thornton Active Adult Board.

(a) Purpose and functions. There is established the Thornton Active Adult Board. The purpose of the board shall be to promote and facilitate communications between the board and the city council in matters impacting the needs and interests of citizens 55 years of age and older and to better assist the city council in being responsive and well advised as to issues of particular relevancy to citizens 55 years of age and older. The board shall also formulate recommendations for the most appropriate and beneficial use of the Thornton Active Adult Center and perform such additional duties and services which may be assigned to the board by the city council. The board will not make recommendations as to the fees or

budget funding levels for the Active Adult program.

(b) Membership.

(1) The board shall consist of 11 members appointed by city council, with representation from each ward, the business community, one member recommended by the 55 Plus Club Organization, Inc., one member recommended by the mayor, and four members appointed at large. Nine of the members shall have attained the age of 55 years of age at the time of the appointment.

(2) The members shall be appointed to serve four-year overlapping terms ending on March 1 of even-numbered years; except that four members will initially be appointed for a two-year term of office ending March 1, 2000; thereafter, the term for these members shall be four years.

(c) Officers; bylaws; meetings. The board shall designate a chairperson, vice-chairperson, secretary and such other officers as it may deem appropriate and shall prepare and submit to the city council, for approval, bylaws for the procedural conduct of meetings of the board. The board shall meet quarterly, at a minimum, at the Thornton Active Adult Center

Sec. 2-86. - Parks and open space advisory commission.

(a) Creation. There is hereby created the Thornton Parks and Open Space Advisory Commission.

(b) Purpose and functions.

(1) The parks and open space advisory commission shall act as an advisory commission to advise and make recommendations to the city council, for their approval, as to: (a) the development of and update thereto at least every three years, of the comprehensive parks and open space master plan; and (b) parks and open space projects to be funded from the proceeds of the open space and parks sales and use tax. All recommended projects must be provided for in the comprehensive parks and open space master plan. Project costs shall include all necessary and appurtenant facilities, including design, construction management, construction, and replacement but not routine maintenance. The parks and open space advisory commission

shall take into consideration the on-going operating and maintenance cost impacts of all projects to the city in determining recommended projects. Open space and parks projects are defined as follows:

a. Open space projects: acquisition of land or other real property interests for natural open space for the preservation of wildlife habitats which support wildlife of Colorado; acquisition of wildlife corridors to support movement and migration of wildlife species currently utilizing undeveloped areas; preservation and enhancement of existing wetlands that support waterfowl and important wildlife ecosystems; and acquisition of land or other real property interests to support significant view corridors and provide buffers.

b. Park projects: interconnected walking, biking, and hiking trails; active and passive parks for family and individual recreation; and multi-use sports fields for youth sports as well as adult uses.

(2) The city manager shall provide staff support to the parks and open space advisory commission.

(3) The parks and open space advisory commission shall not have the power to: authorize the expenditure of funds; enter into contracts or leases; buy, sell or condemn real estate or any other interest therein; sue or be sued; or otherwise to legally bind the city.

(c) Membership and term.

(1) The parks and open space advisory commission shall consist of nine members appointed by the city council.

(2) Members of the parks and open space advisory commission serve at the pleasure of city council. Any member may be removed from office at any time without cause and without notice or hearing by a majority vote of a quorum of city council present at any regular or special meeting.

(3) The members of the parks and open space advisory commission shall be compensated in accordance with the City Code.

(d) Meetings.

(1) The first organizational meeting shall be at the call of the city manager. The parks and open space advisory commission will select from among its membership a chairperson and vice-chairperson.

(2) The parks and open space advisory commission shall prepare and submit to the city council, for review and approval, bylaws for the procedural conduct of meetings.

(3) The parks and open space advisory commission shall meet quarterly, and may, upon the call of the chairperson and any four additional members, hold special meetings. Any quarterly or special meetings may be canceled by a simple majority or by the chairperson for good cause.

(4) All meetings shall be held in compliance with the city's open meeting requirements as set forth in the City Code. In addition to the requirements set forth therein for notice of open meetings, at least ten consecutive days prior, notice shall be published at least once, pursuant to Section 2-1, within the city with regard to any meeting of the parks and open space advisory commission, the purpose of which is to consider final recommendations for the parks and open space master plan or project recommendations by the parks and open space advisory commission to the city council. At the meetings, members of the public shall be allowed reasonable time to speak and present oral and/or written opinions on the plans prior to any recommendation to the city council. Where an immediate action and recommendation to the city council is necessary to acquire open space property or property rights not previously included in the parks and open space master plan, the parks and open space advisory commission may forego the requirement of notice.

(5) The parks and open space advisory commission shall keep minutes of its proceedings, showing the vote of each member present upon every question, or if absent or failing to vote, indicating such fact.

(6) The city council may refer project proposals to the parks and open space advisory commission for review and recommendation to the city council. The parks and open space advisory commission shall meet to consider the city council's request within thirty days or as directed by the city council. In the event the parks and open space advisory commission fails to make a recommendation within this time frame, the city council may thereupon make a determination as to the proposed project(s) and

amend the parks and open space master plan as required.

Sec. 2-87. - Ad hoc committees. The council may establish, by resolution, ad hoc committees to provide review and recommendations to the council on activities or projects when determined appropriate by council. An ad hoc committee shall have the duties assigned by the council and shall serve until such time as the council determines that the committee has completed its assigned duties or that no further committee review or recommendations are necessary.

Sec. 2-88. - The judicial appointment and retention advisory commission.

(a) Creation. There is hereby created the judicial appointment and retention advisory commission (commission).

(b) Purpose and functions. The judicial appointment and retention advisory commission shall recommend to city council qualified candidates for appointment and whether to retain judges.

(c) Membership.

(1) Composition. The commission shall be composed of five voting members appointed by city council. As much as practicable, council will appoint a member from each ward and an at-large member. At minimum, no ward shall have more than two members on the commission. Two of the members shall be licensed attorneys. The council shall appoint one attorney with experience in criminal prosecution and one attorney with experience in criminal defense unless there are no applicants to appoint one from each practice.

(2) Ineligible to serve. Justices and judges actively performing judicial duties may not be appointed to serve on the commission. No member shall, at the time of the appointment or thereafter while serving on the commission, be an officer or employee of the city or be an employee or business associate of an attorney, law office, or law firm contracting with the city to provide criminal defense legal services.

(3) Application for appointment. After creation of, and upon any vacancy of the commission, the city clerk shall advertise and open up an application period for which citizens

desiring appointment to the commission may apply. City council shall review the applications and appoint members in conformance with the indicated composition.

(4) Term. The members shall be appointed to serve four-year overlapping terms ending on March 1 of even-numbered years; except that two members will initially be appointed for a two-year term of office ending March 1, 2020; thereafter, the term for these members shall be four years.

(5) Compensation. Members shall receive compensation for their services as provided in the code.

(6) In addition to the commission members, the presiding judge, the city attorney (or designee, not a prosecuting attorney) and the city manager (or designee) shall be non-voting, ex-officio members, and be available to answer questions of commission members and/or the interviewees for associate municipal judges with regard to the administration, operation, and activity levels of the municipal court.

(d) Officers; bylaws; meetings. The commission shall designate a chairperson, vice-chairperson, and such other officers as it may deem appropriate and shall prepare and submit to the city council, for approval, bylaws for the procedural conduct of meetings of the commission.

(e) Appointment/reappointment of associate municipal judges. The commission shall assist the city council in the appointment/reappointment of associate municipal judges as provided as follows:

(1) Applications and minimum qualifications. If council finds a need or desire to appoint one or more associate municipal judge(s), an application period shall be announced for interested persons to apply. Minimum qualifications include five years as a licensed attorney and five years of prosecution/defense and/or judicial experience. Other information to be provided, such as letters of recommendation, will be listed in the application. The human resources division will screen the applications for the minimum qualifications established by this section. Upon receiving the screened applications, the commission will interview applicants based on interview questions provided by the city,

determine a scoring/ranking methodology prior to interviews, and provide a list of the top ranked applicants who will move forward to the public comment process. The number of names forwarded shall equal the number of vacancies plus three.

(2) Advertisement for applications. All advertisements for applications required in this section shall include sending the notice to the Colorado Bar Association, the Denver and Adams/Broomfield Bar Associations, the Minority and Women's Bar Associations, and posting the advertisement in a conspicuous place on the city's website.

(3) Reappointments. Associate judges desiring to be reappointed shall notify the commission in writing indicating their interest no later than October 1 prior to the end of their current appointment. The commission will interview the associate judges and shall provide city council a confidential recommendation to reappoint, not reappoint, or state no opinion. The names of the associate judges requesting reappointment will move forward to the public comment process.

(4) Public comment process. The city will advertise the names of candidates under consideration, including the names of judges seeking reappointment, for a fourteen-day period and the public may submit written comments on any candidate. The deadline for comments shall be no less than 15 days, which can overlap with the 14-day publication period. All comments submitted by the public will be provided to the city council.

(5) Reappointment of the presiding municipal judge. The commission shall annually provide the city council, in advance of the annual performance evaluation meeting between the presiding municipal judge and the city council, a confidential recommendation to reappoint, not reappoint, or state no opinion. Such recommendation shall be accompanied by an explanation. As part of the evaluation, the commission shall observe the presiding municipal judge in court and also interview the presiding municipal judge as to the operation of the court over the evaluation period. The interview questions shall be provided to the presiding municipal judge in advance of the interview. If surveys or questionnaires of

individuals who have direct and/or continuing contact with the presiding municipal judge are conducted, such information shall be provided to the commission. The commission's recommendation shall be based solely upon the following criteria: integrity; knowledge and understanding of the law; communication skills; preparation, attentiveness, and control over judicial proceedings; consistency and applicability of sentencing practices; docket management, prompt case disposition, and administrative skills; courtroom demeanor; and overall judicial performance.

(f) The creation of the commission shall not in any fashion abridge the authority possessed by the city council who retains the sole discretion to appoint, reappoint, and remove the presiding municipal court judge and associate judges. The commission serves as an advisory body to the city council, and its evaluations shall be considered solely recommendations for the benefit of city council.

ARTICLE IV. - DIVISIONS AND DEPARTMENTS

Sec. 2-121. - Utilities director and utilities attorney.

(a) Utilities director. The city manager is designated the utilities director pursuant to Subsection 5.7(e) of the Charter. The city manager, acting as the utilities director, shall have the full and plenary authority, subject to the limitations upon such authority contained in the Charter, to execute, implement and administer the ongoing and regular operations of the municipal utilities, and subject to the limitations of the budget resolution and appropriation ordinance of the city council. By way of illustration but not limitation, such administrative functions that are authorized for the city manager, acting as the utilities director, include:

(1) Expending funds within the approved budget resolution and appropriations ordinance and within any purchasing guidelines. Such authority shall include contracting to purchase and acquire goods, services, and professional consultation.

(2) Entering into change orders within the approved budget and within the standards of budget administration.

(3) Entering into any contract or lease or amendment thereto requiring the expenditure of city or utilities funds for real or personal property that is approved in the appropriations ordinance, and entering into any lease or amendment thereto, for any valuable consideration, of city-owned real or personal property.

(4) Making all appointments to any ditch company boards, water boards, corporate boards, or other entities, and authority to vote shares, including authorizing proxies, of city water stock, except for the Metropolitan Wastewater Reclamation District, where the city manager acting as the utilities director shall make a recommendation to the city council for the appointment.

(5) Pursuant to Section 10.3 of the Charter, acquiring water rights and interests subject to the approved budget resolution and appropriations ordinance.

(b) Utilities Attorney. The city attorney is designated the utilities attorney pursuant to Subsection 5.7(k) of the Charter. The city attorney, acting as the utilities attorney, shall have the full and plenary authority, subject to the limitations upon such authority contained in the Charter, to provide legal advice and represent the ongoing and regular operations of the municipal utilities, and subject further to the limitations of the policies, budget resolution and appropriations ordinance approved by the city council. From and after the effective date of this section, the city attorney, acting as the utilities attorney, shall succeed in all actions and matters previously conducted or entered by the former utilities attorney. All actions by the former utilities attorney are ratified.

Sec. 2-122. - Establishment of exempt positions, department heads and supervision of departments.

The positions exempt from the career service, department head positions and departments deemed to be under the direct supervision of the city manager shall be identified in the annual budget or subsequent

budget amendments as may, from time to time, be necessary.

Sec. 2-123. - Establishment of departments.

The city shall be organized into departments, and the departments shall be identified in the annual budget and the appropriations ordinance or subsequent amendments thereto.

ARTICLE V. - OFFICERS AND EMPLOYEE

DIVISION 2. - CODE OF ETHICS

Sec. 2-186. - Purpose.

The purpose of this division is to promote public confidence in city government, to provide guidance to members of the city council, members of city boards and commissions, and city officers and employees and to comply with Section 7.4 of the Charter, by establishing a code of ethics.

Sec. 2-187. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means any appointive board or commission or other appointive body or authority of the city. The term "board" shall include the Thornton Development Authority and the Thornton Arts, Sciences and Humanities Council, Inc., but shall not include members of advisory ad hoc committees who are not otherwise officers, board members or employees of the city.

Board member means a regular or alternate member of a board.

Confidential information means information which is not available to the general public under applicable laws, ordinances, and regulations, and which is obtained by reason of the councilmember's, board member's or employee's position with the city.

Conflict of interest means a personal interest of the councilmember, board member, or employee or of any relative of such which

interferes with or influences or may interfere with or influence or which may reasonably be perceived by the public as interfering with or influencing the conduct of the duties or the exercise of the powers of the councilmember, board member, or employee on behalf of the city. The term "conflict of interest" includes the restrictions set forth in Section 2-191.

Contract means any arrangement or agreement, including the bidding or negotiation process therefor, pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or is to be sold or transferred by the city, provided the amount involved is more than \$100.00. The term "contract" shall include any subcontract thereof.

Employee means any person holding a paid position of employment with the city, whether full-time, part-time, regular, temporary, or by contract.

Interest means a pecuniary, property, or commercial interest or any other interest, the primary significance of which is economic gain or the avoidance of economic loss. An officer, board member or employee shall be deemed to have a pecuniary interest in a contract if the officer, board member or employee or any member of the officer's, board member's or employee's family is an employee, partner, officer, director or sales representative of the person with whom such contract is made. However, the term "interest" shall not include any matter involving the common public good or necessity or any matter in which a similar benefit is conferred to all persons or property similarly situated. Provided further, ownership individually or in a fiduciary capacity of any securities or of any beneficial interest in securities of a corporation shall not be deemed to create an "interest" in the corporation unless the aggregate amount of such securities, or interest in such securities, amounts to ten percent or more of any class of the securities of the corporation then outstanding or constitutes controlling interest in the corporation.

Officer means each councilmember, each municipal judge, the city manager, the city attorney, the utilities attorney, if any, and the utilities director.

Person means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

Relative means an employee's husband, wife, domestic partner, partner in a civil union, daughter, son, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law, step-parent, step-child, son-in-law, daughter-in-law, grandchild and all relationships listed above as they relate to domestic partners or partners in a civil union.

Sec. 2-188. - Violations; penalty.

In addition to any other penalty provided for in the Charter, this Code, or any other applicable law, any officer, board member or employee who violates any provision of this division is subject to the following penalties:

(1) A violation by a councilmember which is established to the satisfaction of a majority of the remaining members of the city council shall be grounds for an official reprimand by the city council.

(2) A violation by a board member which is established to the satisfaction of a majority of the remaining members of the board shall be grounds for an official reprimand by the board or by the city council or both. Unless prohibited by the Charter, the city council may remove such member from the board and appoint another person to finish the term of the member removed.

(3) A violation by an employee which is established to the satisfaction of the city Manager or, in the case of an employee appointed by the city council, to the satisfaction of the city council, shall be grounds for an official reprimand or disciplinary action, including termination from employment.

(4) Any person who knowingly or intentionally violates any provisions of Section 2-191 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Section 1-8(b). Each separate day or any portion thereof during which violation of any provision appearing in this division occurs or continues shall be deemed or constituted as a separate offense.

(5) Any officer who knowingly permits the city to enter into any contract in which the officer has a pecuniary interest, without disclosing such interest to the council prior to the action of the council in authorizing such contract, shall be guilty of misconduct in office or employment.

(6) The penalties provided for in subsections (1) through (5) of this section shall not preclude the application of any other penalty or remedy provided for by law.

Sec. 2-189. - Compliance with other laws.

The requirements of this division shall be in addition to the applicable requirements of the Charter.

Sec. 2-190. - Advisory opinions.

(a) The municipal judge shall obtain, upon the adoption of this division, and shall maintain the consent of one or more judges of municipalities other than this city to provide advisory opinions with respect to this division, the reasonable expenses and fees thereof to be paid by the city. The names of such judges shall be provided to the city council, the city manager, and the city attorney.

(b) The city council, city manager or city attorney may request in writing an advisory opinion with respect to this division from any judge having consented thereto pursuant to subsection (a) of this section. The advisory opinion shall be in writing and the judge issuing the advisory opinion may require that all or portions of the opinion remain confidential.

(c) Any person who acts in accordance with an advisory opinion issued pursuant to this section shall not be guilty of violating any of the provisions of this division.

(d) If the subject of the advisory opinion is the city municipal judge, the advisory opinion may be requested from any municipal judge, and shall not be limited to those identified in subsection (a) of this section.

Sec. 2-191. - Restrictions.

(a) No officer, board member, or employee shall knowingly use any confidential information to further the personal interest of the officer, board member or employee or any relative thereof.

(b) No officer, board member or employee shall disclose any confidential information to persons not entitled to such information, except as required by law.

(c) No officer, board member or employee shall participate in any discussion of, take any final action on, or vote to render any final decision or determination on any matter in relation to which the officer, board member or employee has a conflict of interest.

(d) No officer, board member or employee shall receive or solicit any compensation, payment of expense, reward, gratuity, loan, reduced interest rate, any item of value or gift in an effort to realize personal financial gain through public office from any person.

(e) The following shall not be prohibited under this article:

(1) Campaign contributions reported if and as required by law.

(2) An occasional nonpecuniary gift insignificant in value.

(3) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.

(4) Payment of or reimbursement for actual and necessary expenditures for travel, tuition, registration fees, and subsistence for attendance at a convention, training event or other meeting at which an officer, board member, or employee is scheduled to participate or represent the city.

(5) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer, board member, or employee which is not extraordinary when viewed in light of the position held by such officer, board member or employee.

(6) Gifts of perishable or nonpermanent value, including but not limited to meals; food items; flowers; or tickets to sporting, recreational, educational, or cultural events in which the person is attending in connection with expressed duties and responsibilities or representing the city.

(7) Payment for speeches, debates or other public events, reported as honorariums.

(8) Payment of salary from employment, including other government employment, in

addition to that earned from being an officer, board member or employee.

(9) Items available for free to the general public at trade conventions or other public exhibitions, and items offered at a discount to officers, board members and/or employees of governments.

(10) Gifts while visiting other cities, counties, states, or countries or hosting visitors from other jurisdictions when it would be a breach of protocol to refuse the gift.

(f) It shall not be a violation of this article for an officer, board member, official, or employee to solicit donations to the city or to solicit or redirect donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or charitable needs, provided that solicitation and financial records are maintained and provided that the soliciting person does not keep or use the gift or receive any monetary benefit therefrom.

(g) No officer, board member or employee shall receive or solicit any compensation, gift, payment of expense, reward, gratuity, loan, reduced interest rate, or any item of value tendered by a person who has an interest in any matter pending before the city which, in the judgment of a reasonably prudent person, would tend to impair the officer's, board member's or employee's independence or impartiality of judgment in the performance of the officer's, board member's or employee's official duties with regard to any such pending matter. This restriction also applies to any such items of value given after the pending matter is concluded if it reasonably appears that the giving of the item of value is related to the recipient's participation in the pending matter. Matters pending before the city include but are not limited to inspections and the processing of permits, licenses, and other administrative approvals.

(h) No officer, board member, or employee shall on behalf of a private interest before the city council or any board, unless otherwise permitted by the Charter, this Code or ordinances, except that any officer, board member, or employee may appear before the city council or any board on such officer's, board

member's or employee's own behalf, and an officer may appear on behalf of a private interest before any board, the action of which is not reviewable by the city council. Nothing in this subsection shall preclude an officer, board member, or employee in the same manner and under the same circumstances as any other person from appearing before the city council or a board on an application of the officer, board member, or employee for a permit, license or other approval of the council or board required by law.

(i) No officer, board member or employee shall represent any private interests, other than the officer's, board member's or employee's own interest, against the interests of the city in any civil litigation to which the city is a party, unless the consent of the city council is first obtained, except that any officer, board member or employee may testify under oath if subpoenaed.

(j) In addition to the restrictions on employment imposed on councilmembers for two years following their terms of office as set forth at Section 4.21 of the Charter, no officer, board member, or employee shall, at any time within six months following termination of the office or employment, obtain or retain employment in which the officer, board member or employee will take direct advantage, unavailable to others, of matters with which the officer, board member or employee was directly involved during the term of office or employment with the city.

(k) No officer, board member or employee shall use any city property or employee services for personal gain or advantage except in the same manner and under the same circumstances as any other person who is not an officer, board member or employee of the city.

(l) No councilmember or board member shall vote on any question concerning the member's own conduct.

(m) The city manager may designate by administrative directive a job classification(s) at the city's golf course that may receive gratuities in the form of tips where it is a common standard in the public sector for such position to receive tips.

Sec. 2-192. - Conflict of interest disclosure; stepping-down procedures—Councilmember or board member.

(a) A councilmember who knowingly has a conflict of interest in relation to a matter pending before the city council shall disclose the conflict of interest to the city council.

(b) When it appears to the city council that a member thereof may have a conflict of interest which has not been disclosed, a majority of the remaining members of the city council may request an advisory opinion pursuant to section 2-190 as to whether the councilmember has a conflict of interest. If the advisory opinion is that a conflict of interest exists, no vote shall be recorded for the councilmember, consistent with Charter Subsection 8.4(e).

(c) The councilmember with a conflict of interest shall not vote on or be present during or participate in consideration of the matter in relation to which a conflict of interest is disclosed or established prior to any vote. Pursuant to Charter Subsection 8.4(e), no vote shall be recorded for a councilmember who refuses to vote because of a conflict of interest.

(d) The provisions of subsections (a) through (c) of this section shall apply to board members and boards. When it appears that a board member may have a conflict of interest which has not been disclosed, the board may request an advisory opinion pursuant to Section 2-190 as to whether a board member has a conflict of interest. If the advisory opinion is that a conflict of interest exists, no vote shall be recorded for the board member. No vote shall be recorded for a board member who refrains from voting because of a conflict of interest. If it appears to the city council that the board is not performing the functions set forth in these subsections, the city council may perform those functions.

Sec. 2-193. - Same—City employee.

(a) An employee who is aware of a conflict of interest or a possible conflict of interest in relation to a matter pending before the employee shall promptly disclose in writing the conflict to the city manager.

(b) When it appears to the city manager that an employee may have a conflict of interest which has not been disclosed, or if an employee

discloses a possible conflict of interest, the city manager shall:

(1) Determine whether the employee has a conflict of interest; or

(2) Request an advisory opinion pursuant to Section 2-190 as to whether the employee has a conflict of interest.

(c) When a conflict of interest is disclosed or established as provided in subsection (a) or (b) of this section, the city manager shall take any action the city manager deems to be in the best interest of the city. The employee with such a conflict of interest shall not perform any duties concerning the matter in relation to which the conflict of interest exists, unless directed to do so in writing by the city manager.

(d) In all cases, the determination of the city manager as to whether or not a conflict of interest exists is final and shall not be the subject of a grievance or appeal to the hearing authority. Any suspension, demotion or discharge action taken as a result of the determination may be appealed to the hearing authority. This subsection shall only apply to certified employees.

(e) Where the employee involved is an appointee of the city council or a city board, such city council or board shall perform the functions of the city manager described in this section.

Sec. 2-194. - Prohibition of certain contracts.

(a) The city council declares that the best interests of the city are served by prohibiting the making of certain contracts. Accordingly, in addition to any other applicable requirements in this division, the requirements of subsection (b) of this section shall apply to the making of contracts by the city.

(b) The city shall not knowingly make any contract, in which an officer has an interest, with any person, if an officer or a relative of an officer:

(1) Is an employee, partner, officer, director or sales representative of the person; or

(2) In the case of a contract with a corporation, has ownership interest, individually or in a fiduciary capacity, of securities or of any beneficial interest in securities of such corporation, and the aggregate amount of such

securities or such interest in securities amounts to ten percent or more of any class of the securities of the corporation then outstanding or to controlling interest.

(c) An officer shall disclose an interest of which the officer has knowledge in any proposed contract prior to the city entering into such contract; disclosure shall be in writing to the city clerk or orally to the city council at any regular or special meeting.

(d) If a board member or employee has knowledge of the following described interest in a contract, such board member or employee shall disclose such interest as provided in subsection (e) of this section prior to the city entering into the contract:

(1) The board member, employee, or relative thereof is an agent, employee, partner, officer, director or sales representative of the person contracting with the city; and/or

(2) In the case of a contract with a corporation, the board member, employee, or relative thereof has ownership interest, individually or in a fiduciary capacity, of securities or of any beneficial interest in securities of such corporation, and the aggregate amount of such securities or such interest in securities amounts to ten percent or more of any class of the securities of the corporation then outstanding or to controlling interest.

(e) The procedures of Section 2-193 apply to subsection (d) of this section. In addition, the city may choose, in its sole discretion and notwithstanding any other contracting procedures of this division, to refrain from entering into any contract in which an interest described in subsection (b) or (d) of this section exists.

Sec. 2-195. - Appearance of impropriety.

To maintain confidence in government, each officer, board member and employee shall, in the performance of services for the city, seek to avoid the appearance that a conflict of interest exists or that a city office or employment is being used for personal interest.

Sec. 2-196. - Antinepotism.

(a) Antinepotism rules applicable to the city council, city manager and utilities director

appear in Charter Section 7.6. The city manager may adopt antinepotism regulations applicable to employees.

(b) Any officer, board member, or employee who has or has had a significant professional or personal relationship with any prospective employee, consultant, contractor, supplier, or other person shall be deemed to have a conflict of interest and shall disclose such relationship, as provided herein, prior to participation, if any, in the recruitment or selection thereof.

Sec. 2-197. - Quasi-judicial decisions.

Each officer, board member and employee shall be and remain impartial when making any quasi-judicial decision. Any officer, board member or employee who cannot be impartial in making a quasi-judicial decision shall follow the procedure described in Section 2-192(c). In addition, no officer or board member shall receive nor shall any employee or member of the public provide to any officer or board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the council or a board on which the board member sits, and which is the subject of a quasi-judicial hearing before the council or the board, outside of the quasi-judicial hearing process. The term "quasi-judicial hearing process" includes but is not limited to preparations necessary for such hearing such as written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The city attorney shall provide affected officers, board members and employees advice on what constitutes a quasi-judicial decision.

Sec. 2-198. - Administrative regulations.

The city manager may adopt regulations governing the ethical conduct of employees which are no less restrictive but may be more restrictive than the provisions of the Charter, this Code or ordinances or state law.

Sec. 2-199. - Information to officers, board members and employees.

The city shall provide information to officers, board members, and employees regarding the ethical requirements of the Charter, this Code

and ordinances and applicable state and federal law.

ARTICLE VI. - ELECTIONS

Sec. 2-236. - Regular municipal elections.

(a) *Nomination petitions.* Any person who desires to be a candidate for a municipal office may circulate a nominating petition for signature no sooner than the 91st day prior to the date of a regular municipal election. The nominating petition shall be filed with the city clerk no later than the 71st day prior to the date of a regular municipal election. The nominating petition may be amended to correct or replace signatures which the city clerk finds are not in apparent conformity with the requirements of the municipal election code at anytime before the 67th day before the date of a regular municipal election.

(1) Any person who has been nominated and who has accepted a nomination may withdraw from such nomination no later than 64 days before the election by signing a written affidavit and subsequently filing it with the city clerk.

(2) Any certificate of nomination or petition to fill a vacancy shall be filed with the city clerk not later than the 61 days before the day of the election.

(b) *Protests of nomination.* A protest of a nomination shall be made in writing and filed with the city clerk within five days after the petition has been filed. The city clerk shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within 72 hours after the hearing.

(c) *Affidavit of intent of write-in candidate.*

(1) No write-in vote for any municipal office shall be counted unless an affidavit of intent of the write-in candidate has been filed with the city clerk by the person whose name is written in by the close of business on the 64th day before the election.

(2) The affidavit of intent of the write-in candidate may be filed on forms provided by and available from the city clerk or on substantially similar forms from some other source, but each such affidavit shall contain a

sworn statement that the affiant is fully qualified for the office involved and that the affiant desires the office.

(3) Nothing contained in this section shall change, modify, amend, waive or in any way alter the residency requirements or the age requirement for any municipal office.

Sec. 2-237. - State law exclusion; precincts and polling places.

(a) The provisions of C.R.S. § 31-10-108, or any successor statute, shall not apply to special municipal elections in the city, insofar as such statute relates to the period of time when such special elections may not be held prior to and following a primary or general election in the state.

(b) No election precinct or part thereof shall be located in more than one ward. Any changes to existing polling places or the addition of any new polling places shall be established by the election commission at least 30 days before any election is held. The polling places, as established, shall be posted in designated public places and notice shall be provided, pursuant to Section 2-1, at least 20 consecutive days before the election, except for consolidated elections conducted pursuant to the Uniform Election Code of 1992, as amended.

Sec. 2-238. - Compensation to municipal election judges.

The judges of election serving for municipal elections held in the city shall receive the same compensation as election judges who serve for Adams County in general elections.

Sec. 2-239. - [Councilmember candidate qualifications; reapportionment.]

The provisions of the Charter regarding qualifications shall not be construed to limit eligibility of a resident to be elected or appointed as a councilmember when reapportionment occurs, so long as the resident has resided at an address within the new ward boundaries for at least 12 consecutive months immediately preceding the date of the election or appointment and satisfies all other requirements for qualification.

Sec. 2-240. - Campaign contributions.

A campaign contribution as that term is defined in Colorado Revised Statutes Section 1-45-103(6), as amended, may be accepted by a candidate for city council from persons, businesses, corporations and labor organizations. All campaign contributions and expenditures shall be reported and filed as required by law.

Sec. 2-241. - Coordinated elections.

For November regular or special elections the city shall coordinate its election with the county unless otherwise directed by city council. No later than February 1 of each year, the city manager shall notify city council of the pending coordinated election.

(a) Uniform Election Code. When regular municipal elections are coordinated with the county clerk, pursuant to Section 3.3 of the City Charter, and C.R.S. §§ 1-1-102 and 31-10-102.7, the Uniform Election Code shall be followed for the purpose of participating in coordinated elections.

(b) Designated election official. For the purposes of coordinating regular municipal elections with the county, the city clerk shall be appointed as the designated election official for the purposes of performing acts required or permitted by law in connection with the election. The city clerk shall post the notice of election at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the city clerk.

Sec. 2-243. Councilmember candidate qualifications; rules for determining residence.

(a) The residence of a person is their primary home or place of abode at which the person has a physical presence on a regular basis and to which that person intends to return after a departure or absence. Before a candidate for councilmember, or Mayor, is eligible for office, he or she must certify on forms provided by the City Clerk that he or she meets the residency requirements for office.

(b) After receipt of the form certifying residency, the City Clerk shall verify that each candidate meets the requirement of residing in the City, and appropriate Ward if

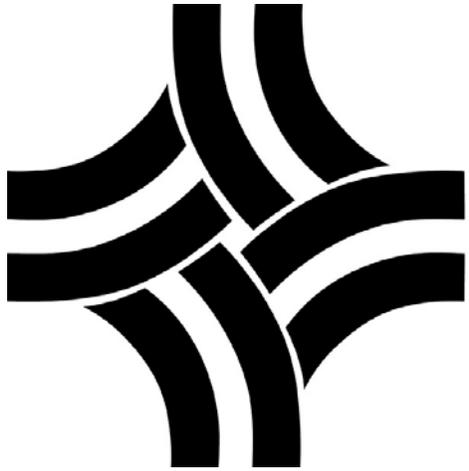
applicable, for 12 consecutive months by the date of the appointment or election. The City Clerk shall confirm residency through the rolls of registered voters. If the candidate's residency cannot be verified through the rolls of registered voters, the City Clerk shall request that the candidate provide a document from which the City Clerk can verify eligibility. Examples of documents which may be submitted include:

- (1) Property records from the County Assessor's Office indicating that the candidate was the property owner of the primary residence for 12 consecutive months by the date the appointment will be effective;
- (2) A lease for the primary residence which is in the name of the candidate and includes the date of commencement;
- (3) A utility bill for the residence.

The candidate may provide documentation not included in this list. The City Clerk shall determine whether the candidate has sufficiently proven compliance with the residency requirements.

The City Clerk shall within one week of receipt of the documents, notify the candidate in writing if the documents are deemed insufficient to determine residency.

(c) An appeal from any decision of the City Clerk shall be directly to the district court for the county, by means of Rule 106(a)(4) Colorado Rules of Civil Procedure or other applicable procedure(s).



**City of
Thornton**

***Fair Campaign
Practices Act***

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**TITLE 1
ELECTIONS**

**ARTICLE 45
Fair Campaign Practices Act**

1-45-101. Short title. This article shall be known and may be cited as the “Fair Campaign Practices Act”.

1-45-102. Legislative declaration. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, establishing campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

1-45-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(1) “Appropriate officer” shall have the same meaning as set forth in section 2(1) of article XXVIII of the state constitution.

(1.3) “Ballot issue” shall have the same meaning as set forth in section 1-1-104(2.3); except that, for purposes of section 1-45-117, “ballot issue” shall mean both a ballot issue as defined in this subsection (1.3) and a ballot question.

(1.5) “Ballot question” shall have the same meaning as set forth in section 1-1-104(2.7).

(2) “Candidate” shall have the same meaning as set forth in section 2(2) of article XXVIII of the state constitution.

(3) “Candidate committee” shall have the same meaning as set forth in section 2(3) of article XXVIII of the state constitution.

(4) “Candidate committee account” shall mean the account established by a candidate committee with a financial institution pursuant to section 3(9) of article XXVIII of the state constitution.

(5) “Conduit” shall have the same meaning as set forth in section 2(4) of article XXVIII of the state constitution.

(6)(a) “Contribution” shall have the same meaning as set forth in section 2(5) of article XXVIII of the state constitution.

(b) “Contribution” includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(c) “Contribution” also includes:

(I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;

(II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or

(III) The fair market value of any gift or loan of property made to any political organization.

(d) “Contribution” does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken “for the benefit of any candidate committee” or “for the purpose of promoting the candidate’s

nomination, retention, recall, or election” as those phrases are used in section 2(5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.

(e) “Contribution” does not include an intervention by the secretary of state, as authorized by section 1-45-111.5(1.5)(g), in any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(7) “Corporation” means a domestic corporation incorporated under and subject to the “Colorado Business Corporation Act”, articles 101 to 117 of title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the “Colorado Revised Nonprofit Corporation Act”, articles 121 to 137 of title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this article, “domestic corporation” shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of this state, and “nondomestic corporation” shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this article, “corporation” includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

(7.3)(a) “Donation” means:

(I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person for the purpose of making an independent expenditure;

(II) Any payment made to a third party that relates to, and is made for the benefit of, any person that makes an independent expenditure;

(III) The fair market value of any gift or loan of property that is given to any person for the purpose of making an independent expenditure; or

(IV) Anything of value given, directly or indirectly, to any person for the purpose of making an independent expenditure.

(b) “Donation” shall not include a

transfer by a membership organization of a portion of a member’s dues for an independent expenditure sponsored by such membership organization.

(7.5) “Earmark” means a designation, instruction, or encumbrance that directs the transmission by the recipient of all or part of a donation to a third party for the purpose of making one or more independent expenditures in excess of one thousand dollars.

(8) “Election cycle” shall have the same meaning as set forth in section 2(6) of article XXVIII of the state constitution.

(9) “Electioneering communication” shall have the same meaning as set forth in section 2(7) of article XXVIII of the state constitution.

(10)(a) “Expenditure” has the same meaning as set forth in section 2(8) of article XXVIII of the state constitution.

(b) “Expenditure” does not include legal services paid to defend a candidate or candidate committee against any action brought to enforce the provisions of article XXVIII of the state constitution or this article 45.

(10.5) “Foreign corporation” means:

(a) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;

(b) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a combined ownership interest that exceeds fifty percent;

(c) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a majority of the positions on the corporation’s board of directors; or

(d) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political

activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

(11) "Independent expenditure" shall have the same meaning as set forth in section 2(9) of article XXVIII of the state constitution.

(11.5) "Independent expenditure committee" means one or more persons that make an independent expenditure in an aggregate amount in excess of one thousand dollars or that collect in excess of one thousand dollars from one or more persons for the purpose of making an independent expenditure.

(12)(a) "Issue committee" shall have the same meaning as set forth in section 2(10) of article XXVIII of the state constitution.

(b) For purposes of section 2(10)(a)(I) of article XXVIII of the state constitution, "major purpose" means support of or opposition to a ballot issue or ballot question that is reflected by:

(I) An organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or

(II) An organization's demonstrated pattern of conduct based upon its:

(A) Annual expenditures in support of or opposition to a ballot issue or ballot question; or

(B) Production or funding, or both, of written or broadcast communications, or both, in support of or opposition to a ballot issue or ballot question.

(c) The provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v. Coffman*, 209 P.3d 1130 (Colo. App. 2008), cert. denied, 558 U.S. 1024, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2(10)(a)(I) of article XXVIII of the state constitution and not to make a substantive change to said section

2(10)(a)(I).

(12.5) "Media outlet" means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; and broadcast, cable, or satellite television.

(12.7) "Obligating" means, in connection with a named candidate, agreeing to spend in excess of one thousand dollars for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value in excess of one thousand dollars as an independent expenditure. "Obligating" shall not require that the total amount in excess of one thousand dollars be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

(13) "Person" shall have the same meaning as set forth in section 2(11) of article XXVIII of the state constitution.

(14) "Political committee" shall have the same meaning as set forth in section 2(12) of article XXVIII of the state constitution.

(14.5) "Political organization" means a political organization defined in section 527(e)(1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to section 527 of the internal revenue code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in section 1-1-104(24) for purposes of the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(15) "Political party" shall have the

same meaning as set forth in section 2(13) of article XXVIII of the state constitution.

(15.3) "Regular biennial school election" means the election that is described in section 22-31-104(1), C.R.S.

(15.5) "Regular biennial school electioneering communication" has the same meaning as "electioneering communication" as defined in section 2(7) of article XXVIII of the state constitution; except that, for purpose of the definition of regular biennial school electioneering communication only, "candidate" as referenced in section 2(7)(a)(I) of said article means a candidate in a regular biennial school election and the requirements specified in section 2(7)(a)(II) mean a communication that is broadcast, printed, mailed, delivered, or distributed within sixty days before a regular biennial school election. Except as otherwise specified in this subsection (15.5), the definition of "regular biennial school electioneering communication" is the same as that of "electioneering communication".

(16) "Small donor committee" shall have the same meaning as set forth in section 2(14) of article XXVIII of the state constitution.

(16.3)(a) "Small-scale issue committee" means an issue committee that has accepted or made contributions or expenditures in an amount that does not exceed five thousand dollars during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question.

(b) The following are treated as a single small-scale issue committee:

(I) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small-scale issue committees that support or oppose a common ballot measure if the committees are established,

financed, maintained, or controlled by a single labor organization or the affiliated local units it directs; or

(III) All small-scale issue committees that support or oppose a common ballot measure if the committees are established, financed, maintained, or controlled by substantially the same person, group of persons, or other organizations.

(c) This subsection (16.3) is repealed, effective June 30, 2019.

(16.5) "Spending" means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything else of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

(17) "Subsidiary" means a business entity having more than half of its stock owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(18) "Unexpended campaign contributions" shall have the same meaning as set forth in section 2(15) of article XXVIII of the state constitution.

1-45-103.7. Contribution limits - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1) Nothing in article XXVIII of the state constitution or this article shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

(2) A political committee may receive and accept moneys contributed to such committee by a corporation or labor

organization pursuant to subsection (1) of this section for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with section 3(9) of article XXVIII of the state constitution.

(2.5)(a) An independent expenditure committee differs from a political committee in that an independent expenditure committee does not coordinate its activities with a candidate or political party.

(b) An independent expenditure committee shall not be treated as a political committee and, therefore, is not subject to the requirements of section 3(5) of article XXVIII of the state constitution.

(3) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party who is running in a primary election may accept:

(a) The aggregate contribution limit specified in section 3(1) of article XXVIII of the state constitution for a primary election at any time after the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot; or

(b) The aggregate contribution limit specified in section 3(1) of article XXVIII of the state constitution for a general election at any time prior to the date of the primary election in which the candidate in whose name the candidate committee is accepting contributions is on the primary election ballot.

(4) A candidate committee established in the name of a candidate affiliated with either a major political party or a minor political party running in a primary election may expend contributions received and accepted for a general election prior to the date of the primary election in which the

candidate in whose name the candidate committee is accepting contributions is on the primary election ballot. A candidate committee established in the name of a candidate affiliated with a major political party or a minor political party running in a primary election who wins the primary election may expend contributions received and accepted for a primary election in the general election.

(4.5)(a) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may accept from any one person the aggregate contribution limit specified in section 3(1) of article XXVIII of the state constitution applicable to the office he or she is seeking at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(b) A candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election may expend contributions received and accepted in accordance with paragraph (a) of this subsection (4.5) at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

(5)(a) No limited liability company shall make any contribution to a candidate committee or political party if one or more of the individual members of the limited liability company is:

(I) A corporation;

(II) A labor organization;

(III) A natural person who is not a citizen of the United States;

(IV) A foreign government;

(V) A professional lobbyist,

volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1); or

(VI) Otherwise prohibited by law from making the contribution.

(b) No limited liability company shall make any contribution to a political committee if one or more of the individual members of the limited liability company is:

(I) An entity formed under and subject to the laws of a foreign country;

(II) A natural person who is not a citizen of the United States; or

(III) A foreign government.

(c) Notwithstanding any other provision of this subsection (5), no limited liability company shall make any contribution to a candidate committee or political party if either the limited liability company has elected to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the internal revenue service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

(d)(I) Any limited liability company that is authorized to make a contribution shall, in writing, affirm to the candidate committee, political committee, or political party to which it has made a contribution, as applicable, that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate committee, political committee, or political party shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (d) is provided before the contribution is deposited by the candidate committee, political

committee, or political party. The candidate committee, political committee, or political party receiving the contribution shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received.

(II) Any contribution by a limited liability company, and the aggregate amount of contributions from multiple limited liability companies attributed to a single member of any such company under this subparagraph (II), shall be subject to the limits governing such contributions under section 3 of article XXVIII of the state constitution. A limited liability company that makes any contribution to a candidate committee, political committee, or political party shall, at the time it makes the contribution, provide information to the recipient committee or political party as to the amount of the total contribution attributed to each member of the limited liability company. The attribution shall reflect the capital each member of the limited liability company has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the campaign contribution, and for a single member limited liability company, the contribution shall be attributed to that single member. The limited liability company shall then deduct the amount of the contribution attributed to each of its members from the aggregate contribution limit applicable to multiple limited liability companies under this subparagraph (II) for purposes of ensuring that the aggregate amount of contributions from multiple limited liability companies attributed to a single member does not exceed the contribution limits in section 3 of article XXVIII of the state constitution. Nothing in this subparagraph (II) shall be construed to restrict a natural person from making a contribution in his or her own name to any committee or political party to the extent authorized by law.

(6) No nondomestic corporation may make any contribution under article XXVIII of the state constitution or this article that a domestic corporation is prohibited from making under article XXVIII of the state constitution or this article.

(7)(a) Any person who believes that a violation of subsection (5) or (6) of this section has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The complaint shall be subject to all applicable procedures specified in section 9 (2) of article XXVIII of the state constitution.

(b) Any person who has violated any of the provisions of paragraph (a), (b), or (c) of subsection (5) or subsection (6) of this section shall be subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

(c) Any person who has violated any of the provisions of subparagraph (I) of paragraph (d) of subsection (5) of this section shall be subject to a civil penalty of fifty dollars per day for each day that the written affirmation regarding the membership of a limited liability company has not been filed with or retained by the candidate committee, political committee, or political party to which a contribution has been made.

(8) As used in this section, "limited liability company" has the same meaning as "domestic limited liability company" as defined in section 7-90-102(15) or "foreign limited liability company" as defined in section 7-90-102(24).

(9)(a) The voters instruct the Colorado congressional delegation to propose and support, and the Colorado state legislature to ratify, an amendment to the United States Constitution that allows Congress and the states to limit campaign contributions and spending, to ensure that all citizens, regardless of wealth, can express their

views to one another and their government on a level playing field.

(b) The provisions of this subsection shall take effect on January 1, 2013, and be applicable thereafter.

(10) For purposes of this section, the terms "unaffiliated", "major political party", and "minor political party" have the same meanings as specified in the "Uniform Election Code of 1992", articles 1 to 13 of this title.

1-45-104. Contribution limits.
(Repealed)

1-45-105. Voluntary campaign spending limits. (Repealed)

1-45-105.3. Contribution limits.
(Repealed)

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1)(a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II)(A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

(I) "Principal" means any person

that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms “professional lobbyist” and “volunteer lobbyist” shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c)(I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to a candidate elected to any office described in paragraph (a) of this subsection (1) but who has not yet been sworn into such office shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The elected candidate who has not yet been sworn into office shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

1-45-106. Unexpended campaign contributions. (1)(a)(I) Subject to the requirements of section 3(3)(e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party;

(B) Contributed to a candidate committee established by the same candidate for a different public office, subject to the limitations set forth in section 3 of article XXVIII of the state constitution, if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(C) Donated to a charitable organization recognized by the internal revenue service;

(D) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign.

(II) In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(III) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such

candidate committee, for the purposes specified in this subsection (1), no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.

(b) In addition to any use described in paragraph (a) of this subsection (1), a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

(I) Voter registration;

(II) Political issue education, which includes obtaining information from or providing information to the electorate;

(III) Postsecondary educational scholarships;

(IV) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

(V) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

(2) Deleted by Amendment L., 2000

(3) Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

(4) This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to January 15, 1997, to a candidate committee registering after January 15, 1997, pursuant to section 1-45-108.

(5) Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate

committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election in accordance with the requirements of section 3(3)(e) of article XXVIII of the state constitution.

1-45-107. Independent Expenditures.
(Repealed)

1-45-107.5. Independent expenditures - restrictions on foreign corporations - registration - disclosure - Disclaimer requirements. (1)

Notwithstanding any other provision of law, no foreign corporation may expend moneys on an independent expenditure in connection with an election in the state.

(2) In accordance with the decision of the supreme court of Colorado in the case of *In re Interrogatories Propounded by Governor Bill Ritter, Jr., Concerning the Effect of Citizens United v. Federal Election Comm'n*, 558 U.S. ___ (2010), on Certain Provisions of Article XXVIII of the Constitution of the State of Colorado, 227 P.3d 892 (Colo. 2010), notwithstanding sections 3(4)(a) and 6(2) of article XXVIII of the state constitution, corporations and labor organizations shall not be prohibited from making independent expenditures. All such expenditures shall be disclosed in accordance with the requirements of this article and article XXVIII of the state constitution. For purposes of this article and article XXVIII of the state constitution, any use of the word "person" shall be construed to include, without limitation, any corporation or labor organization.

(3)(a) Any person that accepts a donation that is given for the purpose of making an independent expenditure in excess of one thousand dollars or that makes an independent expenditure in excess of one thousand dollars shall register with the appropriate officer within two business days of the date on which an

aggregate amount of donations accepted or expenditures made reaches or exceeds one thousand dollars.

(b) The registration required by paragraph (a) of this subsection (3) shall include a statement listing:

(I) The person's full name, spelling out any acronyms used therein;

(II) A natural person authorized to act as a registered agent;

(III) A street address and telephone number for the principal place of operations; and

(IV) The aggregate ownership interest in the person held by foreign persons calculated as of the time the person registers with the appropriate officer under paragraph (a) of this subsection (3).

(c) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a corporation, a subsidiary may register on behalf of its parent corporation or for other subsidiaries of the parent corporation, and the parent corporation may register on behalf of all of its subsidiaries. In each such case, the registered agent of the person registering shall serve as the registered agent for all such affiliated corporations. Registration of a subsidiary shall include the name of its parent corporation as well as any names under which the subsidiary does business.

(d) If the person identified in subparagraph (I) of paragraph (b) of this subsection (3) is a labor organization, a local labor organization may register on behalf of any affiliated local, national, or international labor organization that will be making independent expenditures, and a national or international labor organization may register on behalf of any affiliated local labor organization that will be making independent expenditures. In each such case, the registered agent of the labor organization that is registering shall serve as the registered agent for each affiliated local, national, or international labor organization.

(4)(a) In addition to any other applicable disclosure requirements specified in this article or in article XXVIII of the state constitution, any person making an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall report the following to the appropriate officer:

(I) The person's full name, or, if the person is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(II) All names under which the person does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (a);

(III) The address of the home office of the person, or, if the person is a subsidiary of a parent corporation, the home office of the parent corporation; and

(IV) The name and street address in the state of its registered agent.

(b)(I) Any person who expends an aggregate amount in excess of one thousand dollars or more per calendar year for the purpose of making an independent expenditure shall report to the appropriate officer, in accordance with the requirements of this section, the name and address of any person that, for the purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending one thousand dollars or more on an independent expenditure.

(II) If the person making the donation of two hundred fifty dollars or more is a natural person, the disclosure required by subparagraph (I) of this paragraph (b) shall also include the donor's occupation and employer.

(III) If the person making the donation of two hundred fifty dollars or more is not a natural person, the disclosure required by this paragraph (b) shall also include:

(A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein;

(B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (I) of this paragraph (b);

(C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and

(D) The name and street address in the state of the donor's registered agent.

(c) The information required to be disclosed pursuant to paragraph (a) of this subsection (4) must be reported in accordance with the schedule specified in section 1-45-108(2) for political committees; except that any person making an independent expenditure in excess of one thousand dollars within thirty days before a primary, general, or regular biennial school election shall provide such report within forty-eight hours after obligating moneys for the independent expenditure.

(5)(a) In addition to any other applicable requirements provided by law, and subject to the provisions of this section, any communication that is broadcast, printed, mailed, delivered, or otherwise circulated that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of one thousand dollars on the communication shall include in the communication a statement that:

(I) The communication has been "paid for by (full name of the person paying for the communication)"; and

(II) Identifies a natural person who is the registered agent if the person identified in subparagraph (I) of this paragraph (a) is not a natural person.

(b) In the case of a broadcast

communication, the statement required by paragraph (a) of this subsection (5) shall satisfy all applicable requirements promulgated by the federal communications commission for size, duration, and placement.

(c) In the case of a nonbroadcast communication, the secretary of state shall, by rule, establish size and placement requirements for the disclaimer.

(6) Any person that expends an aggregate amount in excess of one thousand dollars on an independent expenditure in any one calendar year shall deliver written notice to the appropriate officer that shall list with specificity the name of the candidate whom the independent expenditure is intended to support or oppose. Where the independent expenditure is made within thirty days before a primary, general, or regular biennial school election, the notice required by this subsection (6) must be delivered within forty-eight hours after the person obligates moneys for the independent expenditure.

(7) Any person that accepts any donation that is given for the purpose of making an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount in excess of one thousand dollars in any one calendar year shall establish a separate account in a financial institution, and the title of the account shall indicate that it is used for such purposes. All such donations accepted by such person for the making of any such independent expenditures shall only be deposited into the account, and any moneys expended for the making of such independent expenditure shall only be withdrawn from the account. As long as the person uses a separate account for the purposes of this subsection (7), in any complaint relating to the use of the person's account, no discovery may be made of information relating to the identity of the person's members and general donors and

any discovery is limited to the sources, amounts, and uses of donations deposited into and expenditures withdrawn from the account.

(8) Any person that expends moneys on an independent expenditure in excess of one thousand dollars, regardless of the medium of the communication produced by the expenditure, shall disclose to the secretary of state, in accordance with the schedule specified in section 1-45-108(2) for political committees, any donation in excess of twenty dollars given in that reporting period for the purpose of making an independent expenditure.

(9) Repealed.

(10) Any earmarked donation given for the purpose of making an independent expenditure in excess of one thousand dollars shall be disclosed as a donation from both the original source of the donation and the person transferring the donation.

(11) On reports it files with the appropriate official, an independent expenditure committee that obligates in excess of one thousand dollars for an independent expenditure shall disclose a good faith estimate of the fair market value of the expenditure if the committee does not know the actual amount of the expenditure as of the date that a report is required to be filed with the appropriate official.

(12) All information required to be disclosed to the secretary of state under this section shall be posted on the website of the secretary within two business days after its receipt by the secretary.

(13) Notwithstanding any other provision of this section, any requirement contained in this section that is applicable to a corporation shall also be applicable to a labor organization.

1-45-108. Disclosure - definition - repeal. (1)(a)(I) Subject to subsection (1.5) of this section, all candidate committees, political committees, issue committees,

small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) Subject to subsection (1.5) of this section, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making a contribution of more than two hundred fifty dollars is a natural person, the disclosure required by this section must also include the person's occupation and employer. Electioneering communication reports must include the name of the candidate or candidates unambiguously referred to in the electioneering communication or regular biennial school electioneering communication.

(IV) In the case of a limited liability company, the disclosure required by this section shall include, in addition to any other information required to be disclosed, each contribution from the limited liability company regardless of the dollar amount of the contribution.

(V) Any disbursement not otherwise

defined as an expenditure may be reported to the appropriate officer.

(b) Deleted by amendment, effective June 3 2003.

(c) A candidate committee in a special district election is not required to file reports under this section until the committee has received contributions or made expenditures exceeding two hundred dollars in the aggregate during the election cycle.

(d) For purposes of this section, a political party shall be treated as a separate entity at the state, county, district, and local levels.

(e) A candidate's candidate committee may reimburse the candidate for expenditures the candidate has made on behalf of the candidate committee. Any such expenditures may be reimbursed at any time. Notwithstanding any other provision of law, any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made shall be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee. Notwithstanding the date on which any such expenditure is reimbursed, the expenditure shall be reported at the time it is made in accordance with the requirements of this section.

(1.5) Notwithstanding any other provision of law, in light of the opinion of the United States court of appeals for the tenth circuit in the case of *Coalition for Secular Government v. Williams*, No. 14-1469 (10th circuit March 2, 2016),¹ that affirmed the order of the federal district court in the case of *Coalition for Secular Gov't v. Gessler*, Case No. 12 CV 1708,² the disclosure requirements specified in subparagraph (I) or (II) of paragraph (a) of subsection (1) of this section and the reporting requirements specified in subsection (3.3) or (6) of this section shall not apply to a small-scale issue

committee. Any small-scale issue committee shall disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures in accordance with the following alternative requirements:

a) Any small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that does not exceed two hundred dollars is not required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures.

(b)(I) Any small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle of between two hundred dollars and five thousand dollars shall register with the appropriate officer within ten business days of the date on which the aggregate amount of contributions or expenditures exceeds two hundred dollars. The registration required by this subparagraph (I) must include a statement listing:

(A) The committee's full name, spelling out any acronyms used in the name;

(B) The name of a natural person authorized to act as a registered agent of the committee;

(C) A street address for the principal place of business of the committee;

(D) The purpose or nature of interest of the committee; and

(E) The name of the financial institution in which, in a separate account bearing the name of the committee, all contributions received by the committee are deposited.

(II) Any small-scale issue committee described in subparagraph (I) of this paragraph (b) is not required to make any

disclosure about any contributions or expenditures it has made or received.

(c)(I) At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall report to the appropriate officer, for each particular contribution or expenditure accepted or made, the name and address of each person who has made such contribution and the amount of each specific contribution and expenditure accepted or made by the committee.

(II) At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds five thousand dollars, the committee shall make disclosure of any contributions or expenditures it accepts or makes on or after the date on which such aggregate amount exceeds five thousand dollars in compliance with all applicable requirements under this article pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made.

(III) Within fifteen days of a small-scale issue committee becoming subject to the applicable requirements governing an issue committee under this article, the committee through its registered agent, shall report this change in the committee's status to the secretary of state.

(d) This subsection (1.5) is repealed, effective June 30, 2019.

(2)(a)(I) Except as provided in subparagraph (V) of this paragraph (a) and subsections (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state must be filed:

(A) Quarterly in off-election years no later than the fifteenth calendar day following the end of the applicable quarter;

(B) On the first Monday in May and on each Monday every two weeks thereafter before the primary election;

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election;

(E) Thirty days after the major election in election years; and

(F) Fourteen days before and thirty days after a special legislative election held in an off-election year.

(II) Such reports that are required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109(1)(a)(II) and (1)(c) shall be filed on the twenty-first day and on the Friday before and thirty days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(III) For purposes of this section, "election year" means every even-numbered year for political parties and political committees and each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot, including a regular biennial school election; and "major election" means the election that decides an issue committee's issue, the election that elects a person to the public office sought by the candidate committee's candidate, and a regular biennial school election.

(IV) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(V) Any political committee, small donor committee, independent expenditure committee, or political organization that is participating in a regular biennial school

election shall file its disclosure reports in accordance with the filing schedule specified in sub-subparagraphs (C) to (E) of subparagraph (I) of this paragraph (a) as of the date the committee or organization, as applicable, makes an expenditure or undertakes spending in connection with that election.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be for the reporting periods established pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(d) A candidate committee for a former officeholder or a person not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall not be required to file a report under this section for such period.

(e) The reporting period for all reports required to be filed with the municipal clerk and such reports required to be filed pursuant to section 1-45-109(1)(a)(II) and (1)(c) shall close five calendar days prior to the effective date of filing.

(2.3) Repealed.

(2.5)(a) Except as provided in subsection (2.5)(b) of this section, and in addition to any report required to be filed with the secretary of state or municipal clerk under this section, all candidate committees, issue committees, and political parties must file a report with the secretary of state of any contribution of one thousand dollars or more

at any time within thirty days preceding the date of the primary election, general election, or regular biennial school election. This report shall be filed with the secretary of state no later than twenty-four hours after receipt of said contribution.

(b) Notwithstanding the provisions of subsection (2.5)(a) of this section, the following committees need not file the reports described in subsection (2.5)(a) of this section in the following instances:

(I) An issue committee need not report a contribution of one thousand dollars or more preceding a primary election;

(II) A committee for a candidate not on the ballot need not report a contribution of one thousand dollars or more during the off-election year; and

(III) A candidate or candidate committee for school board need not report a contribution of one thousand dollars or more during the off-election year.

(2.7) Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the appropriate officer fourteen and seven days before the recall election and thirty days after the recall election.

(3) Except as otherwise provided in subsection (3.5) of this section, all candidate committees, political committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

(a) The organization's full name, spelling out any acronyms used therein;

(b) A natural person authorized to act as a registered agent;

(c) A street address and telephone number for the principal place of operations;

(d) All affiliated candidates and committees;

(e) The purpose or nature of interest of the committee or party.

(f) Deleted by amendment 2010.

(3.3) Subject to subsections (1.5) and (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113(1)(b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee must include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(3.5) Any political committee that has registered with the federal election commission may file with the appropriate officer a copy of the registration filed with the federal election commission and, insofar as such registration contains substantially the same information required by subsection (3) of this section, the political committee shall be considered to have registered with the appropriate officer for purposes of subsection (3) of this section and, therefore, shall be authorized to accept or make contributions as permitted by law. Any political committee that satisfies the requirements of this subsection (3.5) shall be subject to all other legal requirements pertaining to contributions and disclosure that are applicable to political committees.

(4) Deleted by Laws 2010, eff. July 1, 2010.

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of

state and include the information required by this section.

(6) Subject to subsection (1.5) of this section, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

(7)(a) Notwithstanding any other provision of law, and subject to subsection (7)(b) of this section, a matter is considered a ballot issue or a ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article 45 and article XXVIII of the state constitution, at the earliest of the following:

(I) A title for the matter has been designated and fixed in accordance with law and any motion for rehearing has been heard;

(II) The matter has been referred to the voters by the general assembly or the governing body of any political subdivision of the state with authorization to refer matters to the voters;

(III) In the case of a citizen referendum petition, the matter has been submitted for format approval in accordance with law;

(IV) A petition concerning the matter has been circulated and signed by at least one person; except that, where a matter becomes a ballot issue or ballot question upon such signing, any person opposing the matter shall not be considered to be an

issue committee for purposes of this article and article XXVIII of the state constitution until one such person knows or has reason to know of the circulation; or

(V) A signed petition has been submitted to the appropriate officer in accordance with law.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (7), where a matter concerns a municipal annexation brought pursuant to article 12 of title 31, C.R.S., the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements of this article and article XXVIII of the state constitution, unless and until the first notice of the annexation election has been published in accordance with the requirements of section 31-12-112(6), C.R.S.

45-108.3. Issue committees - disclaimer. (1) An issue committee making an expenditure in excess of one thousand dollars on a communication that supports or opposes a statewide ballot issue or ballot question and that is broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or otherwise distributed shall disclose, in the communication produced by the expenditure, the name of the issue committee making the expenditure.

(2)(a) The disclaimer required by subsection (1) of this section shall be printed on the communication clearly and legibly in a conspicuous manner.

(b) If the communication is broadcast on radio, the disclaimer shall be spoken at the beginning or end of the communication.

(c)(I) If the communication is broadcast on television, the disclaimer shall

be written or spoken at the beginning or end of the communication. If the disclaimer is written, it shall appear for at least four seconds of any communication broadcast on television.

(II) The written disclaimer required by subparagraph (I) of this paragraph (c) shall appear in the communication in a conspicuous manner.

1-45-108.5. Political organizations - disclosure. (1) Any political organization shall report to the appropriate officer in accordance with the requirements of sections 1-45-108 and 1-45-109:

(a) Any contributions it receives, including the name and address of each person who has contributed twenty dollars or more to the political organization in the reporting period, and the occupation and employer of each natural person who has made a contribution of one hundred dollars or more to the political organization; and

(b) Any spending by the political organization that exceeds twenty dollars in any one reporting period.

(1) No political organization shall accept a contribution, or undertake spending, in currency or coin exceeding one hundred dollars.

(2) Nothing in this section shall be construed to:

(a) Require any political organization to make any additional disclosure pursuant to this section to the extent the political organization is already providing disclosure as a committee or political party in a manner that satisfies the requirements of sections 1-45-108 and 1-45-109; or

(b) Authorize the secretary of state to require disclosure of the name of any natural person that is a member of an entity unless the natural person has made a contribution to a political organization in the amount of twenty dollars or more in a reporting period.

1-45-109. Filing - where to file - timeliness – definition. (1) For the purpose of meeting the filing and reporting requirements of this article 45:

(a) The following shall file with the secretary of state:

(I) Candidates for statewide office, the general assembly, district attorney, district court judge, school district director, or any office representing more than one county; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications.

(II) Candidates in special district elections; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidates.

(b) Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor committees making contributions to such candidates shall file with the municipal clerk.

(c) All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the secretary of state.

(2)(a) Reports required to be filed by this article 45 are timely if received by the appropriate officer not later than the close of business on the due date.

(b) A person upon whom a penalty has been imposed for failure to file a

statement or other information required to be filed pursuant to section 5, 6, or 7 of article XXVIII of the state constitution or section 1-45-108, this section, or section 1-45-110 by the due date may appeal the penalty by filing a written appeal with the appropriate officer no later than thirty days after the date on which notification of the imposition of the penalty was mailed to the person's last-known address. Upon receipt of an appeal pursuant to this paragraph (b), the appropriate officer shall set aside or reduce the penalty upon a showing of good cause.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203, C.R.S.

(4)(a) All reports required to be filed by this article 45 are public records and are open to inspection by the public during regular business hours. A copy of the report must be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection. When the secretary of state is the appropriate officer, the secretary shall make reports viewable on the secretary of state's official website.

(b) Any report that is deemed incomplete by the appropriate officer must be accepted and the committee must be notified of the deficiency. If an e-mail address is on file with the secretary of state, the secretary of state may provide such notification by e-mail. The committee has thirty calendar days from the date such notice is sent, whether electronically or by United States mail, to file an addendum that cures the deficiencies.

(c)(I) Upon receipt of a complaint brought under section 9(2)(a) of article XXVIII of the state constitution alleging a failure to file other information required to be filed or disclosed pursuant to article XXVIII of the state constitution or this article 45, the secretary of state shall give notice to the committee by e-mail, or by regular mail if an

e-mail address is not known, of the deficiencies alleged in the complaint. Service of the notice does not toll or otherwise affect the three-day period during which the secretary of state is required to refer a complaint to an administrative law judge pursuant to section 9(2)(a) of article XXVIII of the state constitution. Upon receipt of the notice from the secretary of state, the committee may request from the appropriate officer a postponement of the hearing brought under section 9(2)(a) of article XXVIII of the state constitution and, if such request is timely submitted, has fifteen business days from the date of the notice to file an addendum to the relevant report that cures any such deficiencies in the disclosure specified in the notice. The committee shall also provide the complainant notice of the entity's intent to cure and a copy of the addendum on the same day that the addendum is filed with the secretary of state. Where the committee files an addendum that cures all deficiencies alleged in the complaint before the expiration of the fifteen-day period specified in this subsection (4)(c)(I), the appropriate officer shall not assess a penalty against the committee that otherwise would have been assessed for the deficiencies for the period from the first date of the alleged violation through the expiration of the cure period.

(II) Upon filing an addendum to the relevant report by the committee that cures all such deficiencies in accordance with subsection (4)(c)(I) of this section, the appropriate officer shall set a hearing within thirty days of the notice to determine whether all issues raised by the complaint have been resolved. If the committee fails to cure any such deficiency, any penalty imposed for the deficiency continues to accrue until further resolution of the matter. Notwithstanding any other provision of law, subsection (4)(c)(I) of this section only applies in the case of a good faith effort by a committee to make a timely disclosure in

accordance with article XXVIII of the state constitution or this article 45 or where the disclosure made by the committee is in substantial compliance with such legal requirements. The committee has the burden of demonstrating good faith or substantial compliance under this subsection (4)(c)(II) by a preponderance of the evidence in the hearing held by the appropriate officer under section 9(2)(a) of article XXVIII of the state constitution. Where the committee fails to satisfy its burden of demonstrating either good faith or substantial compliance, the administrative law judge shall enter or impose a civil penalty in accordance with the following:

(A) If the amount of the penalty that has accrued to that point in time is less than five thousand dollars, the administrative law judge shall impose a penalty in the amount of the penalty that has accrued to that point in time.

(B) If the amount of the civil penalty that has accrued to that point in time is five thousand or more dollars, the administrative law judge shall impose a penalty, in his or her discretion, in an amount that is not less than five thousand dollars.

(5)(a) The secretary of state shall operate and maintain a website so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article electronic read-only access to such reports free of charge.

(b) All reports required to be filed by this article that are electronically filed pursuant to subsection (6) of this section shall be made available immediately on the website.

(c) The website shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee.

(d) At the earliest practicable date, the secretary of state shall develop and

implement improvements to the website's design and structure to improve the public's ability to navigate, search, browse, download, and analyze information. Such improvements shall include but need not be limited to:

(I) Enhanced searching and summary reporting, including additional search fields such as zip code, employer, and vendor, the ability to search across multiple committees and all filers, the ability to filter or limit searches, such as by election cycle or candidate, the inclusion of smart-search features such as "name sounds like" or "name contains", and numerical totaling of amounts shown on search results;

(II) Features that facilitate the ability to download raw data and search results in one or more common formats to enable offline sorting and analyzing;

(III) Detailed, technical instructions for users;

(IV) Information to help users determine the scope of candidates' and committees' reports and campaign data available online, including explanations of which types of reports are available, the period covered by the online data, and which specific reports can be viewed for each campaign committee; and

(V) Resources that give the public comparative context when viewing campaign finance data, such as compilations of the total amounts of money raised and spent by individual candidates, lists of total amounts raised and spent by all statewide and legislative candidates, and compilations of fundraising and spending across candidates and election cycles.

(e) The secretary of state may promulgate rules necessary for the implementation of this subsection (5). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(6)(a) The secretary of state shall establish, operate, and maintain a system that enables electronic filing using the

internet of the reports required by this article to be filed with the secretary of state's office. In accordance with the provisions of section 24-21-111(1), C.R.S., the secretary may require any filing under this section to be made by electronic means as determined by the secretary. The rules for use of the electronic filing system shall be promulgated by the secretary in accordance with article 4 of title 24, C.R.S.

(b) Any person required to file with the secretary of state's office shall use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article, if so required by the secretary in accordance with paragraph (a) of this subsection (6), except insofar as an alternate method of filing may be permitted by the secretary. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(7) Deleted by amendment, L. 2007, effective July 1, 2007

(8)(a) Deleted by amendment, L. 2007, effective July 1, 2007

(b)(I) Deleted by amendment, L. 2007, effective July 1, 2007

(II) and (III) Deleted by L. 2009, Ch. 361, § 2, eff. July 1, 2009.

(c)(I) Deleted by amendment L. 2007, Ch. 303, § 1, effective. July 1, 2007.

(II) Deleted by amendment, L. 2009, Ch. 361, § 2, effective. July 1, 2009.

(9) Subsection (1) of this section shall not be construed to require the secretary of state to review reports electronically filed by persons beyond the duties specified in section 9 of article XXVIII of the state constitution.

(10) Repealed.

(11) Notwithstanding any other provision of this section, during the period commencing May 25, 2010, and continuing through December 31, 2010, any report,

statement, or other document required to be filed under section 1-45-107.5 that is to be filed electronically with the secretary of state's office pursuant to this section may be filed manually or by means of a portable document format file acceptable to the secretary.

(12) For purposes of subsection (4)(c) of this section, "appropriate officer" means a hearing officer or an administrative law judge.

1-45-110. Candidate affidavit - disclosure statement.

(1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, and except that a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter submitted in accordance with section 1-13.5-303, if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203(3)(a). A candidate in a municipal election may comply with this section by filing a candidate affidavit pursuant to section 31-10-302(6), C.R.S., if such affidavit contains a statement that the candidate is familiar with the provisions of this article.

(2)(a) Except as provided in paragraph (b) of this subsection, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the University of Colorado, and

district attorney shall file a statement disclosing the information required by section 24-6-202(2) with the appropriate officer, on a form approved by the secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

(3) If any person fails to file the affidavit or the disclosure statement required by subsection (2) of this section, the designated election official certifying the ballot in accordance with section 1-5-203(3)(a) shall send a notice to the person by certified mail, return receipt requested, to the person's mailing address. The notice must state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of the receipt of the notice. If the person fails to file the appropriate document within that time frame, the designated election official shall disqualify the candidate.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

1-45- 111.5 Duties of the Secretary of state – enforcement – sanctions – definitions.

(1) The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision of this article.

(1.5)(a) Any person who believes that a violation of either the secretary of state's rules concerning campaign and political finance or this article 45 has occurred may file a written complaint with the secretary of state not later than one hundred eighty days after the date of the occurrence of the alleged violation. The complaint is subject to all applicable procedures specified in section 9(2) of article XXVIII of the state constitution. The person filing the complaint must serve the complaint on the respondent by certified mail, return receipt requested, on the same day the person files the complaint with the secretary of state. The person filing the complaint must state factual allegations of a violation. For purposes of this section and section 9(2) of article XXVIII of the state constitution, "complaint" means a signed document that alleges a violation of article XXVIII of the state constitution or of this article 45.

(b) Any person who commits a violation of either the secretary of state's rules concerning campaign and political finance or this article that is not specifically listed in section 9(2)(a) of article XXVIII of the state constitution shall be subject to any of the sanctions specified in section 10 of article XXVIII of the state constitution or in this section.

(c) In addition to any other penalty authorized by article XXVIII of the state constitution or this article, an administrative law judge may impose a civil penalty of fifty dollars per day for each day that a report, statement, or other document required to be filed under this article that is not specifically listed in article XXVIII of the state constitution is not filed by the close of business on the day due. Any person who fails to file three or more successive committee registration reports or reports concerning contributions, expenditures, or donations in accordance with the requirements of section 1-45-107.5 shall be subject to a civil penalty of up to five

hundred dollars for each day that a report, statement, or other document required to be filed by an independent expenditure committee is not filed by the close of business on the day due. Any person who knowingly and intentionally fails to file three or more reports due under section 1-45-107.5 shall be subject to a civil penalty of up to one thousand dollars per day for each day that the report, statement, or other document is not filed by the close of business on the day due. Imposition of any penalty under this paragraph (c) shall be subject to all applicable requirements specified in section 10 of article XXVIII of the state constitution governing the imposition of penalties.

(d) In connection with a complaint brought to enforce any requirement of article XXVIII of the state constitution or this article, an administrative law judge may order disclosure of the source and amount of any undisclosed donations or expenditures.

(e) In connection with any action brought to enforce any provision of article XXVIII of the state constitution or this article, the membership lists of a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.

(f) Any person who is fined up to one thousand dollars per day for a knowing and intentional failure to file under paragraph (c) of this subsection (1.5) shall, if the person has shareholders or members, notify such shareholders or members of the penalty and the adjudicated violations on its publicly accessible website in a prominent manner for not less than one hundred eighty days after the final adjudication. A copy of this notice, with the website address used, shall be filed with the secretary of state and shall be a public record.

(g) The secretary of state has, as a matter of right, the right to intervene in any action pending before the office of

administrative courts or the court of appeals that is brought to enforce the provisions of article XXVIII of the state constitution or this article.

(2) A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the office of administrative courts that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure. Notwithstanding any other provision of this subsection (2), no attorney fees may be awarded under this subsection (2) unless the court or administrative law judge, as applicable, has first considered and issued written findings regarding the provisions of section 13-17-102(5) and (6). Either party in an action in which the office of administrative courts awarded attorney fees and costs may apply to a district court to convert an award of attorney fees and costs into a district court judgment. Promptly upon the conversion of the award of attorney fees and costs into a district court judgment, the clerk of the district court shall mail notice of the filing of the judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the

enforcement proceedings if proof of mailing by the judgment creditor has been filed. For purposes of this subsection (2), "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

(3) Upon a determination by the office of administrative courts that an issue committee failed to file a report required pursuant to section 1-45-108, the administrative law judge shall direct the issue committee to file any such report within ten days containing all required disclosure of any previously unreported contributions or expenditures and may, in addition to any other penalty, impose a penalty not to exceed twenty dollars for each contribution received and expenditure made by the issue committee that was not timely reported.

(4)(a) Upon failure of a witness or party to comply with an administrative subpoena issued in relation to an alleged campaign finance violation pursuant to article XXVIII of the state constitution or this article, the party that requested the administrative subpoena or the issuing agency may petition the district court ex parte with a copy of the petition sent to the subpoenaed witness or party and the administrative law judge by regular mail, for an order directing the witness or party to comply with the administrative subpoena.

(b) If the petition required by paragraph (a) of this subsection (4) shows to the district court's satisfaction that the administrative subpoena was properly served pursuant to rule 4 of the Colorado rules of civil procedure, the district court shall order the subpoenaed witness or party to appear before the district court and show cause why the witness or party should not be ordered to comply with the administrative subpoena. A copy of the petition and the court order shall be served, pursuant to rule 5 of the Colorado rules of civil procedure, on the witness or party at least fifteen days

before the date designated for the witness or party to appear before the district court.

(c) At a show cause hearing ordered by the district court pursuant to paragraph (b) of this subsection (4), the court shall review the administrative subpoena and any evidence presented by the parties to determine compliance with the Colorado rules of civil procedure. The subpoenaed witness or party shall bear the burden of showing good cause as to why he or she should not be ordered to comply with the administrative subpoena.

(d) If the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena:

(I) The district court shall order compliance forthwith and may impose remedial and punitive fines, including attorneys' fees and costs, for the witness's or party's failure to comply with the administrative subpoena; and

(II) The administrative law judge shall schedule a hearing on the complaint to occur on a day after the occurrence of the required deposition and such other discovery as may be warranted due to such deposition.

(d) If the subpoenaed witness or party fails to appear at the show cause hearing, the district court may issue a bench warrant for the arrest of the subpoenaed witness or party and may impose other sanctions pursuant to the Colorado rules of civil procedure.

(5) Not later than December 1, 2016, the secretary of state shall create and post on the secretary's official website a campaign finance training course that offers sufficient content to satisfy the training requirements for administrative law judges that is required by section 24-30-1003(6), C.R.S.

1-45-112. Duties of municipal clerk.

(1) The municipal clerk shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article.

(f) Repealed.

(2) The secretary of state shall reimburse the municipal clerk of each municipality at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

1-45-112.5. Immunity from liability.

(1) Any individual volunteering his or her time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to section 10(1) of article XXVIII of the state constitution in any proceeding that is based on an act or omission of such volunteer if:

(a) The volunteer was acting in

good faith and within the scope of such volunteer's official functions and duties for the candidate or candidate committee; and

(b) The violation was not caused by willful and intentional misconduct by such volunteer.

(2) Subsection (1) of this section shall be administered in a manner that is consistent with section 1 of article XXVIII of the state constitution and with the legislative declaration set forth in section 1-45-102.

(3) Any media outlet shall be immune from civil liability in any court where the media outlet:

(a) Withdraws advertising time reserved by an independent expenditure committee that fails to register in accordance with the requirements of section 1-45-107.5(3)(a); or

(b) Elects to void an advertising contract and the advertisement:

(I) Is paid for by an independent expenditure committee that fails to register under section 1-45-107.5(3)(a);

(II) Is paid for by an independent expenditure committee that is registered under section 1-45-107.5(3)(a) but the committee fails to file a disclosure report under section 1-45-108(2) through the date of the most recent required report; or

(III) Fails to satisfy the requirements of section 1-45-107.5(5)(a).

(3) An affected media outlet may void a contract that implicates paragraph (b) of subsection (3) of this section in the sole discretion of the media outlet.

1-45-113. Sanctions. (Repealed)

1-45-114. Expenditures - political advertising - rates and charges.

(1) No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or

services. Any such rate shall not be rebated, directly or indirectly.

(2) Any radio or television station, newspaper, or periodical that charges a candidate committee a lower rate for use of space, materials, or services than the rate such station, newspaper, periodical, or supplier charges another candidate committee for the same public office for comparable use of space, materials, or services shall report the difference in such rate as a contribution to the candidate committee that is charged such lower rate pursuant to section 1-45-108.

(3) Nothing in this article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

1-45-115. Encouraging withdrawal from campaign prohibited. No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

1-45-116. Home rule counties and municipalities. Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112(2). The requirements of article XXVIII of the state constitution and of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters

covered by article XXVIII and this article.

1-45-117. State and political subdivisions--limitations on contributions.

(1)(a)(I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision of the state shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall any such entity expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) Statewide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to section 1-40-106(1) or that has had a title designated and fixed pursuant to that section;

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104(34.5);

(D) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his

or her opinion on any such issue described in subparagraph (l) of this paragraph (a).

(b)(l) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(ll) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(lll) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (l) of paragraph (a) of this subsection (1); or

(B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using

personal time to urge electors to vote in favor of or against any issue described in subparagraph (l) of paragraph (a) of this subsection (1).

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

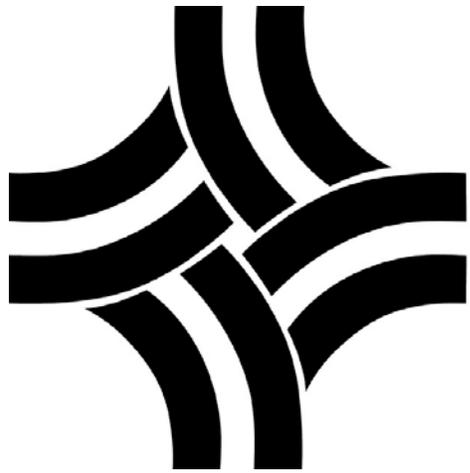
(4)(a) Any violation of this section shall be subject to the provisions of sections 9(2) and 10(1) of article XXVIII of the state constitution or any appropriate order or

relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

(b) If a board, commission, or council is found to have made a contribution or expenditure in violation of this section, an individual member of the board, commission, or council who voted in favor of or otherwise authorized the contribution or expenditure may be ordered to reimburse an amount pursuant to subsection (4)(a) of this section as long as the amount does not exceed the amount ordered to be reimbursed by any other individual of the board, commission, or council who voted in favor or otherwise authorized the contribution or expenditure.

1-45-117.5. Media outlets - political records. Any media outlet that is subject to the provisions of 47 U.S.C. sec. 315(e) shall maintain and make available for public inspection such records as the outlet is required to maintain to comply with federal law or rules.

1-45-118. Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.



**City of
Toronto**

***Article XXVIII
Campaign and
Political Finance***

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Article XXVIII Campaign and Political Finance

Section 1. Purpose and findings. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates create the potential for corruption and the appearance of corruption; that large campaign contributions made to influence election outcomes allow wealthy individuals, corporations, and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that because of the use of early voting in Colorado timely notice of independent expenditures is essential for informing the electorate; that in recent years the advent of significant spending on electioneering communications, as defined herein, has frustrated the purpose of existing campaign finance requirements; that independent research has demonstrated that the vast majority of televised electioneering communications goes beyond issue discussion to express electoral advocacy; that political contributions from corporate treasuries are not an indication of popular support for the corporation's political ideas and can unfairly influence the outcome of Colorado elections; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, providing for full and timely disclosure of campaign contributions, independent expenditures, and funding of electioneering communications, and strong enforcement of campaign finance requirements.

Section 2. Definitions. For the purpose of this Article and any statutory provisions pertaining to campaign finance, including provisions pertaining to disclosure:

(1) "Appropriate officer" means the individual with whom a candidate, candidate committee, political committee, small donor committee, or issue committee must file pursuant to section 1-45-109 (1), C.R.S., or any successor section.

(2) "Candidate" means any person who seeks nomination or election to any state or local public office that is to be voted on in this

state at any primary election, general election, school district election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy. A person remains a candidate for purposes of this Article so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this article.

(3) "Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the secretary of state.

(4) "Conduit" means a person who transmits contributions from more than one person, directly to a candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the fund raiser is compensated at the usual and customary rate.

(5) (a) "Contribution" means:

(I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue

committee, political committee, small donor committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

(b) "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee, small donor committee, issue committee, or political party; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering, and soliciting funds from its own employees or members for a political committee or small donor committee.

(6) "Election cycle" means either:

(a) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office;

(b) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the special legislative election for that office; or

(c) The period of time beginning thirty-one days following the special legislative election for the particular office and ending thirty days following the next general election for that office.

(7) (a) "Electioneering communication" means any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(I) Unambiguously refers to any candidate; and

(II) Is broadcasted, printed, mailed, delivered, or distributed within thirty days before a primary election or sixty days before a general election; and

(III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(b) "Electioneering communication" does not include:

(I) Any news Articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(IV) Any communication that refers to any candidate only as part of the popular name of a bill or statute.

(8) (a) "Expenditure" means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined.

(b) "Expenditure" does not include:

(I) Any news Articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Spending by persons, other than political parties, political committees and small donor committees, in the regular course and scope of their business or payments by a membership organization for any communication solely to members and their families;

(IV) Any transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments made by a corporation or labor organization for the costs of establishing, administering, or soliciting funds from its own employees or members for a political committee or small donor committee.

(9) "Independent expenditure" means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee.

(10) (a) "Issue committee" means any person, other than a natural person, or any group of two or more persons, including natural persons:

(I) That has a major purpose of supporting or opposing any ballot issue or ballot question; or

(II) That has accepted or made contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question.

(b) "Issue committee" does not include political parties, political committees, small donor committees, or candidate committees as otherwise defined in this section.

(c) An issue committee shall be considered open and active until affirmatively closed by such committee or by action of the appropriate authority.

(11) "Person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

(12) (a) "Political committee" means any person, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200 to support or oppose the nomination or election of one or more candidates.

(b) "Political committee" does not include political parties, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this Article, the

following are treated as a single political committee:

(I) All political committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All political committees established, financed, maintained, or controlled by a single labor organization; except that, any political committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the political committee of the state and national unit;

(III) All political committees established, financed, maintained, or controlled by the same political party;

(IV) All political committees established, financed, maintained, or controlled by substantially the same group of persons.

(13) "Political party" means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county, and election district levels, and all such affiliates are considered to be a single entity for the purposes of this Article, except as otherwise provided in section 7.

(14) (a) "Small donor committee" means any political committee that has accepted contributions only from natural persons who each contributed no more than fifty dollars in the aggregate per year. For purposes of this section, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rata contributions from individual members.

(b) "Small donor committee" does not include political parties, political committees, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this Article, the following are treated as a single small donor committee:

(I) All small donor committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small donor committees established, financed, maintained, or

controlled by a single labor organization; except that, any small donor committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the small donor committee of the state and national unit;

(III) All small donor committees established, financed, maintained, or controlled by the same political party;

(IV) All small donor committees established, financed, maintained, or controlled by substantially the same group of persons.

(15) "Unexpended campaign contributions" means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

Section 3. Contribution limits. (1)

Except as described in subsections (2), (3), and (4) of this section, no person, including a political committee, shall make to a candidate committee, and no candidate committee shall accept from any one person, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five hundred dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two hundred dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(2) No small donor committee shall make to a candidate committee, and no candidate committee shall accept from any one small donor committee, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five thousand dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant

governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two thousand dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(3) (a) No political party shall accept aggregate contributions from any person, other than a small donor committee as described in paragraph (b) of this subsection (3), that exceed three thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twenty-five hundred dollars per year at the state level;

(b) No political party shall accept aggregate contributions from any small donor committee that exceed fifteen thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twelve thousand, five hundred dollars at the state level;

(c) No political party shall accept contributions that are intended, or in any way designated, to be passed through the party to a specific candidate's candidate committee;

(d) In the applicable election cycle, no political party shall contribute to any candidate committee more than twenty percent of the applicable spending limit set forth in section 4 of this Article.

(e) Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election for purposes of paragraph (d) of this subsection (3);

(4) (a) It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.

(b) The prohibition contained in paragraph

(a) of this subsection (4) shall not apply to a corporation that:

(I) Is formed for the purpose of promoting political ideas and cannot engage in business activities; and

(II) Has no shareholders or other persons with a claim on its assets or income; and

(III) Was not established by and does not accept contributions from business corporations or labor organizations.

(5) No political committee shall accept aggregate contributions or pro-rata dues from any person in excess of five hundred dollars per house of representatives election cycle.

(6) No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(7) No person shall act as a conduit for a contribution to a candidate committee.

(8) Notwithstanding any other section of this Article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. The contribution limits described in this section shall not apply to a loan as described in this subsection (8).

(9) All contributions received by a candidate committee, issue committee, political committee, small donor committee, or political party shall be deposited in a financial institution in a separate account whose title shall include the name of the committee or political party. All records pertaining to such accounts shall be maintained by the committee or political party for one-hundred eighty days following any general election in which the committee or party received contributions unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this Article.

(10) No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a

contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.

(11) No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section.

(12) No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:

(a) Any natural person who is not a citizen of the United States;

(b) A foreign government; or

(c) Any foreign corporation that does not have the authority to transact business in this state pursuant to Article 115 of title 7, C.R.S., or any successor section.

(13) Each limit on contributions described in subsections (1), (2), (3) (a), (3) (b) and (5) of this section, and subsection (14) of section 2, shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.

Section 4. Voluntary campaign spending limits. (1) Candidates may certify to the secretary of state that the candidate's candidate committee shall not exceed the following spending limits for the applicable election cycle:

(a) Two and one-half million dollars combined for a candidate for governor and governor and lieutenant governor as joint candidates under 1-1-104, C.R.S., or any

successor section;

(b) Five hundred thousand dollars for a candidate for secretary of state, attorney general, or treasurer;

(c) Ninety thousand dollars for a candidate for the state senate;

(d) Sixty-five thousand dollars for a candidate for the state house of representatives, state board of education, regent of the university of Colorado, or district attorney.

(2) Candidates accepting the campaign spending limits set forth above shall also agree that their personal contributions to their own campaign shall be counted as political party contributions and subject to the aggregate limit on such contributions set forth in section 3 of this article.

(3) Each candidate who chooses to accept the applicable voluntary spending limit shall file a statement to that effect with the secretary of state at the time that the candidate files a candidate affidavit as currently set forth in section 1-45-110(1), C.R.S., or any successor section. Acceptance of the applicable voluntary spending limit shall be irrevocable except as set forth in subsection (4) of this section and shall subject the candidate to the penalties set forth in section 10 of this Article for exceeding the limit.

(4) If a candidate accepts the applicable spending limit and another candidate for the same office refuses to accept the spending limit, the accepting candidate shall have ten days in which to withdraw acceptance. The accepting candidate shall have this option of withdrawing acceptance after each additional non-accepting candidate for the same office enters the race.

(5) The applicable contribution limits set forth in section 3 of this Article shall double for any candidate who has accepted the applicable voluntary spending limit if:

(a) Another candidate in the race for the same office has not accepted the voluntary spending limit; and

(b) The non-accepting candidate has raised more than ten percent of the applicable voluntary spending limit.

(6) Only those candidates who have agreed to abide by the applicable voluntary spending limit may advertise their compliance. All other candidates are

prohibited from advertising, or in any way implying, their acceptance of voluntary spending limits.

(7) Each spending limit described in subsection (1) of this section shall be adjusted by an amount based upon the percentage change over a four year period in the united states bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with Article 4 of title 24, C.R.S., or any successor section.

Section 5. Independent expenditures.

(1) Any person making an independent expenditure in excess of one thousand dollars per calendar year shall deliver notice in writing to the secretary of state of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure. The notice shall specifically state the name of the candidate whom the independent expenditure is intended to support or oppose. Each independent expenditure in excess of one-thousand dollars shall require the delivery of a new notice. Any person making an independent expenditure within thirty days of a primary or general election shall deliver such notice within forty-eight hours after obligating funds for such expenditure.

(2) Any person making an independent expenditure in excess of one thousand dollars shall disclose, in the communication produced by the expenditure, the name of the person making the expenditure and the specific statement that the advertisement of material is not authorized by any candidate. Such disclosure shall be prominently featured in the communication.

(3) Expenditures by any person on behalf of a candidate for public office that are coordinated with or controlled by the candidate or the candidate's agent, or political party shall be considered a contribution to the candidate's candidate committee, or the political party, respectively.

(4) This section 5 applies only to independent expenditures made for the purpose of expressly advocating the defeat or election of any candidate.

Section 6. Electioneering communications. (1) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall submit reports to the secretary of state in accordance with the schedule currently set forth in 1-45-108 (2), C.R.S., or any successor section. Such reports shall include spending on such electioneering communications, and the name, and address, of any person that contributes more than two hundred and fifty dollars per year to such person described in this section for an electioneering communication. In the case where the person is a natural person, such reports shall also include the occupation and employer of such natural person. The last such report shall be filed thirty days after the applicable election.

(2) Notwithstanding any section to the contrary, it shall be unlawful for a corporation or labor organization to provide funding for an electioneering communication; except that any political committee or small donor committee established by such corporation or labor organization may provide funding for an electioneering communication.

Section 7. Disclosure. The disclosure requirements relevant to candidate committees, political committees, issue committees, and political parties, that are currently set forth in section 1-45-108, C.R.S., or any successor section, shall be extended to include small donor committees. The disclosure requirements of section 1-45-108, C.R.S., or any successor section, shall be extended to require disclosure of the occupation and employer of each person who has made a contribution of one hundred dollars or more to a candidate committee, political committee, issue committee, or political party. For purposes of this section and 1-45-108, C.R.S., or any successor section, a political party shall be treated as separate entities at the state, county, district, and local levels.

Section 8. Filing - where to file -

timeliness. The secretary of state shall promulgate rules relating to filing in accordance with article 4 of title 24, C.R.S., or any successor section. The rules promulgated pursuant to this section shall extend section 1-45-109, C.R.S., or any successor section to apply to small donor committees.

Section 9. Duties of the secretary of state - enforcement. (1) The secretary of state shall:

(a) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this article and make such forms and instructions available to the public, municipal clerks, and county clerk and recorders free of charge;

(b) Promulgate such rules, in accordance with Article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this Article;

(c) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 4 of this Article. Such forms shall include an acknowledgment that the candidate voluntarily accepts the applicable spending limit and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request;

(d) Maintain a filing and indexing system consistent with the purposes of this Article;

(e) Make the reports and statements filed with the secretary of state's office available immediately for public inspection and copying. The secretary of state may charge a reasonable fee for providing copies of reports. No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(f) Refer any complaints filed against any candidate for the office of secretary of state to the attorney general. Any administrative law judge employed pursuant to this section shall be appointed pursuant to part 10 of Article 30 of title 24, C.R.S., or any successor section. Any hearing conducted by an administrative law judge employed pursuant to subsection (2) of this section

shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section.

(2) (a) Any person who believes that a violation of section 3, section 4, section 5, section 6, section 7, or section 9 (1) (e), of this Article, or of sections 1-45-108, 1-45-114, 1-45-115, or 1-45-117 C.R.S., or any successor sections, has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall refer the complaint to an administrative law judge within three days of the filing of the complaint. The administrative law judge shall hold a hearing within fifteen days of the referral of the complaint, and shall render a decision within fifteen days of the hearing. The defendant shall be granted an extension of up to thirty days upon defendant's motion, or longer upon a showing of good cause. If the administrative law judge determines that such violation has occurred, such decision shall include any appropriate order, sanction, or relief authorized by this Article. The decision of the administrative law judge shall be final and subject to review by the court of appeals, pursuant to section 24-4-106 (11), C.R.S., or any successor section. The secretary of state and the administrative law judge are not necessary parties to the review. The decision may be enforced by the secretary of state, or, if the secretary of state does not file an enforcement action within thirty days of the decision, in a private cause of action by the person filing the complaint. Any private action brought under this section shall be brought within one year of the date of the violation in state district court. The prevailing party in a private enforcement action shall be entitled to reasonable attorneys fees and costs.

(b) The attorney general shall investigate complaints made against any candidate for the office of secretary of state using the same procedures set forth in paragraph (a) of this subsection (2). Complainant shall have the same private right of action as under paragraph (a) of this subsection (2).

(c) A subpoena issued by an administrative law judge requiring the production of documents by an issue committee shall be limited to documents pertaining to contributions or expenditures from, the committee's separate account

established pursuant to section 3(9) of this Article to support or oppose a ballot issue or ballot question. A subpoena shall not be limited in this manner where such issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

Section 10. Sanctions. (1) Any person who violates any provision of this Article relating to contribution or voluntary spending limits shall be subject to a civil penalty of at least double and up to five times the amount contributed, received, or spent in violation of the applicable provision of this Article. Candidates shall be personally liable for penalties imposed upon the candidate's committee.

(2) (a) The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 5, section 6, or section 7 of this Article, or sections 1-45-108, 1-45-109 or 1-45-110, C.R.S., or any successor sections, is not filed by the close of business on the day due. Upon imposition of a penalty pursuant to this subsection (2), the appropriate officer shall send the person upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the secretary of state, the secretary of state shall also provide such notification by electronic mail. Revenues collected from fees and penalties assessed by the secretary of state or revenues collected in the form of payment of the secretary of state's attorney fees and costs pursuant to this Article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S., or any successor section.

(b) (I) Any person required to file a report with the secretary of state and upon whom a penalty has been imposed pursuant to this subsection (2) may appeal such penalty by filing a written appeal with the secretary of state no later than thirty days after the date on which notification of the imposition of the penalty was mailed to such person's last known address in accordance with paragraph (a) of this subsection (2). Except as provided in paragraph (c) of this subsection (2), the secretary shall refer the appeal to an

administrative law judge. Any hearing conducted by an administrative law judge pursuant to this subsection (2) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section. The administrative law judge shall set aside or reduce the penalty upon a showing of good cause, and the person filing the appeal shall bear the burden of proof. The decision of the administrative law judge shall be final and subject to review by the court of appeals pursuant to section 24-4-106 (11), C.R.S., or any successor section.

(II) If the administrative law judge finds that the filing of an appeal brought pursuant to subparagraph (I) of this paragraph (b) was frivolous, groundless, or vexatious, the administrative law judge shall order the person filing the appeal to pay reasonable attorney fees and costs of the secretary of state in connection with such proceeding.

(c) Upon receipt by the secretary of state of an appeal pursuant to paragraph (b) of this subsection (2), the secretary shall set aside or reduce the penalty upon a showing of good cause.

(d) Any unpaid debt owing to the state resulting from a penalty imposed pursuant to this subsection (2) shall be collected by the state in accordance with the requirements of section 24-30-202.4, C.R.S., or any successor section.

(3) Failure to comply with the provisions

of this article shall have no effect on the validity of any election.

Section 11. Conflicting provisions declared inapplicable. Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be inapplicable to the matters covered and provided for in this Article.

Section 12. Repeal of conflicting statutory provisions. Sections 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, and 1-45-113 are repealed.

Section 13. APPLICABILITY AND EFFECTIVE DATE. The provisions of this article shall take effect on December 6, 2002 and be applicable for all elections thereafter. Legislation may be enacted to facilitate its operations, but in no way limiting or restricting the provisions of this Article or the powers herein granted.

Section 14. Severability. If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.



Talking with a Thornton City Council Member is pretty much like talking with your neighbor. That's because council members ARE your neighbors. Like you, they live in Thornton, have families, have regular jobs or are retired, and are affected every day by the same issues you are. In short, council members are Thornton residents just like you, and you could be a council member!

Want to be a City Council Member?

In November 2019, voters will elect a mayor from the entire city and one council member in each of the four city wards. To be elected to Thornton City Council, you must:

- be a resident of the city of Thornton
- have lived in your ward for at least a year or within the city for mayor
- be a registered voter
- be a U.S. citizen
- be at least 25 years of age
- not be a convicted felon

No person shall serve as mayor or council member while holding another elected position in government.

For more information, call the Thornton City Clerk's office at 303-538-7230.

*What's it like to be a council member?
How much time does it take? What are the rewards and demands?*



Serving on Thornton City Council



Duties

Council duties include:

- attending council meetings and planning sessions, typically two each per month
- attending strategic planning meetings
- participating in groundbreaking, ribbon cuttings and grand openings
- attending community events
- participating in local, regional and national organizations
- hosting an ice cream social and two ward meetings a year in the evening
- attending conferences away from the city

Structure

The city of Thornton is a home rule city operating under the Council-Manager form of government. This means that the city manager, who is hired by the city council, supervises the various departments and day-to-day activities of the city.

The council is a policy-making body, responsible for adopting and amending ordinances affecting the city code, the collection of laws under which the city operates. They determine the annual city budget, approve intergovernmental agreements and conduct public hearings on zoning and other matters.

Thornton City Council consists of the mayor, elected at large, and eight council members, two from each of the four wards. The mayor and council members serve staggered four-year terms.



Rewards

Serving the community as one of nine Thornton City Council Members can be a very rewarding experience. These dedicated residents make decisions that impact the quality of life for the entire Thornton community by working on growth and transportation issues, improving public safety and recreation opportunities, and encouraging wholesome economic development to benefit the community.

Serving on council falls somewhere between a volunteer position and an actual job, with compensation of \$2000 per month for the mayor and \$1500 per month for council members, plus a monthly stipend to cover expenses related to computer, fax, and phone maintenance.

Demands

As satisfying as it can be to participate in the decisions that will affect Thornton now and in the future, the position of city council member is not an easy one. There is a tremendous time commitment involved. Every Tuesday, council members participate in meetings that begin at 5:45 p.m. and often last until 10 p.m. or later. They typically attend at least one additional event during the week, and spend an average of three hours reviewing background information necessary for upcoming council meetings. There are also additional evening meetings that are scheduled as needed to review the budget and meetings with other governmental entities.

Council members also devote at least six weekends per year to city meetings, community events, and training conferences away from the city. Moreover, citizens call council members at their homes to seek information or express concerns about city projects or services. It certainly helps to have an understanding employer if you work outside the home, and an even more understanding family.

Opportunity

In November 2019, Thornton residents will elect a mayor and one council member in each of the city's four wards. If you are a resident of the city of Thornton and have lived in your ward for at least a year or within the city if a mayoral candidate, are a registered voter, a U.S. citizen at least 25 years of age or older, and not a convicted felon, you are eligible to run for election. No person shall serve as mayor or council member while also holding another elected position in government.

Ward maps and *Council Candidate Guidelines* are available from the City Clerk's office on the second floor of Thornton City Hall, located at 9500 Civic Center Drive, just off Thornton Parkway at I-25, or on the city's website at gocot.net/cityclerk and click on Election Information. If you decide to run, you will need to circulate Nomination Petitions beginning August 6, and return them to the City Clerk's office no later than 5 p.m. on August 26.

Thornton City Council encourages all residents to become involved in their city in some way, either as a council member or through one of our numerous boards and commissions.

**For more information, call the
Thornton City Clerk's office at
303-538-7230.**

