



BOARD OF TRUSTEES
December 9, 2025
5:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session and Regular Meeting Agenda
The Regular Meeting will begin immediately after the Work Session

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to hillha@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:
<https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnallEK1hvNHJ5Zz09>

Telephone Dial US: +1 720 707 2699 or +1 719 359 4580 or +1 669 444 9171
Webinar ID: 848 7116 2393
Passcode: 726078

A. WORK SESSION

1. Liquor Licensing Hearing Officer Training

- Presentation: Hannah Hill, Town Clerk and Cheryl Aragon, Cheryl Aragon Consulting

B. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

C. COMMUNITY PARTICIPATION

1. Night of Champions Recognition
2. Public Comment

D. CONSENT AGENDA

1. November 12, 2025 Board of Trustees Meeting Minutes
 - Presentation: Hannah Hill, Town Clerk
2. November 18, 2025 Board of Trustees Special Meeting Minutes
 - Presentation: Hannah Hill, Town Clerk
3. Resolution No. 53-2025 — A Resolution of the Board of Trustees of the Town of Wellington, Colorado Approving the Fourth Amendment to the Intergovernmental Agreement Between the Town of Berthoud, Colorado and the Town of Timnath, Colorado and the Town of Wellington, Colorado Concerning a Joint Agreement for Animal Control Services with NOCO Humane
 - Presentation: Cody Bird, Planning Director
4. Resolution No. 54-2025 — A Resolution of the Wellington Board of Trustees Considering the 2026 Statement of Work and Budget Agreement between the County of Larimer and Town of Wellington
 - Presentation: Patti Garcia, Town Administrator
5. Resolution No. 55-2025 - A Resolution of the Town of Wellington, Colorado Calling for a Regular Election to be Held as a Mail Ballot Election on Tuesday, April 7, 2026 and Delegating Authority to the Town Clerk to Appoint Election Judges
 - Presentation: Hannah Hill, Town Clerk
6. Resolution No. 57-2025 - A Resolution of the Town of Wellington, Colorado Making an Appointment to the Planning Commission
 - Presentation: Hannah Hill, Town Clerk

E. ACTION ITEMS

1. July 4, 2026 - Video Options
 - Presentation: Calar Chaussee, Mayor
2. Resolution No. 56-2025 - A Resolution of the Town of Wellington, Colorado Approving a Contract Amendment for the 2025 Utility Rate and Fee Study
 - Presentation: Meagan Smith, Deputy Director of Public Works

F. PRESENTATION

1. Home Rule Timeline Discussion

- Presentation: Patti Garcia, Town Administrator; Kelly Houghteling, Deputy Town Administrator; Hannah Hill, Town Clerk

2. Draft Request for Proposal - Town Attorney

- Presentation: Patti Garcia, Town Administrator

G. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
 - a. Treasurer's Report (September 2025)
 - b. Report of Bills (September 2025)
 - c. Larimer County Sheriff's Office October 2025 Report
 - d. BOT Planning Calendar
 - e. Utilities Report (October 2025)
4. Board Reports

H. EXECUTIVE SESSION

1. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to § 24-6-402(4)(e), C.R.S., and for the purpose of receiving legal advice pursuant to § 24-6-402(4)(b), C.R.S., regarding acquisition of real property by the Town. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the Executive Session proceedings will be electronically recorded and the record will be preserved for 90 days through March 9, 2026.

I. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Board of Trustees Meeting

Date: December 9, 2025
Subject: Liquor Licensing Hearing Officer Training

- **Presentation: Hannah Hill, Town Clerk and Cheryl Aragon, Cheryl Aragon Consulting**

BACKGROUND / DISCUSSION

Cheryl Araon was hired by staff to provide training to the Board of Trustees. Ms. Aragon has an extensive background as a licensing clerk with the City of Greeley for 31 years, specializing in research and navigation of State and local regulations, acting as a hearing officer for the City and County of Broomfield's Local Licensing Authority and currently owns a liquor consulting company that coaches and trains a variety of entities across Colorado.

STAFF RECOMMENDATION

Ensure Strong Town Operations

ATTACHMENTS

1. Liquor Licensing Foundations - Town of Wellington



Liquor Licensing Foundations

Presented by: Cheryl Aragon, Owner, Cheryl Aragon Consulting

Expressly for: Wellington Town Council/Licensing Authority
December 9, 2025

Agenda

- Introduction
- Goals for the Session
- Board Authority
- Legal Framework Review
- Final Tips & Takeaways

Cheryl Aragon, Owner
Cheryl Aragon
Consulting Greeley,
CO

Since 2021

- 31 years managing liquor licensing for the City of Greeley
- Research, navigation, and interpretation of State and local laws/rules
- Passion for streamlining processes for new & existing businesses
- Pride in relationship building and collaboration with local & state officials, licensing clerks, and members of the business community
- 4 years consulting with new and existing business owners in their licensing endeavors, as well as coaching and training local licensing authorities, liquor investigators, and municipal clerks/licensing managers across the State of Colorado



Tonight's Outcomes:

- Overview of the Town Board serving as the Liquor Licensing Authority (LLA)
- Critical Functions of the LLA
- Legal & Regulatory Framework Governing Liquor Licensing
- Compliance and Enforcement Policies and Procedures

COLORADO LIQUOR CODE
ARTICLE 3, TITLE 44, C.R.S.

2024

This copy of the Colorado Liquor Code is provided as a convenience to the public by the Liquor Enforcement Division and does not constitute an official publication. The official version of the Colorado Liquor Code can be found on the Colorado General Assembly website,
<https://leg.colorado.gov/colorado-revised-statutes>.

Colorado Liquor Code Article 3, Title 44, C.R.S.



COLORADO
Department of Revenue

Specialized Business Group—
Liquor & Tobacco

Physical Address:
1707 Cole Boulevard, Suite 300
Lakewood, CO 80401

Mailing Address:
P.O. Box 17087
Denver, Colorado 80217-087
Fax: 303-866-2428

2025 COLORADO LIQUOR RULES

DEPARTMENT OF REVENUE
Liquor and Tobacco Enforcement Division

1 CCR 203-2

Colorado Liquor Rules

COLORADO BEER AND WINE CODE

ARTICLE 4, TITLE 44, C.R.S.

2024

This copy of the Colorado Beer and Wine Code is provided as a convenience to the public by the Liquor Enforcement Division and does not constitute an official publication. The official version of the Colorado Beer and Wine Code can be found on the Colorado General Assembly website,

<https://leg.colorado.gov/colorado-revised-statutes>

Colorado Beer & Wine Code



Search or jump to

NOTIFICATIONS
SIGN IN
HELP
Select Language

Wellington, Colorado - Municipal Code / CHAPTER 2 - Administration / ARTICLE 12 - Liquor Licensing

VERSION: JUN 17, 2025 (CURRENT)

ARTICLE 4 - Municipal Court

ARTICLE 5 - Police Department

ARTICLE 6 - Code of Ethics

ARTICLE 8 - Wellington Housing Authority

ARTICLE 9 - Wellington Library Board

ARTICLE 10 - Planning Commission

ARTICLE 11 - Board of Adjustment

ARTICLE 12 - Liquor Licensing

ARTICLE 13 - Wellington Parks, Recreation, Open Space, and Trails Advisory Board

Article 14 - Retail and Medical Marijuana Stores

ARTICLE 12 - Liquor Licensing

Sec. 2-12-10. - Board of Trustees to serve as Licensing Authority.

Amended by

Ordinance No. 09-2025

The Board of Trustees shall serve as the Liquor Licensing Authority. (Ord. 11-2007 [§1](#))

Sec. 2-12-20. - Special event permits.

Amended by

Ordinance No. 09-2025

(a) Pursuant to C.R.S. § 44-5-107(5)(a) the Board of Trustees of the Town of Wellington, acting as the local liquor licensing authority, elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of applications for special event permits.

(b) The provision of this section notwithstanding, the Town Administrator/Clerk shall report to the Colorado Liquor Enforcement Division, within ten (10) days after the Town issues any special event permit, the name of the organization to which the permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

(c) Upon receipt of an application for a special event permit the Town Administrator/Clerk shall, as required by C.R.S. § 44-5-107(5)(c), access information made available on the web site of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The Town shall consider compliance with the provisions of C.R.S. § 44-5-105(3) limiting to fifteen (15) the number of special event permits issued in any one year to any one organization, before approving any application.

(d) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by C.R.S. § 44-5-107(2).

(e) Pursuant to C.R.S. § 44-5-106(2), at least ten (10) days prior to the proposed action by the Board of Trustees on the permit application, the Town Administrator/Clerk shall cause a public notice of the proposed special event permit to be conspicuously posted at the proposed special event location.

(Ord. No. [10-2011](#), 8-23-11; [Ord. No. 12-2020](#), 6-9-20)

Local Code Provisions

Page 12 of 338

Licensing in General

Before granting any license, the LLA shall consider:

- Reasonable requirements of the designated neighborhood
- Character of the applicant(s)
- Fees & Applications submitted
- Other Requirements by License Type

Considerations at Renewal:

- Timely filing
- Calls for service or concerns in previous year
- Character of the applicant(s)
- Fees and Applications submitted

Licensing in General continued...

Compliance Provisions:

- Inspections & Duties of Officers
- Responsible Alcohol Beverage Vendor Act

Unlawful Acts:

- Violations
- Suspension & Revocation
- Penalties

Tips & Takeaways

1. Summary of key roles & responsibilities
2. Emphasis on legal framework to be used
3. Ongoing review of procedures and parameters

Key Resources:

- Local and State Ordinances, Rules, Regulations
- Municipal Clerk and Legal Advisors!
- Colorado Liquor Enforcement Division
- Colorado Municipal League
- Other Town Boards/Hearing Officers serving as LLA

Thank you!

Cheryl Aragon, Cheryl Aragon Consulting

P.O. Box 337752

Greeley, CO 80633

970-302-2510

cheryl@cherylaragonconsulting.com

Board of Trustees Meeting

Date: December 9, 2025
Subject: November 12, 2025 Board of Trustees Meeting Minutes

- **Presentation:** Hannah Hill, Town Clerk

EXECUTIVE SUMMARY

Attached are the November 12, 2025 Board of Trustees Meeting Minutes.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Staff recommends approval on the consent agenda.

MOTION RECOMMENDATION

Option 1) Move to approve the consent agenda

Option 2) Move to approve the November 12, 2025 Board of Trustees Meeting Minutes

ATTACHMENTS

1. 11-12-2025 Meeting Minutes



BOARD OF TRUSTEES
November 12, 2025
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Minutes

A. CALL TO ORDER

Mayor Chaussee called the meeting to order at 6:30 p.m.

1. Pledge of Allegiance
Mayor Chaussee asked all to rise for the pledge of allegiance
2. Roll Call
The Clerk noted quorum with the following roll call:
Wiegand - Present
Cannon - Present
Dailey – Present
Moyer - Present
Tietz - Absent
Mason - Present
Chaussee - Present
3. Amendments to Agenda
Mayor Chaussee asked if there were any amendments to the agenda, to which there were none.
4. Conflict of Interest
Mayor Chaussee asked if there were any conflicts of interest to the agenda, to which there were none.

B. COMMUNITY PARTICIPATION

1. Public Comment

Patrick Redman, volunteer for Craig Lopez campaign, introduced himself.

C. PRESENTATION

1. Introduction - Liz Magargel, Business Development Manager

Cody Bird, Planning and Building Director, introduced the new staff member, filling a vacancy and adding in several new responsibilities.

Ms. Magargel expressed appreciation for the welcome to the community.

D. CONSENT AGENDA

1. October 28, 2025 Meeting Minutes

2. Resolution No. 45-2025 Authorizing the Temporary Closure of Portions of State Highway 1/Cleveland Avenue within the Town of Wellington During the Annual Parade of Lights Event on December 6, 2025
3. Resolution No. 46-2025 Confirming and Establishing Fees to be Charged by the Town of Wellington Municipal Court

Trustee Cannon moved to approve the consent agenda

Mayor Pro Tem Mason provided the second and the motion passed.

E. ACTION ITEMS

1. Resolution No. 44-2025 Adopting Town of Wellington Financial Management Policies Effective January 1, 2026

Nic Redavid, Finance Director and Town Treasurer presented the item, and expressed appreciation to Deputy Town Administrator Kelly Houghteling for support and assistance on the policies.

Mr. Redavid noted specific definitions within the policy, and noted a clarification on the P-card spending limits being able to be updated on a consent agenda item at a future Board of Trustees meeting.

Mayor Chaussee opened public comment for this item, to which there was none.

Trustee Cannon moved to Approve Resolution No. 44-2025 a Resolution of the Town of Wellington, Colorado Adopting Town of Wellington Management Policies Effective January 1, 2026

Mayor Pro Tem Mason provided the second and the motion passed.

2. Ordinance No. 14-2025 Amending Article 4 of Chapter 4 of the Wellington Municipal Code Regarding the Vendor's Fee for the Collection of Sales Tax

Mr. Redavid noted House Bill 25B-1005 to simplify the collection of state-collected sales tax, with Larimer County removing the vendor fee in October of 2025. The presented ordinance would bring the Town into alignment with both state and county processes. Mr. Redavid noted estimated potential impact of eliminating the fee for various businesses, noting this item is not a tax increase nor a tax change under TABOR.

Mayor Chaussee opened public comment for this item, to which there was none.

Mayor Pro Tem Mason moved to approve Ordinance No. 14-2025 Amending Article 4 of Chapter 4 of the Wellington Municipal Code Regarding the Vendor's Fee for the Collection of Sales Tax

Trustee Wiegand provided the second and the motion passed.

3. Resolution No. 47-2025 Establishing an Intergovernmental Agreement between Larimer County, Colorado and the Town of Wellington, Colorado Regarding Cooperation on Managing Urban Development

Mr. Bird spoke to the history of the item and noted the included boundary map for the Growth Management Area. An Open House was held in August with the majority of those in attendance understanding the presented IGA and not expressing any concerns.

Staff did note recommendation of approval of the resolution as amended, as presented.

The Board asked for clarification on the cooperative planning area regarding other municipalities coordinating with the Town. Mr. Bird noted other entities can use their annexation authority, however Wellington could do the same, nothing there may be other risks to take into consideration.

Mayor Chaussee opened public comment for the item, to which there was none.

The Board noted this may be the most important item approved in several years, allowing for open space in-between Fort Collins and Wellington.

Trustee Cannon moved to Approve Resolution No. 47-2025 Establishing an Intergovernmental Agreement between Larimer County Colorado and the Town of Wellington, Colorado Regarding Cooperation on Managing Urban Development

Mayor Pro Tem Mason provided the second and the motion passed.

4. Public Hearing and Second Reading on Ordinance No. 15-2025 Considering Adoption by Reference of the 2024 International Building Codes with Local Amendments, and Adoption of the Colorado Model Electric Ready and Solar Ready Code, and Adoption of the 2025 Colorado Wildfire Resiliency Code Version 1.0

Mayor Chaussee opened the public hearing.

Mr. Bird presented this item and noted this item is legislative and the Town is acting as the applicant. The Town is currently operating on the 2018 International Codes and is looking to align with other stakeholders by adopting 2024 and 2025 codes.

Mayor Chaussee opened the hearing for public comment.

Jamie Baessler, from Baessler Homes, spoke to the 2024 International Residential Code.

Hank McDougall from Baessler Homes, spoke to townhomes being built in various municipalities.

AJ Cortese, from Baessler Homes spoke to working with people who are not able to purchase a home and Baessler Homes' goal to accomplish home ownership with individuals.

Mayor Chaussee closed public comment for the hearing.

The Board asked for clarification on if the ordinance was related to town homes, or residential. Mr. Bird noted that anything with 3 or more units is currently required to have automatic sprinklers. It was asked if a development in Greeley required sprinklers, which Mr. Baessler noted they were required at that location.

The Board spoke to the requirement of sprinklers, which Mr. Bird noted was in the 2018 International Fire Code, and Wellington Fire does support continuing current practices. The Board spoke to the requested amendment from public comment.

Mr. Bird noted current requirements in fire code and spoke to the difference between fire suppression and fire protection systems such as sprinklers, noting that if any amendments were requested staff would recommend working with Wellington Fire and SafeBuilt to review the suggestions and provide comments to any amendments.

Mayor Chaussee closed the public hearing.

5. Ordinance No. 15-2025 Considering Adoption by Reference of the 2024 International Building Codes with Local Amendments, and Adoption of the Colorado Model Electric Ready and Solar Ready Code, and Adoption of the 2025 Colorado Wildfire Resiliency Code Version 1.0

Mr. Bird noted the previous hearing and staff's recommendation of approval.

The Board noted a desire to pursue housing affordability on this item and requested to hear from the fire district regarding any amendments.

Trustee Dailey moved to Approve Ordinance No. 15-2025 Considering Adoption by Reference of the 2024 International Building Codes with Local Amendments and Adoption of the Colorado Model Electric Ready and Solar Ready Code, and Adoption of the 2025 Colorado Wildfire Resiliency Code Version 1.0

Mayor Pro Tem Mason provided the second and the motion passed.

6. Resolution No. 48-2025 A Resolution by the Town of Wellington, Colorado Committing to Diversify and Secure the Town's Long-Term Water Supply

Meagan Smith, Deputy Director of Public Works, spoke to the resolution and the 1983 Agreement with Long-Term Water Supply with North Poudre Irrigation Company. Ms. Smith noted the increase in cost of water in the past decade, and the Town's search for alternative water supplies. It was noted that this resolution does not immediately obligate the Town to spend any funds but does direct staff to explore other possibilities.

The Board expressed appreciation for Ms. Smith's work on this item.

Mayor Chaussee opened public comment to which there was none.

Trustee Moyer moved to Approve Resolution No. 48-2025 A Resolution by the Town of Wellington, Colorado Committing to Diversify and Secure the Town's Long-Term Water Supply

Trustee Dailey provided the second and the motion passed.

7. Resolution No. 49-2025 A Resolution by the Town of Wellington, Colorado Supporting the Northern Colorado Water Alliance and the Associated Northern Colorado Water Principles

Ms. Smith noted the resolution would affirm support for the Northern Colorado Water Alliance, which the Town has been a member of since 2022, and the resolution would adopt the principles.

The Board asked about conversation regarding guiding principles, which Ms. Smith noted many municipalities with determination to adopt and adhere to the principles. Appreciation for the collaboration was expressed.

Mayor Chaussee opened public comment, to which there was none.

Trustee Cannon moved to Approve No. 49-2025 A Resolution by the Town of Wellington, Colorado Supporting the Northern Colorado Water Alliance and the Associated Northern Colorado Water Principles

Mayor Pro Tem Mason provided the second and the motion passed.

F. REPORTS

1. Town Attorney

Jed Scott, Town Attorney, noted that he is starting with the Town and getting to know staff.

2. Town Administrator

Patti Garcia, Town Administrator, noted the Northern Colorado Water Alliance, the Town being part of the core group in the beginning and spoke to Ms. Smith's great addition to that group. It was noted the start of the next Board meeting at 6:00 pm; an email regarding Home Rule discussion date was noted; and a work session with Wellington Fire District will be scheduled.

3. Staff Communications

Items were included

a. NOCO Humane - 3rd Quarter 2025 Service Report

4. Board Reports

Trustee Moyer noted communities affected by disasters and expressed appreciation for the Town's commitment to prioritizing an emergency management plan.

Trustee Dailey noted Main Street's Trick or Treat Down Main Street's success. The annual dinner from Main Street was noted to be on November 20th. PROST continues to talk with the Legion and other non-profits in Town regarding funding for the Veterans Garden in Wellington Community Park. Attendance at the Wellington Affordable Housing Board Meeting was also noted.

Mayor Chaussee noted the Wellington Middle High School football team's recent game win.

G. ADJOURN

Mayor Chaussee adjourned the meeting at 7:56 p.m.

Calar Chaussee, Mayor

Hannah Hill, Town Clerk

Board of Trustees Meeting

Date: December 9, 2025

Subject: November 18, 2025 Board of Trustees Special Meeting Minutes

- **Presentation:** Hannah Hill, Town Clerk

EXECUTIVE SUMMARY

Attached are the Board of Trustees Special Meeting Minutes from November 18, 2025.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Staff recommends approval on the consent agenda.

MOTION RECOMMENDATION

Option 1) Move to approve the consent agenda

Option 2) Move to approve the November 18, 2025 Meeting Minutes

ATTACHMENTS

1. 11-18-2025 Meeting Minutes



BOARD OF TRUSTEES
November 18, 2025
6:00 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Special Meeting and Work Session Meeting Minutes

A. CALL TO ORDER

Mayor Chaussee called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance
Mayor Chaussee asked all to rise for the pledge of allegiance.
2. Roll Call
The Clerk noted quorum with the following roll call:
Wiegand - Present
Cannon - Present
Dailey – Present
Moyer - Present
Tietz - Present
Mason - Present
Chaussee - Present
3. Amendments to Agenda
Mayor Chaussee asked if there were any amendments to the agenda, to which there were none.
4. Conflict of Interest
Mayor Chaussee asked if there were any conflicts of interest to the agenda, to which there were none.

B. EXECUTIVE SESSION

1. An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) to discuss personnel matters concerning the Town Administrator, under circumstances where the Town Administrator has not requested an open meeting. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the executive session proceedings will be electronically recorded and the record will be preserved for 90 days through February 16, 2026

Mayor Pro Tem Mason moved to recess into executive session pursuant to C.R.S. 24-6-402(4)(f)(I) to discuss personnel matters concerning the Town Administrator, under circumstances where the Town Administrator has not requested an open meeting. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the executive session proceedings will be electronically recorded and the record will be preserved for 90 days through February 16, 2026

Trustee Tietz provided the second and the motion passed.

Mayor Chaussee recessed the Special Meeting and entered executive session at 6:02 pm.

Mayor Chaussee reconvened the Special Meeting at 6:25 pm.

C. COMMUNITY PARTICIPATION

1. Public Comment

There was no public comment.

D. ACTION ITEMS

1. Resolution No. 50-2025 A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Wellington, Colorado, for the Fiscal Year Beginning the First Day of January 2026 and Ending the Last Day of December 2026

Patti Garcia, Town Administrator, noted the work that has been put into the budget preparation and introduced Nic Redavid, Finance Director and Town Treasurer who presented the resolution. Mr. Redavid noted the history of budget presentations during the 2025 year. The following resolution on the agenda, Resolution No. 51-2025, was noted to levy necessary property taxes to meet costs for fiscal year 2026. Ordinance No. 16-2025 was noted to appropriate the 36.8 million in expenditures and funds in the 2026 budget.

Mr. Redavid spoke to two components in the 2026 Budget Book of the Town Administrator's Budget Letter, including an overview of the 2026 budget and highlights, with the budget carrying out the Board's Mission, Vision and Strategic Plan. Secondly, a consolidated financial statement has been added to the fund balance, providing a new way to view the overall budget allocations.

The Board asked for clarification on the mill for real estate, which Mr. Redavid confirmed there would not be an increase.

Mayor Chaussee opened for public comment, to which there was none.

The Board expressed appreciation for the work and diligence on the budget.

Trustee Cannon moved to Approve Resolution No. 50-2025 A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Wellington, Colorado, for the Fiscal Year Beginning the First Day of January 2026 and Ending the Last Day of December 2026

Trustee Dailey provided the second and the motion passed.

2. Resolution No. 51-2025 A Resolution Levying Property Taxes for the Year 2025 To Help Defray The Costs of Government for the Town of Wellington, Colorado, for the Fiscal Year Beginning the First Day of January 2026 and Ending the Last Day of December 2026

The previous presentation was noted,

Mayor Chaussee opened public comment, to which there was none.

Trustee Cannon moved to Approve Resolution No. 51-2025 A Resolution Levying Property Taxes for the Year 2025 To Help Defray The Costs of Government for the Town of Wellington, Colorado, for the Fiscal Year Beginning the First Day of January 2026 and Ending the Last Day of December 2026

Trustee Moyer provided the second and the motion passed.

3. Ordinance No. 16-2025 An Ordinance Appropriating Sums of Money to Defray Expenses and Liabilities of the Town of Wellington, Colorado, for the Fiscal Year Beginning the First Day of January 2026 and Ending the Last Day of December 2026

The previous presentation was noted, and Mayor Chaussee opened public comment, to which there was none.

Trustee Moyer moved to Approve Ordinance No. 16-2025 An Ordinance Appropriating Sums of Money to Defray Expenses and Liabilities of the Town of Wellington, Colorado, for the Fiscal Year Beginning the First Day of January 2026 and Ending the Last Day of December 2026

Mayor Pro Tem provided the second and the motion passed.

4. Resolution No. 52-2025 A Resolution by the Town of Wellington, Colorado Authorizing Staff to Acquire Certain Properties Needed to Complete the Cleveland Avenue Improvement Project

Bob Gowing, Director of Public Works, presented the resolution, noting the project is close to beginning and referenced the steps taken regarding the acquisition of certain properties. Generally speaking there were two appraisals for each property, and those have been gone through for fair market value as an offer to the landowners.

It was noted the project has grant funding that must be spent by the end of 2026, which is a key driver of the timeline.

Mayor Chaussee opened public comment, to which there was none.

Trustee Wiegand moved to Approve Resolution No. 52-2025 A Resolution by the Town of Wellington, Colorado Authorizing Staff to Acquire Certain Properties Needed to Complete the Cleveland Avenue Improvement Project

Trustee Cannon provided the second and the motion passed.

5. Grace Village/Wellington Food Pantry - Discretionary Fund Request

Donna Visocky - Grace Village, Director of Public Relations & Fundraising and Mark Gabbert, Chair, presented the request to the Board and noted the need of the community along with other opportunities with grant matches Grace Village is working on.

Mr. Gabbert noted the need of the community for assistance for the food pantry. It was noted that the focus has been on capital funds, and now focus is needed on the operational or daily budget, allowing the food pantry to purchase food. The school has also been working with Grace Village to provide a pick up location, with the expectation of the need to rise with the additional options in pick up locations.

Clarification from the Board centered around the use of the funds and the if funds can be used for operations. Ms. Visocky noted the confusion in the application would be that the previous funding

was used for ADA accommodations, and provided clarification that this request would be used for food product to be purchased, and noted the term “operations budget” may not be correct.

The Board noted any further requests would not be funded, as this request would take the remaining balance for the year, and stated the application process for this Town program may need to be looked at.

Mayor Chaussee opened public comment.

Daren Robertson and Jamie Baessler noted they would fund the remaining \$9,000 of need in order for the Food Pantry to meet the matching grant.

Trustee Moyer moved to Approve the Community Grant Application in the amount of \$17,000 Submitted by Grace Village/Wellington Food Pantry, with Funding to be Provided from the Board of Trustee Discretionary Fund

Trustee Tietz provided the second and the motion passed.

E. ADJOURN

Mayor Chaussee adjourned the meeting at 7:13 p.m.

Calar Chaussee, Mayor

Hannah Hill, Town Clerk

Board of Trustees Meeting

Date: December 9, 2025

Subject: Resolution No. 53-2025 — A Resolution of the Board of Trustees of the Town of Wellington, Colorado Approving the Fourth Amendment to the Intergovernmental Agreement Between the Town of Berthoud, Colorado and the Town of Timnath, Colorado and the Town of Wellington, Colorado Concerning a Joint Agreement for Animal Control Services with NOCO Humane

- **Presentation:** Cody Bird, Planning Director

EXECUTIVE SUMMARY

The Town has partnered with NOCO Humane to provide services to meet the Town's animal sheltering needs. NOCO Humane also provides animal control services to support the Town and Larimer County Sheriff's Office services. NOCO Humane partnered with the communities of Berthoud and Timnath in 2023 to provide animal sheltering along with animal control services, and in 2024, the Town of Wellington joined the agreement.

The communities and NOCO Humane entered into a Joint Agreement for the services as a means of sharing existing resources and keeping costs lower for all parties.

BACKGROUND / DISCUSSION

Other parties to the Intergovernmental Agreement (IGA) are also scheduling consideration of the Fourth Amendment for their respective Board's review and approval. In the event administrative revisions may be requested for non-substantive matters, the administrative revisions may be made by staff. If any substantive changes are requested by another party, the IGA will be brought back to the Board of Trustees for consideration.

The Third Amendment to the IGA is the current and existing agreement between the parties. The Third Amendment to the IGA is attached for reference.

CONNECTION WITH ADOPTED MASTER PLANS

Strategic Plan

Ensure Strong Town Operations

- Ensure safety and security, including emergency response
- Leverage and expand external relationships

Comprehensive Plan

CP Goal 4 - Ensure Residents and Visitors Are and Feel Safe

- CP. 4.1. Provide responsive local law enforcement at the level and in the areas necessary to ensure public safety

FISCAL IMPLICATIONS



Wellington's portion of the costs associated with this IGA were contemplated as part of the 2026 Budget adoption process.

STAFF RECOMMENDATION

Staff recommends approval of the resolution on the consent agenda.

MOTION RECOMMENDATION

Option 1) Move to approve the consent agenda

Option 2) Move to approve Resolution No. 53-2025 - A Resolution Approving a Fourth Amendment to the Intergovernmental Agreement Between the Town of Berthoud, Colorado and the Town of Timnath, Colorado and the Town of Wellington, Colorado, Concerning a Joint Agreement for Animal Control Services with NOCO Humane.

ATTACHMENTS

1. Resolution No. 53-2025 Approving an Intergovernmental Agreement for Animal Control Services
2. Fourth Amendment to IGA for Animal Control Services
3. Existing Agreement (Third Amendment)

TOWN OF WELLINGTON

RESOLUTION NO. 53-2025

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO APPROVING THE FOURTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BERTHOUD, COLORADO AND THE TOWN OF TIMNATH, COLORADO AND THE TOWN OF WELLINGTON, COLORADO CONCERNING A JOINT AGREEMENT FOR ANIMAL CONTROL SERVICES WITH NOCO HUMANE

WHEREAS, the Town of Berthoud, Colorado, the Town of Timnath, Colorado and the Town of Wellington, Colorado previously entered into an Agreement for animal control services with NOCO Humane (the “Agreement”); and

WHEREAS, the Town of Wellington’s Board of Trustees desires to collaborate with the Parties to the Agreement, agrees to the proposed Agreement, and wishes to memorialize this agreement.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Wellington, Colorado, as follows:

1. The Agreement is hereby approved.
2. A copy of the Agreement is attached hereto and made a part hereof.
3. The Mayor is hereby authorized to execute the Agreement on behalf of the Town.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of December, 2025.

TOWN OF WELLINGTON

By: _____
Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk

**FOURTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF BERTHOUD, THE TOWN OF TIMNATH, AND THE
TOWN OF WELLINGTON CONCERNING A JOINT AGREEMENT FOR ANIMAL
CONTROL SERVICES WITH LARIMER HUMANE SOCIETY**

THIS FOURTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BERTHOUD, THE TOWN OF TIMNATH, AND THE TOWN OF WELLINGTON CONCERNING A JOINT AGREEMENT FOR ANIMAL CONTROL SERVICES WITH LARIMER HUMANE SOCIETY (the “Second Amendment”) is entered into on this ____ day of _____, 202__, by and between the TOWN OF BERTHOUD (“BERTHOUD”), the TOWN OF TIMNATH (“TIMNATH”), and the TOWN OF WELLINGTON (“WELLINGTON”). BERTHOUD, TIMNATH, and WELLINGTON are referred to herein collectively as the “Parties” or the “Towns” or individually as a “Party” or a “Town”.

RECITALS:

WHEREAS, BERTHOUD is a municipality located in both Larimer County, Colorado and Weld County, Colorado;

WHEREAS, TIMNATH is a municipality located in both Larimer County, Colorado and Weld County, Colorado;

WHEREAS, WELLINGTON is a municipality located in Larimer County, Colorado;

WHEREAS, NOCO HUMANE (formerly known as the Larimer Humane Society) is a non-profit entity under 501(c)(3) of the Internal Revenue Code serving Northern Colorado communities through a broad range of animal-related issues, such as animal control, care, sheltering, impound, lost and found, and licensing;

WHEREAS, under C.R.S. § 29-1-203, the Town of Berthoud and the Town of Timnath entered into an Intergovernmental Agreement Between the Town of Berthoud and the Town of Timnath Concerning a Joint Agreement for Animal Control Services with Larimer Humane Society in 2022 (the Original Agreement”) as amended by the First Amendment to Intergovernmental Agreement Between the Town of Berthoud and the Town of Timnath Concerning a Joint Agreement for Animal Control Services with Larimer Humane Society entered into in or around December 2022 (“First Amendment” and together with the Original Agreement, the “Agreement”);

WHEREAS, the Town of Wellington was added as a party to the Agreement through the Second Amendment to Intergovernmental Agreement Between the Town of Berthoud, the Town of Timnath, and the Town of Wellington Concerning a Joint Agreement for Animal Control Services with Larimer Humane Society entered into in or around December 2023

("Second Amendment);

WHEREAS, the Agreement states that the Towns will annually agree on how to split the costs of Animal Control Services from the NOCO Humane; and

WHEREAS, the Parties would like to agree to an updated split of fees for 2026. Any provisions of the Agreement not addressed in this Fourth Amendment shall remain unchanged.

Now therefore for good and valuable consideration, the Parties agree as follows.

1. Paragraph 4 of the Agreement is hereby amended to read in its entirety:

4. Cost and information sharing. The Parties shall each fund the total annual obligation set forth in the Joint Agreement in their respective annual budget based on a split to which they will agree annually, with the split in 2026 as follows:

Berthoud	\$44,850.00
Timnath	\$26,854.00
Wellington	\$42,986.00

Any report that the NOCO Humane provides a Party pursuant to the Joint Agreement is not confidential and shall be shared between the Parties.

3. The Agreement shall continue in full force and effect except as hereby amended.

IN WITNESS WHEREOF, the parties hereto have caused this Fourth Amendment to be executed the day and year first written above.

TOWN OF BERTHOUD

By: _____
William Karspeck, Mayor

ATTEST:

APPROVED AS TO FORM:

Christian Samora, Town Clerk

Erin Smith, Attorney for Town

TOWN OF TIMNATH

By _____
Aaron Adams, Town Manager

ATTEST:

Milissa Peters-Garcia, Town Clerk

APPROVED AS TO FORM:

Carolyn R. Steffl, Attorney for Town

TOWN OF WELLINGTON

By _____
Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk

APPROVED AS TO FORM:

Jed Scott
Bell Gould Linder & Scott, P.C.,
Attorney for Town

**THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF BERTHOUD, THE TOWN OF TIMNATH, AND THE
TOWN OF WELLINGTON CONCERNING A JOINT AGREEMENT FOR ANIMAL
CONTROL SERVICES WITH LARIMER HUMANE SOCIETY**

THIS THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BERTHOUD, THE TOWN OF TIMNATH, AND THE TOWN OF WELLINGTON CONCERNING A JOINT AGREEMENT FOR ANIMAL CONTROL SERVICES WITH LARIMER HUMANE SOCIETY (the “Second Amendment”) is entered into on this 15th day of January, 2025, by and between the TOWN OF BERTHOUD (“BERTHOUD”), the TOWN OF TIMNATH (“TIMNATH”), and the TOWN OF WELLINGTON (“WELLINGTON”). BERTHOUD, TIMNATH, and WELLINGTON are referred to herein collectively as the “Parties” or the “Towns” or individually as a “Party” or a “Town”.

RECITALS:

WHEREAS, BERTHOUD is a municipality located in both Larimer County, Colorado and Weld County, Colorado;

WHEREAS, TIMNATH is a municipality located in both Larimer County, Colorado and Weld County, Colorado;

WHEREAS, WELLINGTON is a municipality located in Larimer County, Colorado;

WHEREAS, NOCO HUMANE (formerly known as the Larimer Humane Society) is a non-profit entity under 501(c)(3) of the Internal Revenue Code serving Northern Colorado communities through a broad range of animal-related issues, such as animal control, care, sheltering, impound, lost and found, and licensing;

WHEREAS, under C.R.S. § 29-1-203, the Town of Berthoud and the Town of Timnath entered into an Intergovernmental Agreement Between the Town of Berthoud and the Town of Timnath Concerning a Joint Agreement for Animal Control Services with Larimer Humane Society in 2022 (the Original Agreement”) as amended by the First Amendment to Intergovernmental Agreement Between the Town of Berthoud and the Town of Timnath Concerning a Joint Agreement for Animal Control Services with Larimer Humane Society entered into in or around December 2022 (“First Amendment” and together with the Original Agreement, the “Agreement”);

WHEREAS, the Town of Wellington was added as a party to the Agreement through the Second Amendment to Intergovernmental Agreement Between the Town of Berthoud, the Town of Timnath, and the Town of Wellington Concerning a Joint Agreement for Animal Control Services with Larimer Humane Society entered into in or around December 2023

("Second Amendment);

WHEREAS, the Agreement states that the Towns will annually agree on how to split the costs of Animal Control Services from the NOCO Humane; and

WHEREAS, the Parties would like to agree to an updated split of fees for 2025. Any provisions of the Agreement not addressed in this Third Amendment shall remain unchanged.

Now therefore for good and valuable consideration, the Parties agree as follows.

1. The Title of the Agreement is hereby amended to read: THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BERTHOUD, THE TOWN OF TIMNATH, AND THE TOWN OF WELLINGTON CONCERNING A JOINT AGREEMENT FOR ANIMAL CONTROL SERVICES WITH NOCO HUMANE.

2. Paragraph 4 of the Agreement is hereby amended to read in its entirety:

4. Cost and information sharing. The Parties shall each fund the total annual obligation set forth in the Joint Agreement in their respective annual budget based on a split to which they will agree annually, with the split in 2025 as follows:

Berthoud	\$39,461.34
Timnath	\$28,675.33
Wellington	\$35,368.33

Any report that the NOCO Humane provides a Party pursuant to the Joint Agreement is not confidential and shall be shared between the Parties.

3. The Agreement shall continue in full force and effect except as hereby amended.

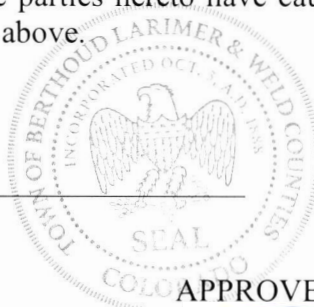
IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to be executed the day and year first written above.

TOWN OF BERTHOUD

By William Karspeck
William Karspeck, Mayor

ATTEST:

Christian Samora
Christian Samora, Town Clerk



APPROVED AS TO FORM:

Erin Smith
Erin Smith, Attorney for Town

ATTEST:

APPROVED AS TO FORM:

Christian Samora, Town Clerk

Erin Smith, Attorney for Town

TOWN OF TIMNATH

DocuSigned by:
Aaron Adams
By _____
A7C88DDD439C4A6...
Aaron Adams, Town Manager

ATTEST:
DocuSigned by:
Milissa Peters Garcia

07A6AE3B02114D7
Milissa Peters-Garcia, Town Clerk

APPROVED AS TO FORM:
DocuSigned by:
Carolyn Steffl

F44B3963ECD949F
Carolyn R. Steffl, Attorney for Town

TOWN OF WELLINGTON

By _____
Patti Garcia, Town Administrator

ATTEST:

APPROVED AS TO FORM:

Ethan Muhs, Town Clerk

Dan Sapienza, Legal Advisors LLC,
Attorney for Town

TOWN OF TIMNATH

By _____
Aaron Adams, Town Manager

ATTEST:

Milissa Peters-Garcia, Town Clerk

APPROVED AS TO FORM:

Carolyn R. Steffl, Attorney for Town

TOWN OF WELLINGTON


Calor Chaussee, Mayor

ATTEST:


Hannah Hill, Town Clerk



APPROVED AS TO FORM:


Dan Sapienza,
Poudre Legal Advisors LLC,
Attorney for Town



Board of Trustees Meeting

Date: December 9, 2025

Subject: Resolution No. 54-2025 — A Resolution of the Wellington Board of Trustees Considering the 2026 Statement of Work and Budget Agreement between the County of Larimer and Town of Wellington

- **Presentation:** Patti Garcia, Town Administrator

EXECUTIVE SUMMARY

The Town of Wellington has a long-standing relationship with Larimer County Sheriff's Office (LCSO) which is reflected in the Municipal Law Enforcement Services Agreement which was adopted by the Wellington Board of Trustees on July 22, 2025. The LCSO budget for services to Wellington is approved on an annual basis in conjunction with the Board of Trustee budget adoption which is reflected in this agenda item.

BACKGROUND / DISCUSSION

The Larimer County Sheriff's Office presented its draft budget to the Board of Trustees during the September 30, 2025 work session. The Board discussed the possibility of including another Corporal or a Community Impact Deputy in 2026. However, due to budget constraints this discussion has been deferred to August 2026..

The 2026 budget, totaling \$2,268,328, was included in the Statement of Work document and has been incorporated into the Town of Wellington's 2026 budget, which was approved on November 18, 2025.

CONNECTION WITH ADOPTED MASTER PLANS

Ensure Strong Town Operations: Ensure Safety and Security, such as emergency response.

FISCAL IMPLICATIONS

There is a 2026 budget implication of \$2,268,328.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 54-2025 - A Resolution of the Wellington Board of Trustees Considering the 2026 Statement of Work and Budget Agreement between the County of Larimer and Town of Wellington

MOTION RECOMMENDATION

Move to approve Resolution No. 54-2025 - A Resolution of the Wellington Board of Trustees Considering the 2026 Statement of Work and Budget Agreement between the County of Larimer and Town of Wellington

ATTACHMENTS

1. Resolution No. 54-2025 - LCSO Contract
2. 2026 Wellington Statement of Work and Budget - Attachment A
3. Wellington Municipal Law Enforcement Services Agreement

TOWN OF WELLINGTON

RESOLUTION NO. 54-2025

A RESOLUTION OF THE TOWN OF WELLINGTON BOARD OF TRUSTEES
CONSIDERING THE 2026 STATEMENT OF WORK AND BUDGET AGREEMENT
BETWEEN THE COUNTY OF LARIMER AND THE TOWN OF WELLINGTON

WHEREAS, the Larimer County Sheriff's Office presented a draft budget to the Board of Trustees
on September 30, 2025; and

WHEREAS, the adopted 2026 Town of Wellington Municipal Budget identifies a budget of
\$2,268,328 for services provided to Wellington by Larimer County Sheriff's Office; and

WHEREAS, the Board of Trustees desires to approve and memorialize the terms of this Statement
of Work and Budget with the Larimer County Sheriff's Office for 2026.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington,
Colorado, as follows:

1. The Statement of Work and Budget are hereby approved.
2. A copy of the Statement of Work and Budget are attached hereto.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day
of December, 2025.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk

ATTACHMENT A

2026 STATEMENT OF WORK AND BUDGET AGREEMENT BY AND BETWEEN COUNTY OF LARIMER AND TOWN OF WELLINGTON

This 2026 Statement of Work and Budget Agreement, Pursuant to the Municipal Law Enforcement Services Agreement between the Town of Wellington and Larimer County (currently in effect through 2026), will be in effect from January 1, 2026 through December 31, 2026, unless superseded by a new agreement.

1.0 SCOPE OF WORK

The County, through the Sheriff's Office, will provide the services of one (1) full-time sworn sergeant, one (1) full-time sworn corporal, six (6) full-time sworn deputies, one (1) full-time sworn investigator, one (1) full-time sworn desk deputy and one (1) full-time sworn School Resource Officer to assist the Town with law enforcement activities as more specifically described below.

2.0 SUPERVISORS

The Sergeant will be responsible for the supervision of law enforcement and public safety operations for the Town. The Sergeant will work closely with the Town Administrator to exchange information, ensure the Sheriff is meeting expectations and is in compliance with this agreement, and to determine the needs of the Town and define priorities and goals for the Town's law enforcement activities. The Sergeant will also ensure the Town receives timely monthly reports as required under Section 1.8 of the Municipal Law Enforcement Services Agreement.

The Corporal will assist the Sergeant with the supervision of the deputies working in Wellington, and will assume the duties of the Sergeant when the Sergeant is unavailable.

Further, the supervisors will supplement Town patrol coverage by performing general law enforcement duties and will cover for vacancies when practical and appropriate.

3.0 PATROL DEPUTIES

Six (6) sworn deputies will work a combined average of thirty hours per day, which will provide 24-hour coverage for the town. The actual time periods during each day spent in providing patrol services shall be dependent upon several factors including, but not limited to, the day of the week, the time of the month, school day versus non-school day, holiday, etc. These times will not include travel time to and from Wellington. The County is allowed to use flexible scheduling to prevent the development of patrol hour patterns. The supervisors will supplement this coverage and will fill in for vacancies, when practical. When vacancies are not able to be covered with contract deputies or a supervisor, and during the hours outside of this agreement, calls for service will be handled by regular on-duty Sheriff's deputies in the same manner and level as they cover unincorporated areas of the County.

Contracted patrol services shall include, but not be limited to, the following: enforcement of Colorado state statutes and county and municipal ordinances; general traffic enforcement; business checks by foot patrol or by vehicle; vacation checks of private residences (as requested); development and maintenance of crime prevention programs for commercial and residential use; investigation of traffic accidents; and, investigation of criminal offenses.

4.0 DESK DEPUTY

The Desk Deputy is expected to work normal business hours and be in the office most of the time. Duties include being available in the office to answer citizen and town employee questions, take walk-in and phone reports, VIN checks, and other duties as appropriate for the position. The Desk Deputy may be required to work outside normal business hours and days in order to meet the needs of the Town and the Sheriff's Office.

5.0 INVESTIGATOR

The Sheriff will assign an Investigator to work full-time (approximately 171 hours per month on average) on Town cases. The Investigator will be expected to spend time in the town and assist with crime prevention efforts as needed.

6.0 SCHOOL RESOURCE OFFICER

The School Resource Officer's primary function, during the school year, will be working in the Wellington Schools to provide law enforcement services and security within the schools. During the summer and non-school days, the School Resource Officer(s) will supplement Town patrol coverage by performing general law enforcement duties and will cover for vacancies when practical and appropriate.

7.0 CONTRACT WORK HOURS

In general, full-time sworn positions provide 171 hours of service and half-time positions provide 85 hours of service per month. Patrol training, court, and benefit time are included in the monthly hours.

From January 1, 2026, through December 31, 2026, the Larimer County Sheriff's Office will provide 342 hours of supervisor time, 1026 hours of general patrol service, 171 hours of investigative services, 171 hours of Desk Deputy time, and 171 hours of School Resource services per month within the corporate limits of the Town.

Extra hours worked in any month will be applied to any month where the number of hours worked does not total the contract requirement.

8.0 CHANGES TO LEVEL OF SERVICE

Changes to the level of services requested, including temporary or emergency staffing needs will be provided as set forth in Section 2 of the Municipal Law Enforcement Services Agreement.

9.0 BUDGET/COSTS FOR SERVICES PROVIDED (*For 2026 Calendar year*)

	SGT	CPL	DEPUTIES (6)	DESK DEPUTY	SRO***	INVEST	OTHER	TOTAL
Salary (Wages + Full Benefits)	176,376	155,708	862,833	143,805	86,283	155,708	-	1,580,713
Overtime	10,000	10,000	40,000	500	5,000	10,000	-	75,500
Vehicle Lease (fuel, maintenance, etc)	13,086	14,457	87,572	-	3,754	14,457	-	133,326
Equipment Replacement Cost	5,500	5,500	33,001	4,035	2,750	5,039	-	55,825
Administrative Costs (Computer, Network, Cell phone, etc.)	5,375	5,375	32,247	3,769	2,687	5,600	4,176	59,228
LCSO Overhead Costs	6,020	6,020	36,117	6,020	3,010	6,020		63,205
LCSO Insurance Costs	8,362	8,362	50,172	8,362	4,181	8,362		87,801
Office Space - trash	-	-	-	-	-	-	572	572
Copy Machine Rental	-	-	-	-	-	-	1,911	1,911
Mental Health	-	-	-	-	-	-	10,000	10,000
Bicycle Maintenance	-	-	-	-	-	-	300	300
Flock Safety Camera (6)	-	-	-	-	-	-	17,100	17,100
*Larimer County Indirect cost (11.04% of salary and benefits)	20,576	18,294	99,673	15,931	10,078	18,294	0	182,846
Total with Larimer County Indirect Costs	245,295	223,715	1,241,616	182,422	117,743	223,478	34,059	2,268,328

*** This cost is Wellington's share of the SRO position. Poudre School District covers 50% of the costs for the SRO for the School year. Wellington covers the other half, plus the cost for the summer months.

Equipment replacement costs include cost of Axon (Body worn cameras)

**Quarterly
Payments**

Jan – Mar	\$567,082.02
Apr - June	\$567,082.02
July – Sept	\$567,082.02
Oct – Dec	\$567,082.02

**2026 STATEMENT OF WORK AND BUDGET AGREEMENT
BY AND BETWEEN
COUNTY OF LARIMER AND TOWN OF WELLINGTON**

IN WITNESS WHEREOF, the Town of Wellington, by resolution duly adopted by its governing body, caused this Agreement to be signed by its Mayor and attested by its Town Clerk, and the County of Larimer, by the Board of County Commissioners, has caused these presents to be subscribed by the Larimer County Sheriff and the Chairperson of said Board and the seal of said Board to be affixed thereto and attested by the Deputy Clerk of said Board, all on the day and year first above written.

TOWN OF WELLINGTON

ATTEST

Mayor Date

Town Clerk Date
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF LARIMER COUNTY

ATTEST

Chair Date

Deputy Clerk Date
(SEAL)

SHERIFF

APPROVED AS TO FORM

Larimer County Sheriff Date

Senior County Attorney Date

**MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT
BY AND BETWEEN
LARIMER COUNTY, COLORADO AND THE TOWN OF WELLINGTON,
COLORADO**

TABLE OF CONTENTS

SECTION	TITLE	PAGE
	RECITALS	2
1.0	SCOPE OF SERVICES	2
2.0	STAFFING AND SERVICE LEVELS	3
3.0	ADMINISTRATION OF PERSONNEL	5
4.0	RESOURCES TO BE PROVIDED BY THE TOWN	6
5.0	LIABILITY	7
6.0	TERM OF AGREEMENT	8
7.0	RIGHT OF TERMINATION	8
8.0	BILLING RATES	9
9.0	PAYMENT PROCEDURES	9
10.0	NOTICES	9
11.0	AMENDMENTS	10
12.0	AUTHORIZATION WARRANTY	10
13.0	ENTIRE AGREEMENT	10
	SIGNATURES	11

**MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT
BY AND BETWEEN
LARIMER COUNTY, COLORADO AND THE TOWN OF WELLINGTON,
COLORADO**

THIS AGREEMENT, is made and entered effective the 1st Day of January 2026, between the Town of Wellington, Colorado, a municipal corporation (the "Town"); and the Board of County Commissioners of the County of Larimer, Colorado through the Larimer County Sheriff (the "County").

WITNESSETH:

WHEREAS, the Town is desirous of contracting with the County for the performance of law enforcement services through the Larimer County Sheriff's Office (hereinafter referred to as "Sheriff" or "Sheriff's Office"); and

WHEREAS, the County is agreeable to rendering such law enforcement services on the terms and conditions set forth in this Agreement; and

WHEREAS, such law enforcement services agreements are authorized and provided for by the provisions of Colorado Revised Statutes §29-1-203 and §30-11-410.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for good and valuable consideration, the parties mutually agree as follows:

1.0 SCOPE OF SERVICES

- 1.1 The County agrees, through the Sheriff, to provide general law enforcement services within the corporate limits of the Town to the extent and in the manner hereinafter set forth in this Agreement. Annually, the Sheriff and Town will negotiate the budget, which sets forth the level of services provided and the associated costs (See section 2 for details).
- 1.2 Except as otherwise specifically set forth in this Agreement, such services shall be the basic level of services which are provided for unincorporated areas of Larimer County.

- 1.3 **Contracted Law Enforcement Services** – General law enforcement services performed hereunder may include, if requested by the Town and included on the annual Statement of Work and Budget Agreement (See Section 2): supplemental sworn officer support, supplemental security support, and supplemental professional civilian support staff.
- 1.4 **Training & Equipment** – The Sheriff will provide equipment, training, uniforms, vehicles, and supplies for deputies provided hereunder, on the same basis as the Sheriff provides to deputies assigned outside of the Town, adequate to provide the services agreed to hereunder.
- 1.5 **Police Records Management** – The Sheriff shall maintain in the Sheriff's records system, and in accordance with the Sheriff's applicable records retention policies, records relating to criminal complaints, arrests, and other official law enforcement actions taken by the Sheriff under this Agreement. During and after termination of this Agreement, the Town shall have continuous access to the Sheriff's records for all information pertaining to any entry made by the Sheriff on behalf of the Town under this Agreement, which access shall be granted at no charge and for legitimate Town law enforcement purposes.
- 1.6 **Dispatch Services** – The Sheriff shall provide law enforcement dispatching services necessary to maintain the services set forth in this Agreement. Other dispatching services may be provided to the Town at a rate determined through a negotiation process between the Town and the Sheriff and documented in the annual Statement of Work and Budget Agreement. This process determines the Town's share of payment for communications services using the same formula for determining payment for communications services which is applied to the other government entities.
- 1.7 **Monthly Reports** – The Sheriff shall provide a monthly written report to the Town Administrator/Manager detailing law enforcement and public service activities provided under this Agreement. Said report is to be submitted to the Town prior to the 15th of the following month. The contents of the report, or portions thereof, shall be released to the public only upon the expressed authorization of the Sheriff. Said report shall include the number of hours of patrol time spent within the corporate limits of the Town by deputies assigned to the Town; a detailed record of time spent by additional deputies within the corporate limits of the Town will be reported in a separate sheet; and the number and type of incidents handled within the corporate limits.

2.0 STAFFING AND SERVICE LEVELS

- 2.1 The personnel, resources, and services performed hereunder and specifically requested by the Town shall be developed in conjunction with the Sheriff and

- indicated on the annual Statement of Work and Budget Agreement, attached hereto as Attachment A and incorporated herein by this reference.
- 2.2 A new Statement of Work and Budget Agreement for the ensuing calendar year shall be authorized and signed annually by the Town and the Sheriff. Or his designee, and attached hereto as an Amendment to this Agreement.
- 2.3 Should the Town request a change in level of service other than pursuant to the annual readjustment, an additional Statement of Work and Budget Agreement shall be signed and authorized by the Town and the Sheriff or his designee and attached hereto as an Amendment to this Agreement.
- 2.4 The most recent dated and signed Statement of Work and Budget Agreement attached to this Agreement shall be the staffing level in effect between the Sheriff and the Town.
- 2.5 The Town may also request any other service in the field of public safety, law, or related fields within the legal power of the Sheriff to provide. Such other services shall be reflected in an amended Statement of Work and Budget Agreement under the procedures set forth in Sections 2.2 and 2.3 above.
- 2.6 **Supervisor Position** – If sworn deputies are included on the Statement of Work and Budget Agreement, it will include at least one deputy, of the rank of Sergeant or higher, to be responsible for the supervision of deputies assigned to the Town, and to serve as the Chief of Police if the Town does not have its own Police Chief. The Supervisor appointed by the Sheriff shall be subject to the approval and ongoing consent of the Town, which consent shall not be unreasonably withheld. It is the intent of the parties that consistency, continuity, and experience of service to the Town are important elements of the Supervisor position. It shall be understood by the Town that this assignment is to be a three-year appointment by the Sheriff, with the option of one-year extensions, which extensions shall be at the discretion of the Sheriff.
- 2.7 **Other Deputies** – Selection of the Sheriff's deputies to be assigned to the Town under this Agreement will be made by the Sheriff with the ongoing consent of the Town, which consent shall not be unreasonably withheld. Deputies assigned to the Town will be required to serve a minimum of one (1) year in the position unless circumstances prevent it. The Sheriff will ensure that deputies assigned to the Town through this Agreement will spend the majority of their time in the Town. When the Sheriff is unable to staff a deputy in the Town during the normal contracted hours (as set forth in Attachment A) due to vacations, training, or other circumstances, calls for service in the Town will be handled by normal Sheriff's patrol as provided for unincorporated areas of Larimer County.
- 2.8 **Overtime/Extraordinary Investigations** – It is not intended that overtime expenses above the amount budgeted will be assessed for deputies assigned to the Town, however, the parties recognize that extraordinary criminal investigation scenarios may arise that will require unanticipated levels of service which will require unforeseen resources. In cases of an extraordinary criminal investigation, the Town

and Sheriff will meet to discuss cost sharing of overtime expenses, forensic examination expenses, expert analysis expenses and other expenses incurred that are specific to that investigation. The Sheriff determines when an investigation becomes an extraordinary criminal investigation and notifies the Town's Chief of Police (or acting Lieutenant) and the Town Manager of said determination.

- 2.9 **Special Event Staffing** – When the Town requires additional staffing for special events, beyond what the contract deputies can supply, the Sheriff will work with the Town to provide extra staffing. Volunteers, such as Reserve Deputies, Posse, and Explorers may be used, when available and appropriate, to supplement staffing. If extra-duty deputies are required/requested, the Town will be financially responsible for compensating the County for the hours worked by these deputies at the contractual extra-duty rate charged by the Sheriff's Office.
- 2.10 **Call Response/Other Jurisdictions** – The deputies assigned to the Town are responsible for call response and routine patrol inside the Town during their scheduled work hours. In order to minimize unnecessary duplication of law enforcement services, the Parties agree that deputies assigned to the Town may from time to time respond to other adjacent jurisdictions, including unincorporated Larimer County, as needed. The deputy will be returned to the Town patrol area as soon as possible in these instances. Similarly, Sheriff's personnel assigned elsewhere may from time to time be used for law enforcement services within the Town.

3.0 ADMINISTRATION OF PERSONNEL

- 3.1 The Sheriff shall be responsible for personnel administration of Sheriff's Office employees.
- 3.2 The rendition of the services performed by the Sheriff's Office, the standards of performance, the discipline of deputies, and other matters incident to the performance of such services and the control of personnel so employed shall remain with the County.
- 3.3 Any complaints of violation of law or policy by Sheriff's deputies assigned to the Town shall be made by the Town or other complaining person in writing, directed to the Sheriff and in compliance with the Sheriff's policy and procedure for Internal Affairs investigations. Pursuant to that policy, the Sheriff or his designee, shall inform the Town in writing when any such complaint is received, including the name of the deputy complained against and the nature of the complaint. The Sheriff, or his designee, shall also notify the Town that the issue has been addressed after the Sheriff's internal investigation has been completed.
- 3.4 In the event of a dispute between the parties to this Agreement as to the extent of the duties and functions to be rendered hereunder, or the minimum level or manner of performance of such service, the Town shall be consulted and a mutual determination thereof shall be made by both the Sheriff and the Town.

- 3.5 With regard to Sections 3.3 and 3.4 above, the Sheriff, in an unresolved dispute, shall have final and conclusive determination as between the parties hereto.
- 3.6 All Town employees who work in conjunction with the Sheriff's Office pursuant to this Agreement shall remain employees of the Town and shall not have any claim or right to employment, civil service protection, salary, or benefits or claims of any kind from the County based on this Agreement. No Town employee as such shall become an employee of the county unless by specific additional agreement in the form of a merger agreement which must be concurrently adopted by the Town and the County.
- 3.7 The Parties agree that the relationship of the Sheriff to the Town under this Agreement is that of an independent contractor. In this capacity, and for the sole purpose of providing the services contracted for hereunder, the Sheriff may be considered to be an agent of the Town; for all other purposes, however, the Sheriff and his deputies provided under this Agreement shall be considered to be officials of employees of Larimer County and not employees of the Town. All other persons who are employed by or acting as agents of the Town shall be considered to be employees or agents of the Town and not of the Sheriff. No person who is not a deputy of, employed by, or expressly commanded by, the Sheriff in the course of providing law enforcement services hereunder shall be considered to be an agent or employee of the Sheriff for any purpose.
- 3.8 The Town shall not be called upon to assume any liability for the direct payment of any Sheriff's Office salaries, wages, or other compensation to any County personnel performing services hereunder for said Town.
- 3.9 The Town shall not be liable for workers' compensation or unemployment insurance for any of the Sheriff's employees for injuries or sickness arising out of their employment by the Sheriff. The County shall, to the extent of County insurance, cover such liabilities, and provide any required worker's compensation insurance program and unemployment insurance coverage for Sheriff's employees.
- 3.10 **Municipal and County Court** – Sheriff's deputies making arrests or issuing summonses to violators for appearance in court shall appear at the appointed time and date to give all evidence and testimony required by the court. Sheriff's deputies failing to comply with this requirement may be subject to disciplinary action by the Sheriff. Deputies assigned to the Town will not act as court recorders and are not held responsible for scheduling or monitoring of community service sentenced by the court. An assigned deputy will act as the court bailiff if the Town does not have a bailiff.

4.0 RESOURCES TO BE PROVIDED BY THE TOWN

- 4.1 For the purpose of performing said general law enforcement services, County shall furnish and supply all necessary labor, supervision, equipment, communication facilities, and supplies necessary to maintain the agreed level of service to be rendered hereunder.

- 4.2 Notwithstanding the foregoing, the Town may provide additional resources for the County to utilize in performance of the services.
- 4.3 When and if both parties to this Agreement concur as to the necessity of maintaining a law enforcement headquarters or Sheriff's Office substation within the Town which would not normally be provided by the Sheriff, the Town shall furnish at its own cost and expense all necessary office space, including: phone lines and data lines adequate for access to the Sheriff's computer network, light, water, and other utilities. The Town agrees to maintain liability insurance on the building as set forth in Section 5.2 of this Agreement.
- 4.4 It is expressly further understood that in the event a local office or building is maintained in said Town, such local office or building may be used by the Sheriff in connection with the performance of his duties in territory outside of the Town, provided, however, that the performance of such outside duties shall not be at any additional cost to the Town.
- 4.5 It is agreed that the County shall furnish and supply all labor, supervision, equipment, communications facilities for dispatching, cost of jail detention (of any person for five (5) days or less) and transport (for thirty (30) miles or less one way), and all supplies necessary to maintain the services to be rendered.
- 4.6 Notwithstanding the foregoing, it is mutually agreed that in all instances where special supplies, stationery, notices, forms, and the like must be issued in the name of said Town, the same shall be supplied by the Town at its own cost and expense.
- 4.7 The Town will continue to contract with NOCO Humane, or other service provider, for the storage, care and management of animals taken into custody on behalf of the Town.

5.0 LIABILITY

- 5.1 **Governmental Immunity/Insurance** - The County and the Town are "public entities" within the meaning of the Colorado Governmental Immunity Act, C.R.S. §24-10-101, et seq. as amended (the "Act"). The County shall at all times during the terms of this Agreement, maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act. The County is authorized under C.R.S. § 24-10-115 (2)(a) to self-insure, and pursuant to such authorization does so self-insure.
- 5.2 The Town agrees to obtain commercial liability insurance adequate to cover liability associated with substation premises in the Town, owned or controlled by the Town and used by the Sheriff under this Agreement. The insurance policy shall have minimum limits which match or exceed the maximum governmental liability limits set forth in C.R.S. § 24-10-114, as amended, and shall name the County as additional insured.
- 5.3 The Town further agrees to cooperate fully in the defense of all claims arising from incidents where the Sheriff or any of the deputies subject to this Agreement, was

acting on behalf of the Town under the authority of this Agreement. The County agrees to cooperate with the legal counsel retained under the insurance policy for claims subject to this paragraph.

- 5.4 The County shall provide the Town with proof of self-insurance showing the County's coverage for comprehensive general liability, police professional liability, auto liability, and workers' compensation in amounts equal to or greater than amounts required by state law, and will provide timely updates of any changes in the County's insurance program.
- 5.5 No term or condition of this Agreement shall be construed or interpreted as a waiver of the monetary limits, notice requirements, immunities, rights, benefits, defenses, limitations and protections available to all parties under any applicable law, including but not limited to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 et seq., as currently written or hereafter amended or implemented.
- 5.6 Pursuant to Colorado Constitution Article XI, §1 and 2, and Article X, §20, the County and Town are each prohibited from indemnifying or holding harmless another entity or person. No provision of this Agreement is intended nor shall be construed as an agreement by the County or the Town to assume liability for or hold harmless any other entity or person.

6.0 TERM OF AGREEMENT

- 6.1 The term of this Agreement shall be from January 1, 2026 until terminated by either party (pursuant to Section 7.1).
- 6.2 The Level of Service and Budget Agreement (Attachment A) will be updated annually as set forth in Section 2.0 of this agreement.

7.0 RIGHT OF TERMINATION

- 7.1 This Agreement may be terminated at any time, with or without cause, by either party upon written notice given to the other party at least one hundred eighty (180) days before the date specified for such termination.
- 7.2 Notwithstanding any provision herein to the contrary, the Town may terminate this Agreement upon notice in writing to the County given within sixty (60) days of receipt of written notice from the County of any increase in the rate for any service to be performed hereunder, and in such an event this Agreement shall terminate sixty (60) calendar days from the date of the Town's notice to the County.
- 7.3 In the event of a termination, each party shall fully discharge all obligations owed to the other party accruing prior to the date of such termination, and, except as otherwise provided herein, each party shall be released from all obligations which would otherwise accrue subsequent to the date of termination.

8.0 BILLING RATES

- 8.1 The Town shall pay the County for the services provided under the terms of this Agreement at the rates set forth in the Statement of Work and Budget Agreement (Attachment A).
- 8.2 The rates set forth in the Statement of Work and Budget Agreement (Attachment A) shall be readjusted agreed upon by the County and Town annually effective January 1 of each year, and attached hereto as an Amendment to this Agreement.
- 8.3 The Town shall be billed based on the service level provided within the parameters of the Statement of Work and Budget Agreement (Attachment A).
- 8.4 The cost of other services requested pursuant to Section 2.5, 2.8, or 2.9 of this Agreement and not set forth in Attachment A shall be billed at the contractual extra-duty rate charged by the Sheriff's Office or at a rate agreed upon by the Town and Sheriff.

9.0 PAYMENT PROCEDURES

- 9.1 The Town will pay the County one fourth (1/4) of the contract amount quarterly, as indicated on the yearly Statement of Work and Budget Agreement (Attachment A.). The County, through the Sheriff, shall render to said Town within ten (10) days after the close of each quarter a summarized invoice which covers all services performed during said quarter, and said Town shall pay the County for all undisputed amounts within sixty (60) days after date of said invoice.
- 9.2 If such payment is not delivered to the County office which is described on said invoice within sixty (60) days after the date of the invoice, the County is entitled to recover interest thereon. For all disputed amounts, the Town shall provide County with written notice of the dispute including the invoice date, amount, and reasons for dispute within ten (10) days after receipt of the invoice. The parties shall memorialize the resolution of the dispute in writing. For any disputed amounts, interest shall accrue if payment is not received within sixty (60) days after the dispute resolution is memorialized.
- 9.3 Interest shall be at the rate of ten percent (10%) per annum or any portion thereof, calculated from the last day of the month in which the services were performed, or in the case of disputed amounts, calculated from the date the resolution is memorialized.

10.0 NOTICES

Unless otherwise specified herein, all notices or demands required or permitted to be given or made under this Agreement shall be in writing and shall be hand delivered with signed receipt or mailed by first class registered or certified mail, postage prepaid addressed to the parties at the following addresses and to the attention of the person named. Addresses and persons to be notified may be changed by either party by giving ten (10) calendar days prior written notice thereof to the other party.

Notices for the Sheriff/County:

Larimer County Sheriff
2501 Midpoint Drive
Fort Collins, CO 80525

and

Larimer County Attorney
224 Canyon Avenue, Unit 200
Fort Collins, CO 80521

Notices for the Town:

Town of Wellington
Attn: Town Manager
8225 Third Street |
P.O. Box 127, Wellington, CO 80549

11.0 AMENDMENTS

All changes, modifications, or amendments to this Agreement must be in the form of a written Amendment duly executed by the Board of County Commissioners and an authorized representative of the Town. Notwithstanding, the Sheriff or his designee is authorized to execute on behalf of the County any Amendments and/or supplemental agreements referenced in Sections 1.3, 1.6, 2.0, 4.3, 8.2, 8.4, and 9.2 of this Agreement.

12.0 AUTHORIZATION WARRANTY

- 12.1 The Town represents and warrants that the person executing this Agreement for the Town is an authorized agent who has actual authority to bind the Town to each and every term, condition, and obligation of this Agreement and that all requirements of the Town have been fulfilled to provide such actual authority.
- 12.2 The County represents and warrants that the person executing this Agreement for the County is an authorized agent who has actual authority to bind the County to each and every term, condition, and obligation of this Agreement and that all requirements of the County have been fulfilled to provided such actual authority.

13.0 ENTIRE AGREEMENT

This Agreement, Attachment A, and any executed Amendments thereto constitute the complete and exclusive statement of understanding of the parties which supersedes all previous agreements, written or oral, and all communications between the parties relating to the subject matter of this Agreement. No change to this Agreement shall be valid unless prepared pursuant to Section 11.0, Amendments, of this Agreement.

**MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT
BY AND BETWEEN
LARIMER COUNTY, COLORADO AND THE TOWN OF WELLINGTON,
COLORADO**

IN WITNESS WHEREOF, the Town of Wellington, by resolution duly adopted by its governing body, caused this Agreement to be signed by its Mayor and attested by its Town Clerk, and the County of Larimer, by the Board of County Commissioners, has caused these presents to be subscribed by the Larimer County Sheriff and the Chairperson of said Board, all on the day and year first above written.

TOWN OF WELLINGTON

ATTEST



Mayor

Date





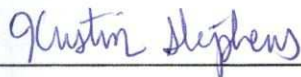
Town Clerk
(SEAL)

7-22-2025

Date

BOARD OF COUNTY COMMISSIONERS
OF LARIMER COUNTY

ATTEST



Chair

Date

8/5/25





Deputy Clerk

Date

SHERIFF

APPROVED AS TO FORM



Larimer County Sheriff

Date

07/28/25



County Attorney

Date

07/29/2025

TOWN OF WELLINGTON

RESOLUTION NO. 27-2025

A RESOLUTION APPROVING THE MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT BY AND BETWEEN LARIMER COUNTY, COLORADO AND THE TOWN OF WELLINGTON, COLORADO

WHEREAS, the Town Board of the Town of Wellington ("Town") pursuant to C.R.S. 31-15-103, has the power to pass resolutions; and

WHEREAS, the Town desires to continue to contract with Larimer County for the performance of law enforcement services; and

WHEREAS, attached hereto is the updated Municipal Law Enforcement Agreement between the Town and Larimer County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

1. The Agreement is approved as presented with an effective date of January 1, 2026.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 22nd day of July, 2025.

TOWN OF WELLINGTON, COLORADO

By: 

Ealar Chaussee, Mayor

ATTEST:


Hannah Hill, Town Clerk





Board of Trustees Meeting

Date: December 9, 2025

Subject: Resolution No. 55-2025 - A Resolution of the Town of Wellington, Colorado Calling for a Regular Election to be Held as a Mail Ballot Election on Tuesday, April 7, 2026 and Delegating Authority to the Town Clerk to Appoint Election Judges

- **Presentation:** Hannah Hill, Town Clerk

EXECUTIVE SUMMARY

The Town of Wellington will be holding its regular municipal election on April 7, 2026, with three Trustee seats and one Mayor seat planned for the ballot.

BACKGROUND / DISCUSSION

As has been done since 2020 for Wellington's Municipal Elections, the attached resolution calls for a Mail Ballot election. Voter turnout is typically higher in mail ballot elections, and the previous several election cycles note voter turnout below:

- 2018 – Polling place election voter turnout of 9.13%
- 2020 – Mail ballot election voter turnout of 20.12%
- 2021 – Coordinated mail ballot election voter turnout of 44.11%
- 2022 - Mail ballot election voter turnout of 30.12%
- 2024 - Mail ballot election voter turnout of 25.82%

The 2026 General Fund Election Expense (201-15-5414) has been approved for \$32,000. It is appropriate to adopt the type of election being conducted, with the budgeted 2026 budgeted amount planning on a mail ballot election.

The nomination period for the candidate petitioning process opens on Monday, January 5, 2026, with mail ballots being sent the week of March 16, 2026.

Pursuant to C.R.S 31-10-401, election judges must be appointed at least 15 days prior to the day of the election and the governing body may delegate that authority and responsibility to the Town Clerk to provide transparency and clear communication with the election judges.

CONNECTION WITH ADOPTED MASTER PLANS

Ensure Strong Town Operations

FISCAL IMPLICATIONS

The 2026 Election has been included in the November 18, 2025 adopted budget.

STAFF RECOMMENDATION

Staff recommends approval of the resolution on the consent agenda.

MOTION RECOMMENDATION



Option 1) Move to approve the consent agenda

Option 2) Move to approve Resolution No. 55-2025 - A Resolution of the Town of Wellington, Colorado Calling for a Regular Election to be Held as a Mail Ballot Election on Tuesday, April 7, 2026 and Delegating Authority to the Town Clerk to Appoint Election Judges

ATTACHMENTS

1. Resolution No 55- 2025 Regarding Election

TOWN OF WELLINGTON

RESOLUTION NO. 55-2025

A RESOLUTION OF THE TOWN OF WELLINGTON, COLORADO, CALLING FOR A REGULAR ELECTION TO BE HELD AS A MAIL BALLOT ELECTION ON TUESDAY, APRIL 7, 2026 AND DELEGATING AUTHORITY TO THE TOWN CLERK TO APPOINT ELECTION JUDGES

WHEREAS, in accordance with C.R.S. 31-1-101(I0)(a) and -101(10)(b) regular elections are to be held on the first Tuesday of April in each even-numbered year; and

WHEREAS, the next regular election for the Town of Wellington is scheduled for Tuesday, April 7, 2026; and

WHEREAS, C.R.S. 31-10-908 allows the governing body to determine that an election may be conducted by mail ballot; and

WHEREAS, C.R.S. 31-10-401 requires the governing body to appoint election judges or to delegate the authority and responsibility to appoint election judges to the Town Clerk; and

WHEREAS, Part 9 of the Municipal Election Code, specifically C.R.S. 31-10-907 through -913, governs the conduct of mail ballot elections.

WHEREAS, the Board of Trustees desires to confirm that the April 7, 2026 regular municipal election shall be conducted as a mail ballot election in accordance with the Municipal Election Code and other governing law.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

1. As authorized by the municipal Election Code, the April 7, 2026 regular election shall be conducted as a mail ballot election in accordance with the applicable provisions of Part 9 of Article 10, Title 31, C.R.S.
2. The Town Clerk is hereby authorized to appoint the judges of the regular municipal election to be held on April 7, 2026.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of December, 2025.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk



Board of Trustees Meeting

Date: December 9, 2025

Subject: Resolution No. 57-2025 - A Resolution of the Town of Wellington, Colorado Making an Appointment to the Planning Commission

- **Presentation:** Hannah Hill, Town Clerk

EXECUTIVE SUMMARY

The Town of Wellington Planning Commission is responsible for developing, adopting, and implementing the Comprehensive Plan to address community development and growth. This includes creating zoning regulations, land use policies, and other guidelines that help shape the community's physical and economic landscape. Due to a resignation, the Planning Commission has a vacancy with a term expiring April 2027.

BACKGROUND / DISCUSSION

Staff opened and advertised the vacancy beginning in July of 2025 and received one application. An interview committee of the staff liaison, Cody Bird, Planning Director, Eric Sartor, Planning Commission Chair, and four Board of Trustee members interviewed the applicant. After discussion, the committee recommended appointment of Eric Stahl to fill the vacancy.

CONNECTION WITH ADOPTED MASTER PLANS

Appointment to and working with the Planning Commission reaches all pillars of the Strategic Plan: Ensure Strong Town Operations, Grow Responsibly, Foster Economic Vibrancy and Cultivate & Nurture Community Spaces.

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Based on the interview committee's recommendation, staff recommends adoption of the resolution on the consent agenda to fill the vacancy on the Planning Commission.

MOTION RECOMMENDATION

Option 1) Move to approve the consent agenda

Option 2) Move to Approve Resolution No. 57-2025, a Resolution of the Town of Wellington, Colorado Making an Appointment to the Planning Commission.

ATTACHMENTS

1. Resolution No 57 - 2025 Appointment of a Planning Commissioner
2. Eric Stahl Planning Commision Application 2025-10-29_Redacted

TOWN OF WELLINGTON

RESOLUTION NO. 57-2025

A RESOLUTION BY THE TOWN OF WELLINGTON, COLORADO MAKING AN APPOINTMENT TO THE PLANNING COMMISSION

WHEREAS, the Board of Trustees of the Town of Wellington, Colorado, has adopted and reenacted the Wellington Municipal Code (the “Code”); and

WHEREAS, the Code provides for appointment of a Planning Commission Member in Chapter 2, Article 10; and

WHEREAS, Section 2-10-30 of the Code provides that there shall be seven (7) voting members appointed by the Board of Trustees; and

WHEREAS, the Planning Commission had a vacant term due to a resignation with a term expiring April 2027; and

WHEREAS, the Town accepted applications for candidates to fill the vacant seats on the Planning Commission; and

WHEREAS, one candidate applied for the vacancy, and after conducting interviews, it is recommended to appoint the below individual to fill the vacancy on the Planning Commission.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Wellington, Colorado, as follows:

1. Eric Stahl is hereby appointed to the Planning Commission to fill a vacancy with a term commencing the first meeting of January 2026 and ending in April 2027.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of December, 2025.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk



Online Form Submittal: Application for Board or Commission Vacancy

Application for Board or Commission Vacancy

Eligibility Requirements

- *Board/Commissions that require 1-year residency*

Which board or commission would you like to be appointed to?

Planning Commission

Name Eric Stahl

Address

City Wellington

State CO

Zip Code 80549

Home Phone Number

Work Phone Number

Cell Phone Number

Email Address

Wellington Resident
(Number of Years/Months) 9 years 3 months

Current Occupation Accounting

Please list any relevant education, employment, or volunteer experience you have.

I have worked at my job in accounting for 20 years. I know budgeting and finance law. I have served on the board of adjustments for I believe 5 years now. I have been the president of the "knolls" Wellington south HOA for 8 years now.

Are you currently serving on any other board or commission?

Yes

Have you attended a meeting of the board or

Yes

commission you are
applying to?

Why do you want to become a member of this particular board or commission?	Would like to learn more about building code and zoning laws
--	--

What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	• growing the business development for Wellington • Making sure we have enough enough water for new residential construction • Maintaining the small town feel with out over developing
--	---

Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	I would have to recuse myself for anything involving the Wellington South subdivision HOA " The Knolls" but I do not see that really being an issue at all
---	--

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Eric Stahl
------------------------	------------

Date	10/29/2025
------	------------

Email not displaying correctly? [View it in your browser.](#)

Board of Trustees Meeting

Date: December 9, 2025
Subject: July 4, 2026 - Video Options

- **Presentation: Calar Chaussee, Mayor**

EXECUTIVE SUMMARY

For several years, a patriotic video has been shown immediately before the Town's 4th of July fireworks display. This video highlights themes from early U.S. history, aligning with the patriotic nature of the celebration. Historically, the video has been created by Bee Lake Productions, LLC, the same company contracted to provide the fireworks display.

BACKGROUND / DISCUSSION

At the August 26, 2025 Board of Trustees meeting, the Board requested staff bring forward video production options, including costs for production and screen rental. A follow-up discussion occurred at the September 30, 2025 meeting, though consensus was not reached. Based on additional Board direction, staff has gathered updated options for consideration in both video content and screen rental.

Video Content Options

Option 1: Bee Lake Productions, LLC

Bee Lake continues to offer several options for video production:

Option 1.a – Reuse of Historic Video (26 minutes)

- A repeat of the prior year's video with minor edits.
- Cost: \$500

Option 1.b – New 250th Anniversary Video

- A revised production recognizing the nation's anniversary.
- Cost: \$2,500

Option 1.c – Partnering with Volunteer Editor

- If a volunteer is available and willing to edit the video with minor updates, Bee Lake Productions will waive the \$500 fee.
- Cost: \$0

Option 2: Volunteer-Produced Video

- Trustee Dailey has offered to create a custom video free of charge to the Town.
- This option would include locally sourced content, such as photos and clips featuring local families, veterans, and community members, creating a more personalized and community-centric experience.



- All necessary media waivers and music rights would be managed by the volunteer.

Screen Rental Options

Option 1: 50' Diagonal Inflatable Screen

- This is the same screen used in prior years.
- Estimated Cost: \$4,000

Option 2: 30' Diagonal Screen

- Bee Lake Productions contacted the vendor and expects pricing to be approximately half the cost of the 50' screen, based on 2025 rates.
- Estimated Cost: ~\$2,000. *Final pricing for 2026 is pending from the vendor.*

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

For Board of Trustee discussion.

MOTION RECOMMENDATION

N/A

ATTACHMENTS

None

Board of Trustees Meeting

Date: December 9, 2025

Subject: Resolution No. 56-2025 - A Resolution of the Town of Wellington, Colorado Approving a Contract Amendment for the 2025 Utility Rate and Fee Study

- **Presentation: Meagan Smith, Deputy Director of Public Works**

EXECUTIVE SUMMARY

A contract amendment to the 2025 Rate and Fee Study: Water, Wastewater, and Stormwater Enterprises with Raftelis is presented to the Board of Trustees. The amendment modifies the following terms of the contract:

- Extends the contract term from December 31, 2025, to March 31, 2026
- Adds to the scope of work, as described below
- Increases the total contract budget by \$25,400, for a total contract amount of \$129,696

BACKGROUND / DISCUSSION

At the regular meeting on March 25, 2025, the Board of Trustees unanimously approved a contract with Raftelis for a Utility Rate and Fee Study covering the water, wastewater, and stormwater enterprises. The original contract amount was \$104,296, funded through the 2025 Capital Improvement Program (CIP) budget, which appropriated \$105,000 for this project; \$35,000 from each of the water, wastewater, and stormwater enterprise funds. The original contract with scope of work is included in the packet.

The Study is nearing completion; however, additional work is required beyond the original scope, outlined below, and described in detail in the scope of work included in Contract Amendment 1: 2025 Rate and Fee Study. These efforts are necessary to meet project goals and provide comprehensive, defensible rate and fee structures.

- Expanded rate alternatives analysis based on stakeholder feedback
- An additional Rate Advisory Group meeting, development of two virtual presentations, and participation in a Town Open House
- A new task to develop scalable water impact fees

Staff propose funding this contract amendment from the following appropriated operations budgets, in the following amounts:

- Water Fund Professional Services, GL# 204-34-5356 - \$12,120
- Planning & Building Department Professional Services, GL# 201-18-5356 - \$13,280

Additional costs are allocated to the Water Fund because the expanded analysis focused primarily on water usage rate alternatives, requiring more time and technical effort from the consultant. The Planning & Building Department is contributing because the new task of developing scalable water tap fees was initiated at their



request as an attempt to address housing affordability concerns and ensure fees are equitable for varying types of residential developments.

CONNECTION WITH ADOPTED MASTER PLANS

Town of Wellington 2025-2029 Strategic Plan

- Grow Responsibly - Goal 1: Proactively maintain and improve utilities, streets, and built environment.
- Grow Responsibly - Goal 2: Improve housing diversity.

FISCAL IMPLICATIONS

Original Contract — \$104,296

Proposed Amendment — \$25,400

New Total Contract Amount — \$129,696

Funding source: \$12,120 from the 2025 Water Fund Professional Services Budget and \$13,280 from the 2025 Planning & Building Department Professional Services Budget

STAFF RECOMMENDATION

Staff recommends adoption of Resolution No. 56-2025.

MOTION RECOMMENDATION

Move to adopt Resolution No. 56-2025- a Resolution of the Town of Wellington, Colorado Approving a Contract Amendment for the 2025 Utility Rate and Fee Study.

ATTACHMENTS

1. Resolution 56-2025 - Contract Amendment 1_2025 Rate and Fee Study
2. Contract Amendment 1_2025 Rate and Fee Study
3. 2025 TOW Utilities Rate and Fee Study Contract with Scope of Work

TOWN OF WELLINGTON

RESOLUTION NO. 56-2025

A RESOLUTION OF THE TOWN OF WELLINGTON, COLORADO CONSIDERING A CONTRACT AMENDMENT FOR CONSULTANT SERVICES

WHEREAS, the Town of Wellington issued a Request for Proposals for a Utilities Rate and Fee Study in January 2025; and

WHEREAS, Raftelis was identified as the most qualified firm by an internal selection committee; and

WHEREAS, the Board of Trustees approved a contract for consultant services with Raftelis in March 2025 for a Utilities Rate and Fee Study with a total contract amount of \$104,296; and

WHEREAS, additional work was required beyond the original scope, resulting in the need for an extended timeline and additional budget; and

WHEREAS, Town of Wellington staff have identified appropriated operations dollars in the 2025 Budget to fund the additional work.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

The Board of Trustees hereby approves Contract Amendment 1 to the 2025 Rate and Fee Study: Water, Wastewater, and Stormwater contract with Raftelis.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of December 2025.

TOWN OF WELLINGTON, COLORADO

By: _____

Calar Chaussee, Mayor

ATTEST:

Hannah Hill, Town Clerk



Town of Wellington
8225 Third Street
P.O. Box 127
Wellington, CO 80549
PUBLIC WORKS (970) 568-0447
TOWN HALL (970) 568-3381

2025 Rate and Fee Study: Water, Wastewater, and Stormwater Enterprises
AMENDMENT ONE (1.0)
TO
CONSULTANT CONTRACT FOR SERVICES: GL No. 211-80-5066, 211-80-5067, 211-80-5068

Parties. The parties to this Amendment are the Town of Wellington, 8225 Third Street, Wellington, Colorado 80549 (Town) and Raftelis, 383 North Corona Street, Denver, CO 80218 (Consultant).

Purpose of Amendment. This Amendment applies to the original Consultant Contract for Services (Contract) between the Town and the Consultant, increases its budget by \$25,400 and extends the completion date to March 31, 2026, for additional efforts required in the rate alternatives analysis, an additional Rate Advisory Group meeting, attending a Town Open House, creating additional meeting materials, and developing scalable water impact fees.

The original Contract, effective March 2025, is for consulting services to develop financial plans and accompanying rates and fees for the three enterprise funds for a total Contract amount of \$104,296 with an expiration date of December 31, 2025. On the effective date of this Amendment 1.0, the total Contract amount will be amended to \$129,696 and the expiration date will be extended to March 31, 2026.

Term of the Amendment. This Amendment shall commence upon the date the last required signature is affixed hereto (Effective Date) and shall remain in full force through the term of the Contract, as amended, unless terminated at an earlier date pursuant to the provisions of the Contract.

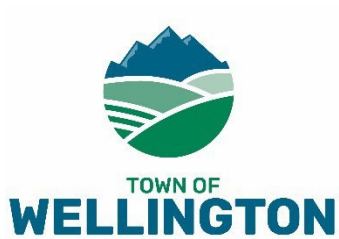
Amendment(s).

1. Increase the Contract amount by \$25,400.
2. Extend the Contract expiration date to March 31, 2026.

Amended Responsibilities of the Consultant. Responsibilities of the Consultant are subject to fulfillment of the attached Scope of Work within the stated fees of \$25,400.

Amended Responsibilities of the Town. Responsibilities of the Town are subject to any provisions within the attached Scope of Work and payment to the Consultant for these additional services not to exceed \$25,400.

Same Terms and Conditions. Except for items explicitly delineated in this Amendment, all terms and conditions of the original Contract, and any previous amendments, between the Town and the Consultant, remain unchanged and in full force and effect.



Town of Wellington
8225 Third Street
P.O. Box 127
Wellington, CO 80549
PUBLIC WORKS (970) 568-0447
TOWN HALL (970) 568-3381

Entirety of Contract. The original Contract, consisting of fifty-six (56) pages, Amendment One, consisting of five (5) pages (including attachments), represent the entire and integrated Contract between the parties.



Town of Wellington
8225 Third Street
P.O. Box 127
Wellington, CO 80549
PUBLIC WORKS (970) 568-0447
TOWN HALL (970) 568-3381

Signatures. The parties to this Amendment, through their duly authorized representatives, have executed this Amendment on the dates set out below and certify that they have read, understood, and agreed to the terms and conditions of this Amendment.

TOWN OF WELLINGTON

Signature

Date

Printed Name

Title

RAFTELIS

Signature

Date

Printed Name

Title

October 23, 2025

Ms. Meagan Smith
Deputy Public Works Director
Town of Wellington
8225 Third Street
Wellington, CO 80549

Subject: Contract Amendment #1: Water, Wastewater and Stormwater Rate and Fee Study

Meagan:

Approaching the completion of this project, we have identified a few tasks where we expended a level of effort beyond what we had included in the original scope of work. In addition, we discussed additional work related to scalable water impact fees. While the combination of these additional efforts was necessary for the project's success, and we believe they brought value to reaching the study's goals, we respectfully request a contract amendment to cover a portion of these costs. A brief description of these tasks are listed below:

Tasks with Additional Level of Effort

1. Rate Alternatives Analysis

- Our scope of work included the evaluation of multiple rate alternatives for the water and wastewater utilities. These rate alternatives were guided by feedback from the Rate Advisory Group (RAG). It was the intent that the rate alternative evaluations would be slight modifications to the existing structure. Based on feedback from the RAG members, we started from scratch and created new alternatives for their review.

2. Additional RAG Meetings, Virtual Presentation, and Open House Workshop

- Our scope of work included four RAG stakeholder meetings. The RAG requested one additional meeting to finalize results, which was not included in the original scope. In addition, we attended a Town Open House workshop to support the study's efforts and field questions about the study's technical components. This was also not included in the scope of work. Finally, we created two virtual presentations to support the RAG #3 and #4 meeting

3. New Additional Task: Scalable Residential Water Impact Fees

- We discussed performing additional analysis on water impact fees by developing scalable fees based on lot size. Scalable water impact fees would account for both indoor water use (bedrooms, bathrooms, plumbing fixtures, and/or average winter consumption) and outdoor water use (irrigable area). By analyzing historical billing data, we can create a formula to calculate both the indoor and outdoor components of the fee. For this work, we will:
 - Link county assessor data (bedrooms, bathrooms) to Wellington customer billing records.

- Connect the Town's GIS database to customer billing data, assuming the GIS includes irrigable and/or impervious area.
- Analyze historical billing data to establish relationships between indoor factors and water use, and between irrigable area, water use, and lot size.
- Develop a proposed fee structure consisting of a base fee (covering indoor demand) and a variable fee based on lot size (covering outdoor demand). We recommend against using irrigable area for the scalable portion of the outdoor fee, as it can change over time and would require extra administrative oversight.
- Build a model the Town can use for future impact fee updates.
- Provide an executive summary memo outlining the study results.
- Prepare presentation materials and attend one Board of Trustees meeting to present the findings.

The hours and cost requested for items 1 and 2 are net of the hours for the efforts originally included in the scope of work, as shown in Table 1. This proposed fee is also net of rework or non-value-added time we expended in producing the deliverables; we will absorb those costs. Table 1 also includes the level of effort for the new task.

The fee of these additional efforts total \$25,400. This contract amendment would increase the project fee from \$104,296 to \$129,696. The table below lists the tasks, hours and fees by project team member.

Task	T. Cristiano	E. Ritchie	M. Sturgeon	Total Hours	Total Fee
1. Rate Alternatives Analysis	4	12	0	16	\$4,120
2. Additional RAG Meeting and Open House Workshop	10	14	6	30	\$8,000
3. New Task: Scalable Residential Water Impact Fees	12	40	0	52	\$13,280
Total Hours	26	66	6	98	
Billing Rate, \$ per Hour	\$340	\$230	\$230		
Total Fees	\$8,840	\$15,180	\$1,380		\$25,400

Thank you for your consideration of this request, and we greatly appreciate the opportunity to work with the Town on this important project. Please do not hesitate to contact me if you have any questions.

Sincerely,



Todd Cristiano
Vice President



TOWN OF WELLINGTON
8225 THIRD STREET
P.O. BOX 127
WELLINGTON, CO 80549
PUBLIC WORKS (970) 568-0447
TOWN HALL (970) 568-3381

2025 Rate and Fee Study: Water, Wastewater, and Stormwater Enterprises

CONSULTANT CONTRACT FOR SERVICES, GL No. 211-80-5066, 211-80-5067, 211-80-5068

Parties: The parties to this Contract are the Town of Wellington, 8225 Third Street, Wellington, Colorado 80549 (Town) and Raftelis, 383 North Corona Street, Denver, Colorado 80218 (Consultant).

Purpose of Contract: The purpose of this Contract is for the Town of Wellington to retain the services of the Consultant to render certain technical or professional services hereinafter described.

Term of Contract and Required Approvals: This Contract is effective when all parties have executed it (Effective Date). The term of the Contract is from the Effective Date through December 31, 2025. All services shall be completed during this term.

If the Consultant has been delayed and as a result will be unable to complete performance fully and satisfactorily within this Contract period, the Consultant may be granted an extension of time upon submission of evidence of the causes of delay satisfactory to the Town.

Responsibilities of the Consultant:

Scope of Services: The Consultant shall perform the specific services required under this Contract in a satisfactory and proper manner as outlined in the proposal included as Attachment A. The standard of care for the Consultant under this Contract will be the care and skill ordinarily used by members of the Consultant's profession providing similar services for projects of similar size, location, scope, and complexity to this project at the time the services are performed.

The scope of services shall be as defined within the Consultant's proposal and any further stipulation of the terms specified in Attachment A.

Personnel: All services required hereunder will be performed by the Consultant or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized, licensed, or permitted under state law to perform such services if state law requires such authorization, license, or permit.

Records Administration: The Consultant shall maintain or supervise the maintenance of all records necessary to properly account for the payments made to the Consultant for costs authorized by this Contract. The Consultant shall be responsible and responsive to the Town in its requests and requirements related to the scope of this Contract. The Consultant shall select and analyze all data in a systematic and meaningful manner to contribute directly in meeting the objectives of the project and shall present this information clearly and concisely in a professional and workmanlike manner.

Reports, Maps, Plans, Models and Documents: A minimum of one (1) copy of maps, plans, worksheets, logs, field notes or other documents prepared under this Contract as relevant to this project shall be submitted to the Town. The Consultant shall also submit any computer program or spreadsheet developed as a part of this project. Digital media shall be labeled to provide sufficient detail to access the information on the media. Any user manuals shall be submitted to the Town with complete documentation of computer programs developed under this Contract. The user manual shall also specify the source code language and the type of computer equipment necessary to operate the program(s).

Subcontracts:

(i) **Approval Required for Subcontracts:** Any subcontractors required by the Consultant in connection with the services, work performed or rendered under this Contract will be limited to such individuals or firms as were specifically identified in the proposal and agreed to during negotiations or are specifically authorized by the Town during the performance of this Contract. During the performance of the Contract, substitutions in or additions to such subcontracts will be subject to the prior approval by the Town. The Consultant shall be responsible for the actions of the subcontractors.

(ii) **Billing for Subcontracts:** Billings for subcontractor services shall include any mark up as set forth in Attachment A. Subcontract costs shall be documented by attaching subcontractor billings to the Consultant's billing submittals.

Responsibilities of the Town:

Data to be Furnished: All information, data, drawings, reports, maps, etc. as are available to the Town and necessary for the carrying out of the scope of services shall be furnished to the Consultant without charge, and the Town shall cooperate with the Consultant in the carrying out of the project. The Consultant may rely on the information, data, etc. provided by the Town without further investigation.

Report Reviews and Criteria: The Town shall examine all studies, reports, sketches, drawings, opinions of costs, and other documents presented by the Consultant and shall promptly render the Town's decisions pertaining thereto. The Town shall provide all criteria and full information regarding its requirements for the project.

General Provisions:

Amendments: Any changes, modifications, revisions, or amendments to this Contract which are mutually agreed upon

by the parties to this Contract shall be incorporated by written instrument executed by all parties to this Contract.

Assignment Prohibited and Contract Shall Not Be Used as Collateral: Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set out in this Contract without the prior written consent of the other party. The Consultant shall not use this Contract, or any portion thereof, for collateral for any financial obligation.

Audit and Access to Records: The Town shall have access to the books, documents, papers, electronic data, and records of the Consultant which are pertinent to this Contract. The Consultant shall immediately, upon receiving written instruction from the Town, provide to any independent auditor or accountant all books, documents, papers, electronic data, and records of the Consultant which are pertinent to this Contract.

Authority: Provisions of this Contract are pursuant to the authority set forth in the Town of Wellington Municipal Code. Mandatory applicable state and federal regulations also apply.

Compliance with Laws: The Consultant shall keep informed of and comply with all applicable federal, state, and local laws and regulations in the performance of this Contract.

Confidentiality: Each party shall retain as confidential all information and data furnished to it by the other party which are designated in writing by such other party as confidential at the time of transmission and are obtained or acquired by the receiving party in connection with this Contract, and said parties shall not reveal such information to any third party. However, nothing herein is meant to preclude either disclosing and/or otherwise using confidential information (i) when the confidential information is actually known to the receiving party before being obtained or derived from the transmitting party; or (ii) when confidential information is generally available to the public without the receiving party's fault at any time before or after it is acquired from the transmitting party; or (iii) where the confidential information is obtained or acquired in good faith at any time by the receiving party from a third party who has the same in good faith and who is not under any obligation to the transmitting party in respect thereof; or (iv) is required by law or court order to be disclosed.

Conflicts of Interest: The Consultant stipulates that none of its officers or employees are officers or employees of the Town of Wellington unless disclosure has been made in accordance with Town ordinances and policies. Furthermore, the Consultant certifies that it has not offered or given any gift or compensation prohibited by local, state, or federal law, to any officer or employee of the Town of Wellington to secure favorable treatment with respect to being awarded this Contract. The Consultant shall not engage in providing consultation or representation of clients, agencies or firms which may constitute a conflict of interest which results in a disadvantage to the Town or a disclosure which would adversely affect the interests of the Town. The Consultant shall notify the Town of any potential or actual conflicts of interest arising during this Contract. This Contract may be terminated in the event a conflict of interest arises. Termination of the Contract will be subject to a mutual settlement of accounts. In the event the Contract is terminated under this provision, the Consultant shall take steps to ensure that the file, evidence, evaluation and data are provided to the Town or its designee. This does not prohibit or affect the Consultant's ability to engage in consultations, evaluations or representation under agreement with other

agencies, firms, facilities, or attorneys so long as no conflict exists. A conflict of interest warranting termination of this Contract may include, but is not necessarily limited to, acting on behalf of a client in an adversarial proceeding against the Town or initiating suits in equity including injunctions, declaratory judgments, writs of prohibition, or quo warranto.

Contract Jurisdiction, Choice of Law, and Venue: The provisions of the Contract shall be governed by the laws of the State of Colorado. The parties will submit to the jurisdiction of the courts of the State of Colorado. Venue shall be Larimer County, Colorado.

Contract Renegotiation, Modifications and Award of Related Contracts: This Contract may be amended, modified, or supplemented only by written amendment to the Contract, executed by the parties hereto, and attached to the original signed copy of the Contract. The Town may undertake or award supplemental or successor contracts for work related to this Contract or may award contracts to other contractors for work related to this Contract. The Consultant shall cooperate fully with other contractors and the Town in all such cases. The Town, at its sole discretion and through duly authorized contract amendments, may request the Consultant to complete additional phases beyond the scope of services included in this Contract.

Disbarment: The Consultant certifies that neither it nor its principals are presently disbarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction (Contract) by any governmental department or agency. If the Consultant cannot certify this statement, a written explanation for review by the Town shall be provided.

Entirety of Contract: This Contract, consisting of fifty-six (56) pages, inclusive of Appendix A, represents the entire and integrated Contract between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral. In the event of a conflict or inconsistency between the language of this Contract and the language of any attachment or document incorporated by reference, the language of this Contract shall control.

Equal Opportunity Clause: The Consultant agrees to abide by the provisions under Title VI and VII of the Civil Rights Act of 1964 (42USC 2000e) which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on a basis of race, religion, color, or national origin. This includes abiding to Executive Order 11246 which prohibits discrimination on the basis of sex, and 45 CFR which prohibits discrimination on the basis of age, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of a disability.

Force Majeure: Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event and takes all reasonable steps to minimize delays.

Indemnification: The Consultant agrees to indemnify, save harmless, and defend the Town of Wellington and its officers, agents, volunteers, and employees from and against loss,

damage, injury, liability, suits, and proceedings arising out of the performance of this Contract to the extent caused by the negligence of the Consultant's officers, agents, volunteers, or employees, but not for claims from the Town's negligence.

Independent Contractor: The Consultant shall function as an independent contractor for the purposes of this Contract and shall not be considered an employee of the Town for any purpose and as such, have no authorization, express or implied to by the Town of Wellington, to any agreements, settlements, liability or understanding whatsoever, and agrees not to perform any acts as an agent for the Town except as expressly set forth herein. The Consultant shall be responsible for the payment of all income tax and social security amounts due because of payments received from the Town. Persons employed by the Town and acting under the direction of the Town shall not be deemed to be employees or agents of the Consultant. Nothing in this Contract shall be interpreted as authorizing the Consultant or its agents or employees to act as an agent or representative or to incur any obligation of any kind for or on behalf of the Town. The Consultant agrees that no health or hospitalization benefits, workers' compensation, unemployment insurance, or similar benefits available to Town employees will inure to the benefit of the Consultant or the Consultant's agents or employees because of this Contract.

Insurance Coverage: The Consultant shall not commence work under this Contract until it has obtained all the insurance required by the Town. The Consultant shall obtain and maintain the following insurance in accordance with the Insurance Requirements set forth below and shall provide the Town with proofs of these insurance upon request:

(i) Automobile Liability Insurance: The Consultant shall maintain automobile liability insurance covering any auto (including owned, hired, and non-owned) with minimum limits of \$1,000,000 each accident combined single limit.

(ii) Commercial, General Liability Insurance: The Consultant shall maintain commercial general liability insurance (CGL) coverage, occurrence form, covering liability claims for bodily injury and property damage arising out of premises, operations, products and completed operations, and personal and advertising injury, with minimum limits as stated below. The CGL policy shall include coverage for Explosion, Collapse and Underground property damage. This coverage may not be excluded by endorsement.

- (a) \$1,000,000 each occurrence;
- (b) \$1,000,000 personal injury and advertising injury;
- (c) \$2,000,000 general aggregate; and
- (d) \$2,000,000 products and completed operations.

(iii) Professional Liability or Errors and Omissions Liability Insurance: The Consultant shall maintain professional liability insurance or errors and omissions liability insurance protecting against any and all claims arising from the Consultant's alleged or real professional errors, omissions, or mistakes in the performance of professional duties under this Contract, with minimum limits as stated below.

- (a) \$1,000,000 each claim; and
- (b) \$2,000,000 general aggregate.

(iv) Unemployment Insurance: The Consultant shall be duly registered with the Colorado Department of Labor and Employment and obtain such unemployment insurance coverage as required.

(v) Workers' Compensation and Employer's Liability Insurance: Employees hired in Colorado to perform work under this Contract shall be covered by workers' compensation coverage per the Colorado Department of Labor and Employment's Workers' Compensation program as statutorily required. Employees brought into Colorado from Consultant's home state to perform work under this Contract shall be covered by workers' compensation coverage obtained through the same or other state or private workers' compensation insurance approved by the Colorado Department of Labor and Employment as statutorily required.

Insurance Requirements:

(i) During the term of this Contract, the Consultant shall obtain and maintain, and ensure that each subcontractor obtains and maintains, each type of insurance coverage specified in Insurance Coverage above.

(ii) All policies (except for Workers' Compensation and Professional Liability) shall be primary over any insurance or self-insurance program carried by the Consultant or the Town. All policies (except for Professional Liability) shall include clauses stating that each insurance carrier shall waive all rights of recovery under subrogation or otherwise against Consultant or the Town, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

(iii) The Consultant shall provide Certificates of Insurance to the Town, verifying each type of coverage required herein.

(iv) All policies shall be endorsed to provide at least thirty (30) days advance written notice of cancellation to the Town. A copy of the policy endorsement shall be provided with the Certificate of Insurance.

(v) In case of a breach of any provision relating to Insurance Requirements or Insurance Coverage, the Town may, at the Town's option, obtain and maintain, at the expense of the Consultant, such insurance in the name of the Consultant, or subcontractor, as the Town may deem proper and may deduct the cost of obtaining and maintaining such insurance from any sums which may be due or become due to the Consultant under this Contract.

(vi) All policies required by this Contract shall be issued by an insurance company with an A.M. Best rating of A- VIII or better.

(vii) The Town reserves the right to reject any policy issued by an insurance company that does not meet these requirements.

Limitation of Liability: Excluding the Consultant's liability for bodily injury or damage to the property of third parties, the total aggregate liability of the Consultant arising out of the performance or breach of this Contract shall not exceed the compensation paid to the Consultant under this Contract. Notwithstanding any other provision of this Contract, the Consultant shall have no liability to the Town for contingent, consequential, or other indirect damages including, without limitation, damages for loss of use, revenue or profit; operating costs and facility downtime, however the same may be caused. The limitations and exclusions of liability set forth in this Article shall apply regardless of the fault, breach of contract, tort (including negligence), strict liability or otherwise of the Consultant, its employees, or subconsultants.

Notice of Sale or Transfer: The Consultant shall provide the Town with notice of any sale, transfer, merger, or consolidation of the assets of the Consultant. Such notice shall be provided in accordance with the notices provision of this Contract and, when possible and lawful, in advance of the transaction. If the Town determines that the sale, transfer, merger, or consolidation is not consistent with the continued satisfactory performance of the Consultant's obligations under this Contract, then the Town may, at its discretion, terminate or renegotiate the Contract.

Ownership of Documents and Information: The Town owns all deliverables by the Consultant in the performance of this Contract. Upon termination of services for any reason and payment to Consultant, the Consultant agrees to return all such original and derivative information and documents to the Town in a useable format. Any use or reuse other than for the purposes set forth herein shall be at the Town's sole risk and liability. Nothing contained herein shall be deemed a transfer, assignment or divestiture by the Consultant of its trade secrets, know-how or intellectual property.

Patent or Copyright Protection: The Consultant recognizes that certain proprietary matters or techniques may be subject to patent, trademark, copyright, license or other similar restrictions, and warrants that no work performed by the Consultant or its subcontractors will violate any such restriction. The Consultant shall defend and indemnify the Town for any infringement or alleged infringement of such patent, trademark, copyright, license, or other restrictions.

Severability: A declaration by any court or any other binding legal source that any provision of this contract is illegal and void shall not affect the legality and enforceability of any provision of this Contract unless the provisions are mutually dependent.

Taxes: The Consultant shall pay all taxes and other such amounts required by federal, state and local law, including, but not limited to, federal and social security taxes, workers' compensation, unemployment insurance, and sales taxes.

Termination of Contract: This Contract may be terminated with cause by either party in advance of the specified termination date upon written notice being provided by the other party. Unless the Town determines a default is not remediable, there have been prior violations with notice, or a default is determined to be detrimental to public safety, the party in violation will be given thirty (30) working days after notification to correct and cease the violations after which the Contract may be terminated for cause. This Contract may be terminated without cause in advance of a specified expiration date by either party upon thirty (30) days prior written notice being given by the other party.

Project Requirements:

Final Deliverables and Stamping: The Consultant shall use the Contract Scope of Services as the outline for draft and final reports or technical memoranda so that Consultant compliance with Contract provisions can be verified. If the final report or technical memoranda contain information of an engineering nature, the cover of the final report, memoranda, all plates, and any executive summary must be stamped and signed by a Professional Engineer licensed in the State of Colorado.

In addition to the paper submittal, the Consultant shall provide the final documents and related materials in a digital format. This digital report shall be contained on CD(s), USB drive(s), or other media as approved by the Town and shall be in Adobe Acrobat (PDF) format.

Project Access: The Consultant shall be responsible for obtaining access as required for project tasks.

Stand-By Time: The Town will not reimburse the Consultant for stand-by time charges for the Consultant's supervisory personnel.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

Payment and Billing:

Reimbursement of Expenses: Subject to annual appropriation by the Town Board, the Town agrees to pay the Consultant an amount based on the approved hourly rates and reimbursable expenses price schedules shown on page 24 of the Proposal included as Appendix A for the services described in Appendix A and incorporated by reference as part of this Contract. Payment shall be made directly to the Consultant. The Consultant shall maintain hourly records of time worked by its personnel. Total payment under this Contract shall not exceed \$104,298 DOLLARS.

Project Budget: The anticipated project budget for the task(s) included in Attachment A is as stated below. The amounts shown for each task are not to be exceeded unless authorized by the Town. The Contract total amount is controlling.

<u>Task</u>	<u>Estimated Cost</u>
Task 1. Project and Quality Management	\$2,720
Task 2. Project Initiation	\$8,026
Task 3. Water, Wastewater, and Stormwater Customer Demand Analysis	\$10,245
Task 4. Tap Fee Analysis	\$12,765
Task 5. Financial Planning (Revenue Requirement) Projections	\$14,996
Task 6. Cost of Service Analysis	\$14,996
Task 7. Rate Design	\$10,036
Task 8. Stakeholder Communications	\$14,271
Task 9. Reports and Presentations.....	\$16,241
Total Project Cost.....	\$ 104,296

Billing Statements: Billing statements shall be submitted no more often than monthly, on or before the 10th calendar day of each billing month, for activities and costs accrued since the last billing report and shall be made on forms approved by the Town. Each billing statement must include written justification of the cost items contained in the billing statement. Billing statements shall be transmitted electronically to project manager: Meagan Smith at smithme@wellingtoncolorado.gov

Payment Procedures: The Town shall pay the Consultant upon receipt of billing reports as the services are performed for the task(s) outlined in Appendix A. The Town will initiate the payment process upon the receipt of a verified statement of services, and payment shall be made within thirty (30) days following receipt of billing.

Money Withheld: If the Town has reasonable grounds to believe that the Consultant will be unable to perform this Contract fully and satisfactorily within the time fixed for performance, then the Town may withhold payment of such portion of any amount otherwise due and payable to the Consultant reasonably deemed appropriate. These amounts may be withheld until the cause for the withholding is cured to the Town's satisfaction or this Contract is terminated per the General Provisions above. No interest shall be payable by the Town on any amounts withheld under this provision.

Withholding of Payment: If a work element has not been received by the Town by the dates established in Attachment A, the Town may withhold all payments beginning with the month following that date until such deficiency has been corrected.

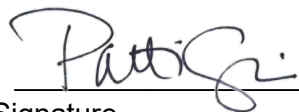
Final Payment: The final payment shall be made upon acceptance of the final work product and receipt of the final billing.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

Signatures:

The parties to this Contract, either personally or through their duly authorized representatives, have executed this Contract on the dates set out below and certify that they have read, understood, and agreed to the terms and conditions of this Contract. The Effective Date of this Contract is the date of the signature last affixed to this page.

TOWN OF WELLINGTON



Signature

Patti Garcia

Printed Name

Meagan Smith

Primary Contact Printed Name

3/28/25

Date

Town Administrator

Title

smithme@wellingtoncolorado.gov

Contact Info. (email, phone, etc.)

Witness Signature (if required)

Date

Printed Name

Title

RAFTELIS



Signature

Todd Cristiano

Printed Name

Todd Cristiano

Primary Contact Printed Name

3/27/25

Date

Vice President

Title

tcristiano@raftelis.com

Contact Info. (email, phone, etc.)

Witness Signature (if required)

Date

Printed Name

Title

Town of Wellington

2025 Rate and Fee Study: Water, Wastewater, and Stormwater Enterprises

211-80-5066 / FEBRUARY 14, 2025



February 14, 2025

Town of Wellington
8225 Third Street
Wellington, CO 80549

Subject: Proposal for 2025 Rate and Fee Study: Water, Wastewater, and Stormwater Enterprises (211-80-5066)

Dear Members of the Selection Committee:

The Town of Wellington's (Town) water and sewer utilities have undergone significant changes since 2022, including a comprehensive rate study that led to the implementation of new rates, unanimously approved by the rate subcommittee, and the substantial completion of water and wastewater treatment plants. However, these changes have not come without challenges. A wet 2023 resulted in lower revenues, while a hot 2024 brought record highs. As part of the water and sewer utilities' 2025 goals, this new rate study comes at an ideal time, providing a much-needed check-up to help the Town stay on track.

Studies such as this are Raftelis' specialty – working with utilities to create a future financial vision, developing equitable rates to recover costs, and engaging stakeholders to ensure the process is completed in a transparent manner. With thousands of similar studies completed over the last 31 years, Raftelis is uniquely poised to help the Town strike that perfect balance. Our proposal highlights our expertise, how our experience can benefit the Town, and a tailored approach that fits the Town's strategic goals and objectives. Here are some of the key factors that make Raftelis your best choice for this project:



A trusted name. Our team now has additional resources with enhanced expertise and unique skills. Our team blends extensive local knowledge with comprehensive national experience offering fresh insights and perspectives. You'll receive a high-quality product, with all ideas thoroughly explored and considered. This approach will result in actionable outcomes that Town Council can confidently trust to be in the community's best interest.



Wellington Experience. We completed your last study, and we are always looking for ways to improve. Rather than spending time getting up to speed on your utility, we're ready to hit the ground running and get right into the task of improving upon our past work



Communications. Raftelis' in-house Strategic Communications Services group comprises industry-leading professionals who work with utilities nationwide both in telling their clients' stories and facilitating impactful community engagement. The group provides clear presentations that explain complex topics and strategic messages that enhance your community's understanding. Communication is key to a successful rate review.



Defensible and Durable Results. Our “Defensible, Durable, Deliberate” framework ensures that every recommendation withstands scrutiny and serves the Town well into the future.



Transparency. Our project team's expertise will ensure transparency throughout this rate study process. We will document each step and present it to stakeholders in a way that clearly connects the utility's incurred costs to the rates customers pay. By simplifying complex details and presenting them in accessible language, we aim to help customers understand and appreciate the necessity of rate adjustments.

I will be leading this engagement as the project manager. My experience working with utilities across Colorado and nationwide, combined with my role as the former Rates Manager at Denver Water, gives me a unique understanding of the internal and external dynamics associated with rate studies. Additionally, I am actively engaged with the American Water Works Association (AWWA); I am leading the eighth edition update of the AWWA's *Manual M1, Principles of Rates, Fees, and Charges (Manual M1)*, and am a co-instructor for the AWWA's Rate Setting Essentials Seminar, the longest running seminar hosted by the AWWA.

I am supported by the project management team, including Harold Smith, who brings 25 years of experience with a specialty in expert testimony, Ellyse Ritchie whose prior experience working with the Town will be a key to this project's success, and Matt Wittern, a skilled strategic communications professional and facilitator, who will lead the facilitation of the Rate Advisory Group meetings. A detailed summary of their qualifications and backgrounds can be found in the Project Team and Qualifications section.

Sincerely,

Todd Cristiano

Vice President

P: 303.305.1138 / E: tcristiano@raftelis.com



Diversity and inclusion are an integral part of Raftelis' core values.

We are committed to doing our part to fight prejudice, racism, and discrimination by becoming more informed, disengaging with business partners that do not share this commitment, and encouraging our employees to use their skills to work toward a more just society that has no barriers to opportunity.



Raftelis is registered with the U.S. Securities and Exchange Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB) as a Municipal Advisor.

Registration as a Municipal Advisor is a requirement under the Dodd-Frank Wall Street Reform and Consumer Protection Act. All firms that provide financial forecasts that include assumptions about the size, timing, and terms for possible future debt issues, as well as debt issuance support services for specific proposed bond issues, including bond feasibility studies and coverage forecasts, must be registered with the SEC and MSRB to legally provide financial opinions and advice. Raftelis' registration as a Municipal Advisor means our clients can be confident that Raftelis is fully qualified and capable of providing financial advice related to all aspects of financial planning in compliance with the applicable regulations of the SEC and the MSRB.

Table of Contents

Company Overview	1
Project Understanding and Approach...	3
Team Qualifications	15
References	18
Project Schedule	23
Fee Proposal	24
Appendix: Resumes	25

COMPANY OVERVIEW

Who is Raftelis

HELPING LOCAL GOVERNMENTS AND UTILITIES THRIVE

Local government and utility leaders partner with Raftelis to transform their organizations by enhancing performance, planning for the future, identifying top talent, improving their financial condition, and telling their story. We've helped more than 700 organizations in the last year alone.

We believe that Raftelis is the *right fit* for this project. We deliver on several key factors that will benefit the Town and help to make this project a success.

DEFENSIBLE RECOMMENDATIONS: When your elected officials and customers are considering the validity of recommended changes, they want to be confident that they were developed by experts using the latest industry standard methodology. Our staff help shape industry standards by leading AWWA and Water Environment Federation (WEF) committees and co-authoring key books on utility finance and rate setting. This involvement keeps the Town informed of emerging trends and ensures our recommendations are insightful and industry backed. As a registered Municipal Advisor, Raftelis is fully qualified to provide compliant financial guidance on all aspects of utility planning. *Our project manager led the update of the AWWA M1 Principles of Rates, Fees, and Charges manual and is currently a co-instructor for the AWWA's financial management rate-setting seminar.*

HISTORY OF SIMILAR SUCCESSES: An extensive track record of past similar work will help to avoid potential pitfalls on this project and provide the know-how to bring the project across the finish line. Raftelis staff has assisted 1,700+ local governments and utilities throughout the U.S. with financial and rate consulting services with wide-ranging needs and objectives. Our extensive experience will allow us to provide innovative and insightful recommendations to the Town and will provide validation for our proposed methodology ensuring that industry best practices are incorporated. *Our project manager and members of our project team recently completed projects for Fort Collins Loveland Water District, City of Dacono, Town of Erie, Town of Eaton, Town of Firestone, Town of Johnstown, among others.*

RATES THAT ARE ADOPTED: For the study to be a success, rates must be successfully approved and implemented. Even the most comprehensive rate study is of little use if the recommendations are not approved and implemented. Raftelis has assisted numerous agencies with getting proposed rates successfully adopted. We focus on effectively communicating with elected officials about the financial consequences and rationale behind recommendations to ensure stakeholder buy-in and successful rate adoption. *Recent projects where rates were adopted that were managed by Todd include Town of Firestone, Town of Wellington, Fort Collins Loveland Water District, and Steamboat Springs, among others.*

USER-FOCUSED MODELS: Our models are tailored to the needs of your utility. Anyone who uses Excel can build a model with fancy features, but this often comes at the expense of usability. A model that is too complicated or requires programming experience is not likely to be used as intended and often ends up underutilized. Raftelis builds client-specific models with your end user(s) in mind. Whether your staff consists of brand-new or advanced Excel users, we will create a model that you can use. *We follow the FAST principle of modeling: Flexible, Appropriate, Structured, and Transparent.*

31 years
serving the
public sector

How we stack up

OUR TEAM INCLUDES

190+ consultants focused on
finance/management/communication/
technology for the public sector

2 chairs & **16** members of
AWWA and WEF utility finance and
management committees and subcommittees

RAFTELIS HAS PROVIDED ASSISTANCE FOR

1,700+ public agencies
and utilities

that serve more than

25% of the
U.S. population

including the agencies serving

41 of the nation's
50 largest cities

in the past year alone, we worked on

1,300+ projects for **700+** agencies in **47** states

PROJECT UNDERSTANDING AND APPROACH

Project Understanding

The Town has identified several goals and objectives in this study. Achieving these objectives will require following a standard to ensure a successful outcome. The RFP outlines the framework for financial sustainability and equitable rates that will provide safe, clean, and reliable water service to its customers at a cost that strives to maintain both affordability and good service to customers and revenue stability for the utility. We completed a web-based search on the Town in addition to reviewing archived Board minutes to help better understand its current and long-term needs, as well as to craft our project approach.



Water and wastewater model review. The Town wants a review and update to its water and wastewater rate models and methodologies. This includes the financial plan, cost of service analysis, rate design, and tap fees. This review will provide a road map for each utility for the next 5 years such that revenues are sufficient meet annual expenditures, capital financing is balanced with rates, reserves, and loans, and costs are recovered in an equitable manner through rates.



Stormwater utility. The Town wants to develop a comprehensive financial plan, cost of service, rate and fee analysis for the stormwater utility. The current financial agreement with Boxelder Basin Stormwater Authority (BBSWA) is slated to end in 2028. These revenues and expenditures have impacted the utility's ability to fund its capital improvement program. This study will evaluate financial plan alternatives, rate designs, and tap fees to ensure equitable recovery of costs. This analysis will incorporate a new rate model developed in a similar manner to the Town's other rate models.



Stakeholder engagement. This project will require many communication outlets. Project-related communication includes regular meetings with staff and the Board of Trustees. External communication will occur in the form of engaging a Rate Advisory Group committee (RAG). Our project approach details internal communication and the framework for RAG engagement.



Deliverables and documentation. Throughout this study, we will document outcomes in the form of technical memorandums summarizing key points, feedback from the Board, as well as meetings. We will develop all presentation material for the RAG meetings and Board meetings. Throughout the study we will also work with staff on model development for their final use.



Schedule. In the previous study, rates were proposed to the Board of Trustees in October. Assuming the project starts in March, that leaves approximately seven months to complete the study. Our previous experience ensures that we can confidently meet that requirement while giving staff, RAG and the Board sufficient time to consider the results and provide feedback prior to the adoption of new rates.

Project Approach

Our project approach has been developed based on our previous work with the Town, our work with utilities along the Front Range, as well as our nationwide experience with similar sized communities. To ensure a successful project, we have developed a theme or framework under which this project will be guided– the ‘3d’s’:



Defensible. Scenarios, options, and ideas developed can withstand scrutiny or challenge by being grounded in logical reasoning, evidence and sound principles.



Durable. The ability of a solution, system, or decision to remain effective and relevant over time, even in the face of changing circumstances or pressures.



Deliberate. Using a process of intentionally and thoughtfully designing or executing actions with a clear purpose, ensuring careful consideration of potential risks and outcomes.

This framework will ensure a clear focus, guide decision making, and encourage long-term thinking with the overarching goal of having a defined process for updating the Town’s rate model in a manner that is defensible, durable, and deliberate.

Task 1: Project and Quality Management

Task 1.1: Project Management

Nimble. Flexible. Adaptable. Those are three adjectives we often hear clients use to describe our performance on projects at end-of-study project close-out meetings. We have high expectations for ourselves and a strong sense of what goes into a successful project. In addition to solid work products, you can expect:

- **Efficient Use of Time:** Your time is valuable, and we treat it that way. We commit to running well-planned, useful, and efficient meetings from the project’s launch. We will arrive at all meetings with a game-plan and expectation to move the project forward.
- **Regular Check-Ins:** Many decades of project experience have taught us that the best way to keep a project on track is to ensure that it doesn’t have too much room to drift off course. We like to schedule short weekly (or bi-weekly) check-in calls to ensure everyone’s questions are answered, data needs are met, and no



OPTIMIZING CAPITAL SPENDING

Revenue requirements are only as good as the operating and capital spending needs and assumptions that go into them. If there is uncertainty in operating or capital spending needs, then revenue requirements, cost of service, and the associated rates being requested may be too high or too low. If your utility is concerned with capital spending needs and would like a third-party review of your needs and/or assumptions, Raftelis' subject matter experts in capital project development and delivery are here to help. We have included as an option task to complete a project plan review for the Town (see Task 8.2)..

bottlenecks develop in the project process. You will know we are on track because we will touch base with you regularly.

- **Thorough Documentation of Calls and Meetings:** The Raftelis team takes detailed meeting notes and shares them promptly after each meeting or important call. This allows the full project team to stay abreast of progress, agreements made, and results delivered.

Raftelis begins each project with a standard process wireframe shell that is built on three key foundational pillars:

- Best practices from AWWA and WEF
- Front Range Colorado experience
- Similar past successful Raftelis projects

Raftelis will conduct careful and detailed project management and administration throughout the project. Our Project Director and Project Manager will plan, coordinate, monitor, and control all project tasks in concert with other appropriate project team members to ensure continuity and momentum throughout the project.

Raftelis uses internal safeguards to forecast and track all personnel hours and expenses incurred on each task, which the Project Director and Project Manager closely monitor. Analyzing weekly costs helps prevent cost overruns and allows the Town to shift funding priorities if necessary. In our monthly invoicing of services to the Town, we typically indicate the dollar value of project work completed so our clients can see where the work stands in any given month. As necessary, regular reporting will indicate how the project schedule is proceeding and whether there are issues that need to be addressed relative to analysis, approach, assumptions, schedule, and/or administration.

Task 1.2: Quality Assurance and Quality Control Process

Credibility is vital for building consensus and gaining support for implementing study recommendations. To maintain stakeholder trust, the Town must ensure the information provided is accurate, complete, and reliable. Our robust quality assurance (QA) process is designed to guarantee the integrity and reliability of all deliverables. Below are the key steps we implement throughout the project:

- **Initial Review and Validation:** Data inputs and assumptions are thoroughly reviewed for accuracy and completeness before analysis begins. Sources are cross verified to ensure reliability.
- **Structured Methodology:** A standardized and documented approach is followed for all technical analyses to ensure consistency and adherence to best practices.
- **Peer Review:** Harold Smith, our quality assurance and technical reviewer, conducts an independent analysis review to verify logical consistency, proper application of models, and alignment with project objectives.
- **Senior Expert Oversight:** As project manager, Todd Cristiano collaborates with Ellyse and Harold to review critical deliverables, providing insights, validating assumptions, and ensuring alignment with industry standards and client expectations.
- **Scenario Testing and Sensitivity Analysis:** Key assumptions are tested under various scenarios to evaluate the robustness and reliability of results.
- **Final Review and Presentation:** A final quality check is conducted before delivery to confirm accuracy, completeness, and clarity based on the best available information at the time of production.

This comprehensive quality assurance (QA) process ensures the highest level of quality, fostering confidence in the deliverables and supporting informed decision-making.

TASK 1 DELIVERABLES:

- Established lines of communication

- Regularly scheduled project meeting calls
- Regular project management updates on budget, deliverables, and other milestones

Task 2: Project Initiation

We will facilitate separate, on-site, project initiation meetings for each of the studies awarded to our team.

- **Project Initiation:** Finalize scope, milestones, and deliverables, set up regular project conference calls, and determine primary points of contact. Finalize project goals and objectives to establish guiding principles for the study against which we will measure results. Our project schedule can be found in the Schedule section of this proposal. With every major milestone meeting or regular project meeting, we will produce and circulate an email summarizing the key points of the discussion.
- **Data Request:** Prior to the meeting we will submit a data request list for the information needed for this study. Gathering this information prior to the kick-off meeting will allow us to review and aggregate our list of questions and clarifications.
- **Project Initiation Meeting:** We will facilitate a half-day meeting with Town staff to review the key aspects of the study, current challenges and discuss the current political environment. We will also review the data we have received to date, get clarification on certain items where needed, and present our initial model populated with the validated data. This will give staff a perspective on how we should interpret the data.
- **Rate Structure Pricing Objectives:** We will facilitate a pricing objectives workshop to review the basis for the existing rate structure alternatives and evaluate other objectives which need to be considered. Whereas, the RAG will also be evaluating the rate structure, the idea is to identify commonalities in the preferred objectives for developing the ‘right’ structure for the Town. This will help us determine how well the existing rate structure meets those objectives and identify potential rate structure changes to make it better align with those objectives. Typical pricing objectives are listed to the right. Many of these are “standard” or “must haves,” such as defensibility and revenue sufficiency. However, others can be ranked in order of importance. We will also develop measurable criteria to benchmark the objectives against the alternatives.
- **Rate Model Workshop:** We will meet with those staff members who will be primary users of the model. This workshop will be to develop the functional requirements of the rate models. We will compare those functional requirements and benchmark them against this existing model. We will use those results to determine whether enhancements can be made or whether a start-from-scratch approach will better meet the needs of the Town.
- **Board Workshop.** We will facilitate a 1-hour workshop with the Board to present our approach and better understand their goals and objectives for the study. We will incorporate these comments into the development of our process and technical analysis along with guidance from staff.

Common Pricing Objectives

Revenue Stability	Essential Use Affordability
Equity Within a Customer Class	Conservation/ Wise Use of Water
Easy to Administer	Equity Between Classes
Defensibility	Customer Understanding



TASK 2 DELIVERABLES:

- Data request list
- Kick-off meeting agenda
- Pricing objectives workshop
- Rate model design workshop
- Tech memo summarizes meeting outcomes
- Bi-weekly meeting schedule
- On-site kickoff meeting
- On-site Board rate study workshop

Task 3: Water, Wastewater, and Stormwater Customer Demand Analysis

Raftelis will develop a comprehensive water demand analysis by customer class and billable volume projections for the wastewater utility. This is critical information for the study as it is used to forecast rate revenues, the units of service on the cost-of-service analysis, and the rate design analysis. We typically request three-to-five years of historical billing data. For water, we will complete the following:

Water Demand Analysis

- Evaluate billing data on a customer-by-customer level to develop revenue projections for each class and to forecast revenue at existing rates. Develop a summary of accounts by class and meter size to determine the number of bills
- Project water usage considering the use per account by class and the annual growth in accounts. Factor in active and passive water savings as well as price elasticity factors to account for reductions in demand over the study period
- Create bill distributions for water customers to determine volumes billed by their existing tiers and the ability to evaluate billed volumes for various thresholds for rate design purposes
- Calculate the demand factors for each customer class to be used in the cost of service.

Wastewater Billed Volume Analysis

- Evaluate billing data on a customer-by-customer level to develop revenue projections for each class and to forecast revenue at existing rates. Develop a summary of accounts, the number of bills, and billed volume. Categorize customers by the different service areas – inside City, Shaw Heights, and outside City
- Calculate the class average winter consumption with historical data and use as the basis for future projections
- Estimate pounds of BOD and TSS contributed by each customer class.

Stormwater Billed Impervious Area

- Analyze GIS parcel data for lot size and impervious area. Identify customer classes (e.g. residential, commercial, etc.). It is assumed that the City will provide impervious parcel data linked to customer account and class designation – residential, commercial, etc. Also required are parcels that are exempt from stormwater charges

TASK 3 DELIVERABLES:

- Water demand forecast, customer usage characteristics, revenue projections at existing rates
- Sewer billable volume forecast, customer flow characteristics, revenue projections at existing rates
- Stormwater impervious area for residential and commercial customers
- Technical memo summarizing findings
- Two (2) virtual meetings to discuss and finalize results. Regular email, interim one-on-one meetings, and calls will continue throughout this task

Task 4: Tap Fee Analysis

Tap fees are an input to the financial plan, so we propose completing this prior to the financial plan forecast. We will complete a full valuation of the City's water and wastewater tap fees and use the methodology that best represents the cost to provide service to new development. We will follow the Colorado statutes 29-20-104.5 and the principles from the pinnacle Colorado Supreme County case *Krupps v. Breckenridge*. The calculation of tap fees involves several steps, each of which require input from historical billing data, financial asset data, and water and wastewater system design criteria. The steps are discussed briefly below:

CRS §29-20-104.5 Impact Fees

- Fees must be generally applicable to a broad class of property (for example, residential, commercial, etc.).
- Fees must be intended to defray the projected impacts on capital facilities caused by proposed development.
- Fees are directly related to service that a local government is authorized to provide.
- The asset has an estimated useful life of five years or longer.
- The fee is required by the charter or general policy of a local government

- Calculate the current value of available capacity and planned growth-related costs. We will evaluate the valuation in one of two ways:
 - The value of system facilities will be evaluated using the existing asset listing, or
 - The unit replacement cost of the water system's backbone facilities (treatment plant., large transmission mains, pump stations, treated storage, etc.).
- Estimate the remaining capacity in existing facilities and capacity to be added with future facilities (e.g., growth-related CIP)
- Apply adjustments such as developer contributions and outstanding loans currently paid through rates and non-backbone related facilities (small equipment and assets with a service life of less than 5 years, etc.)
- Determine the remaining existing capacity and future capacity to be added for the water and wastewater system.
- Establish peak demand basis for water based on a ¾" equivalent water meter and the peak contributed wastewater flows for a ¾" water meter.
- Review and evaluate existing fee structure against the objectives identified in Task 1.
- Compare tap fees under a new structure to fees under the existing structure.
- Prepare a tap fee survey of peer communities for use in the final Trustee presentation.

TASK 4 DELIVERABLES:

- Technical memorandum summarizing the assumptions, data sources, and the calculated water and wastewater tap fees with assessment schedule and calculated alternative fee schedules
- Two (2) virtual meetings to discuss and finalize results. Regular email, interim one-on-one meetings, and calls will continue through this task

Task 5: 10-Year Financial Plan

Task 5.1: Revenue Requirements Cash Flow

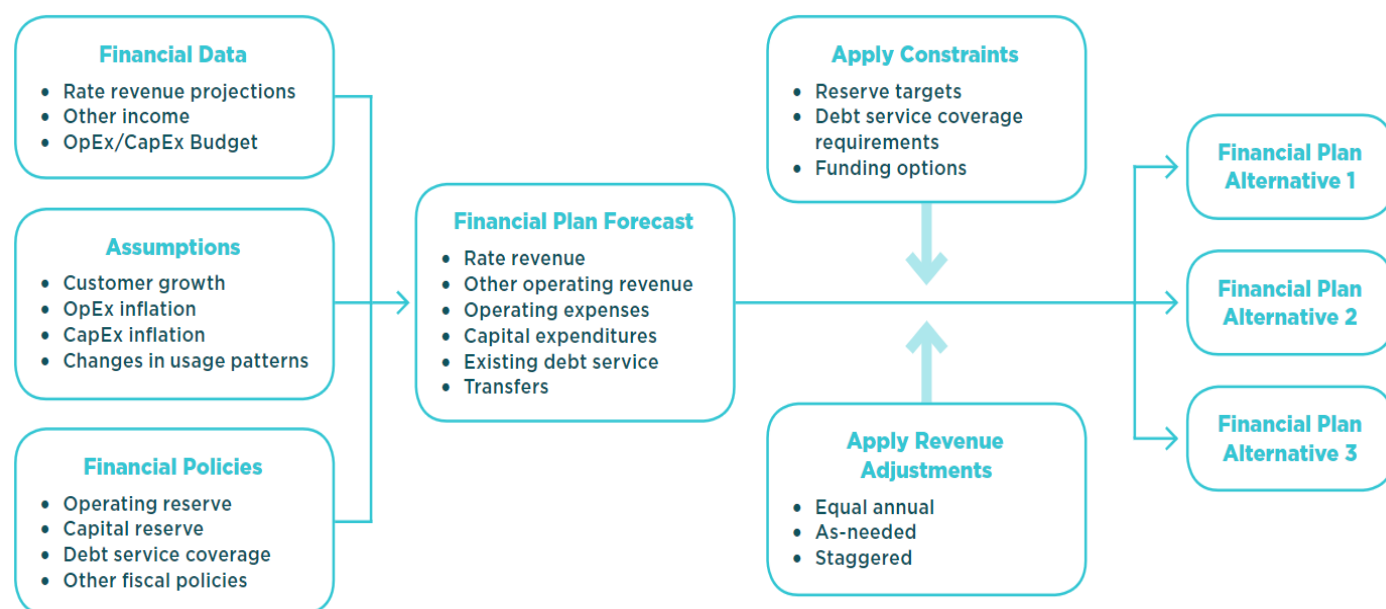
A primary consideration in developing an 'optimal' financial plan is minimizing annual revenue increases through balancing the use of reserves, existing rate revenue, revenue bonds, grants, etc. This balance is subject to the constraints of meeting the City's target reserve policies, debt service coverage, and other financial policy requirements on any proposed debt.

This approach is an iterative process. For example, issuing debt to fund a capital project may keep revenue increases low; however, new debt payments may decrease the debt coverage below the target level. As a result, a revenue increase may be needed to meet or maintain compliance with the target. The revenue generated from the increase

now may meet debt service coverage and produce an ending balance more than the target reserve. This excess can be used to partially fund the capital project which, in turn, could reduce the proposed loan amount.

The financial planning task will include the development of forecasted revenues, O&M, debt service, and capital expenditures along with project bond or loan issues with any rate increases required to meet these requirements through the study period. The graphic below illustrates the requirements needed to build a sound financial plan and the process we will use for the study.

Figure 1: Financial Planning Process



We will create separate financial plan forecasts for each utility considering the following:

- A forecast of revenue under existing rates using the demands projections in Task 2 and other operating and non-rate revenues for each utility.
- Review existing financial plans, budgets, actuals data, and capital improvement plan programs
- Review and discuss with Town staff growth assumptions and type of growth anticipated
- Forecast operations and maintenance (O&M), repair and replacement (R&R), and existing and proposed debt service. Adjust O&M projections for new positions, changes in vacancy levels, efficiencies from continuous improvement processes, and recognize cost changes from major contractual agreements
- Identify growth-related and non-growth-related capital projects and their funding mechanisms
- Identify the projects eligible for bond or state loans based on timing, duration, and the amount of the project. Raftelis can present financial plan alternatives considering specific projects financed through revenue bonds, state loans, etc.
- Incorporate debt service coverage requirement from existing bonds and loans
- Review existing financial and benchmark policies against similar utilities, best practices from the American Water Works Association, and Raftelis' experience. Provide recommendations as necessary.

Task 5.2: (Optional) Capital Project Delivery – Optimization and Best Practices

Financial forecasting and the determination of water and sewer rates rely on accurate assessments of operating and capital costs. Uncertainty in these areas—including operating expenses, capital expenditures, and asset management

costs—can directly affect a utility’s financial stability and rate structures. Identifying opportunities to optimize costs and improve efficiency is crucial to maintaining a sustainable financial plan.

A well-structured capital improvement plan (CIP) and asset management strategy can support long-term service reliability while keeping rates aligned with the cost of providing service. We provide comprehensive reviews of capital improvement programs and operating budgets, comparing them against the industry’s best practices. This process helps utilities assess whether their financial allocations for capital projects, asset management, and operations are appropriate. It also identifies potential efficiencies, cost-saving measures, and alignment opportunities with established utility standards.

TASK 5 DELIVERABLES:

- Separate financial plans for each utility
- Technical memorandums summarizing draft results and final recommendations
- Two (2) virtual meetings to discuss draft and finalize results
 - Regular email, interim one-on-one meetings, and calls will continue through this task
- One (1) on-site meeting

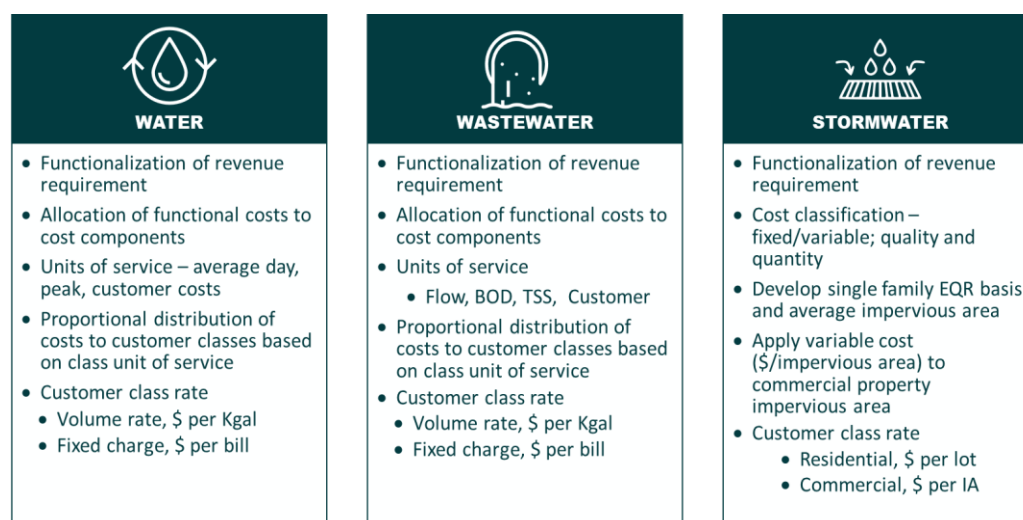
Task 6: Cost-of-Service Analysis

Raftelis will start with industry-accepted cost-of-service principles and customize our analysis to account for the specific requirements of this study. The cost-of-service analysis will provide the Town with a defensible justification explaining the reason why the costs are assigned in the manner they are. Raftelis needs this information to evaluate the level of the current and proposed rates.

The cost-of-service analysis is a multi-step process. It includes determining the revenue requirement, assigning the revenue requirement to various facilities (functional areas), and further allocating those costs based on their design criteria or function in the system. Those costs are then distributed to customer classes based on their water demands or wastewater flow characteristics as well as accounts or equivalent meters. Raftelis will use the cost allocation process based on the industry standard methodologies published in the AWWA’s *Manual M1, Principles of Water Rates, Fees, and Charges* and the WEF’s *Manual of Practice No. 27, Financing and Charges for Wastewater Systems*.

The figure below illustrates the four primary steps we will use to complete the cost-of-service analysis for each utility.

**Figure 1: Cost of Service Framework
Water, Wastewater, and Stormwater**



TASK 6 DELIVERABLES:

- Water, wastewater, and stormwater cost of service analyses
- Technical memorandums summarizing draft results and final recommendations
- Two (2) virtual meetings to discuss draft and finalize results. Regular email, interim one-on-one meetings, and calls will continue through this task
- One (1) on-site meeting

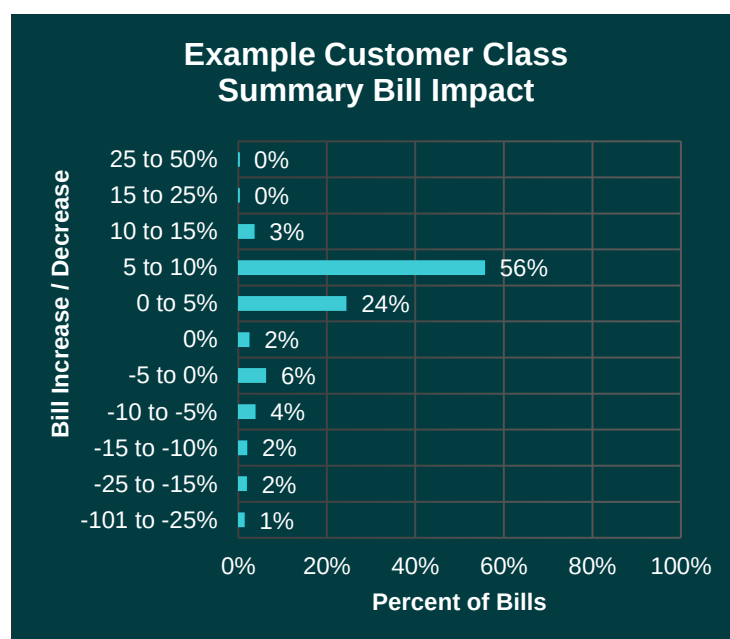
Task 7: Rate Design

Task 7.1: Proposed Cost of Service and Rate Alternatives

The rate design task will identify the appropriate costs to be recovered from each customer class for each utility. For example, water volume-related costs recover the costs to treat, store, and distribute water to customers. Wastewater flow-related costs recover the costs to collect, treat, and discharge wastewater. Customer-related costs typically include meter reading, maintenance, and administrative costs.

Raftelis will calculate the test-year rates under the current structure for each utility. Raftelis will also develop test-year rates for up to three (3) structure alternatives for each utility. Rate structure alternatives will be based on the results of the pricing objectives identified in Task 2, and here's how we'll do it:

- Using the selected pricing objectives and evaluation metric identified in Task 2 (from staff and the RAG committee), gauge the alignment the existing rate structure has with the objectives. Assess the ability of proposed rate structures to align with the evaluation metrics. Rank the existing structure against the alternatives and select up to three structures to determine test-year rates.
- Update the current utility rates with the test-year revenue requirement increase. This serves as the baseline for comparison against other rate structures.
- Based on the rate structure ranking results, develop test-year rates for each alternative. Compare results from proposed rates under each structure against the ability to meet ranked pricing objectives.
- Develop a bill impact table for each customer class that compares typical monthly and annual bills under existing and proposed rate structures.
- Compare how each rate design alternative meets the pricing objectives.
- Develop a bill comparison under the Town's existing and proposed rate alternatives compared against up to ten peer utilities for each utility.



TASK 7 DELIVERABLES:

- Draft proposed rates under current schedules
- Up to three proposed rate structure alternatives
- Technical memorandum summarizing results

- Two (2) virtual meetings to discuss draft and finalize results
 - Regular email, interim one-on-one meetings, and calls will continue through this task
- One (1) on-site meeting

Task 8: Stakeholder Engagement

Task 8.1: Resident Advisory Group

People support what they help build, including utility rates and fees. To support the rates studies, we will facilitate four one-hour meetings with the Resident Advisory Group (RAG) to introduce the rate study process and walk them through the various steps associated with developing cost of service-based rates. Based on the identified pricing objectives we will present modifications to the existing rate structures for their review as well as bill impacts for customers with varying levels of usage.

Draft RAG Committee Meeting Agendas

1. Rates 101 and pricing objectives Exercise
2. Review of initial rate structure alternatives and identify changes
3. Review updated rate structure alternatives. Narrow alternatives
4. Vote on preferred alternatives to present to Board of Trustees

These meetings will be facilitated by a trained Raftelis facilitator, allowing Todd to focus on the technical discussion. Our facilitator will guide the discussions, ensuring that all voices are heard and that the group stays focused on its goals. The facilitator will create a supportive environment, encourage collaboration, and help navigate challenges to achieve a productive outcome.

TASK 8 DELIVERABLES:

- Four (4) advisory group meetings
- Advisory group meeting materials
- Four (4) post-meeting memoranda

Task 8.2 (Optional Additional Services): Customer Outreach

Clear and proactive communication helps the community understand and accept rate changes, boosting trust among stakeholders and policymakers. It also raises awareness about the importance of utility services and the necessity for regular rate updates. To support the rates studies, Raftelis can develop tools that tell the Town's story and help customers understand the impact on their bills. Communication tools created under this task could include:

- Microsite—Raftelis will develop a project microsite to serve as the central repository of information for stakeholders and members of the public to learn more about and become more involved with the studies. The site will include engaging elements designed to draw stakeholders into the process while reducing barriers to participation. [An example microsite can be viewed here.](#)
- FAQs—Using the FAQ format, Raftelis will identify the most likely questions your residents will have and provide short answers that accurately describe the rate and fee adjustment benefits and impacts. Clients often use these FAQs as meeting handouts, talking points for elected officials, and postings on their websites for the public to absorb.
- Social media plan and eight (8) social media posts—Raftelis will develop social media content that engages stakeholders visually in new and compelling ways. We recommend sharing through each of the Town's social media channels.
- Up to six (6) printed materials—As determined through collaboration with Town staff and members of the project team, Raftelis will produce a suite of printed materials such as fact sheets, infographics, project brochures, etc.

- Two-minute animated video—Few storytelling methods are as effective as a well-produced video. If deemed an advantage, Raftelis will develop and produce a video or series of short videos to help spread messages through a variety of existing channels, such as the website, Facebook, etc.

TASK 8 OPTIONAL DELIVERABLES:

- One (1) microsite
- One (1) set of FAQs
- One (1) social media calendar and eight (8) posts
- Up to six (6) printed materials
- One (1) two-minute animated video

Task 9: Reports and Presentations

Task 9.1: Study Reports

The draft report will document the rate development process, describe any recommended changes to the existing rate structures and the reason for such changes, and present the results of the cost-of-service and rate study. An electronic copy of the draft report will be provided to Town staff for their review and comment. We will complete two rounds of draft report review. We can provide a draft report as a searchable .pdf or provide a link to the Word document through our SharePoint for your review and edits.

Task 9.2: Board of Trustees Presentations

Raftelis will prepare the presentation materials to be used at the City Council meetings. Advance draft copies will be provided to staff for review and comment. Raftelis has included two (2) City Council meetings in our fee.

TASK 9 DELIVERABLES:

- Attendance at two (2) on-site City Council meetings
- Draft report, searchable .pdf
- Final report, searchable .pdf
- PowerPoint materials for City Council meetings

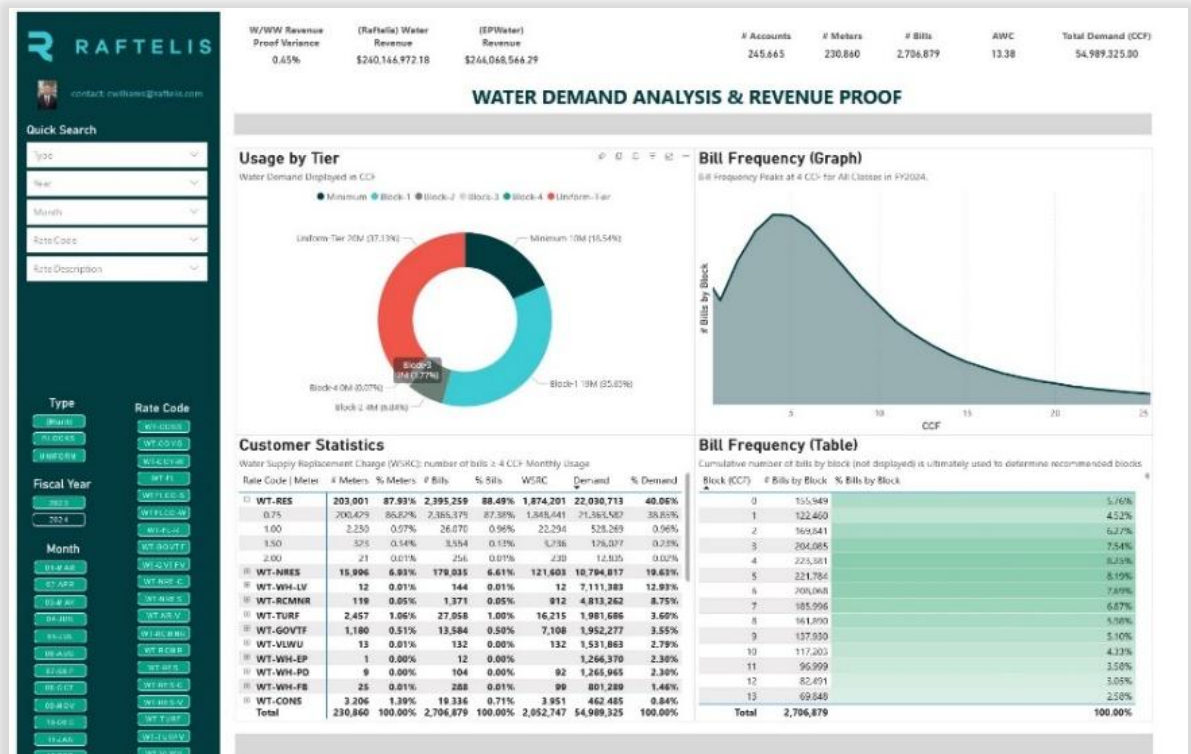
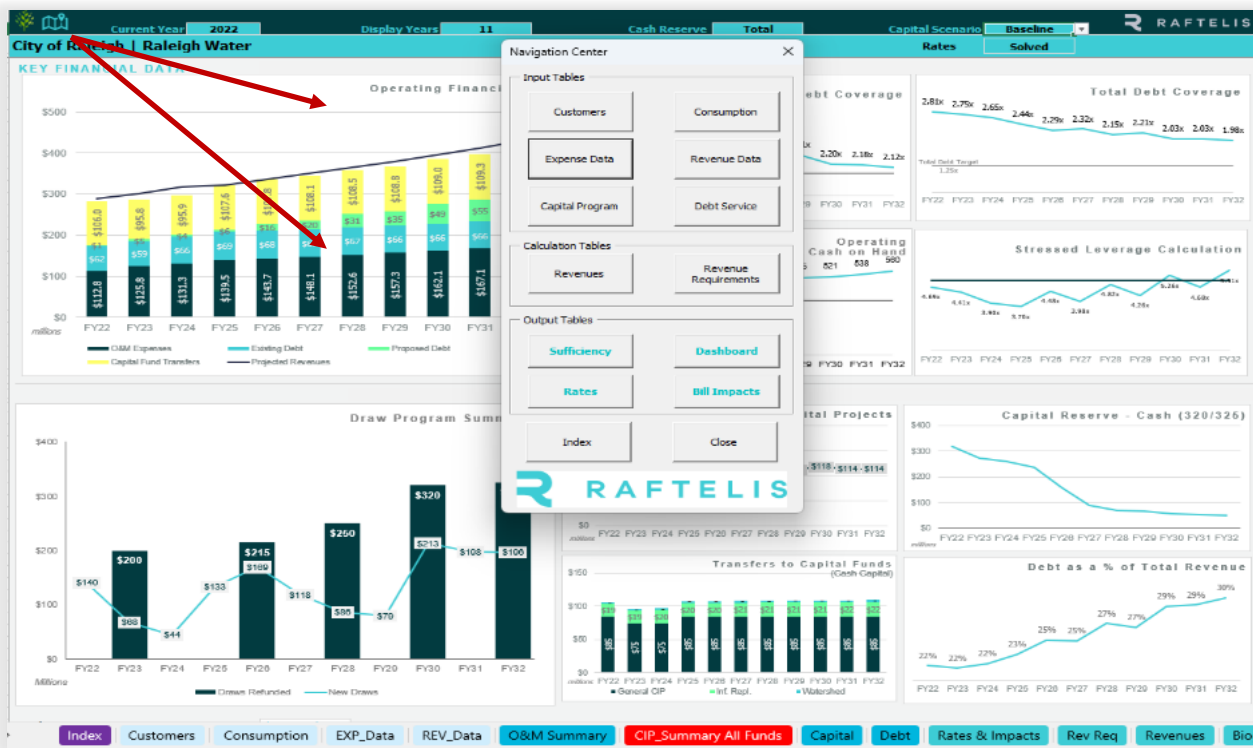
Task 10: Rate Model Development

The model development or enhancement will begin with Task 1. We will create water and wastewater rate models as the study progress. We will share functionality along the way and incorporate your input. As mentioned earlier in the proposal, we follow the F.A.S.T. rules of model development.

Excel Model

We will build a tailored model for the City's use. This model will be developed over the course of the study and will be built around the tasks identified in this scope of work as well as the functionality requirements identified in Task 2. We will share this model with City staff over the course of the study. This will give staff a "real-time" view of how the model is developed. It is our intent that by the end of the study, staff will have a level of familiarity with the model that will accelerate learning during the training sessions.

We will provide hands-on model instruction, including how to use the model, input data, and interpret results. In lieu of a manual, Raftelis will prepare a slide deck with screen shots and brief instructions on the various requirements for each worksheet. We have found this method to be more effective than a lengthy manual.



Example Water Demand Analysis Dashboard using the Power BI tool.

TEAM QUALIFICATIONS

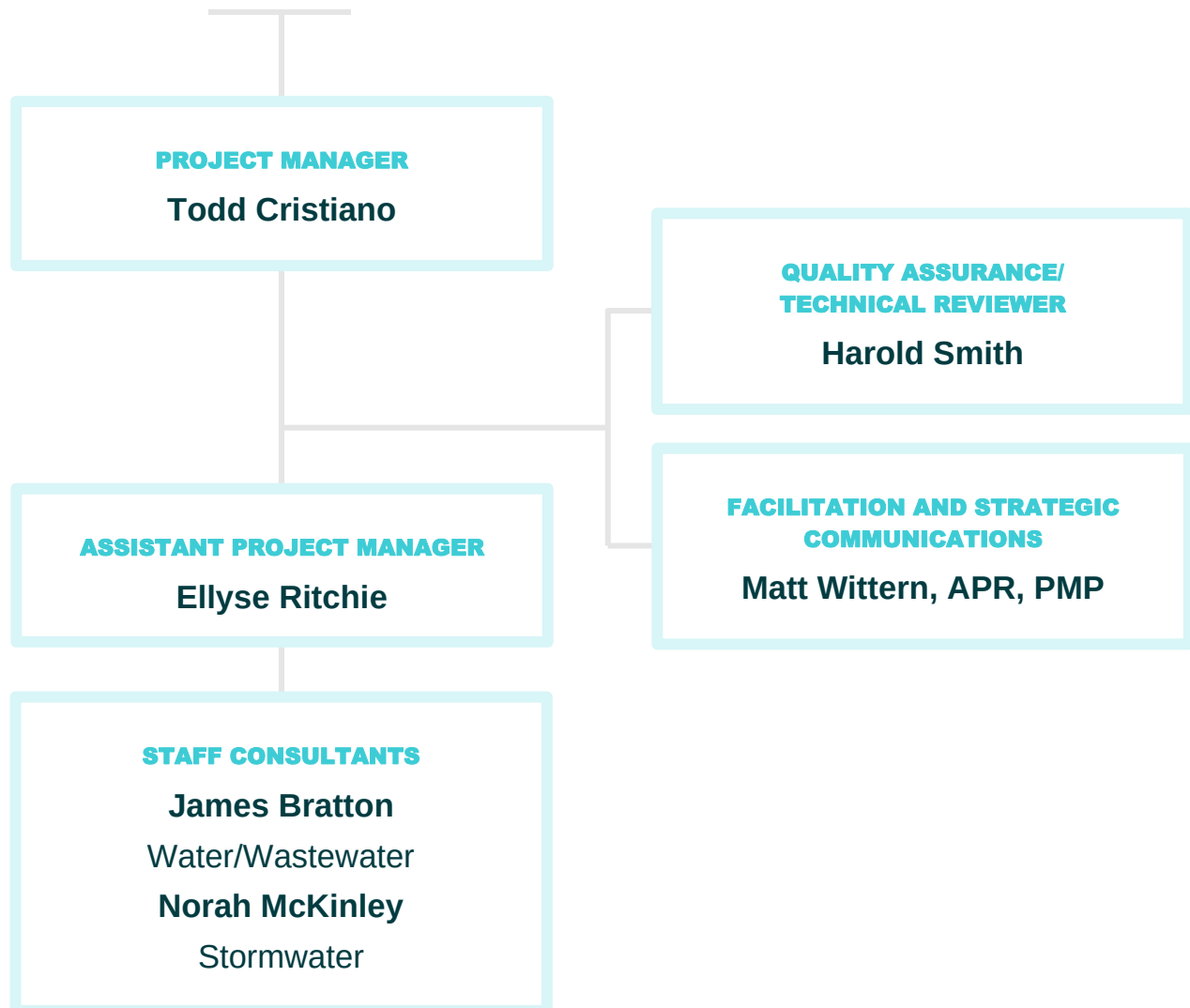
Team Qualifications

WE HAVE DEVELOPED A TEAM OF CONSULTANTS WHO SPECIALIZE IN THE SPECIFIC ELEMENTS THAT WILL BE CRITICAL TO THE SUCCESS OF THE TOWN'S PROJECT.

Our team includes senior-level professionals to provide experienced project leadership with support from talented consultant staff. This close-knit group has frequently collaborated on similar successful projects, providing the Town with confidence in our capabilities.

Here, we have included an organizational chart showing the structure of our project team. On the following pages, we have included resumes for each of our team members as well as a description of their role on the project.

Town of Wellington



TEAM QUALIFICATIONS & EXPERIENCE



Todd Cristiano

Project Manager | Vice President

Role: Todd will manage the day-to-day aspects of the project ensuring it is within budget, on schedule, and effectively meets the Town's objectives. He will also lead the development of the technical reports which will serve as the guide for Phase II of this project. Todd will serve as the Town's main point of contact for the project.

Career/Experience Highlights:

- 25 years of experience with water, wastewater, stormwater cost of service and rates
- Former Rates Manager for Denver Water
- Instructor for AWWA's Biannual Rate-Setting Essential seminar
- Member of AWWA, WEF, Lead for the update of the AWWA M1 Manual

Key Clients (W/WW): Fort Collins-Loveland Water District (CO), Town of Erie (CO), Town of Johnstown (CO), Town of Firestone (CO), City of Dacono (CO), Town of Breckenridge (CO), City of Aspen (CO), Town of Eaton (CO), City of Steamboat Springs (CO)

Key Clients (SW): Town of Erie (CO), City of Littleton (CO), City of Evans (CO), City of Englewood (CO), City of Golden (CO)



Harold Smith

Quality Assurance/Technical Reviewer | Vice President

Role: Harold will provide oversight for the project ensuring it meets both Raftelis and industry standards.

Career/Experience Highlights:

- 27 years of experience with water and wastewater rates and finance
- Provided expert testimony nationwide including Tucson Water, Providence Water, and Pittsburgh Water and Sewer Authority
- Member of AWWA and WEF
- Series 50 Municipal Advisor

Key Clients (Water and Wastewater Rate Studies): Woodmoor WSD (CO), Woodmen Hills Metro District (CO), Town of Breckenridge (CO), Tucson Water (AZ), City of Phoenix (AZ), Pima County (AZ), Pittsburgh Water and Sewer Authority (PA), Providence Water (RI)



Matt Wittern, APR, PMP

Facilitation and Strategic Communications | Manager

Role: Matt will provide facilitation for the Resident Advisory Group meetings.

Career/Experience Highlights:

- 25+ year public relations career serving clients and customers in the local government, public utility, engineering, and construction sectors
- Former communications specialist at Denver Water

Key Clients: Town of Breckenridge (CO), Oklahoma City Water Utilities Trust (OK), Northern Water Conservancy District (CO), Denver Water (CO), City of Greeley (CO)



Ellyse Ritchie

Assistant Project Manager | Senior Consultant

Role: Ellyse will serve as the Lead Analyst for the wastewater portions of this project and will work at the direction of Todd in conducting analyses and preparing deliverables for the project.

Career/Experience Highlights:

- Multiple years of experience developing water and wastewater utility financial plans, cost of service analyses, and rate design with clients primarily in Colorado and California

Key Clients (Water and Wastewater Rate Studies): Wellington (CO); Johnstown (CO); St. Vrain Sanitation District (CO); Grand Junction (CO); Edgewater (CO); Woodmoor WSD (CO); Signal Hill (CA); Shafter (CA); Billings Heights (MT); Lorena (TX)



Norah McKinley, MPH

Staff Consultant (Stormwater) | Consultant

Role: Norah will work at the direction of Todd in conducting analyses and preparing deliverables for the project.

Career/Experience Highlights:

- Experience in data analysis, financial modeling and developing accessible deliverables
- Experience addressing impacts of climate change and flooding through stormwater utility and fee development, program enhancements, and financial analysis

Key Clients: City of Durham (NC), City of Raleigh (NC), Boston Water and Sewer Commission (MA), City of Asheville (NC)



James Bratton

Staff Consultant (Water/Wastewater) | Associate Consultant

Role: James will work at the direction of Todd in conducting analyses and preparing deliverables for the project.

Career/Experience Highlights:

- Specialized in financial modeling, data analysis, benchmarking
- Former experience in the outdoor industry

Key Clients: Cripple Creek (CO), Los Angeles County Sanitation District (CA), City of San Marino (CA), City of Greeley (CO), East Larimar County Water District (CO), City of Westminster (CO),

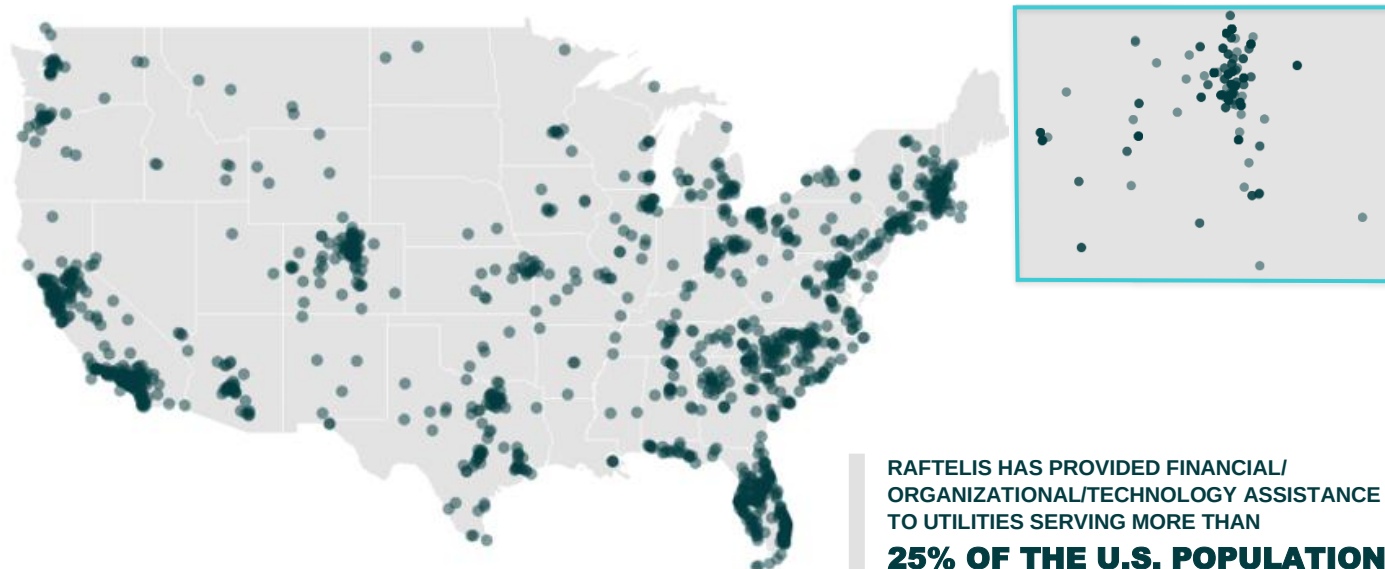
REFERENCES

References & Experience

RAFTELIS HAS THE MOST EXPERIENCED UTILITY FINANCIAL AND MANAGEMENT CONSULTING PRACTICE IN THE NATION.

Our staff has assisted more than 1,700 local government agencies and utilities across the U.S., including some of the largest and most complex agencies in the nation. In the past year alone, Raftelis worked on more than 1,300 financial, organizational, and/or technology consulting projects for over 700 agencies in 47 states, the District of Columbia, and Canada. Below, we have provided descriptions of projects that we have worked on that are similar in scope to the Town's project. We have included references for each of these clients and urge you to contact them to better understand our capabilities and the quality of service that we provide.

Colorado client map



RAFTELIS HAS PROVIDED FINANCIAL/
ORGANIZATIONAL/TECHNOLOGY ASSISTANCE
TO UTILITIES SERVING MORE THAN
25% OF THE U.S. POPULATION.

Town of Erie CO

Reference: Todd Fessenden, Utilities Director

645 Holbrook Street, Erie, CO 80516

P: 303.926.2895 / E: tfessenden@erieco.gov

Project Name: Water and Wastewater Financial Plan, Cost of Service, Rate and Fee Study

Project Highlights

- Comprehensive financial plan, rate and fee update
- Detailed water demand analysis
- Cost of service analysis
- Comprehensive analysis of tap fee costs and demands

Consultants at Raftelis have worked with the Town of Erie (Town) since 2002. Following the 2019 study, many of the rate recommendations were put on hold due to covid-19. The Town retained Raftelis to update the 2019 study for the 5-year study period. This study included the development of a financial plan for the water, wastewater, and stormwater utilities including a cost of service and rate design analysis. Raftelis also updated the Town water and wastewater tap fees along with its water dedication fees. The tap fee analysis showed an increase in the water infrastructure fees as well as the water dedication fees. The wastewater tap fee remained at the same level. The water, wastewater, and stormwater financial plans both indicated increases

in revenue over the 5-year period. Todd presented to Town Council in August and September 2024. Final approval for rates and fees has been delayed until the 1st quarter 2025.

Town of Eaton CO

Reference: Bradley Curtis, PE, CPM, LEED AP,
Northern Engineering

223 First Street, Eaton, CO 80615

P: 970.488.1119 / E: brad.curtis@epsgroupinc.com

Project Name: Water and Wastewater Financial Plan, Cost of Service, Rate and Fee Study

Project Highlights

- Previous rate study completed in 2012
- Comprehensive water and wastewater financial plans
- Water and wastewater rate design alternatives
- Comprehensive update to water and wastewater tap fees

The Town of Eaton (Town) is planning for their community's future by participating in the Northern Integrated Supply Project (NISP), a large regional water supply reservoir that will provide water for Eaton's anticipated growth for decades to come. Raftelis developed a financial plan that is projected to provide the revenue needed to sustain the utility while also funding the added capital costs of NISP, providing recommended reserves, and producing necessary debt service coverage. Given the significant rate increases the Town was facing, they saw an opportunity to consider alternative rate structures. Raftelis completed a cost-of-service analysis and produced a broad range of rate alternatives for consideration. In light of the increased costs of water supply, Raftelis also evaluated the Town's system development fees and developed a water resource fee intended to equitably recover the costs of development. Ultimately, the Town adopted one of the rate alternatives offered by Raftelis for 2024.

Fort Collins-Loveland Water District CO

Reference: Amanda Proctor, Finance Director

5150 Snead Drive, Fort Collins, CO 80525

P: 970.226.3104 ext. 101 / E: aproctor@fclwd.com

Project Name: Water Financial Plan, Cost of Service, Rate and Tap Fee Study

Project Highlights

- Comprehensive financial plan development
- Comprehensive water demand analysis
- Single family and multifamily rate structure redesign
- Updated water resource fees based on lot size, historical demands, and price of CBT
- Several presentations to Board of Trustees

The Fort Collins-Loveland Water District (District) serves approximately 17,000 water service customers in the City of Fort Collins and surrounding areas. Drivers for this study included maintaining equity between customer classes and within a customer class and ensuring that tap fees funded their share of growth and rates funded the repair and replacement program. The District had an aggressive capital improvement program – almost \$1.0 billion over the 10-year period. This included growth-related projects, raw water acquisition (NISP), and repair and replacement projects. Raftelis completed and shared several financial plan scenarios with the Board. The cost of service and rate design analysis realigned customer costs. Raftelis made a minor change in the residential class volume rate structure – reducing the threshold in tier 1 from 8,000 gallons to 5,000 gallons. This was more representative of indoor usage and provided essential water use at the lowest possible rates. The multifamily class service charge was changed from a charge per unit basis to a meter size basis to be more reflective of costs. Raftelis evaluated the water resources fee and adjusted the fee based on most recent historical water use demands based on lot size and changes to the unit price of CBT water. Raftelis presented a 'Rates 101' to the Board as well as interim project updates as well as the final study presentation. Proposed rates were adopted for 2025.

City of Steamboat Springs CO

Reference: Michelle Carr, Distribution and Collection Manager
124 10th Street, Steamboat Springs, CO 80477
P: 970.871.8204 / E: mcarr@steamboatsprings.net

Project Name: Water and Wastewater Financial Plan,
Cost of Service, Rate and Fee Study

Project Highlights

- Separating commingled water and wastewater financial activities into separate financial plans
- Rate increases to achieve financial self-sufficiency in each utility
- Updated cost of service; wholesale cost of service
- Updated cost of service rates and tap fees

The City of Steamboat Springs (City) retained Raftelis to complete a comprehensive water and wastewater rate and fee study. The last study was completed in 2021. The City's capital plan had increased significantly since the previous study and rates and fees were insufficient to meet the cash-funded project requirements. In addition, the City commingles the water and wastewater financial activities – the wastewater fund was subsidizing the water fund. Raftelis developed separate cash flows for the water and wastewater utilities and developed a set of rate increases for the 5-year study period to sustain the financial viability of each utility independently. We also completed a comprehensive cost of service analysis for each utility. There were minor adjustments to each of the classes and those costs were recovered through the existing rate structure. In other words, the water and wastewater rate structures remained the same. A portion of the cost of service was allocating the costs for water and wastewater wholesale customers. Raftelis identified those costs that benefit all customers and those costs that only benefit wholesale customers. This ensured the wholesale customers were not paying for facilities that are not used to serve them. We also updated the water and wastewater tap fees. There were minor cost changes but no changes in methodology. Rates have been adopted for 2025.

Northern Colorado Water Conservancy District CO

Reference: Jeff Stahla, Public Information Officer
220 Water Ave, Berthoud, CO 80513
P: 970.622.2331 / E: jstahla@northernwater.org

Project Name: Strategic Communications and Stakeholder Outreach

Project Highlights

- Public outreach and information campaign
- Strategic research to target key stakeholders in communicating value of project

Like many parts of the state, Northern Colorado is experiencing exceptional growth, with a population expected to double to a half-million people by 2050. As a key raw water provider to municipalities and agricultural interests, the Northern Colorado Water Conservancy District (Northern) began plans in the 1980s to provide valuable source water to 15 partners working together to make the Northern Integrated Supply Project a reality. Today, on the cusp of state and federal regulatory approvals, NISP faces opposition from a very small but vocal minority who threaten to derail the public process and stop the project by any means necessary. Millions of dollars, years of planning, and thorough environmental study and protections hang in the balance. Raftelis was hired to assist Northern with developing a comprehensive public outreach and information campaign to ensure continued public support for this critical project. Matt Wittern conducted thorough primary and secondary research to inform a plan that ensures those who will benefit most from the project will understand its value and role, helping ensure a continued thriving community for years to come.

COLORADO EXPERIENCE

This matrix shows a sample of some of the utilities throughout Colorado that Raftelis staff has assisted and the services performed for these utilities.

Client	Benchmarking	Cost-of-Service Analysis	Debt Issuance Report	System Development Fees	Financial & Capital Improvements Planning	Public Education and Outreach	Rate Case Support	Rate Structure Development	Rate Study	Stakeholder Process Development & Facilitation
Arapahoe County Water and Wastewater Authority		●			●			●	●	
Aspen, City of		●	●		●			●	●	
Aurora, City of		●	●	●	●	●		●	●	●
Bancroft-Clover Water and Sanitation District		●		●	●			●	●	●
Bear Creek Water and Sanitation District					●			●	●	
Berthoud, Town of				●	●			●	●	
Boxelder Sanitation District		●		●	●			●	●	
Boulder, City of		●		●	●	●		●	●	●
Brighton, City of	●				●					
Broomfield, City & County of	●	●	●	●	●	●		●	●	●
Cañon City		●	●	●	●			●	●	●
Castle Rock, Town of		●			●	●		●	●	●
Crestview Water & Sanitation District		●	●		●	●		●	●	●
Denver, City and County of		●	●		●	●		●	●	●
Denver Water						●		●	●	●
Durango, City of		●		●	●			●	●	●
Eagle River Water & Sanitation District						●		●	●	
East Larimer County Water District		●		●	●	●		●	●	
Eaton, Town of		●			●			●	●	
Englewood, City of	●	●			●	●		●	●	●
Evans, City of					●				●	
Fort Collins, City of		●			●			●	●	
Fort Collins - Loveland Water District		●	●	●	●	●	●	●	●	●
Fort Morgan, City of				●	●			●	●	●
Fruita, City of		●		●	●					
Golden, City of		●		●	●			●	●	●
Grand Junction, City of	●	●	●	●	●	●		●	●	●
Greeley, City of		●	●	●	●			●	●	●
Idaho Springs, City of		●	●	●	●	●	●	●	●	●
Ken-Caryl Ranch Water & Sanitation District		●			●			●	●	
Lakewood, City of		●			●			●	●	
Left Hand Water District		●		●	●			●	●	
Littleton, City of	●	●				●	●	●		●
Lochbuie, Town of				●	●			●	●	●
Longmont, City of	●	●		●	●			●	●	●
Louisville, City of		●		●	●			●	●	●
Mead, Town of		●		●	●			●	●	
Mount Crested Butte Water & Sanitation District	●	●	●	●				●	●	●
Mount Werner Water & Sanitation District	●	●		●	●			●	●	●

Client	Benchmarking	Cost-of-Service Analysis	Debt Issuance Report	System Development Fees	Financial & Capital Improvements Planning	Public Education and Outreach	Rate Case Support	Rate Structure Development	Rate Study	Stakeholder Process Development & Facilitation
Nederland, Town of		●		●	●			●	●	
Northern Colorado Water Conservancy District						●				
Platteville, Town of			●	●	●			●	●	
Pueblo, City of	●	●		●	●	●		●	●	●
Pueblo Water		●		●	●					
Pueblo West Metropolitan District	●	●		●	●	●		●	●	●
Salida, City of		●		●	●			●	●	
Security Water & Sanitation District		●		●	●			●	●	●
South Adams County Water & Sanitation District	●				●					●
St. Vrain Sanitation District		●		●	●			●	●	●
Steamboat Springs, City of		●	●	●	●			●	●	●
Superior, Town of				●	●			●		
Thornton, City of	●	●	●	●	●	●		●	●	●
Three Lakes Water & Sanitation District		●		●	●			●	●	
Trinidad, City of	●	●		●	●			●	●	●
Triview Metropolitan District				●	●			●	●	
Upper Eagle Regional Water Authority					●			●	●	●
Upper Thompson Sanitation District		●			●			●	●	
Wellington, Town of		●		●				●	●	●
Westminster, City of	●	●	●	●	●			●	●	
Woodmoor Water & Sanitation District No. 1				●	●			●	●	●

PROJECT SCHEDULE

Project Schedule

Raftelis will complete the scope of services within the timeframe shown in the schedule below. The proposed schedule assumes a notice-to-proceed by the beginning of March 2025 and that Raftelis will receive the needed data in a timely manner and be able to schedule meetings as necessary. Project completion is estimated for November 2025.

Our scope of work assumes we complete the project according to the schedule provided below. If the Town elects to extend the project completion schedule beyond the initial schedule, we will work with the Town to identify any necessary revisions to the project budget.

TASKS	Mar 2025	Apr 2025	May 2025	Jun 2025	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025
Task 1: Project and Quality Management	<i>On-Going Through Project</i>								
Task 2: Project Initiation									
Task 3: Water, Wastewater, and Stormwater Customer Demand Analysis									
Task 4: Tap Fee Analysis									
Task 5: Financial Planning (Revenue Requirement) Projections									
Task 6: Cost of Service Analysis									
Task 7: Rate Design									
Task 8: Stakeholder Communications									
Task 9: Reports and Presentations									
Task 10: Rate Model Development	<i>On-Going Through Project</i>								

- In-person Meetings
- Web Meetings
- Board Presentations
- Draft and Final Reports

Fee Proposal

The following table provides a breakdown of our proposed fee for this project. This table includes the estimated level of effort required for completing each task and the hourly billing rates for our project team members. Expenses include costs associated with travel and a \$10 per hour technology charge covering computers, networks, telephones, postage, etc.

Our scope of work includes the number of in-person and/or virtual meetings shown in the table below. Should the City require additional meetings and/or presentations to stakeholders, these can be arranged upon request at an added cost, which will be determined based on the scope and content of the meeting and/or presentation requested.

Our fee is determined based on the information provided in the RFP, our research on your website, and our experience with similar utilities. However, we understand that every utility's needs are unique, and we are open to reviewing this fee in detail to ensure we have accounted for the appropriate level of effort required for each task.

Tasks	Meetings		Hours							Total Labor	Total Expenses	Total Fees & Expenses
	Virtual	In Person	Todd Cristiano	Harold Smith	Ellyse Ritchie	James Bratton	Norah McKinley	Matt Wittern	Total Hours			
Task 1: Project and Quality Management			8						8	\$2,720	\$0	\$2,720
Task 2: Project Initiation		1	8	1	6	6	4	4	29	\$7,745	\$281	\$8,026
Task 3: Water, Wastewater, and Stormwater Customer Demand Analysis	2		6	1	8	26	4		45	\$10,245	\$0	\$10,245
Task 4: Tap Fee Analysis	2		8	1	8	26	12		55	\$12,765	\$0	\$12,765
Task 5: Financial Planning (Revenue Requirement) Projections	2	1	8	1	8	36	12		65	\$14,715	\$281	\$14,996
Task 6: Cost of Service Analysis	2	1	8	1	12	36	8		65	\$14,715	\$281	\$14,996
Task 7: Rate Design	2	1	8	1	12	20			41	\$9,755	\$281	\$10,036
Task 8: Stakeholder Communications		4	20		16	18			54	\$13,990	\$281	\$14,271
Task 9: Reports and Presentations		2	8		12	8	8	24	60	\$15,960	\$281	\$16,241
Task 10: Rate Model Development			Included in Tasks Above									
Total Meetings / Hours	10	10	82	6	82	176	48	28	422			–
Hourly Billing Rates	–	–	\$340	\$375	\$230	\$195	\$230	\$295	–			–
Total Professional Fees	–	–	\$27,880	\$2,250	\$18,860	\$34,320	\$11,040	\$8,260	–	\$102,610	\$1,686	\$104,296

Optional Task 5.2: Capital Project Delivery - Optimization and Best Practices	\$7,700
Optional Task 8.2: Customer Outreach	\$24,560
Total Fees & Expenses with Optional Tasks	\$136,556

APPENDIX: RESUMES

Appendix: Resumes



Todd Cristiano

PROJECT MANAGER

Vice President

ROLE

Todd will manage the day-to-day aspects of the project, ensuring it is within budget, on schedule, and effectively meets the Town's objectives. He will also lead the consulting staff in conducting analyses and preparing deliverables for the project. Todd will serve as the Town's main point of contact for the project.

PROFILE

Todd has nearly 25 years of utility finance experience both as a consultant and as the Rates Manager at Denver Water. He has completed studies across the U.S. for water, wastewater, stormwater, electric, and solid waste utilities. His experience covers technical areas and industries such as financial planning, cost of service, and rate design. Other specialties include utility and non-utility impact fees. As a member of the AWWA, he led the 8th Edition update to the *Manual M1, Principles of Water Rates, Fees and Charges*. He is the past chair of the AWWA Rate and Charges Committee. Todd is also co-instructor for the AWWA's biennial *Financial Management: Rate-Setting Essentials*.

KEY PROJECT EXPERIENCE

**Todd served as the project manager for all of the below engagements.*

Town of Wellington (CO): Financial Planning and Rate and Fee Assistance

Todd was the project manager on this engagement. The Town of Wellington provides service to approximately 4,200 water and wastewater accounts. The Town has experienced rapid growth in the past few years and their water and wastewater utilities are reaching their maximum capacities. Raftelis provided financial planning, rate and fee assistance to ensure the future financial viability of both utilities. In addition, their tap fees had not been updated in some time. There was concern that the current water and wastewater rate structures did not reflect community values (i.e. wise use of water, cost proportionality, essential use affordability) and not recovering costs. As part of the study, Raftelis participated in stakeholder meetings with Town citizens to provide background on the study, the process, and identify rate structure pricing objectives to help them design the best rate structure for the community. Over the course of the rate design development with the stakeholder group, Raftelis separately completed a 5-year financial plan analysis for both utilities, a comprehensive cost-of-service analysis to assign the appropriate costs to customer classes, and developed over 15 rate structure alternatives between the water and wastewater utilities. In addition, we updated their tap fees with minor recommendations to the multifamily assessment schedule and the wastewater tap fee assessment schedule. Raftelis provided an informational presentation to the Board in June outlining the components of the study and will be participating in two presentations later in September 2022 where the Board will vote on the rate and fee proposal. The project is anticipated to be complete by October 2022.



Specialties

- Financial planning
- Cost-of-service & rate structure studies
- Litigation support
- Economic feasibility analyses
- Impact fee studies - utility & non-utility
- Reviews of policies, procedures, & operating practices
- Budget processes

Professional History

- Raftelis: Vice President (2024-present); Senior Manager (2019-2023); Manager (2017-2018)
- Stantec (2016-2017)
- Denver Water: Manager of Rates (2010-2016)
- Malcolm Pirnie-Arcadis-US (2005-2010)
- Black & Veatch (1998-2005)

Education

- Master of Business Administration - University of Colorado (2003)
- Bachelor of Science in Chemical Engineering - University of Tulsa (1995)

Professional Memberships

- AWWA: Past Chair and current member of Rates & Charges Committee
- WEF

Town of Erie (CO): Financial Plan for the Water, Wastewater, and Stormwater Utilities; Cost-of-Service and Rate Design Analysis

Todd served as the project manager on this engagement. Todd has worked with the Town since 2002. Following the 2019 study, many of the rate recommendations were put on hold due to covid-19. The Town retained Raftelis to update the 2019 study for the 5-year study period. This study included the development of a financial plan for the water, wastewater, and stormwater utilities including a cost of service and rate design analysis. Todd also updated the Town water and wastewater tap fees along with its water dedication fees. The tap fee analysis showed an increase in the water infrastructure fees as well as the water dedication fees. Wastewater tap fee remained at the same level. The water, wastewater, and stormwater financial plans both indicated increases in revenue over the 5-year period. Todd presented to town Council in August and September 2024. Final approval will be made at the November Council meeting.

PROFESSIONAL EXPERIENCE

Denver Water (CO)

Originally developed to provide for Denver Water's revenue needs while encouraging conservation, the organization's current rate structure had not undergone a full-scale rate structure study in 20 years. Much has changed since that time-water use habits, average demand and peak day needs, available technology, revenue stability, and an increased emphasis on the customer experience-for a start. To gain support for this initiative, Todd presented key drivers to the CEO and Board. Coming off of the 2013 drought and floods raised the issue of revenue instability to the forefront. Todd served as the project manager on this engagement, which included assistance from Denver Water's Public Affairs Division as well as an outside facilitator. Todd oversaw and managed a 'lessons-learned' workshop co-sponsored with the Water Research Foundation, an external affordability study, a customer rate perception survey, as well as a 20-person stakeholder group. Todd led in-house development of all rate structure modeling with staff.

Denver Water outside-city customers make up 50% of revenues and use for the utility. Denver Water serves these customers through contracts with special districts called "distributors." Distributors are charged in accordance with Denver's Charter provisions, "outside-city rate recover the full cost of providing service plus an additional amount." In 1990, the Board developed a cost-of-service model using the utility-basis of rate setting. This was used to address the significant population growth outside the city with a decline of population in the city of Denver. As time progressed, the methodology became less suitable, more complex, and more opaque. The Board determined that the utility-basis was no longer workable under current conditions.

Todd led this project and developed cost allocation alternatives that both met current circumstances of a growing Denver, satisfied the Charter provisions, and equitably allocated costs between inside and outside city customers. Over a 14-month process, Todd evaluated several alternatives, worked with a Distributor Task Force, and met with Board members individually to review model alternatives. The Board adopted the new cash basis methodology in May 2013.

Denver Water assesses System Development Charges (SDCs) for new connections to the system. SDCs were updated annually, however, the last analysis of the structure was completed in 1999. Todd led an internal team to address inconsistencies in the calculations of capacity costs. The SDCs were developed using the 'hybrid' method which considers available capacity with future capacity projects. The unit cost of capacity using the hybrid method was used to develop the fee schedule for each type of development. This uniform unit cost ensured equitable recovery from all classes of customers. Todd developed 'SDC guidelines' to assist Water Sales staff in assessing SDCs based on the changes adopted by the Board. Todd met with Distributor representatives, members of the developer community as well as the Citizen's Advisory Council to review alternatives and present findings.

PUBLICATIONS

- “Evaluating Pricing Levels and Structures to Support Reclaimed Water Systems,” Research Report, WateReuse Foundation, 2009

PRESENTATIONS

- “A Guide to Designing Conservation-Oriented Water System Development Charges,” AWWA and Western Resources Advocates, 2018, <https://westernresourceadvocates.org/projects/water-system-development-charges/>
- Co-Instructor for American Water Works “Financial Management - Cost-of-Service Rate Making Seminar,” 2010-present
- “The Grass is Always Greener...Building Consensus of Reclaimed Water Project Pricing for Jointly Operated Systems,” Water Environment Federation Technical Exhibition and Conference, 2008
- “Honestly, What’s the Reuse,” WateReuse Symposium, 2008
- “Showers to Flowers - Objectives and Approaches for Reclaimed Water Pricing,” Utility Management Conference, 2010
- “Which Conservation Rate Structure is Best for Your Utility,” Utility Management Conference, 2013
- “Financial Management and Ratemaking Challenges for Reuse Water,” Utility Management Conference, 2015
- “Rate Perception Surveys: Leveraging Customer Knowledge to Create the Right Rate Structure,” Annual Conference Exhibition (ACE), 2015
- “Assessing Household Affordability in the Denver Water Service Area,” ACE, 2015
- “Rate Perception Surveys: Leveraging Customer Knowledge to Create the Right Rate Structure,” Utility Management Conference (ACE), 2016

PROJECT LIST

- City of Aspen (CO) – Water and electric rate study
- Town of Berthoud (CO) – Water and wastewater rate and fee study
- City of Boulder (CO) – Water budget rate study and plant investment fee study
- Breckenridge Sanitation District (CO) – Wastewater impact fee study
- City of Craig (CO) – Water and wastewater financial plan
- City of Davenport (IA) – Water and wastewater financial plan
- Town of Dillon (CO) – Water and wastewater rate and fee study
- El Paso Water Utility (TX) – Reclaimed water rate study
- Town of Erie (CO) – Water and wastewater rate and fee study
- City of Farmington (NM) – Water and wastewater rate study
- City of Fort Collins (CO) – Water and wastewater rate and fee study
- City of Glendale (AZ) – Water and Wastewater Rate Study
- City of Grand Junction (CO) – Wastewater financial plan
- City of Great Falls (MT) – Water and wastewater financial plan
- City of Greeley (CO) – Water and wastewater cost-of-service update
- Mammoth Community Water District (CA) – Water and wastewater rate study
- Moapa Valley (NV) – Water financial plan
- City of Peoria (AZ) – Water and wastewater rate study
- City of Pocatello (ID) – Water, wastewater and sanitation rate and fee study
- City of Prescott (AZ) – Water and wastewater rate and fee study
- Pueblo Wastewater (CO) - Wastewater rate and fee study
- Pueblo West Metropolitan District (CO) – Water and wastewater rate and fee study
- Puerto Rico Aqueduct and Sewer Authority (Puerto Rico) – Water and wastewater rate and fee study

- Sacramento Sanitation District (CA) – Bond feasibility study
- City of Salt Lake City (UT) – Water, wastewater, and stormwater rate and fee study
- Snyderville Water Reclamation District (UT) – Wastewater financial plan study
- City of Surprise (AZ) – General government impact fee study
- Water Research Foundation (CO) – WaterReuse research project

OTHER RELEVANT PROJECT EXPERIENCE

Utility/Client	Water	Wastewater	Stormwater	Electric	Financial Planning	Cost of Service	Rate Design	Rate Structure	WW Connection/Capacity Fees	Stakeholder Engagement	Non-Utility Impact Fees	Reclaimed Water
Avondale, AZ	●	●							●			
Buckeye, AZ	●	●			●	●	●	●				●
Chandler, AZ	●	●			●	●	●	●				●
Gilbert, AZ	●	●							●		●	
Marana, AZ	●	●			●	●	●	●	●			
Prescott Valley, AZ	●	●							●		●	
Tolleson, AZ	●	●			●							
San Diego, CA	●	●			●	●	●	●	●			●
Manteca, CA	●				●	●	●					
Milpitas, CA	●	●			●	●	●					
Arapahoe Water and Wastewater Authority	●	●			●	●	●	●	●			
Aspen, CO	●			●	●	●	●					
Brancroft Clover WSD, CO	●	●			●	●	●					
Crestview WSD, CO	●	●			●	●	●					
Denver Water, CO	●				●	●	●	●	●	●		●
Durango, CO	●	●			●	●	●	●	●			
Eagle, CO		●			●				●			
Englewood, CO			●		●							
Erie, CO	●	●	●		●	●	●	●				
Evans, CO			●		●	●	●				●	
Golden, CO	●	●	●		●	●	●	●		●		
Greeley, CO	●	●			●	●	●					
Lamar, CO	●	●			●	●	●					
Littleton, CO		●			●	●	●	●				
Lochbuie, CO	●	●			●	●	●					
Pueblo, CO		●			●	●	●					
Project 7 Water Authority, CO	●				●							
Rifle, CO	●	●			●		●		●			
Three Lakes WSD, CO		●			●				●			
Wellington, CO	●	●			●	●	●	●	●	●		
Pocatello, ID	●	●			●	●	●	●	●			
Oklahoma City, OK	●	●			●	●	●	●	●			●
Salt Lake City, UT	●	●	●		●	●	●	●	●			
West Jordan, UT	●	●			●	●	●	●				
Sheridan, WY	●	●			●	●			●			
Laramie, WY	●	●			●	●	●					

Harold Smith

QUALITY ASSURANCE/TECHNICAL REVIEWER

Vice President

ROLE

Harold will provide oversight for the project ensuring it meets both Raftelis and industry standards.

PROFILE

Harold leads our Denver Office and is a nationally recognized expert in water and wastewater finance, management, and pricing. For more than 25 years, he has focused on advising municipal water and wastewater utilities throughout the United States. Harold has participated in a variety of projects to assist water and wastewater utilities focusing on financial, management, and public policy requirements. His broad-based experience includes cost-of-service and rate analyses, development of comprehensive financial plans, utility impact fee studies, revenue bond feasibility studies, management studies, and strategic planning. Harold is the past-Chair of the AWWA Strategic Management Practices Committee and is a member of the Financial Management Committee of the New England Water Works Association. Harold also co-authored a chapter entitled, "Role of the Private Sector and Alternative Project Delivery Methods," for the Fourth Edition of the industry guidebook, *Water and Wastewater Finance and Pricing: The Changing Landscape*.

ALTERNATIVE PROJECT DELIVERY/CONTRACT OPERATIONS

City of Phoenix (AZ): Financial/Economic Evaluation, DBO Procurement

Harold has managed numerous projects for the City of Phoenix (City) over the past 10 years. Among the projects performed for the City, Raftelis served as the financial/economic consultant for the evaluation of alternative project delivery models and Design/Build/Operate (DBO) procurement of the 80 MGD Lake Pleasant Water Treatment Plant. Phase I of the project consisted of a Multiple Criteria Analysis of various alternative project delivery methods that the City was considering for the project. Raftelis' responsibilities during Phase I included assisting in the development of a comprehensive list of alternative project delivery methods; developing an economic model to estimate the anticipated cost to the City under each alternative delivery method; researching a broad range of potential financing techniques; and participating with the procurement advisory team in an overall review of the alternative delivery methods. Based on the analysis, the City decided to implement a DBO procurement.

Phase II consisted of the DBO procurement. Raftelis participated in the preparation of a Request for Qualifications; the evaluation of the financial strength of the respondents to the RFQ and RFP; the evaluation of Statements of Qualifications submitted by private contractors; the preparation of a Request for Proposals; the development of a benchmark cost analysis and assisted with the evaluation of proposals submitted by the three proposers. Raftelis also developed the financial model that was utilized to determine the long-term costs associated with each proposal.



Specialties

- Utility cost-of-service & rate structure studies
- Regulated utility filings
- Utility financial planning studies
- Alternative project delivery procurements
- Alternative project delivery feasibility studies
- Regionalization/consolidation studies

Professional History

- Raftelis: Vice President (2002-present); Manager (1997-2002)
- Geoscience Group: Environmental Department Manager & Senior Geologist (1991-1997)
- Trigon Engineering Consultants, Inc.: Project Geologist (1989-1991)

Education

- Master of Business Administration - Wake Forest University (1997)
- Bachelor of Science in Natural Resources - University of the South (1987)

Certifications

- Series 50 Municipal Advisor Representative

Professional Registrations

- Licensed Professional Geologist

Professional Memberships

- AWWA: Past Chair of Strategic Management Practices Committee
- Design Build Institute of America

Raftelis also developed a contract administration tool for the Lake Pleasant project that the city currently uses to confirm that its private partner is adhering to the terms of the DBO contract.

The analysis of alternative project delivery options and the DBO procurement were completed according to schedule such that the Lake Pleasant plant was operational on the scheduled date.

Pima County (AZ): Capital Improvement Program, Water Reclamation Campus Evaluation, DBO Procurement

Harold has served as the project manager on several projects Pima County Regional Wastewater Reclamation Department (PCRWRD). The first of these projects involved assisting the PCRWRD with the development of a long-term capital improvement program designed to allow the County to comply with recent environmental regulations and continued growth in the region. The study identified \$1.4 billion in capital needs over the next 15 years and Raftelis was charged with assisting the County in the development of a plan to fund this program looking not only at current rates and charges and tax-exempt debt, but also exploring opportunities that may be present through public/private partnerships including design/build/operate and design/build/operate/finance. Harold also managed a project on which Raftelis assisted the PCRWRD with the evaluation of alternative project delivery methods for the delivery of a new Water Reclamation Campus. The project involved the development of risk adjusted estimates of the cost of delivering the project under a variety of delivery models including Construction Manager at Risk; Design-Build; Design-Build-Operate; and Design-Build-Finance-Operate. Based on this analysis, PCRWRD decided to deliver the project under the Design-Build-Operate (DBO) model. Raftelis acted as the lead financial consultant for the DBO procurement and was responsible for the analysis of the financial strength of respondents to the RFQ; the development of the DBO pricing structure; and the evaluation of price proposals.

Providence Water Supply Board (RI): Rate Filing

Harold has provided expert testimony in support of Providence Water's nine most recent filings before the Rhode Island Public Utility Commission (RIPUC) (Docket Nos. 3832, 4061, 4070, 4080, 4287, 4406, 4571, 4618 and 4994). For each of these filing, Raftelis the development of rate models used for the development of cost of service-based water rates for Providence Water's retail classes and nine wholesale customers. For the current filing, Raftelis has prepared a completely new cost of service model that uses the latest Excel capabilities and addresses methodological deficiencies in the previous model that were created by another party.

Additionally, Raftelis assisted Providence Water with the preparation of a compliance filing to address the RIPUC's order in Docket No. 3832 to present conservation rate options. Based on testimony provided by Harold, the RIPUC determined that the implementation of conservation rates was not in the best interest of Providence Water or its customers at this time.

City of Newport (RI): Financial Planning Study, Procurement Support

Harold was the lead financial consultant during the City of Newport's (City) process to select a private partner to operate their wastewater treatment and collection facilities. For this engagement, Harold participated in the preparation of the Request for Proposals (RFP) and the Service Agreement and lead the development of an economic baseline as well as the creation of a financial model that was used to calculate the long-term economic impact of each proposal. He also played an active role in the contract negotiation process. As a result of the procurement process, the City entered into a 20-year contract for the operation, maintenance, repair and replacement of their wastewater system. The contract is expected to save the City \$22 million over the term of the contract.

Harold has worked with the City's to perform analyses and prepare information that was included in the City's nine most recent General Rate Filings to the Rhode Island Public Utilities Commission (RIPUC Docket Nos. 3578,

3675, 3818, 4025, 4128, 4243, 4355, 4595 and 4933). For these engagements, Raftelis calculated retail rates for the City's retail customer and wholesale rates for the City's two wholesale customers, the Portsmouth Water and Fire District (PWFD) and the U.S. Navy. Harold provided both pre-filed testimony and direct testimony in support of Newport's requests. In Docket No. 4243 the RIPUC approved a multi-year rate plan designed to recover costs associated with the design and construction of new water treatment facilities. In Docket 4355, the RIPUC approved a cost-of-service model that will be used to calculate rates in the future.

Tucson Water (AZ): Water Rate Study

Harold is serving as Raftelis' project manager for an engagement in which we have teamed with Galardi Rothstein Group to assist Tucson Water during the last 10 annual rate cycles. Our team led the technical and public outreach effort to restructure the water rates to address revenue stability and equity issues. This restructuring has included redefining cost recovery from fixed charges and modification of the residential inclining block rate structure to more accurately reflect current usage patterns and community objectives. The public outreach process included participation in customer focus groups, town halls, and meetings of two Tucson Water rate advisory committees.

Additional analyses have included evaluation of water utility revenue requirements, financial plans, cost-of-service analyses, rate designs, and special research. Some of the special issues that have been addressed include financial policy evaluation, low-income assistance programs, pricing of reclaimed water, and development of wheeling rates assessed to three neighboring utilities

OTHER RATE CASE EXPERIENCE

Pittsburgh Water and Sewer Authority (PA): Rate Riling, Water and Wastewater Cost-of-Service and Rate Study, Stormwater Fee Implementation Study

Harold provided expert testimony in the Pittsburgh Water and Sewer Authority's (PWSA) first regulated rate filing (Docket No. R-2018-3002645) before the Pennsylvania Public Utility Commission (PAPUC). PWSA is the first municipal authority to be put under the PAPUC's jurisdiction and developing the filing required the development of internal processes needed to develop the information for the development of cost of service-based water and sewer rates.

Harold also served project manager for a comprehensive cost-of-service and rate design for water and wastewater service for the Pittsburgh Water and Sewer Authority in 2016. PWSA tasked Raftelis to develop a comprehensive financial plan to determine the necessary annual rate adjustments to enable each service to be self-sustaining, to fund significant capital reinvestment, and to ensure overall ongoing financially sustainable operation of the utility. Raftelis' rate recommendations were the foundation for the adoption of a five-year rate forecast for 2017-2021. Raftelis developed a new comprehensive rate and financial planning model for this study and future use by PWSA.

PWSA has recently become interested in establishing a stormwater fee to assess its customers for funding stormwater-related operations and infrastructure. In addition to the water and wastewater rate study, Raftelis is assisting PWSA with the allocation of operating and capital funding costs from water and wastewater to stormwater and with the identification of direct stormwater-related costs. These revenue requirements are being used to develop stormwater fees to be tentatively implemented in 2018 and included in the five-year rate plan.

Avon Water Company (CT): Rate Filing

Avon Water Company (AWC) is a privately owned water utility that serves approximately 4,600 customers in and around Avon, Connecticut. It is regulated by the State of Connecticut's Department of Public Utility Control (DPUC). In 2009, AWC filed a request for a rate increase with the DPUC that included a conservation rate proposal that was a DPUC requirement from AWC's previous rate filing. This conservation rate proposal was

prepared by another rate consultant that due to health reasons was unable to continue providing assistance to AWC. At that point, AWC engaged Raftelis to serve as its rate consultant for the remainder of the proceedings. For this engagement, Harold participated in all rate case hearings and prepared schedules and exhibits in support of rate structure alternatives that were requested during the course of the proceedings by the DPUC. These rate structure alternatives were designed to mitigate adverse bill impacts on low volume users while still sending a conservation message to AWC's customers.

Cecil County (MD): Rate Filing

Harold provided expert testimony before the Maryland Public Service Commission (PSC) in a case that involved a dispute over the water rates that the Town of North East was charging to customers located within Cecil County, but outside the town limits. Harold's testimony focused on the utility's capital structure and the appropriate treatment of capital recovery fee revenue that the utility is holding in reserve. In their recent decision on this matter, the PSC accepted the positions that Harold presented in his testimony.

Nova Scotia Utility and Review Board (Canada): Rate Review, Rate Filing

Harold was the project manager for an engagement with the Nova Scotia Utility and Review Board (Board) to review the "return on rate base" methodology and provide recommendations for establishing policy for utilities seeking to include this component as part of their revenue requirements. The Board's primary goal for the engagement was the development of a generic formula for determining the appropriate rate of return that utilities could use as they prepared their rate filing. During the course of the engagement, Raftelis realized that the Board was dealing with an issue that went beyond developing a way for utilities to determine an appropriate rate of return. The key issue the Board faced and the issue that led to the need to develop a standardized rate of return formula was the fact that a number of utilities regulated by the Board had accumulated deficits and were attempting to recover funds to offset their deficits through their proposed return on rate base. Therefore, in an effort to help the Board address this issue, Raftelis proposed both a standardized rate of return formula for use by the Board and the utilities, as well as suggested mechanisms by which these accumulated deficits could be addressed. The standardize rate of return formula suggested by Raftelis was ultimately adopted by the Board. Services provided by Raftelis included:

- Assessment of municipal rate of return methodologies employed by other Canadian provinces and US regulatory commissions;
- Identification of issues and goals to be addressed by a standardized municipal rate of return;
- Cost of capital equations considering risk and the weighting and costs of debt and equity (e.g., buildup method, capital asset pricing model, etc.); and
- Suggestion of deficit recovery policies and/or mechanisms for building of reserves.

Raftelis was also recently engaged by the law firm acting as the Consumer Advocate for a rate filing by the Halifax Regional Water Commission (HRWC). For this project, Harold and Raftelis staff have reviewed and analyzed HRWC's filing and the testimony of other interveners. Harold also prepared pre-filed testimony and reporting schedules and he testified in person at hearings before the Board. The outcome of this filing is still pending.

PARTIAL PROJECT LIST

- City of Buffalo (NY) - Comprehensive cost-of-service and rate study
- Cecil County (MD) - Water and wastewater rate study
- City of Chattanooga (TN) - Expert witness testimony
- Dalton Utilities/Whitfield County (GA) - Utility valuation study
- Town of Dartmouth (MA) - Rate model development
- City of Dayton (OH) - Wholesale water rate study

- Town of Florence (SC) - Water and wastewater rate study, capital planning study
- City of Fort Mill (SC) - Wholesale water rate study
- City of Goodyear (AZ) - Water and wastewater rate study
- City of Lexington (NC) - Water and wastewater rate study
- City of Los Angeles (CA) - Litigation support
- Miller's Pond (CT) - Utility Valuation study
- Montgomery County (OH) - Wholesale water rate study
- City of Niagara Falls (NY) - Marketing study
- City of North Myrtle Beach (SC) - Water and wastewater rate study
- City of Peoria (AZ) - Water and wastewater rate study
- City of Peoria (IL) - Utility valuation study
- City of Scottsdale (AZ) - Water and wastewater rate study
- United States Navy - Utility privatization
- Victor Valley Water District (CA) - Water and wastewater rate study
- Wake County (NC) - Utility regionalization study
- Town of Winthrop (MA) - Water and wastewater rate study
- York County (SC) - Wholesale water rate study

PUBLICATIONS

- "Water and Wastewater Finance and Pricing: The Changing Landscape," Fourth Edition
- "Water Utility Management," AWWA Manual M5
- "Privatization of Small Water Systems," National Rural Water Association White Paper

Matt Wittern APR, PMP

FACILITATION AND STRATEGIC COMMUNICATIONS Manager

ROLE

Matt will work at the direction of Todd in executing an engagement and communications plan to ensure community-wide participation and outreach, and in drafting deliverables.

PROFILE

Matt has a 25+ year public relations career serving clients and customers in the local government, public utility, engineering, and construction sectors. He excels at designing and implementing strategic communications campaigns that incorporate stakeholder input to inform, advocate and achieve behavior change. His specialty is successfully translating complex subjects and concepts into messages that are easily understood by target audiences. At Raftelis he manages strategic communications planning and implementation, as well as stakeholder engagement initiatives. Prior to joining Raftelis, Matt managed a variety of public affairs efforts at Denver Water, which included designing the public engagement and public information strategies for nearly a billion dollars' worth of infrastructure projects, spearheading the public process for the utility's policy decision regarding Community Water Fluoridation, and led development of processes to gain stakeholder support for preventative maintenance on critical infrastructure. He earned a B.A. in journalism, is Accredited in Public Relations (APR) from the Public Relations Society of America (PRSA) and achieved status as a Project Management Professional (PMP) from the Project Management Institute. Matt has presented at national conferences including the American Water Works Association's ACE and the City-County Communications and Marketing Association's (3CMA) Annual Conference. Matt's work has earned prestigious Gold Pick Awards from the Colorado Chapter of PRSA and SAVVY Awards from 3CMA.

KEY PROJECT EXPERIENCE

Northern Colorado Water Conservancy District (CO): Strategic Communications and Stakeholder Outreach

Like many parts of the state, Northern Colorado is experiencing exceptional growth, with a population expected to double to a half-million people by 2050. As a key raw water provider to municipalities and agricultural interests, the Northern Colorado Water Conservancy District began plans in the 1980s to provide valuable source water to 15 partners working together to make the Northern Integrated Supply Project a reality. Today, on the cusp of state and federal regulatory approvals, NISP faces opposition from a very small but vocal minority who threaten to derail the public process and stop the project by any means necessary. Millions of dollars, years of planning, and thorough



Specialties

- Strategic communication planning
- Stakeholder engagement
- Public involvement
- Community outreach
- Primary & secondary research
- Expert positioning
- Media relations
- Social media
- Art direction
- Reputation management
- Coalition building
- Advocacy campaigns

Professional History

- Raftelis: Manager (2023-present); Senior Consultant (2019-2022)
- Denver Water: Senior Community Relations Specialist/Communications Manager (2015-2019)
- Communication Infrastructure Group: Counselor (2006-2015)
- CollegeInvest: Marketing Communications Manager (2005-2006)
- Transportation Expansion (T-REX) Project: Community Relations Manager (2002-2005)
- LawsComm: Client Service Coordinator (1998-2002)

Education

- Bachelor of Arts in Technical Journalism (Public Relations) - Colorado State University (1999)

Professional Memberships

- Public Relations Society of America: Accredited in Public Relations (APR)
- Project Management Institute - Project Management Professional (PMP)
- International Association of Public Participation (IAP2) - Certified in Public Participation
- WEF
- AWWA

environmental study and protections hang in the balance. Raftelis was hired to assist Northern with the development of a comprehensive public outreach and information campaign to ensure continued public support for this critical project. Matt Wittern conducted thorough primary and secondary research to inform a plan that ensures those who will benefit most from the project will understand the value it brings and its role to help ensure a continued thriving community for years to come.

Town of Erie (CO): Water Rate Change Communications

Late in the rate study process, with dollars remaining unspent in the project budget, Matt was engaged to liaise with the town's Public Information Officer to develop messages and communication tools to build awareness and support for proposed changes. These tools helped the Town overcome objections from opponents to proposed rate changes by helping communicate the value of water and the need for critical infrastructure investments.

Denver Water (CO): Government and Stakeholder Relations

Matt served for many years in Denver Water's Public Affairs Division, where he managed community outreach and public information initiatives from small water main replacement projects impacting neighborhoods all the way up to strategic communications for the half-billion-dollar project to raise Gross Reservoir Dam to increase the facility's storage capacity. Matt also spearheaded the public process to evaluate alternatives related to the Denver Water Board of Water Commissioners' Community Water Fluoridation policy.

City of Greeley (CO): Impact Fee Study Stakeholder Involvement and Outreach

Matt was the architect of two key elements of the impact fee study project the City of Greeley hired Raftelis to perform. On the front end, Matt managed the stakeholder outreach component that brought together key influencers and gathered input that subsequently informed the study. This was primarily accomplished by hosting a series of public virtual open houses where information was shared and feedback was gathered. Matt also lent his skills to the development of slide decks that greatly simplified the issues and helped City Council understand critical components of the process. Ultimately, the process was successful in providing "maximum supportable" impact fee recommendations to Council, who later adopted lower than maximum fees.

City of Wheat Ridge (CO): Stakeholder Engagement and Brand Identity Development

Matt was the project manager on the team hired to design and implement a community-based brand identity development for the City of Wheat Ridge (City). The City's existing brand was designed by a high school student in the mid-1970s and despite the brand's age and dated nature, there were voices in the community opposed to the City's rebranding. Matt designed a process that brought together key community stakeholders using a variety of public engagement techniques to draw out from them their view of what was quintessentially Wheat Ridge. These elements were then distilled down to core themes that were woven into the City's new identity. While there was no consensus on what made Wheat Ridge Wheat Ridge, each group could literally point to an element of the brand and buy-in to the brand as a whole. The result was a process that members of City Council praised as the model for how City staff should encourage public involvement. A post-project survey found that 70 percent of respondents agreed that the new identity represents the City as a positive, progressive community.

Elbert County (CO): Impact Fee Study Stakeholder Involvement and Outreach

During a recent update of Elbert County's impact fees for Parks/Recreation, Public Facilities, Sheriff, and Transportation, Matt was the strategist behind development of the strategic communications and community outreach plan. It prescribed an extensive stakeholder engagement process featuring interactive online meetings and surveys, which informed the study prior to online work sessions with County Commissioners. County leaders credited this work with raising awareness in the community, making the study and recommendations less controversial and thus more politically acceptable.

La Plata County (CO): Impact Fee Study Stakeholder Involvement and Outreach

Matt was the architect of a comprehensive stakeholder outreach process that informed La Plata County's impact fee study. Matt brought together key influencers and gathered input that subsequently informed the study. Input gathered helped staff at the County understand the significant resistance to impact fee adoption, and the process was shelved as impacts of the COVID-19 pandemic became more and more pronounced.

PRESENTATIONS

- “Strategic Communications Bootcamp” 2023 Raftelis Performance Academy
- “Building Support For That Thing You Want to Do” 2023 City/County Communications and Marketing Annual Conference
- “Building Support For That Thing You Want to Do” 2023 NACWA StratCom Conference
- Panelist, 2023 NACWA Winter Conference
- "Developing Water Conservation Communication Campaigns That Aren't All Wet" 2022 North Texas Water Conservation Symposium
- “Is This Working? Determining Utility Communications Success” 2022 NACWA Strategic Communications H2O Workshop
- “Internal Communications: How to Effectively Talk with Your Own Employees” 2022 NACWA Strategic Communications H2O Workshop
- “Building Support for Water Rate Increases” AZ Water Association 2022 Annual Conference
- “Building Support for Water Rate Increases” Colorado Municipal League 2021 Annual Conference
- “Biosolids Communication Toolkit Workshop” Water Environment Federation
- “Re-imagining Engagement: Harvesting what we’ve learned about virtual public engagement for the future” ACE ’21 Annual Conference
- “Re-imagining Engagement: Harvesting what we’ve learned about virtual public engagement for the future” Arizona Water Association 2021 Annual Conference
- “It’s Human Nature: Using Social Science to Enhance Your Communications,” RMSAWWA/RMWEA, 2020
- “Ensuring Public Process Legitimacy Through the Lens of The Community Water Fluoridation Issue,” AWWA ACE Conference, 2016

PUBLICATIONS

- “Protecting Against Water Rate Challenges With the Equivalent of Bear Spray”, Article, Journal AWWA, 2022 (Earned award at ACE)
- “Leverage Social Media in Times of Crisis”, Article, Journal AWWA, 2020

Ellyse Ritchie

ASSISTANT PROJECT MANAGER

Senior Consultant

ROLE

Ellyse will serve as the Lead Consultant and will work at the direction of Todd in conducting analyses and preparing deliverables for the project.

PROFILE

As a Senior Consultant in the Denver office, Ellyse brings extensive expertise in finance, statistical analysis, and data-driven decision-making. With a BS in Business Data Analytics from Arizona State University, she joined Raftelis in 2021 and has become a key contributor to the firm's national projects. Ellyse's experience spans a variety of services, including financial modeling, capital improvement planning, impact fee studies, and COS analysis. Her advanced Excel modeling skills have been instrumental in creating robust, customizable tools that support clients in achieving their financial and operational goals.

As Senior Consultant, Ellyse has taken on responsibilities such as managing client relationships, mentoring and training junior staff, and leading project teams to deliver actionable insights and strategic solutions. Her commitment to empowering clients through meaningful analysis and customized approaches has strengthened their financial resilience and operational efficiency. Ellyse is passionate about blending technical proficiency with collaborative problem-solving to achieve impactful outcomes.

KEY PROJECT EXPERIENCE

Town of Wellington (CO): Water and Wastewater Financial Plan, Cost of Service, and Impact Fee Study

Ellyse assumed the lead analyst role for the extensive study encompassing the water and wastewater financial plan, cost of service, and impact fee analysis for the Town of Wellington (Town). At the time of the study, the town provided water and wastewater services to around 4,200 accounts. Due to significant growth in the town, the water and wastewater utilities were approaching their maximum capacities. Raftelis was brought in to assist with financial planning, rate and fee assistance, and ensuring the long-term financial sustainability of both utilities.

Doubts existed about the rate structure's adequacy in reflecting community values such as efficient water use, cost proportionality, and affordability. Raftelis engaged in stakeholder meetings with the town's citizens to address these issues. They provided an overview of the study, explained the process, and collaborated with the stakeholders to establish pricing objectives for designing the most suitable rate structure for the community.

Throughout the study, Raftelis conducted a five-year financial plan analysis for both utilities, performed a comprehensive cost of service analysis to allocate costs to the different customer classes, and developed more than 15 alternative rate structures for the water and wastewater utilities. Furthermore, they made recommendations to update the tap fees, specifically the multifamily assessment schedule and the wastewater tap fee assessment schedule.



Specialties

- Financial forecasting
- Statistical analysis
- Excel: Pivot Tables, Index/Match, Goal Seek, Data Tables, Regression Analysis

Professional History

- Raftelis:
 - Senior Consultant (2025-present)
 - Consultant (2023-2024)
 - Associate Consultant (2021-2022)

Education

- Bachelor of Science in Business Data Analytics – Arizona State University (2020)

Professional Memberships

- AWWA: Rocky Mountain Section

Town of Johnstown (CO): Water and Wastewater Financial Plan, Cost of Service, and Impact Fee Study

In 2023, Ellyse played a key role in completing a comprehensive water and wastewater financial plan, cost-of-service analysis, and tap fee study for the Town of Johnstown, Colorado. This project required a detailed understanding of financial modeling, rate setting, and infrastructure funding needs. Ellyse's contributions included overseeing financial planning activities, managing extensive data collection efforts, and ensuring the accuracy and organization of data used to support decision-making.

St. Vrain Sanitation District (CO): Wastewater Financial Plan, Impact Fee, and Cost of Service Study

Ellyse supported a financial plan, cost of service, impact fee, and rate study for a rapidly growing sanitation district. Her contributions included conducting detailed financial modeling and policy analysis to evaluate how residential and non-residential customers are assessed rates per equivalent residential unit (ERU). She also assessed the financial and customer rate impacts of various capital funding and financing options for the district's planned wastewater treatment plant expansion.

A key outcome of the study was the development of rate and impact fee recommendations designed to support the district's capital improvement needs while maintaining equitable cost recovery. These recommendations, covering a five-year period, were presented to the District Board and successfully implemented to align with the district's long-term financial goals.

City of Grand Junction (CO): Wastewater Financial Plan, Cost of Service, and Plant Investment Fee (PIF) Study

Ellyse took on the lead analyst role for the wastewater rate and plant investment study conducted for the City of Grand Junction and the Joint Persigo Board in 2022. Raftelis conducted a comprehensive cost of service analysis, proposing monthly fixed and volume rates to recover identified costs from customers, including surcharges for extra-strength discharges. The study findings and recommendations were documented in draft and final study reports, which were presented to the Joint Persigo Board in June 2022. Additionally, Raftelis reviewed and provided recommendations for updates to the wastewater plant investment fees in 2023.

City of Edgewater (CO): Financial Plan and Impact Fee Analysis

Ellyse served as the lead analyst for a comprehensive financial plan and rate study conducted for the water and wastewater utilities of the City of Edgewater (City). In this role, Ellyse undertook significant financial planning and data collection responsibilities.

Her analytical skills were crucial in developing the financial plan inputs, ensuring accurate and reliable data for the study. This review aimed to identify areas for improvement, particularly in terms of customer equity and essential water use affordability.

Throughout the project, Ellyse demonstrated attention to detail and a strong understanding of financial planning principles. Her contributions were instrumental in providing the City with valuable insights and recommendations for enhancing the financial sustainability and fairness of the water and wastewater utilities.

Billings Heights (MT): Water Rate Study and System Development Fee (SDF) Analysis

Ellyse, as the lead analyst, played a pivotal role in a comprehensive water financial plan, cost of service, and Plant Investment Fee (PIF) study for the County Water District of Billings Heights (District). Ellyse spearheaded the analysis and financial planning aspects of the study. Her responsibilities included conducting a detailed review of the proposed City water rates applicable to the District, examining relevant documents, and analyzing District customer, operational, and financial data to support the overall objectives of the rate report review. Throughout the project, Ellyse actively engaged with District staff, attending periodic status meetings to ensure alignment and gather necessary inputs.

PROJECT LIST

- Los Angeles County Sanitation District (CA) – Consolidation Feasibility Study
- Madera County GSA (CA) – Groundwater Sustainability Agency Rate Study
- Mt. Shasta (CA) – Stormwater Utility Rate Study
- Oxnard (CA) – Capacity Fee Analysis
- Shafter (CA) – Water and Wastewater Financial Plan and Cost of Service Study
- Signal Hill (CA) – Water Financial Plan and Cost of Service Study
- Tuolumne Utilities District (CA) – Water Rate Study
- Edgewater (CO) – Financial Plan and Impact Fee Analysis
- East Larimer County (CO) - Water Financial Plan, Plant Investment Fee, Cost of Service, and Rate Design Study
- Grand Junction (CO) – Wastewater Financial Plan, Cost of Service, and Plant Investment Fee (PIF) Study
- Johnstown (CO) – Water and Wastewater Financial Plan, Cost of Service, and Impact Fee Study
- St. Vrain Sanitation District (CO) – Wastewater Financial Plan, Tap Fee, and Cost of Service Study
- Wellington (CO) – Water and Wastewater Financial Plan, Cost of Service, and Impact Fee Study
- Woodmoor Water and Sanitation District No. 1 (CO) – Water and Wastewater Financial Plan, Water and Wastewater Plant Investment Fee Study
- Billings Heights (MT) – Water Rate Study and System Development Fee (SDF) Analysis
- Lorena (TX) – Water and Wastewater Rate Study

Norah McKinley MPH

STAFF CONSULTANT

Consultant



ROLE

Norah will work at the direction of Todd in conducting analyses and preparing deliverables for the project.

PROFILE

Norah has experience in data analysis, financial modeling and developing accessible deliverables to effectively communicate findings. During her time at Raftelis, she has worked with local governments and utilities of various sizes to address impacts of climate change and flooding through stormwater utility and fee development, program enhancements, and financial analysis. She has significant experience using MS Excel, MS Access, ArcGIS, and preparing reports, memoranda, and other written documentation. While completing the MPH program at Emory University from which she graduated in 2023, she earned a certificate in Water, Sanitation and Hygiene and has been able to utilize her knowledge in this area as it pertains to stormwater.

KEY PROJECT EXPERIENCE

Sewerage and Water Board of New Orleans (LA): Drainage Fee Feasibility Study

Raftelis was recently re-engaged by the Sewerage and Water Board of New Orleans to complete a drainage fee feasibility study. Raftelis completed a similar analysis in 2013, and the recent work is in effort to implement a drainage fee. The drainage fee would provide a stable and sufficient revenue source to fund various drainage activities, including improving resiliency to sea-level rise, increased rainfall, and deteriorating wetlands. New Orleans is vulnerable to impacts from climate change due to the majority of the City sitting below sea level and its location between two large bodies of water. It is at high risk for flood events and experiences increasingly frequent and intense rainfall events. Norah compiled the findings from the feasibility analysis into the final report and prepared examples of exempt parcels throughout the city that are not currently contributing to drainage revenues. She continues to support this ongoing project through various customer impact modeling and data analysis efforts, working towards the implementation of a fee.

City of Durham (NC): Stormwater Rate Model Update

The City of Durham engaged Raftelis to update their current rate model to expand functionality and mirror their water and sewer rate model, that is being updated simultaneously by Raftelis. Norah met with the City to understand the relevant inputs and outputs for the model and necessary structure to facilitate use alongside their existing water and sewer rate model. Norah collaborated with the project team and the City to develop a user-friendly Excel-based model to project operations, maintenance and capital project expenses, calculate revenue requirements, and evaluate various rates and funding mechanisms to equitably and effectively recover stormwater program costs. Norah continues to work with the City to enhance the model and add additional functionality such as debt modeling and stormwater fee credit program evaluation.

Specialties

- Financial modeling
- Technical writing
- Water, Sanitation and Hygiene (WASH)
- Program implementation
- Data analysis

Professional History

- Raftelis: Consultant (2025-present); Associate Consultant (2023-2024)
- Emory University, Hubert Department of Global Health: Graduate Research Assistant (2022-2023)
- Staffing Solutions: Case Investigator (2021), Contact Tracer (2020-2021)

Education

- Master of Public Health in Global Environmental Health – Emory University (2023)
- Bachelor of Science in Anthropological Science - The Ohio State University (2021)
- Bachelor of Arts in International Studies with a Spanish minor - The Ohio State University (2021)

Boston Water and Sewer Commission (MA): Stormwater Fee Implementation

BWSC recently re-engaged Raftelis to develop a new stormwater fee that was implemented on July 1st of 2024. Norah assisted with the software development component of this engagement. The goal was to develop software that would assist in managing parcel premise relationships and interact with their existing billing system to inform and compute necessary components of the fee. Norah contributed to the various testing efforts, both before and after go-live of the software, and assisted in the development of related deliverables, including software requirements documentation and a user guide.

Upper Falls Watershed Multi-Jurisdictional Stormwater Utility (NC): Stormwater Utility Rate Structure Review

Raftelis has been working with the Upper Falls Watershed since the creation of the stormwater utility in 2012 and serves as the Stormwater Utilities Service Manager. Norah collaborated on the development of a model that would analyze the sustainability of the current rate structure for the remainder of the Falls Lake Phase I. This included multi-year projections of revenues and expenses with growth and inflation assumptions. She also has experience developing new development reports for all 5 of the participating Upper Falls jurisdictions, satisfying components of their required annual State reporting documentation. This requires compiling data from various sources to ensure development within the jurisdictions is accurately reported to the State, including information related to contribution of regulated substances (phosphorus and nitrogen) as required by the Falls Lake Rules New Development requirement.

Surf City (NC): Stormwater Fee Feasibility and Fee Implementation

Surf City engaged Raftelis to assist in the development of a stormwater fee to support stormwater goals and activities of the Town. Norah identified a sample of 400 single-family parcels to be used for an analysis of the impervious area in the Town and digitized the parcels in GIS. She also completed the analysis to determine an ERU unit for Surf City. Once the fee was approved, she assisted in the preparation for fee implementation, including parcel to account matching in MS Access and developing an FAQ document.

City of Raleigh (NC): Stormwater Utility Fee Credits Program Update

Raftelis has been working with the City of Raleigh for multiple years and is currently engaged in assisting on various aspects of their stormwater program. Norah has been involved in the task to update the City's stormwater fee credit program, of which the City is interested in expanding their existing credit program and increasing awareness among their customers about these opportunities. She has been supporting this effort as Raftelis collaborates with the City to develop these credits. Norah has documented technical information about credit types, requirements, and eligibility in the City's updated credit manual and developed PowerPoint presentations detailing progress on credit development.

Lorain County (OH): Regional Wastewater Authority (6119) Feasibility Study and Implementation Plan

Raftelis has been retained by Lorain County to work with various stakeholders to develop a new Regional Wastewater Authority (6119). This project has been divided into multiple phases, in which the feasibility of creating the 6119 was evaluated and an implementation plan was developed. Norah has helped to develop various deliverables to support this ongoing effort, including map exhibits in GIS, memorandums detailing various activities and recommendations, and other documents.

City of Saluda (NC): Stormwater Feasibility Analysis and Policy Development

The City of Saluda retained Raftelis in May of 2024 to complete a Stormwater Feasibility Analysis to assess whether stable and consistent stormwater funding would be justifiable to support the City's needs. This City is largely impacted by stormwater events and investment in aging infrastructure is going to be of great importance as storm events continue to increase in frequency. Norah has been involved in multiple tasks for this project, including

geospatial data analysis in ArcGIS and developing a presentation to effectively communicate progress on the project and provide a strategic framework to ensure the project is well-positioned to achieve the City's stormwater goals.

Town of Ponce Inlet (FL): Stormwater Utility Rate Study

Raftelis was retained by the Town of Ponce Inlet to complete a rate study to evaluate the structure of a Stormwater Utility that can provide a stable source of revenue for stormwater activities. Such activities of interest included program management, stormwater infrastructure retrofits, regulatory compliance, sediment and erosion control, capital improvements, as well as capital and operation and maintenance expenses. Norah completed a units of service estimation to inform rate development. This included measuring impervious area on sample single-family parcels to determine the equivalent residential unit and estimating impervious area on non-single family residential parcels to estimate the total number of billing units. Norah lead the development of an excel-based financial model to identify and project stormwater program O&M and capital costs, revenue requirements, and funding mechanisms. The user-friendly model allowed for the analysis of multiple rate scenarios to meet revenue requirements. In order to develop different rate options, the model incorporated functionality that evaluated revenue sufficiency at different percentages of capital coverage. The findings were presented to the Town and Phase I of the project was completed in 2024.

Montgomery County Environmental Services (OH): Solid Waste Rate Study

Montgomery County Environmental Services (MCES) has been working with Raftelis for many years, and has recently contracted Raftelis to facilitate and provide support for an Annual Property Charge (APC Fee). This is a solid waste fee that is charged on customers' tax bills, and a call center was set up to take calls and address customer inquiries related to the fee. The fee had been updated from prior years using updated hauler data, resulting in changes to various customers' fees. Norah worked for the call center for about 4 months, providing personalized details to customers wanting more information about their fee, and helped to escalate inquiries or address resolve them in a timely manner. The call center is slated to run again in 2025.

Hyde County/Ocracoke Village (NC): Stormwater Funding Analysis

Raftelis was retained to complete a Stormwater Funding Analysis to assess alternatives for a drainage system, and help evaluate if the current funding mechanism was sufficient to fund various stormwater activities including treatment of open water bodies and clearing out the drainage ditches. The main drainage system were mosquito ditches that were managed by the Mosquito Control Board, and a funding analysis was requested due to a need for drainage improvements, given the unique flooding issues faced by the Village. Norah evaluated multiple options for funding mechanisms to enhance the system's drainage system and better prepare the Village for impacts from climate change and sea level rise. She compiled a memorandum that detailed the findings of the study, with recommendations for possible funding mechanisms, including the advantages and disadvantages of each option.

The City of Pompano Beach (FL): Stormwater, Water, Wastewater and Reclaimed Water Billing System Review

The City of Pompano Beach retained Raftelis in 2023 to conduct an in-depth review of their utility billing system and complete a stormwater units of service update. Norah prepared a detailed report for the City describing the work that was done, various trends and any discrepancies identified, and recommendations for the City going forward. She also created various figures for the report and assisted with some data analysis efforts in both Access and Excel.

City of Ashville (NC): Stormwater Rate Model Update

Norah aided in the effort to update the rate model with current budget and revenue data and conduct a review of the IA digitized for parcels across the city.

Edmond Public Works Authority (OK): Solid Waste Rate Study

Raftelis was recently engaged by the Edmond Public Works Authority to complete a Solid Waste Rate Study including development of residential and commercial rates. Norah is assisting with the development of a comprehensive financial model to both evaluate the current solid waste system and service level and establish equitable rate structures based on both historical data and projected future needs. This is an effort to enhance financial sustainability and better inform future decisions with respect to Edmond's solid waste disposal practices.

PROJECT LIST

- City of Cocoa Beach (FL) – Stormwater fee update and ERU analysis
- Town of Surf City (NC) – Stormwater Feasibility Study and Fee Implementation
- Upper Falls Watershed Multi-Jurisdictional Stormwater Utility (NC) – Stormwater Utility Rate Structure Review
- Sewerage and Water Board of New Orleans (LA) – Stormwater Fee Feasibility Study
- City of Raleigh (NC) – Stormwater credit program update
- Boston Water and Sewer Commission (MA) – Stormwater Fee Implementation
- Hudson (MA) – Stormwater Rate Model Update
- Ashville (NC) – Stormwater Rate Model Update
- City of Durham (NC) – Stormwater Rate Model Update
- City of Pompano Beach (FL) - Stormwater, Water, Wastewater and Reclaimed Water Billing System Review
- City of Raleigh (NC) - Stormwater Utility Fee Credits Program Update
- Lorain County (OH) - Regional Wastewater Authority (6119) Feasibility Study and Implementation Plan
- City of Saluda (NC) - Stormwater Feasibility Analysis and Policy Development
- Town of Ponce Inlet (FL) - Stormwater Utility Rate Study
- Montgomery County Environmental Services (OH) - Solid Waste Rate Study
- Hyde County/Ocracoke (NC) - Stormwater Funding Analysis
- City of Burlington (NC) - Stormwater Fee Rate Structure Update
- Edmond Public Works Authority (OK) – Solid Waste Rate Study

James Bratton

STAFF CONSULTANT

Associate Consultant



ROLE

James will work at the direction of Todd in conducting analyses and preparing deliverables for the project.

PROFILE

James is an Associate Consultant at the Denver office. He has a background in the Outdoor Industry and prior to his role at Raftelis, James managed logistics and operations for the REI Co-op Experiences Rockies team. James earned a Bachelor of Science in Natural Resources and the Environment at Sewanee: The University of the South in 2019. He is excited to bring his analytical and problem-solving expertise to Raftelis.

Specialties

- Financial Modeling
- Data analysis
- Benchmarking

Professional History

- Raftelis: Associate Consultant (2024-Present)
- REI Co-op Experiences: Administrative Coordinator (2022-2024)
- REI Co-op Experiences: Guide (2021-2024)

Education

- Bachelor of Science in Natural Resources and the Environment - Sewanee University (2019)

KEY PROJECT EXPERIENCE

Los Angeles County Sanitation District (CA): Consolidation Study

James served as the staff consultant for a consolidation study for the Los Angeles County Sanitation District (LACSD). Raftelis worked with representatives from LACSD and two of their member districts to determine the viability of a consolidation of the two districts.

City of San Marino (CA): Wastewater Financial Plan, Cost of Service, and Rate Study

James is the staff consultant for an ongoing comprehensive wastewater financial plan, cost of service, and rate study to implement wastewater collection rates for the City of San Marino, California. The City is establishing a wastewater collection fee for the first time and is evaluating their revenue needs to support their capital improvement plan. Raftelis is developing a long-term financial plan with multiple capital funding scenarios and determining equitable and effective collection rates.

RELEVANT PROFESSIONAL EXPERIENCE

REI Co-op Experiences: Administrative Coordinator (2022-2024)

The REI Co-op Experiences team delivers high-quality outdoor experiences across the country. James worked with the Rockies/Great Plains region team to review and deliver enrollment status, detailed weather forecasts, and financial information for each departure. His work also included maintaining relationships with land management agencies and vendors, as well as handling accurate and timely communications with clients.

REI Co-op Experiences: Guide (2021-2024)

Earlier in his career, James worked as a technical outdoor guide across the Front Range of Colorado. His duties included instructing outdoor rock climbing, navigation with a map and compass, and mountain biking courses. Additionally, he led clients on multi-day camping and backpacking trips in Rocky Mountain National Park, where he oversaw meal preparation and risk management. James attributes his problem-solving experience to working in remote locations with few resources and still being able to deliver a high-quality product to his clients.

Board of Trustees Meeting

Date: December 9, 2025

Subject: Home Rule Timeline Discussion

- **Presentation:** Patti Garcia, Town Administrator; Kelly Houghteling, Deputy Town Administrator; Hannah Hill, Town Clerk

EXECUTIVE SUMMARY

During the 2026 Budget process, the Board of Trustees budgeted funds to change from being a statutory municipality and pursue Home Rule status for the Town of Wellington. This memo provides an overview of Home Rule authority in Colorado, an outline of how a Home Rule Charter functions, a summary of potential impacts for Wellington residents, and identification of next steps in pursuing the Home Rule process.

BACKGROUND / DISCUSSION

What is a “Home Rule” Municipality?

In Colorado, a Home Rule municipality is a local government whose authority is derived directly from Article XX of the Colorado Constitution rather than from state statute. Under Home Rule, local power is grounded in a voter-approved charter that serves as the municipality’s own governing document. This charter grants greater autonomy to residents to structure their government and manage local matters without requiring permission from the state. Home Rule is rooted in the principle of local self-determination and was introduced to move away from “Dillon’s Rule,” which viewed local governments as subordinate to state authority.

What is a Home Rule Charter?

A Home Rule Charter operates as the municipality’s local constitution. Adopted by voters, it establishes how the municipal government is structured, how local officials are elected, and what powers the Town may exercise. The Charter typically addresses:

- Form and structure of the governing body
- Roles and responsibilities of elected and appointed officials
- Local election procedures
- Taxation and financial authority
- Land use and regulatory powers
- Administrative and organizational structure

The Charter can be amended over time through a vote of the people, allowing the community to adjust its governance model as needs evolve.

How does Home Rule impact residents?

Under Home Rule, residents gain stronger influence over local governance. They directly shape the Charter, vote on amendments, and benefit from local policies designed specifically for Wellington’s needs. Home Rule also allows for greater local innovation, including more flexibility in generating and managing revenue, adjusting land use rules, and governing elections. Decisions affecting daily life become more local and tailored to the community. Residents participate directly by voting for Charter Commissioners, voting on the Charter



itself, and approving future amendments.

What communities in Colorado are Home Rule?

More than 91% of Colorado's residents live in Home Rule communities. Many neighboring and peer municipalities, including Windsor, Severance, Evans, Dacono, Johnstown, and Hudson, operate under Home Rule. Larger nearby cities such as Fort Collins, Loveland, and Greeley also have Home Rule charters. Transitioning to Home Rule would place Wellington among the majority of Colorado municipalities and provide the framework to guide the Town's next era of growth and development.

What are the limits of Home Rule?

Although going to Home Rule gives local municipalities more freedoms, some laws and constitutions must still be followed: Federal and state constitutions still apply as they provide provisions and protections to residents. Federal and state laws that address matters that are more of statewide or national concern still apply. Other national and state tax-related laws such as the Taxpayer Bill of Rights (TABOR) and the Gallagher Amendment still apply.

What Are Potential Next Steps for Wellington?

- Review the proposed timeline and draft election calendar
- Have staff develop a public education plan and engagement plan, including outreach materials and a resident survey
- Set a date for an ordinance initiating the process of placing a Charter Commission question on the ballot

CONNECTION WITH ADOPTED MASTER PLANS

Ensure Strong Town Operations
Grow Responsibly
Foster Economic Vibrancy
Cultivate & Nurture Community Spaces

FISCAL IMPLICATIONS

Will changing to Home Rule make it easier for the Town to raise my taxes?

No, any increase in taxes will still require residents to vote on the matter. By changing to Home Rule, the Town has the option to adopt more types of taxes that are not available to statutory municipalities (such as lodging tax), but those would also need to be approved by the vote.

What is the cost of changing to Home Rule?

The estimated cost for the entire Home Rule process is \$140,000 over a multi-year period. Which includes managing and administering up to two elections, legal fees, education, survey, and printing.

STAFF RECOMMENDATION

For Board of Trustee review and discussion.

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. Home Rule PPT_12.09.25_updated



2. Home Rule Calendar - Nov 3 Coordinated
3. Home_Rule_Handbk_CML22

Home Rule – Setting the Stage

Board of Trustee Meeting – December 9, 2025



What is a Home Rule Municipality?

- A Home Rule municipality is a local government whose authority is derived directly from Article XX of the Colorado Constitution rather than from state statute.
- Local power is grounded in a voter-approved charter that serves as the municipality's own governing document.
- This charter grants greater autonomy to residents to structure their government and manage local matters without requiring permission from the state

What is the difference between a Statutory Town and a Home Rule Town?

Statutory Town

Is a municipality that operates under the general laws of the State of Colorado (Colorado Revised Statutes, Title 31)

Its powers, structure and procedures are defined and limited by state statute

Governance is typically through a Board of Trustees (mayor + six trustees)

The town can only act where the state legislature has specifically granted authority

Home Rule Town

A home rule town (or home rule municipality) is one that has adopted its own home rule charter under Article XX of the Colorado Constitution

The charter functions as the town's local constitution, giving the community broad authority over local matters (elections, land use, taxation, governance structure)

State law applies only where the matter of statewide concern; on local matters the charter overrides conflicting state statutes

Governance structure can be customized such as council-manager, number of members, term limits, etc.

What is a Home Rule Charter?

- Operates as the municipality's local constitution
- Establishes how the municipal government is structured, how officials are elected and what powers the Town can exercise. A charter generally addresses:
 - Form and structure of the governing body
 - Roles and responsibilities of elected and appointed officials
 - Local election procedures
 - Taxation and financial authority
 - Land use and regulatory powers
 - Administrative and organizational structure
- The Charter can only be amended by a vote of the residents

How does Home Rule impact residents?

- Residents gain stronger influence over local governance
- Residents vote for Charter Commissioners, vote on the Charter and approve any amendments through elections.
- Allows for flexibility in generating and managing revenues, adjusting land use rules and governing elections
- Residents are given greater authority to create laws that meet the needs and expectations of residents rather than having a “one size fits all” statutory system.
- Currently more than 100 Colorado municipalities have adopted home rule and 91% of Colorado’s residents live in a home rule community.

What are the limits of Home Rule?

- Federal and state constitutions still apply as they provide provisions and protections for residents
- Federal and state laws that address matters of statewide and national concern still apply
- National and state tax-related laws, such as Taxpayer Bills of Rights (TABOR), still apply which would require Wellington voters to approve any future sales tax or mill levy increases.

How do Wellington voters participate in the process?

- Step 1 – The Board of Trustees would approve a ballot question to ask the voters to approve or reject the formation of a Home Rule Charter Commission and choose residents to serve on the Home Rule Charter Commission
- Step 2 – If approved, the Charter Commission would draft a new Town Charter
- Step 3 – The Charter would then be approved or rejected by Wellington voters at a future election

What is the estimated cost of the Home Rule process?

- The estimated cost is very dependent on the time involved by outside legal counsel, the expense for elections, surveys, education and printing
- Staff has estimated the cost to be approximately \$140,000 for the multi-year project which has been included in the 2026 budget
- Currently, staff anticipates hiring an outside firm to conduct the education and survey for the Home Rule process

Potential next steps

- Review the proposed timeline and draft election calendar
- Direct staff to develop a public education and engagement plan, including outreach materials and a resident survey
- Set a date for an ordinance initiating the process of placing a Charter Commission question on a ballot

What Election Process Does the Board Prefer?

Option A: Education → Survey → Election

Option B: Survey → Education → Election

Key Questions for Board Direction

1. Should the Town conduct education in-house or use an outside consultant?
 - In-House Education
 - lower cost, local knowledge, use current tools like Town Halls, podcast, website, newsletters, etc.
 - Consultant-Led Education
 - higher cost, professional communication expertise, unbiased third-party perspective, etc.
2. Should the Town conduct the survey in-house or hire a consultant?
 - In-House Survey
 - lower cost, limited survey design expertise, potential perception of bias, etc.
 - Consultant-Led Survey
 - higher cost, statistically valid methods, potential community trust in third-party neutrality, robust analysis, etc.

Wrap-Up and Questions

Thank you for your time and engagement

We welcome any questions or feedback you may have



Date	Action	Required By
January to May 2026	Community Engagement Stage (Community conversations, education, survey and feedback collection)	
June 30, 2026 (BoT Special Meeting)	Ordinance Initiating pursuit of Home Rule and Call for election (<i>call must be within 30 days of initiation of proceedings - July 6 is 120 days before election</i>)	C.R.S. 31-2-204 (2)
July 2, 2026	Publication of notice of election (<i>Not less than 60 days prior to the election</i>)	31-2-204 (2)
July 2- August 3, 2026	Candidates for Charter commission shall file with Clerk nomination petition (must show 25 signed electors). <i>Filed within thirty days after publication of election notice, Aug 1 is a Saturday.</i>	
August 5, 2026	Second publication of election, includes names of candidates for Commission	31-2-204 (3)
August 5, 2026	Candidate Bio and Pictures for Website due	
August 25, 2026 BoT Meeting (<i>tentative due to Larimer County</i>)	Last day to certify ballot content with County (<i>60 days before election</i>)	
November 3, 2026 Coordinated	Election for Charter Commission (<i>120 days after call for election</i>)	31-2-204 (2)
April 27, 2027 BOT Meeting	Within 180 days after election, Charter is submitted to Board (<i>before May 2, 2027</i>)	31-2-206 (10)
May 27, 2027 (<i>this is the 20th day, 180 days before Election Day</i>)	Within 30 days, notice of election to determine whether the proposed charter shall be approved. <i>Election not less than 60 days and no more than 185 days after publication (notice includes full text of charter)</i>	31-2-207
<i>Not less than 60 days and no more than 185 days after publication</i>	BoT sets ballot title within sixty days after date proposed charter is submitted, and election is called	31-2-207 (1-5)
November 23, 2027	Election Day (<i>closest Tuesday to 185 days after May 27</i>)	<i>Could be coordinated Nov. 2 election</i>
	If charter is rejected at the election, Commission may prepare a revised proposed charter and BOT shall submit to an election	31-2-207 (3)
Board Action		
Clerk Action		
Community Action		



COLORADO
MUNICIPAL
LEAGUE

EMPOWERED CITIES AND TOWNS,
UNITED FOR A STRONG COLORADO

2022 HOME RULE HANDBOOK





COLORADO
MUNICIPAL
LEAGUE

TABLE OF CONTENTS

i	FOREWORD
1	CHAPTER I: A HISTORY OF HOME RULE Municipal Home Rule Defined; Origin and History of Home Rule in Other States; Origin and History of Home Rule in Colorado; A Perspective on Home Rule Versus State Jurisdiction; Conclusion
7	CHAPTER II: HOME RULE POWERS Sources of Power to Act; Limitation on Power to Act; Matters of “Local and Municipal,” “Statewide,” and “Mixed Concern”; How to Determine Whether a Matter is of Local, Statewide, or Mixed Concern; Local Regulation in Areas of Statewide or Mixed Concern; Advantages and Disadvantages of Home Rule; Table of Areas of Local, Statewide, and Mixed Concern Determined by the Courts
31	CHAPTER III: MUNICIPAL HOME RULE ACT OF 1971 Introduction; General Provisions; Procedures for Adopting a Home Rule Charter; Procedures for Amending a Home Rule Charter; Procedures for Repealing a Home Rule Charter; Procedures for Home Rule Municipalities to Adopt a New Charter; Ballot Requirements; Unlawful Acts Concerning Petitions; Procedures for Adopting a Charter Upon Incorporation
44	CHAPTER IV: PREPARING THE CHARTER Introduction; Pre-Commission Preparation; Charter Commission Organization; Special Consultants; Drafting the Charter; Contents of the Charter
53	CHAPTER V: PUBLICIZING HOME RULE Introduction; General Suggestions; Suggestions for the Charter Commission
55	CHAPTER VI: SPOTLIGHT ON FOUR AREAS OF LOCAL CONCERN — EMPLOYMENT, TAXATION, LAND USE AND EMINENT DOMAIN Introduction; Employment; Taxation; Land Use; Eminent Domain
63	APPENDIX A: CONSTITUTION OF THE STATE OF COLORADO: ARTICLE XX: HOME RULE CITIES AND TOWNS
69	APPENDIX B: CHRONOLOGY OF AMENDMENTS TO ARTICLE XX
72	APPENDIX C: COLORADO REVISED STATUTES TITLE 31 GOVERNMENT — MUNICIPAL
80	APPENDIX D: HOME RULE MUNICIPALITIES IN COLORADO
82	APPENDIX E: TIME SCHEDULES
85	APPENDIX F: SAMPLE ORDINANCE INITIATING THE ADOPTION OF A HOME RULE CHARTER
86	APPENDIX G: SAMPLE PETITION INITIATING THE ADOPTING OF A HOME RULE CHARTER
87	APPENDIX H: SAMPLE ORGANIZATIONAL AND PROCEDURAL RULES FOR THE CHARTER COMMISSION
90	APPENDIX I: SUMMARY OF GENERAL ARGUMENTS FOR AND AGAINST HOME RULE
91	APPENDIX J: EXAMPLES OF ADDITIONAL AUTHORITY AND FLEXIBILITY AFFORDED TO HOME RULE MUNICIPALITIES



COLORADO
MUNICIPAL
LEAGUE

FOREWORD TO THE 2022 EDITION

This Home Rule Handbook has been developed by the Colorado Municipal League as a starting point for Colorado municipal officials considering home rule or amending existing home rule charters. It is designed to be an introduction to the establishment and exercise of municipal home rule rather than a comprehensive discussion of the subject.

Readers looking to begin the home rule process can locate guidance in Chapter III.

Attorneys will find the handbook to be a thorough source of case law, including an extensive table of case law evaluating areas of local and statewide concern and the scope of home rule authority.

Any municipality considering the adoption, amendment, or repeal of a home rule charter or adopting an ordinance asserting home rule powers should obtain the advice of legal counsel.

The Home Rule Handbook was first published in 1972. The current edition was updated by former CML General Counsel David Broadwell and Law Clerk Megan Decker. This edition contains judicial rulings on the subject of home rule through November 2022. Carried forward in this edition is Chapter 1 detailing the history of home rule in Colorado, authored by Kenneth Bueche, CML executive director from 1974 to 2005. A companion CML publication, Matrix of Home Rule Charters, details how more than 80 different elements are addressed in each Colorado municipal charter.



Kevin Bommer

Executive Director

Colorado Municipal League



COLORADO
MUNICIPAL
LEAGUE

CHAPTER I

A HISTORY OF HOME RULE

MUNICIPAL HOME RULE DEFINED

In Colorado, municipal “home rule” derives its authority directly from Article XX of the Colorado Constitution. It is a form of government under the control of local citizens rather than state government, with powers and authority derived from the municipality’s locally enacted charter and ordinances, rather than state statutes. It affords citizens of cities and towns who adopt a local charter freedom from the need for state enabling legislation and protection from state interference in “local and municipal matters.” Home rule does not, however, affect any powers of the federal government—home rule authority relates to state-local relations, not federal-local relations.

Until the advent of home rule authority, municipalities and other local governments were exclusively creatures of the state legislature, dependent on state enabling legislation and subject to state control and interference. This historical relationship between the state and municipal governments is known as “Dillon’s Rule,” named for a 19th-century Iowa Supreme Court justice and municipal law authority. In those states with home rule governments, the authority to establish and operate home rule municipalities is established by state statute or constitutional enactments, which override “Dillon’s Rule.”

ORIGIN AND HISTORY OF HOME RULE IN OTHER STATES

The government of many American cities was bad, if not terrible, during the last decades of the 19th century. The era of 1865 to 1895 was one of tremendous physical growth of cities and expansion of municipal activities. From a municipal administration standpoint, it was a period of disintegration, waste, and inefficiency. Political machines and bosses plundered many communities. Lax moral standards in business life, the apathy of the public, and general neglect of the whole municipal problem by leading citizens, the press, and universities, all contributed to the low state of municipal affairs. Lack of a common body of knowledge and definite standards for municipal government, coupled with legislative interference and local politics, produced a confused situation in local organization and responsibility. Corruption in city government was made possible by the prevailing spoils system, by the activities of national political parties in local elections, and by the absence of adequate instruments of democratic control and of scientific methods of administration. Few outstanding public officials and administrators existed, municipal reference and research agencies were nonexistent, and organizations of public officials were in their infancy. The period has been justly described as the “Dark Ages” of American municipal history.¹

In response to the treatment of cities by state governments, the home rule movement began. In 1875, Missouri became the first state to adopt home rule by inclusion in its new constitution of home rule entitlement for cities greater than 100,000 in population. California became the second state to authorize home rule after adopting its new constitution in 1879. Other states conferring home rule rights for cities during the remaining years of the 19th century included Minnesota and Washington. However, home rule and other municipal reforms became much more popular and prevalent during the Progressive Era—a period that historians generally date from 1900 to 1915 or 1920.²

¹ See FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE (University of California Press 1950).

² JOHN A. RUSH, THE CITY-COUNTY CONSOLIDATED 141-150 (1941).

A leading historian of American city government during the Progressive Era summarized the movement this way:

In conclusion, how shall we account for and describe the Progressive movement? There were national problems of great magnitude evidencing themselves chiefly in the cities. For the most part these were accounted for by the nineteenth-century changes in the nature of the economic world, for which the old assumptions were inadequate and many of them incorrect. Whole groups of people were aroused to compassion and indignation at the now patent injustices because of these facts and the attendant frustrations. Diagnosis and exposure of the problems had begun. At this point pragmatism with a conscience leading to activism took over. It was a confluence of many strands—Populist, utopian, the experience and sensitivity of the settlements, the social gospel and the aroused conscience, the successes and failures of earlier reformers, frustrations of many groups, socialist reasoning, the rising consciousness of organized labor, scientific management, the Spanish–American War and its aftermath, a belief in progress—but all raised to a higher level, together with a freshness of approach and a moral component.³

Reformers were interested in a number of reform devices, including home rule, to foster a sense of community. According to Griffith:

Most stress was laid upon home rule, nonpartisanship, elections-at-large, and development of neighborhood centers. Naturally, there were other arguments for each of these. Among them was the thought that each would help weaken the power of spoils, the machine, and corrupt politics, at the state, city, and ward levels ... Government by the state, an agency outside the control of the voters of the individual city, was naturally the subject of further attack by the exponents of city self-government. The demand on the part of the city was insistent for a greater voice in its own affairs.⁴

Numerous states, including Colorado, adopted municipal home rule during the Progressive Era. The progressive movement and the rush for home rule slowed down greatly after the commencement of World War I; however, additional states have adopted home rule over the years since then.⁵

The National Municipal League was probably the most prominent and influential national organization in promoting home rule and other municipal reforms during the Progressive Era and thereafter. The organization was founded in 1894 by local citizen groups and individuals interested in reforming municipal government. In later years, the League would devote attention to reforming county and state government.

In 1899, the National Municipal League adopted a “Municipal Program,” publishing it the following year. Later it was to be referred to as a “Model City Charter.” Over the years, the National Municipal League has published several revised editions. (The National Municipal League has changed its name to the National Civic League; it is not to be confused with the National League of Cities, which is the national association of cities and towns.) This “Municipal Program” contained provisions regarding municipal home rule to be incorporated in the state constitution and provisions for a Model City Charter. Its home rule features were described as follows:

Special legislation for cities was not absolutely prohibited, but it was surrounded by certain safeguards designed to protect the city from unwarranted interference with its local affairs. Home rule, the right to adopt and amend charters, was given to cities with a population of 25,000 or more. As Chairman Deming said, “The city’s independence is guaranteed. The state legislature cannot meddle with purely local affairs.” Elsewhere Mr. Deming defined the fundamental principle of the program in these words: “... ample power in the city to conduct the local government, without possibility of outside assistance or of outside interference save by such supervision of a central state administrative authority as may be necessary to enforce a state law applicable alike to all the cities or all the inhabitants of the state.” All else in the program was detail in the application of this principle. And Professor Rowe declared that the object of the program was to provide such a position in the political system of the state and such a framework of government as would give

³ ERNEST S. GRIFFITH, A HISTORY OF AMERICAN CITY GOVERNMENT: THE PROGRESSIVE YEARS AND THEIR AFTERMATH 1900-1920 32 (Praeger Publishers 1974).

⁴ ERNEST S. GRIFFITH, A HISTORY OF AMERICAN CITY GOVERNMENT: THE PROGRESSIVE YEARS AND THEIR AFTERMATH 1900-1920 123 (Praeger Publishers 1974).

⁵ ERNEST S. GRIFFITH, A HISTORY OF AMERICAN CITY GOVERNMENT: THE PROGRESSIVE YEARS AND THEIR AFTERMATH 1900-1920 123-125, 258 (Praeger Publishers 1974); JOHN A. RUSH, THE CITY-COUNTY CONSOLIDATED 150-158 (1941).

*to the city the widest possible freedom of action in formulating the details of its own organization and in the determination of its local policy.*⁶

Home rule has remained a foundation of the National Municipal League's municipal reform agenda through the years, including its latest model state constitution and city charter.⁷

ORIGIN AND HISTORY OF HOME RULE IN COLORADO

Municipal home rule in Colorado was adopted by state voters in 1902 and clarified and expanded by voters in 1912. Colorado's adoption in 1902 was probably influenced by developments in other states and by recommendations of the National Municipal League. The National Municipal League's 1900 Model City Charter has been credited to have "formed the basis for a sweeping amendment to the Colorado Constitution."⁸

Historically, Colorado's own home rule movement appears to have been fueled primarily by actions of state government affecting Denver and its citizens and a desire to form a consolidated city and county of Denver.

Denver had been granted a charter in 1861 by the territorial legislature. Denver and those other cities that were still operating under territorial charters retained the right to continue to operate under their special charters rather than being governed by general municipal laws when the constitution was adopted and statehood granted in 1876. (Georgetown is the only municipality still operating under a territorial charter.)

Following statehood, Denver's territorial charter, because it was not yet constitutionally based, was periodically amended or replaced by the General Assembly, and Denver eventually became the "political football" of the party in power. Classic examples of state interference were charter amendments enacted by the General Assembly in 1889 providing for a board of public works, and in 1891 for a fire and police board, with members of both boards appointed by the governor. Thus, the state took over the control of Denver's public improvements, public safety, and other related activities.

Armed conflict nearly broke out in 1894 when Gov. Davis H. Waite had a dispute with two of his appointees to Denver's Fire and Police Commission over their failure to follow his policies and their subsequent failure to accept his attempt to remove them from office. Armed forces for the state and city faced off before cooler heads prevailed and weapons were withdrawn.

In addition to the desire for local control, civic leaders in Denver wanted to establish a consolidated city and county. Combining these two objectives in one movement proved to be powerful in terms of voter appeal.

A historic breakthrough in Colorado's home rule movement occurred in 1901 when Denver Sen. John A. Rush, with the support of Gov. James Orman, passed legislation to refer to statewide voters Article XX of the Colorado Constitution forming Denver as a consolidated home rule city and county and also conferring on the citizens of first- and second-class cities the right to adopt local charters and become home rule municipalities. Gov. Orman, in his inaugural address, gave strong support to the home rule amendment:

*The question of home rule for Denver has been a disturbing one ever since the enactment of the law under which the governor appoints the Denver board of public works and the fire and police board. It may occur that governors will be elected that have little or no knowledge of the governmental affairs of such a city as Denver [and] the responsibilities for all city employees should be cast upon the people who live in the cities. Place the responsibility where it belongs—upon the voters of the city.*⁹

⁶ FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE 38, 53 (University of California Press 1950).

⁷ The early history of municipal reform and home rule efforts and developments of the National Municipal League have been published in the following publications: FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE (University of California Press 1950); Alfred Willoughby, *The Involved Citizen: A Short History of the National Municipal League*, NAT'L CIVIC REVIEW, Dec. 1969; NAT'L MUN. LEAGUE, *Proceedings of the Milwaukee Conference for Good City Government and Sixth Annual Meeting of the National Municipal League* (1900).

⁸ FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE 48 (University of California Press 1950).

⁹ Marjorie Hornbein, *Denver's Struggle for Home Rule*, Denv. Mag., Fall 1971, at 345.

The amendment was approved overwhelmingly by a vote of 59,750 to 25,767.¹⁰

While the right of citizens in cities of the first and second class to adopt home rule was provided, the history is unclear to what extent these cities sought that right and to what extent voters in 1902 were influenced by the extension of home rule prerogatives statewide. A Colorado Municipalities article published by the Colorado Municipal League (CML) in 1925 identified the following charters as adopted between the 1902 and the 1912 constitutional amendments: Denver (1904), Colorado Springs (1909), Grand Junction (1909), Pueblo (1911), Durango (1912), and Delta (1912).¹¹

Subsequent to passage of the amendment in 1902, a great deal of legal and political controversy and turmoil occurred, primarily involving Denver.¹² This caused supporters of home rule to initiate in 1912 a clarifying and strengthening amendment.

The 1912 measure rewrote Section 6 of Article XX to specifically enumerate various municipal home rule powers and included a powerful “catch-all” paragraph:

*It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.*¹³

Incidentally, the 1912 measure was placed on the ballot by initiative, not referral by the General Assembly. The right of initiative had been made possible by the 1910 voter-approved measure granting initiative and referenda powers to voters statewide.

The 1912 measure also changed the 1902 provision by extending home rule status from cities of the first and second class to any city or town “having a population of two thousand inhabitants.” In addition, the measure “ratified, affirmed, and validated” the charters and related elections of Denver, Pueblo, Colorado Springs, Grand Junction, and of any other unnamed city that had adopted a home rule charter. The title of the 1912 initiative just referred to home rule for cities and towns, again not singling out Denver. The 1912 initiative passed by a vote of 49,596 for to 44,778 against.

A common theme of the charters adopted by Colorado Springs, Pueblo, Delta, Durango, and Grand Junction was the adoption of the commission form of government—a popular structure in that era that vested both administrative and legislative authority in a small number of elected officials. Eventually, each city amended its charter to establish the council–manager form. In contrast, Denver’s first locally adopted charter of 1904 provided for a mayor–council structure that has evolved into its current strong mayor–council form. Colorado Springs instituted a strong mayor–council form in 2011 and Pueblo followed suit in 2017.

Complaints appearing in the newspapers suggest a variety of systemic problems that drove the home rule movements in these cities. Although efforts to adopt home rule initially were opposed or delayed by some councils and others with political influence, the persistence of those citizens supporting home rule ultimately prevailed.

The prefatory synopsis to Grand Junction’s charter stated eloquently in 1909 what supporters of home rule today might repeat:

The intent and purpose of this Charter is to establish a free and independent City, so far as the Constitution of the state will permit, their natural, inherent, and inalienable right of local self-government, with all its powers, duties, and responsibilities.

A third measure affecting home rule was approved in 1950. In 1949, the General Assembly passed HCR 10 that referred the amendment to voters. According to its records, the Colorado Municipal League sponsored the 1949 legislation and

¹⁰ COLO. CONST. art. XX, §§ 2, 5 (1902) (amended 2000) (originally published in Colo. Sess. L. 97-106 (1901)). The primary sources of the Colorado experience discussed above include JOHN A. RUSH, THE CITY-COUNTY CONSOLIDATED 141-150 (1941); Marjorie Hornbein, *Denver’s Struggle for Home Rule*, DENV. MAG., Fall 1971, at 345; JEROME C. SMILEY, HISTORY OF DENVER (Times-Sun Publ’g Co.) (1901); CLYDE LYNDON KING, THE HISTORY OF THE GOVERNMENT OF DENVER WITH SPECIAL REFERENCE TO ITS RELATIONS WITH PUBLIC SERVICE CORPORATIONS (Fisher Book Co. 1911).

¹¹ Don C. Sowers, *How to Secure a Home Rule Charter in Colorado*, 1 COLO. MUNICIPALITIES, Oct. 1925, at 9-10.

¹² FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE (University of California Press 1950). For example, much of the controversy after 1902 centered on Denver’s authority to perform county functions through officers of its own choosing, and questions about whether state laws or city laws would control municipal elections. *People v. Curtice*, 117 P. 357 (Colo. 1911); *Mauff v. People ex rel Clay*, 123 P. 101 (Colo. 1912).

¹³ COLO. CONST. art. XX, § 6 (originally published in Colo. Sess. L. 669-671 (1913)).

spearheaded the successful vote in 1950.¹⁴ The 1950 measure amended Section 2 of Article XX relating to compensation of Denver officers and, more important for municipalities statewide, amended Section 5 to allow charter amendments and the question of whether to form a charter convention to be referred to voters by action of the governing body as well as by initiative. Before 1950, charter measures could be initiated only by local voters. It was a cumbersome process, especially when minor changes were needed. The amendment passed by a vote of 145,780 for, to 91,700 against.

Another important home rule amendment was approved by voters in 1970 as part of a local government reform measure referred by the General Assembly in 1969. The home rule portion of the measure was included with the support of CML. It added a new Section 9 to Article XX to extend the right to adopt home rule to the citizens of each municipality, regardless of population or when incorporated, and directed the General Assembly to enact statutory procedures to facilitate the adoption, amendment, and repeal of home rule charters. The referred measure also authorized the General Assembly to enact a more limited “structural” form of home rule for counties.¹⁵ Only Weld County (1976) and Pitkin County (1978) have taken advantage of this form of home rule. The 1970 measure was approved by an overwhelming vote of 325,512 for, to 170,986 against.¹⁶

The 1970 amendment has enabled many towns with less than 2,000 people to become home rule and led to the CML-drafted Municipal Home Rule Act of 1971, which has remained substantially unchanged since its adoption as the procedure utilized in the adoption and amendment of charters.¹⁷

There have been other amendments over the years affecting home rule, such as the Taxpayer Bill of Rights (TABOR) in 1992¹⁸ and the Term Limits Amendment in 1994,¹⁹ and a few specialized amendments, including the 1998 amendments to Article XX that created the City and County of Broomfield effective November 15, 2001.²⁰ As is the case for any other constitutional enactment, the provisions of Article XX and the parameters of home rule authority can be amended or overridden by later enacted constitutional amendments approved at a statewide election.

A PERSPECTIVE ON HOME RULE VERSUS STATE JURISDICTION

Considerable tension has existed and will continue to exist between local and state control. Municipal home rule has not eliminated that tension; however, home rule has established a constitutional relationship between the state and home rule municipalities that has:

- Enabled home rule municipalities to utilize diverse powers, organizations, and procedures without the need for state enabling legislation
- Protected home rule municipalities from state interference in matters local and municipal in nature
- Helped establish and preserve an atmosphere of state respect for local control for other local governments, resulting in fairly broad statutory authority for non-home rule local governments and a certain level of disinclination on the part of state officials to micromanage local governments
- Maintained for state government certain authority to manage and control matters determined to be of statewide or mixed state and local concern.

Preserving home rule authority has, nevertheless, required constant vigilance by CML, municipalities, and other home rule supporters. State officials and legislators, private entities, special interests, and even individuals often have challenged home rule authority in the General Assembly and before the courts. In recent years, legislators have attempted to pass legislation challenging home rule authority, arguing that a subject matter is of state or mixed state–local authority, such as local tax policy, regulation of weapons, employee residency requirements, collective bargaining requirements, breed-specific animal controls, and planning and zoning regulations.

¹⁴ J. Glenn Donaldson, *Victory!*, 26 COLO. MUNICIPALITIES, Dec. 1950, at 230, 235; Colo. Mun. League, *Make Home Rule Work*, 26 COLO. MUNICIPALITIES, Aug. 1950, at 153; William A. Grelle, *Legislative Round-Up*, 25 COLO. MUNICIPALITIES, May 1949, at 72. See also COLO. CONST. art. XX §§ 2, 5 (1950) (amended 2000) (originally published in Colo. Sess. L. 775-776 (1949)).

¹⁵ COLO. CONST. art. XIV, §16.

¹⁶ COLO. CONST. art. XX, § 9 (1970) (amended 1985) (originally printed in Colo. Sess. Laws 1247-1251 (1969)).

¹⁷ C.R.S. §§ 31-2-201 to -225. All statutory references refer to the current version of the Colorado Revised Statutes as of the date of publication.

¹⁸ COLO. CONST. art. X, §20.

¹⁹ COLO. CONST. art. XVIII, §18.

²⁰ COLO. CONST. art. XX, §§10-13.

The first line of defense for home rule municipalities has been to defeat the legislation or delete the pre-emption language where it affected important local interests. This often has been effective.

When legislation pre-empting home rule authority has been enacted, the second line of defense has been the courts. Affected home rule municipalities often have challenged such legislation in the courts and, when necessary, have asserted their home rule powers in other litigation in which their authority to regulate or enforce their laws against private parties has been challenged. CML often has filed *amicus* briefs in support of the home rule position. Only by continuing to defend home rule prerogatives before the General Assembly and the courts on important local control matters can the important principles of home rule be protected.

It should be noted, however, that there may be times when state jurisdiction is viewed as being in the better public interest and there may be other situations in which it may be wise for home rule municipalities to act in concert to preemptively address issues that are or may be of concern to state legislators. For example, CML has coordinated voluntary actions among home rule municipalities on tax administration and simplification, rather than simply relying on home rule prerogatives. Municipal officials need to exercise good judgment and restraint in some circumstances, not always choosing to play the home rule “card.”

CONCLUSION

Municipal home rule in Colorado has truly stood the test of time. From its modest birth more than a century ago, it has grown to be utilized in 2022 by 105 cities and towns serving more than 93 percent of the municipal population of the state. Colorado voters statewide have consistently supported municipal home rule by authorizing it in 1902, clarifying and expanding it in 1912, and extending its availability in 1970 to municipalities of all sizes. Moreover, there is no known instance in which local citizens have voted to repeal the home rule status of their municipality.

Home rule does not translate to local control under all circumstances, and it should be expected that the scope of home rule authority will continue to be challenged by the General Assembly and in the courts. Because the very definitions of local and statewide concerns continue to evolve in an ever-growing body of home rule case law, what falls within municipal or state jurisdiction is sometimes in doubt and may always remain in some degree of flux. In addition, constitutional amendments affecting home rule, such as TABOR and term limits, have been and probably will continue to be a significant factor. The continued viability of home rule will depend, as in the past, on the vigilance, assertiveness, and loyalty of municipal officials and others who understand and value local control.

In the final analysis, municipal home rule has immeasurably strengthened local control and facilitated flexibility and diversity in addressing local needs and desires. Home rule also has benefited statutory municipalities and other local governments by paving the way to greater local control and reinforcing a longstanding Colorado ethic favoring local authority to address local problems.

CHAPTER II

HOME RULE POWERS

SOURCES OF POWER TO ACT

The manner of determining whether a municipality has the power to act in a certain area is different for home rule and statutory municipalities. Statutory municipalities must have a specific grant of authority, either from the state constitution or state statutes, in order to act.

A home rule municipality, on matters of local concern, does not need a specific grant of authority from the state to act. The most fundamental expression of home rule authority is found in Article XX, Section 6 of the Colorado Constitution:

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

Even after the adoption of a home rule charter, a municipality can continue to exercise the powers delegated to statutory towns and cities by state law. Section 6 also provides: “The statutes of the state of Colorado, so far as applicable, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.”²¹

LIMITATION ON POWER TO ACT

The powers of home rule municipalities may be limited by their own charters, federal law, the state constitution, court decisions, and at times, legislation enacted by the General Assembly on matters determined to be of legitimate state concern. Obviously, mandates and limitations imposed under the U.S. Constitution and Bill of Rights continue to apply to every local government, regardless of whether the government enjoys home rule status under state law.

Section 8 of Article XX provides that Article XX supersedes all other constitutional provisions. However, several state constitutional provisions have been enacted containing express language or have been interpreted by the courts as superseding home rule powers.²²

As explained throughout this publication, the state retains the authority to preempt or supersede the laws of a home rule municipality on certain matters deemed to be of statewide concern.

Perhaps the most basic form of limitation on home rule authority is the requirements and strictures of the home rule charter itself. Each charter is both empowering and limiting by its very nature. The courts have often observed that a charter acts as

²¹ See also *Leek v. City of Golden*, 870 P.2d 580 (Colo. App. 1993); C.R.S. § 31-1-102.

²² COLO. CONST. art. X, § 17 (originally enacted 1935) (levy of income taxes); COLO. CONST. art. XXV (originally enacted 1955) (regulatory powers over privately owned utilities); COLO. CONST. art. X, § 20 (Taxpayers Bill of Rights); COLO. CONST. art. XVIII, § 11 (originally enacted 1995) (term limits on elected officials); see also *City & Cnty. of Denver v. Sweet*, 329 P.2d 441 (Colo. 1958).

the “constitution” of municipality that adopts it. And just as the federal or state governments cannot adopt any law or take any action that violates the constitution, a home rule municipality cannot adopt an ordinance or take any other action that is inconsistent with their own charter. Colorado courts have regularly been called upon to decide whether a municipal policy or action violates a municipal charter.²³

MATTERS OF “LOCAL AND MUNICIPAL,” “STATEWIDE,” AND “MIXED CONCERN”

Home rule municipalities are not limited to exercising only the specific powers mentioned in Article XX or elsewhere in the constitution and state statutes. Instead they have every power essential or proper to the exercise of the right of self-government in local and municipal matters. Thus, the determination of whether a particular matter is one of “local and municipal” concern under Article XX is key to understanding home rule authority at its most powerful.

In court cases challenging the authority of home rule municipalities to act, the courts have created three classifications:

- Matters of local and municipal concern
- Matters of statewide concern
- Matters of mixed statewide and local concern²⁴

Matters of Local and Municipal Concern

If a matter is of local and municipal concern and both the state and the municipality have legislation regulating it, the municipal ordinance or charter provision will supersede the state statute if the statute actually conflicts with the ordinance or charter.²⁵ As Colorado courts have explained it: “Although the legislature retains supreme authority over statewide concerns, municipalities are not inferior to the General Assembly regarding matters of local and municipal concern. . . . With respect to purely local and municipal matters, the charter may be, and doubtless is, the paramount law Moreover, in purely local and municipal matters, home rule may exercise exclusive jurisdiction by passing ordinances which supersede state statutes.”²⁶

Matters of Statewide Concern

Many state statutes include a “declaration of statewide concern” designed to make the statute applicable to home rule municipalities and to prohibit or supersede any conflicting local laws. Rarely, however, do these statutes declare certain subject matter to be solely, purely, or exclusively a matter of state concern, or expressly forbid any municipal regulation at all on a particular subject. If a matter is determined by the courts to be of predominant or exclusive “statewide” concern, a home rule municipality cannot adopt legislation regarding the matter except as specifically provided in the statute,²⁷ and without such

²³ McNichols v. City & Cnty. of Denver, 230 P.2d 591 (Colo. 1950); City & Cnty. of Denver v. Miller, 368 P.2d 982 (Colo. 1962); Cherry Creek Aviation, Inc. v. City of Steamboat Springs, 958 P.2d 515 (Colo. App. 1998); City & Cnty. of Denver v. Denver Firefighters Loc. No., 858, 320 P.3d 354 (Colo. 2014); Marshall v. Civ. Serv. Comm’n of the City & Cnty. of Denver, 401 P.3d 96 (Colo. App. 2016), cert. denied (2017); Denver Police Protective Ass’n v. City & Cnty. of Denver, 488 P.3d 319 (Colo. App. 2018), cert. denied (2018); Johnson v. Civ. Serv. Comm’n of the City & Cnty. of Denver, 417 P.3d 963 (Colo. App. 2018); Murr v. City & Cnty. of Denver, 459 P.3d 699 (Colo. App. 2019); City of Boulder v. Pub. Serv. Co. of Colo., 420 P.3d 289 (Colo. 2018); O’Connell v. City & Cnty. of Denver, 488 P.3d 14 (Colo. App. 2019), cert. denied (2019).

²⁴ City of Longmont v. Colo. Oil & Gas Ass’n., 369 P.3d 573 (Colo. 2016); Webb v. City of Black Hawk, 788 P.2d 764 (Colo. 2013); City of Northglenn v. Ibarra, 62 P.3d 151 (Colo. 2003); City of Commerce City v. State, 40 P.3d 1273 (Colo. 2002); City & Cnty. of Denver v. State, 788 P.2d 764 (Colo. 1990) (hereinafter Denver v. State); City & Cnty. of Denver v. Bd. of Cnty. Comm’rs, 782 P.2d 753 (Colo. 1989); Nat’l Adver. Co. v. Dep’t. of Highways, 751 P.2d 632 (Colo. 1988); City & Cnty. of Denver v. Colo. River Water Conservation Dist., 689 P.2d 730 (Colo. 1985).

²⁵ Webb v. City of Black Hawk, 788 P.2d 764 (Colo. 2013); City of Northglenn v. Ibarra, 62 P.3d 151 (Colo. 2003); City of Commerce City v. State, 40 P.3d 1273 (Colo. 2002); Denver v. State, 788 P.2d 764 (Colo. 1990); City & Cnty. of Denver v. Colo. River Water Conservation Dist., 696 P.2d 730 (Colo. 1985); Vela v. People, 484 P.2d 1204 (Colo. 1971); Winslow Constr. Co. v. City & Cnty. of Denver, 960 P.2d 685 (Colo. 1998); Fraternal Order of Police v. City & Cnty. of Denver, 926 P.2d 582 (Colo. 1996).

²⁶ Town of Frisco v. Baum, 90 P.3d 845, 846 (Colo. 2004).

²⁷ Fraternal Ord. of Police v. City & Cnty. of Denver, 926 P.2d 582 (Colo. 1996); City & Cnty. of Denver v. Colo. River Water Conservation Dist., 696 P.2d 730 (Colo. 1985).

authorization a home rule municipality has no power to adopt legislation relating to a subject of solely “statewide” concern.²⁸ In most cases, however, even when a statute contains a declaration of statewide concern, a home rule municipality may adopt nonconflicting ordinances, with this authority being most clearcut if the statute expressly permits consistent local regulations.²⁹ It should be noted, however, that the courts have held that when the matter involves a specific constitutionally granted home rule power, even though the matter may be of statewide concern, the legislature has no power to enact any law that denies the home rule municipality a right specifically granted by the constitution.³⁰

Mixed Statewide and Local Concern

In recent decades, the Colorado courts have increasingly recognized that most areas of government regulation implicate both state and local interests. Particularly since the landmark 1990 decision in the case of *City and County of Denver v. State of Colorado*, discussed below, the overwhelming majority of Colorado Supreme Court decisions on the subject of home rule have concluded that neither the state nor a municipality exercises exclusive control over any particular field of regulation. On subjects of “mixed” statewide and local concern, the home rule municipality has the concurrent power to legislate if the charter or ordinance provision does not conflict with the state.³¹

Prior to 1990, in reaching a conclusion to invalidate an ordinance based on its conflict with a state statute, the courts would sometimes fail to articulate whether it was because the matter was of mixed state and local concern or exclusive statewide concern, when the result would be the same.³² In modern times, however, the courts have become much more meticulous in clearly articulating whether a regulatory matter touches upon matters of mixed state and local concern, before then proceeding to analyze whether there is a conflict between state and municipal laws.

HOW TO DETERMINE WHETHER A MATTER IS OF LOCAL, STATEWIDE, OR MIXED CONCERN

The Colorado Supreme Court, not the General Assembly, has the power to make the final decision of whether a matter is of local, statewide, or mixed concern.³³ However, the court makes the decision on a case-by-case basis, generally after extensive litigation. So how does a municipal official determine ahead of time whether a home rule municipality has the power to act? There are several sources and guidelines:

- Article XX sets forth specific areas of local and municipal concern.
- Several court decisions have declared matters of local, statewide, or mixed concern.
See Table “Areas of Local, Statewide, and Mixed Concern Determined by the Courts” (pages 16 to 30).

● The General Assembly has granted numerous powers to statutory municipalities, and a home rule municipality has at least as many powers as a statutory municipality.³⁴ It is important to remember two issues when looking to state statutes for home rule municipality authority:

- A. The charter may limit what the state statute allows, in which case the charter controls.

²⁸ See, e.g., *City & Cnty. of Denver v. Tihen*, 235 P. 777 (Colo. 1925) (overruled on other grounds by *State Farm Mut. Auto. Ins. Co. v. Temple*, 491 P.2d 1371, 1372 (Colo. 1971)).

²⁹ See, e.g., *Pierce v. City & Cnty. of Denver*, 565 P.2d 1337 (Colo. 1977); *Conrad v. City of Thornton*, 553 P.2d 822 (Colo. 1976).

³⁰ *City of Thornton v. Farmers Reservoir and Irrigation Co.*, 575 P.2d 382 (Colo. 1978) (the right of eminent domain); *Gosliner v. Denver Election Comm’n*, 552 P.2d 1010 (Colo. 1976) (elections).

³¹ *City of Longmont v. Colo. Oil & Gas Ass’n*, 369 P.3d 573 (Colo. 2016); see also *City of Northglenn v. Ibarra*, 62 P.3d 151 (Colo. 2003); *Town of Telluride v. Lot Thirty-Four Venture, L.L.C.*, 3 P.3d 30, 37 (Colo. 2000).

³² See, e.g., *Nat’l Adver. Co. v. Dep’t. of Highways*, 751 P.2d 632 (Colo. 1988).

³³ *Denver v. State*, 788 P.2d 764, n.6 (1977) (“While the statutory declaration is relevant, it is not binding. If the constitutional provisions establishing the right of home rule municipalities to legislate as to their local affairs are to have any meaning, we must look beyond the mere declaration of a state interest and determine whether in fact the interest is present.”); see also, e.g., *Winslow Constr. Co. v. City & Cnty. of Denver*, 960 P.2d 685 (Colo. 1998); *Four Cnty. Metro. Cap. Improvement Dist. v. Bd. of Cnty. Comm’rs*, 369 P.2d 1204 (1971); *City & Cnty. of Denver v. Sweet*, 329 P.2d 441 (1958).

³⁴ *Woolverton v. City & Cnty. of Denver*, 361 P.2d 982 (Colo. 1961) (overruled on other grounds by *Vela v. People*, 484 P.2d 1204 (1971)); *Leek v. City of Golden*, 870 P.2d 580 (Colo. App. 1993).

B. The General Assembly may attempt to limit home rule powers by declaring legislation a matter of statewide concern. Sometimes the General Assembly will take the extra step of declaring that it intends to occupy an entire field of regulation and thereby preclude any local regulation at all.³⁵ The court will consider such a declaration; however, the courts are not bound by the declaration. In fact, courts have declared several matters which the General Assembly had declared to be of statewide concern as instead being of predominantly local or mixed concern.³⁶

● Federal or state constitutional provisions may limit a home rule municipality's power to act in a specific area. For example, Article X Section 17 of the Colorado Constitution adopted after Article XX has been construed to preempt home rule municipalities from levying an income tax.³⁷ Similarly, constitutionally imposed tax and spending limits and term limits on elected officials apply equally to home rule municipalities.³⁸

● If the issue is a felony under state law, it will likely be considered a matter of statewide concern.³⁹

SUPREME COURT GUIDANCE

In *City and County of Denver v. State of Colorado*⁴⁰ (the 1990 case deciding that the General Assembly could not preempt local employee residency requirements), the Colorado Supreme Court set forth the factors it considers in determining whether a matter is of local, statewide, or mixed concern. The Court emphasized that there was no particular test to be applied in every instance, but it would apply several factors on a case-by-case basis. The Court stated that it balances the relative interests of the state and the home rule municipality, recognizing that every issue may include interests of each.

As articulated in the Denver residency case and later refined by the Colorado Supreme Court, the main factors the Court analyzes to determine whether state or local law prevails in the event of a conflict between the two are these four:

- the need for statewide uniformity of regulation;
- the impact of municipal regulation on persons living outside the municipality;
- historical considerations, i.e., whether a particular matter is traditionally governed by state or local government;
- whether the Colorado Constitution itself expressly commits a matter to state or local regulation.

Since the landmark decision in *Denver v. State*, the appellate courts in Colorado have more or less systematically applied the four factors enumerated in that case to determine whether other matters should be considered of local, mixed, or statewide concern.⁴¹

Important additional guidance came from the Colorado Supreme Court in a pair of decisions published in 2016 on the subject of “implied” or “field” pre-emption. Sometimes, even when the statutes governing a state regulatory program do not contain an express “declaration of statewide concern,” a plaintiff will claim the state has effectively “occupied the field” of regulation,

³⁵ One example of a statute in which the General Assembly used the phrase “occupy the field” relates to the current statewide system for issuing concealed handgun permits in Colorado. C.R.S. § 18-12-201 to 216.

³⁶ See *Denver v. State*, 788 P.2d 764 (Colo. 1990) (employee residency requirements); see also *City of Commerce City v. State*, 40 P.3d 1273, 1280 (Colo. 2001) (quoting *City & Cnty. of Denver v. Quest Corp.*, 18 P.3d 748 (Colo. 2001)).

³⁷ *City & Cnty. of Denver v. Sweet*, 329 P.2d 441 (Colo. 1958).

³⁸ COLO. CONST. art. X, § 20 (Taxpayers Bill of Rights); COLO. CONST. art. XVIII, § 11 (term limits on elected officials).

³⁹ *City of Aurora v. Martin*, 507 P.2d 868 (1973); *Quintana v. Edgewater Mun. Ct.*, 498 P.2d 931 (Colo. 1972).

⁴⁰ *Denver v. State*, 788 P.2d 764 (Colo. 1990).

⁴¹ Since its ruling in the Denver residency case, the most prominent examples of the Colorado Supreme Court applying the four-factor test in subsequent home rule cases are these, in reverse chronological order: *City of Longmont v. Colo. Oil & Gas Ass'n*, 369 P.3d 573 (Colo. 2016) (regulation of oil and gas hydraulic fracturing); *Ryals v. City of Englewood*, 364 P.3d 900 (Colo. 2016) (residency restrictions on registered sex offenders); *Webb v. City of Blackhawk*, 295 P.3d 480 (Colo. 2013) (restriction of bicycles on municipal streets); *MDC Holdings Inc. v. Town of Parker*, 223 P.3d 710 (2010) (procedures for appeal of municipal use tax disputes to Colorado Department of Revenue); *Town of Telluride v. San Miguel Valley Corp.*, 185 P.3d 161 (Colo. 2008) (extraterritorial eminent domain authority); *City of Northglenn v. Ibarra*, 62 P.3d 151 (Colo. 2003) (placement of juvenile sex offenders in foster care in residential neighborhoods); *City of Commerce City v. State*, 40 P.3d 1273 (Colo. 2002) (deployment of photo-radar for speed enforcement); *City & Cnty. of Denver v. Qwest Corp.*, 18 P.3d 748 (Colo. 2001) (installation of telecommunications facilities in municipal rights-of-way); *Town of Telluride v. Lot Thirty-Four Venture, L.L.C.*, 3 P.3d 30, 37 (Colo. 2000) (rent control); *Winslow Constr. Co. v. City & Cnty. of Denver*, 960 P.2d 685, 693 (Colo. 1998) (control over municipal sales and use tax base); *Fraternal Ord. of Police v. City & Cnty. of Denver*, 926 P.2d 582, 589 (Colo. 1996) (qualifications for employment of Denver deputy sheriffs); *Voss v. Lundvall Bros., Inc.*, 830 P.2d 1061, 1067 (Colo. 1992) (municipal ban on oil and gas drilling); *Walgreen v. Charnes*, 819 P.2d 1039 (Colo. 1991) (appeals of municipal sales and use tax disputes to state courts).

leaving no room for any municipal regulation on the same subject.⁴² This is a traditional way of arguing that the courts should determine a particular subject to be a matter of exclusive state concern. This kind of argument especially arises when the state regulatory regime is quite detailed and comprehensive, or when the state has traditionally been the sole or primary regulator on the disputed subject under Colorado law.

In the case of *City of Longmont v. Colorado Oil and Gas Association*,⁴³ the Supreme Court ultimately ruled that regulation of oil and gas drilling was a matter of mixed state and local concern in which there is a proper regulatory role for both levels of government. In reaching this conclusion, the court rebuffed the argument that the State of Colorado had entirely occupied the field of regulating oil and gas drilling, thus precluding any municipal regulation whatsoever. Several statements by the court may prove helpful in future litigation where municipal ordinances are challenged under an “implied pre-emption” theory:

● *Preemption may be implied when a state statute ‘impliedly evinces a legislative intent to completely occupy a given field by reason of a dominant state interest.’ A legislative intent to preempt local control over certain activities cannot be inferred, however, merely from the enactment of a state statute addressing certain aspects of those activities. Rather, we must consider the language used and the scope and purpose of the legislative scheme.*⁴⁴

● *... the General Assembly has recognized the propriety of local land use ordinances that relate to oil and gas development. ... We are not persuaded otherwise by the Association’s argument that preemption may be implied when state law manifests a “sufficiently dominant” state interest. ‘Sufficient dominancy is one of the several grounds for implied state preemption of a local ordinance.’ A dominant state interest alone, however, does not necessarily evince a legislative intent to exclude any local regulation.*⁴⁵

● *... we reject the Association’s claim that the Commission has the exclusive authority to regulate the technical aspects of oil and gas operations and that such technical regulation constitutes a de facto operational conflict. Nothing in the Oil and Gas Conservation Act evinces a legislative intent to grant the Commission such exclusive authority.*⁴⁶

Earlier in 2016, the Supreme Court touched on another aspect of “implied preemption” theory. In the case of *Ryals v. City of Englewood*,⁴⁷ the Court treated the registration of sex offenders as being a matter of mixed state and local concern, and upheld the authority of the city to impose locational restrictions on where registered offenders could reside. The plaintiff challenging the city law had attempted to argue that, because state laws were silent on any residency restriction, the state had implicitly authorized sex offenders to register anywhere they may claim as their home. In rejecting this argument, the Supreme Court said:

*Ryals argues that state law ‘authorizes’ him to live wherever he chooses within the state because no state statute deals with sex offender residency. This argument is unpersuasive. ‘Authorization’ requires more than legislative silence on an issue. The failure or refusal to prohibit an action does not amount to ‘authorization’ of that action. If legislative silence amounted to authorization, then it would be virtually impossible for local governments to restrict anything. Ryals’s argument thus goes too far. Furthermore, in this case, we have no reason to read legislative silence as implied authorization for sex offenders to live wherever they please. Indeed, the (Sex Offender Management Board) submitted a report to the General Assembly criticizing ordinances like Englewood’s, and the legislature took no action in response to it.*⁴⁸

⁴² See, e.g., *City of Northglenn v. Ibarra*, 62 P.3d 151 (Colo. 2003) (General Assembly has implicitly occupied the field of placement of juvenile sex offenders in foster care, thereby precluding any local regulation).

⁴³ *City of Longmont v. Colo. Oil & Gas Ass’n*, 369 P.3d 573 (Colo. 2016); see also *City of Fort Collins v. Colo. Oil and Gas Ass’n*, 369 P.3d 586 (Colo. 2016). The General Assembly modified Colorado’s oil and gas regulatory scheme and confirmed broader authority of local governments in 2019’s Senate Bill 181.

⁴⁴ *City of Longmont v. Colo. Oil & Gas Ass’n*, 369 P.3d at 582 (internal citations omitted).

⁴⁵ *City of Longmont v. Colo. Oil & Gas Ass’n*, 369 P.3d at 584 (internal citations omitted).

⁴⁶ *City of Longmont v. Colo. Oil & Gas Ass’n*, 369 P.3d at 584 (internal citations omitted).

⁴⁷ *Ryals v. City of Englewood*, 364 P.3d 900 (Colo. 2016).

⁴⁸ *Ryals v. City of Englewood*, 364 P.3d at 909 (internal citations omitted).

LOCAL REGULATION IN AREAS OF STATEWIDE OR MIXED CONCERN

Statewide Concern

The fact that a subject has been declared to be of statewide concern and has been recognized as such by the courts does not necessarily mean that a home rule municipality cannot legislate on the subject. The state legislation may specifically leave room for local legislation. For instance, liquor regulation has been declared a matter of statewide concern;⁴⁹ however, several liquor statutes specifically allow some local regulation.⁵⁰

Particularly in older case law, before the courts began to heavily rely on the term “mixed concern,” the courts would sometimes identify a matter as being of statewide concern but allow a municipal ordinance to coexist with the state statute anyway. In these early court decisions, the court would say there must be a conflict between the state statute and the ordinance for preemption of the local ordinance to occur.⁵¹ The test for determining whether a conflict exists is whether the ordinance authorizes what the statute forbids, or forbids what the statute has expressly authorized.⁵² There is no conflict to the extent the municipal ordinance is merely more restrictive than the state statute.⁵³

Mixed Concern

In matters of mixed concern, the charter or ordinance of a home rule municipality can coexist with the statute so long as the local ordinance and the state statute do not conflict. In the event of a conflict, the conflicting portion of the charter or ordinance is superseded by the statute.⁵⁴ In an area of mixed concern, the Colorado Supreme Court has held that any state preemption must derive from a state statute, and not some other type of state action such as a P.U.C. tariff.⁵⁵

Through the years, the courts have defined the word “conflict” in several different ways, first and foremost asking whether a municipal law authorizes what the state prohibits or prohibits what the state authorizes. But the Supreme Court has also coined the term “operational conflict.” In its 2016 decision in *City of Longmont v. Colorado Oil and Gas Association*, the Court elucidated what this term means:

For the sake of clarity and consistency, we will analyze an operational conflict by considering whether the effectuation of a local interest would materially impede or destroy a state interest, recognizing that a local ordinance that authorizes standard, we hasten to add that such an analysis requires us to assess the interplay between the state and local regulatory schemes. In virtually all cases, this analysis will involve a facial evaluation of the respective statutory and regulatory schemes, not a factual inquiry as to the effect of those schemes “on the ground.”⁵⁶

If the home rule municipality decides, on some basis, that it does have the power to legislate on a particular subject, it must still look to its charter for any limitations on the municipality’s power to act in the area. If the charter contains a limitation, the municipality must act in accordance with the charter limitation, or its action may be invalid.

⁴⁹ Kelly v. City of Fort Collins, 431 P.2d 785 (Colo. 1967); People ex rel Carlson v. City & Cnty. of Denver, 153 P. 690 (Colo. 1915).

⁵⁰ See C.R.S. § 18-13-122(1f) (allowing municipalities to regulate underage possession or consumption of alcohol or marijuana, as long as municipal regulations are at least as strict as state regulations); C.R.S. § 44-3-901(1)(i)(VII) (allowing municipalities to define by ordinance public places where consumption of alcohol may be allowed).

⁵¹ Vela v. People, 484 P.2d 1204 (Colo. 1971); DeLong v. City & Cnty. of Denver, 576 P.2d 537 (Colo. 1918).

⁵² City of Aurora v. Martin, 507 P.2d 868 (Colo. 1973).

⁵³ City & Cnty. of Denver v. Howard, 622 P.2d 568 (Colo. 1981); Vela v. People, 484 P.2d 1204 (Colo. 1971); Ray v. City & Cnty. of Denver, 121 P.2d 886 (Colo. 1942).

⁵⁴ Denver v. State, 788 P.2d 764 (Colo. 1990); Nat’l Advert. Co. v. Dept. of Highways, 751 P.2d 632 (Colo. 1988); City & Cnty. of Denver v. Colo. River Water Conservation Dist., 696 P.2d 730 (Colo. 1985); Voss v. Lundvall, 830 P.2d 1061 (Colo. 1992).

⁵⁵ U.S. West Commc’ns, Inc. v. City of Longmont, 948 P.2d 509 (Colo. 1997).

⁵⁶ City of Longmont v. Colo. Oil & Gas Ass’n, 369 P.3d 573, 583 (Colo. 2016). In this case, some of the parties had argued that the case should be remanded to the trial court for the development of a more robust factual record demonstrating the local reasons for banning fracking as a matter of local concern. However, the Supreme Court emphasized that the conflict analysis simply involves a comparison of what the state and local laws actually say on their face.

ADVANTAGES AND DISADVANTAGES OF HOME RULE

When considering the adoption of a home rule charter, the citizens of each municipality must decide whether home rule would be beneficial, considering the municipality's own needs and problems. Municipal officials should consider or understand the possible advantages and disadvantages of home rule.

Home rule allows flexibility in the exercise of governmental powers. As discussed in the previous section, when a local problem arises, a statutory municipality can look only to the state statutes and a few constitutional provisions for its power or authority to act. If no power has been granted, the municipality must either ignore the problem or ask the state legislature to adopt a statute granting the necessary power. Home rule municipalities, on the other hand, can look both to the state statutes and to the specific and general grants of power found in Article XX of the Colorado Constitution. Thus, where no statutory authority to act exists, home rule municipalities may still have the power to solve their local problems and solve them quickly, without resorting to the state legislature.

If a statute does grant statutory municipalities the power to act, it may additionally require the municipalities to follow certain procedures and other limitations when acting. In other words, the state may control not only the question of whether the municipality has the power to act, but also the question of how that power should be exercised. On the other hand, in matters of local and municipal concern, home rule municipalities are not required to follow procedures outlined in the statutes and thus may shape solutions for local problems to fit local needs.

As an example of the flexibility of home rule power, the following is a partial list of actions that home rule municipalities can take but which statutory municipalities may not pursue or for which statutory authority is doubtful. A home rule municipality may:

- within certain limits, create new tax sources to meet local financial needs;⁵⁷
- provide a method for the simple and expeditious transfer of funds among municipal departments;⁵⁸
- establish its own maximum debt limitations or have no maximum limitation, as it desires;⁵⁹
- establish its own time limitations for the repayment of municipal bonds;⁶⁰
- create its own governmental form and administrative structure, including such matters as the size of its governing body; the powers of elected and appointed officials; terms of office of the members of its governing body and whether they are elected from districts or at-large; quorum and voting requirements; the manner of filling vacancies; the allocation of powers among elected and appointed officials, boards and commissions, and staff;⁶¹
- establish its own procedures for providing street, sidewalk, and other special improvements;⁶²
- establish procedures and dates for municipal elections differing from those established by the statutes, including such matters as regular and special election dates, the dates when elected officials will take office, the creation of an election commission, the procedure for conducting elections, and who may vote in municipal elections;⁶³
- establish procedures by which ordinances and resolutions may be adopted, including methods of adopting codes by reference; determining whether actions will be taken by ordinance, resolution, or motion; procedures for notice, hearing, publication, or posting with regard to ordinances; and determination of the effective date of ordinances;⁶⁴

⁵⁷ *Deluxe Theatres, Inc. v. City of Englewood*, 596 P.2d 771 (Colo. 1979); *Sec. Life & Accident Co. v. Temple*, 492 P.2d 63 (Colo. 1972); *Farmers Mut. Auto Ins. Co. v. Temple*, 491 P.2d 1371 (Colo. 1971); *City & Cnty. of Denver v. Duffy Storage & Moving Co.*, 450 P.2d 339 (Colo. 1969); *Berman v. City & Cnty. of Denver*, 400 P.2d 434 (Colo. 1965); *City of Englewood v. Wright*, 364 P.2d 569 (Colo. 1961).

⁵⁸ *City & Cnty. of Denver v. Blue*, 500 P.2d 970 (Colo. 1961).

⁵⁹ COLO. CONST. art. XX, § 6(e). Note that the Constitution arguably requires a charter provision because it does not include the customary language, "or an ordinance adopted pursuant to the charter."

⁶⁰ *Davis v. City of Pueblo*, 406 P.2d 671 (Colo. 1965).

⁶¹ COLO. CONST. art. XX, § 6; *Evert v. Quren*, 549 P.2d 791, 794 (Colo. 1976); C.R.S. § 31-1-102(2).

⁶² COLO. CONST. art. XX, § 6(g); *Cnty. Comm'rs of El Paso Cnty. v. City of Colo. Springs*, 180 P. 301, 302 (Colo. 1919).

⁶³ *Kingsley v. City & Cnty. of Denver*, 247 P.2d 805 (Colo. 1952); *Cook v. City of Delta*, 64 P.2d 1257 (Colo. 1937); *Clough v. City of Colo. Springs*, 197 P. 896 (Colo. 1921); *Englewood Police Benefit Ass'n. v. City of Englewood*, 811 P.2d 464 (Colo. App. 1990); *May v. Town of Mountain Vill.*, 969 P.2d 790 (Colo. App. 1997).

⁶⁴ *Gosliner v. Denver Election Comm'n*, 552 P.2d 1010 (Colo. 1976); *Artes-Roy v. City of Aspen*, 856 P.2d 823 (Colo. App. 1993).

- establish procedures and requirements pertaining to regular and special meetings and executive sessions;⁶⁵
- establish, within certain bounds, municipal court procedures;⁶⁶
- establish, within limits, greater penalties and jail sentences for ordinance violations than those provided for by statute;⁶⁷
- establish procedures for the sale or disposal of public property and the awarding of contracts;⁶⁸
- have available broader powers of eminent domain outside municipal boundaries;⁶⁹
- have available broader and more flexible taxing powers, including the ability to collect, administer, and enforce sales and use taxes and to determine what transactions are subject to or exempt from sales and use taxes; the ability to establish procedures for the adoption, amendment, increase, or decrease of taxes; the authority to levy taxes not available to statutory municipalities, such as lodgers taxes, admissions taxes, real estate transfer taxes, and other excise taxes; and the ability to provide property tax increase limits different from those provided for in the statutes;⁷⁰
- have available broader and more flexible land use, zoning, and planning powers;⁷¹
- have greater authority over the qualifications of municipal officers and employees;⁷² and
- assert legal standing to sue other local governments and to challenge state laws.⁷³

The limits of home rule power have not been rigidly established since the municipality's power to act may depend in part on how the subject of legislation is classified, i.e., of local and municipal, statewide, or mixed concern.

Depending upon the particular viewpoint, this lack of definite limits on home rule power may constitute either an advantage or disadvantage of home rule. It may be a disadvantage in the sense that it creates some legal uncertainty when a home rule municipality legislates in a relatively new area. However, it may also be termed an advantage of home rule since the lack of rigid legal boundaries allows home rule municipalities to maintain flexibility when attempting to find new solutions to local problems.

In addition to providing flexibility in the exercise of governmental powers and increasing local control over local problems, home rule places decision-making in the hands of those officials who are closest to the people and makes those officials totally responsible for their decisions. The legislature cannot be blamed for a lack of authority to solve local problems, nor can it be blamed for limiting the choices of solutions to those problems. Thus, the citizens of a home rule municipality may find they have a greater voice and interest in the conduct of municipal affairs.

A home rule charter is legally viewed as a document of limitation; that is, the charter provisions are limitations on the powers granted by the Colorado Constitution to a home rule municipality. If a restrictive home rule charter is adopted, the flexibility offered by home rule may well be lost. It may be preferable to remain a statutory municipality than to be a home rule municipality with a restrictive charter that requires numerous votes of the citizens, establishes restrictive mill levy limits, itemizes the internal administrative organization of the government, contains severe bonding requirements, or intentionally or unintentionally limits the powers of the municipality. Thus, home rule may be either an advantage or disadvantage depending upon the nature of the charter.

One of the threshold problems faced by those municipalities considering the adoption of home rule is its cost. The Municipal Home Rule Act provides that the costs incurred in the process of adopting a home rule charter are to be paid by the

⁶⁵ *Gosliner v. Denver Election Comm'n*, 552 P.2d 1010 (Colo. 1976); *Glenwood Post v. City of Glenwood Springs*, 731 P.2d 761 (Colo. App. 1986).

⁶⁶ C.R.S. § 13-10-103; *Artes-Roy v. City of Aspen*, 856 P.2d 823 (Colo. App. 1993).

⁶⁷ *City of Aurora v. Martin*, 507 P.2d 868 (Colo. 1965).

⁶⁸ *Save Cheyenne v. City of Colo. Springs*, 425 P.3d 1174 (Colo. App. 2018), cert. denied (2018).

⁶⁹ *Town of Telluride v. San Miguel Valley Corp.*, 785 P.3d 161, 172 (Colo. 2008); *City of Thornton v. Farmers Reservoir & Irrigation Co.*, 575 P.2d 382 (Colo. 1978); *City & Cnty. of Denver v. Bd. of Cnty. Comm'rs of Arapahoe Cnty.*, 156 P.2d 101 (Colo. 1945); *Town of Parker v. Norton*, 939 P.2d 535 (Colo. App. 1997). See Chapter V.

⁷⁰ See Chapter 2, Table of Areas of Local, Statewide, and Mixed Concern Determined by the Courts.

⁷¹ See Chapter 2, Table of Areas of Local, Statewide, and Mixed Concern Determined by the Courts.

⁷² COLO. CONST. art. XX, § 6(a); *Fraternal Ord. of Police v. City & Cnty. of Denver*, 926 P.2d 582 (Colo. 1996); *Denver v. State*, 788 P.2d 764 (Colo. 1990); *Roybal v. City and Cnty. of Denver*, 436 P.3d 604 (Colo. App. 2019).

⁷³ *City of Greenwood Vill. v. Petitioners for the Proposed City of Centennial*, 3 P.3d 427 (Colo. 2000); *City of Northglenn v. Board of Cnty. Comm'rs of Adams Cnty.*, 411 P.3d 1139 (Colo. App. 2016), cert. denied (2017).

municipality. Those costs may vary and may include attorney fees and other special consultant fees, expenses incurred in publishing notices of elections and publishing the final charter, services and general supplies for the charter commission, and the expenses of holding special elections. Other than special consultant fees, the highest costs to the municipality may be publication costs and the costs of holding special elections.

Finally, the adoption of a home rule charter does not ensure good local government. The quality of the municipal government will still depend upon the quality of the municipal officials and the degree of interest and concern shown by citizens in their government. Perhaps home rule can be seen as a means of placing the responsibility for the quality of municipal government more firmly in the hands of the municipality's own citizens and officials.

AREAS OF LOCAL, STATEWIDE & MIXED CONCERN, DETERMINED BY THE COURTS

Topic	Area of Concern*	Citations
BEER & LIQUOR		
Manufacture, sale and traffic	Statewide concern	Walker v. People, 135 P. 794 (Colo. 1913) (state has a concern in regulating liquor traffic) Big Top v. Schooley, 368 P.2d 201 (Colo. 1962) (local rulemaking authority does not authorize local limits on the number of licenses to sell fermented malt beverages when inconsistent with state statute on matter of statewide concern) City of Colorado Springs v. Campbell, 63 P.2d 1244 (Colo. 1936) (regulation and sale of liquor passed under exclusive control of the General Assembly by virtue of art. XXII, Colo. Const.) Kelly v. City of Fort Collins, 431 P.2d 785 (Colo. 1967) (municipality could establish more restrictive selling hours for fermented malt beverages, but authority was derived from legislative delegation of power on matter of statewide concern)
BUSINESS REGULATIONS		
Electrical contractors and electricians, licensing	Statewide concern	Century Electric Service v. Stone, 564 P. 2d 953 (Colo. 1977) (statewide licensing scheme for electrical contractors and electricians preempted home rule licensing requirements)
Emergency medical care system, ambulance licensing	Mixed concern	DuHamel v. City of Arvada, 601 P.2d 639 (Colo. App. 1979) (holding that, although the availability and quality of ambulance service was a matter of local concern, an ordinance providing for ambulance licensing was preempted by state statutory scheme for the provision of a coordinated system of emergency care that vested ambulance licensing authority in counties)
Hospitals, licensing	Mixed concern	Spears Free Clinic & Hospital v. State Board of Health, 220 P.2d 872 (Colo. 1950) (general assembly has a broad right to provide for the licensing of hospitals within the limits of home rule cities despite city's practice of licensing)
Lending, rates charged by small loan companies	Mixed concern	Ray v. City & County of Denver, 121 P.2d 886 (Colo. 1942) (by implication) (ordinance a bank from collecting certain fees on small loans in the city was invalid because of direct conflict with the state statute allowing the collection of the fees)
Pawnbrokers	Mixed concern	Provident Loan Society v. City & County of Denver, 172 P. 10 (Colo. 1918) (municipal ordinance requiring licensing of pawnbrokers did not conflict with statute defining pawnbrokers differently, nor did it interfere with the state's regulation of pawnbroking)
Peddlers	Mixed concern	McCormick v. City of Montrose, 99 P.2d 969 (Colo. 1940) (home rule city had authority to define a nuisance and restricting retail solicitations at private residences through the exercise of the police power)

Topic	Area of Concern	Citations
Pesticides, notification of use	Mixed concern	COPARR v. City of Boulder, 735 F. Supp. 363 (D. Colo. 1989) (aff'd, 942 F.2d 724 (10th Cir. 1991)) (local ordinances regulating pesticide application conflicted with federal or state regulations, but ordinance imposing notification requirements for pesticide use it did not conflict with federal or state notification requirements) C.R.S. § 35-10-112(3)
Rent control, affordable housing	Mixed concern	Town of Telluride v. Lot Thirty-Four Venture L.L.C., 3 P.3d 30 (Colo. 2000) (viewing issue as “rent control,” not “affordable housing,” and holding that state rent control prohibition conflicted with ordinance requiring developers to generate affordable housing for employees needed as a result of the development) C.R.S. § 29-20-104(1)(e.5)
Sunday closing ordinances		Rosenbaum v. City & County of Denver, 81 P.2d 760 (Colo. 1938) (ordinance requiring automobile dealerships to be closed on Sundays was within the city’s police power and did not violate due process or special legislation constitutional provisions)
Telephone companies, regulation	Local concern	City & County of Denver v. Mountain States Telephone & Telegraph Co., 184 P. 604 (Colo. 1919) (regulating service and rates charged by public utilities for local services is a proper function of municipal government and within a home rule municipality’s regulatory powers) (overruled by People ex rel. Public Utilities Comm’n v. Mountain States Tele. & Tele. Co., 243 P.2d 397 (Colo. 1952))
Telephone companies, regulation of rates	Statewide concern	People ex rel. Public Utilities Commission v. Mountain States Telephone & Telegraph Co., 243 P.2d 397 (Colo. 1952) (overruling prior holding that telephone services and rates within the city were a matter of local concern and that the Public Utilities Commission had jurisdiction to set rates for a telecommunications utility within a home rule municipality. City of Englewood v. Mountain States Tele. & Tele. Co., 431 P.2d 40 (Colo. 1967) (holding that a statewide telephone system is a matter of statewide concern because it requires coordinated intra and interstate communications and that a telephone company has the right, under state law, to maintain its facilities and need not obtain local authorization)
Weights and measurements	Mixed concern	Blackman v. County Court In & For City & County of Denver, 455 P.2d 885 (Colo. 1969) (local regulation of weights and measures involved statewide concern, but also local concern where commerce was concentrated, and could survive if it did not conflict with state law)
MUNICIPAL IMPROVEMENTS & FACILITIES		
Acquisition of light plants	Local concern	Cook v. City of Delta, 64 P.2d 1257 (1937) (home rule municipality had power to acquire a light and power plant and finance the acquisition through revenue bonds)
Auditorium, purchase and construction, bonds	Local concern	City & County of Denver v. Hallett, 83 P. 1066 (Colo. 1905) (home rule amendment enlarged powers of home rule municipalities beyond that granted by the legislature and expression of prominent powers conferred on them was not a limited enumeration of powers; charter could provide for the construction of an auditorium, purchase of property, and issuance of bonds to discharge debt)
Capital improvements and equipment	Local concern	Four-County Metropolitan Capital Improvement District v. Board of Commissioners of Adams County, 369 P.2d 67 (1962) (home rule municipality had exclusive local authority to provide for local capital improvements and facilities)

Topic	Area of Concern	Citations
Construction of off-street parking facilities	Local concern	Davis v. City of Pueblo, 406 P.2d 671 (Colo. 1965) (home rule municipality can issue bonds is not restricted from following methods for constructing and funding off-street parking facilities beyond that provided by statute)
Interjurisdictional light rail transit system	Mixed concern	Anema v. Transit Construction Authority, 788 P.2d 1261 (Colo. 1990) (Transit Construction Authority Act creating authority with power to levy assessment to construct transit system from Denver to Douglas County did not conflict with home rule charter or ordinances and required interjurisdictional cooperation)
Municipal airport	Local concern	City & County of Denver v. Board of County Commissioners of Arapahoe County, 156 P.2d 101 (1945) (home rule city not limited by statutory restrictions regarding acquisition, construction, and operation of municipal airports)
Public construction, building materials for county courthouse	Statewide concern	City & County of Denver v. Bossie, 266 P. 214 (Colo. 1928) (construction and maintenance of county courthouse by city and county was a state concern and city and county was obligated to follow state procurement preference for Colorado materials)
Site selection and construction of municipal water facility outside of municipality	Mixed concern	City & County of Denver v. Board of County Commissioners, 782 P.2d 753 (Colo. 1989) (home rule city's extraterritorial waterworks projects were subject to county permit regulations under former Land Use Act) City of Colorado Springs v. Board of County Commissioners of Eagle County, 895 P.2d 1105 (Colo. App. 1994) (municipalities have a right to construct and maintain extraterritorial water works but must still comply with local permitting process under the Land Use Act.
Waste disposal facility outside of jurisdiction	Mixed concern	City & County of Denver v. Eggert, 647 P.2d 216 (Colo. 1982) (home rule city's solid waste disposal facility located in another county was subject to state regulation because of its effect on the health and environmental quality of people outside of the city)

EMPLOYMENT (SEE ALSO: TAXATION & FINANCE)

Collective bargaining, requirements and compulsory arbitration		Greeley Police Union v. City Council of Greeley, 553 P.2d 790 (Colo. 1976) (suggesting that collective bargaining was a matter of mixed concern and rejecting city's argument that initiated charter amendment providing for collective bargaining involved a matter of statewide concern or conflicted with state law; compulsory binding interest arbitration provisions constituted an unlawful delegation of power under Colo. Const. Art. XXI, § 4) City of Aurora v. Aurora Firefighters' Protective Association, 566 P.2d 1356 (1977) (following Greeley Police Union v. City Council of Greeley) City & County of Denver v. Denver Firefighters Local No. 858, 663 P.2d 1032 (Colo. 1983) (holding that grievance arbitration was not an unlawful delegation of power under Colo. Const. Art. XXI, § 4) Fraternal Order of Police, Colorado Lodge No. 19 v. City of Commerce City, 996 P.2d 133 (Colo. 2000) (holding that compulsory binding arbitration provisions did not constitute an unlawful delegation of power under Colo. Const. Art. XXI, § 4, because arbitrator panel was appointed by elected council through legal process)
Discharge, appeal procedures and standard of review	Local concern	Ratcliff v. Kite, 541 P.2d 88 (Colo. 1975) (home rule charter provisions establishing procedures and standard for review of discharge of municipal clerk took precedence over any statutory provision or common law rule)

Topic	Area of Concern	Citations
Disciplinary procedures, sheriff	Local concern	Roybal v. City & County of Denver, 436 P. 3d 604 (Colo. App. 2019) (home rule city's disciplinary procedures applicable to manager performing functions of sheriff supersede statutes regarding sheriff's appointment of deputies)
Employee benefits, spousal equivalents	Local concern	Shaefer v. City & County of Denver, 973 P.2d 717 (Colo. App. 1998) (home rule municipality had authority to extended health insurance benefits to spousal equivalents as a matter of local concern and ordinance doing so did not infringe on legislative purpose of Uniform Marriage Act)
Employment qualifications, training requirements for deputy sheriffs (POST)	Local concern	Fraternal Order of Police v. City & County of Denver, 926 P.2d 582 (Colo. 1996) (home rule municipality's authority to control qualifications of employment, including training and certification, superseded Peace Officer Standards and Training Act requirements as related to deputy sheriffs with limited authority and duties)
Firefighters cancer presumption statute, workers compensation benefits	Statewide concern	City & County of Denver v. Industrial Claims Office, 328 P.3d 313 (Colo. App. 2014) (for purposes of the firefighter cancer presumption statute, the determination of the scope of employment as a firefighter was a matter of statewide concern, like workers' compensation benefits) (citing City & County of Denver v. Thomas, 491 P.2d 573 (Colo. 1971))
Labor Peace Act	Statewide concern	City of Golden v. Ford, 348 P.2d 951 (Colo. 1960) (home rule municipality's ordinance regulating picketing and other activities relating to labor disputes was preempted by state's Labor Peace Act)
Police and fire pensions	Mixed concern	Board of Trustees v. People, 203 P.2d 490 (Colo. 1949) (overruled on other grounds by Police Pension & Relief Board v. McPhail, 338 P.2d 694 (Colo. 1959)) (holding that fire and police pensions have statewide and local interest and that state had occupied the field) Police Pension & Relief Board v. McPhail, 338 P.2d 694 (Colo. 1959) (holding that charter amendment eliminating escalation factor for pensions of retired police officers tied to officer wage increases was invalid under Art. II, § 11 of the Colorado Constitution) Huff v. Mayor of Colorado Springs, 512 P.2d 632 (Colo. 1973) (firefighter pensions are not exclusively local in nature given statewide interest in fire protection and ordinance affecting firefighter pensions was invalid to extent of conflict with state law) Conrad v. City of Thornton, 553 P.2d 822 (Colo. 1976) (home rule city could contract to refund fire and police employee's individual pension contributions upon termination of employment, prior to qualification for pension benefits, in the absence of statutory restriction; recognizing that police and fire pensions are not exclusively a local concern) City of Colorado Springs v. State of Colorado, 626 P.2d 1122 (Colo. 1981) (statutory requirement that city fund pension plan's unfunded accrued liabilities was invalid under Art. XV, § 12 of the Colorado Constitution as a new liability for past considerations, but that city could be required to fund prospective annual service costs)
Retirement of city employees	Local concern	Coopersmith v. City & County of Denver, 399 P.2d 943 (Colo. 1965) (mandatory retirement age ordinance involved a question of tenure that was within home rule municipality's authority and not preempted by state firefighter pension regulations)
Residency requirements	Local concern	City & County of Denver v. State of Colorado, 788 P.2d 764 (Colo. 1990) (statute forbidding residency requirements for municipal employment superseded by home rule municipal charter provision that imposed requirement)

Topic	Area of Concern	Citations
Restriction of labor hours, public works	Statewide concern	Keefe v. People, 87 P. 791 (Colo. 1906) (statute restricting hours of work on public works projects was applicable to home rule municipality)
Unemployment compensation	Statewide concern	City of Colorado Springs v. Industrial Commission, 749 P.2d 412 (Colo. 1988) (determination of entitlement to unemployment compensation benefits is a matter of statewide concern, despite local interest in determining whether employee should be reinstated)

ENVIRONMENT (SEE ALSO: LAND USE & REAL PROPERTY)

Pesticides, notification of use	Mixed concern	COPARR v. City of Boulder, 735 F. Supp. 363 (D. Colo. 1989) (aff'd, 942 F.2d 724 (10th Cir. 1991)) (local ordinances regulating pesticide application conflicted with federal or state regulations, but ordinance imposing notification requirements for pesticide use it did not conflict with federal or state notification requirements) C.R.S. § 35-10-112(3)
---------------------------------	---------------	--

LAND USE & REAL PROPERTY

Annexation		City of Greenwood Village v. Petitioners for the Proposed City of Centennial, 3 P.3d 427 (Colo. 2000) (Municipal Annexation Act addressed a matter of statewide concern relating to management of urban growth and municipal boundaries)
Common interest communities	Mixed concern	Town of Vail v. Village Inn Plaza-Phase v. Condominium Association, 498 P.3d 1123 (Colo. App. 2021) (cert. denied (2022)) (considering the regulation of common interest communities as an issue of mixed concern and finding that home rule municipality's special development district ordinance imposing special conditions on condominium developments conflicted with later-enacted anti-discrimination provision of Colorado Common Interest Ownership Act)
Eminent domain, exercise of power	Local concern	Fishel v. City & County of Denver, 108 P.2d 236 (Colo. 1940) (Art. XX delegated home rule municipality with full power to exercise the right of eminent domain to effect any lawful, public, local and municipal purpose) City and County of Denver v. Board of County Commissioners of Arapahoe County, 156 P.2d 101 (1945) (general rule against condemning public property for another public use, exceptional circumstances could justify home rule city condemnation of county roads for airport) City of Thornton v. Farmers Reservoir & Irrigation Co., 575 P.2d 382 (Colo. 1978) (home rule city had the full power to exercise the right of eminent domain for a lawful, public purpose after it makes a determination of necessity; charter provision that right be exercised "as provided by law" did not limit city to state statutes; portions of Water Rights Condemnation Act held unconstitutional as applied to home rule municipality) Town of Telluride v. San Miguel Valley Corp., 185 P.3d 161 (Colo. 2008) (home rule town's eminent domain authority included extraterritorial condemnation for parks and open space and Art. XX did not create separate classes of eminent domain authority based on location; statute prohibiting extraterritorial condemnation held unconstitutional as to home rule municipalities) Town of Parker v. Norton, 939 P.2d 535 (Colo. App. 1997) (the Colorado Recreational Trails System Act of 1971 did not grant additional eminent domain authority but did not restrict home rule town's independent eminent domain powers)

Topic	Area of Concern	Citations
Oil and gas	Mixed concern	Voss v. Lundvall, 830 P.2d 1061 (Colo. 1992) (modified by City of Longmont v. Colorado Oil & Gas Association, 369 P.3d 573 (Colo. 2016)) (although local government had authority to enact land use regulations affecting oil and gas development, home rule city's ordinance completely banning the development of oil and gas resources within the city was preempted by state's interest in efficient oil and gas development and production throughout the state, as manifested in the Oil and Gas Conservation Act (before 2019 amendments)) City of Longmont v. Colorado Oil & Gas Association, 369 P.3d 573 (Colo. 2016) (initiated charter provision banning hydraulic fracturing and storage and disposal of related waste within city limits addressed matter of mixed concern and, through operational effect, materially impeded the Oil and Gas Conservation Act (before 2019 amendments)) City of Fort Collins v. Colorado Oil & Gas Association, 369 P.3d 586 (Colo. 2016) (initiated five-year hydraulic fracturing moratorium addressed matter of mixed concern and, through operational effect, materially impeded the Oil and Gas Conservation Act (before 2019 amendments) by rendering statutory and regulatory schemes superfluous)
Outdoor advertising devices along roads of the state highway system	Mixed concern	National Advertising Co. v. Department of Highways, 751 P.2d 632 (Colo. 1988) (despite city's authority to enact sign code and the recognition of land use as an area of local concern, statute allowing outdoor advertising on state highway system within municipality superseded conflicting local sign code) City of Fort Collins v. Root Outdoor Advertising, Inc., 788 P.2d 149 (Colo. 1990) (ordinance requiring removal or conformity of off-premises signs without compensation held invalid to the extent of conflict with Colorado Outdoor Advertising Act outdoor advertising signs, but city could require removal if compensation was provided)
Preservation of value of city property, standing	Local concern	Board of County Commissioners of Adams County v. City of Thornton, 629 P.2d 605 (Colo. 1981) (home rule municipality had standing to challenge county rezoning to preserve the value of city property, which was "incident of the City's express constitutional powers to hold and enjoy property")
Regulation of telecommunications industry	Mixed concern	City & County of Denver v. Qwest Corp., 18 P.3d 748 (Colo. 2001) (ordinance requiring telecommunications providers to obtain a private use permit before occupying or using public rights-of-way conflicted with statute granting telecommunications providers a right to occupy public rights-of-way without additional authorization or a franchise from local municipalities)
Sale of real property	Local concern	Stinson v. City of Craig, 202 F.3d 283 (10th Cir. 1999) (a home rule charter granting the municipality power to purchase, receive, hold and enjoy, or sell and dispose of, real and personal property superseded statute that required an ordinance to sell property; where not superseded by a conflicting charter or ordinance, state statutes regarding matter of local concern would apply to home rule cities)
Sex offender residency	Statewide or mixed concern	City of Northglenn v. Ibarra, 62 P.3d 151 (Colo. 2003) (home rule city's ordinance restricting sex offenders from residing together in a single-family residence was preempted by state's regulations on a matter of statewide concern: adjudicated delinquent children in state-created foster care families) Ryals v. City of Englewood, 364 P.3d 900 (Colo. 2016) (home rule city's zoning ordinances effectively prohibiting registered sex offenders from residing in the municipality did not conflict with state law regulating sex offenders in area of mixed concern)

Topic	Area of Concern	Citations
Urban renewal, slum clearance, housing standards	Mixed concern	People ex rel. Stokes v. Newton, 101 P.2d 21 (Colo. 1941) (enactment of state laws regarding municipal slum clearance and housing projects promotes the general welfare of the state and govern if a home rule city has exercised no such authority) Denver Urban Renewal Authority v. Byrne, 618 P.2d 1374 (Colo. 1980) (bond issuance under urban renewal law did not conflict with home rule charter debt limitation because financing made use of revenue that would not have been otherwise available to city and bond obligations bound urban renewal authority and not city; authority's financing was not an unconstitutional pledge of credit or donation in aid of private or public entities or persons; urban renewal law did not improperly delegate authority or interfere in municipal affairs, given requirement for city to approve urban renewal plan) City of Aurora v. Scott, 410 P.3d 720 (Colo. App. 2017) (city's inclusion of delay to start date of tax increment financing in urban renewal plan conflicted with urban renewal law's provisions regarding the effective date of such provisions)
Zoning, generally	Local concern	Averch v. City & County of Denver, 242 P. 47 (Colo. 1925) (holding that zoning ordinance was within constitutional authority of home rule city to provide for public health and safety, rejecting claim that zoning ordinance was special legislation or deprived landowner of property, and rejecting claim of estoppel against city for building inspector's issuance of permit without city council approval) Roosevelt v. City of Englewood, 492 P.2d 65 (Colo. 1971) (holding that zoning is a matter of local concern, that statutory voting requirements did not apply in home rule city with contrary requirements, and that council did not act arbitrarily or capriciously in rezoning property) Moore v. City of Boulder, 484 P.2d 134 (Colo. App. 1971) (zoning ordinance aimed at establishing low-cost housing in specific area addressed a matter of local concern and authority to enact zoning ordinance of such type and content was not derived from statute) Service Oil Co. v. Rhodus, 500 P.2d 807 (Colo. 1972) (overruled on other grounds by Hartley v. Colorado Springs, 764 P.2d 1216 (Colo. 1988)) (following <i>Roosevelt v. City of Englewood</i> to recognize that zoning is a local and municipal matter and that such power includes necessarily implied powers, such as the power to terminate non-conforming uses) City of Greeley v. Ells, 527 P.2d 538 (Colo. 1974) (holding that zoning was a matter of local concern and that city had power to limit landowner's enlargement of nonconforming uses, which predated the zoning law) Veterans of Foreign Wars, Post 4264 v. City of Steamboat Springs, 575 P.2d 835 (Colo. 1978) (within First Amendment analysis, holding that sign code regulation was within home rule municipality's police power authority and fell under zoning authority as a matter of local concern) City of Colorado Springs v. Smartt, 620 P.2d 1060 (Colo. 1980) (home rule city's zoning policies and authority are governed by its own charter and ordinances, as applied to rezoning conditions) Zavala v. City & County of Denver, 759 P.2d 664 (Colo. 1988) (home rule municipality's zoning authority included broad legislative direction to determine how best to achieve declared municipal objections)
MUNICIPAL COURTS (SEE ALSO: PUBLIC SAFETY; TRAFFIC REGULATIONS)		
Judges, procedures for appointment and compensation	Local concern	People, by and on Behalf of People of City of Thornton v. Horan, 556 P.2d 1217 (Colo. 1976) (statutes regarding tenure of municipal judges recognize the authority of home rule municipalities to specify the terms under which municipal judges hold office)

Topic	Area of Concern	Citations
Jurisdiction, civil claims for damages, writs		City of Englewood v. Parkinson, 703 P.2d 626 (Colo. App. 1985) (cert. denied (1985)) (rejecting municipal judge's claims against city for attorneys fees occurred in challenging ordinance, where jurisdictional provisions of home rule charter did not provide jurisdiction to hear original or remedial writs or decide civil claims for money)
Jurisdiction over civil matters arising under local law	Local concern	Blackman v. County Court In & For City & County of Denver, 455 P.2d 885 (Colo. 1969) (home rule city and county could vest county court with jurisdiction to hear cases arising under charter and ordinances) Town of Frisco v. Baum, 90 P.3d 845 (Colo. 2004) (charter provision provided "exclusive original jurisdiction over all matters" arising under town's charter and laws home was valid under unmistakable constitutional authority to create and define and exercise the jurisdiction of municipal courts as to matters of local and municipal concern and deprived district court of jurisdiction; challenge to land use decision could be required to be filed in municipal court) North Avenue Center, L.L.C. v. City of Grand Junction, 140 P.3d 308 (Colo. App. 2006) (charter provision providing municipal court jurisdiction over causes arising from city ordinances "for a violation thereof" did not provide jurisdiction to hear appeal of variance request denial that did not involve violation of ordinance) Burger Investments v. City of Littleton, 463 P.3d 303 (Colo. App. 2019) (cert. denied (2020)) (charter provision providing municipal court jurisdiction over "all violations of the Charter and the ordinances of the City" construed to limit jurisdiction to criminal cases; municipal court lacked jurisdiction over challenge to land use decision)
Jury trial in petty offense cases	Statewide concern	Hardamon v. Municipal Court of the City of Boulder, 497 P.2d 1000 (Colo. 1972) (home rule authority regarding municipal courts was "limited in scope to those aspects of court organization and operation which are local and municipal in nature and does not empower home rule cities to deny substantive rights conferred upon all of the citizens of the state by the general assembly," included right to jury trial for petty offenses)
Juvenile prosecution	Mixed concern	R.E.N. v. City of Colorado Springs, 823 P.2d 1359 (Colo. 1992) (no conflict existed between municipal ordinance regarding prosecution of juveniles because the Children's Code did not include municipal courts)
Procedure, ordinances with a state criminal counterpart		City of Canon City v. Merris, 323 P.2d 614 (Colo. 1958) (home rule ordinance regarding driving under the influence was required to be prosecuted as a criminal offense because of statute making such conduct a crime) Zerobnick v. City & County of Denver, 337 P.2d 11 (Colo. 1959) (although municipality had authority for a vagrancy ordinance, it was the counterpart of a state criminal statute and all procedural and constitutional protections applicable to criminal cases still applied) City of Greenwood Village on Behalf of State v. Fleming, 643 P.2d 511 (Colo. 1982) (home rule ordinance designating speeding as a civil offense where statute designated conduct as criminal violated Art. XX, § 6 of the Colorado Constitution)
State court appellate jurisdiction	Statewide concern	City & County of Denver v. Bridwell, 224 P.2d 217 (Colo. 1950) (home rule municipality could not vest appellate powers in state courts without legislative authorization)

Topic	Area of Concern	Citations
-------	-----------------	-----------

MUNICIPAL ELECTIONS

Campaign finance
disclosure violations

In re the complaint filed by the City of Colorado Springs and concerning the Colorado Ethics Watch, 227 P.3d 937 (Colo. App. 2012) (home rule city that enacted its own campaign finance ordinances was exempt from Art. XXCIII of the Colorado Constitution and Fair Campaign Practices Act, and could not require state agency to enforce its ordinance despite incorporation of state law)

Municipal elections

Local concern

People ex rel. Tate v. Prevost, 134 P. 129 (Colo. 1913) (municipal elections were declared by the people as local and municipal matters by virtue of home rule amendment)

Gosliner v. Denver Election Commission, 552 P.2d 1010 (Colo. 1976) ("legislature cannot divest a home rule city of its plenary power to deal with municipal elections" and election commission created by home rule municipality was not subject to open meetings law)

Englewood Police Benefits Ass'n v. City of Englewood, 811 P.2d 464 (Colo. App. 1990) (home rule charter unambiguously prohibiting special elections 45 days before or after general election still permitted a special election on the same day as a general election as issue was not expressly prohibited by charter)

Single subject rule,
charter amendments

Local concern

Bruce v. City of Colorado Springs, 252 P.3d 30 (Colo. App. 2010) (home rule city acted within its authority under Art. V, § 1(9) and Art. XX of the Colorado Constitution to establish single-subject rule for charter amendment proposals)

McCarville v. City of Colorado Springs, 338 P.3d 1033 (Colo. App. 2013) (home rule city's ordinance pertaining to initiated charter amendments did not conflict with statutory provisions concerning charter amendments)

Colorado Springs Citizens for Community Rights v. City of Colorado Springs, 360 P.3d 271 (Colo. App. 2015) (home rule city's single-subject rule for charter amendment proposals did not violate city charter or limit citizen's power to amend the charter)

Voter qualifications

Local concern

May v. Town of Mountain Village, 969 P.2d 790 (Colo. App. 1998) (home rule charter granting non-resident property owners the right to vote in municipal elections was within town's powers)

PUBLIC SAFETY (SEE ALSO: MUNICIPAL COURTS; TRAFFIC REGULATIONS)

Animals at large,
impoundment and fees

Local concern

City of Pueblo v. Kurtz, 182 P.884 (Colo. 1919) (home rule municipality had the power to impound stray animals and impose related fees "from time immemorial" as a matter of local concern)

Assault and battery

Mixed concern

City of Aurora v. Martin, 507 P.2d 868 (Colo. 1973) (state assault and battery statute expressed no intent to preempt this area of regulation and a difference in penalty provisions, other than for felony offenses, did not create a substantive conflict with municipal ordinance governing same conduct)

Fire protection

Huff v. Mayor and City Council of City of Colorado Springs, 512 P.2d 632 (Colo. 1973) (in dicta, stating that "fire protection" is a matter of statewide concern to find that firefighter pensions are not exclusively local)

Gambling

Mixed concern

Woolverton v. City & County of Denver, 361 P.2d 982 (Colo. 1961) (upholding municipal ordinance suppressing gambling when the state did not assert authority over gambling in such a manner as to preclude municipal regulation) (**limited in Vela v. People, 484 P.2d 1204 (Colo. 1971)** (overruling dicta that on matters of local concern, ordinances apply to the exclusion of state statutes even when there is no conflict)

Topic	Area of Concern	Citations
Interference with a police officer	Mixed concern	City & County of Denver v. Howard, 622 P.2d 568 (Colo. 1981) (municipal code prohibiting interference with a police officer that was broader and more inclusive than statute governing obstruction of a police officer upheld because it did not prohibit conduct that the state statute explicitly authorized)
Larceny	Statewide concern	Gazotti v. City & County of Denver, 352 P.2d 963 (Colo. 1960) (home rule ordinance criminalizing larceny on broader terms than state statute defining misdemeanor offense was preempted)
Leaving the scene of an accident	Statewide concern	People v. Graham, 110 P.2d 256 (Colo. 1941) (municipal ordinance penalizing driver for failing to stop after an accident was not a violation of regulations of motor vehicle traffic of local and municipal nature, over which home-rule city had exclusive jurisdiction, but were under general police power of state)
Obscenity	Statewide concern	Pierce v. City & County of Denver, 565 P.2d 1337 (Colo. 1977) (home rule municipal ordinance broadly regulating obscenity was invalidated because of conflict with the statewide “community standard” required for determining whether material is obscene)
Pawnbrokers	Mixed concern	Provident Loan Society v. City & County of Denver, 172 P. 10 (Colo. 1918) (municipal ordinance requiring licensing of pawnbrokers did not conflict with statute defining pawnbrokers differently, nor did it interfere with the state’s regulation of pawnbroking)
Police duties	Mixed concern	Police Protective Association v. Warren, 76 P.2d 94 (Colo. 1938) (tax to benefit police pension fund was subject to legislative control because, while duties of police officers were primarily local, police also served state purpose)
Resistance to unlawful arrest	Statewide concern	Bennion v. City & County of Denver, 504 P.2d 350 (Colo. 1972) (home rule ordinance prohibiting resistance to unlawful arrest was invalid where such conduct was expressly allowed by then-existing statute governing area of statewide interest)
Shoplifting, petty theft	Statewide concern	Quintana v. Edgewater Municipal Court, 498 P.2d 931 (Colo. 1972) (home rule ordinance criminalizing shoplifting of articles having a value in excess of \$100 encroached on felony jurisdiction of district court; however, shoplifting articles of a lesser value is a matter of mixed concern and is properly regulated by municipal ordinance)
Vagrancy	Local concern	Dominguez v. City & County of Denver, 363 P.2d 661 (Colo. 1961) (because vagrancy is a problem in populous areas, the City and County of Denver had the authority to adopt an ordinance to address that local issue; the court did not analyze whether there was a conflict with state law) (overruled by Arnold v. Denver, 464 P.2d 515 (Colo. 1970) (vagrancy ordinance was overbroad and vague as the status of being a vagrant alone cannot be penalized))

Topic	Area of Concern	Citations
-------	-----------------	-----------

RAILROADS (SEE ALSO: UTILITIES)

Railroad crossings, closures & safety	Mixed concern	City of Craig v. Public Utilities Commission, 656 P.2d 1313 (Colo. 1983) (holding that home rule city lacked authority to override decision of the PUC to close railroad crossings, despite city's legitimate interest in crossing safety)
Railroad viaducts, construction and apportionment of cost	Mixed concern	Denver & Rio Grande Western Railroad Co. v. City & County of Denver, 673 P.2d 354 (Colo. 1983) (home rule municipality's grant of authority to regulate the construction of and apportionment of costs for railroad viaducts within the municipality was preempted by conflict with grant of jurisdiction to Public Utilities Commission)

TAXATION & FINANCE

Admissions taxes	Local concern	Deluxe Theatres, Inc. v. City of Englewood, 596 P.2d 771 (Colo. 1979) (tax on admissions to public places and events by a home rule city is a valid excise tax imposed on privileges and occupations within the municipal limits and was within authority of home rule municipality to adopt) City of Boulder v. Regents of University of Colorado, 501 P.2d 123 (Colo. 1972) (home rule ordinance that mandated an excise tax on certain types of events was valid, but collection requirements interfered with constitutional authority of state-run university and tax could not be imposed on access to state educational functions)
Assessment against property for local improvements	Local concern	Board of Commissioners of El Paso County v. City of Colorado Springs, 180 P.301 (Colo. 1919) (home rule municipalities have the right to levy special improvement taxes against county property situated in the municipality pursuant to their charter)
Authority, sales and use taxes	Local concern	Berman v. City & County of Denver, 400 P.2d 434 (Colo. 1965) (sales and use tax ordinances were within home rule city's authority and were a matter of local concern because they were adopted to raise revenue to conduct city affairs, render services, and provide facilities for use by residents and non-residents alike) Security Life & Accident Co. v. Temple, 492 P.2d 63 (Colo. 1972) (home rule municipalities have "complete autonomy" in enacting purely local excises taxes and sales taxes and cannot be eroded by statewide, national, or international scope of businesses taxed; statutory effort to limit authority was invalid) Winslow Construction Co. v. City & County of Denver, 960 P.2d 685 (Colo. 1998) (home rule municipality's use tax was proper excise of local authority and not subject to time limitations of similar state tax, despite state's interest in free flow of commerce and preventing multiple taxation)
Budgeting of anticipated revenue	Local concern	City & County of Denver v. Blue, 500 P.2d 970 (Colo. 1972) (in dispute over local budget process, stating that budgeting of anticipated revenue for the operation of city government is strictly a matter of local and municipal concern)
Collection of charges for utility services, delinquent charges, liens		City of Craig v. Hammat, 809 P.2d 1034 (Colo. App. 1990) (home rule ordinance authorizing the collection of utility service charges through the imposition of a lien, in the same manner as taxes, did not conflict with statutes) Sant v. Stephens, 753 P.2d 752 (Colo. 1988) (home rule municipalities have the power to enact ordinances creating liens with rights of redemption, including liens for unpaid utility services, and the ordinance in question did not conflict with state law)

Topic	Area of Concern	Citations
Financing, capital improvements	Local concern	Berman v. City & County of Denver, 400 P.2d 434 (Colo. 1965) (financing of a program of capital improvements is a matter of local and municipal concern not limited by now-repealed Colo. Const. art. XI, § 8) (as characterized by Davis v. Pueblo, 406 P.2d 671 (Colo. 1965))
Issuance of bonds, buying land for donation to the United States for airfield & employment relief	Local concern	McNichols v. City & County of Denver, 74 P.2d 99 (Colo. 1937) (home rule municipality's issuance of bonds to buy land to donate to federal government for airfield was for a valid and strictly local and municipal purpose, including as unemployment relief effort)
Income taxation	Statewide concern	City & County of Denver v. Sweet, 329 P.2d 441 (Colo. 1958) (home rule municipality lacked power to impose an income tax on its residents or call a special election for purposes of imposing an income tax because Colo. Const. Art. X, § 17 preempted the field of income taxation for the general assembly) Mountain States Telephone & Telegraph Co. v. City of Colorado Springs, 572 P.2d 834 (Colo. 1977) (municipal occupation tax tied to gross revenue of business is considered an income tax and is outside of the scope of a home rule municipality's power)
Non-profit cemeteries, taxation and assessment		City & County of Denver v. Tihen, 235 P. 777 (Colo. 1925) (statutory extension of constitutional property tax exemption for non-profit cemeteries applied to municipal assessment) (overruled by State Farm Mutual v. Temple, 491 P.2d 1371 (Colo. 1971)) (overruling Tihen for proposition that the matter of assessment for local improvement districts is of statewide concern)
Occupation tax	Local concern	Post v. City of Grand Junction, 195 P.2d 958 (Colo. 1948) (ordinance imposing occupational excise tax on the business of selling liquor did not conflict with constitutional provisions giving the state control over liquor regulation and tax revenue) City & County of Denver v. Duffy Storage & Moving Co., 450 P.2d 339 (Colo. 1969) (the general assembly has exclusive non-delegable power to levy income taxes, but home rule municipalities can, pursuant to ordinance, impose a business occupational privilege tax and employee occupational privilege tax) Hamilton v. City & County of Denver, 490 P.2d 1289 (Colo. 1971) (municipal occupation tax's application to state officials and employees working within the municipality did not interfere with their employment by the state and did not conflict with Colo. Const. Art. XII, § 13) State Farm Mutual v. Temple, 491 P.2d 1371 (Colo. 1971) (home rule charter imposing a business occupational privilege tax for purposes of raising revenue supersedes state statute prohibiting local taxes on insurance companies)
Taxpayer appeals	Statewide concern	Gold Star Sausage Co. v. Kempf, 653 P.2d 397 (Colo. 1982) (municipal code requirement to challenge tax assessment within 20 days by verified petition was invalid due to conflict with state standard for review under CRCP 106(b) that provided for 30 days and did not require a verified petition) Walgreen Co. v. Charnes, 819 P.2d 1039 (Colo. 1991) (procedure for locally appeals from imposed sales or use taxes is subject to state regulation, in light of preference for uniform statewide access to state courts) MDC Holdings, Inc. v. Town of Parker, 223 P.3d 710 (Colo. 2010) (a town code provision that required plaintiff to seek a formal hearing following the informal hearing before they could exercise the right of appeal was invalid because it required more than the state statute, which only required an informal hearing)
Taxation of gasoline, streets and highways of home rule city	Statewide concern	People v. City & County of Denver, 10 P.2d 1106 (Colo. 1932) (state tax on gasoline applied to gasoline purchased by municipality for use in public vehicles on city streets)

Topic	Area of Concern	Citations
Transportation authority, taxing powers	Mixed concern	Wal-Mart Stores, Inc. v. Pikes Peak Rural Transportation Authority, 434 P.3d 725 (Colo. App. 2018) (cert. denied (2019)) (provision of transportation services and imposition of taxes to pay for services was not of purely local concern and authority's tax did not conflict with home rule municipality's right of taxation)

TRAFFIC REGULATIONS (SEE ALSO: MUNICIPAL COURTS; PUBLIC SAFETY)

Automated vehicle identification systems, intersections	Mixed concern	City of Commerce City v. State, 40 P.3d 1273 (Colo. 2002) (characterizing the regulation of automated vehicle identification systems as one of mixed concern, despite traditional recognition of traffic ordinances and municipal court operations as areas of local concern, and finding that statute superseded local ordinances regarding red light and speeding cameras)
Bicycle traffic	Mixed concern	Webb v. City of Black Hawk, 295 P.3d 480 (Colo. 2013) (home rule municipality's ordinance prohibiting bicycles on city streets addressed matter of mixed concern and conflicted with state law that authorized such a prohibition only if bike paths were provided)
Careless and reckless driving	Local concern	Retallack v. City of Colorado Springs, 351 P.2d 884 (Colo. 1960) (upholding home rule ordinance penalizing reckless driving because standard was "a relative thing" that "is wholly dependent upon so many variable and local circumstances that conviction thereof could not have uniform application throughout the state") People ex rel. City of Aurora v. Thompson, 437 P.2d 537 (Colo. 1968) (home rule ordinance penalizing careless and reckless driving superseded statute)
Driving with suspended or revoked license	Statewide concern	City & County of Denver v. Palmer, 342 P.2d 687 (Colo. 1959) and Davis v. City & County of Denver, 342 P.2d 674 (Colo. 1959) (concluding that home rule municipality was preempted from regulating act of driving without a license because statute did not delegate or consent to local regulation; municipal ordinance also conflicted by imposing lesser sentence than statute)
Driving under the influence	Statewide concern	City of Canon City v. Merris, 323 P.2d 614 (Colo. 1958) (in dicta, holding that home rule ordinance regarding driving under the influence of intoxicating liquor addresses matter of statewide concern and that speed, right of way, parking, designation of one-way streets, and similar regulatory measures are of local concern) (limited in Vela v. People, 484 P.2d 1204 (Colo. 1971)) (overruling dicta that state law and ordinance are mutually exclusive on matters of local concern even when there is no conflict)
Motor vehicle accidents, duties of drivers	Statewide concern	People v. Graham, 110 P.2d 256 (Colo. 1941) (statutes applicable to drivers involved in accidents were within the general police power of the statute and did not relate to the regulation of motor vehicle traffic of a local nature)
Speeds on municipal streets	Local concern	Wiggins v. McAuliffe, 356 P.2d 487 (Colo. 1960) (municipal ordinance establishing violation for speeding on city streets was matter solely of local and municipal concern not preempted by state statute on same subject) People v. Hizhniak, 579 P.2d 1131 (Colo. 1978) (home rule municipality was entitled to impose a jail sentence for a violation of a local speeding ordinance affecting city streets, despite more lenient state law on same subject)
Street intersections, right of way	Local concern	City & County of Denver v. Henry, 38 P.2d 895 (Colo. 1934) ("there seems no escape from the conclusion that the regulation of traffic at street intersections in the city of Denver is primarily a matter of local concern because proper regulation is almost wholly dependent upon local conditions")

Topic	Area of Concern	Citations
Unauthorized parking, private property	Local concern	Lehman v. City & County of Denver, 355 P.2d 309 (Colo. 1960) (home rule municipality had authority to address parking of vehicles on private property)
UTILITIES (SEE ALSO: RAILROADS)		
General regulation of public utilities (non-municipal)	Statewide concern	Colorado Constitution Article XV
Mass transportation system within municipal limits	Local concern	Durango Transportation, Inc. v. City of Durango, 807 P.2d 1152 (Colo. 1991) (county, as municipality, was exempt from Public Utilities Commission regulation in its operation of transit system within county)
Mass transit system outside territorial limits	Mixed concern	City & County of Denver v. Public Utilities Commission, 507 P.2d 871 (Colo. 1973) (home rule municipality's operation of mass transit system outside of municipal boundaries was subject to the jurisdiction of the Public Utilities Commission)
Regulation of utilities serving in areas of local concern	Mixed concern	Zelinger v. Public Service Company of Colorado, 435 P.2d 412 (Colo. 1967) (home rule charter amendment could validly delegate regulatory jurisdiction to Public Utilities Commission)
Relocation of public utilities		City & County of Denver v. Mountain States Telephone & Telegraph Co., 754 P.2d 1172 (Colo. 1988) (in the absence of a contract, franchise agreement, or statute to the contrary, a utility must pay the cost of relocation of facilities from a public street when required by the municipality under its police power) U.S. West Communications, Inc. v. City of Longmont, 948 P.2d 509 (Colo. 1997) (neither a legally binding tariff nor the Public Utility Commission's general jurisdiction preempted a home rule ordinance that prohibited a utility from requiring the municipality to pay for relocation of facilities in the public right-of-way because the ordinance was within the municipality's reasonable exercise of its police powers; home rule analysis is not applicable when comparing a home rule charter or ordinance and a potentially conflicting tariff)
Telecommunications industry	Mixed concern	City & County of Denver v. Qwest Corp., 18 P.3d 748 (Colo. 2001) (ordinance requiring telecommunications providers to obtain a private use permit before occupying or using public rights-of-way conflicted with statute granting telecommunications providers a right to occupy public rights-of-way without additional authorization or a franchise from local municipalities)
MISCELLANEOUS		
Adopting ordinances, procedures	Local concern	Artes-Roy v. City of Aspen, 856 P.2d 823 (Colo. App. 1993) (procedures by which a home rule municipality chooses to adopt uniform codes for use solely within the city is a matter of purely local concern)
Automobiles, licensing	Statewide concern	Armstrong v. Johnson Storage & Moving Co., 268 P. 978 (Colo. 1928) (licensure of vehicles operating on city streets was a matter of state concern, noting absence of local regulation)
Registration of vital statistics	Statewide concern	People ex rel. Hershey v. McNichols, 13 P.2d 266 (Colo. 1932) (home rule municipality was required pay the local registrar of vital statistics appointed by state board as required by statute)

Topic	Area of Concern	Citations
Health	Mixed concern	Spears Free Clinic & Hospital v. State Board of Health, 220 P.2d 872 (Colo. 1950) (the state has police power to regulate matters affecting general public health concerns, including the right to license and regulate hospitals, but municipalities possess the police power of further regulation of health problems arising in their jurisdiction)
Governmental immunity, tortious acts	Mixed concern	Lipira v. City of Thornton, 585 P.2d 932 (Colo. App. 1978) (home rule municipality could not modify the time frame for submitting notice of claims under Colorado Governmental Immunity Act) Delong v. City & County of Denver, 576 P.2d 537 (Colo. 1978) (home rule charter extending greater benefits to persons injured by the tortious acts of police officers did not conflict with statutory provisions in the Colorado Governmental Immunity Act establishing compensation limits) Frick v. Abell, 602 P.2d 852 (Colo. 1979) (home rule charter providing for greater indemnification of a police officer for exemplary damages awarded against him did not conflict with the Colorado Governmental Immunity Act)
City parks, disposition of property	Local concern	Save Cheyenne v. City of Colorado Springs, 425 P.3d 1174 (Colo. App. 2018) (cert. denied (2018)) (home rule municipality's code addressing procedures for disposition of municipal park property superseded statute requiring a public election for disposition of real property held for public purpose)

* This column indicates whether an appellate court characterized the subject of the law at issue to be a statewide, mixed, or local area of concern at the time of the decision, under then current constitutional and statutory structures. The entries in this column attempt to reflect the court's general characterization even if the court did not make an express determination. Some of the decisions may no longer be valid law. The lack of an entry indicates that the decision primarily discussed the scope of home rule authority without suggesting the proper characterization of the issue.

CHAPTER III

MUNICIPAL HOME RULE ACT

OF 1971

INTRODUCTION

Every municipality wishing to adopt, amend, or repeal a home rule charter; adopt a new home rule charter; or adopt a home rule charter at the time of incorporation, must comply with the requirements of the Municipal Home Rule Act of 1971, C. R. S. §§ 31-2-201 et seq.

Prior to the addition of Section 9 to Article XX of the Constitution and prior to the adoption of the act, the procedures for adopting and amending a home rule charter could be found in Sections 4 and 5 of Article XX. However, subsection (3) of Section 9 states that the various provisions in Article XX “as they related to procedures for the initial adoption of home rule charters and for the amendment of existing home rule charters, shall continue to apply until superseded by statute.” Adoption of the act thus superseded the procedural requirements for adopting and amending home rule charters originally found in Sections 4 and 5 of Article XX.⁷⁴

The question is sometimes asked: Do individual home rule municipalities have any authority to alter or supplement the procedures set forth in the Municipal Home Rule Act, particularly in regard to the procedures for amending home rule charters? Section 9 of Article XX unequivocally assigns solely to the General Assembly the power to provide, by statute, the procedures for adopting and amending home rule charters. Thus, a municipality should be cautious about adopting any requirement or procedure that would directly contradict any provision of the act. However, in an important 2013 court decision, the City of Colorado Springs demonstrated that it is possible for a home rule municipality to adopt requirements that merely “supplement” the procedures in the act, particularly on the front-end of the charter amendment process. Specifically, the city adopted an ordinance requiring proposed charter amendments to address only a single subject, to be subject to a review and comment hearing process, and then to have the ballot question written by a title setting board. The Colorado Court of Appeals upheld all of these requirements as not being in violation of Section 9 of Article XX, or of the act.⁷⁵

The following is a general summary of the basic procedural requirements found in the act. Because this information is only a summary of the language of the act, it should not be used as a substitute for the act itself.

⁷⁴ Unfortunately, when Section 9 was added to Article XX, this constitutional amendment did not actually delete the superseded language in Sections 4 and 5. The archaic language in those two sections still appears in the constitution to the present day. This has been a source of confusion through the years. For example, if someone reads Section 5 in isolation, they may believe the only way to place a charter amendment on the ballot is via a citizens petition, not realizing that the later adopted Section 9 and the Municipal Home Rule Act now makes it possible for the governing body itself to refer charter amendments to the ballot.

⁷⁵ *McCarville v. City of Colo. Springs*, 338 P.3d 1033 (Colo. App. 2013), cert. denied (2014). Later, the city survived a related legal challenge in the case of *Colorado Springs Citizens for Community Rights v. City of Colorado Springs*, 360 P.3d 271 (Colo. App. 2015). The plaintiffs in the second case unsuccessfully argued that the additional requirements for initiated amendments should have been adopted itself as an amendment to the Colorado Springs Charter, rather than as a mere ordinance.

GENERAL PROVISIONS

Election Requirements

Procedures. Except as otherwise provided in the act, every election held pursuant to the act must be conducted, as closely as possible, in accordance with the requirements of the Municipal Election Code of 1965, Article 10 of Title 31, C.R.S. (Election Code).⁷⁶

One question raised by this requirement is whether a home rule municipality that has its own election procedures can follow those procedures rather than the Election Code procedures. That question might arise, for instance, in proceedings to amend or repeal an existing charter. Although the act does not answer this question, it would seem that the election procedures of the home rule municipality could be followed since C.R.S. § 31-2-211(1) provides that elections will be conducted in conformity with the provisions of the Election Code. The Election Code provides that home rule municipalities are not required to follow the procedures outlined in the code except those parts of the code adopted by the municipality.⁷⁷

Expenses. The act requires that the municipality pay the expenses of any elections.⁷⁸

Special Elections. Every election required by the act must be held within certain specific time periods. If a regular election is scheduled within the time period required by the act, then the home rule election may be held at the time of the regular election. If no regular election is scheduled within the required time period, a special election on home rule must be called.⁷⁹

Publication. Wherever the term “publication” is used in the act, it means one publication in one newspaper of general circulation in the municipality. If there is no newspaper of general circulation, then publication shall be by posting in at least three public places within the municipality.⁸⁰

Conflicting or Alternative Proposals

Any alternative provision or provisions may be submitted and voted on separately when a charter or charter amendment is submitted to the voters. The alternative provision receiving the highest number of votes, if approved by a majority of the votes of the registered electors voting, shall be deemed approved.⁸¹ If conflicting provisions are adopted that are not submitted as alternatives, the provision that receives the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.⁸²

Change in a Classification of a Municipality

The act establishes a simplified procedure for reclassifying a town with a population greater than 2,000 as a city, or a city with a population of 2,000 or less as a town, by allowing the town or city to simply reclassify itself upon adoption of its home rule charter. If the town or city reclassifies itself by adoption of a charter, it need not comply with the more detailed procedures for reclassification found in Part 2 of Article 1 of Title 31.⁸³ Many former statutory towns such as Parker, Castle Rock, and Windsor have chosen to retain their classification as a “town” even though their populations far exceed 2,000 today.

Time Limits on Similar Proposals

If voters reject a proposal for a charter commission, charter amendment, or repeal of a charter, no substantially similar proposal may be initiated within 12 months after the rejection.⁸⁴

⁷⁶ C.R.S. § 31-2-211(1).

⁷⁷ C.R.S. § 31-10-1539(2).

⁷⁸ C.R.S. § 31-2-211(2).

⁷⁹ C.R.S. § 31-2-211(3).

⁸⁰ C.R.S. § 31-2-203(2).

⁸¹ C.R.S. § 31-2-215(1).

⁸² C.R.S. § 31-2-215(2).

⁸³ C.R.S. § 31-2-216.

⁸⁴ C.R.S. § 31-2-214.

Filing

If voters approve a charter, charter amendment, or charter repeal, a certified copy of the approved measure must be filed with the secretary of state and the municipal clerk within 20 days after voter approval of the measure.⁸⁵

Finality of Elections

No proceeding to contest the adoption of a charter, charter amendment, or charter repeal may be brought unless it is commenced within 45 days after the election adopting the measure.⁸⁶

Initiative, Referendum, and Recall

Every charter must contain procedures for initiative and referendum and for the recall of municipal officers.⁸⁷ These requirements raise questions concerning a municipality's ability to deny the exercise of initiative and referendum powers on certain types of municipal ordinances. Article V, Section 1 (9) of the Colorado Constitution states:

The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws, except that cities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen percent to propose any measure by the initiative in any city, town, or municipality.

An emergency ordinance adopted by a municipality is not subject to referendum.⁸⁸ And the constitutional reservation of the referendum power applies only to acts that are “legislative” in character, not to acts that are “administrative” in character.⁸⁹ A home rule charter may, however, provide that all ordinances are subject to a referendum.⁹⁰

It is not clear whether a home rule charter may prohibit a referendum on any types of ordinances other than emergency or administrative ordinances, although many home rule charters do contain additional prohibitions. It should be noted that Article V, Section 1 specifically grants municipalities the right to establish only the “manner of exercising” initiative and referendum powers as to municipal legislation.

Special requirements exist in Article XX, Section 4 of the Colorado Constitution for the initiative and referendum as applied to franchises in the City and County of Denver. These requirements are made applicable to all home rule municipalities via language in Article XX, Section 6.⁹¹

Any recall provision in the charter must not be in conflict with Article XXI of the Colorado Constitution. However, home rule municipalities enjoy the authority to adopt recall provisions in their charter or ordinances addressing procedural matters and substantive matters not in conflict with the constitution.⁹²

⁸⁵ C.R.S. § 31-2-208.

⁸⁶ C.R.S. § 31-2-218.

⁸⁷ C.R.S. § 31-2-212; COLO. CONST. art. XX, § 5.

⁸⁸ *Shields v. City of Loveland*, 218 P. 913 (Colo. 1923).

⁸⁹ *Vagneur v. City of Aspen*, 295 P.3d 222, 505 (Colo. 2013) (discussing *Witcher v. City of Canon City*, 716 P.2d 445 (Colo. 1986)); see also *City of Aurora v. Zwerdlinger*, 571 P.2d 1074 (Colo. 1977).

⁹⁰ *Burks v. City of Lafayette*, 349 P.2d 692 (Colo. 1960).

⁹¹ Prior to a 1986 constitutional amendment, Section 4 automatically required voter approval for granting any and all franchises. This requirement dated from 1902 and an era when the granting of valuable franchises for street car systems and utilities was often highly controversial and subject to corrupt practices. See *People ex rel Attorney General v. News-Times Pub. Co.*, 84 P. 912 (Colo. 1906). Then in the early 1980s during the burgeoning era of cable TV expansion, cable companies chafed under the voter-approval requirement, and attempted to circumvent it by concocting the theory that cable systems merely required a permit, not a franchise, to operate in city rights-of-way. The Colorado Supreme Court decisively rejected this theory in the case of *Community Telecommunications Inc. v. Heather Corp.*, 677 P.2d 330 (Colo. 1984). Thus, shortly thereafter, the cable industry successfully lobbied the Colorado General Assembly to refer a constitutional amendment that would delete from Article XX the automatic voter-approval requirement for all franchises, and substitute instead a requirement that all franchises must be subject to a referendum if local citizens choose to petition for a vote on the franchise. Despite this change, some home rule municipalities still have a provision in their local charter requiring all franchises to be put to a vote.

⁹² *Berzsen v. City of Boulder*, 525 P.2d 416 (Colo. 1974). See also C.R.S. §§ 31-4-501 to 507 which codifies comprehensive procedures for the recall of municipal elected officials, but includes this exception, “The provisions of this part 5 apply to all municipalities except to the extent that a municipality has adopted provisions pursuant to article XX or XXI of the state constitution inconsistent with this part 5.”

The charter commission should obtain legal advice particularly when drafting the initiative, referendum, and recall sections of the charter.

Vested Rights

No charter, charter amendment, or charter repeal measure approved by a municipality may destroy or affect rights vested in or against the municipality prior to the adoption of the particular measure.⁹³

PROCEDURES FOR ADOPTING A HOME RULE CHARTER

Initiation

Home rule may be initiated by submission to the governing body of a petition signed by not less than 5 percent of the registered electors of the municipality, or by ordinance of the governing body.⁹⁴

Election on Forming the Charter Commission and on Commission Members

Call. Within 30 days after initiation, the governing body must call an election on the question of whether a charter commission shall be formed, and for the purpose of electing members to the charter commission.⁹⁵

Time of Election. The commission election must be held within 120 days after the call of the election.⁹⁶

District or At-Large Representation. The petition or ordinance initiating home rule may specify that commission members are to be elected from districts or from a combination of districts and at-large. If the petition or ordinance requires some type of district election, the governing body must divide the municipality into compact districts of approximately equal population before publishing the first notice of the commission election.⁹⁷ Any determination of population for the purpose of establishing districts must be made on the best readily available information.⁹⁸ Acceptable sources of population information would probably include the latest United States Census Reports and Colorado Department of Local Affairs.

First Notice. Notice of the election must be published by the governing body at least 60 days prior to the election.⁹⁹

Candidates for the Commission. Candidates for the charter commission must be nominated by petition (on forms supplied by the municipal clerk) signed by at least 25 registered electors of the municipality. The nomination must be filed with the municipal clerk within 30 days after publication of the first election notice and must be accompanied by a statement from the nominated candidate of his or her consent to serve if elected.¹⁰⁰ Although this scenario is not directly addressed in the act, if fewer candidates emerge than the total number of seats to be filled on the proposed charter commission, the election may nevertheless proceed, and afterwards the governing body may fill the vacant seats by appointment.¹⁰¹

If the petition or ordinance initiating home rule provides for the election of some charter commission members by districts, the question may arise whether the petition nominating a commission member to represent a district must be signed only by electors residing in that district. This question is not directly answered in the act. However, C.R.S. § 31-2-211(1) requires that, except as otherwise provided, every election held pursuant to the act should be conducted, as closely as possible, in accordance with the requirements of the Election Code. The Election Code provides, in C.R.S. § 31-10-302, that where a candidate for the municipal governing body is to be elected from a ward, electors residing in the candidate's ward shall sign the nomination petition. While this requirement might not be specifically applicable to the nomination of commission members, the better view might be to require petitions for commission candidates to be signed by the required number of electors residing within the candidate's district.

⁹³ C.R.S. § 31-2-217.

⁹⁴ C.R.S. § 31-2-204(1).

⁹⁵ C.R.S. § 31-2-204(2).

⁹⁶ C.R.S. § 31-2-204(2).

⁹⁷ C.R.S. § 31-2-206(2).

⁹⁸ C.R.S. § 31-2-213.

⁹⁹ C.R.S. § 31-2-204(2).

¹⁰⁰ C.R.S. § 31-2-204(3).

¹⁰¹ C.R.S. § 31-2-206(3).

Second Notice. As soon as possible after the filing of the nomination petitions and the consent to serve statements, the governing body must publish a second notice of the election including the names of the candidates for the charter commission.¹⁰²

Election Results. At the election, voters cast ballots for or against forming the charter commission and to elect the commission members. A majority of the registered electors voting is required to approve the formation of a charter commission.¹⁰³

If voters approve the formation of the commission, those candidates receiving the highest number of votes are elected as members of the commission. If there are tie votes for the last available vacancy on the commission, the municipal clerk decides, by lot, who shall be elected.¹⁰⁴

Charter Commission

Duties of the Commission. The commission must hold at least one public hearing while preparing the charter, submit a proposed charter to the governing body within 180 days after the commission election, and prepare and submit a revised proposed charter if the proposed charter is rejected by the voters.¹⁰⁵

Organization of the Commission. The governing body calls the first meeting of the commission within 20 days after the election of the commission.¹⁰⁶ Because the commission has a limited time in which to work (180 days), and because that time begins running from the date of the commission election, the governing body should call the first meeting of the commission as soon as possible after the election.

Further meetings of the commission are called either by the chairperson of the commission or by a majority of the members of the commission. All meetings of the commission must be open to the public.¹⁰⁷

At the first meeting, the commission is required to elect a chairperson and a secretary from among its members and may elect any other officers as it feels necessary from among its members. In addition, the commission may adopt its own rules of procedure. A quorum of the commission consists of a majority of the commission members.¹⁰⁸

Number of Members. The number of commission members is determined by the population of the municipality as follows: population of less than 2,000, nine members; population of at least 2,000, nine members unless the initiating ordinance or petition establishes a higher odd-number of members not to exceed 21 members.¹⁰⁹

Powers of the Commission. The commission has the power to employ a staff; consult and retain experts; purchase, lease, or otherwise obtain necessary supplies, materials, and equipment; accept funds, grants, gifts, and services from any public or private source; conduct interviews; and make investigations. After completion of the commission's work and dissolution of the commission, the commission's property becomes the property of the municipality.¹¹⁰

District or At-Large Representation. The petition or ordinance initiating home rule may require district representation or a combination of district and at-large representation.¹¹¹ If the petition or ordinance initiating home rule is silent on how commission members shall be elected, all members will be elected at-large.

Qualifications of Commission Members. Any registered elector of the municipality is eligible to serve on the commission.¹¹²

Compensation of Commission Members. Commission members receive no compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.¹¹³

¹⁰² C.R.S. § 31-2-204(3).

¹⁰³ C.R.S. § 31-2-205(1).

¹⁰⁴ C.R.S. § 31-2-205(2).

¹⁰⁵ C.R.S. §§ 31-2-206(9), (10); C.R.S. § 31-2-207(3).

¹⁰⁶ C.R.S. § 31-2-206(4).

¹⁰⁷ C.R.S. § 31-2-206(4).

¹⁰⁸ C.R.S. § 31-2-206(4).

¹⁰⁹ C.R.S. §§ 31-2-206(1)(a), (1)(b).

¹¹⁰ C.R.S. § 31-2-206(5).

¹¹¹ C.R.S. § 31-2-206(2).

¹¹² C.R.S. § 31-2-206(3).

¹¹³ C.R.S. § 31-2-206(7).

Vacancies on the Commission. The governing body of the municipality fills, by appointment, any vacancy on the commission.¹¹⁴

Expenses of the Commission. The municipality pays the reasonable expenses of the commission, upon written verification of the expenses by the chairperson and secretary of the commission. The governing body of the municipality must enact any supplemental appropriation ordinances as necessary to cover the commission's expenses.¹¹⁵

Election on the Charter

Call and Publication. Within 30 days after the date on which the commission submits the proposed charter to the governing body, the governing body must publish notice of and call an election on the proposed charter. The notice must contain the full text of the proposed charter.¹¹⁶

Time of Election. The election on the proposed charter must be held not less than 60 days nor more than 185 days after publication of the notice of the election.¹¹⁷

Ballot Requirements. Ballot requirements are discussed on page 41 under "Ballot Requirements."

Election Results. A charter is adopted if a majority of the registered electors voting approve the charter, and the approved charter takes effect at the time established in the charter.¹¹⁸

Filing With the Secretary of State and Clerk. Within 20 days after its approval, any new charter must be filed with the Colorado secretary of state and municipal clerk. Upon such filing, the Colorado courts are allowed to take judicial notice of the charter.¹¹⁹

If electors reject the proposed charter, the charter commission must prepare a revised proposed charter in the same general manner as it prepared the proposed charter, and the governing body must submit the revised proposed charter to an election in the same manner as the original proposed charter.¹²⁰ If voters reject the revised proposed charter, then the charter commission is dissolved.¹²¹

PROCEDURES FOR AMENDING A HOME RULE CHARTER

Initiation

Amendments to existing home rule charters may be initiated by a petition signed by a minimum number of registered municipal electors or by ordinance adopted by the governing body.¹²²

Petition Requests

The following requirements pertain to a charter amendment initiated by petition.

Commencement. The petition process is commenced by filing with the municipal clerk a statement of intent to circulate a petition. The statement must be signed by at least five registered electors of the municipality.¹²³

Circulation and Filing. The petition is circulated for a period not to exceed 90 days from the date of the filing of the statement of intent. The petition must be filed with the municipal clerk before the close of business on the 90th day, or on the next business day if the 90th day falls on a Saturday, Sunday, or legal holiday.¹²⁴

¹¹⁴ C.R.S. § 31-2-206(3).

¹¹⁵ C.R.S. § 31-2-206(7).

¹¹⁶ C.R.S. § 31-2-207(1).

¹¹⁷ C.R.S. § 31-2-207(1).

¹¹⁸ C.R.S. § 31-2-207(2).

¹¹⁹ C.R.S. § 31-2-208.

¹²⁰ C.R.S. § 31-2-207(3).

¹²¹ C.R.S. § 31-2-207(3).

¹²² C.R.S. § 31-2-210(1).

¹²³ C.R.S. § 31-2-210(1)(a)(I).

¹²⁴ C.R.S. § 31-2-210(1)(a)(I).

Form and Contents. The petition must contain the text of the proposed amendment and must state whether the proposed amendment is sought to be submitted at the next regular election or at a special election. If the petition seeks to submit the proposed amendment at a special election, the petition must state an approximate date for the election.¹²⁵ The petition also must meet the additional requirements set forth in C.R.S. § 31-2-220 through 225; those additional requirements are summarized on page 39 under “Additional Petition Requirements.”

Single Subject Considerations. Neither Article XX nor the Municipal Home Rule Act imposes a single subject rule on initiated or referred charter amendments. Furthermore, when the Colorado Constitution was amended in 1994 to adopt a single subject rule, the amendment applied only to state initiatives and state constitutional amendments, not to local measures.¹²⁶ In the absence of any definitive state law on the subject, some home rule municipalities have adopted their own single subject rule for charter amendments.¹²⁷ The Colorado Supreme Court has been inconsistent through the years on the question of whether or not there is a common law single subject rule governing charter amendments. For example, in 1926, the Court struck down an attempt to amend the Denver charter to switch from a strong mayor to a council-manager form of government, based upon a finding that the petition “combined” several amendments that were not “germane” to one another.¹²⁸ However, in later years, the court seemed to take a more sanguine view of multi-faceted amendments that may touch upon “diverse subjects” in a charter, as long as the ballot title gives adequate notice to the voters of the changes being proposed.¹²⁹ In these later cases, the court seemed particularly interested in blessing omnibus charter amendments designed to clean-up and “modernize” old charter language.

Number of Signatures. If the petition seeks to submit an amendment at the next regular election, at least 5 percent of the electors of the municipality who are registered on the date of filing of the statement of intent must sign the petition. If the petition seeks to submit an amendment at a special election, at least 10 percent of the electors of the municipality registered on the date of filing the statement of intent must sign the petition.¹³⁰

Date of Filing. If the petition seeks to submit an amendment at the next regular election, it must be filed with the municipal clerk at least 90 days prior to the date of the regular election. If the petition seeks to submit an amendment at a special election, it must be filed with the municipal clerk at least 90 days prior to the approximate special election date stated in the petition.¹³¹

Certification by Municipal Clerk. Within 15 working days after the filing of the petition, the municipal clerk must provide certification to the governing body as to the validity and sufficiency of the petition.¹³²

Election on the Proposed Amendment

Notice and Call. Within 30 days after the adoption of the ordinance or the date of filing of the petition (assuming the clerk certifies the petition to be valid and sufficient), the governing body must call and publish notice of an election on the proposed amendment. The notice must contain the full text of the proposed amendment or statement of the proposal as contained in the ordinance or petition.¹³³

Ballot requirements. Ballot requirements are discussed on page 41 under “Ballot Requirements.”

Time of Election. The election on the amendment must be held not less than 60 days nor more than 120 days after publication of the notice of election. If the amendment was initiated by petition and is sought to be submitted at a special election, the election must be held as near as possible to the approximate date stated in the petition, subject to the foregoing time requirements.¹³⁴

¹²⁵ C.R.S. § 31-2-210(1)(a)(II).

¹²⁶ COLO. CONST. Art. V, § 1(5.5); Art. XIX, § 2(3).

¹²⁷ See, e.g., *Colo. Springs Citizens for Cnty. Rights v. City of Colo. Springs*, 360 P.3d 271 (Colo. App. 2015); *McCarville v. City of Colo. Springs*, 338 P.3d 1033 (Colo. App. 2013), cert. denied (2014).

¹²⁸ *People ex rel Walker v. Stapleton*, 247 P. 1062 (Colo. 1926).

¹²⁹ *City and Cnty. of Denver v. Mewborn*, 354 P.2d 155 (Colo. 1960); *Coopersmith v. City & Cnty. of Denver*, 399 P.2d 943 (Colo. 1965).

¹³⁰ C.R.S. §§ 31-2-210(1)(a)(III), (IV).

¹³¹ C.R.S. §§ 31-2-201(1)(a)(III), (IV).

¹³² C.R.S. § 31-2-210(3).

¹³³ C.R.S. § 31-2-210(4).

¹³⁴ C.R.S. § 31-2-210(4).

Election Results. An amendment is deemed approved if a majority of the registered electors voting approve the proposed amendment.¹³⁵

Filing With the Secretary of State and Clerk. Within 20 days after its approval, any charter amendment must be filed with the Colorado secretary of state and municipal clerk. Upon such filing, the Colorado courts are allowed to take judicial notice of the charter amendment.¹³⁶

PROCEDURES FOR REPEALING A HOME RULE CHARTER

To date, there has never been an example of a vote anywhere in Colorado to entirely repeal an existing home rule charter and return the municipality to the status of a statutory city or town. But the Colorado Constitution and the Home Rule Act contemplate that local citizens always retain the power to make this choice.

Initiation

Action to repeal a charter may be initiated by petition, or by a two-thirds vote of the governing body adopting an ordinance to submit the proposed repeal to a vote of the registered electors of the municipality.¹³⁷

Petition Requirements

The requirements for commencement, circulation, filing, and contents of the petition are similar to those applicable to a petition to amend a charter, except that the petition:

- must state the proposal to repeal the charter; and
- must be signed by at least 15 percent of the registered municipal electors, whether the petition seeks submission of the proposal at a regular election or at a special election.¹³⁸

Election on the Proposed Repeal

Notice and Call. Within 30 days after initiation, the governing body must call and publish notice of an election on the proposed repeal. The notice must contain a statement of the proposal as contained in the ordinance or the petition.¹³⁹

Ballot Requirements. Ballot requirements are discussed on page 41 under “Ballot Requirements.”

Time of Election. The election must be held not less than 60 nor more than 120 days after publication of the notice of election. If the proposed repeal was initiated by petition and is sought to be submitted at a special election, the election must be held as near as possible to the approximate date stated in the petition, subject to the foregoing time requirements.¹⁴⁰

Election Results. A charter is repealed when a majority of the registered electors voting approve the repeal. If the charter is repealed, the municipality must begin to organize and operate in accordance with the statutes applicable to a municipality of its size.¹⁴¹

PROCEDURES FOR HOME RULE MUNICIPALITIES TO ADOPT A NEW CHARTER

When extensive revision of a charter is desired, or when an entire change in the form of government is proposed (such as from mayor-council to council-manager), a new charter commission might be preferable to a charter amendment.¹⁴² Attempts to convene a new charter commission and propose to the voters an entirely new home rule charter have been quite rare in Colorado. Shortly

¹³⁵ C.R.S. § 31-2-210(6).

¹³⁶ C.R.S. §31-2-208.

¹³⁷ C.R.S. § 31-2-210(2).

¹³⁸ C.R.S. § 31-2-210(2).

¹³⁹ C.R.S. § 31-2-210(4).

¹⁴⁰ C.R.S. § 31-2-210(4).

¹⁴¹ C.R.S. § 31-2-210(6).

¹⁴² See *People ex rel Walker v. Stapleton*, 247 P. 1062 (Colo. 1926).

after World War II, a charter convention was convened in Denver to draft a “reform charter” that would transport the city into the future while applying modern organizational and management principles, but the voters rejected the new charter at the polls in 1948.¹⁴³ Even when a charter amendment proposes to change entirely the form of government, the tradition in Colorado has been to propose the change through an extensive charter amendment rather than writing an entirely new charter. For example, when Denver briefly switched from a mayor-council form of government to a commission form of government in 1912, the change was accomplished via a charter amendment, not a new charter.¹⁴⁴ Four years later when Denver decided to switch to its current strong mayor form of government, again the charter changes were effected with one lengthy amendment. In more recent times, both Colorado Springs (2011) and Pueblo (2017) made the switch from council-manager to strong mayor form of government through the charter amendment process. Nevertheless, governing bodies and the people themselves always have the option to start from scratch and write an entirely new charter under the following procedures.

Initiation

Action to form a new charter commission may be initiated by petition or by the governing body adopting by a 2/3 vote of its members an ordinance submitting the proposed formation of a new charter commission to a vote of the registered electors of the municipality.¹⁴⁵

Petition Requirements

The requirements for commencement, circulation, filing, and contents of the petition are similar to those applicable to a petition to amend a charter, except that the petition:

- must state the proposal to form a new charter commission;
- must be signed by at least 15 percent of the registered municipal electors, whether the petition seeks submission of the proposal at a regular election or at a special election; and
- must be filed with the municipal clerk at least 90 days prior to the date of the regular election or the approximate date stated in the petition for a special election, as the case may be.¹⁴⁶

Election on the Proposed Formation of a New Charter Commission

Notice and Call. Within 30 days after initiation, the governing body must call and publish notice of an election on the proposal. The notice must contain a statement of the proposal as contained in the ordinance or the petition.¹⁴⁷

Ballot Requirements. Ballot requirements are discussed on page 41 under “Ballot Requirements.”

Time of Election. The election must be held not less than 60 days after publication of the notice of election. If the proposal was initiated by petition and is sought to be submitted at a special election, the election must be held as near as possible to the approximate date stated in the petition, subject to the foregoing time requirements.¹⁴⁸

Procedures. The procedures for the forming and functioning of a new charter commission must comply as nearly as possible with the procedures for the forming and functioning of an initial charter commission.¹⁴⁹ This means that the time and method requirements for nominating candidates to the initial charter commission should be followed, as should other procedures contained within Colorado Revised Statutes § 31-2-204 through § 31-2-207.

Additional Petition Requirements

The following petition requirements, in addition to other applicable requirements, apply to any petition to initiate the adoption, amendment, or repeal of a charter, including the formation of a new charter commission. Any petition that fails to meet the applicable requirements or that is circulated in a manner other than that permitted by the applicable requirements is invalid.¹⁵⁰

¹⁴³ See *Mahood v. City & Cnty. of Denver*, 195 P.2d 379 (Colo. 1948).

¹⁴⁴ *People ex rel Moore v. Perkins*, 137 P. 55 (Colo. 1913).

¹⁴⁵ C.R.S. § 31-2-210(2).

¹⁴⁶ C.R.S. § 31-2-210(2).

¹⁴⁷ C.R.S. § 31-2-210(4).

¹⁴⁸ C.R.S. § 31-2-210(4).

¹⁴⁹ C.R.S. § 31-2-210(5).

¹⁵⁰ C.R.S. § 31-2-219.

Warning on Petition. At the top of each page of the petition, the following must be printed in plain red letters no smaller than 10-point, boldface type:¹⁵¹

WARNING: IT IS AGAINST THE LAW:

For anyone to sign any petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to sign such petition when not a registered elector.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR

Do not sign this petition unless you have read or had read to you the text of the proposal in its entirety and understand its meaning.

Signatures. The petition must be signed only by registered electors by their own signatures; next to each signature, the signer's residence address, including street and number (if any) and the municipality, and the date of signing, must be included.¹⁵²

Affidavit. Each petition must have attached an affidavit of some registered elector stating the elector's address; that the affiant is a registered elector of the municipality or of the territory proposed to be incorporated; that the affiant circulated the said petition; that each signature thereon was affixed in his or her presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best knowledge and belief of the affiant each of the persons signing said petition was at the time of signing a registered elector; and that the affiant has not paid or will not in the future pay, and that the affiant believes that no other person has so paid or will pay, directly or in-directly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to such petition. No petition may be accepted for filing if it does not have the affidavit attached.¹⁵³

Form of Petition. The petition must be printed on pages 8.5-inches wide by 11-inches long, with a margin of two inches at the top for binding; the sheets for signature must have their ruled lines numbered consecutively and must be attached to a complete copy of what is proposed, printed in plain block letters no smaller than eight-point type. Petitions may consist of any number of sections composed of sheets arranged as required.¹⁵⁴

Representatives of Signers. Each petition must designate by name and address not less than three nor more than five registered electors to represent the signers thereof in all matters affecting the petition.¹⁵⁵

Approval of Form. No petition may be printed, published, or otherwise circulated until the municipal clerk approves it as to form only. The clerk must ensure that the petition contains only the matters required by the statute and contains no extraneous material. The clerk must approve or disapprove the form of the petition within five working days of submission. The petitions must be prenumbered serially.¹⁵⁶

Disassembly. Any disassembly of the petition that has the effect of separating the affidavits from the signatures will render the petition invalid. Prior to the time of filing, the persons designated in the petition to represent the signers must attach the sheets containing the signatures and affidavits together; the sheets must be bound in convenient volumes together with the sheets containing the signatures accompanying the same.¹⁵⁷

Protest. A petition that has attached an affidavit by a registered elector that each signature thereon is the signature of the person whose name it purports to be and that to the best of the knowledge and belief of the affiant each of the persons signing such petition was at the time of signing a registered elector is *prima facie* evidence that the signatures thereon are genuine and true and that the persons signing the same are registered electors, unless a protest in writing, under oath, is filed in the clerk's office by some registered elector of the municipality (or territory proposed to be incorporated, if the petition is for the adoption of a home rule charter in connection with incorporation of a municipality) within 30 days after such petition is filed, setting forth with particularity the grounds of the protest and the names protested.¹⁵⁸

¹⁵¹ C.R.S. § 31-2-220(1).

¹⁵² C.R.S. § 31-2-220(2).

¹⁵³ C.R.S. § 31-2-220(2).

¹⁵⁴ C.R.S. § 31-2-221(1).

¹⁵⁵ C.R.S. § 31-2-221(1).

¹⁵⁶ C.R.S. § 31-2-221(1).

¹⁵⁷ C.R.S. § 31-2-221(2).

¹⁵⁸ C.R.S. § 31-2-223(1).

Notice of Hearing. If a protest is filed, the clerk must mail a copy of the protest to the persons named in the petition as representing the signers at the addresses given in the petition, together with a notice fixing a time for a hearing on the protest. The hearing must be not less than five nor more than 20 days after the notice is mailed. If, at the hearing, the protest is denied in whole or in part, the person filing the protest may file, within 10 days after the denial, an amended protest. A copy of the amended protest must be mailed to the persons named in the petition. A hearing must be held on the amended protest as in the case of the original protest. No amendment to an amended protest is permitted.¹⁵⁹

Hearing. All records and hearings must be public, and all testimony at the hearing must be under oath. The clerk has the power to issue subpoenas to compel the attendance of witnesses and the production of documents at the hearing. If any witness fails to obey the subpoena, the clerk may petition the district court for an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of court is punishable as a contempt of court.¹⁶⁰ Hearings must be held as soon as is conveniently possible and must be concluded within 30 days after the commencement thereof. The result of the hearing must be certified to the persons representing the signers of the petition.¹⁶¹

Insufficiency of Petition. If the petition is declared insufficient in form or number of signatures of registered electors, a majority of the persons representing the signers of the petition may withdraw it. Within 15 days after the insufficiency is declared, the petition may be amended or additional names signed, and the petition may then be refiled as an original petition.¹⁶²

Review of Determination. The finding as to the sufficiency of a petition may be reviewed by the district court of the county in which the petition is filed; the district court's decision is subject to review by the Supreme Court.¹⁶³

Ballot Requirements

The following requirements apply to the official ballot for a proposal to adopt, amend, or repeal a home rule charter, including the formation of a new charter commission.

Ballot. The proposal must appear upon the official ballot by ballot title only and, if there is more than one proposal, they must be numbered consecutively in the order determined by the governing body and must be printed on the official ballot in that order, together with their respective numbers prefixed in boldface type. Each ballot title must appear once on the official ballot, must be separated from the other ballot titles next to it by heavy black lines, and must be followed by the words “yes” and “no” as follows:¹⁶⁴

(HERE SHALL APPEAR THE BALLOT TITLE IN FULL)

Yes

No

¹⁵⁹ C.R.S. § 31-2-223(1).

¹⁶⁰ C.R.S. § 31-2-223(2); C.R.S. § 13-10-112(2) (allowing municipal courts to enforce subpoenas issued by the clerk).

¹⁶¹ C.R.S. § 31-2-223(2).

¹⁶² C.R.S. § 31-2-223(2).

¹⁶³ C.R.S. § 31-2-223(2).

¹⁶⁴ C.R.S. § 31-2-222.

Unlawful Acts Concerning Petitions

The following acts are unlawful with respect to any petition to initiate the adoption, amendment, or repeal of a home rule charter, including the formation of a new charter commission:

- for any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league, or political party, without the written consent, approval, and authorization of such person, organization, association, league, or political party;
- for any person to sign any name other than theirs own to any such petition or knowingly to sign their name more than once for the same measure at one election;
- for any person who is not a registered elector of the municipality or of the territory proposed to be incorporated at the time of signing the same to sign any such petition;
- for any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in such affidavit to be true;
- for any person to certify that an affidavit attached to such petition was subscribed or sworn to before them unless it was so subscribed and sworn to before them and unless such person so certifying is duly qualified under the laws of this state to administer an oath;
- for any person willfully to do any act in reviewing the petition or setting the ballot title which shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election or to refuse to submit any such petition in the form presented for submission at any election.

Any person who violates any of the provisions of this section commits a class 2 misdemeanor and shall be punished as provided in C.R.S. § 18-1.3-501.¹⁶⁵

PROCEDURES FOR ADOPTING A CHARTER UPON INCORPORATION

The last Colorado municipality to adopt a home rule charter immediately upon incorporation was the Town of Mountain Village in 1995.¹⁶⁶ More commonly, a newly incorporated municipality will begin as a statutory city or town and get settled in for a few years before taking the next step of reorganizing under a home rule charter. For example, Lone Tree incorporated in 1995 and then adopted a home rule charter in 1998; Centennial incorporated in 2001 and adopted a home rule charter in 2008; Castle Pines incorporated in 2007 and adopted a home rule charter in 2019. The following is a brief summary of how a newly formed municipality can go the short route as Mountain Village did. Incorporation procedures found in C.R.S. §31-2-101 et seq., as amended, should be referred to while reading this summary.

Initiation. The petition for incorporation (C.R.S. § 31-2-101) must also petition for initiation of home rule and must be signed by at least 5 percent of the registered electors of the territory to be embraced within the boundaries of the proposed municipality.¹⁶⁷

Procedures. The court-appointed election commission will exercise the powers, functions, and responsibilities assigned in the Act to the governing body or municipal clerk.¹⁶⁸

The procedures required for incorporation and for adoption of a home rule charter are to be modified as necessary to allow simultaneous consideration of incorporation and home rule.¹⁶⁹

Election on Incorporation and Home Rule. At the incorporation election, the electors also vote on whether a charter commission should be formed and on the candidates for the charter commission.¹⁷⁰

¹⁶⁵ C.R.S. § 31-2-225.

¹⁶⁶ See *May v. Town of Mountain Vill*, 132 F.3d 576 (10th Cir. 1997).

¹⁶⁷ C.R.S. § 31-2-209(2).

¹⁶⁸ C.R.S. § 31-2-209(3).

¹⁶⁹ C.R.S. § 31-2-209(3).

¹⁷⁰ C.R.S. § 31-2-209(4).

Election Results. If a majority of the registered electors voting approve incorporation and forming a charter commission, the first election of officers of the municipality must be stayed pending drafting and approval of the home rule charter pursuant to the requirements of §§ 31-2-206, 207.¹⁷¹

When the charter or revised charter is finally approved, or when the revised charter is rejected, the election commission then proceeds with the first election of municipal officers and the completion of incorporation as required in Part 1 of Article 2 of Title 31, C.R.S

¹⁷¹ C.R.S. § 31-2-209(5).

CHAPTER IV

PREPARING THE CHARTER

INTRODUCTION

The opportunity to draft a charter may arise only once in the lifetime of a community. When it does, those responsible for drafting the charter, the charter commission members, usually face two major problems: a limited amount of time in which to write the charter and a lack of experience in writing charters. This chapter offers some assistance with both problems.

PRE-COMMISSION PREPARATION

Partly because of the time limitations placed on the charter commission's work, several municipalities have, prior to the initiation of home rule, established study groups composed of both citizens and councilmembers. These groups usually provide background work by studying whether the municipality will in fact profit by the adoption of a home rule charter and the advantages and disadvantages of home rule in relation to the needs of their own municipality; they also review various charters to determine what might be contained in their own charter; and they possibly may even draft a charter that would reflect the individuality of the municipality's needs. A study group then reports its results to the municipal governing body.

Study group work may assist in the adoption of a home rule charter. A study group will bring the idea of home rule to the attention of the municipality's citizens and, by so doing, begin the process of educating citizens on home rule and creating citizen interest in home rule. The study group also may provide invaluable background work that can be used later by the charter commission, which, because of time limitations placed on the charter commission, might be impossible to obtain otherwise.

Whether the study group should prepare a charter may be open to question. It might be useful to the charter commission as a starting point for deliberations; however, it also might cause the commission to limit the scope of its work unduly if the commission assumes that its only duty is to modify and adopt the study group's charter. Because commission members are elected by the citizens to write the charter and because there is a variety of possible charter provisions available, such a limitation on the commission's work might not be in the best interests of the community. Regardless of whether the study group writes a charter, its other services may be of invaluable assistance to the commission.

There may, in fact, be several study groups organized within a community prior to the initiation of home rule. Organizations such as the local League of Women Voters might form their own groups and offer their results to a citizen-council group or to the charter commission.

The council of one municipality considering the adoption of home rule asked the city attorney to compile samples of various possible charter provisions. Prior to the first meeting of the charter commission, the attorney compiled a volume of material containing three or four samples of possible charter provisions and an outline analysis of the differences among the samples. The material was presented to the commission at one of its early meetings and apparently expedited debate and work of the commission.

The Colorado Municipal League has prepared a matrix of charter provisions of all the home rule municipalities in Colorado. The matrix allows for comparison of how home rule municipalities have addressed issues in their respective charters. This matrix and copies of charters that have been adopted are available from the League.

Sample procedural and organizational rules used by charter commissions are located in Appendix H.

Finally, the charter commission itself should be representative of the whole community and should not be dominated by

municipal officials or by one or a few interest groups. Those interested in initiating home rule might encourage people who represent various community interests to run for membership on the charter commission.

CHARTER COMMISSION ORGANIZATION

To create a charter of high quality within the statutory time limits, the charter commission itself must be well organized. The Municipal Home Rule Act of 1971 provides that the first meeting of the charter commission must be called by the governing body within 20 days after the election of the commission members.¹⁷² The first meeting should be called as soon as possible, and the governing body should select a public place for the meeting and set a time and day that is convenient for the commission members.

At the first meeting, the commission might organize its work, establish its operating procedures, and, if necessary, acquaint the members of the commission with each other. The following are suggestions for action at the first meeting:

- If the members of the commission are not well acquainted, it might be best to elect only temporary officers as chairperson pro tem and secretary pro tem. (If the members are well acquainted, the commission may wish to select permanent officers and a permanent steering committee to expedite the work of the commission.)
- Select a small temporary steering committee that would be responsible for reporting at the second meeting its suggestions on the following:
 - A. A simple plan of organization and set of procedural rules to be followed in commission meetings
 - B. Nominations for any offices required by the organization plan
 - C. A tentative schedule of general commission meetings and a tentative date for the public hearing or hearings on the charter
 - D. A tentative estimate of the financial needs of the commission
 - E. Suggestions for the employment of any needed consultants
 - F. A program for meetings which might include speakers on municipal home rule law and on the powers and duties of the charter commission.
- Make a list of commission members with their addresses and phone numbers. (This list might be copied and distributed to all commission members.)
- Obtain suggestions from the members concerning the most convenient times and places for future meetings. Set the time and place for the second meeting.
- Discuss the preliminary needs of the commission.
- Schedule a short time during the meeting to receive any citizen petitions, suggestions, or study group results.
- If possible, provide loose-leaf binders to commission members for keeping material pertaining to the work of the commission.

At the second meeting, the commission might complete the organizational work of the commission and inform members of their legal powers, duties, and responsibilities. The second meeting might include:

- Hearing and discussing the report of the temporary steering committee
- Adopting a plan of organization
- Receiving nominations for officers, as well as electing and installing officers
- Discussing and adopting rules of procedure including such matters as scheduling meetings, the duties of the elected officers, and the adoption of a standard book on parliamentary rules
- Discussing and possibly establishing time limits for various phases of the commission work in order to avoid a rush to meet last-minute deadlines
- Hearing any speakers on the commission's legal powers, duties, and responsibilities
- Considering whether consultants should be utilized to advise the commission.

¹⁷² C.R.S. § 31-2-206(4).

It is vital that the content of each meeting be planned in advance to ensure the completion of the commission's work within necessary time limits. The commission might consider establishing a permanent steering committee to plan and give direction to the meetings. This committee might be composed of the elected officers plus a few other members, remembering to keep the size of the committee workable.

Minutes of each committee and commission meeting should be kept and made available to the members of the commission to keep each member up to date on the commission's work.

The commission might prepare a proposed budget and present it to the municipality's governing body. Because the municipality is required to pay the expenses of the commission, it should, if possible, receive estimated budgets from the commission to plan for the payment of commission expenses.

Perhaps the greatest need, in addition to well-planned meetings, is well-conducted meetings. Rules of procedure should be followed to provide a sound structure for commission discussions and decisions, and the presiding officer must keep the commission focused on the business at hand. Again, because of statutory time limitations, wasted time in commission work can only reduce the quality of the final charter.

To save hours of work for the commission as a whole, one home rule charter commission appointed a five-member drafting committee at its first organizational meeting. This committee met independently of the total charter commission and drafted proposed sections of the charter. Prior to each meeting of the entire commission, drafted sections were given to the members of the commission to review. The commission then discussed and offered amendments and corrections to the sections drafted by the committee.

Another charter commission selected a different procedure. The first two meetings of the commission were concerned almost wholly with establishing the organization and procedural rules of the commission. At the first meeting a president, vice president, and secretary were elected, and two committees were established. The Rules and Organization Committee drafted the rules of organization and procedure for the commission and answered questions regarding interpretation of the rules during the term of the commission. The second committee, the Publicity and Steering Committee, was responsible for all publicity related to the work of the charter commission, and for formulating plans to promote and explain the charter to the people after the commission completed its work. At the commission's second meeting, the organizational structure and procedural rules recommended by the Rules and Organization Committee were adopted, and three additional standing committees were named. The Drafting Committee was responsible to draft various charter provisions. The Calendar Committee established programs and a schedule for the commission's work. This committee decided what topics would be discussed at each meeting and provided commission members with all necessary information relating to the particular topic under discussion. The Finance and Personnel Committee cleared budget expenditures with the municipality's administrator and arranged for necessary consultant, clerical, or stenographic help.

Finally, it should be remembered that the act contains several requirements pertaining to the work of the charter commission. These requirements are summarized on page 35 of this handbook. One particular provision to keep in mind is § 31-2-206(9), which requires the charter commission to hold at least one public hearing while preparing the proposed charter.

SPECIAL CONSULTANTS

The charter commission can minimize its understandable lack of experience in charter writing by obtaining the services of an attorney or other special consultant experienced in the areas of charter drafting, home rule, public finance, and municipal law generally. If the commission does not have sufficient funds to hire a special consultant it might consider, at a minimum, requesting the assistance of persons in other home rule communities who are experienced in the problems and procedures of drafting charters.

If used properly, a special consultant with practical experience or technical knowledge can be of invaluable assistance to the commission.

DRAFTING THE CHARTER

Because the charter likely will not be amended frequently, special care should be taken in drafting charter provisions. Provisions should be written in clear, simple, and concise language. The charter is a legal document; thus, words used in the charter must be chosen with care to ensure that those words clearly state the intended meaning. If they do not, litigation may result, and numerous amendments to the charter may be required.

The charter should be viewed as a single, unified instrument, consistent in language and content. Inconsistent charter provisions also can lead to unnecessary litigation regarding the real meaning or intent of the charter.

The charter should be viewed as a lasting document. As noted previously in this handbook, the charter is to the municipality what a constitution is to the federal or state government; the United States Constitution has lasted for centuries, and the Colorado Constitution has lasted for decades. Opportunities to amend the charter may be infrequent, and such amendments may be difficult to accomplish. Thus, when evaluating the need for or desirability of a particular charter provision, the commission may wish to take a long-range view of the charter. It may be helpful, for instance, to evaluate whether the provision addresses a long-range issue appropriate for inclusion in the charter or addresses an immediate or ephemeral issue that may change with time and may thus be better addressed by ordinance.

As noted previously, the charter is also a document of limitation; a home rule municipality has the power to act unless the charter limits such action. Therefore, the most flexible charter is a document that contains the minimum requirements stated in general and broad terms.

Finally, a simple, flexible numbering system for charter provisions should be used so that future amendments to the charter can be easily inserted in their proper place.

CONTENTS OF THE CHARTER

Philosophy of the Commission

A charter is the central document governing a home rule municipality. It is to the municipality what the constitution is to the state. It outlines the organizational structure of the municipality, establishes the basic procedures to be followed when the governing body acts, and imposes restrictions on the powers of the municipality.

Because charter provisions are legally viewed as limitations on the powers of the municipality, the charter commission must first determine whether the proposed charter should be of a broad and general nature, or of a detailed and restrictive nature. The commission should answer this question before it begins drafting specific charter sections since the decision will affect not only the contents of the charter but also the wording of the charter provisions.

The experiences of several Colorado municipalities suggest that the best charters are broad and general in nature, since broadly worded charters generally create more flexible and responsive governments.

One of the major advantages of home rule is that it frees the municipality from the often excessive or outdated restrictions found in state statutes. If the home rule charter is itself extremely detailed or restrictive, the municipality and its citizens may not obtain the benefits offered by home rule. In contrast to the charter, ordinances are more easily adopted, amended, and repealed, thus allowing the municipality to seek new methods to solve local problems, to respond more quickly and effectively to local problems, to create an effective administrative system based on continuing experience, and to correct or change previous judgments as needed.

Some people argue that a charter with few restrictions on the local government is a dangerous document; however, this should not be so. The charter should contain the basic structure of the government and will, to some degree, limit the authority of municipal officials. Moreover, there are limits set by the state and federal constitutions, by the state legislature in matters that are not purely local and municipal, and by court interpretations of municipal powers. There are financial limitations on the administration. There are citizen powers to hold the administration in line: elections, initiative, referendum, and recall procedures. If broad, general powers granted by a charter result in abuses, the citizens will likely amend the charter quickly to restrict those powers; in contrast, it may be more difficult to remove restrictions on the powers granted by a charter once those restrictions are in place.

Required Charter Provisions

Initiative, Referendum, and Recall Procedures. The act requires the charter to contain initiative, referendum, and recall procedures; Section 5 of Article XX and Section I of Article V of the Colorado Constitution similarly requires the charter to contain initiative and referendum procedures. See page 33 of this handbook for a brief discussion of the problems concerning the content of these provisions.

Continuing, Amending, or Repealing Existing Ordinances. Section 4 of Article XX of the Colorado Constitution requires the charter to contain a provision for continuing, amending, or repealing ordinances in force at the time the charter is adopted.

Prefatory Synopsis. (Although a prefatory synopsis is probably not a charter provision, it is included here for the sake of convenience.) Section 4 of Article XX requires that a prefatory synopsis be written for the charter.

Restrictions on Charter Provisions

Tax Rate. No charter or charter amendment can diminish the property tax rate established for state purposes by the General Assembly or in any way interfere with the collection of state taxes for state purposes.¹⁷³

Franchises. Franchises are one area in which home rule municipalities may be subject to more restrictions than statutory municipalities. The initiative and referendum powers are guaranteed with respect to franchises even if the ordinance granting the franchise contains an emergency clause, and the signatures of not more than 5 percent of the registered electors may be required in order to order a referendum on a franchise.¹⁷⁴

See page 5 for a general discussion of other restrictions on the municipality's power to adopt various charter provisions or ordinances.

Possible Charter Provisions

The following material includes some examples of provisions taken from the charters of various Colorado home rule municipalities. These examples are not offered here as suggestions for adoption but merely as examples of how some municipalities have solved, through their charter, various problems that were created for them by state statutes or constitutional provisions, or by the lack of such statutes and provisions. Because different problems are faced by different municipalities, these examples may not be applicable to any particular municipality. All municipalities preparing a home rule charter, however, should use the charter to solve at least some existing municipal problems.

The following is a discussion of only some of the possible charter provisions. Many other provisions are and should be included in charters.

Form of Government. After deciding whether the charter should be of a broad or restrictive nature, the commission should decide what form of government will be adopted by the municipality. The commission should make this decision early in its work since the form of government affects many other important charter provisions, such as the size of the council, methods of nominating and electing municipal officials, terms of office, duties of the mayor and council, etc. The following is a brief description of some possible forms of government:

- **Commission Form.** A typical commission plan of government provides for five commissioners, elected at-large by the voters, to serve as a legislative and administrative body. The board of commissioners generally controls all administrative departments within the municipality, with each commissioner heading a particular department.

No home rule municipality in Colorado currently utilizes the commission form. This form of government has, for several reasons, been abandoned by an increasing number of municipalities elsewhere in the United States in recent years. Commissioners, though good policy makers, may not have administrative expertise. There is usually no single executive to coordinate activities of the various departments and to accept responsibility for administrative decision making. And the commission government often fails to provide sufficient checks within itself to control spending since those who appropriate funds also spend the funds.

- **Weak-Mayor Council.** This form of government began in the 19th century and also has been discarded by numerous municipalities in past years. This form is characterized by a mayor elected by the voters, an elected council that confirms departmental appointments by the mayor, separately elected department heads, and administrative boards that are either elected or appointed for overlapping terms. The problems of a weak mayor form are similar to those in the commission form. There is no single, unifying, and responsible executive; different persons may control various administrative departments, thereby creating a lack of coordination and unity of effort; and the numerous elective positions may result in voter confusion and lack of effective voter control.

- **Strong-Mayor Council.** The strong mayor-council form of government corrects many of the problems found in the weak mayor and commission forms. Both the mayor and council are elected; however, the elected mayor traditionally has the authority to hire and fire department heads without confirmation of the council,¹⁷⁵ to veto acts of the council, to pre-

¹⁷³ COLO. CONST. art. XX, § 5. This archaic restriction dates from a time when the State of Colorado actually imposed a statewide property tax of up to four mills under the authority of COLO. CONST. Art. X, §§ 2 and 11. With the adoption of the TABOR amendment, the state is now completely prohibited from imposing a statewide property tax. COLO. CONST. art. X, §20(8).

¹⁷⁴ COLO. CONST. art. XX, § 4.

¹⁷⁵ For over a century the Denver charter granted to the mayor the authority to appoint his cabinet without council confirmation. However, Denver voters approved a referred charter in 2020 requiring city council "consent" for certain mayoral executive appointments going forward. Denver Charter § 2.2.6. Likewise, Colorado Springs and Pueblo, cities that have more recently adopted strong mayor form, have included a council confirmation requirement for certain mayoral appointments.

pare the municipal budget for council approval, and to administer the budget after it has been adopted. Thus, the strong mayor plan corrects one of the most serious defects of the prior two forms by providing a single, responsible executive.

The major problems within this form arise because there may be few individuals who are both sufficiently expert administrators to run a city organization and sufficiently adept politicians to be elected. Thus, expertise may bow to political qualifications at election time. Another possible hazard in the strong mayor plan is that sufficient political differences may arise between the mayor and council to impede daily governmental functions since the mayor may veto actions of the council, and the council controls the finances necessary to the administration of the government.

● **Mayor-Administrator.** To correct some of the defects found in the strong mayor plan, some cities have experimented with the mayor-administrator form of government. The structure of the government is similar to that in the strong mayor plan except that much of the mayor's administrative responsibility is delegated to a single chief administrator who is responsible directly to the mayor. This form of government has been adopted in some of the larger cities in the nation.¹⁷⁶

● **Council-Manager.** The substantial majority of home rule municipalities in Colorado have adopted a council-manager form of government. The council-manager plan has two basic features: a small elected council to decide policy questions and a professionally trained manager hired by the council and subject to dismissal by the council to carry out the day-to-day administration of the municipal government. The mayor may be elected at large or from the council but generally has a limited formal role that includes conducting council meetings, acting as the head of the government for all ceremonial purposes, and exercising some discrete administrative functions such as signing contracts and, in rare cases, emergency powers. Major advantages of this plan of government are: policymaking and administrative functions are separated; the manager provides expert guidance in administrative matters; responsibility is centralized in a single, chief executive who is held directly accountable to the council; municipal spending may be more easily controlled; and the manager, as an employee, may be readily dismissed by the council if the manager's work is unsatisfactory. Disadvantages sometimes cited for this form of government are that the municipality lacks a strong political figure in a position of leadership since the administrative executive (the manager) is appointed by the council; voter control over the municipal government may be decreased since voters elect only the council and have no direct control over the manager; and the cost of hiring a qualified manager may be relatively high.

See Appendix D for a complete list of Colorado home rule municipalities and their forms of government.

Qualifications of Elective Officials. When establishing qualifications for elective office, the charter commission might consider whether the qualification under consideration will, to any degree, help ensure the election of high quality officials. The commission should also obtain assistance to avoid establishing any qualifications that are not permitted by law.

Size of the Council. The number of councilmembers should be sufficiently large to ensure adequate representation of the citizens, yet not so large as to become unworkable.

At-Large or District Representation. Councilmembers may be elected at-large, from districts, or from a combination of at-large and districts; the size of the municipality might influence which type of representation to select. The assurance of representation from discrete neighborhoods or areas of the municipality might be balanced against the assurance that councilmembers will represent the community as a whole rather than the sometimes parochial interests of a particular district. Any applicable legal restrictions on districting should be observed as well.

Terms of Office. Many home rule charters provide staggered terms of office for councilmembers to establish some continuity in the government. The length of the terms of office for councilmembers generally range from two years to four years. A longer term of office allows councilmembers to learn their jobs and to function effectively on the basis of their knowledge. However, too long a term of office might prevent the citizens from quickly changing the complexion of their governing body if they desire to do so. Perhaps the commission should attempt to decide what term of office would provide continuity and stability in the governing body without resulting in stagnant government and without excessively reducing the voters' control over the governing body. While a limitation on the total number of terms that may be served is now imposed by the Colorado Constitution,¹⁷⁷ the charter may provide a different number of terms or eliminate term limits altogether. If the charter is silent on term limits, the constitutional restriction will apply.

Filling of Vacancies. Most home rule charters provide that the city council will fill any vacancies on the council. Some charters require an election to fill vacancies where numerous vacancies exist at one time.

¹⁷⁶ This form of government is also acknowledged in Colorado statutes as an option for statutory cities, which can retain a strong mayor as chief executive and also hire an administrator to assist "as may be necessary or desirable" C.R.S. § 31-4-107(2). A handful of home rule municipalities have carried forward this kind of hybrid governance system when they adopted home rule charters.

¹⁷⁷ COLO. CONST. art. XVIII, § 11.

Powers of the Council. This is one of the charter sections in which the commission's decision on the general or restrictive nature of the charter is important. If the commission attempts to itemize the powers of the city council it may inadvertently omit important powers or phrase specific grants of power in too restrictive a manner. Most recent home rule charters include broad grants of power to the council and, for reasons expressed earlier in this handbook, a broad grant would appear advisable.

Mayor. Any decisions relating to the office of mayor depend largely on the form of government selected by the commission. Traditionally, under a council-manager plan, the mayor was often selected by the city council from its own members to preside at council meetings and perform mostly ceremonial functions. As of 2022, however, only eighteen home rule municipalities in Colorado retained this system for selecting the mayor. Instead, the overwhelming trend in home rule charters that have been adopted or amended in recent years has been toward popular election of the mayor at-large, even in a council-manager form of government where the city manager continues to run the day-to-day operations of the municipality.

In a mayor–council plan, the mayor is normally elected at-large from the municipality. The mayor's powers and duties will necessarily be more extensive than those of a mayor in the council–manager plan because he or she is charged with the administration of the municipal government, in much the same way as the president or a governor acts as the chief executive officer of the federal government or a state government respectively.

City Manager. The manager usually is appointed by vote of the council to serve at the council's pleasure. The manager's powers and duties may be defined more specifically than those of the council, and the charter may establish methods to be followed when removing the manager. The manager might not be required to be a resident of the municipality or state, at least prior to appointment, since the primary qualifications for the position are usually administrative ability and experience. In addition, some charters contain a provision specifically defining the relationship between the council, mayor, and the city manager in order to prevent the mayor or council from interfering with the administrative functions of the municipal government.

Election Procedures. While the Colorado Municipal Election Code does not apply to a home rule municipality, the code does provide that the municipality may adopt it in whole or in part.¹⁷⁸ Because of the comprehensive and modern nature of the Election Code, many home rule municipalities have elected to adopt its provisions with only minor variations. In this regard, whenever the commission considers adopting state statutes or constitutional provisions in the charter, care should be taken to indicate that these statutes or provisions are adopted either with or without future amendments. If the charter does not mention future amendments, a question may later arise as to whether future statutory or constitutional amendments apply to the municipality.

The charter often names the municipal election date. Many Colorado home rule charters require that the municipal election be held in odd-numbered years. Because state and federal elections are held in even-numbered years, holding municipal elections in odd-numbered years may allow the voters an opportunity to concentrate more closely on local problems, issues, and candidates. After the adoption of the TABOR amendment in 1992, the state and county clerks began to conduct odd-year elections on the first Tuesday in November of odd-numbered years.¹⁷⁹ State laws were also amended to allow municipalities to conduct “coordinated elections” with the state and the counties.¹⁸⁰ Thus, November of odd years has become an increasingly popular time for home rule municipalities to conduct their regular biennial elections.¹⁸¹

Other election-related issues that may be resolved in the charter are methods of establishing election precincts, procedures for calling special elections (some home rule charters provide that special elections may be called by resolution rather than by ordinance), hours of voting during elections, and the establishment of an election commission.

Administrative Organization. This is another area where the charter provision should be worded generally, rather than specifically. That is, the charter might specify the methods of establishing administrative departments and identify the person—manager or mayor—who shall supervise and control the administrative departments.

However, a charter that itemizes the various departments, their duties, functions, and organization might seriously impair the ability of the chief administrator or council to change the administrative structure to meet problems as they arise. It should be possible to alter the administrative organization quickly to ensure efficient municipal administration as the municipality's needs change.

¹⁷⁸ C.R.S. § 31-10-1539(2).

¹⁷⁹ C.R.S. §§ 1-41-101, et seq.

¹⁸⁰ C.R.S. § 1-7-116.

¹⁸¹ Additionally, November of odd-numbered years was always the regular biennial election date for statutory cities. C.R.S. § 31-1-101(10)(a). Therefore when a statutory city adopts a home rule charter, the logical choice is to retain the same election date. By the same token, the first Tuesday in April of even number years has always been the regular biennial election date for a statutory town, and therefore when many statutory towns have adopted home rule charters they have chosen to retain the April date.

Boards and Commissions. If boards and commissions are to be established, it again might be best not to go into great detail in the charter regarding the powers, duties, qualifications of members, etc. of the boards and commissions. The charter may be phrased in general language, to be supplemented later by ordinance, and perhaps should be worded so as to permit the governing body to add or delete boards and commissions as the need arises.

Ordinances and Resolutions. Most home rule charters contain a provision stating when the council must act by ordinance and when it may act by resolution or motion. Often, certain actions are required to be taken only by ordinance, e.g., creating an indebtedness, levying a tax, and establishing a rule which includes a penalty if violated.

Some municipalities have found that publication costs constitute a rather large portion of their annual budget. As a result, some charters provide that the title of an ordinance and a statement that the ordinance is on file in the clerk's office for public inspection is sufficient publication. Some charters also provide that copies of the ordinance will be posted in public places within the municipality. The charter also may allow for publication of notices and ordinances in a more cost-efficient manner than that dictated by state statute. This charter provision is an example of how the charter can be used to solve some of the problems existing for the municipality under present state statutes.

Several of the older charters contain provisions stating that ordinances and resolutions shall be confined to one subject clearly expressed in the title.¹⁸² Omission of such a provision may be sound; however, with such a provision, if the governing body errs and places more than one subject in the ordinance, the validity of the ordinance may be attacked and the costs of adopting ordinances under this type of provision may be increased since the municipality might have to adopt a larger number of ordinances.

In the area of emergency ordinances, the charter commission faces the problem of establishing procedures that will allow the governing body to act quickly, yet prevent arbitrary action. Some charters contain a provision that an emergency ordinance may be enacted at either a regular or special meeting by an affirmative vote of a greater number of councilmembers than is required for a nonemergency ordinance. The ordinance then takes effect on the date of passage.

The commission might consider including a provision in the charter to establish, or to allow the council by ordinance to establish, procedures to be followed when adopting codes by reference.

The charter also might include requirements for codifying ordinances; establishing the number of votes necessary for adopting ordinances, resolutions, and motions; and the basic ordinance form.

Personnel. The commission may include a charter provision providing basic requirements for the establishment of a personnel system. It might again be advisable to leave the detail of the system to ordinance.

Legal and Judicial Departments. The charter might contain a provision establishing the method of selecting the municipal attorney, and who the municipal attorney represents. If the attorney represents more than just the council (i.e., the mayor, manager, or department heads), practical and ethical problems may arise in the event of a conflict between one of these administrative officers and council. In addition, the charter might outline the procedures to be followed when hiring special counsel. The charter also should include a provision establishing the municipal court.

Article 10 of Title 13, C.R.S. as amended, relates to the establishment of municipal courts and contains a section allowing home rule cities to supersede any section of the article except for those "provisions relating to the method of salary payment for municipal judges ... the right to a jury trial for petty offenses ... rules of procedure promulgated by the supreme court, and appellate procedure" and other provisions.¹⁸³

Budget, Control, and Financing. Most present charters contain provisions relating to the scope of the annual budget, methods to be used when adopting the budget, and requirements for public hearings prior to the adoption of the budget. In addition, charters often contain general provisions establishing various types of funds. Unnecessary details should not be required to transfer money among the various funds because transfers are not easily accomplished under present state statutes. Such a review may help the municipality avoid provisions that unnecessarily restrict future solutions to fiscal problems and increase financing costs.

Municipal Borrowing. The commission should provide reasonable limitations on borrowing without being too restrictive. It might be noted that there are outside limitations on a municipality's borrowing power in that, if the municipality is not consid-

¹⁸² The Colorado General Assembly has long operated under a "single subject rule" for state legislation and, via a 1994 constitutional amendment; this rule was extended to statewide initiatives and referenda. COLO. CONST. art. V, § 1(5.5). The state's single subject rule, particularly as applied to initiated legislation, has been subject to considerable litigation.

¹⁸³ C.R.S. §§ 13-10-103 to -126; see also *City of Thornton v. Horan*, 556 P.2d 1217 (Colo. 1976); *Hardamon v. Mun. Ct.*, 497 P.2d 1000 (Colo. 1972); *Artes-Roy v. City of Aspen*, 856 P.2d 823 (Colo. App. 1993) (discussing home rule authority related to municipal judges).

ered a sound financial risk, the municipality's bonds may not be purchased. The charter itself may contain general provisions creating the methods or procedures to be followed when issuing or refunding the various types of bonds, and setting certain general limitations on bond sales. Bond counsel assistance in this area may be helpful.

The authority of home rule municipalities to structure their own charter provisions for debt and borrowing was curtailed considerably by the adoption of the Taxpayer Bill of Rights (TABOR) amendment in 1992. TABOR requires virtually any "multiple fiscal year direct or indirect district debt or other financial obligation whatsoever" to be put to a vote of the people. It also specifies how and when such an election must be conducted.¹⁸⁴

Eminent Domain. If the commission decides to include a charter section on eminent domain, it should consider wording the section to state that the municipality will have the power of eminent domain both inside and outside municipal boundaries. If this is not clearly stated, the municipality's powers might be unnecessarily restricted by court interpretation.

¹⁸⁴ COLO. CONST. art. X, § 20(3), (4)(b).

CHAPTER V

PUBLICIZING HOME RULE

INTRODUCTION

The approval of a home rule charter is not guaranteed. A number of Colorado municipalities have, in fact, rejected home rule as a concept in the first election. One individual, who was instrumental in the initiation of home rule for a Colorado municipality that eventually rejected the idea, stated that public apathy was the primary reason for the rejection. Home rule as a philosophy of government may not generate the election excitement or interest as does an individual contest for an elective office. In addition, in the municipality rejecting home rule, those persons initiating it were overconfident, and many people who favored the idea simply did not bother to vote because they assumed it would be approved by others.

Home rule represents a change from the existing system of government. There are people who oppose change itself, and little can be done to encourage these people to consider home rule thoughtfully. However, there are others who oppose change because they are satisfied with the present system. There are also those who assume that home rule will cost more. These people may support home rule if they can be shown that the proposed change is needed and will result in an improved local government.

For all of the above reasons, those involved and interested in the adoption of a home rule charter must spend a considerable amount of time and effort in educating local citizens on the need for a home rule charter and on the advantages of a particular charter proposed for the community. The effort to win public understanding and acceptance of home rule must begin with the group or groups planning to initiate the concept; and the effort to win public understanding and acceptance of a particular home rule charter must begin the day the charter commission is elected.

Those supporting home rule should attempt to inform the municipality's citizens of the need for a change and of the way in which a particular proposed charter will fulfill that need. Limitations in the present system of government may be emphasized; the advantages of home rule in general, and of a particular proposed charter, may be emphasized; and the citizens should be shown how home rule will benefit them as well as their community.

The following material offers some methods that may be used to obtain public acceptance and understanding of home rule.

GENERAL SUGGESTIONS

Those supporting home rule should attempt to plan an educational program to reach all segments of the community.

- Utilize the municipality's website and other social media platforms to publicize the work of the charter commission and to educate the public generally on the subject of home rule.
- Hold both neighborhood and general public meetings on home rule.
- Distribute material and discuss home rule on a door-to-door basis.
- Obtain the cooperation of the local newspaper, issue press releases, and if possible, run a series on the various aspects, advantages, and disadvantages of home rule.
- Create a speaker's bureau to talk to all community groups about home rule.
- If possible, ask local TV or radio stations for time to conduct interviews and debates on home rule.

- Obtain endorsements from as varied a portion of the public as possible: municipal officials, social, civic, and fraternal organizations, business organizations, etc.
- Contact local schools in order to develop classroom projects on home rule, particularly for civics classes.
- Print and distribute pamphlets and other material including re-printed articles, editorials, endorsements, “Questions and Answers” booklets, and simple fliers.
- Immediately before the elections, distribute sample ballots and create a “get out the vote” campaign.
- Observe all applicable limitations on involvement by municipalities and officials and the expenditure of public funds in election campaigns.¹⁸⁵

SUGGESTIONS FOR THE CHARTER COMMISSION

The general methods of publicizing home rule should be used prior to the first election to form a charter commission and should also be used to publicize the work of the charter commission. In addition, the following suggestions are offered specifically to the commission.

- The charter commission should invite all citizen groups—including labor, business, professions, churches, civic groups, and veterans groups—to submit suggestions and to send representatives to the public hearing or hearings on the charter.
- At least one public hearing should be held after completing the draft of the proposed charter so that the commission can explain the charter and gather information on the public’s attitude toward specific charter provisions.
- Municipal officials and employees should be consulted to obtain suggestions and advice from persons experienced in the operation of municipal government.
- The public should be informed concerning the progress of the commission’s work. Perhaps a tentative charter draft could be published with an invitation for public comments and criticisms. This would enable the commission to make any necessary adjustments in the charter, thus improving its chance for success.
- The commission should encourage the development of a broad organization of individual citizens and groups to promote the formulation and adoption of a sound charter.
- Create and distribute material to show how the proposed charter will solve problems existing in the present governmental structure and how it will benefit the citizens as individuals as well as the community as a whole. Avoid partisan politics, and instead, attempt to obtain support from a coalition of the leading political figures in the municipality.

¹⁸⁵ See, e.g., C.R.S. § 1-45-117.

CHAPTER VI

SPOTLIGHT ON FOUR AREAS OF LOCAL CONCERN—EMPLOYMENT, TAXATION, LAND USE, AND EMINENT DOMAIN

INTRODUCTION

Under Article XX, Section 6 of the Colorado Constitution, home rule municipalities have the power to regulate matters of local and municipal concern, confident that their regulations cannot be superseded by conflicting state laws. While some such matters are easily labeled, others are more complex, raising controversy over their classification as local, statewide, or mixed. Employment, taxation, land use, and eminent domain are four areas in which home rule prerogatives have been commonly litigated through the years. Following is a discussion of home rule powers in these four areas.

EMPLOYMENT

The landmark 1990 case of *Denver v. State*¹⁸⁶ stands as only one of many decisions that touch upon issues related to employment in home rule municipalities. Notwithstanding the fact that an employee may work for a home rule municipality, some employment matters are governed by state law. While fundamental employment issues related to qualifications, tenure, powers, and duties of home rule municipal employees and officers are consistently found to be matters of local concern, certain aspects of compensation are subject to state laws of general applicability.

Article XX, Section 6 expressly grants to the people of a home rule municipality the authority to regulate the method of selection and tenure of an officer designated to carry out the duties of a specific position, even though the officer might be required to perform duties that are of statewide concern.¹⁸⁷ Therefore, a home rule charter provision relating to tenure does not interfere with any state statute because power over tenure is expressly delegated to home rule cities.¹⁸⁸ A charter provision for the discipline or termination of employees in a home rule municipality also has been found to take precedence over any statutory or common law rule to the contrary, as it too is solely a matter of local concern.¹⁸⁹ Section 6 grants home rule municipalities “exclusive control over creation and terms of municipal offices.”¹⁹⁰

¹⁸⁶ City & Cnty. of Denver v. State, 788 P.2d 764 (Colo. 1990).

¹⁸⁷ City & Cnty. of Denver v. Rinker, 366 P.2d 548, 551 (Colo. 1961).

¹⁸⁸ Coopersmith v. City & Cnty. of Denver, 399 P.2d 943 (Colo. 1965).

¹⁸⁹ Ratcliff v. Hite, 541 P.2d 88, 90 (Colo. App. 1975); Roybal v. City & Cnty. of Denver, 436 P. 3d 604 (Colo. App. 2019).

¹⁹⁰ Int’l Bhd. of Police Officers v. City & Cnty. of Denver, 521 P.2d 916, 917 (Colo. 1974) (noting that the ability of home rule municipalities to control the “terms” of elected officers was superseded by the 1994 adoption of a constitutional amendment providing uniform term limitation for all local elected officials including those in home rule municipalities); COLO. CONST. art. XVIII, § 11.

Article XX, Section 2 vests in a home rule municipality the exclusive control over public officers, their powers, and duties.¹⁹¹ Other sections of Article XX make it clear that a municipality's power to determine the limits of its public officers' authority, by charter or amendment to its charter, is all exclusive.¹⁹²

On the other hand, the Colorado courts have acknowledged the distinction between basic home rule authority to determine whom to employ and under what circumstances, and statewide concern over certain aspects of compensation incidental to employment. For example, in *City of Colorado Springs v. Industrial Commission*, the court held that, while the determination of whether a city employee should be reinstated in a city job may be a matter of local concern, the determination of whether an employee is subject to unemployment compensation is a matter of statewide concern.¹⁹³

Therefore, not every aspect of employment in home rule municipalities is immune from state regulation. Courts have found there to be an overriding state interest when reviewing conflicts between state law and local regulation in the areas of fire and police pensions,¹⁹⁴ unemployment compensation,¹⁹⁵ and workers compensation.¹⁹⁶ These cases are consistent in that they dealt with a particular aspect of employment (i.e., certain forms of compensation that are purely incidental to the employment relationship) that is not enumerated specifically as a matter of local and municipal concern in Article XX, Section 6 of the Colorado Constitution. In comparison, every reported case to date addressing authority of home rule municipalities to regulate other personnel matters has come down on the side of home rule authority.

In addition to *Denver v. State*, confirming the authority of home rule municipalities to establish residency requirements for their own employees without interference from the state, other recent decisions have underscored the essential home rule prerogative over employment matters. For example, the Supreme Court held that employment qualifications for certain law enforcement personnel in a home rule municipality are matters of local concern, and a municipality could establish training requirements different from those set forth in statute.¹⁹⁷ The Court of Appeals held that employee health benefits in general and "the power to grant health insurance benefits to spousal equivalents" in particular are matters of local concern, and home rule municipalities need not rely on state statutes for authority to offer group health insurance policies.¹⁹⁸

TAXATION

The adoption of the Taxpayer Bill of Rights (TABOR) amendment in 1992 imposed uniform tax and spending limits on all local governments, including home rule municipalities.¹⁹⁹ Prior to TABOR, home rule municipalities exercised considerable latitude to formulate their own tax structure. For example, they could impose real estate transfer taxes; however, TABOR now bans new real estate transfer taxes.²⁰⁰ Nevertheless, even in the post-TABOR era, home rule municipalities still may exercise broader taxing authority than do statutory municipalities.

In 1965, the Colorado Supreme Court upheld the authority of a home rule municipality to adopt a sales and use tax under the home rule taxing power conferred by Article XX of the Colorado Constitution.²⁰¹ As a result, home rule municipalities have broad sales and use tax authority.

Among the advantages of levying a sales tax under home rule powers rather than pursuant to the state statutes are:

- The sales tax base need not be uniform with the state sales tax (numerous home rule municipalities have a broader tax base or fewer exemptions).

¹⁹¹ Int'l Bhd. of Police Officers v. City & Cnty. of Denver, 521 P.2d 916, 917 (Colo. 1974).

¹⁹² Int'l Bhd. of Police Officers v. City & Cnty. of Denver, 521 P.2d 916, 917 (Colo. 1974).

¹⁹³ City of Colo. Springs v. Indus. Comm'n, 749 P.2d 412, 416 (Colo. 1988).

¹⁹⁴ See City of Colo. Springs v. State, 626 P.2d 1122 (Colo. 1981); Conrad v. City of Thornton, 553 P.2d 822 (Colo. 1976); Huff v. Mayor of Colo. Springs, 512 P.2d 632 (Colo. 1973); Police Pension & Review Bd. v. McPhail, 338 P.2d 694 (Colo. 1959).

¹⁹⁵ See City of Colo. Springs v. Indus. Comm'n, 749 P.2d 412 (Colo. 1988).

¹⁹⁶ See City & Cnty. of Denver v. Thomas, 491 P.2d 573 (Colo. 1973).

¹⁹⁷ Fraternal Order of Police v. City & Cnty. of Denver, 926 P.2d 582 (Colo. 1996).

¹⁹⁸ Schaefer v. City & Cnty. of Denver, 973 P.2d 717 (Colo. App. 1998).

¹⁹⁹ COLO. CONST. art. X, § 20.

²⁰⁰ COLO. CONST. art. X, § 20(8)(a).

²⁰¹ Berman v. City & Cnty. of Denver, 400 P.2d 434 (Colo. 1965).

- Collection by the state Department of Revenue is optional (many home rule municipalities collect their sales taxes locally and have more extensive tax enforcement programs).

Additionally, home rule municipalities are not limited to imposing use taxes only on motor vehicles and building and construction materials as statutory municipalities are.²⁰² Consequently, many apply their use tax as broadly as their sales tax.²⁰³

Statutory municipalities are authorized but not required to exempt from the municipal sales tax the sales of certain machinery and machine tools; sales of electricity and other specific fuels sold to occupants or residents for the purpose of operating residential fixtures and appliances which provide light, heat, and power for the residences; and certain occasional sales by nonprofit entities. Home rule municipalities on the other hand, pursuant to Article XX, may determine their own exemptions.²⁰⁴

In *Winslow Construction v. City and County of Denver*, the Colorado Supreme Court held that section 29-2-109(2) of the Colorado Revised Statutes cannot be applied to curtail application of a home rule municipality's use tax.²⁰⁵ Section 29-2-109(2) exempts from local taxation the use of personal property that occurs more than three years after its most recent sale if the property was used significantly in the state within those three years. Denver's municipal code required payment of a use tax with no such time limitations. The court found that the code provision dealt with a matter of local concern, and therefore preempted the conflicting state statute. In 2022, the Colorado General Assembly enacted a law that would exempt from home rule taxes any building materials purchased by private contractors for use in public school construction in House Bill 1024.

Although the power to levy and collect sales and use taxes is a matter of purely local and municipal concern under Article XX of the Colorado Constitution,²⁰⁶ constitutional limits minimize the ability of a home rule municipality to impose certain tax liabilities, such as a use tax on a business that delivers merchandise to residents in a municipality but that does not maintain a store or office in the municipality and does not solicit business from municipal residents.²⁰⁷ In addition, while home rule municipalities may determine their own administrative procedures relative to sales and use tax collection, certain matters relating to appeals to the courts are of statewide concern and thus are subject to state statutes or court rules.²⁰⁸

Home rule municipalities enjoy broad authority to impose so-called "occupation taxes" on business activities. Like statutory municipalities, home rule cities and towns can draw upon the broad authority set forth in statute "to license, regulate, and tax any and all lawful occupations and places of business."²⁰⁹ However, the authority to impose an occupation tax in a home rule municipality also can be derived from the municipality's own charter, as illustrated in the cases upholding the authority to impose a "head tax" on employees of businesses operating within the municipality.²¹⁰ Home rule status also gives a city or town the flexibility to creatively structure other types of taxes and fees, even in the absence of statutory enabling authority. Examples of home rule revenue measures upheld by the courts include an excise tax on new development charged on a per square foot basis,²¹¹ a transportation impact fee,²¹² storm water utility charges,²¹³ and a "waste reduction fee" on disposable paper bags.²¹⁴

In the area of property taxation, home rule municipalities again enjoy greater flexibility compared to their statutory counterparts in that they are not constrained by the statutory limit on annual increases in property tax revenue.²¹⁵ However, the charters of some home rule municipalities contain property tax limitations similar to the statute, if not more restrictive. More-

²⁰² See C.R.S. § 29-2-109.

²⁰³ When a statutory municipality adopts a home rule charter and seeks to expand its use tax base in order to enhance its revenue, the municipality should consider whether voter approval is necessary under TABOR. See *HCA Health-One, LLC v. 197 P.3d 236* (Colo. App. 2007).

²⁰⁴ COLO. CONST. art. X; C.R.S. § 29-2-105 (2016).

²⁰⁵ *Winslow Constr. Co. v. City & Cnty. of Denver*, 960 P.2d 685 (Colo. 1998).

²⁰⁶ *Sec. Life & Accident Co. v. Temple*, 593 P.2d 1375 (Colo. 1979) (reaffirming the decision in *Berman v. Denver*, 492 P.2d 63 (Colo. 1972)).

²⁰⁷ *Associated Dry Goods v. City of Arvada*, 593 P.2d 1375 (Colo. 1979).

²⁰⁸ See *Gold Star Sausage Co. v. Kempf*, 653 P.2d 397 (Colo. 1982); *Sky Chefs v. City & Cnty. of Denver*, 653 P.2d 402 (Colo. 1982); *Walgreen Co. v. Charnes*, 819 P.2d 1039 (Colo. 1991); *Winslow Constr. Co. v. City & Cnty. of Denver*, 960 P.2d 685 (Colo. 1998); *MDC Holdings, Inc. v. Town of Parker*, 223 P.3d 710 (Colo. 2010).

²⁰⁹ C.R.S. § 31-15-501(f)(c).

²¹⁰ *City & Cnty. of Denver v. Duffy Storage & Moving Co.*, 450 P.2d 339 (Colo. 1969).

²¹¹ *Cherry Hills Farm, Inc. v. City of Cherry Hills Vill.*, 670 P.2d 779 (Colo. 1983).

²¹² *Bloom v. City of Fort Collins*, 784 P.2d 304 (Colo. 1989).

²¹³ *Zelinger v. City & Cnty. of Denver*, 724 P.2d 1356 (Colo. 1986); *City of Littleton v. State*, 855 P.2d 448 (Colo. 1993).

²¹⁴ *Colo. Union of Taxpayers Found. v. City of Aspen*, 418 P.3d 506 (Colo. 2018).

²¹⁵ C.R.S. §§ 29-1-301 to 123. (2016).

over, although home rule cities and towns are expressly authorized by Article XX to engage in “the assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for municipal purposes,”²¹⁶ this authority is apparently subject to overriding constitutional principles requiring uniformity and equalization of property taxation.²¹⁷ Thus, home rule municipalities work directly with the property tax assessment and collection system administered by the county assessor and county treasurer as would any other local government. Moreover, all cities and towns, statutory and home rule alike, are subject to the election requirements of TABOR before increasing any tax or tax base or levying any new taxes.

Even prior to the adoption of TABOR, the authority of home rule municipalities to establish taxes was not absolute. In particular, the courts had held that the imposition of income taxes (e.g., a tax upon a business based directly on the gross receipts of the business) was the exclusive prerogative of the state under Article X, Section 17 of the Colorado Constitution.²¹⁸ TABOR reconfirmed this prohibition against local government income taxes.²¹⁹

LAND USE

In the 1920s, the very earliest court cases in Colorado ratifying zoning as a legitimate use of the police power arose out of the state’s original home rule municipality, Denver.²²⁰ Significantly, the city had adopted land use regulations before there was any state enabling legislation for zoning and subdivision regulation by local governments. The court was content in finding, however, that the power to engage in this sort of regulation derived from Denver’s own charter and was not dependent on some grant of permission by the General Assembly.

Naturally, in exercising its zoning authority, Denver was bound by higher constitutional principles relating to due process and property rights. Even from these very earliest cases, claims were made based upon theories of “vested rights” and “taking of property without just compensation.” However, while the mandates of the constitution are one thing that no home rule municipality can deny, the mandates of the Colorado General Assembly as expressed through state statutes are quite another. The Colorado courts recognized this fact in the early 1970s and began to hand down numerous decisions indicating that zoning will generally be considered a matter of local concern and that statutory procedures related to zoning will not apply in a home rule municipality to the extent those procedures are contradicted by local law.

Two cases decided in 1971 dealt directly with conflicts between statutory requirements and local procedures. In both, property owners claimed that local zoning actions should be invalidated due to the home rule municipality’s failure to follow the statutory procedure. In one case, the city had failed to use a statutorily mandated supermajority vote to approve a rezoning.²²¹ In the other, the city had not abided by a statutory requirement that rezonings be done in accordance with a comprehensive plan.²²² In each case, the court held that home rule cities could apply their own locally adopted procedures in lieu of the statutory requirements, and failure to comply with the mandates of state enabling statutes was not fatal to the cities’ respective zoning actions.

In another important case decided about the same time, the Colorado Supreme Court made this powerful statement:

The General Assembly has power to legislate zoning regulations applicable to statutory cities. Where, however, the Charter of a home rule city exercises the power delegated to it by Article XX, Section 6 as to matters of purely local concern, the legislature has no power.”²²³

On most occasions when the courts have held zoning within a home rule municipality to be a matter of local concern, they have done so not to resolve disputes between local ordinances and state statutes but to simply underscore that the court need look no further than the municipality’s own charter as the source of authority for whatever the city or town has done.

²¹⁶ COLO. CONST. art. XX, § 6(g).

²¹⁷ COLO. CONST. art. X, § 3; See *a/s/o* *Rancho Colo., Inc. v. City of Broomfield*, 586 P.2d 659 (Colo. 1978); *Cherry Hills Farm Inc. v. City of Cherry Hills Vill.*, 670 P.2d 779 (Colo. 1983).

²¹⁸ *City & Cnty. of Denver v. Sweet*, 329 P.2d 441 (Colo. 1958); *Minturn v. Foster Lumber Co.*, 548 P.2d 1276 (Colo. 1976); *Mountain States Tel. & Tel. Co. v. City of Colo. Springs*, 572 P.2d 834 (Colo. 1977), *but see* *Town of Eagle v. Scheibe*, 10 P.3d 648 (Colo. 2000) (distinguishing municipal occupation taxes and excise taxes from income taxes).

²¹⁹ COLO. CONST. art. X, § 20(8)(a).

²²⁰ *Colby v. Bd. of Adjustment*, 255 P. 443 (Colo. 1927); *Averch v. City & Cnty. of Denver*, 242 P. 47 (Colo. 1925).

²²¹ *Roosevelt v. City of Englewood*, 492 P.2d 65 (Colo. 1971).

²²² *Moore v. City of Boulder*, 484 P.2d 134 (Colo. 1971).

²²³ *Service Oil Co. v. Rhodus*, 500 P.2d 807, 812 (Colo. 1972) (emphasis in original).

In this line of cases, the term “zoning” is construed quite broadly to include a wide variety of land use regulations, including restriction or elimination of nonconforming uses,²²⁴ access permitting,²²⁵ development permitting,²²⁶ hillside preservation regulations,²²⁷ sign codes,²²⁸ and basic zone district regulations.²²⁹

Even in cases in which the courts have held certain specialized areas to be a matter of “mixed statewide and local concern,” the courts have not disturbed the well-established principle that zoning generally will be considered within the province of local legislative discretion. For example, the Colorado Supreme Court has partially allowed the General Assembly to occupy the field of sign regulation along state highways within municipalities only because there is proven substantial state interest in this area.²³⁰ Namely, due to certain requirements of the Federal Highway Beautification Act and contracts entered into between the state and the federal governments, the state needed to ensure a certain degree of uniformity in the regulation of billboards upon federal aid highways at the risk of losing federal highway funds.

Similarly, in the narrow area of oil and gas drilling—that is, regulation of a resource that recognizes no jurisdictional boundaries and has been regulated at the state level since 1915—the Colorado Supreme Court held in 1992 that the state could preempt a home rule ordinance that totally prohibited such drilling within a particular municipality, but left open the possibility that municipalities could still regulate some aspects of the industry that fell within the realm of traditional land use powers.²³¹ Years later the Court reached a similar conclusion when it ruled that both a total ban on hydraulic fracturing and a five-year moratorium on fracking were in “operational conflict” with state law.²³² However, in all of these cases the courts treated oil and gas regulation as a matter of mixed state and local concern, not a field that is entirely preempted by the state, with a nod toward the traditional role municipalities play in basic land use regulation. Eventually, the Colorado General Assembly adopted legislation to clarify and strengthen local authority to regulate “the surface impacts of oil and gas operations” under their land use powers, while stopping short of authorizing municipalities to totally ban drilling or fracking within their jurisdictions.²³³

In carving out these narrow exceptions to the rule that zoning and land use generally will be considered a matter of local concern, the court focused extensively on peculiar aspects of the particular activities being regulated in each case.

The Colorado General Assembly regularly debates and sometimes adopts legislation to preempt home rule municipalities in the area of land use regulation, growth management, and private property rights. In one example, the General Assembly in 1975 adopted special zoning protections for group homes for the developmentally disabled and purported to apply the statutory mandate statewide.²³⁴ The Colorado Supreme Court twice flirted with the question of whether this mandate could truly bind home rule municipalities but ultimately decided these cases on other grounds.²³⁵

On a subject closely related to land use regulation, in 2000, the Colorado Supreme Court held that the promotion of affordable housing is a matter of mixed state and local concern.²³⁶ However, the court went on to determine that an “inclusionary zoning” or “housing mitigation” provision adopted as a part of a municipality’s regulations on new development was in conflict with a 1981 state statute forbidding municipalities from engaging in “rent control.” The court justified its holding in part on the theory that the ordinance was a form of “economic regulation,” not land use regulation. Subsequent amendments to state statutes have clarified that inclusionary zoning requirements to promote affordable housing, along with voluntary agreements with developers to provide affordable housing do not violate the 1981 prohibition on “rent control.”²³⁷

²²⁴ *City of Greeley v. Ells*, 527 P.2d 538 (Colo. 1974); *Serv. Oil Co. v. Rhodus*, 500 P.2d 807, 812 (Colo. 1972).

²²⁵ *City of Colo. Springs v. Smartt*, 620 P.2d 1060 (Colo. 1981).

²²⁶ *Sherman v. City of Colo. Springs*, 680 P.2d 1302 (Colo. App. 1983).

²²⁷ *Sellon v. City of Manitou Springs*, 745 P.2d 229 (Colo. 1987).

²²⁸ *VFW v. City of Steamboat Springs*, 575 P.2d 835 (Colo. 1978).

²²⁹ *Zavala v. City & Cnty. of Denver*, 759 P.2d 664 (Colo. 1988).

²³⁰ *City of Fort Collins v. Root Outdoor Adver.*, 788 P.2d 149 (Colo. 1990); *Nat’l Adver. Co. v. Dep’t of Highways*, 751 P.2d 632 (Colo. 1988).

²³¹ *Voss v. Lundvall Bros., Inc.*, 830 P.2d 1061 (Colo. 1992); see also *Town of Frederick v. N. Am. Res. Co.*, 60 P.3d 758 (Colo. App. 2002).

²³² *City of Longmont v. Colo. Oil & Gas Ass’n.*, 369 P.3d 573 (Colo. 2016); *City of Fort Collins v. Colo. Oil & Gas Ass’n.*, 369 P.3d 586 (Colo. 2016).

²³³ C.R.S. § 29-20-104(1)(h) (enacted by Senate Bill 19-181).

²³⁴ C.R.S. § 31-23-303(3).

²³⁵ *Glennon Heights, Inc. v. Central Bank & Trust*, 658 P.2d 872 (Colo. 1983); *Adams Cnty. Ass’n for Retarded Citizens, Inc. v. City of Westminster*, 580 P.2d 1246 (Colo. 1978).

²³⁶ *Town of Telluride v. Lot Thirty-Four Venture, L.L.C.*, 3 P.3d 30 (Colo. 2000).

²³⁷ See C.R.S. § 29-20-104(e.5); § 38-12-301.

In 1987, the General Assembly adopted the Vested Property Rights Act²³⁸ and purported to compel all municipalities to establish a procedure for allowing developers to obtain a three-year vested right upon the approval of a “site specific development plan.” Even while adopting local ordinances to implement the act, a number of home rule municipalities expressed doubt about whether or not the mandates of this law could legitimately be applied to them. The act was amended in 1999, carrying forward the declaration of statewide concern contained in the original bill. At the same time, the General Assembly adopted another piece of property rights legislation on the subject of “regulatory takings,” declaring “the fair, consistent, and expeditious adjudication of disputes over land use in state courts in accordance with constitutional standards is a matter of statewide concern.”²³⁹ To date, the applicability of these laws to home rule municipalities has not been tested in court.²⁴⁰

It would be noted that what may appear to a municipality as a zoning issue, may be viewed by the courts otherwise. For example, a home rule municipality may claim a right to impose a land use restriction on condominium units under its general zoning power. But the courts may analyze the matter as implicating the property rights of condominium owners for which special state laws apply, particularly the Colorado Common Interest Ownership Act. Then, if the regulation of condominiums in particular is viewed as a matter of mixed state and local concern, any conflict between the statute and the local laws is resolved in favor of state preemption.²⁴¹

In a second example, the Colorado Supreme Court has held that an ordinance prohibiting more than two juvenile sex offenders from living together in a residential zone district should not be analyzed as a land use regulation, but instead should be viewed as an intrusion into the state’s unfettered authority to place juvenile sex offenders in foster care under the extensive set of state laws regulating the statewide foster care system.²⁴² By contrast, the Court held in another case that a home rule municipality’s land use authority included the power to place residency restrictions on adult registered sex offenders. It helped in this case that the statutes governing the statewide sex offender registration system specifically included a provision saying local authorities were not required to accept a registration address that did not comply with local laws.²⁴³

Once again, home rule in the land use area is not absolute. Courts will analyze the question of “local” versus “statewide” concern on a case by case basis applying the *Denver v. State* criteria. Especially when a municipality is acting beyond its own boundaries, its home rule authority (including the power to regulate the use of its own property) can and will be circumscribed by state statutes.²⁴⁴ Moreover, home rule does not confer upon municipalities any particular standing to challenge the land use regulations of another political subdivision of the state.²⁴⁵ Similarly, no home rule municipality has ever challenged the principle that state annexation statutes must apply equally to all cities and towns regardless of home rule status.²⁴⁶

Nevertheless, when a home rule city or town administers zoning and land use regulation within its own jurisdiction, the weight of tradition and legal precedent indicates that the courts will view most land use and zoning regulations as being matters of local concern to be addressed as the municipality sees fit.

²³⁸ C.R.S. §§ 24-68-101 to -106.

²³⁹ C.R.S. §§ 29-20-201 to -205.

²⁴⁰ Note, however, that the Colorado Supreme Court subsequently interpreted the regulatory takings legislation in a manner that was entirely consistent with constitutional jurisprudence on the same subject. Thus home rule municipalities are impacted no more by this statute than they would be otherwise when faced with a regulatory takings claim arising under the federal or state constitution; See *Wolf Ranch, LLC v. City of Colorado Springs*, 220 P.3d 559 (Colo. 2009).

²⁴¹ *Town of Vail v. Village Inn Plaza-Phase V Condo. Ass’n*, 498 P.3d 1123 (Colo. App. 2021)

²⁴² *City of Northglenn v. Ibarra*, 62 P.3d 151 (Colo. 2003).

²⁴³ *Ryals v. City of Englewood*, 364 P.3d 900 (Colo. 2016).

²⁴⁴ *City & Cnty. of Denver v. Bd. of Cnty. Comm’rs of Grand Cnty.*, 782 P.2d 753 (Colo. 1989).

²⁴⁵ *City of Colo. Springs v. Bd. of Cnty. Comm’rs of Eagle Cnty.*, 895 P.2d 1105 (Colo. App. 1994).

²⁴⁶ Two reported decisions on the subject of annexation are worth noting, however. In *Minch v. Town of Mead*, 857 P.2d 1054 (Colo. App. 1998), the court confirmed the overall supremacy of the state over annexation laws, but upheld a local law that went beyond the Municipal Annexation Act and imposed a town-wide voter approval requirement on all annexations. In *Wal-Mart Stores, Inc. v. Pikes Peak Rural Transportation Authority*, 434 P.3d 725 (Colo. App. 2018), cert denied (2019), the court held that a city could not invoke its home rule authority to argue that land annexed into the municipality is automatically detached from a regional transportation authority. State law exclusively defines the effect annexation has on the jurisdiction of other political subdivisions.

EMINENT DOMAIN

For many years, on a variety of occasions, and in a variety of contexts, the Colorado courts have held that the eminent domain powers of home rule municipalities are derived directly from the constitution and are therefore immune from whatever strictures or prohibitions the General Assembly may try to impose through statute.

Section 1 of Article XX of the Colorado Constitution (which is incorporated by reference in section 6 of that article, and thus made applicable to all home rule municipalities) afforded the prototype home rule municipality, Denver, a broad grant of eminent domain authority, including,

*the power, within or without its territorial limits, to ... condemn ... water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways, local in use and extent, in whole or in part, and everything required therefore ... [and] ... may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain.*²⁴⁷

By judicial construction, the breadth of this constitutional grant of authority has been expanded even further than its express terms might indicate. In 1940, the court stated, “we have no doubt that the people of Colorado intended to and, in effect did, thereby delegate to Denver full power to exercise the right of eminent domain in the effectuation of any lawful, public, local and municipal purpose.”²⁴⁸ Nineteen years later, the court reinforced this opinion, holding that “the powers enumerated there-in are by way of illustration and not of limitation.”²⁴⁹

A particular exercise of eminent domain by a home rule municipality, therefore, is not invalid simply because its purpose is other than one of those specifically enumerated in Article XX, whether it be an Air Corps Technical School,²⁵⁰ “flowage easements,”²⁵¹ a sewer line,²⁵² an airport,²⁵³ or water and water rights,²⁵⁴ to name a few. Home rule municipalities also have full and complete authority to condemn lands for “parks and parkways”²⁵⁵ and for recreational trails,²⁵⁶ and to freely exercise eminent domain authority on an extraterritorial basis without regard to any statutory limitation on the distance the city may go in taking property for a municipal purpose.²⁵⁷

Unlike statutory cities and towns which derive virtually²⁵⁸ any eminent domain powers they may have from enabling statutes adopted by the General Assembly, home rule municipalities need only look to Article XX and their own charters. The courts have articulated the principal that condemnation “can be had only under powers specifically granted by the legislature,” but have applied this principle exclusively to statutory cities and towns.²⁵⁹ As a result, any limitation on the scope of eminent domain authority on a home rule municipality must be found in its own charter or in the constitution, and Colorado home rule charters typically contain a broad reservation of any and all eminent domain powers that a municipality may possibly exercise. All of these principles were vividly illustrated in a key 2008 opinion by the Colorado Supreme Court upholding the authority of the Town of Telluride to condemn property for parks and open space just outside the boundaries of the town. The Colorado General Assembly had adopted legislation precisely targeted at preventing Telluride from acquiring the property, but Telluride prevailed in court under its home rule authority.²⁶⁰

²⁴⁷ COLO. CONST. art. XX, § 1.

²⁴⁸ Toll v. City & Cnty. of Denver, 340 P.2d 862 (Colo. 1959); see also Fishel v. City & Cnty. of Denver, 108 P.2d 236 (Colo. 1940).

²⁴⁹ Town of Glendale v. City & Cnty. of Denver, 322 P.2d 1053 (Colo. 1958).

²⁵⁰ Fishel v. City & Cnty. of Denver, 108 P.2d 236 (Colo. 1940).

²⁵¹ Toll v. City & Cnty. of Denver, 340 P.2d 862 (Colo. 1959).

²⁵² Town of Glendale v. City & Cnty. of Denver, 322 P.2d 1053 (Colo. 1958).

²⁵³ City & Cnty. of Denver v. Bd. of Cnty. Comm’rs of Arapahoe Cnty., 156 P.2d 101 (Colo. 1945).

²⁵⁴ City of Thornton v. Farmers Reservoir & Irrigation Co., 575 P.2d 382 (Colo. 1978).

²⁵⁵ Londoner v. City & Cnty. of Denver, 119 P. 156 (1911).

²⁵⁶ Town of Parker v. Norton, 939 P.2d 535 (Colo. App. 1997).

²⁵⁷ City & Cnty. of Denver, v. Bd. of Cnty. Comm’rs of Arapahoe Cnty., 156 P.2d 101 (Colo. 1945).

²⁵⁸ See also COLO. CONST. art. XIV, § 7 (Noting that even statutory municipalities enjoy independent constitutional authority to exercise eminent domain for waterworks under); Town of Lyons v. City of Longmont, 129 P. 198 (Colo. 1913) (this power that cannot be impaired by any statute).

²⁵⁹ See Beth Medrosh Hagodol v. City of Aurora, 248 P.2d 732 (1952); see also Pub. Serv. Co. v. Loveland, 245 P. 493 (Colo. 1923); Mack v. Town of Craig, 191 P. 101 (Colo. 1920); Healy v. City of Delta, 147 P. 662 (Colo. 1915).

²⁶⁰ See Town of Telluride v. San Miguel Valley Corp., 185 P.3d 161 (Colo. 2008); Fishel v. City & Cnty. of Denver, 108 P.2d 236 (Colo. 1940); see also City of Thornton v. Farmers Reservoir & Irrigation Co., 575 P.2d 382, 389 (Colo. 1978).

The general principle that state statutes are superseded by home rule eminent domain authority has been demonstrated in several other contexts. The Colorado Supreme Court has found a statutory limitation on the purposes for which eminent domain may be utilized,²⁶¹ and a statutory limitation on the distance that a city or town could condemn outside its boundaries, to be inapplicable to home rule municipalities.²⁶² A statute requiring a city to obtain the permission of another jurisdiction when condemning property extraterritorially is of “doubtful validity,”²⁶³ and home rule municipalities are not bound to follow any particular statutory procedure when exercising their eminent domain authority, but instead are free to select any procedure that may be available by law.²⁶⁴

One notable limitation on the authority of home rule municipalities to exercise eminent domain was illustrated in a case in which a town tried to condemn state-owned lands to conduct a feasibility study for a municipal water storage project. The court held that the general grant of eminent domain authority in Article XX does not give home rule municipalities the power to condemn state lands. Eminent domain authority is also limited by other general principles set forth in the laws of the state. For example, any taking of property under the power of eminent domain must be for a legitimate public purpose, and property cannot be taken in bad faith by a home rule municipality.²⁶⁵ Even when a condemnation action is filed in good faith by a home rule municipality, a land owner may attempt to attack it on collateral grounds, for example, a claim that the municipality intends to use Great Outdoors Colorado (GOCO) money on the project when the Colorado Constitution specifically forbids GOCO money from being used to condemn property. In a 2016 case, the Town of Silverthorne successfully rebuffed this argument and the Colorado Court of Appeals confirmed that evidence of funding for projects is not admissible in condemnation proceedings.²⁶⁶

²⁶¹ City of Thornton v. Farmers Reservoir & Irrigation Co., 575 P.2d 382, 389 (Colo. 1978); see also Town of Telluride v. San Miguel Valley Corp., 185 P.3d 161 (Colo. 2008).

²⁶² City & Cnty. of Denver v. Bd. of Cnty. Comm’rs of Arapahoe Cnty., 156 P.2d 101 (Colo. 1945).

²⁶³ Town of Glendale v. City & Cnty. of Denver, 322 P.2d 1053 (Colo. 1958).

²⁶⁴ City of Thornton v. Farmers Reservoir & Irrigation Co., 575 P.2d 382 (Colo. 1978); City of Englewood v. Weist, 520 P.2d 120 (Colo. 1974); Toll v. City & Cnty. of Denver, 340 P.2d 862 (Colo. 1959). As a practical matter, home rule municipalities tend to follow the standard eminent domain procedures set forth in Article 1 of Title 38 of the C.R.S.

²⁶⁵ City of Lafayette v. Town of Erie, 434 P.3d 746 (Colo. App. 2018), cert. denied (2019).

²⁶⁶ Town of Silverthorne v. Lutz, 370 P.3d 388 (Colo. App. 2016).

APPENDIX A

CONSTITUTION OF THE STATE OF COLORADO ARTICLE XX: HOME RULE CITIES AND TOWNS

Section 1. Incorporated. The municipal corporation known as the city of Denver and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the “City and County of Denver”. By that name said corporation shall have perpetual succession, and shall own, possess, and hold all property, real and personal, theretofore owned, possessed, or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed, or held by the said county of Arapahoe, and shall assume, 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 shall assume and pay all bonds, obligations, and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable, or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct, and operate water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefore, for the use of said city and county and the inhabitants thereof, and any such systems, plants, or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The provisions of section 3 of article XIV of this constitution and the general annexation and consolidation statutes of the state relating to counties shall apply to the city and county of Denver. Any contiguous town, city, or territory hereafter annexed to or consolidated with the city and county of Denver, under any such laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging.

The city and county of Denver shall alone always constitute one judicial district of the state.

(The preceding three paragraphs were amended by the People, November 5, 1974—Effective upon proclamation of the Governor, December 20, 1974.)

Any other provisions of this constitution to the contrary notwithstanding:

No annexation or consolidation proceeding shall be initiated after the effective date of this amendment pursuant to the general annexation and consolidation statutes of the state of Colorado to annex lands to or consolidate lands with the city and county of Denver until such proposed annexation or consolidation is first approved by a majority vote of a six-member boundary control commission composed of one commissioner from each of the boards of county commissioners of Adams,

Arapahoe, and Jefferson counties, respectively, and three elected officials of the city and county of Denver to be chosen by the mayor. The commissioners from each of the said counties shall be appointed by resolution of their respective boards.

No land located in any county other than Adams, Arapahoe, or Jefferson counties shall be annexed to or consolidated with the city and county of Denver unless such annexation or consolidation is approved by the unanimous vote of all the members of the board of county commissioners of the county in which such land is located.

Any territory attached to the city and county of Denver or the city of Lakewood or the city of Aurora during the period extending from April 1, 1974, to the effective date of this amendment, whether or not subject to judicial review, shall be detached therefrom on July 1, 1975, unless any such annexation is ratified by the boundary control commission on or before July 1, 1975.

Nothing in this amendment shall be construed as prohibiting the entry of any final judgment in any annexation judicial review proceeding pending on April 1, 1974, declaring any annexation by the city and county of Denver to be invalid.

The boundary control commission shall have the power at any time by four concurring votes to detach all or any portion of any territory validly annexed to the city and county of Denver during the period extending from March 1, 1973, to the effective date of this amendment.

All actions, including actions regarding procedural rules, shall be adopted by the commission by majority vote. Each commissioner shall have one vote, including the commissioner who acts as the chairman of the commission. All procedural rules adopted by the commission shall be filed with the secretary of state.

This amendment shall be self-executing.

(The preceding seven paragraphs were adopted November 5, 1974 Effective upon proclamation of the Governor, December 20, 1974. (See Laws 1974, p. 457.))

Section 2. Officers. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but the charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the constitution or by the general law, as far as applicable. If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, or, in the case of officers not in the classified civil service, by ordinance within limits fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments; provided, however, no elected officer shall receive any increase or decrease in compensation under any ordinance passed during the term for which he was elected.

As amended November 7, 1950. (See Laws 1951, p. 232.)

Section 3. Transfer of government. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly, and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge into the city and county of Denver, and the terms of office of all officers of the city of Denver and of all included municipalities and of the county of Arapahoe shall terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex officio surveyor and said chief of police shall be ex officio sheriff of the city and county of Denver; and the then clerk and ex officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall also be ex officio attorney of the city and county of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judges, county judge and district attorney shall serve their full terms, respectively, for which elected. The police and firemen of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

Added November 4, 1902. (See Laws 1901, p. 100.)

Section 4. First charter. (1) The charter and ordinances of the city of Denver as the same shall exist when this amendment takes effect, shall, for the time being only, and as far as applicable, be the charter and ordinances of the city and county of Denver; but the people of the city and county of Denver are hereby vested with and they shall always have the exclusive power in the making, altering, revising or amending their charter and, within ten days after the proclamation of the governor announcing the adoption of this amendment the council of the city and county of Denver shall, by ordinance, call a special

election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention to frame a charter for said city and county in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county who shall publish the same in full, with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against) duly certified by the said clerk, shall, within ten days after such vote is taken, be filed with the secretary of state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election to be called as above in said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid the officers and members thereof, allowing no compensation in case of nonattendance or tardy attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury upon the order of the council.

Any franchise relating to any street, alley, or public place of the said city and county shall be subject to the initiative and referendum powers reserved to the people under section 1 of article V of this constitution. Such referendum power shall be guaranteed notwithstanding a recital in an ordinance granting such franchise that such ordinance is necessary for the immediate preservation of the public peace, health, and safety. Not more than five percent of the registered electors of a home rule city shall be required to order such referendum. Nothing in this section shall preclude a home rule charter provision which requires a lesser number of registered electors to order such referendum or which requires a franchise to be voted on by the registered electors. If such a referendum is ordered to be submitted to the registered electors, the grantee of such franchise shall deposit with the treasurer the expense (to be determined by said treasurer) of such submission. The council shall have power to fix the rate of taxation on property each year for city and county purposes.

Added November 4, 1902. (See Laws 1901, p. 101.); as amended November 6, 1984 Effective upon proclamation of the Governor, January 14, 1985. (For the text of this amendment and the votes cast thereon, see L. 84, p. 1145, and L. 85, p. 1791.); as amended November 4, 1986 Effective upon proclamation of the Governor, December 17, 1986. (For the text of this amendment and the votes cast thereon, see L. 86, p. 1239, and L. 87, p. 1859.)

Section 5. New charters, amendments or measures. The citizens of the city and county of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided;

It shall be competent for qualified electors in number not less than five percent of the next preceding gubernatorial vote in said city and county to petition the council for any measure, or charter amendment, or for a charter convention. The council shall submit the same to a vote of the qualified electors at the next general election not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten percent of the next preceding gubernatorial vote in said city and county, with a request for a special election, the council shall submit it at a special election to be held not less than thirty nor more than sixty days from the date of filing the petition; provided, that any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The clerk of the city and county shall publish, with his official certification, for three times, a week apart, in the official newspa-

pers, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following the vote the said clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by majority of those voting thereon, and he shall file with the secretary of state two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the secretary of state, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference upon proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the general assembly, or interfere in any wise with the collection of state taxes.

The city council, or board of trustees, or other body in which the legislative powers of any home rule city or town may then be vested, on its own initiative, may submit any measure, charter amendment, or the question whether or not a charter convention shall be called, at any general or special state or municipal election held not less than 30 days after the effective date of the ordinance or resolution submitting such question to the voters.

As amended November 7, 1950. (See Laws 1951, p. 232.)

Section 6. Home rule for cities and towns. The people of each city or town of this state, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the state of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.

Proposals for charter conventions shall be submitted by the city council or board of trustees, or other body in which the legislative powers of the city or town shall then be vested, at special elections, or at general, state or municipal elections, upon petition filed by qualified electors, all in reasonable conformity with section 5 of this article, and all proceedings thereon or thereafter shall be in reasonable conformity with sections 4 and 5 of this article.

From and after the certifying to and filing with the secretary of state of a charter framed and approved in reasonable conformity with the provisions of this article, such city or town, and the citizens thereof, shall have the powers set out in sections 1, 4 and 5 of this article, and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:

- a. The creation and terms of municipal officers, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employees;
- b. The creation of police courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of police magistrates therefor;
- c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;
- d. All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes nonpartisan in character;
- e. The issuance, refunding and liquidation of all kinds of municipal obligations, including bonds and other obligations of park, water and local improvement districts;
- f. The consolidation and management of park or water districts in such cities or towns or within the jurisdiction thereof; but no such consolidation shall be effective until approved by the vote of a majority, in each district to be consolidated, of the qualified electors voting therein upon the question;
- g. The assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for mu-

municipal purposes and special assessments for local improvements; such assessments, levy and collection of taxes and special assessments to be made by municipal officials or by the county or state officials as may be provided by the charter;

h. The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

The statutes of the state of Colorado, so far as applicable, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

All provisions of the charters of the city and county of Denver and the cities of Pueblo, Colorado Springs and Grand Junction, as heretofore certified to and filed with the secretary of state, and of the charter of any other city heretofore approved by a majority of those voting thereon and certified to and filed with the secretary of state, which provisions are not in conflict with this article, and all elections and electoral votes heretofore had under and pursuant thereto, are hereby ratified, affirmed and validated as of their date.

Any act in violation of the provisions of such charter or of any ordinance thereunder shall be criminal and punishable as such when so provided by any statute now or hereafter in force.

The provisions of this section 6 shall apply to the city and county of Denver. This article shall be in all respects self-executing. As amended November 5, 1912. (See Laws 1913, p. 669.)

Section 7. City and county of Denver single school district consolidations. The city and county of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a board of education consisting of such numbers, elected in such manner as the general school laws of the state shall provide, and until the first election under said laws of a full board of education which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1, and the respective presidents of the school boards of school districts Nos. 2, 7, 17 and 21, at the time this amendment takes effect, shall act as such board of education, and all districts or special charters now existing are hereby abolished.

The said board of education shall perform all the acts and duties required to be performed for said district by the general laws of the state. Except as inconsistent with this amendment, the general school laws of the state shall, unless the context evinces a contrary intent, be held to extend and apply to the said "District No. 1".

Upon the annexation of any contiguous municipality which shall include a school district or districts or any part of a district, said school district or districts or part shall be merged in said "District No. 1", which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts.

Provided, however, that the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1", shall be paid by said school district so owing the same by a special tax to be fixed and certified by the board of education to the council which shall levy the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1", and in case of partially included districts such tax shall be equitably apportioned upon the several parts thereof.

Added November 4, 1902. (See Laws 1901, p. 105.)

Section 8. Conflicting constitutional provisions declared inapplicable. Anything in the constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

Added November 4, 1902. (See Laws 1901, p. 106.)

Section 9. Procedure and requirements for adoption. (1) Notwithstanding any provision in sections 4, 5, and 6 of this article to the contrary, the registered electors of each city and county, city, and town of the state are hereby vested with the power to adopt, amend, and repeal a home rule charter.

The general assembly shall provide by statute procedures under which the registered electors of any proposed or existing city and county, city, or town may adopt, amend, and repeal a municipal home rule charter. Action to initiate home rule shall be by petition, signed by not less than five percent of the registered electors of the proposed or existing city and county, city, or town, or by proper ordinance by the city council or board of trustees of a town, submitting the question of the adoption of a municipal home rule charter to the registered electors of the city and county, city, or town. No municipal home rule charter, amendment thereto, or repeal thereof, shall become effective until approved by a majority of the registered electors of such city and county, city, or town voting thereon. A new city or town may acquire home rule status at the time of its incorporation.

The provisions of this article as they existed prior to the effective date of this section, as they relate to procedures for the initial adoption of home rule charters and for the amendment of existing home rule charters, shall continue to apply until superseded by statute.

It is the purpose of this section to afford to the people of all cities, cities and counties, and towns the right to home rule regardless of population, period of incorporation, or other limitation, and for this purpose this section shall be self-executing. It is the further purpose of this section to facilitate adoption and amendment of home rule through such procedures as may hereafter be enacted by the general assembly.

Adopted November 3, 1970 Effective January 1, 1972. (See Laws 1969, p. 1250.); (1) and (2) amended November 6, 1984 Effective upon proclamation of the Governor, January 14, 1985. (For the text of this amendment and the votes cast thereon, see L. 84, p. 1146, and L. 85, p. 1791.)

APPENDIX B

CHRONOLOGY OF AMENDMENTS TO ARTICLE XX

The following chronology tracks the history of Article XX of the Colorado Constitution. Readers should note, however, that through the years there have been other amendments codified elsewhere in the constitution that have an indirect effect on home rule authority. For example, the Taxpayer Bill of Rights (TABOR) Amendment (1992), codified at Article X, Section 20, expressly supersedes any “conflicting state constitutional, state statutory, charter, or other state or local provisions.” The Term Limit Amendment (1994), codified at Article XVIII, Section 11, expressly applies to all home rule municipalities. In more recent years, the Colorado Supreme Court has indicated that an initiated constitutional amendment that incidentally affects municipal home rule authority under Article XX may not pass muster under the “single subject rule” that has been in effect for all initiatives since 1994.²⁶⁷

1902 | ARTICLE XX: HOME RULE CITIES AND TOWNS

In 1898, the Denver city council called a convention to formulate recommendations to be presented to the state legislature providing a new charter for Denver. There was much discussion regarding a home rule amendment to the Colorado Constitution, but nothing was proposed at that time. Finally, in 1901, a home rule amendment was submitted to the people of Colorado and was ratified by the citizens at the 1902 general election by a margin of nearly 35,000 votes. This constitutional amendment, the original Article XX, consolidated the Denver city and county governments and the school districts, defined the boundaries, created a merit system for some employees, and empowered the voters of Denver and other cities to enact and amend the home rule charter.

1912 | SECTION 6: HOME RULE FOR CITIES AND TOWNS

In response to a series of court cases which effectively narrowed the powers of home rule municipalities, Section 6 was amended to clarify that home rule municipalities have supreme authority in areas of local and municipal concern. The original wording of section 6 provided merely that the people of a city have the power to propose charter conventions and amend such charter, with full power as to real and personal property and public utilities. The amendment to Section 6 expanded those powers, stating that a city’s charter shall extend to all local and municipal matters and shall supersede any conflicting law. As a result of this amendment, a number of specific powers are now enumerated in Section 6. However, the amendment was careful to provide that such enumeration not be construed to deny home rule cities and towns any right or power essential to the full exercise of the right of self-government in both local and municipal matters.

²⁶⁷ In re the Title, Ballot Title and Submission Clause and Summary for 1997-1998 #64, 960 P.2d 1192 (Colo. 1998); In re the Title, Ballot Title and Submission Clause and Summary for 1997-1998 #95, 960 P.2d 1204 (Colo. 1998).

1950 | SECTION 2: OFFICERS

The original Section 2 provided that city officer's salaries be fixed by the city charter and paid out of the city treasury. The 1950 amendment added that salaries of officers not in the classified Civil Service shall be fixed by ordinance within limits fixed by the charter, and that no elected officer shall receive any increase or decrease in compensation under any ordinance passed during the term for which he was elected.

1950 | SECTION 5: NEW CHARTERS, AMENDMENTS, OR MEASURES

Prior to 1950, Section 5 of Article 20 required that citizens of the city petition the council for a charter amendment for the adoption of a new charter or measure. This amendment added a new paragraph providing that the city council, on its own initiative may submit such a measure or amendment to the voters by ordinance or resolution.

1970 | SECTION 9: PROCEDURE AND REQUIREMENTS FOR ADOPTION

Prior to 1970, a newly-incorporated area in the state was prohibited from assuming home rule status until it was incorporated for at least five years. Municipalities with less than 2,000 population were also prevented from becoming home rule. In 1969, Article XX was amended by the addition of Section 9, to permit any municipality, regardless of population or period of incorporation, to acquire home rule status. The amendment also permitted the legislature to establish less cumbersome procedures facilitating the adoption of home rule.

1974 | SECTION 1: INCORPORATED

Two separate amendments were adopted in 1974, which dramatically limited the authority of Denver to annex territory. The Poundstone amendment, initiated by the people, deleted prior language that allowed Denver to annex like other municipalities. At the same time as the Poundstone amendment was adopted, the voters approved a legislatively referred measure that requires any change in Denver County boundaries to be approved by a six-member "Boundary Control Commission," including representatives of all the metro area counties.

1984 | SECTION 4: FIRST CHARTER

1984 | SECTION 9: PROCEDURE AND REQUIREMENTS FOR ADOPTION

In 1984, a number of sections in the constitution were amended to change the term "qualified elector" to "registered elector." While both qualified and registered electors meet the age and residency requirements for voting, only the latter has actually registered to vote. Revisions brought about by this amendment included several references in Sections 4 and 9 of Article XX. As a result of these changes, the power to adopt, amend or repeal a municipal home rule charter is vested in the registered, rather than qualified electors; the right of recall is exercised by registered, rather than qualified electors, and; a franchise relating to a street, alley, or public place in a home rule municipality is voted on by registered, rather than qualified electors.

1986 | SECTION 4: FIRST CHARTER

A 1986 amendment brought a number of changes to Section 4 of Article XX of the Colorado Constitution, concerning the granting of franchises by home rule municipalities. The amendment eliminated the requirement that a franchise granted by a home rule municipality be automatically submitted to a vote of the registered electors; provided that a franchise in a home rule municipality shall be subject to initiative and referendum; guaranteed the referendum right in a home rule municipality despite the inclusion of a provision in the franchise ordinance stating that the ordinance is necessary for the immediate preservation of the public peace, health and safety; provided that not more than 5 percent of the registered electors in a home rule municipality shall be required to order a referendum on a franchise; provided that a home rule charter may provide for a lesser percentage than five percent of the registered electors to order a referendum on a franchise, and allowed a home rule charter to continue to require that a franchise be automatically submitted to a vote of the registered electors.

1998 | SECTION 10: CITY AND COUNTY OF BROOMFIELD—CREATED

1998 | SECTION 11: OFFICERS—CITY AND COUNTY OF BROOMFIELD

1998 | SECTION 12: TRANSFER OF GOVERNMENT

1998 | SECTION 13: SECTION SELF-EXECUTING - APPROPRIATIONS

1998 | SECTIONS 10 THROUGH 13

These provide for the creation of the City and County of Broomfield effective November 15, 2001. These additions contain language substantially similar to sections 1, 2 and 3 relating to the consolidation of the City and County of Denver.

APPENDIX C

COLORADO REVISED STATUTES

TITLE 31 GOVERNMENT—MUNICIPAL

ARTICLE 2 FORMATION AND REORGANIZATION

Part 2 Municipal Home Rule

§ 31-2-201. Short title. This part 2 shall be known and may be cited as the “Municipal Home Rule Act of 1971”.

§ 31-2-202. Legislative declaration. The general assembly declares that the policies and procedures contained in this part 2 are enacted to implement section 9 of article XX of the state constitution, adopted at the 1970 general election, by providing statutory procedures to facilitate adoption and amendment of municipal home rule charters, and, to this end, this part 2 shall be liberally construed. The provisions of this part 2 shall supersede the requirements of article XX of the state constitution, as they relate to procedures for the initial adoption of home rule charters and for the amendment of existing home rule charters, as provided in section 9(3) of article XX of the state constitution.

§ 31-2-203. Definitions. As used in this part 2, unless the context otherwise requires:

- (1) “Ballot title” means a ballot title as defined in section 31-11-103(1).
- (2) “Publication” means one publication in one newspaper of general circulation within the municipality. If there is no such newspaper, publication shall be by posting in at least three public places within the municipality.

§ 31-2-204. Initiation of home rule.

- (1) Proceedings to adopt a home rule charter for a municipality may be initiated:
 - (a) By the submission of a petition, signed by at least five percent of the registered electors of the municipality, to the governing body thereof; or
 - (b) By the adoption of an ordinance by the governing body of the municipality, without the prior submission of a petition therefor.
- (2) Within thirty days after the initiation of the proceedings, in accordance with either paragraph (a) or (b) of subsection (1) of this section, the governing body of the municipality shall call an election for the purpose of forming a charter commission and of electing members thereof to frame a charter for the municipality, which election shall be held within one hundred twenty days after the date of the call of the election. The governing body shall cause notice of the election to be published not less than sixty days prior to the election.
- (3) Candidates for the charter commission shall be nominated by filing with the clerk, on forms supplied by the clerk, a nomination petition signed by at least twenty-five registered electors and a statement by the candidate of consent to serve if elected. Said petition and statement shall be filed within thirty days after publication of the election notice. A second notice of the election, as soon as possible after the completion of filings, shall be published by the governing body and shall include the names of candidates for the charter commission.

§ 31-2-205. Election on formation of charter commission and designation of members.

- (1) At the election voters shall cast ballots for or against forming the charter commission. If a majority of the registered electors voting thereon vote for forming the charter commission, a commission to frame a charter shall be deemed formed.
- (2) At the election voters shall also cast ballots for electing the requisite number of charter commission members. Those candidates receiving the highest number of votes shall be elected. In the event of tie votes for the last available vacancy, the clerk shall determine by lot the person who shall be elected.

§ 31-2-206. Charter commission.

- (1) The charter commission shall be comprised as follows:
 - (a) In municipalities having a population of less than two thousand, nine members; and
 - (b) In municipalities having a population of at least two thousand, nine members unless the initiating ordinance or petition establishes a higher odd-number of members not to exceed twenty-one members.
 - (c) Deleted by Laws 1994, H.B.94-1286, § 89, eff. July 1, 1994.
- (2) If the petition or ordinance initiating home rule proceedings pursuant to section 31-2-204(1) or initiating proceedings for forming a new charter commission pursuant to section 31-2-210(2) specifies that the members of the charter commission shall be elected by and from single- or multi-member districts or by a combination of such districts and at-large representation, the governing body, prior to publishing the notice provided for in section 31-2-204(2) or 31-2-210(4), shall divide the municipality into compact districts of approximately equal population. In such event the members of said charter commission shall be elected by and from districts, or partly by and from districts and partly at large, as specified in said petition or ordinance.
- (3) Eligibility to serve on the charter commission shall extend to all registered electors of the municipality. Any vacancy on the charter commission shall be filled by appointment of the governing body.
- (4) The charter commission shall meet at a time and date set by the governing body, which shall be not more than twenty days subsequent to the certification of the election, for the purpose of organizing itself. At such meeting, the commission members shall elect a chairman, a secretary, and such other officers as they deem necessary, all of which officers shall be members of the commission. The commission may adopt rules of procedure for its operations and proceedings. A majority of the commission members shall constitute a quorum for transacting business. Further meetings of the commission shall be held upon call of the chairman or a majority of the members. All meetings shall be open to the public.
- (5) The commission may employ a staff; consult and retain experts; and purchase, lease, or otherwise provide for such supplies, materials, and equipment as it deems necessary. Upon completion of its work, the commission shall be dissolved, and all property of the commission shall become the property of the municipality.
- (6) The governing body may accept funds, grants, gifts, and services for the commission from the state of Colorado, or the United States government, or any agencies or departments thereof, or from any other public or private source.
- (7) Reasonable expenses of the charter commission shall be paid out of the general funds of the municipality, upon written verification made by the commission chairman and secretary, and the governing body shall adopt such supplemental appropriation ordinances as may be necessary to support such expenditures. Members of the commission shall receive no compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.
- (8) The charter commission may conduct interviews and make investigations in the preparation of a charter, and, to the fullest extent practicable, municipal officials and employees shall cooperate with the commission by providing information, advice, and assistance.
- (9) The charter commission shall hold at least one public hearing in preparation of a proposed charter.
- (10) Within one hundred eighty days after its election, the charter commission shall submit to the governing body a proposed charter.

§ 31-2-207. Charter election—notice.

- (1) Within thirty days after the date that the charter commission submits the proposed charter to it, the governing body shall publish and give notice of an election to determine whether the proposed charter shall be approved, which election shall be held not less than sixty nor more than one hundred eighty-five days after publication of the notice thereof. Such notice of the election shall contain the full text of the proposed charter.

(1.5) The governing body shall set the ballot title for the proposed charter within sixty days after the date that the proposed charter is submitted pursuant to subsection (1) of this section.

(2) If a majority of the registered electors voting thereon vote to adopt the proposed charter, the charter shall be deemed approved and it shall become effective at such time as the charter provides.

(3) If a majority of the registered electors voting thereon vote to reject the proposed charter, the charter commission shall proceed to prepare a revised proposed charter, utilizing the procedures set forth in section 31-2-206, and the governing body shall submit the revised proposed charter to an election in the manner set forth in subsection (1) of this section. If a majority of the registered electors voting on such revised proposed charter vote to adopt the revised proposed charter, it shall be deemed approved and it shall become effective at such time as the revised charter provides. If a majority of the registered voters voting thereon vote to reject the revised proposed charter, the charter commission shall forthwith be dissolved.

§ 31-2-208. Filings—effect.

(1) Within twenty days after its approval, a certified copy of the charter shall be filed with the secretary of state and with the clerk.

(2) Upon such filings all courts shall take judicial notice of the charter.

(3) This section shall also apply to any amendment or repeal of a charter.

§ 31-2-209. Special procedure for adopting a charter upon incorporation.

(1) Proceedings to adopt a home rule charter may be initiated at the time of incorporation.

(2) In order to initiate home rule at the time of incorporation, the petition for incorporation shall be in the form and meet the requirements required by the provisions of section 31-2-101, except that:

(a) The petition shall be signed by at least five percent of the registered electors of the territory to be embraced within the boundaries of the proposed municipality, notwithstanding any provision of section 31-2-101; and

(b) The petition for incorporation shall request the initiation of proceedings for the adoption of a home rule charter pursuant to the provisions of this part 2.

(3) The election commissioners appointed by the court pursuant to section 31-2-102 shall exercise, to the extent practicable, the powers, functions, and responsibilities otherwise assigned by this part 2 to the governing body or clerk, and the procedures for incorporation and adoption of a home rule charter shall be modified as necessary to effectuate concurrent consideration.

(4) At the incorporation election, conducted under the provisions of section 31-2-102, the registered electors shall vote upon:

(a) The question of incorporation, as set forth in section 31-2-102(5);

(b) The question of whether a charter commission should be formed, as set forth in section 31-2-205(1); and

(c) The election of charter commission members, as set forth in section 31-2-205(2).

(5) If a majority of the registered electors voting thereon vote for incorporation and for formation of a charter commission, the first election of officers shall be stayed pending drafting and approval of the charter pursuant to sections 31-2-206 and 31-2-207. Upon ratification of the charter or after rejection of a charter and revised charter pursuant to section 31-2-207, the election commissioners shall proceed to the first election of officers and to completion of incorporation pursuant to part 1 of this article.

(6) If a majority of the registered electors voting thereon vote for incorporation but against the formation of a charter commission, the procedures set forth in part 1 of this article shall be followed as if the petition for incorporation had not included a request for the adoption of home rule at the time of incorporation.

§ 31-2-210. Procedure to amend or repeal charter.

(1) Proceedings to amend a home rule charter may be initiated by either of the following methods:

(a) Filing of a petition meeting the following requirements, in the following manner:

(i) The petition process shall be commenced by filing with the clerk a statement of intent to circulate a peti-

tion, signed by at least five registered electors of the municipality. The petition shall be circulated for a period not to exceed ninety days from the date of filing of the statement of intent and shall be filed with the clerk before the close of business on the ninetieth day from said date of filing or on the next business day when said ninetieth day is a Saturday, Sunday, or legal holiday.

(II) The petition shall contain the text of the proposed amendment and shall state whether the proposed amendment is sought to be submitted at the next regular election or at a special election. If the amendment is sought to be submitted at a special election, the petition shall state an approximate date for such special election, subject to the provisions of subparagraph (IV) of this paragraph (a) and subsection (4) of this section.

(III) A petition to submit an amendment at the next regular election must be signed by at least five percent of the registered electors of the municipality registered on the date of filing the statement of intent and must be filed with the clerk at least ninety days prior to the date of said regular election.

(IV) A petition to submit an amendment at a special election must be signed by at least ten percent of the registered electors of the municipality registered on the date of filing the statement of intent and must be filed with the clerk at least ninety days prior to the approximate date of the special election stated in the petition.

(b) An ordinance adopted by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality. Such ordinance shall also adopt a ballot title for the proposed amendment.

(2) Proceedings to repeal a home rule charter or to form a new charter commission may be initiated by either of the following methods:

(a) Filing of a petition in the manner prescribed by, and meeting the requirements of, paragraph (a) of subsection (1) of this section; except that:

(I) The petition shall state the proposal to repeal the charter or to form a new charter commission;

(II) The petition must be signed by at least fifteen percent of the registered electors of the municipality, regardless of whether the petition seeks submission of the proposal at a regular or special election; and

(III) If the proposal is for formation of a charter commission, the petition must be filed with the clerk at least ninety days prior to the date of the regular election or the approximate date stated in the petition for a special election, as the case may be.

(c) An ordinance adopted by a two-thirds vote of the governing body submitting the proposed repeal or formation of a charter commission to a vote of the registered electors of the municipality.

(3) The clerk shall, within fifteen working days after the filing of a petition pursuant to paragraph (a) of subsection (1) of this section or paragraph (a) of subsection (2) of this section, certify to the governing body as to the validity and sufficiency of such petition. If the petition is sufficient, the governing body shall set a ballot title for the proposed amendment at its next meeting. If the petition is declared insufficient, such petition may be withdrawn by a majority of the persons representing the registered electors who signed such petition, may be amended or signed by additional registered electors of the municipality in accordance with paragraph (a) of subsection (1) of this section and paragraph (a) of subsection (2) of this section within fifteen days after such insufficiency is declared, and may be refiled as an original petition.

(3.5) If the subject matter of the petition is proposed for submission at a regular or special election that will be coordinated by the county clerk pursuant to section 1-7-116, C.R.S., and the municipal clerk has certified to the governing body that the petition is valid and sufficient, the clerk shall certify the proposed ballot question to the county clerk and recorder sixty days prior to the coordinated election as provided in section 1-5-203(3), C.R.S., unless the petition has by the sixtieth day been determined to be insufficient pursuant to section 31-2-223. Should the petition be found to be insufficient pursuant to section 31-2-223 following certification to the county clerk and recorder, the election on such question shall be deemed canceled, and any votes cast on the question shall not be counted.

(4) The governing body shall, within thirty days of the date of adoption of the ordinance or the date of filing of the petition (if the same is certified by the clerk to be valid and sufficient), publish notice of an election upon the amendment or proposal, which notice shall contain the full text of the amendment or statement of the proposal as contained in the ordinance or petition. The election shall be held not less than sixty nor more than one hundred twenty days after publication of such notice; except that, if the proposal is for formation of a charter commission, the election shall be held not less than sixty days after publication of such notice. If the amendment or proposal is initiated by petition and is sought to be submitted at a special election, the election shall be held as near as possible to the approximate date stated in the petition, but in any event shall be held within the time limits stated in this subsection (4).

(5) The procedure for the forming and functioning of a new charter commission shall comply as nearly as practicable with sections 31-2-204 to 31-2-207, relating to formation and functioning of an initial charter commission.

(6) If a majority of the registered electors voting thereon vote for a proposed amendment, the amendment shall be deemed approved. If a majority of the registered electors voting thereon vote for repeal of the charter, the charter shall be deemed repealed and the municipality shall proceed to organize and operate pursuant to the statutes applicable to a municipality of its size.

§ 31-2-211. Elections—general.

- (1) Except as otherwise specifically provided, all elections held pursuant to this part 2 shall be conducted as nearly as practicable in conformity with the provisions of the “Colorado Municipal Election Code of 1965”.¹
- (2) All necessary expenses for elections conducted pursuant to this part 2 for existing municipalities or for municipalities incorporated pursuant to part 1 of this article shall be paid out of the treasury of the municipality.
- (3) A special election shall be called for any election held pursuant to this part 2 when a regular election is not scheduled within the time period provided for such election.

§ 31-2-212. Initiative, referendum, and recall. Every charter shall contain procedures for the initiative and referendum of measures and for the recall of officers.

§ 31-2-213. Determination of population. When a determination of the population or number of registered electors of the municipality is required under this part 2, said determination shall be made upon the best readily available information by the governing body, clerk, election commissioners, or court, as the case may be. Such determination shall be final in the absence of fraud or gross abuse of discretion.

§ 31-2-214. Time limit on submission of similar proposals. No proposal for a charter commission, charter amendment, or repeal of a charter shall be initiated within twelve months after rejection of a substantially similar proposal.

§ 31-2-215. Conflicting or alternative charter proposals.

- (1) In submitting any charter or charter amendment, any alternative provision may be submitted for the choice of the voters and may be voted on separately without prejudice to others. The alternative provision receiving the highest number of votes, if approved by a majority of the registered electors voting thereon, shall be deemed approved.
- (2) In case of adoption of conflicting provisions which are not submitted as alternatives, the one which receives the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

§ 31-2-216. Change in classification of municipalities. Notwithstanding the provisions of part 2 of article 1 of this title, a town having a population exceeding two thousand may reclassify itself as a city, and a city having a population of two thousand or less may reclassify itself as a town, upon adoption of a home rule charter without otherwise complying with the procedures in said part 2.

§ 31-2-217. Vested rights saved. The adoption of any charter, charter amendment, or repeal thereof shall not be construed to destroy any property right, contract right, or right of action of any nature or kind, civil or criminal, vested in or against the municipality under and by virtue of any provision of law theretofore existing or otherwise accruing to the municipality; but all such rights shall vest in and inure to the municipality or to any persons asserting any such claims against the municipality as fully and as completely as though the charter, amendment, or repeal thereof had not been adopted. Such adoption shall never be construed to affect any such right existing between the municipality and any person.

§ 31-2-218. Finality. No proceeding contesting the adoption of a charter, charter amendment, or repeal thereof shall be brought unless commenced within forty-five days after the election adopting the measure.

§ 31-2-219. Additional petition requirements. Any petition to initiate the adoption, amendment, or repeal of a municipal home rule charter, including the formation of a new charter commission, shall be subject to the provisions of sections 31-2-

220 to 31-2-225, in addition to any other requirements imposed by this part 2. Any such petition which fails to conform to the requirements of this part 2 or is circulated in a manner other than that permitted in this part 2 is invalid.

§ 31-2-220. Warning on petition--signatures--affidavits--circulators.

(1) At the top of each page of a petition to initiate the adoption, amendment, or repeal of a municipal home rule charter, including the formation of a new charter commission, must be printed, in plain red letters no smaller than the impression of ten-point, bold-faced type, the following:

WARNING:
IT IS AGAINST THE LAW:

For anyone to sign any petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to sign such petition when not a registered elector.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR:

Do not sign this petition unless you have read or had read to you the text of the proposal in its entirety and understand its meaning.

(2) Any such petition shall be signed only by registered electors by their own signatures to which shall be attached the residence addresses of such persons, including street and number, if any, city or town, and the date of signing the same. To each such petition shall be attached an affidavit of the person who circulated the petition stating the affiant's address, that the affiant is eighteen years of age or older, that the affiant circulated the said petition, that each signature thereon was affixed in the affiant's presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best of the knowledge and belief of the affiant each of the persons signing said petition was at the time of signing a registered elector, and that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to such petition. No petition shall be accepted for filing that does not have attached thereto the affidavit required by this section.

(3) Deleted by Laws 2000, Ch. 189, § 7, eff. Aug. 2, 2000.

(4) The clerk shall inspect timely filed petitions and attached affidavits to ensure compliance with subsection (2) of this section. Such inspection may consist of an examination of the information on the signature lines for patent defects, a comparison of the information on the signature lines with a list of registered electors provided by the county, or any other method of inspection reasonably expected to ensure compliance with subsection (2) of this section.

§ 31-2-221. Form of petition--representatives of signers.

(1) Petitions to initiate the adoption, amendment, or repeal of a home rule charter, including the formation of a new charter commission, shall be printed on pages eight and one-half inches wide by eleven inches long, with a margin of two inches at the top for binding; the sheets for signature shall have their ruled lines numbered consecutively and shall be attached to a complete copy of what is proposed, printed in plain block letters no smaller than the impression of eight-point type. Petitions may consist of any number of sections composed of sheets arranged as provided in this section. Each petition shall designate by name and address not less than three nor more than five registered electors who shall represent the signers thereof in all matters affecting the same. No such petition shall be printed, published, or otherwise circulated in a municipality until the clerk has approved it as to form only, and the clerk shall assure that the petition contains only the matters required by this part 2 and contains no extraneous material. The clerk shall approve or disapprove such form within five working days of submission. All such petitions shall be prenumbered serially, and the circulation of any petition described by this part 2 by any medium other than personally by a circulator is prohibited.

(2) Any disassembly of the petition which has the effect of separating the affidavits from the signatures shall render the petition invalid and of no force and effect. Prior to the time of filing, the persons designated in the petition to represent

the signers shall attach the sheets containing the signatures and affidavits together, which shall be bound in convenient volumes together with the sheets containing the signatures accompanying the same.

§ 31-2-222. Ballot. Proposals to adopt, amend, or repeal home rule charters, including the formation of a new charter commission, shall appear upon the official ballot by ballot title only and, if more than one, shall be numbered consecutively in such order as the governing body may provide and shall be printed on the official ballot in that order, together with their respective numbers prefixed in boldface type. Each ballot title shall appear once on the official ballot and shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words “yes” and “no” as follows:

(HERE SHALL APPEAR THE BALLOT TITLE IN FULL)

YES

NO

§ 31-2-223. Affidavit--evidence--protest procedure.

(1) All petitions to initiate the adoption, amendment, or repeal of a home rule charter, including the formation of a new charter commission, shall have attached thereto an affidavit of the circulator of the petition stating that each signature on the petition is the signature of the person whose name it purports to be and that to the best of the knowledge and belief of the affiant each of the persons signing such petition was at the time of signing a registered elector. A protest in writing, under oath, may be filed in the office in which such petition has been filed by some registered elector of the municipality or territory proposed to be incorporated within thirty days after such petition is filed, setting forth with particularity the grounds of such protest and the names protested. In such event the officer with whom such petition is filed shall mail a copy of the protest to the persons named in such petition as representing the signers thereof at the addresses therein given, together with a notice fixing a time for hearing the protest not less than five nor more than twenty days after such notice is mailed. If, at such hearing, such protest is denied in whole or in part, the person filing the same, within ten days after such denial, may file an amended protest, a copy of which shall be mailed to the persons named in the petition and on which a hearing shall be held as in the case of the original protest; but no person shall be entitled to amend an amended protest.

(2) All records and hearings shall be public, and all testimony shall be under oath. The officer with whom such petition 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 petition the district 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. Hearings shall be had as soon as is conveniently possible and must be concluded within thirty days after the commencement thereof, and the result of such hearings shall be certified to the persons representing the signers of such petition. In case the petition is declared insufficient in form or number of signatures of registered electors, it may be withdrawn by a majority in number of the persons representing the signers of such petition and, within fifteen days after the insufficiency is declared, may be amended or additional names signed thereto as in the first instance and refiled as an original petition. The finding as to the sufficiency of any petition may be reviewed by the district court of the county in which such petition is filed, but any such review shall be timely made, and, upon application, the decision of such court thereon shall be reviewed by the supreme court.

§ 31-2-225. Unlawful acts—penalty.

(1) With respect to any petition to initiate the adoption, amendment, or repeal of a home rule charter, including the formation of a new charter commission, it is unlawful:

(a) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league, or political party, without the written consent, approval, and authorization of such person, organization, association, league, or political party;

(b) For any person to sign any name other than his own to any such petition or knowingly to sign his name more than once for the same measure at one election;

- (c) For any person to sign any such petition who is not a registered elector of the municipality or of the territory proposed to be incorporated at the time of signing the same;
 - (d) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in such affidavit to be true;
 - (e) For any person to certify that an affidavit attached to such petition was subscribed or sworn to before him unless it was so subscribed and sworn to before him and unless such person so certifying is duly qualified under the laws of this state to administer an oath; or
 - (f) For any person to do willfully any act in reviewing the petition or setting the ballot title which shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election held under this part 2 or to refuse to submit any such petition in the form presented for submission at any election held under this part 2.
- (2) Any person who violates any of the provisions of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

APPENDIX D

HOME RULE MUNICIPALITIES

IN COLORADO

Through the November 2022 elections, 105 of Colorado's 272 municipalities had adopted a home rule charter. These 105 municipalities represent approximately 93 percent of the municipal population of the state. More than two-thirds of the state's entire population live within a home rule municipality.

Alamosa (City)	Council-Manager	Commerce City (City)	Council-Manager
Arvada (City)	Council-Manager	Cortez (City)	Council-Manager
Aspen (City)	Council-Manager	Craig (City)	Council-Manager
Aurora (City)	Council-Manager	Crested Butte (City)	Council-Manager
Avon (Town)	Council-Manager	Dacono (City)	Mayor-Council
Basalt (Town)	Council-Manager	Delta (City)	Council-Manager
Black Hawk(City)	Council-Manager	Denver (City)	Mayor-Council
Boulder (City)	Council-Manager	Dillon (Town)	Council-Manager
Breckenridge (Town)	Council-Manager	Durango (City)	Council-Manager
Broomfield (City)	Council-Manager	Eagle (Town)	Council-Manager
Brighton (City)	Council-Manager	Edgewater (City)	Mayor-Council-Manager
Burlington (City)	Mayor-Council	Englewood (City)	Council-Manager
Canon City (City)	Council-Manager	Evans (City)	Council-Manager
Carbondale (Town)	Trustees-Manager	Federal Heights (City)	Council-Manager
Castle Pines (City)	Council-Manager	Fort Collins (City)	Council-Manager
Castle Rock (Town)	Council-Manager	Fort Morgan (City)	Mayor-Council
Cedaredge (Town)	Council-Manager	Fountain (City)	Council-Manager
Centennial (City)	Council-Manager	Frisco (Town)	Council-Manager
Central City (City)	Mayor-Alderman-Manager	Fruita (City)	Council-Manager
Cherry Hills Village (City)	Council-Manager	Glendale (City)	Council-Manager
Colorado Springs (City)	Mayor-Council	Glenwood Springs (City)	Council-Manager

Golden (City)	Council-Manager
Grand Junction (City)	Council-Manager
Greeley (City)	Council-Manager
Greenwood Village (City)	Council-Manager
Gunnison (City)	Council-Manager
Gypsum (Town)	Mayor-Council
Hayden (Town)	Council-Manager
Holyoke (City)	Mayor-Council
Hudson (Town)	Council-Mayor-Manager
Johnstown (Town)	Council-Manager
Kiowa (Town)	Trustees-Manager
Lafayette (City)	Mayor-Council
La Junta (City)	Council-Manager
Lakewood (City)	Council-Manager
Lamar (City)	Mayor-Council
Larkspur (Town)	Mayor-Council
Littleton (City)	Council-Manager
Lone Tree (City)	Council-Manager
Longmont (City)	Council-Manager
Louisville (City)	Council-Manager
Loveland (City)	Council-Manager
Manitou Springs (City)	Mayor-Council
Minturn (Town)	Mayor-Council
Monte Vista (City)	Council-Manager
Montrose (City)	Council-Manager
Monument (Town)	Council-Manager
Morrison (Town)	Trustees-Mayor
Mountain View (Town)	Mayor-Council
Mountain Village (Town)	Mayor-Council
Mt. Crested Butte (Town)	Council-Manager
New Castle (Town)	Mayor-Council
Northglenn (City)	Council-Manager

Ophir (Town)	General Assembly
Ouray (City)	Council-Manager
Pagosa Springs (Town)	Council-Manager
Parachute (Town)	Council-Manager
Parker (Town)	Council-Manager
Pueblo (City)	Mayor-Council
Rico (Town)	Trustees-Mayor
Ridgway (Town)	Council-Manager
Rifle (City)	Council-Manager
Sanford (Town)	Trustees-Mayor
Severance (Town)	Council-Manager
Sheridan (City)	Council-Manager
Silt (Town)	Trustees-Mayor
Silverthorne (Town)	Council-Manager
Silver Plume (Town)	Trustees-Mayor
Snowmass Village (Town)	Council-Mayor-Manager
Steamboat Springs (City)	Council-Manager
Sterling (City)	Council-Manager
Telluride (Town)	Council-Manager
Thornton (City)	Council-Manager
Timnath (Town)	Council-Manager
Trinidad (City)	Council-Manager
Vail (Town)	Council-Manager
Ward (Town)	General Assembly
Westminster (City)	Council-Manager
Wheat Ridge (City)	Council-Manager
Windsor (Town)	Council-Manager
Winter Park (City)	Council-Manager
Woodland Park (City)	Council-Manager
Wray (City)	Council-Manager
Yuma (City)	Council-Manager

APPENDIX E

TIME SCHEDULES

ADOPTING A HOME RULE CHARTER

WITHIN 30 DAYS AFTER INITIATION

Call an election on forming the charter commission and on commission members. C.R.S. § 31-2-204(2).

BEFORE PUBLISHING NOTICE OF THE ELECTION

Divide the municipality into compact districts of approximately equal population if so required by the initiating petition or ordinance. C.R.S. § 31-2-206(2).

AT LEAST 60 DAYS PRIOR TO THE ELECTION

Publish first notice of the election. C.R.S. § 31-2-204(2).

WITHIN 30 DAYS AFTER PUBLICATION OF THE FIRST ELECTION NOTICE

Nomination petitions and consent to serve statements must be filed with the municipal clerk. C.R.S. § 31-2-204(3).

AS SOON AS POSSIBLE AFTER THE FILING OF NOMINATION PETITIONS IS COMPLETED

Publish a second notice of election with names of nominated candidates. C.R.S. § 31-2-204(3).

WITHIN 120 DAYS AFTER PUBLICATION OF THE CALL FOR AN ELECTION

Election on charter commission and commission members to be held. C.R.S. § 31-2-204(2).

WITHIN 20 DAYS AFTER THE ELECTION

Governing body must call the first meeting of the charter commission to be held within said 20 days. C.R.S. § 31-2-206(4).

WHILE PREPARING THE CHARTER

Charter commission must hold one or more public hearings. C.R.S. § 31-2-206(9).

WITHIN 180 DAYS AFTER THE ELECTION

Charter commission must submit proposed charter to the governing body. C.R.S. § 31-2-206(10).

WITHIN 30 DAYS AFTER SUBMISSION OF THE PROPOSED CHARTER

Call an election on the charter and publish notice of the election including the text of the proposed charter. C.R.S. § 31-2-207(1).

NOT LESS THAN 60 NOR MORE THAN 185 DAYS AFTER PUBLICATION OF THE NOTICE OF ELECTION

Election on the charter must be held. C.R.S. § 31-2-207(1).

If the charter is defeated, the time limits for submitting and voting on a revised proposed charter are the same as for submitting and voting on the original proposed charter. C.R.S. § 31-2-207(3)

WITHIN 20 DAYS AFTER ELECTION APPROVING PROPOSED CHARTER OR REVISED PROPOSED CHARTER

File a certified copy of the adopted charter with the secretary of state and the municipal clerk. C.R.S. § 31-2-208(1).

WITHIN 45 DAYS AFTER THE ELECTION APPROVING THE PROPOSED CHARTER OR REVISED PROPOSED CHARTER

Proceedings to contest adopted charter must be commenced. C.R.S. § 31-2-218.

WITHIN 12 MONTHS AFTER REJECTION OF THE REVISED PROPOSED CHARTER

No substantially similar proposal shall be initiated. C.R.S. § 31-2-214.

AMENDING A HOME RULE CHARTER

WITHIN 30 DAYS AFTER INITIATION

Publish notice of and call an election on the amendment (notice must include the text of the amendment). C.R.S. § 31-2-210(4).

NOT LESS THAN 60 NOR MORE THAN 120 DAYS AFTER PUBLICATION OF THE NOTICE OF ELECTION

Hold an election on the amendment. C.R.S. § 31-2-210(4).

WITHIN 20 DAYS AFTER THE ELECTION APPROVING THE AMENDMENT

File a certified copy of the approved amendment with the secretary of state and the municipal clerk. C.R.S. § 31-2-208(1) and (3).

WITHIN 45 DAYS AFTER THE ELECTION APPROVING THE AMENDMENT

Any proceedings to contest an adopted amendment must be commenced. C.R.S. § 31-2-218.

WITHIN 12 MONTHS AFTER THE ELECTION REJECTING THE AMENDMENT

No substantially similar amendment may be initiated. C.R.S. § 31-2-214.

REPEALING A HOME RULE CHARTER

WITHIN 30 DAYS AFTER INITIATION

Publish notice of and call an election on the repeal measure. C.R.S. § 31-2-210(4).

NOT LESS THAN 60 NOR MORE THAN 120 DAYS AFTER PUBLICATION OF THE NOTICE OF ELECTION

Election on repeal measure to be held. C.R.S. § 31-2-210(4).

AFTER APPROVAL OF REPEAL MEASURE

Municipality shall proceed to organize and operate as a statutory municipality of its size. C.R.S. § 31-2-210(6).

WITHIN 20 DAYS AFTER THE ELECTION APPROVING THE REPEAL

File certified copies of the approved repeal measure with the secretary of state and the municipal clerk. C.R.S. § 31-2-208(1) and (3).

WITHIN 45 DAYS AFTER THE ELECTION APPROVING THE REPEAL

Any proceedings to contest the approved repeal measure must be commenced. C.R.S. § 31-2-218.

WITHIN 12 MONTHS AFTER REJECTION OF THE REPEAL MEASURE

No substantially similar repeal measure may be proposed. C.R.S. § 31-2-214.

FORMING A NEW CHARTER COMMISSION

BEFORE PUBLISHING NOTICE OF ELECTION

Governing body must divide the municipality into districts of approximately equal population if required to do so by the initiating petition or ordinance. C.R.S. § 31-2-206(2).

WITHIN 30 DAYS AFTER INITIATION

Publish notice of and call an election on forming a new charter commission and on commission members. C.R.S. § 31-2-210(3)(4).

NOT LESS THAN 60 NOR MORE THAN 120 DAYS AFTER PUBLICATION OF THE NOTICE OF ELECTION

Election to be held on new charter commission and commission members. C.R.S. § 31-2-210(4).

Time schedules for the formation and functioning of a new charter commission and for the election on a new charter are the same as those time schedules used when adopting the original charter. C.R.S. § 31-2-210(5).

ADOPTING A HOME RULE CHARTER AT THE TIME OF INCORPORATION

Time requirements for incorporating and time requirements for adopting a home rule charter should be followed as closely as possible. Note the special provisions of C.R.S. § 31-2-209, summarized on page 42 of this publication.

APPENDIX F

SAMPLE ORDINANCE INITIATING THE ADOPTION OF A HOME RULE CHARTER

Material enclosed in brackets or parentheses is optional.

AN ORDINANCE INITIATING THE ADOPTION OF A HOME RULE CHARTER FOR CITY (TOWN) OF _____ AND PROVIDING FOR THE ELECTION OF CHARTER COMMISSION MEMBERS.

WHEREAS, the Municipal Home Rule Act of 1971, C. R. S. 1973, § 31-2-201 et seq., as amended, authorizes the City Council (Board of Trustees) to initiate, by ordinance, the adoption of a home rule charter; and

WHEREAS, the City Council (Board of Trustees) desires to initiate the adoption of a home rule charter for the City (Town) of _____ .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL (BOARD OF TRUSTEES) OF THE CITY (TOWN) OF _____ ;

SECTION 1: INITIATION OF HOME RULE. That the following question be submitted to a vote of the registered electors of the City (Town) of _____ , in accordance with the provisions of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, at the general (a special) election to be held on the _____ day of _____ , 20 _____ ;

Shall the City (Town) of _____ form a home rule charter commission?

SECTION 2. COMMISSION MEMBERS. That at such election, the registered electors shall also elect a total of _____ members to the charter commission [, _____ members to be elected by and from each district to be created in accordance with the Municipal Home Rule Act prior to such election, (and _____ members to be elected at-large),] to take office if the formation of the charter commission is approved by the qualified electors.

(Add any other usual sections including effective date and standard signature and authentication provisions.)

APPENDIX G

SAMPLE PETITION INITIATING THE ADOPTING OF A HOME RULE CHARTER

The general form of a petition initiating the adoption of a home rule charter will be the same as a regular initiative petition. The following is a sample of the *substantive content* of a petition initiating the adoption of a home rule charter. (Material enclosed in brackets or parentheses is optional.)

PETITION

To: The City Council (Board of Trustees) of _____, _____ County, State of Colorado.

We, the undersigned, in accordance with the provisions of Article XX of the Colorado Constitution, and the Municipal Home Rule Act of 1971, do respectfully submit to and demand the City Council (Board of Trustees) call an election of the registered electors of the City (Town) of _____ on the question of whether the City (Town) shall form a home rule charter commission and for the purpose of electing members of the charter commission if formed.

[We additionally submit to and demand the City Council (Board of Trustees), prior to the election on the charter commission and commission members, to divide the City (Town) into _____ districts of approximately equal populations, _____ members of the charter commission to be elected by and from each district (and _____ members to be elected at large).]

The ballot title and submission clause for the proposal petitioned for herein is as follows:

Shall the City (Town) of _____ form a home rule charter commission?

[The regular initiative petition then contains various clauses and pages for signatures of the electors, their addresses, and the date of signing the petition.]

APPENDIX H

SAMPLE ORGANIZATIONAL AND PROCEDURAL RULES FOR THE CHARTER COMMISSION

RULES ADOPTED BY THE CASTLE ROCK CHARTER COMMISSION

1. Officers

A. Officers and Tenure

The Officers of the Charter Commission shall be the Chairman, Vice-Chairman, Secretary and Treasurer. These officers, elected at the first meeting, will hold office for the entire time of the Commission until its adjournment sine die.

B. Duties of Officers

Chairman shall:

1. Preside at all meetings;
2. Appoint all committees not otherwise provided for;
3. Carry out assignments and instruction given to him by vote of the Commission;
4. Perform such other duties as customarily pertain to the office of Chairman.

Vice Chairman shall:

1. Be an aide to the Chairman;
 2. In case of the absence or disability of the Chairman, pro tempore assume and perform the duties of the Chairman;
- Perform as Chairman of the Calendar Committee.

Secretary shall:

1. Be responsible for the record of the proceedings of all meetings;
2. Be responsible for issuing notices of meetings and agenda.

Treasurer shall:

1. Perform as Chairman of the Finance & Personnel Committee.
2. Submit the Commission budget to City officials and secure from the City Council needed City funds to meet reasonable expenses of the Commission.

2. Meetings

A. Time and Place:

At least one regular meeting will be held each week, promptly at 7:00 p.m. on alternate Mondays and Wednesdays. The place of such meetings to be the Council Chambers of the City Hall, unless members are otherwise notified by the Secretary or someone designated by him.

B. Nature of Meetings:

1. Agenda as follows:

- a. Call to Order
- b. Roll Call
- c. Approval of published Minutes of all meetings of the week previous to, and including Saturday last, at the first meeting of the week
- d. Program as designated by Calendar Committee
- e. Report of Committees
- f. Unfinished business
- g. New business
- h. Adjournment

2. Programs of Meetings:

The Calendar Committee shall, upon request of the officers, or the members, make all arrangements for speakers, material, and/or equipment necessary for programs of the meetings. This Committee will, unless otherwise directed, provide in the Agenda the theme of each meeting, and will provide for such public hearings as may be found necessary.

3. Committees

Committees are appointed by the Chairman; committees to name their Chairmen. All Committees should be encouraged to submit all reports in writing and, where possible, delivered to the members individually prior to the meeting of its report.

- a. Government & Elections
- b. Administrative & Council Procedures
- c. Legal & Judiciary
- d. Budget & Finance

The Committees will be charged with the responsibility of drawing proposed Charter provisions as submitted and approved by a majority of the members. Every practical attempt should be made to accomplish such drafting on time for submission to the members under the same conditions as those for publication and approval of the Minutes of the preceding meetings.

e. Calendar Committee:

The Calendar Committee will consist of the Chairman, Vice-Chairman and the four committee Chairman. This Committee shall submit a tentative schedule of program subjects to be followed by the Commission. This schedule may be altered at any time by a majority vote of the members. Speakers, equipment and material necessary for the programs will be arranged for by the Committee. The Committee shall authorize all consultant services, subject to the approval of the Commission.

The Committee may, as part of the program, propose a subject for consideration by the Commission, but will not submit it to the Drafting Committee for refinement prior to bringing it before the members.

f. Finance and Personnel Committee:

The Finance and Personnel Committee will consist of the Chairman, Vice Chairman, Secretary and Treasurer.

This Committee shall submit the commission budget to proper City officials, securing from the City Council needed City funds to meet the reasonable expenses of the Commission, hiring or securing consultants, as authorized by the Calendar Committee, on either a full time or part-time basis and making arrangements either with the City or independently for necessary clerical and stenographic help.

g. Special Committees:

From time to time, special study and functioning committees may be appointed at the discretion of the Chairman or by majority vote of the members.

4. Quorum

For any meeting of the Commission, a quorum shall consist of eleven members. (Under the Municipal Home Rule Act, a quorum consists of a majority of the Commission members. § 31-2-206(4).)

5. Amendments

These rules may be suspended at any meeting for a specific purpose by majority vote of the members. The results of such suspension will extend beyond the time of that meeting. The rules may be amended by majority vote, provided they are proposed at one meeting and adopted by a majority vote at the next.

6. Parliamentary Authority and Rules of Voting

All questions not covered by these rules shall be decided by Roberts Rules of Order.

7. Submission of Committees' Drafts

The Chairmen of the respective committees shall submit the work of the four drafting committees to the Commission, section by section, one section at a time.

- a. If no objection is voiced by any member of the Commission, such section of the Charter as was presented shall be deemed tentatively approved.
- b. If an objection or objections to said section is announced, the same shall be discussed and voted upon in accordance with Robert's Rules of Order.
- c. Once a section of the Charter has been tentatively approved, it shall not be brought up for further discussion until the entire Charter has been tentatively approved.
- d. Once the entire Charter has been tentatively approved, section by section, it shall be reviewed, section by section, for additional amendments or final approval. Once a section has been approved on review, it shall not be considered again unless a majority vote of the members present so desire.
- e. The Charter shall then be submitted, in toto, for approval by the entire Charter Commission

APPENDIX I

SUMMARY OF GENERAL ARGUMENTS FOR AND AGAINST HOME RULE

GENERAL ARGUMENTS FOR

- Article XX of the Colorado Constitution grants both general and specific powers to home rule municipalities, providing them greater flexibility when seeking solutions to local problems.
- These powers allow home rule municipalities to shape such solutions to fit local needs, without involving the state legislature or being subjected to undesirable limitations imposed statewide. Home rule allows municipalities to respond more quickly to changed circumstances or emergency situations by allowing legislative solutions at the local level through ordinances or charter amendments, rather than waiting for action by the state legislature.
- Home rule municipalities are not required to follow state statutes in matters of local and municipal concern and therefore enjoy freedom from state interference regarding local and municipal matters.
- The express and implied enabling authority granted to municipalities in state statutes is sometimes ambiguous; home rule allows the municipality to act with greater assurance that its actions are properly authorized, especially if the charter reserves to the municipality authority to legislate on any and all matters of local concern.
- By empowering local citizens more directly, home rule enhances citizen control, interest, involvement, and pride in their municipal government.
- Home rule is the embodiment of the principle that the best government is the one that is the closest to the people.

GENERAL ARGUMENTS AGAINST

- If a restrictive charter is adopted, the potential flexibility offered by home rule may be lost.
- Once adopted, the charter may serve as a vehicle for dissatisfied citizens to further limit the authority of the municipality in general and elected officials in particular through the adoption of binding charter amendment, i.e., amendments which cannot be changed or repealed by the governing body without a subsequent vote of the people.
- The lack of definite limits on home rule powers may constitute a disadvantage to a municipality by creating legal uncertainty when the municipality legislates in a relatively new area; the ultimate determination of whether a matter is truly of "local concern" requires an ad hoc determination in court.
- The process of adopting a home rule charter involves some costs to the municipality. Attorneys' or other consultants' fees, expenses incurred from publication requirements, election costs, etc. can be a burden on the municipality.
- The prospect of an existing municipality adopting a home rule charter requires some change from the status quo along with the need to debate potentially volatile issues related to the structure and powers of the municipality, and therefore may be perceived as creating unnecessary risks in a community that is satisfied operating under existing statutes.
- Unless restricted by the charter, a home rule municipality has the potential to exercise more governmental powers than are available to statutory municipalities, which some local citizens may see as a disadvantage.

APPENDIX J

EXAMPLES OF ADDITIONAL AUTHORITY & FLEXIBILITY AFFORDED TO HOME RULE MUNICIPALITIES

ORGANIZATION & STRUCTURE

- Set forth legislative and administrative structure and authority.
- Set forth disqualifying circumstances for elected officials (some typical disqualifications include convictions for embezzlement of public funds, bribery, perjury, solicitation of bribery, subornation of perjury), as well as grounds and procedures for discipline or removal from office.
- Expand or contract the number and types of elected offices.
- Modify or clarify procedures for filling vacancies in elective offices that occur mid-term.
- Change the date when newly elected officials take office.
- Provide procedures for the appointment, tenure, and removal of municipal judges and clarify the causes for removal.
- Provide flexibility regarding the governing body being elected at-large, by districts, or by combination of at-large and by districts, the frequency of and procedures for redistricting, and number of councilmembers or trustees.
- Specify minimum age for elected officials.
- Provide additional flexibility and clarification regarding powers of mayor, council, manager, other officers and boards, and commissions.
- Provide clear authority for towns to adopt the council-manager form of government.
- Modify composition and powers of planning commission, board of adjustment, and other land use related offices. (Statutory municipalities already enjoy some flexibility per C. R. S. § 31-23-206(4) and § 31-23-307(1).)

ELECTIONS

- Establish regular election dates at times other than the dates required by statute (i.e., April of even-numbered years for towns, November of odd-numbered years for cities). (Not only does this provide local flexibility, but if the regular election date is other than November, it allows TABOR election issues to be voted on at times when other state and local issues are not on the ballot.)
- Provide additional flexibility for dates of special elections which are not TABOR related.
- Modify election requirements, including procedures for initiative, referendum, and recall. (Statutory municipalities also have some flexibility to alter procedures for initiative and referendum.)
- Expand the right to vote in municipal elections; for example, allow nonresidents to vote.
- Expand certain citizen powers, like initiative, referendum, and recall.

PROCEDURES

- Simplify or modify various publication requirements, including more streamlined procedures for adoption of codes by reference.
- Modify requirements for enactment of local ordinances to expedite consideration and effective dates, such as one-reading procedure for emergency ordinances in cities (a single reading is all that is currently required for statutory towns).
- Resolve legal doubt or strengthen the argument that the municipality by charter or ordinance may delegate decisions to administrative staff.
- Clarify circumstances when ordinance/resolution/motion is required or permitted and allow additional actions by motion or resolution rather than by ordinance.
- Provide flexibility or clarification in terms of quorum and voting requirements for city councils and boards of trustees.
- Repeal or modify statutory provisions governing bidding and awarding of public projects and disposal of public property.
- Establish local zoning, subdivision, and other land use procedures which are different from those applicable to statutory municipalities.
- Clarify or narrow purposes for which executive sessions may be held.
- Provide a binding instrument through charter enactment or amendment to proscribe various powers and mandate procedures which will apply to and bind elected officials.

FINANCES

- Allow local collection and enforcement of sales taxes.
- Allow broader or narrower sales tax base (subject to voter approval if tax base is broadened).
- Allow broader use tax base (subject to voter approval) since the use tax for statutory cities and towns is limited to motor vehicles and construction materials.
- Establish differential sales tax rates applicable to certain transactions, such as for food or lodging.
- Authorize the combined state/county/municipal sales tax rate to exceed the 7% statutory limit (subject to voter approval of any increase).
- Allow additional types of excise taxes, such as admissions, tourism and lodgers taxes, measured on percentage of sales (subject to voter approval).
- Increase, eliminate, or modify statutory property tax limits (subject to TABOR limits).
- Prohibit one or more types of taxes that the community dislikes.
- Clarify, simplify, or otherwise revise procedures for budget and appropriation adoption, amendment, and transfer of funds.
- Authorize property and other tax refunds and exemptions not specifically authorized by state law.
- Clarify or broaden authority to create municipal enterprises.
- Broaden authority to impose and enforce municipal liens to facilitate collection of delinquent fees, taxes, and charges.
- Strengthen legal authority to impose development impact fees.
- Specify salaries of elected officials.
- Increase general obligation bond authority of municipalities (subject to voter approval).
- Facilitate formation of special improvement districts and expand purposes for which districts may be formed.
- Streamline requirements for issuance of bonds and other financial obligations.

MISCELLANEOUS POWERS

- Broaden eminent domain powers, including power to condemn property outside municipal boundaries.
- Establish alternative procedures for management and operation of municipal utilities, both within and without the municipality.

- Impose terms and conditions of municipal employment, including residency requirements.
- Establish voter approval requirements for utility franchises.
- Set forth mandatory maximum terms for franchises (such as 10 years) to avoid arguments concerning or negotiations over longer term franchises.
- Broaden jurisdiction of municipal courts (to permit, for example, increased nuisance abatement authority).
- Provide additional tools for economic development activities.
- Clarify authority for or expand the types of services which the municipality can provide, such as economic development and human services.
- Provide broader authority and flexibility with respect to civil service or other personnel systems, including collective bargaining, and regarding retirement and fringe benefit programs.
- Set forth additional or more specific ethics and conflict of interest provisions.
- Broaden land use regulatory authority.

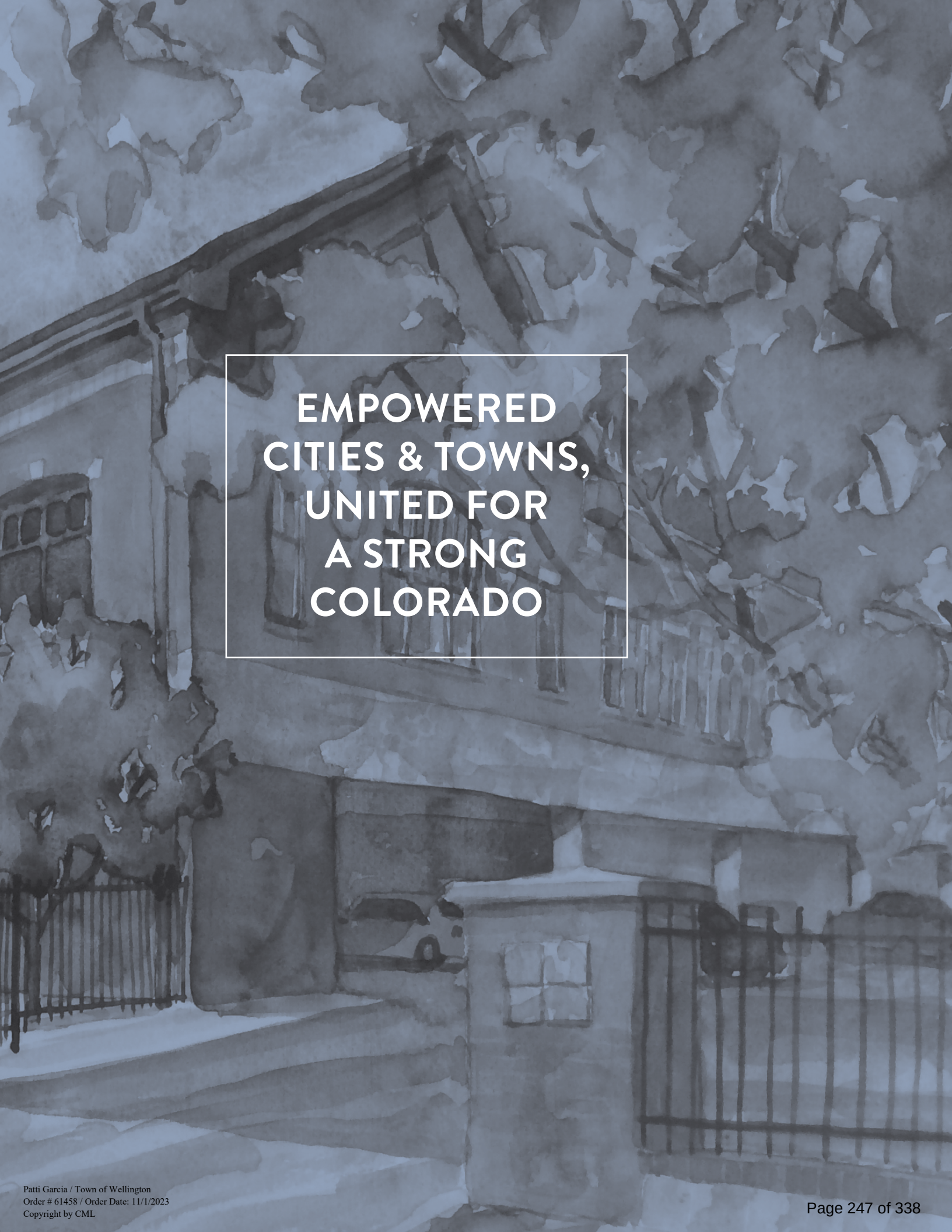


COLORADO
MUNICIPAL
LEAGUE



COLORADO
MUNICIPAL
LEAGUE



A watercolor illustration in shades of blue and grey. It depicts a large, multi-story building with a curved facade and several windows. In the foreground, there are trees with dense foliage and a black metal fence. The overall style is artistic and painterly.

EMPOWERED CITIES & TOWNS, UNITED FOR A STRONG COLORADO



COLORADO
MUNICIPAL
LEAGUE

**COMMITMENT
SERVICE
COLLABORATION**



Board of Trustees Meeting

Date: December 9, 2025
Subject: Draft Request for Proposal - Town Attorney

- **Presentation: Patti Garcia, Town Administrator**

EXECUTIVE SUMMARY

Dan Sapienza of Poudre Legal Advisors, LLC submitted his formal resignation as Town Attorney on October 13, 2025, effective October 29, 2025, to pursue another professional opportunity. The Town subsequently appointed Bell, Gould, Linder & Scott as Interim Town Attorney through Resolution No. 42-2025, authorizing the firm to serve in this capacity until a permanent appointment is made. The Board of Trustees has directed staff to prepare and present a draft Request for Proposal (RFP) for legal services for their review.

BACKGROUND / DISCUSSION

The Town Attorney serves as the primary legal counsel to the Board of Trustees, Town Administrator, staff, and all Town departments, providing guidance on municipal law, contracts, land use, personnel matters, intergovernmental agreements, water projects, municipal court functions, and compliance with state and local statutes.

Mr. Dan Sapienza has fulfilled this role through Poudre Legal Advisors, LLC, supporting the Town on a wide range of policy, governance, development, and operational matters. To ensure continuity of legal services following his resignation, the Board of Trustees approved the firm Bell, Gould, Linder & Scott, P.C. (BGLC) of Fort Collins to serve as interim legal counsel.

At their November 12, 2025 meeting, the Board directed staff to prepare a draft Request for Proposals (RFP) for permanent Town Attorney services. The draft RFP is included for the Board's review and discussion. It outlines the Town's expectations for broad municipal legal expertise - including land use, contracts, water, personnel, tax, municipal court, and statutory/Home Rule governance - and specifies minimum qualifications of at least five years of Colorado municipal legal experience.

The draft RFP also includes the proposed 2026 selection schedule, beginning with issuance of the RFP on January 19, 2026, proposal submissions due February 16, 2026, administrative and Board interviews in early to mid-March, and concluding with the appointment of the Town Attorney at the April 14, 2026 Board of Trustees meeting.

This timeline provides the Board with a structured and transparent process to evaluate qualified firms, conduct interviews, negotiate a contract, and ensure seamless transition to a new Town Attorney while maintaining the high standard of legal support required for Wellington's operations and policy initiatives.

CONNECTION WITH ADOPTED MASTER PLANS

Town of Wellington 2025-2029 Strategic Plan - Ensure Strong Town Operations: Invest in, retain & hire skilled staff.

FISCAL IMPLICATIONS



The 2026 operating budget includes funding for legal services.

STAFF RECOMMENDATION

For Board discussion and direction.

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. DRAFT Town Attorney RFP_2026

Request for Proposals (RFP)

TOWN ATTORNEY

INTRODUCTION

The Board of Trustees of the Town of Wellington invites interested law firms with a minimum of five (5) years of Colorado municipal legal experience to submit written proposals to provide contract Town Attorney services for the Town. As Town Attorney, the selected law firm will be expected to provide a wide range of legal services to the Town and the Board of Trustees, providing analysis, strategy, and legal advice to protect the Town against liability and to accomplish desired policy objectives. The Board is looking for broad municipal legal skills and services, including but not limited to:

- Statutory/Home Rule Towns
- Contracts and Intergovernmental Agreements
- Municipal Tax Law
- Land Development and Entitlements
- Personnel Issues
- Risk Management
- Water Purchasing & Projects
- Municipal Court/Prosecution

The Town Attorney is selected by the Board of Trustees and works closely with the Town Administrator and other Town staff.

PROPOSED TIME SCHEDULE

- | | |
|---|--------------------|
| • Issue RFP | January 19, 2026 |
| • Deadline for Submitting Questions | February 2, 2026 |
| • Q&A Posted on BidNet DIRECT | February 9, 2026 |
| • Deadline to Submit Proposals | February 16, 2026 |
| • Administrative Interviews | March 4 – 6, 2026 |
| • Board of Trustees Interviews (Top 3 Candidates) | March 17, 2026 |
| • Offer & Contract Negotiations | March - April 2026 |
| • Appointment of Town Attorney | April 14, 2026 |

BACKGROUND

The Town of Wellington, known as “Colorado’s Northern Gateway,” is located at the intersection of I-25 and Colorado State Highway 1 in northeast Larimer County. As of January, Wellington’s estimated population is approximately 13,000. Incorporated in 1905, Wellington is a statutory municipality currently exploring the potential transition to Home Rule.

The Town operates under a Board-Manager form of government in which the Board of Trustees establishes policy and the Town Administrator oversees day-to-day operations. The Town Attorney, like the Town Administrator, is appointed by and serves at the pleasure of the Board of Trustees.

The Town employs a Town Administrator and a staff of approximately 64 full-time employees to manage the Town’s day-to-day business.

Wellington’s Board of Trustees is composed of seven at-large members, including the Mayor, elected in nonpartisan elections to staggered four-year terms.

The Town provides a full range of municipal services, including general administration; construction and maintenance of streets; water treatment and water reclamation operations; planning, building permitting, and inspections; financial management; and municipal court functions. Wellington also partners with several external agencies and service providers, including Larimer County, the Wellington Fire Protection District, and Poudre School District. The Town maintains a number of effective intergovernmental agreements with these and other regional partners.

GENERAL SUBMITTAL INFORMATION

To be considered, submit one (1) signed original and (1) electronic copy. The original submittal must be sealed and delivered by 4:00 PM on February 16, 2026 to:

Town of Wellington
Attn: Patti Garcia, Town Administrator
8225 Third Street
P.O. Box 127
Wellington, CO 80549

The electronic copy (PDF format) shall be submitted to: garciapa@wellingtoncolorado.gov by the deadline.

The Town reserves the right to reject any or all proposals submitted.

There is no expressed or implied obligation for the Town to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. During the evaluation process the Town reserves the right, where it may serve the Town's best interest, to request additional information or clarifications from the Proposer, or to allow corrections of errors or omissions.

The Town reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this Request for Proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the Town and the firm selected.

PROPOSALS MUST BE RECEIVED BY THE TOWN ON FEBRUARY 16, 2026, BY 4:00 PM IN ORDER TO BE CONSIDERED.

Questions about the RFP should be submitted to the Town Administrator's Office in writing to the mailing address above or via email to the email address above by 5:00 PM, February 2, 2026. Responses to questions will be posted as noted above on BidNet DIRECT at <https://www.bidnetdirect.com/colorado>.

SUBMITTAL REQUIREMENTS

Cover Letter

Proposals must be accompanied by a cover letter, signed by an individual authorized to bind the proposing entity. The cover letter should include an introduction of the firm and statement of professional qualifications.

For the purpose of filling the Town Attorney position, the Town will consider qualifications submitted by:

- Individual attorney's who meet the duties and requirements listed and are applying for the Town Attorney position in its entirety; or
- Law firms with qualified attorneys on staff that specialize in the duties and requirements as noted and will jointly fill the requirements of the Town Attorney position.

General Data

Please submit the following information:

- Official name and address.
- Name, address, and telephone number of the Proposer's point of contact.
- Indicate the type of entity (corporation, partnership, sole proprietorship).
- Federal Employer Identification Number.

Specific Information

The proposal must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the applicant.

Submission of individual resumes is optional and encouraged; however, they will not be considered responsive to any specific questions. Whether or not the services are provided by a firm or individual, the Town desires that service be provided mostly through one individual, that the individual be the Town's primary contact, and that the individual be the one to attend most meetings. The Town also anticipates that individual will be designated as Town Attorney.

Please describe the nature of your law firm's practice and qualifications for providing attorney services for the Town of Wellington. Please provide a professional chronology of the individual who will be designated to serve as Town Attorney and others who you anticipate will be involved in providing legal services to the Town of Wellington.

For a person whom you propose to designate as Town Attorney, and for each person proposed as deputy or backup, please provide the following:

- Legal training and years of practice (including admission date to the Colorado Bar). Years of municipal and other local public sector law practices as a full-time government attorney and/or in a private law office specializing in local government.
- Knowledge of and experience with Colorado municipal law, statutory and home rule Towns, and other public sector experience.
- Types of clienteles represented and length of representation time.
- Experience in the preparation and review of ordinances and resolutions.
- Experience working with other levels of government, including state agencies, counties and special districts; and experience in the preparation and negotiation of agreements with those entities including but not limited to intergovernmental agreements (IGAs) and memoranda of understanding

(MOU's)

- Knowledge and practice of law relating to annexation, development agreements, local land use planning, zoning, subdivision regulations, urban renewal, vested rights, and other related planning laws.
- Experience in the area of construction contracts, consultant contracts, service contracts, purchase contracts, eminent domain, right of way, franchise agreements, easements, encroachments, Enterprise Fund management and other public works and utilities related issues.
- Experience in the area of municipal court prosecution or other litigation related to municipal courts.
- Experience in the area of public safety and risk management services.
- Experience in the area of personnel, disability law rights and obligations, workers' compensation, employee relations and negotiations, employee discrimination claims.
- Experience in Colorado municipal tax law and sales/use and other excise taxes.
- Experience in the area of Colorado Open Records Act (CORA), Colorado elections law and the Municipal Election Code.
- Scholastic honors and professional affiliations.
- If the firm/individual, or any of the attorneys employed by the firm have ever been sued by Towns or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results.
- Intended office location and accessibility to the Town and availability to hold office hours at the Wellington Municipal Services Building as requested.
- Describe the staffing of your office, including all permanent and temporary employees and their general duties and work schedules. Include any staffing changes you would propose should you be awarded the contract to provide attorney services for the Town.
- Outline how many hours per week on average it will take to accommodate the Town's need for contract attorney services. Please include all time necessary for Board meetings, special meetings, and occasional advisory board or commission meetings.
- Define the standard time frames for response by the Town Attorney to direction and/or inquiry from the Board of Trustees, Town Administration, or Town Staff.
- Describe the systems or mechanisms that would be established for timely reporting of the status of projects, requests, and litigation.
- Describe how you or your firm will use technology to communicate and provide Town Attorney services to the Town of Wellington including the sharing and transfer of electronic files.
- Describe how you or your firm will provide consistently responsive service to Town Staff and maintain up to date knowledge of Town Business.

Current Clients/Conflicts of Interest

Please list all current and former clients known to the Firm having a substantial property or business interest in the Town of Wellington during the past three (3) years. Please identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.

Please list all public entity clients for whom you or your firm currently provides services either under a fee for services or a retainer basis. Please identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.

For the person to be designated as Town Attorney, please list all municipal or other public sector clients that person presently represents as city/town attorney or general counsel. Please list the meeting dates and times for the city/Board of Trustees or governing body of these clients. Please describe how you would handle any conflicts in meeting dates/times between these clients and the Town of Wellington.

Compensation and Reimbursement

. Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of “general counsel” work, and shall include, but not necessarily be limited to, the following:

- Routine legal advice, telephone and personal consultations with members of the Board of Trustees and selected Town Staff.
- Review and/or preparation of staff reports, ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds, leases, and other documents required by the Town.
- Attendance at Board of Trustee meetings and other meetings as requested. The Board of Trustees meets regularly on the first and fourth Tuesday of each month at 6:30 PM. The Board meets in a Work Session at 6:30 PM on the third Tuesday of each month. In addition, the Board occasionally calls special meetings. The Town Attorney will be expected to attend regular meetings, work sessions and special meetings as requested. The Town Attorney will coordinate with and provide legal services for the Town Administrator and departments of the Town. The Town also has a number of board-appointed advisory boards and commissions that may require Town Attorney advice. The Town Attorney may also be required to attend certain other meetings with staff as well as appointed boards or commissions when necessary.
- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, eminent domain, and right-of-way abandonment.
- Attendance at municipal court hearings which are scheduled the 2nd Wednesday of each month.
- Perform the duties of the Town’s prosecuting attorney during administrative hearings for code violations and municipal court to prosecute ordinance violations.
- Enforcement of Town codes, zoning regulations, and building standards through administrative and judicial actions.
- The monitoring of pending and current state and federal legislation and court decisions as appropriate.
- Consultation with the Board of Trustees and Town staff as needed – rendering of legal advice and opinions (both oral and written).
- The coordination of outside legal counsel as needed and as directed by the Board of Trustees and Town Administrator.

Describe how the firm/individual intends to provide legal services, either on a flat-rate monthly (state the amount of the requested retainer), or on a different basis

Please define what type of work you would consider to be extra or specialized work which would be billed in addition to basic services. Also, state the hourly rates for the designated Town Attorney and associates for such specialized services. If hourly rate billing is preferred, please state the hourly rates for the designated Town Attorney and associates for general work and for special services, such as litigation, if such services will be billed at a different hourly rate.

Define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, and word processing charges.

Professional References

Provide three (3) professional references from persons and/or entities within Colorado for whom the Proposer has provided services similar to those services requested in this RFP within the last five (5) years. Include the name of the entity, name of contact person, telephone number of contact person and description of services provided.

EVALUATION AND SELECTION PROCESS

Proposals will be screened by a panel appointed by the Board of Trustees, or the Board of Trustees and top candidates will be identified. The qualifications of the top candidates will be verified, and references will be checked prior to finalist interviews. In reviewing the proposals, the Town will carefully consider:

- Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government operations.
- Capability to perform legal services promptly and in a manner that permits the Board of Trustees and staff to meet established deadlines and to operate in an effective and efficient manner.
- Ability to attend Board of Trustees and other meetings, as necessary.
- Degree of availability for quick response to inquiries that arise out of day-to-day operations, questions, or problems.
- Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field.
- Communication skills and ability to communicate.
- Cost of services.
- Other qualifications/criteria as deemed appropriate by the Board of Trustees.

The Town Administrator will negotiate the terms and conditions of a contract with the firm selected for final approval of the Board of Trustees. The contract will require that the law firm selected as Town Attorney maintain professional liability (\$1,000,000 per claim) and general liability (\$1,000,000 per occurrence), automobile liability (\$1,000,000 per accident), and workers' compensation. Insurance coverage must be provided by an insurance company(ies) authorized to do business in the State of Colorado and the policy will not be cancelled or materially changed without thirty (30) days prior notice in writing to the Town of Wellington.

The successful firm or individual must agree, if awarded a contract as a result of its proposal, to indemnify and hold harmless the Town of Wellington, its officers, agents, and employees from any and all claims and losses accruing or resulting to persons engaged in the work contemplated by its agents in the performance of the work. Prior to commencement of any work, those and other provisions will be established contractually. The contract, to include but not be limited to duties and compensation, will be entered into with the successful firm and approved by the Board of Trustees. Legal services will begin upon approval of the contract and formal appointment of the contract position of Town Attorney, who shall serve at the pleasure of the Board of Trustees. The Board of Trustees may terminate the appointment upon sixty days' notice with or without cause.

ADDITIONAL NOTES

The Town may modify, clarify, or interpret the RFP by issuing an addendum to the RFP. Addenda will be posted on BidNet DIRECT at [BIDNET ADDRESS/colorado](#) and will be provided to firms known to be interested in providing a proposal. Any such addendum shall become a part of the RFP.

ADDITIONAL INFORMATION

Please review Colorado Revised Statute section §§ 24-72-201 et seq. By submitting this proposal, you are acknowledging that the Town of Severance is bound to comply with the Colorado Open Records Act (CORA); and agree that unless information you provide is specifically identified as meeting one of the exceptions to CORA it is subject to public disclosure. You understand it is your duty to timely notify the Town and provide documentation and reasoning for withholding information pursuant to CORA. Further,

by submitting this application you waive any claim against the Town for release of information in its attempt to comply with CORA

DRAFT

Board of Trustees Meeting

Date: December 9, 2025
Subject: Treasurer's Report (September 2025)

EXECUTIVE SUMMARY

Attached is the Treasurer's Report for September 2025. This report was generated on November 19, 2025.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Review and retain report.

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. Treasurer's Report (September 2025)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAX REVENUE</u>					
201-01-3110 PROPERTY TAXES	56,410.34	4,607,492.45	2,112,290.00	(2,495,202.45)	218.1
201-01-3130 SALES TAX	245,723.69	2,016,249.74	2,643,338.00	627,088.26	76.3
201-01-3135 SEVERANCE TAX	14,930.24	14,930.24	25,000.00	10,069.76	59.7
201-01-3140 USE TAX - BUILDING MATERIALS	10,721.00	114,587.81	544,000.00	429,412.19	21.1
201-01-3145 OCCUPATIONAL TAX	.00	151.44	.00	(151.44)	.0
201-01-3320 CIGARETTE TAX	██████	██████	██████	██████	██████
201-01-3330 RETAIL MARIJUANA TAX	██████	██████	██████	██████	██████
TOTAL TAX REVENUE	361,017.15	7,049,932.45	5,566,826.00	(1,483,106.45)	126.6
<u>BUILDING PERMITS</u>					
201-02-3155 TOWN PLAN REVIEW FEES	845.00	9,895.00	46,000.00	36,105.00	21.5
201-02-3430 COUNTY TAX VENDORS FEE	142.94	1,532.56	5,885.00	4,352.44	26.0
201-02-3435 FIRE DEPT. VENDOR FEE	296.00	1,859.96	5,920.00	4,060.04	31.4
201-02-3450 BLDG. ADMIN. FEE	1,123.01	13,139.61	46,000.00	32,860.39	28.6
201-02-3462 BLDG. INSPECTION FEES	15,551.12	156,804.50	450,000.00	293,195.50	34.9
TOTAL BUILDING PERMITS	17,958.07	183,231.63	553,805.00	370,573.37	33.1
<u>FRANCHISE FEES</u>					
201-03-3150 FRANCHISE FEE-COMMUNICATIONS	.00	23,997.31	25,000.00	1,002.69	96.0
201-03-3160 FRANCHISE FEE-ELECTRICITY	49,194.43	163,617.29	173,801.00	10,183.71	94.1
201-03-3170 FRANCHISE FEE-NATURAL GAS	1,666.67	13,333.36	20,000.00	6,666.64	66.7
TOTAL FRANCHISE FEES	50,861.10	200,947.96	218,801.00	17,853.04	91.8
<u>LICENSES & PERMITS</u>					
201-04-3200 BUSINESS LICENSE	6,775.00	11,225.00	.00	(11,225.00)	.0
201-04-3210 LIQUOR LICENSE	401.25	3,232.50	.00	(3,232.50)	.0
201-04-3220 CONTRACTOR LICENSE	575.00	15,800.00	20,000.00	4,200.00	79.0
201-04-3250 RETAIL MARIJUANA STORE LICENSE	.00	1,500.00	.00	(1,500.00)	.0
TOTAL LICENSES & PERMITS	7,751.25	31,757.50	20,000.00	(11,757.50)	158.8
<u>FEES FOR SERVICE</u>					
201-05-3420 LAND USE FEES	500.00	4,340.20	25,000.00	20,659.80	17.4
201-05-3510 COMMUNITY CENTER USER FEES	270.00	2,265.00	3,000.00	735.00	75.5
201-05-3520 WEED / REFUSE REMOVAL	1,328.25	6,525.25	.00	(6,525.25)	.0
TOTAL FEES FOR SERVICE	2,098.25	13,130.45	28,000.00	14,869.55	46.9

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>FINES & PENALTIES</u>					
201-06-3550	COURT FINES & COSTS	1,072.00	3,950.00	20,000.00	16,050.00	19.8
201-06-3555	LCSO ADMINISTRATIVE FEES	100.00	640.00	1,200.00	560.00	53.3
	TOTAL FINES & PENALTIES	1,172.00	4,590.00	21,200.00	16,610.00	21.7
	<u>CEMETERY REVENUES</u>					
201-07-3470	CEMETERY - OPENING & CLOSING	500.00	5,100.00	.00	(5,100.00)	.0
201-07-3480	CEMETERY - PERPETUAL CARE	375.00	937.50	.00	(937.50)	.0
201-07-3490	CEMETERY - GRAVE SPACE	1,125.00	2,812.50	9,500.00	6,687.50	29.6
	TOTAL CEMETERY REVENUES	2,000.00	8,850.00	9,500.00	650.00	93.2
	<u>MISCELLANEOUS REVENUE</u>					
201-08-3350	GRANTS	.00	95,075.00	29,700.00	(65,375.00)	320.1
201-08-3351	GRANTS - JULY 4TH CELEBRATION	.00	2,500.00	.00	(2,500.00)	.0
201-08-3353	GRANTS - MAIN STREET PROGRAM	.00	40,000.00	40,000.00	.00	100.0
201-08-3354	GRANTS - LIBRARY	.00	5,895.00	6,000.00	105.00	98.3
201-08-3355	INVESTMENT EARNINGS - LIBRARY	1,761.07	16,077.58	16,500.00	422.42	97.4
201-08-3373	LIBRARY CONTRIB./FINES/MISC.	208.00	5,009.36	5,000.00	(9.36)	100.2
201-08-3506	MAIN STREET DOLA MINI GRANT	.00	.00	10,000.00	10,000.00	.0
201-08-3610	INVESTMENT EARNINGS-GENERAL	24,733.00	237,934.12	300,000.00	62,065.88	79.3
201-08-3620	CARRYOUT BAG FEE	.00	129.42	2,400.00	2,270.58	5.4
201-08-3640	COMMUNITY EVENTS	.00	6,140.00	.00	(6,140.00)	.0
201-08-3690	MISCELLANEOUS REVENUE	25.00	4,131.07	5,000.00	868.93	82.6
201-08-3910	SALE OF ASSETS	7.00	1,724.10	.00	(1,724.10)	.0
201-08-3913	COMMUNITY EVENT SPONSORSHIPS	.00	5,250.00	1,000.00	(4,250.00)	525.0
	TOTAL MISCELLANEOUS REVENUE	26,734.07	419,865.65	415,600.00	(4,265.65)	101.0
	<u>TRANSFERS</u>					
201-09-3694	TRANS IN FROM STREET FUND	.00	.00	455,501.00	455,501.00	.0
201-09-3695	TRANS IN FROM WATER FUND	.00	.00	527,394.00	527,394.00	.0
201-09-3696	TRANS IN FROM SEWER FUND	.00	.00	527,394.00	527,394.00	.0
201-09-3697	TRANS IN FROM DRAINAGE FUND	.00	.00	177,352.00	177,352.00	.0
201-09-3698	TRANS IN FROM PARK FUND	.00	.00	258,796.00	258,796.00	.0
	TOTAL TRANSFERS	.00	.00	1,946,437.00	1,946,437.00	.0
	TOTAL FUND REVENUE	469,591.89	7,912,305.64	8,780,169.00	867,863.36	90.1

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>LEGISLATIVE</u>					
201-11-5102 BENEFITS	78.93	644.13	910.00	265.87	70.8
201-11-5107 ELECTED OFFICIAL COMPENSATION	900.00	8,100.00	10,800.00	2,700.00	75.0
201-11-5192 COMMUNITY EVENTS	.00	101,468.93	125,015.00	23,546.07	81.2
201-11-5214 OFFICE SUPPLIES	.00	264.66	700.00	435.34	37.8
201-11-5321 PRINTING SERVICES	.00	278.80	300.00	21.20	92.9
201-11-5335 DUES & SUBSCRIPTIONS	.00	5,381.00	5,381.00	.00	100.0
201-11-5352 MUNICIPAL LEGAL SERVICES	2,788.00	30,158.50	45,000.00	14,841.50	67.0
201-11-5363 R&M COMPUTER/OFFICE EQUIPMENT	.00	.00	1,000.00	1,000.00	.0
201-11-5380 PROFESSIONAL DEVELOPMENT	45.00	7,306.62	11,000.00	3,693.38	66.4
201-11-5513 INSURANCE DEDUCTIBLE	.00	.00	5,000.00	5,000.00	.0
201-11-5951 BOARD DISCRETIONARY FUND	7,500.00	12,738.00	30,000.00	17,262.00	42.5
201-11-5952 HARDSHIP UTILITY GRANT	3,300.00	17,100.00	31,500.00	14,400.00	54.3
TOTAL LEGISLATIVE	14,611.93	183,440.64	266,606.00	83,165.36	68.8
<u>JUDICIAL</u>					
201-12-5109 MAGISTRATE	750.00	5,250.00	12,000.00	6,750.00	43.8
201-12-5214 OFFICE SUPPLIES	.00	111.18	500.00	388.82	22.2
201-12-5359 PROSECUTING ATTORNEY	1,190.00	9,420.00	12,000.00	2,580.00	78.5
201-12-5380 PROFESSIONAL DEVELOPMENT	252.00	947.93	1,850.00	902.07	51.2
201-12-5394 JURY FEES	.00	.00	1,000.00	1,000.00	.0
201-12-5498 COURT APPOINTED COUNSEL	.00	.00	1,000.00	1,000.00	.0
201-12-5499 TRANSLATOR FEES	180.00	363.60	1,000.00	636.40	36.4
TOTAL JUDICIAL	2,372.00	16,092.71	29,350.00	13,257.29	54.8
<u>ADMINISTRATION</u>					
201-13-5100 WAGES & SALARIES	43,742.90	398,953.48	568,318.00	169,364.52	70.2
201-13-5102 BENEFITS	14,563.06	121,980.73	179,500.00	57,519.27	68.0
201-13-5214 OFFICE SUPPLIES	.00	457.01	1,500.00	1,042.99	30.5
201-13-5335 DUES & SUBSCRIPTION	146.00	3,711.00	8,500.00	4,789.00	43.7
201-13-5352 LEGAL SERVICES	2,618.00	23,213.50	65,000.00	41,786.50	35.7
201-13-5356 PROFESSIONAL SERVICES	.00	1,952.09	40,000.00	38,047.91	4.9
201-13-5363 R&M COMPUTER/OFFICE EQUIPMENT	22.90	63.66	1,000.00	936.34	6.4
201-13-5380 PROFESSIONAL DEVELOPMENT	729.00	5,707.57	10,500.00	4,792.43	54.4
201-13-5496 COMMUNICATIONS DIVISION	150.00	4,022.53	15,000.00	10,977.47	26.8
201-13-5903 GRANT PROGRAMS EXPENDITURES	.00	49,554.55	40,000.00	(9,554.55)	123.9
201-13-5933 WELLINGTON SENIOR RESOURCE CEN	433.79	14,496.38	16,500.00	2,003.62	87.9
TOTAL ADMINISTRATION	62,405.65	624,112.50	945,818.00	321,705.50	66.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>FINANCE</u>					
201-14-5100	WAGES & SALARIES	26,307.84	236,214.36	343,651.00	107,436.64	68.7
201-14-5102	BENEFITS	7,467.66	62,649.87	105,750.00	43,100.13	59.2
201-14-5214	OFFICE SUPPLIES	.00	273.85	1,000.00	726.15	27.4
201-14-5311	POSTAGE	619.39	4,171.68	5,500.00	1,328.32	75.9
201-14-5321	PRINTING SERVICES	.00	697.09	600.00	(97.09)	116.2
201-14-5335	DUES AND SUBSCRIPTIONS	94.88	728.88	2,000.00	1,271.12	36.4
201-14-5338	BANK SERVICE CHARGE	2,880.60	3,957.18	.00	(3,957.18)	.0
201-14-5353	ACCOUNTING & AUDITING	.00	28,800.00	45,000.00	16,200.00	64.0
201-14-5356	PROFESSIONAL SERVICES	4,275.00	21,088.58	45,000.00	23,911.42	46.9
201-14-5363	R&M COMPUTER/OFFICE EQUIP	.00	1,300.57	2,000.00	699.43	65.0
201-14-5380	PROFESSIONAL DEVELOPMENT	.00	4,632.42	8,500.00	3,867.58	54.5
201-14-5510	INSURANCE & BONDS	.00	219,899.38	223,176.00	3,276.62	98.5
201-14-5640	PAYING AGENT FEES	.00	.00	500.00	500.00	.0
201-14-5950	DOCUMENT SHREDDING	25.00	222.00	350.00	128.00	63.4
201-14-5960	OVER/SHORT	.00	(21,406.08)	.00	21,406.08	.0
	TOTAL FINANCE	41,670.37	563,229.78	783,027.00	219,797.22	71.9

TOWN CLERK

201-15-5100	WAGES & SALARIES	14,183.61	134,810.61	189,609.00	54,798.39	71.1
201-15-5102	BENEFITS	4,765.50	41,809.59	67,790.00	25,980.41	61.7
201-15-5214	OFFICE SUPPLIES	18.98	886.51	1,500.00	613.49	59.1
201-15-5331	PUBLISHING & LEGAL NOTICES	71.48	3,201.04	4,500.00	1,298.96	71.1
201-15-5335	DUES & SUBSCRIPTIONS	.00	99.00	826.00	727.00	12.0
201-15-5356	PROFESSIONAL SERVICES	.00	7,500.00	7,500.00	.00	100.0
201-15-5363	R&M COMPUTER/OFFICE EQUIP.	.00	1,907.92	3,500.00	1,592.08	54.5
201-15-5380	PROFESSIONAL DEVELOPMENT	100.00	2,288.65	4,000.00	1,711.35	57.2
201-15-5381	MILEAGE REIMBURSEMENT	.00	.00	150.00	150.00	.0
201-15-5414	ELECTION EXPENSES	35.98	75.96	45,000.00	44,924.04	.2
201-15-5530	CODE REVIEW & UPDATE	.00	.00	5,000.00	5,000.00	.0
	TOTAL TOWN CLERK	19,175.55	192,579.28	329,375.00	136,795.72	58.5

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>HUMAN RESOURCES</u>					
201-16-5100	WAGES & SALARIES	16,798.37	160,632.50	220,542.00	59,909.50	72.8
201-16-5102	BENEFITS	5,688.88	48,591.56	68,320.00	19,728.44	71.1
201-16-5103	TEMPORARY EMPLOYMENT SERVICES	.00	.00	10,000.00	10,000.00	.0
201-16-5214	OFFICE SUPPLIES	60.02	249.59	300.00	50.41	83.2
201-16-5226	EXECUTIVE SEARCH	.00	.00	29,000.00	29,000.00	.0
201-16-5335	DUES & SUBSCRIPTIONS	.00	8,614.00	8,500.00	(114.00)	101.3
201-16-5356	PROFESSIONAL FEES	.00	2,210.00	5,000.00	2,790.00	44.2
201-16-5363	R&M COMPUTER/OFFICE EQUIP.	169.99	540.47	1,300.00	759.53	41.6
201-16-5380	PROFESSIONAL DEVELOPMENT	(160.00)	679.99	7,000.00	6,320.01	9.7
201-16-5580	EMPLOYEE DRUG TESTING	.00	107.88	1,500.00	1,392.12	7.2
201-16-5582	EMPLOYEE RELATIONS	100.00	3,082.23	15,000.00	11,917.77	20.6
201-16-5583	BACKGROUND CHECK	416.00	2,691.00	2,500.00	(191.00)	107.6
201-16-5948	EMPLOYEE APPAREL	.00	810.85	1,000.00	189.15	81.1
201-16-5949	EMPLOYEE ADVERTISING	.00	468.05	1,000.00	531.95	46.8
	TOTAL HUMAN RESOURCES	23,073.26	228,678.12	370,962.00	142,283.88	61.6
	<u>INFORMATION TECHNOLOGY</u>					
201-17-5100	WAGES & SALARIES	9,076.90	52,107.60	100,500.00	48,392.40	51.9
201-17-5102	BENEFITS	2,969.77	15,487.69	39,720.00	24,232.31	39.0
201-17-5214	OFFICE SUPPLIES	107.54	697.50	1,000.00	302.50	69.8
201-17-5345	TELEPHONE SERVICES	3,811.74	36,939.02	60,000.00	23,060.98	61.6
201-17-5356	PROFESSIONAL SERVICES	.00	19,866.25	15,000.00	(4,866.25)	132.4
201-17-5363	R&M COMPUTER/OFFICE EQUIP.	.00	2,702.90	3,000.00	297.10	90.1
201-17-5380	PROFESSIONAL DEVELOPMENT	558.00	558.00	1,000.00	442.00	55.8
201-17-5381	MILEAGE REIMBURSEMENT	.00	.00	50.00	50.00	.0
201-17-5384	INTERNET SERVICES	2,886.59	27,368.60	45,000.00	17,631.40	60.8
201-17-5579	SOFTWARE LICENSE/SUPPORT	33,664.64	113,452.66	175,000.00	61,547.34	64.8
201-17-5585	WEBSITE MAINTENANCE	.00	13,333.54	15,480.00	2,146.46	86.1
201-17-5947	COPIER EXPENSE	1,174.34	10,962.05	13,500.00	2,537.95	81.2
	TOTAL INFORMATION TECHNOLOGY	54,249.52	293,475.81	469,250.00	175,774.19	62.5

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PLANNING AND ZONING</u>						
201-18-5100	WAGES & SALARIES	45,557.69	432,153.52	686,217.00	254,063.48	63.0
201-18-5102	BENEFITS	11,791.36	104,183.52	199,070.00	94,886.48	52.3
201-18-5214	OFFICE SUPPLIES	.00	801.21	2,500.00	1,698.79	32.1
201-18-5231	FUEL, OIL, GREASE	67.35	591.25	4,875.00	4,283.75	12.1
201-18-5233	VEHICLE R&M	18.95	272.26	2,250.00	1,977.74	12.1
201-18-5331	RECORDING & LEGAL PUBLISHING	500.00	586.76	1,500.00	913.24	39.1
201-18-5335	DUES & SUBSCRIPTIONS	858.62	1,548.20	2,743.00	1,194.80	56.4
201-18-5350	BUILDING INSP. FEE REMITTANCE	9,932.25	94,222.45	240,000.00	145,777.55	39.3
201-18-5355	REIMBURSABLE SERVICES	1,895.00	8,885.00	20,000.00	11,115.00	44.4
201-18-5356	PROFESSIONAL SERVICES	.00	6,308.00	30,000.00	23,692.00	21.0
201-18-5363	R&M COMPUTER/OFFICE EQUIP	.00	.00	393.00	393.00	.0
201-18-5370	SAFETY SUPPLIES & EQUIPMENT	.00	.00	270.00	270.00	.0
201-18-5372	UNIFORMS	.00	448.90	525.00	76.10	85.5
201-18-5374	NOCO HUMANE	2,947.33	26,525.97	35,368.00	8,842.03	75.0
201-18-5375	PROTECTIVE INSP. EQUIPMENT	.00	.00	170.00	170.00	.0
201-18-5380	PROFESSIONAL DEVELOPMENT	200.00	5,186.50	10,780.00	5,593.50	48.1
201-18-5579	SOFTWARE LICENSE SUPPORT	.00	1,156.71	2,469.00	1,312.29	46.9
TOTAL PLANNING AND ZONING		73,768.55	682,870.25	1,239,130.00	556,259.75	55.1
<u>LAW ENFORCEMENT</u>						
201-21-5364	LCSO CONTRACT	533,929.29	1,601,787.87	2,135,717.00	533,929.13	75.0
TOTAL LAW ENFORCEMENT		533,929.29	1,601,787.87	2,135,717.00	533,929.13	75.0
<u>PUBLIC WORKS</u>						
201-34-5100	WAGES & SALARIES	49,696.85	539,050.67	954,170.00	415,119.33	56.5
201-34-5102	BENEFITS	14,975.33	138,740.32	267,600.00	128,859.68	51.9
201-34-5231	FUEL, OIL & GREASE	1,565.43	15,074.66	28,000.00	12,925.34	53.8
201-34-5233	R&M- MACHINERY & EQUIP. PARTS	13,789.57	36,590.41	59,914.00	23,323.59	61.1
201-34-5241	SHOP SUPPLIES	.00	50.62	2,000.00	1,949.38	2.5
201-34-5335	DUES & SUBSCRIPTIONS	.00	8,613.50	5,500.00	(3,113.50)	156.6
201-34-5356	PROFESSIONAL SERVICES	2,862.00	2,862.00	30,000.00	27,138.00	9.5
201-34-5363	R&M COMPUTER/OFFICE EQUIP.	1,654.81	7,097.59	7,500.00	402.41	94.6
201-34-5370	SAFETY WORKWEAR & EQUIPMENT	174.95	1,186.88	2,000.00	813.12	59.3
201-34-5372	UNIFORMS	405.50	16,380.61	16,500.00	119.39	99.3
201-34-5380	PROFESSIONAL DEVELOPMENT	346.04	5,958.64	10,500.00	4,541.36	56.8
201-34-5422	SMALL TOOLS	.00	128.72	1,000.00	871.28	12.9
201-34-5456	MOSQUITO CONTROL	.00	14,000.00	25,300.00	11,300.00	55.3
201-34-5512	INSURANCE-PROPERTY RELATED	.00	.00	13,064.00	13,064.00	.0
201-34-5579	SOFTWARE SUBSCRIPTIONS	15.99	8,254.74	10,000.00	1,745.26	82.6
201-34-5941	PW OFFICE SUPPLIES	591.98	5,616.10	10,000.00	4,383.90	56.2
201-34-5947	COPIER EXPENSE	.00	704.00	3,500.00	2,796.00	20.1
TOTAL PUBLIC WORKS		86,078.45	800,309.46	1,446,548.00	646,238.54	55.3

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CEMETERY</u>					
201-42-5382	GROUNDS MAINTENANCE SERVICE	.00	.00	5,000.00	5,000.00	.0
201-42-5423	SAND & GRAVEL & ROAD BASE	.00	.00	5,000.00	5,000.00	.0
201-42-5454	SURVEY	.00	.00	7,000.00	7,000.00	.0
	TOTAL CEMETERY	.00	.00	17,000.00	17,000.00	.0
	<u>GEN. USE BLDGS. & COM. CENTERS</u>					
201-49-5329	HOA FEES	.00	.00	2,500.00	2,500.00	.0
201-49-5341	ELECTRICITY	1,488.25	13,136.89	2,100.00	(11,036.89)	625.6
201-49-5342	WATER	406.51	2,787.90	4,000.00	1,212.10	69.7
201-49-5343	SEWER	269.08	1,869.20	2,000.00	130.80	93.5
201-49-5344	NATURAL GAS - HEAT	181.44	5,329.48	30,000.00	24,670.52	17.8
201-49-5346	STORM DRAINAGE	193.99	1,745.91	3,000.00	1,254.09	58.2
201-49-5367	R&M SERV./SUPPLIES - BUILDINGS	731.50	42,519.40	40,000.00	(2,519.40)	106.3
201-49-5369	JANITORIAL SERVICE	1,474.70	13,357.30	25,000.00	11,642.70	53.4
201-49-5370	GENERAL BUILDING SUPPLIES	998.96	4,041.74	11,700.00	7,658.26	34.5
201-49-5375	LEEPER CENTER SUPPLIES	197.17	984.81	1,500.00	515.19	65.7
201-49-5398	TRASH	1,093.77	8,071.59	10,500.00	2,428.41	76.9
201-49-5405	PARKING LOT LEASE PAYMENTS	.00	1,500.00	1,500.00	.00	100.0
201-49-5513	INSURANCE DEDUCTIBLE	.00	.00	5,000.00	5,000.00	.0
	TOTAL GEN. USE BLDGS. & COM. CENTERS	7,035.37	95,344.22	138,800.00	43,455.78	68.7
	<u>ECONOMIC DEVELOPMENT</u>					
201-51-5214	OFFICE SUPPLIES	.00	10.53	200.00	189.47	5.3
201-51-5356	PROFESSIONAL SERVICES	.00	.00	10,000.00	10,000.00	.0
201-51-5379	PROFESSIONAL DEVELOPMENT	.00	(58.70)	2,000.00	2,058.70	(2.9)
201-51-5401	MARKETING SERVICES	.00	3,250.00	2,000.00	(1,250.00)	162.5
201-51-5903	GRANT PROGRAMS EXPENDITURES	.00	40,000.00	40,000.00	.00	100.0
	TOTAL ECONOMIC DEVELOPMENT	.00	43,201.83	54,200.00	10,998.17	79.7

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>LIBRARY</u>					
201-55-5100	WAGES & SALARIES	26,826.64	261,806.39	360,268.00	98,461.61	72.7
201-55-5101	SEASONAL	1,634.39	8,636.00	20,000.00	11,364.00	43.2
201-55-5102	BENEFITS	6,244.72	55,973.46	78,670.00	22,696.54	71.2
201-55-5214	OFFICE SUPPLIES	390.25	6,379.16	9,000.00	2,620.84	70.9
201-55-5311	POSTAGE	.00	4.40	200.00	195.60	2.2
201-55-5321	PRINTING SERVICES	408.95	408.95	1,000.00	591.05	40.9
201-55-5333	DUES	.00	155.00	200.00	45.00	77.5
201-55-5337	PROGRAMS	800.48	4,824.57	7,000.00	2,175.43	68.9
201-55-5347	STORY TIME SUPPLIES	.00	357.15	500.00	142.85	71.4
201-55-5363	R&M COMPUTER/OFFICE EQUIP.	.00	.00	750.00	750.00	.0
201-55-5380	PROFESSIONAL DEVELOPMENT	1,668.85	3,469.46	2,500.00	(969.46)	138.8
201-55-5384	INTERNET SERVICE	.00	.00	2,000.00	2,000.00	.0
201-55-5387	SPECIAL EVENT SUPPLIES	.00	169.49	375.00	205.51	45.2
201-55-5579	SOFTWARE LICENSE/SUPPORT	.00	2,679.50	10,000.00	7,320.50	26.8
201-55-5792	MULTI MEDIA	306.76	1,853.06	3,500.00	1,646.94	52.9
201-55-5793	E-BOOKS - SUBSCRIPTION/MISC.	.00	3,750.00	5,500.00	1,750.00	68.2
201-55-5900	LIBRARY BOOKS	39.37	9,951.74	18,000.00	8,048.26	55.3
201-55-5901	LIBRARY SHELVING & FURNISHINGS	.00	309.97	2,000.00	1,690.03	15.5
201-55-5902	COURIER SERVICE	.00	.00	2,500.00	2,500.00	.0
201-55-5903	GRANT PROGRAMS EXPENDITURES	.00	5,895.00	11,000.00	5,105.00	53.6
	TOTAL LIBRARY	38,320.41	366,623.30	534,963.00	168,339.70	68.5
	<u>TRANSFERS-OUT</u>					
201-56-5001	TRANSFER TO CAPITAL PROJECTS F	.00	.00	207,500.00	207,500.00	.0
201-56-5208	TRANSFER TO WATER FUND	.00	.00	690,000.00	690,000.00	.0
201-56-5209	TRANSFER TO SEWER FUND	.00	.00	380,000.00	380,000.00	.0
	TOTAL TRANSFERS-OUT	.00	.00	1,277,500.00	1,277,500.00	.0
	TOTAL FUND EXPENDITURES	956,690.35	5,691,745.77	10,038,246.00	4,346,500.23	56.7
	NET REVENUE OVER EXPENDITURES	(487,098.46)	2,220,559.87	(1,258,077.00)	(3,478,636.87)	176.5

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

STREET FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>TAX REVENUE</u>					
203-01-3130	SALES TAX	70,505.94	557,287.75	726,750.00	169,462.25	76.7
203-01-3140	USE TAX-BUILDING MATERIALS	.00	28,556.75	.00	(28,556.75)	.0
203-01-3315	MOTOR VEHICLE USE TAX	83,553.73	600,120.68	888,407.00	288,286.32	67.6
203-01-3335	HIGHWAY USERS TAX	131,860.65	438,294.26	376,552.00	(61,742.26)	116.4
	<u>TOTAL TAX REVENUE</u>	<u>285,920.32</u>	<u>1,624,259.44</u>	<u>1,991,709.00</u>	<u>367,449.56</u>	<u>81.6</u>
	<u>LICENSES & PERMITS</u>					
203-04-3343	STREET CUT PERMITS	2,300.00	67,484.81	15,000.00	(52,484.81)	449.9
203-04-3350	DEVELOPER ROAD FEE ESCROW	2,400.00	3,801.95	24,000.00	20,198.05	15.8
203-04-3376	BP ROAD IMPACT FEE	4,400.00	33,832.00	159,600.00	125,768.00	21.2
	<u>TOTAL LICENSES & PERMITS</u>	<u>9,100.00</u>	<u>105,118.76</u>	<u>198,600.00</u>	<u>93,481.24</u>	<u>52.9</u>
	<u>FEES FOR SERVICE</u>					
203-05-3420	LAND USE FEES	.00	470.40	.00	(470.40)	.0
	<u>TOTAL FEES FOR SERVICE</u>	<u>.00</u>	<u>470.40</u>	<u>.00</u>	<u>(470.40)</u>	<u>.0</u>
	<u>MISCELLANEOUS REVENUE</u>					
203-08-3350	GRANTS	.00	.00	3,580,269.00	3,580,269.00	.0
203-08-3610	INVESTMENT EARNINGS	7,276.58	66,429.92	65,000.00	(1,429.92)	102.2
203-08-3910	SALE OF ASSETS	434.52	1,824.86	1,000.00	(824.86)	182.5
	<u>TOTAL MISCELLANEOUS REVENUE</u>	<u>7,711.10</u>	<u>68,254.78</u>	<u>3,646,269.00</u>	<u>3,578,014.22</u>	<u>1.9</u>
	<u>TOTAL FUND REVENUE</u>	<u>302,731.42</u>	<u>1,798,103.38</u>	<u>5,836,578.00</u>	<u>4,038,474.62</u>	<u>30.8</u>

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

STREET FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATING</u>					
203-34-5100 WAGES & SALARIES	37,552.54	357,900.43	482,745.00	124,844.57	74.1
203-34-5102 BENEFITS	15,073.36	123,182.20	184,272.00	61,089.80	66.9
203-34-5110 ON-CALL STIPEND	600.00	5,600.00	8,600.00	3,000.00	65.1
203-34-5233 R&M- MACHINERY & EQUIP. PARTS	.00	8.44	3,567.00	3,558.56	.2
203-34-5240 STREET PAINT, SIGNS, & PARTS	5,109.53	13,718.30	40,000.00	26,281.70	34.3
203-34-5241 SHOP SUPPLIES	.00	570.30	.00	(570.30)	.0
203-34-5341 ELECTRICITY FOR STREET LIGHTS	15,780.68	152,834.49	210,000.00	57,165.51	72.8
203-34-5342 WATER	78.25	562.02	15,000.00	14,437.98	3.8
203-34-5344 NATURAL GAS	138.40	4,218.26	.00	(4,218.26)	.0
203-34-5370 SAFETY WORKWEAR & EQUIPMENT	135.00	2,073.62	5,000.00	2,926.38	41.5
203-34-5397 WEED CONTROL	.00	756.26	6,000.00	5,243.74	12.6
203-34-5422 SMALL TOOLS	.00	9,468.23	9,000.00	(468.23)	105.2
203-34-5424 STREET CONSTRUCTION MATERIAL	3,462.39	6,526.53	10,000.00	3,473.47	65.3
203-34-5426 WEATHER RESPONSE MANAGEMENT	.00	.00	8,000.00	8,000.00	.0
203-34-5427 SNOW MANAGEMENT MATERIALS	.00	9,891.29	30,000.00	20,108.71	33.0
203-34-5428 STREET MAINTENANCE	.00	2,483.87	35,000.00	32,516.13	7.1
203-34-5458 R&M LANDSCAPE	.00	.00	5,000.00	5,000.00	.0
203-34-5533 EQUIPMENT RENTAL	37.82	1,750.96	3,000.00	1,249.04	58.4
203-34-5941 SAFETY & FIRST AID KITS	316.70	1,713.68	4,900.00	3,186.32	35.0
TOTAL OPERATING	78,284.67	693,258.88	1,060,084.00	366,825.12	65.4
<u>TRANSFERS - OUT</u>					
203-56-5000 TRANSFER TO GENERAL FUND	.00	.00	455,501.00	455,501.00	.0
203-56-5001 TRANSFER TO CAPITAL PROJECTS F	.00	.00	5,509,000.00	5,509,000.00	.0
TOTAL TRANSFERS - OUT	.00	.00	5,964,501.00	5,964,501.00	.0
TOTAL FUND EXPENDITURES	78,284.67	693,258.88	7,024,585.00	6,331,326.12	9.9
NET REVENUE OVER EXPENDITURES	224,446.75	1,104,844.50	(1,188,007.00)	(2,292,851.50)	93.0

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CONTRIBUTED CAPITAL</u>					
204-02-3444	BP RAW WATER FEE	124,100.00	661,453.00	3,350,000.00	2,688,547.00	19.7
204-02-3446	TAP FEES	46,028.00	263,506.00	1,242,734.00	979,228.00	21.2
	<u>TOTAL CONTRIBUTED CAPITAL</u>	<u>170,128.00</u>	<u>924,959.00</u>	<u>4,592,734.00</u>	<u>3,667,775.00</u>	<u>20.1</u>
	<u>OPERATING REVENUE</u>					
204-03-3441	WATER SALES	531,575.51	3,901,011.10	5,465,968.00	1,564,956.90	71.4
204-03-3442	SHUT-OFF/RECON./LATE/NSF/TRANS	8,822.47	71,602.51	51,800.00	(19,802.51)	138.2
204-03-3443	HYDRANT WATER SALES	298.60	16,433.72	.00	(16,433.72)	.0
204-03-3445	RAW WATER LEASES	.00	1,938.00	10,000.00	8,062.00	19.4
204-03-3447	BULK WATER SALES	5,762.51	42,000.78	25,000.00	(17,000.78)	168.0
	<u>TOTAL OPERATING REVENUE</u>	<u>546,459.09</u>	<u>4,032,986.11</u>	<u>5,552,768.00</u>	<u>1,519,781.89</u>	<u>72.6</u>
	<u>NON-OPERATING REVENUE</u>					
204-04-3610	INVESTMENT EARNINGS	19,825.56	182,787.04	178,078.00	(4,709.04)	102.6
204-04-3650	LOAN PROCEEDS	.00	10,000.00	.00	(10,000.00)	.0
204-04-3690	MISCELLANEOUS REVENUE	7,100.79	7,505.79	.00	(7,505.79)	.0
204-04-3910	SALE OF ASSETS	100.00	782.00	1,000.00	218.00	78.2
	<u>TOTAL NON-OPERATING REVENUE</u>	<u>27,026.35</u>	<u>201,074.83</u>	<u>179,078.00</u>	<u>(21,996.83)</u>	<u>112.3</u>
	<u>OTHER FINANCING SOURCES</u>					
204-05-3420	LAND USE FEES	.00	156.80	.00	(156.80)	.0
	<u>TOTAL OTHER FINANCING SOURCES</u>	<u>.00</u>	<u>156.80</u>	<u>.00</u>	<u>(156.80)</u>	<u>.0</u>
204-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	690,000.00	690,000.00	.0
	<u>TOTAL SOURCE 09</u>	<u>.00</u>	<u>.00</u>	<u>690,000.00</u>	<u>690,000.00</u>	<u>.0</u>
	<u>TOTAL FUND REVENUE</u>	<u>743,613.44</u>	<u>5,159,176.74</u>	<u>11,014,580.00</u>	<u>5,855,403.26</u>	<u>46.8</u>

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATING</u>					
204-34-5100 WAGES & SALARIES	34,524.34	344,504.36	542,834.00	198,329.64	63.5
204-34-5102 BENEFITS	13,409.91	125,079.85	209,984.00	84,904.15	59.6
204-34-5110 ON-CALL STIPEND	950.00	7,800.00	11,800.00	4,000.00	66.1
204-34-5221 CHEMICALS	21,664.27	175,900.06	300,000.00	124,099.94	58.6
204-34-5227 PROPANE	.00	25,290.95	50,000.00	24,709.05	50.6
204-34-5229 PERMIT AND PROGRAM FEES	179.70	2,270.70	3,000.00	729.30	75.7
204-34-5231 FUEL, OIL & GREASE	513.27	5,302.08	10,500.00	5,197.92	50.5
204-34-5233 R&M- MACHINERY & EQUIP. PARTS	733.52	8,447.94	18,963.00	10,515.06	44.6
204-34-5241 SHOP SUPPLIES	.00	1,058.36	2,500.00	1,441.64	42.3
204-34-5321 UTILITY BILLING PRINTING	2,793.45	24,818.17	25,000.00	181.83	99.3
204-34-5334 WATER TESTING	6,690.85	20,188.55	90,000.00	69,811.45	22.4
204-34-5339 ON-LINE UTILITY BILL PAY-FEES	3,222.47	28,900.83	32,500.00	3,599.17	88.9
204-34-5341 ELECTRICITY	11,501.54	103,347.13	120,000.00	16,652.87	86.1
204-34-5345 TELEPHONE SERVICE	81.34	721.38	925.00	203.62	78.0
204-34-5352 WATER RESOURCE LEGAL SERVICES	1,115.00	14,314.00	35,000.00	20,686.00	40.9
204-34-5353 WATER EFFICIENCY PROGRAM	.00	5,861.39	15,000.00	9,138.61	39.1
204-34-5356 PROFESSIONAL SERVICES	5,732.16	26,687.16	45,000.00	18,312.84	59.3
204-34-5363 R&M COMPUTER EQUIPMENT	.00	8,264.88	7,000.00	(1,264.88)	118.1
204-34-5370 SAFETY WORKWEAR & EQUIPMENT	475.00	4,265.15	10,000.00	5,734.85	42.7
204-34-5380 PROFESSIONAL DEVELOPMENT	1,475.23	6,674.63	12,000.00	5,325.37	55.6
204-34-5384 INTERNET SERVICE	496.03	1,610.27	2,000.00	389.73	80.5
204-34-5422 SMALL TOOLS	129.13	4,475.86	7,000.00	2,524.14	63.9
204-34-5423 CONSTRUCTION MATERIAL	.00	2,570.01	3,000.00	429.99	85.7
204-34-5430 DISTRIBUTION SYS EMR REPAIR	.00	3,507.96	15,000.00	11,492.04	23.4
204-34-5433 R&M PLANT	7,322.65	68,666.26	70,000.00	1,333.74	98.1
204-34-5434 R&M DISTRIBUTION	609.53	39,464.39	70,000.00	30,535.61	56.4
204-34-5437 R&M SCADA	.00	8,739.00	50,000.00	41,261.00	17.5
204-34-5440 SLUDGE REMOVAL	.00	.00	125,000.00	125,000.00	.0
204-34-5455 LAB SUPPLIES	512.15	6,406.20	17,000.00	10,593.80	37.7
204-34-5513 INSURANCE DEDUCTIBLE	.00	.00	5,000.00	5,000.00	.0
204-34-5533 EQUIPMENT RENTAL	.00	6,093.99	2,500.00	(3,593.99)	243.8
204-34-5579 SOFTWARE SUBSCRIPTIONS	9,561.70	20,413.39	25,000.00	4,586.61	81.7
204-34-5593 NPIC WATER LEASE AGREEMENT	.00	10,759.00	2,909,000.00	2,898,241.00	.4
204-34-5597 RAW WATER FEES AND ASSESSMENTS	.00	16,783.00	20,000.00	3,217.00	83.9
204-34-5903 WATER METERS - NEW HOMES	.00	13,320.00	16,000.00	2,680.00	83.3
204-34-5941 SAFETY & FIRST AID KITS	325.10	2,079.89	3,250.00	1,170.11	64.0
204-34-5969 LAB EQUIPMENT	2,991.73	16,002.06	25,000.00	8,997.94	64.0
TOTAL OPERATING	127,010.07	1,160,588.85	4,906,756.00	3,746,167.15	23.7
<u>TRANSFER</u>					
204-56-5000 TRANSFER TO GENERAL FUND	.00	.00	527,394.00	527,394.00	.0
204-56-5001 TRANSFER TO CAPITAL PROJECTS F	.00	.00	4,070,000.00	4,070,000.00	.0
TOTAL TRANSFER	.00	.00	4,597,394.00	4,597,394.00	.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>DEBT SERVICE</u>					
204-90-5630	D19AX116 LOAN PRINCIPAL (WTF)	.00	1,109,550.00	1,109,550.00	.00	100.0
204-90-5631	D19AX116 LOAN INTEREST (WTF)	.00	352,466.24	352,466.00	(.24)	100.0
	TOTAL DEBT SERVICE	.00	1,462,016.24	1,462,016.00	(.24)	100.0
	TOTAL FUND EXPENDITURES	127,010.07	2,622,605.09	10,966,166.00	8,343,560.91	23.9
	NET REVENUE OVER EXPENDITURES	616,603.37	2,536,571.65	48,414.00	(2,488,157.65)	5239.3

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CONTRIBUTED CAPITAL</u>					
205-02-3350	DEVELOPER SEWER FEE ESCROW	3,052.00	16,023.00	30,520.00	14,497.00	52.5
205-02-3446	TAP FEES	39,908.00	230,073.00	1,129,400.00	899,327.00	20.4
	TOTAL CONTRIBUTED CAPITAL	42,960.00	246,096.00	1,159,920.00	913,824.00	21.2
	<u>OPERATING REVENUE</u>					
205-03-3445	SEWER USER FEES	223,951.34	1,927,119.34	2,395,711.00	468,591.66	80.4
	TOTAL OPERATING REVENUE	223,951.34	1,927,119.34	2,395,711.00	468,591.66	80.4
	<u>NON-OPERATING REVENUE</u>					
205-04-3610	INVESTMENT EARNINGS	17,532.99	162,965.21	250,000.00	87,034.79	65.2
205-04-3650	BOND/LOAN PROCEEDS	.00	6,281,163.42	1,130,005.00	(5,151,158.42)	555.9
205-04-3675	INTERGOVERNMENTAL GRANTS/LOANS	.00	.00	137,500.00	137,500.00	.0
205-04-3910	SALE OF ASSETS	15.00	215.00	.00	(215.00)	.0
	TOTAL NON-OPERATING REVENUE	17,547.99	6,444,343.63	1,517,505.00	(4,926,838.63)	424.7
	<u>SOURCE 05</u>					
205-05-3420	LAND USE FEES	.00	548.80	.00	(548.80)	.0
	TOTAL SOURCE 05	.00	548.80	.00	(548.80)	.0
	<u>SOURCE 09</u>					
205-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	380,000.00	380,000.00	.0
	TOTAL SOURCE 09	.00	.00	380,000.00	380,000.00	.0
	TOTAL FUND REVENUE	284,459.33	8,618,107.77	5,453,136.00	(3,164,971.77)	158.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>OPERATING</u>					
205-34-5100	WAGES & SALARIES	45,038.64	393,952.73	503,809.00	109,856.27	78.2
205-34-5102	BENEFITS	17,542.19	138,557.79	176,201.00	37,643.21	78.6
205-34-5110	ON-CALL STIPEND	950.00	9,200.00	11,800.00	2,600.00	78.0
205-34-5221	CHEMICALS	(4,025.00)	31,212.45	35,000.00	3,787.55	89.2
205-34-5228	PERMIT AND PROGRAM FEES	179.70	639.06	5,000.00	4,360.94	12.8
205-34-5231	FUEL, OIL & GREASE	227.19	5,243.31	10,000.00	4,756.69	52.4
205-34-5233	R&M- MACHINERY & EQUIP. PARTS	1,302.43	22,929.23	52,118.00	29,188.77	44.0
205-34-5241	SHOP SUPPLIES	20.95	670.14	1,500.00	829.86	44.7
205-34-5321	UTILITY BILLING PRINTING	1,971.85	17,148.98	18,000.00	851.02	95.3
205-34-5339	ON-LINE UTILITY BILL PAY FEES	2,284.55	20,484.79	22,500.00	2,015.21	91.0
205-34-5341	ELECTRICITY	16,366.15	174,248.50	350,000.00	175,751.50	49.8
205-34-5342	WATER	430.48	3,373.62	8,500.00	5,126.38	39.7
205-34-5344	NATURAL GAS	687.09	34,065.33	20,000.00	(14,065.33)	170.3
205-34-5345	TELEPHONE SERVICE	169.98	1,508.61	.00	(1,508.61)	.0
205-34-5356	PROFESSIONAL SERVICES	.00	.00	25,000.00	25,000.00	.0
205-34-5363	R&M COMPUTER EQUIPMENT	.00	802.67	5,000.00	4,197.33	16.1
205-34-5370	SAFETY WORKWEAR & EQUIPMENT	55.98	4,438.82	20,000.00	15,561.18	22.2
205-34-5380	PROFESSIONAL DEVELOPMENT	302.13	5,264.99	11,500.00	6,235.01	45.8
205-34-5384	INTERNET SERVICE	409.38	3,720.08	6,500.00	2,779.92	57.2
205-34-5422	SMALL TOOLS	.00	1,377.59	10,000.00	8,622.41	13.8
205-34-5423	CONSTRUCTION MATERIAL	.00	.00	3,000.00	3,000.00	.0
205-34-5431	R&M PUMPS	.00	.00	25,000.00	25,000.00	.0
205-34-5432	R&M SCADA	.00	2,645.00	25,000.00	22,355.00	10.6
205-34-5433	R&M PLANT	27,078.03	49,873.08	50,000.00	126.92	99.8
205-34-5434	R&M COLLECTIONS	94.96	7,734.52	15,000.00	7,265.48	51.6
205-34-5440	SLUDGE DISPOSAL	5,138.00	36,718.00	50,000.00	13,282.00	73.4
205-34-5455	LAB SUPPLIES	1,032.88	4,739.78	12,000.00	7,260.22	39.5
205-34-5512	INSURANCE-PROPERTY RELATED	.00	.00	5,870.00	5,870.00	.0
205-34-5513	INSURANCE DEDUCTIBLE	.00	.00	5,000.00	5,000.00	.0
205-34-5533	EQUIPMENT RENTAL	.00	.00	2,500.00	2,500.00	.0
205-34-5554	SEWER TESTING	5,050.60	36,651.25	45,000.00	8,348.75	81.5
205-34-5579	SOFTWARE SUBSCRIPTIONS & SUPP.	9,507.87	33,394.47	45,000.00	11,605.53	74.2
205-34-5941	SAFETY & FIRST AID KITS	201.50	4,611.67	3,000.00	(1,611.67)	153.7
205-34-5969	LAB EQUIPMENT	.00	17.06	7,000.00	6,982.94	.2
	TOTAL OPERATING	132,017.53	1,045,223.52	1,585,798.00	540,574.48	65.9
	<u>TRANSFERS - OUT</u>					
205-56-5000	TRANSFER TO GENERAL FUND	.00	.00	527,394.00	527,394.00	.0
205-56-5001	TRANSFER TO CAPITAL PROJECTS F	.00	.00	2,177,500.00	2,177,500.00	.0
	TOTAL TRANSFERS - OUT	.00	.00	2,704,894.00	2,704,894.00	.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>DEBT SERVICE</u>					
205-90-5618	W22AX116 LOAN PRINCIPAL (WRF)	.00	968,724.00	968,724.00	.00	100.0
205-90-5619	W22AX116 LOAN INTEREST (WRF)	.00	1,374,980.04	1,374,980.00	(.04)	100.0
205-90-5621	W22F467 LOAN PRINCIPAL (WRF)	41,751.49	83,192.17	83,192.00	(.17)	100.0
205-90-5622	W22F467 LOAN INTEREST (WRF)	21,220.87	42,752.55	42,753.00	.45	100.0
	TOTAL DEBT SERVICE	62,972.36	2,469,648.76	2,469,649.00	.24	100.0
	TOTAL FUND EXPENDITURES	194,989.89	3,514,872.28	6,760,341.00	3,245,468.72	52.0
	NET REVENUE OVER EXPENDITURES	89,469.44	5,103,235.49	(1,307,205.00)	(6,410,440.49)	390.4

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

DRAINAGE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CONTRIBUTED CAPITAL</u>					
207-02-3451	TOW STRM DRN BP IMPACT	1,600.00	11,412.74	43,200.00	31,787.26	26.4
207-02-3453	AUTH STORM DRN BP IMPACT	1,760.00	14,905.48	47,520.00	32,614.52	31.4
	TOTAL CONTRIBUTED CAPITAL	3,360.00	26,318.22	90,720.00	64,401.78	29.0
	<u>OPERATING REVENUE</u>					
207-03-3449	TOW STORM DRAIN UTILITY FEES	23,649.84	209,427.97	273,138.00	63,710.03	76.7
207-03-3452	AUTH STORM DRAIN UTILITY FEES	36,078.63	320,372.94	413,779.00	93,406.06	77.4
	TOTAL OPERATING REVENUE	59,728.47	529,800.91	686,917.00	157,116.09	77.1
	<u>FEES FOR SERVICE</u>					
207-05-3420	LAND USE FEES	.00	548.80	.00	(548.80)	.0
	TOTAL FEES FOR SERVICE	.00	548.80	.00	(548.80)	.0
	<u>MISCELLANEOUS REVENUE</u>					
207-08-3364	GRANT	.00	.00	888,817.00	888,817.00	.0
207-08-3610	INVESTMENT EARNINGS	3,978.62	36,322.04	35,000.00	(1,322.04)	103.8
207-08-3690	MISCELLANEOUS REVENUE	50.00	100.00	.00	(100.00)	.0
	TOTAL MISCELLANEOUS REVENUE	4,028.62	36,422.04	923,817.00	887,394.96	3.9
	TOTAL FUND REVENUE	67,117.09	593,089.97	1,701,454.00	1,108,364.03	34.9

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

DRAINAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATING</u>					
207-34-5231 FUEL, OIL & GREASE	414.97	2,037.13	2,600.00	562.87	78.4
207-34-5321 UTILITY BILLING PRINTING SERV.	712.05	6,192.68	6,500.00	307.32	95.3
207-34-5339 ON-LINE UTILITY BILL PAY-FEE	825.35	7,400.38	8,000.00	599.62	92.5
207-34-5341 ELECTRICITY	104.39	500.45	600.00	99.55	83.4
207-34-5356 PROFESSIONAL SERVICES	.00	.00	20,000.00	20,000.00	.0
207-34-5459 R&M DRAINAGE FACILITIES	.00	13,125.23	30,000.00	16,874.77	43.8
207-34-5522 AUTHORITY UTILITIES PAYMENTS	.00	421,416.61	413,779.00	(7,637.61)	101.9
207-34-5524 AUTHORITY IMPACT FEES	.00	18,040.00	47,520.00	29,480.00	38.0
207-34-5533 EQUIPMENT RENTAL	.00	.00	1,000.00	1,000.00	.0
TOTAL OPERATING	2,056.76	468,712.48	529,999.00	61,286.52	88.4
<u>TRANSFERS - OUT</u>					
207-56-5000 TRANSFER TO GENERAL FUND	.00	.00	177,352.00	177,352.00	.0
207-56-5001 TRANSFER TO CAPITAL PROJECTS F	.00	.00	1,158,534.00	1,158,534.00	.0
TOTAL TRANSFERS - OUT	.00	.00	1,335,886.00	1,335,886.00	.0
TOTAL FUND EXPENDITURES	2,056.76	468,712.48	1,865,885.00	1,397,172.52	25.1
NET REVENUE OVER EXPENDITURES	65,060.33	124,377.49	(164,431.00)	(288,808.49)	75.6

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

CONSERVATION TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>MISCELLANEOUS REVENUE</u>					
209-08-3610	INVESTMENT EARNINGS	3,117.19	24,780.55	51,500.00	26,719.45	48.1
209-08-3701	LOTTERY RECEIPTS	31,779.36	508,828.33	.00	(508,828.33)	.0
	TOTAL MISCELLANEOUS REVENUE	34,896.55	533,608.88	51,500.00	(482,108.88)	1036.1
	TOTAL FUND REVENUE	34,896.55	533,608.88	51,500.00	(482,108.88)	1036.1
	NET REVENUE OVER EXPENDITURES	34,896.55	533,608.88	51,500.00	(482,108.88)	1036.1

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>TAX REVENUE</u>					
210-01-3130	SALES TAX	57,697.18	456,045.60	594,721.00	138,675.40	76.7
210-01-3140	USE TAX BUILDING MATERIALS	.00	23,368.87	136,000.00	112,631.13	17.2
210-01-3315	MOTOR VEHICLE USE TAX	17,113.42	122,916.28	181,963.00	59,046.72	67.6
210-01-3700	OPEN SPACE SALES TAX	39,327.14	322,333.93	413,948.00	91,614.07	77.9
	TOTAL TAX REVENUE	114,137.74	924,664.68	1,326,632.00	401,967.32	69.7
	<u>BUILDING PERMITS</u>					
210-02-3381	TRAIL IMPACT FEE	1,800.00	9,900.00	48,600.00	38,700.00	20.4
210-02-3620	BP PARK IMPACT FEE	4,000.00	22,000.00	108,000.00	86,000.00	20.4
	TOTAL BUILDING PERMITS	5,800.00	31,900.00	156,600.00	124,700.00	20.4
	<u>RECREATION PROGRAM FEES</u>					
210-05-3174	FIELD RENTALS	2,380.00	9,620.00	.00	(9,620.00)	.0
210-05-3175	RECREATION FEES	10,116.06	110,769.02	108,600.00	(2,169.02)	102.0
210-05-3177	BATTING CAGES FEES/SALES	14.00	2,900.00	.00	(2,900.00)	.0
210-05-3178	CARD PROCESSING FEE RECOVERY	319.09	1,560.52	.00	(1,560.52)	.0
	TOTAL RECREATION PROGRAM FEES	12,829.15	124,849.54	108,600.00	(16,249.54)	115.0
	<u>MISCELLANEOUS REVENUE</u>					
210-08-3190	WCP VETERANS MEMORIAL PLAZA	6.00	2,011.00	.00	(2,011.00)	.0
210-08-3505	MISC. GRANTS / CONTRIBUTIONS	.00	40,215.00	.00	(40,215.00)	.0
210-08-3610	INVESTMENT EARNINGS	10,480.65	95,924.34	95,000.00	(924.34)	101.0
210-08-3690	MISCELLANEOUS REVENUE	.00	5,000.00	.00	(5,000.00)	.0
210-08-3910	SALE OF ASSETS	7.00	8.00	.00	(8.00)	.0
210-08-3913	PARKS & REC SPONSORSHIPS	.00	700.00	.00	(700.00)	.0
	TOTAL MISCELLANEOUS REVENUE	10,493.65	143,858.34	95,000.00	(48,858.34)	151.4
	TOTAL FUND REVENUE	143,260.54	1,225,272.56	1,686,832.00	461,559.44	72.6

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

PARK FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATING</u>					
210-34-5100 WAGES & SALARIES	21,391.26	212,900.54	277,156.00	64,255.46	76.8
210-34-5101 SEASONALS - PARKS	.00	4,268.65	33,000.00	28,731.35	12.9
210-34-5102 BENEFITS	9,573.05	79,414.49	100,690.00	21,275.51	78.9
210-34-5110 ON-CALL STIPEND	400.00	4,000.00	5,200.00	1,200.00	76.9
210-34-5111 VANDALISM	(10,052.00)	(8,312.72)	1,000.00	9,312.72	(831.3)
210-34-5112 HORTICULTURE	143.65	1,498.87	3,000.00	1,501.13	50.0
210-34-5221 POND CHEMICALS	.00	.00	3,000.00	3,000.00	.0
210-34-5231 FUEL, OIL & GREASE	1,613.36	11,741.55	9,000.00	(2,741.55)	130.5
210-34-5233 R&M- MACHINERY & EQUIP. PARTS	3,720.60	19,038.38	23,813.00	4,774.62	80.0
210-34-5237 IRRIG. SYS. SUPPLIES/REPAIRS	301.76	27,055.79	38,000.00	10,944.21	71.2
210-34-5239 WELLS & WELL HOUSES	44.55	8,751.41	8,000.00	(751.41)	109.4
210-34-5241 SHOP SUPPLIES	.00	411.28	2,100.00	1,688.72	19.6
210-34-5252 TREE REPLACEMENT & TRIMMING	.00	15,582.00	30,000.00	14,418.00	51.9
210-34-5253 TREE SPRAYING	.00	4,899.00	20,000.00	15,101.00	24.5
210-34-5254 PARKS PLAYGROUND & GENERAL R&M	.00	21,909.25	32,000.00	10,090.75	68.5
210-34-5256 SPLASH PAD CHEMICALS	264.22	1,514.73	1,100.00	(414.73)	137.7
210-34-5341 IRRIGATION ELECTRICITY	1,088.74	5,220.33	4,500.00	(720.33)	116.0
210-34-5342 WATER	3,842.29	23,605.25	50,000.00	26,394.75	47.2
210-34-5343 SEWER	219.31	1,462.84	1,000.00	(462.84)	146.3
210-34-5344 NATURAL GAS	61.77	2,770.21	1,000.00	(1,770.21)	277.0
210-34-5346 STORM DRAINAGE	290.83	2,617.47	1,250.00	(1,367.47)	209.4
210-34-5356 PROFESSIONAL SERVICES	.00	1,317.63	2,000.00	682.37	65.9
210-34-5365 TOILET RENTAL	2,335.00	20,779.39	27,730.00	6,950.61	74.9
210-34-5366 SERVICES - PARKS & LAWN CARE	.00	44,816.00	70,000.00	25,184.00	64.0
210-34-5370 SAFETY WORKWEAR & EQUIPMENT	.00	384.79	1,200.00	815.21	32.1
210-34-5372 UNIFORMS	.00	844.83	2,500.00	1,655.17	33.8
210-34-5380 PROFESSIONAL DEVELOPMENT	529.65	4,313.72	5,000.00	686.28	86.3
210-34-5397 WEED CONTROL	.00	327.30	250.00	(77.30)	130.9
210-34-5422 SMALL TOOLS	.00	11,142.29	10,000.00	(1,142.29)	111.4
210-34-5423 SAND, GRAVEL, MULCH	3,100.00	3,410.08	10,000.00	6,589.92	34.1
210-34-5512 INSURANCE-PROPERTY RELATED	.00	.00	20,028.00	20,028.00	.0
210-34-5513 INSURANCE DEDUCTIBLE	.00	.00	5,000.00	5,000.00	.0
210-34-5533 EQUIPMENT RENTAL	.00	648.00	3,000.00	2,352.00	21.6
210-34-5941 SAFETY SUPPLIES & EQUIPMENT	112.18	1,442.01	4,000.00	2,557.99	36.1
210-34-5942 MINOR PARK IMPROVEMENTS	1,316.55	51,809.73	65,000.00	13,190.27	79.7
TOTAL OPERATING	40,296.77	581,585.09	870,517.00	288,931.91	66.8

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>RECREATION</u>						
210-51-5100	WAGES & SALARIES	21,242.98	201,860.73	275,846.00	73,985.27	73.2
210-51-5101	SEASONALS - REC	7,537.06	55,891.89	85,000.00	29,108.11	65.8
210-51-5102	BENEFITS	9,625.97	79,574.31	106,100.00	26,525.69	75.0
210-51-5110	ON-CALL STIPEND	600.00	3,400.00	5,200.00	1,800.00	65.4
210-51-5130	START SMART BASEBALL	.00	800.00	800.00	.00	100.0
210-51-5131	START SMART BASKETBALL	.00	640.00	640.00	.00	100.0
210-51-5132	START SMART FLAG FOOTBALL	.00	960.00	960.00	.00	100.0
210-51-5133	START SMART SOCCER	.00	1,800.00	1,800.00	.00	100.0
210-51-5135	YOUTH SPORTS APPAREL	.00	3,514.79	5,100.00	1,585.21	68.9
210-51-5140	YOUTH SOCCER	700.00	2,569.55	3,500.00	930.45	73.4
210-51-5142	YOUTH FOOTBALL	280.00	1,064.92	1,500.00	435.08	71.0
210-51-5144	YOUTH BASEBALL	4,824.00	6,448.94	7,000.00	551.06	92.1
210-51-5145	YOUTH SOFTBALL	2,675.00	7,481.74	3,500.00	(3,981.74)	213.8
210-51-5146	YOUTH BASKETBALL	.00	91.24	1,025.00	933.76	8.9
210-51-5148	YOUTH VOLLEYBALL	.00	2,309.38	1,500.00	(809.38)	154.0
210-51-5149	YOUTH TENNIS	.00	93.12	500.00	406.88	18.6
210-51-5155	EXTERNAL PROGRAMMING SUBSIDY	.00	.00	4,000.00	4,000.00	.0
210-51-5156	SENIOR PROGRAMS	.00	.00	2,000.00	2,000.00	.0
210-51-5157	ADULT BASKETBALL	.00	.00	800.00	800.00	.0
210-51-5158	ADULT KICKBALL	.00	.00	500.00	500.00	.0
210-51-5161	ADULT TENNIS	.00	202.14	500.00	297.86	40.4
210-51-5162	ADULT SOFTBALL	2,186.36	4,681.05	3,500.00	(1,181.05)	133.7
210-51-5164	ADULT VOLLEYBALL	.00	620.00	1,000.00	380.00	62.0
210-51-5165	NCSO REFEREES ADMIN FEE	625.00	5,625.00	8,000.00	2,375.00	70.3
210-51-5166	INSTRUCTOR/OFFICIAL FEES	4,576.60	18,562.00	30,000.00	11,438.00	61.9
210-51-5168	COMPUTER EQUIP./SOFTWARE	1,169.58	13,074.70	17,000.00	3,925.30	76.9
210-51-5181	REC. PROG. SUPPLIES/EXP.	.00	14,385.43	14,000.00	(385.43)	102.8
210-51-5183	BATTING CAGES - MAINT. & OPER.	.00	3,815.00	11,000.00	7,185.00	34.7
210-51-5185	BALL FIELD/CAGE ELECTRICITY	3,127.15	20,093.14	15,500.00	(4,593.14)	129.6
210-51-5186	INFIELD MIX	.00	6,385.60	10,000.00	3,614.40	63.9
210-51-5190	YOGA CLASSES	16.49	16.49	500.00	483.51	3.3
210-51-5223	OPERATING SUPPLIES	.00	1,294.58	2,000.00	705.42	64.7
210-51-5335	DUES & SUBSCRIPTIONS	.00	1,740.00	2,590.00	850.00	67.2
210-51-5372	STAFF UNIFORMS	.00	2,344.58	2,750.00	405.42	85.3
210-51-5380	PROFESSIONAL DEVELOPMENT	50.00	3,041.76	5,000.00	1,958.24	60.8
210-51-5392	GYM RENTAL	.00	8,001.00	12,000.00	3,999.00	66.7
210-51-5401	MARKETING SERVICES	.00	5,712.15	10,000.00	4,287.85	57.1
210-51-5513	INSURANCE DEDUCTIBLE	.00	.00	5,000.00	5,000.00	.0
TOTAL RECREATION		59,236.19	478,095.23	657,611.00	179,515.77	72.7
<u>TRANSFERS - OUT</u>						
210-56-5000	TRANSFER TO GENERAL FUND	.00	.00	258,796.00	258,796.00	.0
210-56-5001	TRANSFER TO CAPITAL PROJECTS	.00	.00	260,000.00	260,000.00	.0
TOTAL TRANSFERS - OUT		.00	.00	518,796.00	518,796.00	.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>DEBT SERVICE</u>					
210-90-5630	WCP - PRINCIPAL	.00	177,037.67	253,000.00	75,962.33	70.0
210-90-5632	WCP - INTEREST	.00	2,602.25	16,500.00	13,897.75	15.8
	TOTAL DEBT SERVICE	.00	179,639.92	269,500.00	89,860.08	66.7
	TOTAL FUND EXPENDITURES	99,532.96	1,239,320.24	2,316,424.00	1,077,103.76	53.5
	NET REVENUE OVER EXPENDITURES	43,727.58	(14,047.68)	(629,592.00)	(615,544.32)	(2.2)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

CAPITAL PROJECTS FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
211-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	207,500.00	207,500.00	.0
211-09-3694	TRANS IN FROM STREET FUND	.00	.00	5,509,000.00	5,509,000.00	.0
211-09-3695	TRANS IN FROM WATER FUND	.00	.00	4,070,000.00	4,070,000.00	.0
211-09-3696	TRANS IN FROM SEWER FUND	.00	.00	2,177,500.00	2,177,500.00	.0
211-09-3697	TRANS IN FROM DRAINAGE FUND	.00	.00	1,158,534.00	1,158,534.00	.0
211-09-3698	TRANS IN FROM PARK FUND	.00	.00	260,000.00	260,000.00	.0
	TOTAL SOURCE 09	.00	.00	13,382,534.00	13,382,534.00	.0
	TOTAL FUND REVENUE	.00	.00	13,382,534.00	13,382,534.00	.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL EXPENDITURES</u>					
211-80-4007 NEWER SUBDIVISON SEAL COAT	75,000.00	75,000.00	150,000.00	75,000.00	50.0
211-80-4009 PAVEMENT STUDY	.00	.00	65,000.00	65,000.00	.0
211-80-4010 WATER PLANT EXPANSION CONSTRUCT	.00	1,215.50	.00	(1,215.50)	.0
211-80-4014 WILSON WELL IMPROVEMENTS	.00	.00	30,000.00	30,000.00	.0
211-80-4019 DISTRIBUTION SYSTEM MASTER PLAN	8,376.00	39,500.69	125,000.00	85,499.31	31.6
211-80-4022 NANO PLANT EXPANSION	.00	24,746.24	20,000.00	(4,746.24)	123.7
211-80-4039 STORM DRAIN & MAN REPLACEMENTS	.00	.00	30,000.00	30,000.00	.0
211-80-4042 PARKS MASTER PLAN UPDATE	.00	13,905.00	175,000.00	161,095.00	8.0
211-80-4054 TRACT F	.00	.00	75,000.00	75,000.00	.0
211-80-4061 WWTP EXPANSION DESIGN	28,475.50	290,310.50	255,000.00	(35,310.50)	113.9
211-80-4065 B-DAMS IMPROVEMENT	.00	93,534.00	93,534.00	.00	100.0
211-80-4068 REPLACE SOFT TRAILS	.00	.00	10,000.00	10,000.00	.0
211-80-4083 WWTP EXPANSION CONSTRUCTION	.00	2,334,456.45	1,600,000.00	(734,456.45)	145.9
211-80-4089 VIEWPOINT LIFT STATION UPGRADE	.00	.00	137,500.00	137,500.00	.0
211-80-5001 VEHICLE REPLACEMENT - PARK	.00	74,415.23	75,000.00	584.77	99.2
211-80-5013 AUTOMATED METERING INFRASTRUCTURE	.00	.00	990,000.00	990,000.00	.0
211-80-5022 CLEVELAND AVE IMP. - DESIGN	14,800.00	239,295.58	268,914.00	29,618.42	89.0
211-80-5023 STREET AND SIDEWALK SAFETY IMP	.00	.00	324,086.00	324,086.00	.0
211-80-5024 TRANSPORTATION MASTER PLAN	3,722.40	3,722.40	160,000.00	156,277.60	2.3
211-80-5028 OUTFALL FOR CLEVELAND AVE IMP	.00	.00	1,000,000.00	1,000,000.00	.0
211-80-5032 PRE-TREATMENT FACILITY - SECURITY	.00	.00	50,000.00	50,000.00	.0
211-80-5035 WATER SOURCE DEV PLAN	.00	60,564.85	92,655.00	32,090.15	65.4
211-80-5036 WATER PURCHASES	.00	250,450.00	2,500,000.00	2,249,550.00	10.0
211-80-5041 SCADA TELEMETRY SYSTEM UPGRADE	.00	.00	40,000.00	40,000.00	.0
211-80-5044 ROOF REPLACE FOR EXISTING BLDG	8,750.00	8,750.00	150,000.00	141,250.00	5.8
211-80-5050 ELEVATOR IN MUNI BLDG	.00	20,000.00	85,000.00	65,000.00	23.5
211-80-5051 HOUSING NEEDS	.00	30,000.00	30,000.00	.00	100.0
211-80-5052 ADA COMMUNITY IMPROVEMENTS	.00	5,209.72	10,000.00	4,790.28	52.1
211-80-5053 WCP POURED IN PLACE BORDER REPAIR	.00	6,070.00	6,930.00	860.00	87.6
211-80-5059 LIBRARY EVENT SHADE STRUCTURE	.00	22,360.11	27,500.00	5,139.89	81.3
211-80-5060 STREET STRIPING EQUIPMENT	.00	.00	60,000.00	60,000.00	.0
211-80-5061 AIR CONDITIONER RECHARGE SYSTEM	.00	15,417.04	16,000.00	582.96	96.4
211-80-5062 CLEVELAND AVE IMP. - CONSTRUCT	.00	.00	4,000,000.00	4,000,000.00	.0
211-80-5063 TRANSP. GRANTS MATCHING FUNDS	.00	.00	400,000.00	400,000.00	.0
211-80-5064 MAIN STREET ALLEY NORTH PAVING	.00	.00	65,000.00	65,000.00	.0
211-80-5065 WTP ADMIN & LAB EXP. - DESIGN	.00	.00	200,000.00	200,000.00	.0
211-80-5066 UTIL RATE & FEE UPDATE - WATER	3,640.83	33,080.03	35,000.00	1,919.97	94.5
211-80-5067 UTIL RATE & FEE UPDATE - SEWER	3,640.83	33,080.03	35,000.00	1,919.97	94.5
211-80-5068 UTIL RATE & FEE UPDATE - DRAIN	3,640.84	33,080.05	35,000.00	1,919.95	94.5
211-80-5069 FLUORIDE/CAUSTIC INJECTION AUTOMATIC	.00	32,944.50	120,000.00	87,055.50	27.5
TOTAL CAPITAL EXPENDITURES	150,046.40	3,741,107.92	13,542,119.00	9,801,011.08	27.6
TOTAL FUND EXPENDITURES	150,046.40	3,741,107.92	13,542,119.00	9,801,011.08	27.6
NET REVENUE OVER EXPENDITURES	(150,046.40)	(3,741,107.92)	(159,585.00)	3,581,522.92	(2344.0)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 9 MONTHS ENDING SEPTEMBER 30, 2025

LIBRARY TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>BUILDING PERMITS</u>					
255-02-3372	LIBRARY IMPACT FEES	1,000.00	5,500.00	27,000.00	21,500.00	20.4
	TOTAL BUILDING PERMITS	1,000.00	5,500.00	27,000.00	21,500.00	20.4
	TOTAL FUND REVENUE	1,000.00	5,500.00	27,000.00	21,500.00	20.4
	NET REVENUE OVER EXPENDITURES	1,000.00	5,500.00	27,000.00	21,500.00	20.4

Board of Trustees Meeting

Date: December 9, 2025
Subject: Report of Bills (September 2025)

EXECUTIVE SUMMARY

Attached is the Report of Bills for September 2025.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Review and retain report.

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. Report of Bills (September 2025)

Report Criteria:
Report type: GL detail
Check.Voided = no

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72681									
09/25	09/04/2025	72681	14297	A.R.C. INCORPORATED	10594	201-49-5369	1,474.70	1,474.70	AUGUST JANITORIAL SERVICES
09/25	09/04/2025	72681	14297	A.R.C. INCORPORATED	10594	205-34-5433	440.44	440.44	AUGUST JANITORIAL SERVICES
Total 72681:								1,915.14	
72682									
09/25	09/04/2025	72682	13266	AMAZON	17FQ-DFMC-	201-49-5370	40.96	40.96	COPY PAPER
09/25	09/04/2025	72682	13266	AMAZON	17FQ-DFMC-	201-15-5214	18.98	18.98	PRESENTATION CLICKER
09/25	09/04/2025	72682	13266	AMAZON	1LW4-F4G6-	201-49-5370	65.34	65.34	WIPES,HAND SOAP,PAPER TOWELS
09/25	09/04/2025	72682	13266	AMAZON	1PXP-YCMQ	201-55-5214	11.99	11.99	CIRC SUPPLY
09/25	09/04/2025	72682	13266	AMAZON	1PXP-YCMQ	201-55-5900	5.09	5.09	CIRC BOOK
Total 72682:								142.36	
72683									
09/25	09/04/2025	72683	13705	BRIAN'S ELECTRIC INC	4151	210-34-5254	1,244.81	1,244.81	RePLACED DOOR LOCKS,BATTERYs AT COMUNITY PARK REST ROOMS
09/25	09/04/2025	72683	13705	BRIAN'S ELECTRIC INC	4152	210-34-5254	175.00	175.00	RePAIRED LOOSE CONNECTIONS IN PANEL AT CENTENNIAL PARK
Total 72683:								1,419.81	
72684									
09/25	09/04/2025	72684	13468	CivicPlus	338280	201-17-5579	5,163.47	5,163.47	AGENDA& MEETING MANAGEMENT
Total 72684:								5,163.47	
72685									
09/25	09/04/2025	72685	13591	Employers Council	560386	201-16-5583	474.50	474.50	BACKGROUND CHECKS
09/25	09/04/2025	72685	13591	Employers Council	560386	201-16-5580	41.00	41.00	BACKGROUND CHECKS
Total 72685:								515.50	
72686									
09/25	09/04/2025	72686	322	L.C. SALES TAX ADMINISTRATO	AUGUST 202	201-00-2210	8,714.51	8,714.51	Building Permit Tax AUGUST 2025
09/25	09/04/2025	72686	322	L.C. SALES TAX ADMINISTRATO	AUGUST 202	201-02-3430	290.48-	290.48-	Less 3 1/3% Vendor Fee

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72686:								8,424.03	
72687									
09/25	09/04/2025	72687	14082	LUMEN	752100745	201-17-5384	2,096.50	2,096.50	IP AND DATA SERVICES
Total 72687:								2,096.50	
72688									
09/25	09/04/2025	72688	14210	NOCO HUMANE	1156	201-18-5374	2,947.33	2,947.33	2025 ANIMAL CONTROL SERVICE
Total 72688:								2,947.33	
72689									
09/25	09/04/2025	72689	13094	NORTHERN COLORADO LANDS	1176	201-18-5355	175.00	175.00	ABATEMENT MOWING
Total 72689:								175.00	
72690									
09/25	09/04/2025	72690	13528	NORTHERN COLORADO SPOR	12648	210-51-5166	135.00	135.00	SP SOFTBALL
09/25	09/04/2025	72690	13528	NORTHERN COLORADO SPOR	89611	210-51-5165	625.00	625.00	SCHEDULING/ADMINISTRATION SEPT 2025
Total 72690:								760.00	
72691									
09/25	09/04/2025	72691	14348	PIONEER MANUFACTURING C	INV-259812	210-51-5140	400.00	400.00	PAINT,NOZZLE TIP,NOZZLE CAP & WASHER
09/25	09/04/2025	72691	14348	PIONEER MANUFACTURING C	INV-259812	210-51-5142	292.09	292.09	PAINT,NOZZLE TIP,NOZZLE CAP & WASHER
Total 72691:								692.09	
72692									
09/25	09/04/2025	72692	14366	RockyMountain Playground Servi	1566	211-80-5059	22,360.11	22,360.11	LIBRARY SHADE STRUCTURE
Total 72692:								22,360.11	
72693									
09/25	09/04/2025	72693	114	SAFEBUILT LLC	2330239	201-18-5350	16,024.71	16,024.71	AUGUST 2025 PERMIT ACTIVITY

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72693:								16,024.71	
72694									
09/25	09/04/2025	72694	12983	WELLINGTON FIRE PROTECTIO	AUGUST 202	201-02-3425	11,840.00	11,840.00	Building Permit Impact Fees-AUGUST 2025
09/25	09/04/2025	72694	12983	WELLINGTON FIRE PROTECTIO	AUGUST 202	201-02-3435	592.00-	592.00-	Less 5% Vendor Fee
Total 72694:								11,248.00	
72699									
09/25	09/10/2025	72699	14036	ABSOLUTE GRAPHICS, INC	35030	210-51-5140	547.39	547.39	POLYESTER COMPETITOR TEES
09/25	09/10/2025	72699	14036	ABSOLUTE GRAPHICS, INC	35030	210-51-5142	182.47	182.47	POLYESTER COMPETITOR TEES
09/25	09/10/2025	72699	14036	ABSOLUTE GRAPHICS, INC	35030	210-51-5144	91.24	91.24	POLYESTER COMPETITOR TEES
09/25	09/10/2025	72699	14036	ABSOLUTE GRAPHICS, INC	35030	210-51-5146	91.24	91.24	POLYESTER COMPETITOR TEES
Total 72699:								912.34	
72700									
09/25	09/10/2025	72700	4	AIRGAS USA, LLC	9500924036	210-34-5256	264.22	264.22	RENT CYL,HAZMAT,CARBON DIOXIDE
09/25	09/10/2025	72700	4	AIRGAS USA, LLC	9500924036	203-34-5533	37.82	37.82	CYLINDER RENTAL
Total 72700:								302.04	
72701									
09/25	09/10/2025	72701	14316	BAKER TILLY ADVISORY GROU	BT3310762	201-14-5356	807.50	807.50	FINANCIAL MANAGEMENT SERVICES THROUGH AUGUST 2025
Total 72701:								807.50	
72702									
09/25	09/10/2025	72702	13344	CONNELL RESOURCES, INC.	22550-22550	203-34-5428	1,855.65	1,855.65	PG64-22 LIME 20% RAP
Total 72702:								1,855.65	
72703									
09/25	09/10/2025	72703	13624	E-470	2105334536	205-34-5554	36.80	36.80	TOLL CHARGES
Total 72703:								36.80	

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72704									
09/25	09/10/2025	72704	237	HACH CO.	146333383	205-34-5579	12,295.41	12,295.41	SOLITAX SENSORS,FIELD SERVICE PARTNERSHIPS
09/25	09/10/2025	72704	237	HACH CO.	14636305	204-34-5433	1,704.00	1,704.00	DIGITAL ORP SENSOR,PEEK,CONVERTIBLE
09/25	09/10/2025	72704	237	HACH CO.	2239152	204-34-5433	1,755.00-	1,755.00-	DIGITAL ORP SENSOR,PEEK,INSERTION DRD2P5
Total 72704:								12,244.41	
72705									
09/25	09/10/2025	72705	14079	PLOWOPS, INC.	04630	201-34-5233	222.00	222.00	SOFTWARE LICENSE AND SUPPORT
Total 72705:								222.00	
72706									
09/25	09/10/2025	72706	10328	PVS DX, INC	737003228-2	204-34-5221	11,878.71	11,878.71	Sodium Hypo 10%
Total 72706:								11,878.71	
72707									
09/25	09/10/2025	72707	14098	REPUBLIC SERVICES INC.	0642-001471	201-49-5398	953.77	953.77	TOWN TRASH AND RECYCLING
09/25	09/10/2025	72707	14098	REPUBLIC SERVICES INC.	0642-001473	210-34-5365	2,335.00	2,335.00	RESTROOM-PARKS
Total 72707:								3,288.77	
72708									
09/25	09/10/2025	72708	14086	RESOURCE CENTRAL	6537	204-34-5353	697.50	697.50	Sprinkler Evaluations AUGUST 2025
Total 72708:								697.50	
72709									
09/25	09/10/2025	72709	13971	ROCKY MOUNTAIN BOTTLED W	1049507	201-34-5941	45.50	45.50	5 GAL PURIFIED WATER AND DELIVERY
Total 72709:								45.50	
72710									
09/25	09/10/2025	72710	524	TEAM PETROLEUM	646684	204-34-5233	259.54	259.54	ROTELLA T4 10W30 PAIL
Total 72710:								259.54	

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72711									
09/25	09/10/2025	72711	571	TOWN OF WELLINGTON	2712.05	201-11-5952	300.00	300.00	HUG
09/25	09/10/2025	72711	571	TOWN OF WELLINGTON	4105.04 SEP	201-11-5952	300.00	300.00	HUG
Total 72711:								600.00	
72712									
09/25	09/10/2025	72712	13795	UNITED MAILING	21855	204-34-5321	2,617.47	2,617.47	PRINTING AND MAILING UTILITY BILLS
09/25	09/10/2025	72712	13795	UNITED MAILING	21855	205-34-5321	1,847.62	1,847.62	PRINTING AND MAILING UTILITY BILLS
09/25	09/10/2025	72712	13795	UNITED MAILING	21855	207-34-5321	667.20	667.20	PRINTING AND MAILING UTILITY BILLS
Total 72712:								5,132.29	
72713									
09/25	09/10/2025	72713	554	UNIVAR SOLUTIONS	53295458	204-34-5221	7,730.71	7,730.71	Caustic Soda 25% Bulk
Total 72713:								7,730.71	
72714									
09/25	09/10/2025	72714	13738	WELD CNTY DEPT PUBLIC HEA	E250365	204-34-5334	225.00	225.00	Total Coliform and E. Coli
Total 72714:								225.00	
72715									
09/25	09/11/2025	72715	10326	4Rivers Equipment	1828039	205-34-5233	269.14	269.14	OIL FILTERS, FUEL FILTERS
09/25	09/11/2025	72715	10326	4Rivers Equipment	1830014	205-34-5233	998.87	998.87	CUTTING ED,DURA-MAX C, COOLANT, BOLT
Total 72715:								1,268.01	
72716									
09/25	09/11/2025	72716	10291	ADVANCE AUTO PARTS	2203-960481	210-34-5233	77.34-	77.34-	CREDIT ORG INVOICE 960462
09/25	09/11/2025	72716	10291	ADVANCE AUTO PARTS	2203-980846	201-34-5233	17.83	17.83	CFI 88438 AIR
09/25	09/11/2025	72716	10291	ADVANCE AUTO PARTS	2203-983347	201-34-5233	359.78	359.78	BREAK PAD SET,PAINTED ROTOR
09/25	09/11/2025	72716	10291	ADVANCE AUTO PARTS	2203-983521	201-34-5233	109.20-	109.20-	CREDIT ORG INVOICE 983347
Total 72716:								191.07	
72717									
09/25	09/11/2025	72717	14340	AE2S	104753	211-80-4019	12,159.09	12,159.09	PAY REQUEST 004

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72717:								12,159.09	
72718									
09/25	09/11/2025	72718	13266	AMAZON	1469-M3TX-	201-34-5372	139.96	139.96	APPAREL NEW HIRE W.T
09/25	09/11/2025	72718	13266	AMAZON	179M-WLCD-	201-34-5372	139.99	139.99	BIB OVERALLS
09/25	09/11/2025	72718	13266	AMAZON	179M-WLCD-	201-34-5941	8.71	8.71	CLIPBOARD
09/25	09/11/2025	72718	13266	AMAZON	1CJ1-6HTJ-	210-34-5241	75.54	75.54	PAPER TOWELS
09/25	09/11/2025	72718	13266	AMAZON	1CJ1-6HTJ-	201-55-5792	8.67	8.67	CIRC DVD
09/25	09/11/2025	72718	13266	AMAZON	1DRV-XHVH-	201-49-5370	52.26	52.26	SUGAR PACKETS,CREAMER,STICKY NOTES,MARKERS
09/25	09/11/2025	72718	13266	AMAZON	1RGR-CT3P-	210-34-5239	44.55	44.55	WEATHER STRIPPING,VENT
Total 72718:								469.68	
72719									
09/25	09/11/2025	72719	14048	C & W TRUCK AND TRAILER PA	01NV071397	201-34-5233	59.58	59.58	SOLENOID SWITCH KIT
09/25	09/11/2025	72719	14048	C & W TRUCK AND TRAILER PA	01NV071679	201-34-5233	31.76	31.76	OPEN/CLOSE ROCKER
09/25	09/11/2025	72719	14048	C & W TRUCK AND TRAILER PA	01NV071679	204-34-5233	42.44	42.44	LUBE SPIN-ON
Total 72719:								133.78	
72720									
09/25	09/11/2025	72720	13681	CINTAS	9336053124	203-34-5941	135.00	135.00	ZOLL 3 AED
Total 72720:								135.00	
72721									
09/25	09/11/2025	72721	13448	COLORADO ANALYTICAL LABO	250826015	205-34-5554	302.00	302.00	AMMONIA NITROGEN,BOD-5,NITRATE NITROGEN
09/25	09/11/2025	72721	13448	COLORADO ANALYTICAL LABO	250826025	205-34-5554	27.00	27.00	E-COLI
09/25	09/11/2025	72721	13448	COLORADO ANALYTICAL LABO	250902018	205-34-5554	27.00	27.00	E-COLI
Total 72721:								356.00	
72722									
09/25	09/11/2025	72722	14173	CORE & MAIN LP	INV0020978	204-34-5334	94.08	94.08	HACH OZONE ACCVAC AMPULES
09/25	09/11/2025	72722	14173	CORE & MAIN LP	INV0021054	204-34-5455	36.38	36.38	OPR STANDARD ,600MV +/-5%
Total 72722:								130.46	

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72723									
09/25	09/11/2025	72723	13702	GENERAL AIR SERVICE AND S	97026401-1	204-34-5221	57.74	57.74	CYLINDER RENTAL
09/25	09/11/2025	72723	13702	GENERAL AIR SERVICE AND S	97026402-1	204-34-5221	57.74	57.74	CYLINDER RENTAL
09/25	09/11/2025	72723	13702	GENERAL AIR SERVICE AND S	97026403-1	204-34-5221	57.74	57.74	CYLINDER RENTAL
Total 72723:								173.22	
72724									
09/25	09/11/2025	72724	14287	GENUINE PARTS COMPANY	204453	205-34-5233	26.98	26.98	OIL FILTERS
Total 72724:								26.98	
72725									
09/25	09/11/2025	72725	14246	GRACE VILLAGE	09082025	201-11-5951	7,500.00	7,500.00	GRANT AGREEMENT
Total 72725:								7,500.00	
72726									
09/25	09/11/2025	72726	12799	INTERSTATE BATTERY	475870	210-34-5233	59.95	59.95	SP-35
09/25	09/11/2025	72726	12799	INTERSTATE BATTERY	475988	201-34-5233	99.95	99.95	FAITZ10S
09/25	09/11/2025	72726	12799	INTERSTATE BATTERY	476038	204-34-5233	285.90	285.90	31P-MHD
Total 72726:								445.80	
72727									
09/25	09/11/2025	72727	13846	JACOBS ENGINEERING C/O BA	WXXZ2950-0	211-80-4061	20,750.75	20,750.75	PAY REQUEST NO. 65
09/25	09/11/2025	72727	13846	JACOBS ENGINEERING C/O BA	WXXZ2950-0	211-80-4061	12,437.75	12,437.75	PAY REQUEST NO. 66
Total 72727:								33,188.50	
72728									
09/25	09/11/2025	72728	13579	J-U-B ENGINEERS	184172	211-80-5022	19,602.80	19,602.80	PAY REQUEST NO. 012
09/25	09/11/2025	72728	13579	J-U-B ENGINEERS	186138	211-80-5022	65,732.58	65,732.58	PAY REQUEST NO. 013
Total 72728:								85,335.38	
72729									
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2376677	203-34-5427	390.30	390.30	DISPOSAL OF DAMAGED SALT FOR SNOW
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2376688	203-34-5427	110.24	110.24	DISPOSAL OF DAMAGED SALT FOR SNOW

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2376803	203-34-5427	351.27	351.27	DISPOSAL OF DAMAGED SALT FOR SNOW
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2376899	203-34-5427	390.30	390.30	DISPOSAL OF DAMAGED SALT FOR SNOW
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2376934	203-34-5427	390.30	390.30	DISPOSAL OF DAMAGED SALT FOR SNOW
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2377000	203-34-5427	390.30	390.30	DISPOSAL OF DAMAGED SALT FOR SNOW
09/25	09/11/2025	72729	314	LARIMER COUNTY SOLID WAS	2377040	203-34-5427	110.24	110.24	DISPOSAL OF DAMAGED SALT FOR SNOW
Total 72729:								2,132.95	
72730									
09/25	09/11/2025	72730	14075	LOVELAND STEAM LAUNDRY	0072587	201-34-5372	46.45	46.45	LAUNDRY SERVICE
09/25	09/11/2025	72730	14075	LOVELAND STEAM LAUNDRY	0073054	201-34-5372	33.05	33.05	LAUNDRY SERVICE
Total 72730:								79.50	
72731									
09/25	09/11/2025	72731	13760	McDonald Farms Enterprises	0158179-IN	205-34-5440	737.00	737.00	ROLLOFF DEMO 30 CU YD AND FUEL ROLL OFF (FUEL SURCHARGE)
Total 72731:								737.00	
72732									
09/25	09/11/2025	72732	13910	MOSES, WITTEMYER, HARRIS	16749	204-34-5352	2,012.00	2,012.00	PROFESSIONAL SERVICES
Total 72732:								2,012.00	
72733									
09/25	09/11/2025	72733	13094	NORTHERN COLORADO LANDS	1178	201-18-5355	965.00	965.00	ABATEMENT MOWING
Total 72733:								965.00	
72734									
09/25	09/11/2025	72734	13528	NORTHERN COLORADO SPOR	12694	210-51-5166	520.00	520.00	FLAG FOOTBALL,SOCCER,SP SOFTBALL
Total 72734:								520.00	
72735									
09/25	09/11/2025	72735	428	PITNEY BOWES BANK INC PUR	1028087163	201-14-5311	77.40	77.40	C SERIES IMI METER
Total 72735:								77.40	

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72736									
09/25	09/11/2025	72736	14232	POUDRE LEGAL ADVISORS LLC	248	201-13-5352	2,329.00	2,329.00	ADMINISTRATION ATTORNEY FEES
09/25	09/11/2025	72736	14232	POUDRE LEGAL ADVISORS LLC	248	201-11-5352	3,366.50	3,366.50	BOARD MATTERS ATTORNEY FEES
09/25	09/11/2025	72736	14232	POUDRE LEGAL ADVISORS LLC	248	201-12-5359	221.00	221.00	MUNICIPAL COURT ATTORNEY FEES
09/25	09/11/2025	72736	14232	POUDRE LEGAL ADVISORS LLC	248	201-18-5356	85.00	85.00	SAGE FARMS-ATTORNEY FEES
09/25	09/11/2025	72736	14232	POUDRE LEGAL ADVISORS LLC	248	204-34-5352	1,122.00	1,122.00	NPIC RENEGOTIATION WATER CONTRACT
Total 72736:								7,123.50	
72739									
09/25	09/16/2025	72739	13683	Affordable Sealing & Striping	3450	211-80-4007	75,000.00	75,000.00	50% JOB SECURITY/23 PALLETS CRACK SEAL MATERIALS
Total 72739:								75,000.00	
72740									
09/25	09/18/2025	72740	10291	ADVANCE AUTO PARTS	2203-982526	210-34-5233	95.84	95.84	HYDRAULIC SPIN-ON,FUEL/WATER SEPARATOR
09/25	09/18/2025	72740	10291	ADVANCE AUTO PARTS	2203-982527	210-34-5233	14.86	14.86	FUEL/WATER SEPARATOR
Total 72740:								110.70	
72741									
09/25	09/18/2025	72741	14340	AE2S	105525	211-80-5069	1,845.50	1,845.50	PAY REQUEST 003-CAUSTIC INJECTION AUTOMATION DESIGN
09/25	09/18/2025	72741	14340	AE2S	105599	211-80-4019	6,053.50	6,053.50	PAY REQUEST 005-WATER SYSTEM MASTER PLAN
Total 72741:								7,899.00	
72742									
09/25	09/18/2025	72742	13266	AMAZON	11WN-YC97-	201-55-5321	161.98	161.98	PRINTER TONER REPLACEMENT
09/25	09/18/2025	72742	13266	AMAZON	1691-MQRP-	201-49-5370	27.05	27.05	TYLENOL,ASSORTMENT TEA BAGS
09/25	09/18/2025	72742	13266	AMAZON	1691-MQRP-	201-13-5363	22.90	22.90	OTTERBOX CASE
09/25	09/18/2025	72742	13266	AMAZON	1796-H4W1-	201-55-5337	250.54	250.54	NEURO PROGRAMMING SUPPLY
09/25	09/18/2025	72742	13266	AMAZON	194J-HM7P-	201-55-5900	16.37	16.37	BOOKS/PATRON REQUEST
09/25	09/18/2025	72742	13266	AMAZON	1CJC-6HTJ-J	201-55-5321	75.99	75.99	PRINTER TONER SERVICES
09/25	09/18/2025	72742	13266	AMAZON	1KRT-4Q9R-	201-34-5372	82.42	82.42	HOODIE SWEATSHIRTS
09/25	09/18/2025	72742	13266	AMAZON	1KRT-4Q9R-	201-34-5941	63.06	63.06	HAND SANITIZER,WIRELESS CHARGER
09/25	09/18/2025	72742	13266	AMAZON	1NFX-KH9V-	201-55-5337	49.94	49.94	NEURO DIVERGE PROGRAMMING
09/25	09/18/2025	72742	13266	AMAZON	1P3Y-34VR-6	201-55-5214	18.98	18.98	CIRC SUPPLY
09/25	09/18/2025	72742	13266	AMAZON	1PHH-DQ6P-	201-55-5214	16.14	16.14	3D PRINT FILAMENT
09/25	09/18/2025	72742	13266	AMAZON	1PPQ-KFJF-	201-17-5214	46.38	46.38	ETHERNET CABLES

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/18/2025	72742	13266	AMAZON	1T77-1L97-9	201-34-5941	48.88	48.88	SPIGEN IPHONE CASE,COFFEE
09/25	09/18/2025	72742	13266	AMAZON	1WRL-HX6V-	201-49-5375	60.66	60.66	LEEPER CENTER SUPPLY
09/25	09/18/2025	72742	13266	AMAZON	1Y7G-D1PG-	201-55-5321	170.98	170.98	TONER / PRINT SERVICES
09/25	09/18/2025	72742	13266	AMAZON	1YJW-WYMV	201-49-5370	40.15	40.15	PAPER TOWELS
Total 72742:								1,152.42	
72743									
09/25	09/18/2025	72743	13382	BUFFALO CREEK SUBDIVISION	942992394	210-34-5341	872.38	872.38	TOWN PORTION OF ELECTRICITY
Total 72743:								872.38	
72744									
09/25	09/18/2025	72744	551	CENTURYLINK	SEPTEMBE	205-34-5345	169.98	169.98	TELEPHONE SERVICES 970-568-3276
09/25	09/18/2025	72744	551	CENTURYLINK	SEPTEMBE	201-17-5345	100.21	100.21	TELEPHONE SERVICES 970-568-9354
09/25	09/18/2025	72744	551	CENTURYLINK	SEPTEMBE	204-34-5345	81.34	81.34	TELEPHONE SERVICES 970-568-3021
09/25	09/18/2025	72744	551	CENTURYLINK	SEPTEMBE	205-34-5384	200.10	200.10	VIEWPOINTE LIFT STATION
Total 72744:								551.63	
72745									
09/25	09/18/2025	72745	13572	GOVCONNECTION, INC.	76868198	201-17-5214	19.08	19.08	CAT6 UTP CABLE,UNC CAT6 NON-BOOTED
09/25	09/18/2025	72745	13572	GOVCONNECTION, INC.	76873234	201-17-5214	15.28	15.28	GREEN, PURPLE,RED, BLUE BOOT PATCH CABLE
Total 72745:								34.36	
72746									
09/25	09/18/2025	72746	13632	IPGSA	SEPTEMBE	210-51-5145	2,675.00	2,675.00	2025 FALL BALL
Total 72746:								2,675.00	
72747									
09/25	09/18/2025	72747	13815	KIM K. BENDER	SEPTEMBE	210-51-5166	2,240.00	2,240.00	JUNE17-AUGUST 7 2025 TENNIS INSTRUCTION
Total 72747:								2,240.00	
72748									
09/25	09/18/2025	72748	13847	LEWAN TECHNOLOGY	XIN118540	201-17-5579	7,797.44	7,797.44	Cloud / MANAGED LICENSING AND RMM / MANAGED IFRASTRUCUTE AND HELP

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72748:								7,797.44	
72749									
09/25	09/18/2025	72749	14075	LOVELAND STEAM LAUNDRY	0073520	201-34-5372	57.17	57.17	LAUNDRY SERVICE
Total 72749:								57.17	
72750									
09/25	09/18/2025	72750	13760	McDonald Farms Enterprises	0159277-IN	205-34-5440	734.00	734.00	ROLLOFF DEMO 30 CU YD AND FUEL ROLL OFF (FUEL SURCHARGE)
09/25	09/18/2025	72750	13760	McDonald Farms Enterprises	0159881-IN	205-34-5440	1,468.00	1,468.00	ROLLOFF DEMO 30 CU YD AND FUEL ROLL OFF (FUEL SURCHARGE)
Total 72750:								2,202.00	
72751									
09/25	09/18/2025	72751	13094	NORTHERN COLORADO LANDS	1169	201-18-5355	125.00	125.00	ABATEMENT MOWING
Total 72751:								125.00	
72752									
09/25	09/18/2025	72752	13528	NORTHERN COLORADO SPOR	12742	210-51-5166	565.00	565.00	FLAG FOOTBALL,SOCCKER,SP SOFTBALL
Total 72752:								565.00	
72753									
09/25	09/18/2025	72753	13965	NORTHWEST PARKWAY	15610218	205-34-5554	16.85	16.85	TOLLS FOR SAMPLE DROP OFF
Total 72753:								16.85	
72754									
09/25	09/18/2025	72754	432	POUDRE VALLEY CO-OP	0425356BP	201-34-5233	9.59	9.59	THERMOCOUPLE 18"
Total 72754:								9.59	
72755									
09/25	09/18/2025	72755	13122	SEACREST GROUP	525385.B	205-34-5554	2,720.00	2,720.00	CHRONIC BIOMONITORING TESTS,PHASE 1 TIE TESTS
Total 72755:								2,720.00	

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72756									
09/25	09/18/2025	72756	14199	SITEONE LANDSCAPE SUPPLY	158162420-0	210-34-5423	3,100.00	3,100.00	PLAYGROUND WOOD CHIPS MULCH
Total 72756:								3,100.00	
72757									
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	203-34-5342	91.18	91.18	4021 GRANT AVE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5343	52.95	52.95	4021 GRANT AVE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5346	64.25	64.25	4021 GRANT AVE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5342	39.46	39.46	3815 HARRISON
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5343	22.89	22.89	3815 HARRISON
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5346	15.58	15.58	3815 HARRISON
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5342	173.45	173.45	8225 THIRD ST
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5343	41.90	41.90	8225 THIRD ST
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5346	11.33	11.33	8225 THIRD ST
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5342	207.55	207.55	3800 WILSON
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5343	120.58	120.58	3800 WILSON
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5346	64.25	64.25	3800 WILSON
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5342	52.39	52.39	3735 CLEVELAND
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5343	30.41	30.41	3735 CLEVELAND
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5346	23.00	23.00	3735 CLEVELAND
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5342	26.53	26.53	3804 CLEVELAND
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5346	15.58	15.58	3804 CLEVELAND
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	205-34-5342	511.18	511.18	6190 NE FRONTAGE RD
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	CENTENNIAL PARK WATER FOUNTAIN
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	CLEVELAND & THIRD
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	THIRD ST & CLEVELAND
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	PARK MEADOWS IRRIGATION
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	1,036.20	1,036.20	3900 WILSON AV
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	3800 WILSON SHED
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	1,651.77	1,651.77	6TH ST IRRIGATION
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	VP TREESCAPE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	VP PARK WATER FOUNTAIN
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	2,582.21	2,582.21	CENTENNIAL PARK
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	3901 SVETA LN
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	52.39	52.39	4006 HAYES AVE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5343	30.41	30.41	4006 HAYES AVE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5346	36.75	36.75	4006 HAYES AVE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	26.53	26.53	8700 THIRD

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5343	15.38	15.38	8700 THIRD
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5346	15.58	15.58	8700 THIRD
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	51.81	51.81	WCP SOUTH RESTROOM
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5343	22.89	22.89	WCP SOUTH RESTROOM
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5346	174.25	174.25	WCP SOUTH RESTROOM
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	492.52	492.52	WCP NORTH RESTROOM
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5343	233.29	233.29	WCP NORTH RESTROOM
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5346	64.25	64.25	WCP NORTH RESTROOM
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	5.00	5.00	CARLYLE TREE SCAPE
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	5.00	5.00	VP PARK
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	5.00	5.00	JEFFERSON TREESCAPE WEST
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	5.00	5.00	JEFFERSON TREESCAPE EAST
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	5.00	5.00	WELLINGTON BLVD TREESCAPES
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	210-34-5342	5.00	5.00	MCCLELLAN AND REAGAN
09/25	09/18/2025	72757	571	TOWN OF WELLINGTON	AUGUST 202	201-49-5343	15.38	15.38	3804 CLEVELAND
Total 72757:								8,308.31	
72767									
09/25	09/25/2025	72767	14182	21st CENTURY EQUIPMENT LL	W04938	210-34-5233	1,087.98	1,087.98	FUEL PUMP REMOVE & INSTALL
Total 72767:								1,087.98	
72768									
09/25	09/25/2025	72768	11250	ABLAO LAW LLC	1373	201-12-5109	750.00	750.00	SEPTEMBER 2025 COURT
09/25	09/25/2025	72768	11250	ABLAO LAW LLC	1373	201-12-5380	175.00	175.00	CMJA FALL CONFERENCE REGISTRATION REIMBURSEMENT
Total 72768:								925.00	
72769									
09/25	09/25/2025	72769	14036	ABSOLUTE GRAPHICS, INC	35177	210-51-5162	221.37	221.37	SCREENPRINT SHORT SLEEVE TEES
09/25	09/25/2025	72769	14036	ABSOLUTE GRAPHICS, INC	35199	210-51-5401	413.99	413.99	EMBROIDERY POLOS,HOODED SWEATSHIRTS
Total 72769:								635.36	
72770									
09/25	09/25/2025	72770	10291	ADVANCE AUTO PARTS	2203-984628	201-34-5233	14.40	14.40	HYDRAULIC, OIL FILTER
09/25	09/25/2025	72770	10291	ADVANCE AUTO PARTS	2203-984743	201-34-5233	31.57	31.57	LUBE

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72770:								45.97	
72771									
09/25	09/25/2025	72771	13710	ALL COPY PRODUCTS, INC.	40156334	201-17-5947	1,174.34	1,174.34	COPY MACHINE STANDARD PAYMENT
Total 72771:								1,174.34	
72772									
09/25	09/25/2025	72772	13266	AMAZON	19TF-XQ3W-	201-34-5941	5.99	5.99	SHEET PROTECTORS
09/25	09/25/2025	72772	13266	AMAZON	19TF-XQ3W-	201-34-5363	132.42	132.42	IPHONE CASE,EARBUDS,HEADSET,PHONE SCREEN PROTECTOR
09/25	09/25/2025	72772	13266	AMAZON	1JRX-GFQY-	201-34-5941	50.97	50.97	LAPTOP BAG CASE
09/25	09/25/2025	72772	13266	AMAZON	1JRX-GFQY-	204-34-5231	15.67	15.67	MOBIL 122174 GREASE
09/25	09/25/2025	72772	13266	AMAZON	1NDG-L91Y-	201-55-5214	24.99	24.99	CIRC SUPPLY
09/25	09/25/2025	72772	13266	AMAZON	1QTG-CQFP	201-34-5941	50.94	50.94	HAND SOAP,TOILET PAPER,COFFEE
09/25	09/25/2025	72772	13266	AMAZON	1QTG-CQFP	201-34-5363	196.38	196.38	DOCKING STATION, DUAL MONITOR STAND,HDMI CABLE & ADAPTER
09/25	09/25/2025	72772	13266	AMAZON	1RYT-476M-	201-55-5792	17.99	17.99	CIRC DVD
09/25	09/25/2025	72772	13266	AMAZON	1Y3R-MFWX	201-55-5900	12.29	12.29	CIRC BOOK
09/25	09/25/2025	72772	13266	AMAZON	1Y3R-MFWX	201-55-5792	59.79	59.79	CIRC DVD
Total 72772:								567.43	
72773									
09/25	09/25/2025	72773	13942	AWP INC	500892311	203-34-5240	653.66	653.66	STREET SIGNS FOR 9/8/25
Total 72773:								653.66	
72774									
09/25	09/25/2025	72774	14369	BAILEY MAE BAUMGAERTNER	09192025	201-55-5337	500.00	500.00	LITERACY PROGRAM
Total 72774:								500.00	
72775									
09/25	09/25/2025	72775	13434	BUSINESS CARD FACTORY OF	67980	201-16-5214	60.02	60.02	BUSINESS CARDS A.D
09/25	09/25/2025	72775	13434	BUSINESS CARD FACTORY OF	68004	201-13-5496	150.00	150.00	YARD SIGNS-TOWN HALL
Total 72775:								210.02	

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
72776									
09/25	09/25/2025	72776	14048	C & W TRUCK AND TRAILER PA	01NV071718	201-34-5233	55.86	55.86	BTT261 OEM,CLR/MKR LAMP,GROMMET 2-5/16 HOLE RUBBER
09/25	09/25/2025	72776	14048	C & W TRUCK AND TRAILER PA	01NV071786	201-34-5233	40.18	40.18	BTT261 EXPANSION VALVE
09/25	09/25/2025	72776	14048	C & W TRUCK AND TRAILER PA	01NV071861	201-34-5233	79.77	79.77	BTT261 MOUNTED TRINARY PRESSURE SWITCH
09/25	09/25/2025	72776	14048	C & W TRUCK AND TRAILER PA	01NV071930	201-34-5233	853.41	853.41	BTT261 WINDOW REGULATOR
09/25	09/25/2025	72776	14048	C & W TRUCK AND TRAILER PA	01NV072012	201-34-5233	62.32	62.32	GROMMET 2-25/32 HOLE RUBBER,CLR/MKR LAMP
Total 72776:								1,091.54	
72777									
09/25	09/25/2025	72777	13681	CINTAS	5287775903	205-34-5941	110.95	110.95	SAFETY KIT CHECK AND REFILL
09/25	09/25/2025	72777	13681	CINTAS	5287775904	205-34-5941	126.73	126.73	First aid restock -
09/25	09/25/2025	72777	13681	CINTAS	5287775908	203-34-5941	124.80	124.80	SAFETY KIT CHECK AND REFILL
09/25	09/25/2025	72777	13681	CINTAS	5287775912	204-34-5941	129.97	129.97	SAFETY KIT CHECK AND REFILL
09/25	09/25/2025	72777	13681	CINTAS	5292676706	203-34-5941	117.73	117.73	SAFETY KIT CHECK AND REFILL
09/25	09/25/2025	72777	13681	CINTAS	8047780442	210-34-5941	112.18	112.18	SAFETY KIT CHECK AND REFILL
09/25	09/25/2025	72777	13681	CINTAS	93227833119	203-34-5941	135.00	135.00	ZOLL 3 AED
Total 72777:								857.36	
72778									
09/25	09/25/2025	72778	14040	CIRSA	INV1002593	201-14-5510	55,147.79	55,147.79	4TH INSTALLMENT OF 2025 INSURANCE
Total 72778:								55,147.79	
72779									
09/25	09/25/2025	72779	13448	COLORADO ANALYTICAL LABO	250818027	205-34-5554	27.00	27.00	E-COLI
09/25	09/25/2025	72779	13448	COLORADO ANALYTICAL LABO	250818036	205-34-5554	302.00	302.00	AMMONIA NITROGEN,BOD-5,NITRATE NITROGEN,TSS
09/25	09/25/2025	72779	13448	COLORADO ANALYTICAL LABO	250902047	205-34-5554	339.00	339.00	TOTAL NITROGEN, TOTAL PHOSPHROUS, T.I.N R85
09/25	09/25/2025	72779	13448	COLORADO ANALYTICAL LABO	250903158	205-34-5554	428.00	428.00	ALKALINITY B-C,BROMATE,DOC,TOC
09/25	09/25/2025	72779	13448	COLORADO ANALYTICAL LABO	250908036	205-34-5554	27.00	27.00	E-COLI
09/25	09/25/2025	72779	13448	COLORADO ANALYTICAL LABO	250908038	205-34-5554	302.00	302.00	AMMONIA NITROGEN,BOD-5,TOTAL PHOSPHORUS
Total 72779:								1,425.00	
72780									
09/25	09/25/2025	72780	12626	COLORADO LIBRARY CONSOR	206417	201-55-5902	1,927.36	1,927.36	COURIER SERVICE OCT 1 2025-SEPT 30 2026

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72780:								1,927.36	
72781									
09/25	09/25/2025	72781	14173	CORE & MAIN LP	INV0020962	204-34-5455	37.68	37.68	BUFFER SOLUTION PH 4 RED,PH 7 YELLOW, PH 10 BLUE
09/25	09/25/2025	72781	14173	CORE & MAIN LP	INV0021191	204-34-5455	110.25	110.25	BUFFER SOLUTION PH 4 RED,PH 7 YELLOW, PH 10 BLUE
09/25	09/25/2025	72781	14173	CORE & MAIN LP	X318135	204-34-5434	371.20	371.20	C&D LINE REPAIR-6 STAR 1106C PVC,8 STAR 1106C PVC
Total 72781:								519.13	
72782									
09/25	09/25/2025	72782	11213	DELL	1083622776	201-34-5363	1,326.01	1,326.01	Dell PRO 16 PLUS BTX BASE
Total 72782:								1,326.01	
72783									
09/25	09/25/2025	72783	14218	DERO	INV-0007757	210-34-5942	4,948.00	4,948.00	FIXIT PLUS 1 Bike Hanging Hook, Powder Coated, Gloss Black
09/25	09/25/2025	72783	14218	DERO	INV-0007757	210-34-5942	3,340.00	3,340.00	AIR KIT PRIME Fixit Mount, Rev. A, Powder Coated, Gloss Black
09/25	09/25/2025	72783	14218	DERO	INV-0007757	210-34-5942	521.75	521.75	QTE-00150707-5 Freight
09/25	09/25/2025	72783	14218	DERO	INV-0007757	210-34-5942	1,243.20-	1,243.20-	QTE-00150707-5 Other Charges
Total 72783:								7,566.55	
72784									
09/25	09/25/2025	72784	13702	GENERAL AIR SERVICE AND S	6660576-1	204-34-5221	424.49	424.49	ORCA LIQUID NITROGEN
09/25	09/25/2025	72784	13702	GENERAL AIR SERVICE AND S	6669307-1	204-34-5221	1,887.21	1,887.21	OXYGEN LIQUID TRANSPORT BULK
Total 72784:								2,311.70	
72785									
09/25	09/25/2025	72785	14240	GUIRY'S INC	19082/14	203-34-5240	726.71	726.71	RAGS,SAS THICKSTER, WHITE & YELLOW ACR TRF
09/25	09/25/2025	72785	14240	GUIRY'S INC	19099/14	203-34-5240	692.79	692.79	3M SCOTCH BRITE,ALLWAY BRASS BRUSH,GRACO EZ OUT MAINFLD MSH
09/25	09/25/2025	72785	14240	GUIRY'S INC	19120/14	203-34-5240	1,659.43	1,659.43	YELLOW, WHITE ACR TRF FD
09/25	09/25/2025	72785	14240	GUIRY'S INC	19170/14	203-34-5240	1,376.94	1,376.94	YELLOW FED ACR, GRACO RAC 5 TIP GUARD
Total 72785:								4,455.87	
72786									
09/25	09/25/2025	72786	260	INGRAM LIBRARY SERVICES	AUGUST 202	201-55-5900	1,196.31	1,196.31	LIBRARY BOOKS

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72786:								1,196.31	
72787									
09/25	09/25/2025	72787	13847	LEWAN TECHNOLOGY	XIN119388	201-17-5579	4,400.00	4,400.00	SVC-MNGD IT SRVCS/SVC-CONTRACT MANAGED IT
Total 72787:								4,400.00	
72788									
09/25	09/25/2025	72788	14075	LOVELAND STEAM LAUNDRY	0073966	201-34-5372	46.45	46.45	LAUNDRY SERVICE
Total 72788:								46.45	
72789									
09/25	09/25/2025	72789	13760	McDonald Farms Enterprises	0154276-IN	205-34-5440	734.00	734.00	ROLLOFF DEMO 30 CU YD AND FUEL ROLL OFF (FUEL SURCHARGE)
09/25	09/25/2025	72789	13760	McDonald Farms Enterprises	0156082-IN	205-34-5440	737.00	737.00	ROLLOFF DEMO 30 CU YD AND FUEL ROLL OFF (FUEL SURCHARGE)
Total 72789:								1,471.00	
72790									
09/25	09/25/2025	72790	12448	NALCO COMPANY	6603567715	204-34-5221	13,766.11	13,766.11	Nalcolyte #8100 AND IBC-1 WAY TOTE
Total 72790:								13,766.11	
72791									
09/25	09/25/2025	72791	13528	NORTHERN COLORADO SPOR	12793	210-51-5166	385.00	385.00	FLAG FOOTBALL,SOCCER
09/25	09/25/2025	72791	13528	NORTHERN COLORADO SPOR	89809	210-51-5165	625.00	625.00	SCHEDULING/ADMINISTRATION OCTOBER 2025
Total 72791:								1,010.00	
72792									
09/25	09/25/2025	72792	428	PITNEY BOWES BANK INC PUR	SEPTEMBE	201-14-5311	541.99	541.99	POSTAGE AND ACTIVITY FEE
Total 72792:								541.99	
72793									
09/25	09/25/2025	72793	13122	SEACREST GROUP	525385.A	205-34-5554	510.00	510.00	24 METAL ICP MS SCAN-RECOVERABLE,DISSOLVED

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 72793:								510.00	
72794									
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	1858.02 SEP	201-11-5952	300.00	300.00	HUG
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	3073.03	201-11-5952	300.00	300.00	HUG
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	3178.04 SEP	201-11-5952	300.00	300.00	HUG
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	3785.03	201-11-5952	300.00	300.00	HUG
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	4156.02	201-11-5952	300.00	300.00	HUG
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	4297.04 SEP	201-11-5952	300.00	300.00	HUG
09/25	09/25/2025	72794	571	TOWN OF WELLINGTON	4603.01	201-11-5952	300.00	300.00	HUG
Total 72794:								2,100.00	
72795									
09/25	09/25/2025	72795	14119	Williams Scotsman, INC	9024419620	204-34-5433	1,684.07	1,684.07	Mobile office
Total 72795:								1,684.07	
5005522									
09/25	09/02/2025	5005522	12840	RISE BROADBAND	SEPTEMBE	204-34-5384	139.28	139.28	10691 CR 11 WTP
09/25	09/02/2025	5005522	12840	RISE BROADBAND	SEPTEMBE	205-34-5384	144.28	144.28	6190 NE FRONTAGE RD
Total 5005522:								283.56	
5005531									
09/25	09/08/2025	5005531	439	XCEL ENERGY	940668450	201-49-5341	1,963.59	1,963.59	UTILITIES MAIN ACCOUNT
09/25	09/08/2025	5005531	439	XCEL ENERGY	940668450	204-34-5341	1,439.34	1,439.34	UTILITIES MAIN ACCOUNT
09/25	09/08/2025	5005531	439	XCEL ENERGY	940668450	210-34-5341	367.29	367.29	UTILITIES MAIN ACCOUNT
09/25	09/08/2025	5005531	439	XCEL ENERGY	940668450	205-34-5341	3,483.38	3,483.38	UTILITIES MAIN ACCOUNT
09/25	09/08/2025	5005531	439	XCEL ENERGY	940668450	203-34-5341	145.43	145.43	UTILITIES MAIN ACCOUNT
Total 5005531:								7,399.03	
5005537									
09/25	09/03/2025	5005537	439	XCEL ENERGY	940111599	204-34-5341	1,086.52	1,086.52	8890 BUFFALO CREEK WELLHOUSE
09/25	09/03/2025	5005537	439	XCEL ENERGY	940140740	203-34-5341	71.57	71.57	6744 E FRONTAGE ROAD
09/25	09/03/2025	5005537	439	XCEL ENERGY	940183062	205-34-5341	6,790.40	6,790.40	6172 NE FRONTAGE ROAD UNIT F

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 5005537:								7,948.49	
5005538									
09/25	09/09/2025	5005538	13592	ALLSTATE	SEPTEMBE	201-00-2520	244.74	244.74	SEPTEMBER PREIUMS
Total 5005538:								244.74	
5005539									
09/25	09/02/2025	5005539	12896	FIRST NATIONAL BANK - WCP L	09012025	210-90-5630	22,277.14	22,277.14	PARK LOAn PRINCIPAL
09/25	09/02/2025	5005539	12896	FIRST NATIONAL BANK - WCP L	09012025	210-90-5632	177.85	177.85	Park Loan Interest
Total 5005539:								22,454.99	
5005540									
09/25	09/17/2025	5005540	439	XCEL ENERGY	941916536	210-34-5341	13.35	13.35	3705 RONALD REAGAN AVE UNIT SPRINKLER
09/25	09/17/2025	5005540	439	XCEL ENERGY	941986986	201-49-5341	52.03	52.03	3804 CLEVELAND AVENUE
09/25	09/17/2025	5005540	439	XCEL ENERGY	942113019	204-34-5341	2,298.25	2,298.25	4000 WILSON AVE - PUMP HOUSE
Total 5005540:								2,363.63	
5005541									
09/25	09/03/2025	5005541	14077	AMILIA TECHNOLOGIES USA IN	1582272	210-51-5168	827.32	827.32	MONTHLY SOFTWARE AND PAYMENT PROCESSING
Total 5005541:								827.32	
5005542									
09/25	09/03/2025	5005542	14335	MISSION SQUARE	08292025	201-00-2504	19,641.71	19,641.71	MISSION PAYMENT
09/25	09/03/2025	5005542	14335	MISSION SQUARE	08292025	201-00-2505	421.08	421.08	MISSION PAYMENT
Total 5005542:								20,062.79	
5005543									
09/25	09/03/2025	5005543	14343	SPACE EXPLORATION TECHNO	INV-USA-518	205-34-5384	65.00	65.00	DATA BLOCK,TERMINAL ACCESS
Total 5005543:								65.00	
5005544									
09/25	09/09/2025	5005544	13769	Jive Communications Inc	IN710420429	201-17-5345	762.20	762.20	Town Phone Bill

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 5005544:								762.20	
5005545									
09/25	09/09/2025	5005545	13867	PINNACOL ASSURANCE	22149392	201-00-2516	7,636.00	7,636.00	SEPTEMBER 2025
Total 5005545:								7,636.00	
5005546									
09/25	09/09/2025	5005546	14331	XPRESS SOLUTIONS INC	INV-XPR027	204-34-5339	1,698.58	1,698.58	MONTHLY BILLING - CREDIT CARD PROCESSING
09/25	09/09/2025	5005546	14331	XPRESS SOLUTIONS INC	INV-XPR027	205-34-5339	1,198.99	1,198.99	MONTHLY BILLING - CREDIT CARD PROCESSING
09/25	09/09/2025	5005546	14331	XPRESS SOLUTIONS INC	INV-XPR027	207-34-5339	432.97	432.97	MONTHLY BILLING - CREDIT CARD PROCESSING
Total 5005546:								3,330.54	
5005547									
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	201-49-5344	25.58	25.58	3804 Cleveland Ave
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	201-49-5344	13.76	13.76	3749 HARRISON AVE
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	210-34-5344	25.58	25.58	8700 3RD
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	205-34-5344	393.40	393.40	6190 NE Frontage Rd
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	201-49-5344	60.65	60.65	3800 WILSON
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	203-34-5344	138.18	138.18	4021 Grant Ave.
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	201-49-5344	41.08	41.08	3815 HARRISON AVE
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	201-49-5344	25.58	25.58	3735 CLEVELAND AVE.
09/25	09/24/2025	5005547	1	Black Hills Energy	AUGUST 202	210-34-5344	25.58	25.58	4006 Hayes Ave
Total 5005547:								749.39	
5005548									
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	210-34-5341	24.70	24.70	Wellington Jr. High
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	203-34-5341	312.01	312.01	Wellington HIGH SCHOOL
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	204-34-5341	1,534.17	1,534.17	10691 N CO RD 11
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	204-34-5341	332.91	332.91	7250 Kit Fox Dr. Viewpointe
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	203-34-5341	47.01	47.01	CLEVELAND AVE
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	203-34-5341	688.18	688.18	Sage Meadows Street Lights
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	207-34-5341	46.65	46.65	3500 GW Bush Ave
09/25	09/10/2025	5005548	433	POUDRE VALLEY REA	AUGUST 202	204-34-5341	6,386.96	6,386.96	10697 N CR11

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
Total 5005548:								9,372.59	
5005549									
09/25	09/22/2025	5005549	439	XCEL ENERGY	942654149	203-34-5341	1,332.16	1,332.16	8130 3RD ST - STREET LIGHTS
Total 5005549:								1,332.16	
5005550									
09/25	09/29/2025	5005550	439	XCEL ENERGY	942604469	203-34-5341	13,139.67	13,139.67	STREET LIGHTS
Total 5005550:								13,139.67	
5005551									
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5380	542.39	542.39	AIR BNB FOR CPRA CONFERENCE IN OCTOBER
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5162	25.00	25.00	SP SAWDUST AND MOORE, TROPHY ENGRAVING FOR ADULT SOFTBALL CHAM
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5380	410.00	410.00	INDIANA UNIVERSITY: EPPLEY CENTER FOR PARKS AND PUBLIC LANDS-FUND
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5380	350.00	350.00	COLORADO PARKS AND RECREATION ASSOCIATION: PRO ACADEMY
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5579	69.99	69.99	APPLE.COM - NORTON ANTIVIRUS RENEWAL
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5233	78.75	78.75	DAN SMALL ENGINE PR-03 BRAKE PARTS
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-55-5214	40.81	40.81	EON OFFICE - BOOK TAPE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5380	469.00	469.00	NRPA - NATIONAL PARKS AND RECREATION ASSOCIATION ANNUAL CONFERE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5380	310.88	310.88	NOCO FOUNDATIONS - WLL REGISTRATION RECEIPT
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-15-5214	6.99	6.99	LOAF N JUG 0846 WATER FOR BOARD MEETING
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-17-5579	2.99	2.99	APPLE- EUFY SECUIRTY CLOUD
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5233	7.76	7.76	BOMGAARS-PART
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-13-5335	13.00	13.00	BIZWEST-MONTHLY SUBSCRIPTION
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5455	26.20	26.20	CORE & MAIN - STIR BARS X 4 FOR LAB TESTS
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5433	5.99	5.99	UPS - RETURNED ORP PROBE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5334	11.98	11.98	BOMGAARS - BUCKETS FOR MTE TESTING
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	131.76	131.76	HOME DEPOT: SPRINKLERS FOR WATERING NEW GRASS SEED AROUND THE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5941	148.50	148.50	GRAINGER: TWO CASES OF PAPER TOWEL ROLLS FOR DISPENSERS IN WRF A
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5433	9.92	9.92	HOME DEPOT - VALVE FOR SINK IN LAB, SAMPLE LINE UPGRADE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5579	.99	.99	APPLE.COM - STORAGE FEE FOR COMCAST CONSTRUCTION PHOTOS
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-55-5380	35.59	35.59	CAL CONFERENCE RESORT FEE - BEAVER RUN RESORT AND CONFERENCE C
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	717.18	717.18	GRAINGER: GARDEN HOSES FOR WATERING NEW GRASS SEED.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5433	45.19	45.19	KELLY SUPPLY - SAMPLE LINE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5380	95.00	95.00	COLORADO PARKS AND RECREATION ASSOCIATION, ADA TRAINING
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5422	24.99	24.99	BOMGAARS: DRAIN SPADE SHOVEL FOR DIGGING AROUND VALVE BOXES.

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	4.56	4.56	BOMGAARS. SS SCREWS TO REPAIR BROKEN SCREW IN MLR PUMP #1 ELECT
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5941	16.70	16.70	DOLLAR GENERAL - WATER & SNACKS FOR UTILITY ROUND TABLE MEETING
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5241	22.97	22.97	BOMGAARS: WEED & FEED FERTILIZER AND ENGINE DEGREASER FOR SHOP S
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-16-5214	19.80	19.80	CUBICLE KEYS - REPLACEMENT DESK KEY SET
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-16-5582	107.33	107.33	RIDLEYS - WELLNESS COMMITTEE DIP DAY SUPPLIES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5233	131.94	131.94	HOME DEPOT-REPAIR ITEM
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5433	13.12	13.12	KELLY SUPPLY - BALL VALVE FOR SAMPLE LINE UPGRADE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5433	180.62	180.62	GRAINGER - ELECTRICAL CORD FOR NEW SAMPLE LINE PUMP.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5233	187.19	187.19	DANS SMALL ENGINE ST-02 BRAKES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5233	492.30	492.30	DANS SMALL ENGINE PR-03 BELTS
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	38.30	38.30	GRAINGER. GFI OUTLET TO REPLACE FAILED GFI ON BUILDING.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	85.54	85.54	CPS DISTRIBUTORS. VALVE BOX, EXTENSION AND LID TO ADD WATER STRAIN
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-16-5380	325.00	325.00	INTERNATIONAL COACHING FEDERATION - ACCREDITATION EXAM FEE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5380	383.32	383.32	LODGING FOR ROCKY MOUNTAIN WATER CONFERENCE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5380	637.02	637.02	KEYSTONE - HOTEL ROOM, WATER CONFERENCE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5433	57.52	57.52	KELLY SUPPLY - PIPE CLAMP FOR SAMPLE LINE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5380	574.98	574.98	KEYSTONE LODGE - LODGING FOR JESSE TO STAY AT THE ROCKY MOUNTAIN
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5380	713.46	713.46	KEYSTONE RESORT- LODGING FOR MF WHILE ATTENDING THE 2025 ROCKY M
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5942	150.82	150.82	HOME DEPOT - CONCRETE POST SUPPLIES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5241	14.99	14.99	JAX FARM AND RANCH- POLY CUT WEED EATER BLADES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5231	21.99	21.99	BOMGAARS- 2 CYCLE FUEL
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-14-5380	350.00	350.00	CGFOA ANNUAL CONFERENCE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	14.26	14.26	GRAINGER. COUPLING NUT TO MOUND PUMP CORD GUIDES ON AERATION BA
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	45.72	45.72	GRAINGER. SS EYEBOLT TO GUIDE AERATION BASIN PUMP CORDS AND KEEP
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	121.88	121.88	GRAINGER. CABLE SUPPORT GRIP TO KEEP CABLES FROM BECOMING ENTAN
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-15-5214	163.53	163.53	ETSY.COM BKGIFT BROOKLYN NY - BOARD ROOM LOGO
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-15-5214	10.25-	10.25-	ETSY.COM BK GIFT BROOKLYN NY FOR BOARD ROOM LOGO- SALES TAX REFU
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5241	15.99	15.99	BOMGAARS - HOSE ADAPTER
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-13-5380	186.54	186.54	SOL DE JALISCO - LUNCH W WEBB, TEAM, BOT & STAFF
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-17-5579	27.25	27.25	THINKSCAPE LIMITED - ZEE DRIVE LICENSES FOR IT AND ENGINEERING TEA
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-49-5367	163.80	163.80	WM LARIMER COUNTY MRF - JUNK REMOVAL FOR BOARD ROOM IMPROVEMEN
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	122.35-	122.35-	GRAINGERS. RETURNED AIR LINE TUBING AND REORDERED APPROPRIATE C
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-55-5579	23.10	23.10	FARONICS - DEEP FREEZE - COMPUTER SECURITY SOFTWARE RENEWAL
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-55-5579	92.40	92.40	FARONICS - DEEP FREEZE - COMPUTER SECURITY SOFTWARE RENEWAL
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5380	37.85-	37.85-	COURTYARD BY MARRIOTT - DIRECTORS SECTION CONFERENCE HOTEL - TAX
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5579	53.83	53.83	SUMMIT CONTROL - GATE OPERATOR. STILL HAS THAT INCORRECT LINE ON
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-17-5345	10.00	10.00	T-MOBILE PREPAID - SIM CARD FOR SPLASHPAD CONTROLLER (VORTEX MAE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5455	609.78	609.78	CORE & MAIN - TNT'S FOR LAB TEST, KIMWIPES AND FILTERS FOR LAB
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	51.15	51.15	GRAINGERS. YELLOW FLOOR TAPE TO MARK OUT REQUIRED CLEARANCES C

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5380	2,400.00	2,400.00	CVENT - SNOW & ICE APWA CONFERENCE REGISTRATON
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-49-5367	327.14	327.14	HOME DEPOT - BOARD ROOM SUPPLIES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-14-5380	65.00	65.00	T-BAR: FINANCE DEPARTMENT PROFESSIONAL DEVELOPMENT TEAMBUILDING
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5334	6.85	6.85	USPS - MAILED FLUORIDE SAMPLES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-49-5367	836.43	836.43	HOME DEPOT - BOARD ROOM PAINT SUPPLIES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	315.90	315.90	USABLUBOOK - LONGOPAC BAGS FOR ENDLESS BAGGER SYSTEM IN HEADW
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5422	100.23	100.23	UPS STORE - PACKAGING & SHIPPING COST FOR FLOW TESTING EQUIPMENT
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5434	24.66	24.66	BOMGAARS - HOSE CLAMPS TO FIX THE FILL HOSE ON THE VACTOR TRUCK.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5241	106.93	106.93	POUDRE VALLEY COOP- WEED KILLER
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5380	104.00	104.00	PSI: TESTING CENTER TEST FEE FOR RT TO SIT FOR HIS WASTEWATER B EXA
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	23.78	23.78	GRAINGER. PARTS TO COMPLETE CHEMICAL CATCH CANS.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-17-5579	2.99	2.99	APPLE- EUFY SECURITY CLOUD SUBSCRIPTION
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-17-5579	.33	.33	AMAZON WEB SERVICES (AWS) - SECRETS MANAGER USAGE FOR STORING A
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5455	4.50	4.50	DOLLAR GENERAL - HAND SOAP
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-51-5380	355.84	355.84	COURTYARD BY MARIOTT - DIRECTORS SECTION CONFERENCE HOTEL
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-16-5949	468.05	468.05	INDEED- 2 SPONSORED RECRUITMENTS
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-18-5335	35.25-	35.25-	INTERNATIONAL CODE COUNCIL INC-TAX REFUND
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	74.09	74.09	BT FILTER PRODUCTS. ALUMINUN MESH FILTERS FOR NEW VEOLIA UV SYSTE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5434	33.97	33.97	BOMGAARS - HOSE CLAMPS TO REPAIR THE BULK WATER STATION HOSE AND
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5434	36.25-	36.25-	BOMGAARS - RETURN RECEIPT BECAUSE THEY CHARGED ME TAX.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5434	36.25	36.25	BOOMGAARS - HOSE CLAMPS TO REPAIR THE BULK STATION HOSE AND A TA
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5380	625.00	625.00	RMWEA - ROCKY MOUNTAIN WATER CONFERENCE FEE FOR MF TO ATTEND
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-49-5367	135.12	135.12	HOME DEPOT - BOARD ROOM PAINT SUPPLIES
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5334	144.33	144.33	FEDEX SHIPPING FOR GEOSMIN TESTING
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5380	382.96	382.96	UNITED AIRLINES - FLIGHTS TO NATIONAL PARKS AND RECREATION ASSOCIA
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5335	15.00	15.00	CANVA - SOFTWARE FOR EVENTS
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-16-5582	220.00	220.00	MASSAGE BY MICAELA - WELLNESS COMMITTEE CHAIR MASSAGE EVENT ALL
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	58.82	58.82	DIGILUBE SYSTEMS. BATTERY PACK FOR DIGI LUBER ON THE GRIT WASHER
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	3.60	3.60	BOMGAARS. RUBBER STOPPERS FOR CATCH CANS.
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-49-5367	31.00	31.00	THE HOME DEPOT- SAMPLE PAINT FOR BOARDROOM
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5380	644.61	644.61	AIRBNB FOR NATIONAL PARKS AND RECREATIONS ASSOCIATION CONFERENCE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-55-5337	166.25	166.25	SUMMER READING PROGRAM EVENT/PIZZA PALACE 1/2 SHARE
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-13-5380	500.00	500.00	SCHOOL OF PUBLIC AFFAIRS_CPM_2 OF 3
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-18-5233	18.95	18.95	VERIZON CONNECT - SPLIT - FLEET MONITORING CODE ENFORCEMENT (2.86%
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5233	184.86	184.86	VERIZON CONNECT - SPLIT - FLEET MONITORING STREETS (27.87%)
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5233	128.86	128.86	VERIZON CONNECT - SPLIT - FLEET MONITORING WATER (19.43%)
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5233	128.86	128.86	VERIZON CONNECT - SPLIT - FLEET MONITORING WRF (19.43%)
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	210-34-5233	201.72	201.72	VERIZON CONNECT - SPLIT - FLEET MONITORING PARKS & REC (30.41%)
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	204-34-5334	15.00	15.00	DOLLAR GENERAL - ICE PACKS FOR SAMPLE COOLERS

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	201-34-5335	886.00	886.00	AWWA UTILITY MEMBERSHIP
09/25	09/23/2025	5005551	13269	FIRST NATIONAL BANK OMAHA	20250923	205-34-5433	74.48	74.48	BOMGAARS. SHOP TOWELS, BRAKE CLEANER, WD-40 , FASTENERS, AND PLA
Total 5005551:								19,299.96	
5005552									
09/25	09/12/2025	5005552	14038	COLORADO EDUCATIONAL BE	INV 0078031	201-00-2508	77,763.00	77,763.00	HEALTH INSURANCE
09/25	09/12/2025	5005552	14038	COLORADO EDUCATIONAL BE	INV 0078031	201-00-2518	3,761.00	3,761.00	DENTAL INSURANCE
09/25	09/12/2025	5005552	14038	COLORADO EDUCATIONAL BE	INV 0078031	201-00-2519	514.00	514.00	VISION INSURANCE
09/25	09/12/2025	5005552	14038	COLORADO EDUCATIONAL BE	INV 0078031	201-00-2521	394.80	394.80	LIFE INSURANCE
09/25	09/12/2025	5005552	14038	COLORADO EDUCATIONAL BE	INV 0078031	201-00-2520	560.93	560.93	SUPP LIFE INSURANCE
09/25	09/12/2025	5005552	14038	COLORADO EDUCATIONAL BE	INV 0078031	201-34-5102	983.54	983.54	MISCELLANEOUS
Total 5005552:								83,977.27	
5005553									
09/25	09/26/2025	5005553	13320	VERIZON WIRELESS	6122908156	201-17-5345	2,543.72	2,543.72	TOWN CELL PHONES
Total 5005553:								2,543.72	
5005554									
09/25	09/29/2025	5005554	439	XCEL ENERGY	943933699	210-51-5185	1,683.09	1,683.09	BATTING CAGES
Total 5005554:								1,683.09	
5005555									
09/25	09/16/2025	5005555	14335	MISSION SQUARE	09122025	201-00-2505	421.08	421.08	MISSION PAYMENT
09/25	09/16/2025	5005555	14335	MISSION SQUARE	09122025	201-00-2504	19,434.13	19,434.13	MISSION PAYMENT
Total 5005555:								19,855.21	
5005556									
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	201-18-5231	59.99	59.99	FUEL
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	210-34-5231	1,498.65	1,498.65	FUEL
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	207-34-5231	563.52	563.52	FUEL
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	204-34-5231	227.00	227.00	FUEL
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	205-34-5231	149.48	149.48	FUEL
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	201-34-5231	1,630.55	1,630.55	FUEL
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	201-13-5933	221.94	221.94	FUEL

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/17/2025	5005556	13491	WEX BANK	107051192	201-34-5231	68.01-	68.01-	DISCOUNT
Total 5005556:								4,283.12	
5005557									
09/25	09/30/2025	5005557	12840	RISE BROADBAND	OCTOBER 2	204-34-5384	139.28	139.28	10691 CR 11 WTP
09/25	09/30/2025	5005557	12840	RISE BROADBAND	OCTOBER 2	205-34-5384	144.28	144.28	6190 NE FRONTAGE RD
Total 5005557:								283.56	
5005558									
09/25	09/27/2025	5005558	439	XCEL ENERGY	944266957	203-34-5341	74.07	74.07	6744 E FRONTAGE ROAD
Total 5005558:								74.07	
5005559									
09/25	09/28/2025	5005559	439	XCEL ENERGY	944332324	205-34-5341	2,346.06	2,346.06	6172 NE FRONTAGE ROAD UNIT H
Total 5005559:								2,346.06	
5005560									
09/25	09/30/2025	5005560	439	XCEL ENERGY	944264975	204-34-5341	1,054.55	1,054.55	8890 BUFFALO CREEK WELLHOUSE
Total 5005560:								1,054.55	
5005565									
09/25	09/30/2025	5005565	14335	MISSION SQUARE	09292025	201-00-2504	19,745.40	19,745.40	MISSION PAYMENT
09/25	09/30/2025	5005565	14335	MISSION SQUARE	09292025	201-00-2505	421.08	421.08	MISSION PAYMENT
Total 5005565:								20,166.48	
5005567									
09/25	09/30/2025	5005567	13956	COLORADO WATER RESOURC	OCTOBER 2	205-90-5622	21,220.87	21,220.87	LOAN W22F467
09/25	09/30/2025	5005567	13956	COLORADO WATER RESOURC	OCTOBER 2	205-90-5621	41,751.49	41,751.49	LOAN W22F467
Total 5005567:								62,972.36	
5005576									
09/25	09/03/2025	5005576	14046	STANDARD INSURANCE COMP	SEPTEMBE	201-00-2523	1,295.90	1,295.90	LONG TERM DISABILITY

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount	
09/25	09/03/2025	5005576	14046	STANDARD INSURANCE COMP	SEPTEMBE	201-00-2517	261.90	261.90	SHORT TERM DISABILITY
Total 5005576:								1,557.80	
Grand Totals:								817,943.33	

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
201-00-2000	1,105.19	318,475.78-	317,370.59-
201-00-2210	8,714.51	.00	8,714.51
201-00-2504	58,821.24	.00	58,821.24
201-00-2505	1,263.24	.00	1,263.24
201-00-2508	77,763.00	.00	77,763.00
201-00-2516	7,636.00	.00	7,636.00
201-00-2517	261.90	.00	261.90
201-00-2518	3,761.00	.00	3,761.00
201-00-2519	514.00	.00	514.00
201-00-2520	805.67	.00	805.67
201-00-2521	394.80	.00	394.80
201-00-2523	1,295.90	.00	1,295.90
201-02-3425	11,840.00	.00	11,840.00
201-02-3430	.00	290.48-	290.48-
201-02-3435	.00	592.00-	592.00-
201-11-5352	3,366.50	.00	3,366.50
201-11-5951	7,500.00	.00	7,500.00
201-11-5952	2,700.00	.00	2,700.00
201-12-5109	750.00	.00	750.00
201-12-5359	221.00	.00	221.00
201-12-5380	175.00	.00	175.00
201-13-5335	13.00	.00	13.00
201-13-5352	2,329.00	.00	2,329.00
201-13-5363	22.90	.00	22.90
201-13-5380	686.54	.00	686.54
201-13-5496	150.00	.00	150.00
201-13-5933	221.94	.00	221.94

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
201-14-5311	619.39	.00	619.39
201-14-5356	807.50	.00	807.50
201-14-5380	415.00	.00	415.00
201-14-5510	55,147.79	.00	55,147.79
201-15-5214	189.50	10.25-	179.25
201-16-5214	79.82	.00	79.82
201-16-5380	325.00	.00	325.00
201-16-5580	41.00	.00	41.00
201-16-5582	327.33	.00	327.33
201-16-5583	474.50	.00	474.50
201-16-5949	468.05	.00	468.05
201-17-5214	80.74	.00	80.74
201-17-5345	3,416.13	.00	3,416.13
201-17-5384	2,096.50	.00	2,096.50
201-17-5579	17,394.47	.00	17,394.47
201-17-5947	1,174.34	.00	1,174.34
201-18-5231	59.99	.00	59.99
201-18-5233	18.95	.00	18.95
201-18-5335	.00	35.25-	35.25-
201-18-5350	16,024.71	.00	16,024.71
201-18-5355	1,265.00	.00	1,265.00
201-18-5356	85.00	.00	85.00
201-18-5374	2,947.33	.00	2,947.33
201-34-5102	983.54	.00	983.54
201-34-5231	1,630.55	68.01-	1,562.54
201-34-5233	2,449.75	109.20-	2,340.55
201-34-5335	901.00	.00	901.00
201-34-5363	1,654.81	.00	1,654.81
201-34-5372	545.49	.00	545.49
201-34-5380	2,783.32	.00	2,783.32
201-34-5422	100.23	.00	100.23
201-34-5579	70.98	.00	70.98
201-34-5941	439.25	.00	439.25
201-49-5341	2,015.62	.00	2,015.62
201-49-5342	499.38	.00	499.38
201-49-5343	284.11	.00	284.11
201-49-5344	166.65	.00	166.65
201-49-5346	193.99	.00	193.99
201-49-5367	1,493.49	.00	1,493.49
201-49-5369	1,474.70	.00	1,474.70

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
201-49-5370	225.76	.00	225.76
201-49-5375	60.66	.00	60.66
201-49-5398	953.77	.00	953.77
201-55-5214	112.91	.00	112.91
201-55-5321	408.95	.00	408.95
201-55-5337	966.73	.00	966.73
201-55-5380	35.59	.00	35.59
201-55-5579	115.50	.00	115.50
201-55-5792	86.45	.00	86.45
201-55-5900	1,230.06	.00	1,230.06
201-55-5902	1,927.36	.00	1,927.36
203-00-2000	.00	25,687.94-	25,687.94-
203-34-5240	5,109.53	.00	5,109.53
203-34-5341	15,810.10	.00	15,810.10
203-34-5342	91.18	.00	91.18
203-34-5344	138.18	.00	138.18
203-34-5427	2,132.95	.00	2,132.95
203-34-5428	1,855.65	.00	1,855.65
203-34-5533	37.82	.00	37.82
203-34-5941	512.53	.00	512.53
204-00-2000	1,791.25	65,708.37-	63,917.12-
204-34-5221	35,860.45	.00	35,860.45
204-34-5231	242.67	.00	242.67
204-34-5233	716.74	.00	716.74
204-34-5321	2,617.47	.00	2,617.47
204-34-5334	497.24	.00	497.24
204-34-5339	1,698.58	.00	1,698.58
204-34-5341	14,132.70	.00	14,132.70
204-34-5345	81.34	.00	81.34
204-34-5352	3,134.00	.00	3,134.00
204-34-5353	697.50	.00	697.50
204-34-5380	1,212.00	.00	1,212.00
204-34-5384	278.56	.00	278.56
204-34-5433	3,700.43	1,755.00-	1,945.43
204-34-5434	466.08	36.25-	429.83
204-34-5455	188.81	.00	188.81
204-34-5579	53.83	.00	53.83
204-34-5941	129.97	.00	129.97
205-00-2000	122.35	108,319.87-	108,197.52-
205-34-5231	171.47	.00	171.47

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
205-34-5233	1,423.85	.00	1,423.85
205-34-5241	144.89	.00	144.89
205-34-5321	1,847.62	.00	1,847.62
205-34-5339	1,198.99	.00	1,198.99
205-34-5341	12,619.84	.00	12,619.84
205-34-5342	511.18	.00	511.18
205-34-5344	393.40	.00	393.40
205-34-5345	169.98	.00	169.98
205-34-5380	1,442.46	.00	1,442.46
205-34-5384	553.66	.00	553.66
205-34-5422	24.99	.00	24.99
205-34-5433	2,201.46	122.35-	2,079.11
205-34-5440	4,410.00	.00	4,410.00
205-34-5455	635.98	.00	635.98
205-34-5554	5,064.65	.00	5,064.65
205-34-5579	12,295.41	.00	12,295.41
205-34-5941	237.68	.00	237.68
205-90-5621	41,751.49	.00	41,751.49
205-90-5622	21,220.87	.00	21,220.87
207-00-2000	.00	1,710.34-	1,710.34-
207-34-5231	563.52	.00	563.52
207-34-5321	667.20	.00	667.20
207-34-5339	432.97	.00	432.97
207-34-5341	46.65	.00	46.65
210-00-2000	1,358.39	66,476.13-	65,117.74-
210-34-5231	1,498.65	.00	1,498.65
210-34-5233	2,031.40	77.34-	1,954.06
210-34-5239	44.55	.00	44.55
210-34-5241	91.53	.00	91.53
210-34-5254	1,419.81	.00	1,419.81
210-34-5256	264.22	.00	264.22
210-34-5341	1,277.72	.00	1,277.72
210-34-5342	6,135.67	.00	6,135.67
210-34-5343	301.97	.00	301.97
210-34-5344	51.16	.00	51.16
210-34-5346	290.83	.00	290.83
210-34-5365	2,335.00	.00	2,335.00
210-34-5380	1,846.57	.00	1,846.57
210-34-5423	3,100.00	.00	3,100.00
210-34-5941	112.18	.00	112.18

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
210-34-5942	8,960.57	1,243.20-	7,717.37
210-51-5140	947.39	.00	947.39
210-51-5142	474.56	.00	474.56
210-51-5144	91.24	.00	91.24
210-51-5145	2,675.00	.00	2,675.00
210-51-5146	91.24	.00	91.24
210-51-5162	246.37	.00	246.37
210-51-5165	1,250.00	.00	1,250.00
210-51-5166	3,845.00	.00	3,845.00
210-51-5168	827.32	.00	827.32
210-51-5185	1,683.09	.00	1,683.09
210-51-5380	1,714.11	37.85-	1,676.26
210-51-5401	413.99	.00	413.99
210-90-5630	22,277.14	.00	22,277.14
210-90-5632	177.85	.00	177.85
211-00-2000	.00	235,942.08-	235,942.08-
211-80-4007	75,000.00	.00	75,000.00
211-80-4019	18,212.59	.00	18,212.59
211-80-4061	33,188.50	.00	33,188.50
211-80-5022	85,335.38	.00	85,335.38
211-80-5059	22,360.11	.00	22,360.11
211-80-5069	1,845.50	.00	1,845.50
Grand Totals:	826,697.69	826,697.69-	.00

M = Manual Check, V = Void Check

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:
Report type: GL detail
Check.Voided = no

Board of Trustees Meeting

Date: December 9, 2025

Subject: Larimer County Sheriff's Office October 2025 Report

EXECUTIVE SUMMARY

Larimer County Sheriff's Office has submitted a report for October 2025.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Review and retain the report.

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. 10-2025 Wellington Monthly Report - FINAL



John J. Feyen, Sheriff

LARIMER COUNTY SHERIFF'S OFFICE

One Agency

One Mission

Public Safety

November 17, 2025

Town of Wellington
Attn: Patti Garcia, Town Administrator
PO Box 127
Wellington, Colorado 80549

Dear Ms. Garcia:

The Law Enforcement Services Agreement for the Town of Wellington obligates the Larimer County Sheriff's Office to provide monthly reporting.

In meeting the contract, for the month of **October 2025**, the Larimer County Sheriff's Office maintained six deputies, one corporal, and one sergeant providing full-time law enforcement for the Town. In addition, one full-time investigator, one full-time desk deputy, and one full-time School Resource Officer assisted the town with law enforcement activities.

During the month of **October 2025**, non-assigned deputies spent a total of **152.43** hours in Wellington responding to calls, patrolling, and making contacts in the town.

During the month of **October 2025** there were **0.0** hours worked by Northern Colorado Drug Task Force.

Investigations – ongoing and active cases include:

Arson/Criminal Mischief – 1

DHS Referral – 1

Death/Suicide – 2

Fraud/Theft – 2

Assault - 1

Administration
2501 Midpoint Dr.
Fort Collins, CO 80525
970 498-5100

County Jail
2405 Midpoint Dr.
Fort Collins, CO 80525
970 498-5200

Emergency Services
1303 N. Shields St.
Fort Collins, CO 80524
970 498-5300

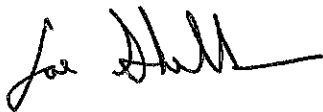
larimer.gov/sheriff

Of Note:

- LCSO barricades, Reserves, and Cadets assisted the Wellington Squad with security during the Trick or Treat Down Main Street event on Halloween, which was a great success. It was a fantastic community service event which went off without a hitch.
- Many thanks to Lieutenant Josiah Thiemann for his support during his coverage of the Wellington Squad. He is being succeeded by Lieutenant Jeff Vanhook, who will be yet another fantastic addition to our team. Lieutenant Vanhook is familiar with the Wellington contract and has been a strong advocate with PSD during our endeavor to acquire a second SRO for our Wellington schools.

Pursuant to the Law Enforcement Agreement between the Town of Wellington and Larimer County, applicable documenting monthly forms are attached.

Thank you,

A handwritten signature in black ink, appearing to read "Joe Shellhammer", with a stylized, cursive script.

Undersheriff Joe Shellhammer

(970) 498-5103

Attachments



LARIMER COUNTY SHERIFF'S OFFICE

Wellington Calls for Service and Patrol Time
(For Non-Wellington Officers)

Dispatch Dates between 10/01/2025 and 10/31/2025

Excluded from this report -

Squads: Civilian, Parks, and Investigations

Units: 9ME, 9S39;9Z52;9E33;9E64;9E91;9E57;9E6;9E65;9E75;9E49*

Call Times by Month

	Call/Contact Time (Minutes/Hours)	Patrol Time (Minutes/Hours)	Totals
2025-10	7,914.55 131.91	1,231.48 20.52	9,146.03 152.43
Totals	7,914.55 131.91	1,231.48 20.52	9,146.03 152.43

Wellington Monthly Report

October 2025

Larimer County Sheriff's Office

Christine Harpel
Administrative Coordinator

11/3/2025

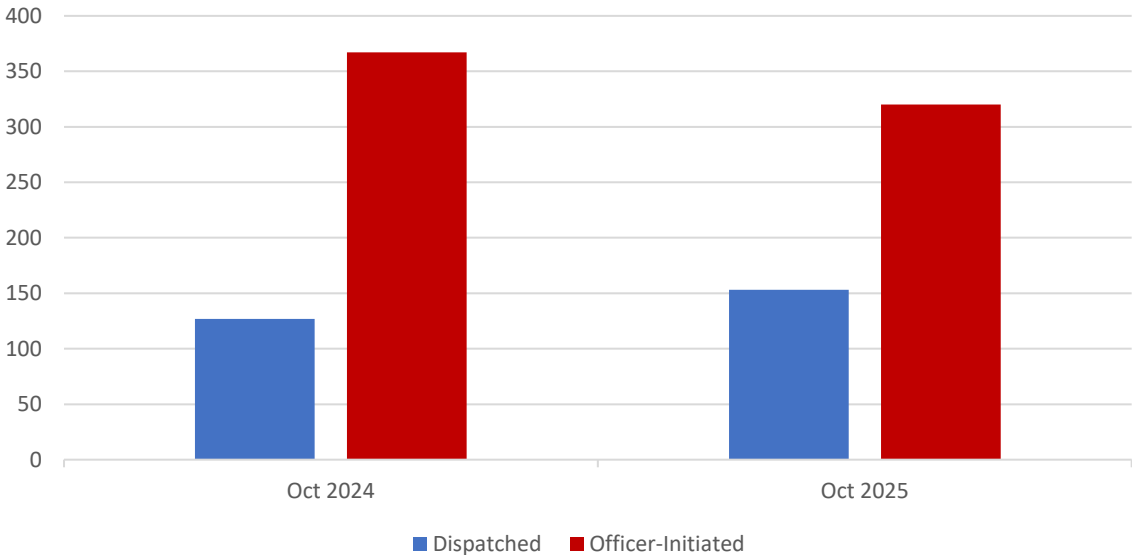
Page 321 of 338

October 2025 Totals

Dispatched / Officer-Initiated Activity

Dispatched Calls	153
Officer Initiated	320
October 2025 Total	473

Dispatched vs Officer-Initiated Activity



- Dispatched calls were Up 26 or 20% from October 2024
- Officer-Initiated Activity was Down 47 or 13% from October 2024

	Oct 2024	Oct 2025
Dispatched Calls	127	153
	26%	32%
Officer Initiated	367	320
	74%	68%
Total	494	473

- 32% were Dispatched Calls
- 68% was Officer-Initiated Activity

October 2025 Calls for Service

Calls for Service Comparison

Call Types A-M

Call Type	2022	2023	2024	Avg 22-24	2025	% Change 3-Yr Avg to 2025
9-1-1 Hangup	2	2	1	1.67	2	20%
Alarm Calls	5	4	5	4.67	9	93%
Animal Calls	8	13	1	7.33	1	-86%
Assault	4	2	5	3.67	1	-73%
Assist Business	4	7	4	5.00	2	-60%
Assist Other Agency (Fire/Med)	11	13	10	11.33	9	-21%
Bar Checks	0	5	0	1.67	0	-100%
Burglary	0	1	0	0.33	1	200%
Child abuse	0	1	0	0.33	0	-100%
Citizen Assist	16	16	17	16.33	14	-14%
Civil	14	16	12	14.00	22	57%
Criminal Mischief	2	3	2	2.33	2	-14%
Death Investigation	0	1	0	0.33	1	200%
Disturbance	5	6	5	5.33	3	-44%
Drug case	1	1	1	1.00	4	300%
DUI Arrest	1	0	0	0.33	3	800%
Extra Checks & Business Check	133	170	149	150.67	92	-39%
Family Problems	7	14	6	9.00	8	-11%
Follow up	64	34	38	45.33	35	-23%
Found property	2	1	3	2.00	3	50%
Fraud	4	5	6	5.00	5	0%
Harassment	12	3	4	6.33	6	-5%
Juvenile Problem	4	4	6	4.67	11	136%
Littering	0	0	0	0.00	1	NC
Lost Property	1	0	0	0.33	3	800%
Mental Health Call	4	5	3	4.00	9	125%
Missing Person (Child/Adult)	6	2	0	2.67	4	50%
Motor Vehicle Accident	4	6	6	5.33	8	50%
Municipal Code Violation	1	38	1	13.33	1	-93%

Call Types N-Z

Call Type	2022	2023	2024	Avg 22-24	2025	% Change 3-Yr Avg to 2025
Neighbor Problems	4	5	7	5.33	5	-6%
Noise\Party Complaint	2	3	6	3.67	1	-73%
Parks Incident	1	0	0	0.33	0	-100%
Pedestrian Contact/Subject St	10	6	5	7.00	4	-43%
Private Tow	6	4	2	4.00	5	25%
REDDI Report	4	1	2	2.33	1	-57%
Restraining Order Violation	2	1	1	1.33	1	-25%
Safe 2 Tell	2	1	4	2.33	3	29%
School Check	12	24	6	14.00	41	193%
Sex Offense	4	2	1	2.33	0	-100%
Sex Offender Check	0	0	3	1.00	3	200%
Shooting	0	1	0	0.33	0	-100%
Solicitor	0	0	0	0.00	1	NC
Stabbing	0	0	0	0.00	1	NC
Suicide Attempt	0	0	1	0.33	0	-100%
Suicide Threat	3	4	3	3.33	2	-40%
Suspicious Circumstances	40	19	28	29.00	13	-55%
Theft	11	6	3	6.67	4	-40%
Traffic Problem	19	9	14	14.00	17	21%
Traffic Stop	133	79	92	101.33	76	-25%
Trespass	2	1	0	1.00	1	0%
Vehicle Theft	1	1	1	1.00	0	-100%
Vehicle Trespass	0	2	0	0.67	1	50%
VIN Check	5	8	4	5.67	7	24%
Warrant Attempt/Arrest	6	6	7	6.33	1	-84%
Weapon Related	2	0	1	1.00	1	0%
Welfare Check	7	14	16	12.33	18	46%
Unspecified	5	9	2	5.33	6	13%
TOTALS	596	579	494	556.33	473	-15%

NC = Not Calculable. Cannot divide by 0.

Calls for Service DOWN 21 or 4% from October 2024

October 2025 calls DOWN 15% from October 2022-2024 Average

October 2025 Call Categories

Crime Type Averages / Trends

Property Crimes					
Call Type	2022	2023	2024	Avg 22-24	2025
Burglary	0	1	0	0.33	1
Theft	11	6	3	6.67	4
Vehicle Theft	1	1	1	1.00	0
Vehicle Trespass	0	2	0	0.67	1
Property Crimes Totals	12	10	4	8.67	6

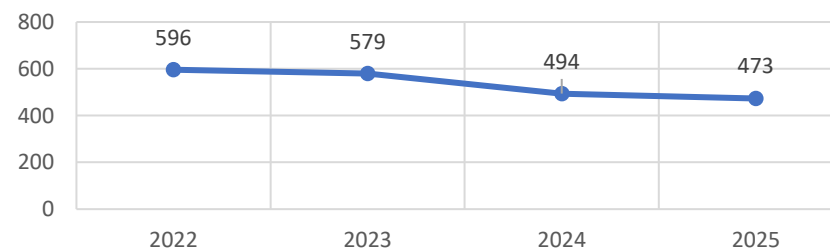
Persons Crimes					
Call Type	2022	2023	2024	Avg 22-24	2025
Assault	4	2	5	3.67	1
Missing Person (Child/Adult)	6	2	0	2.67	4
Robbery	0	0	0	0.00	0
Sex Offense	4	2	1	2.33	0
Weapon Related (menacing,	2	0	1	1.00	1
Persons Crimes Totals	16	6	7	9.67	6

Disorder/Other Crimes					
Call Type	2022	2023	2024	Avg 22-24	2025
Alcohol Calls	0	0	0	0.00	0
Animal Calls	8	13	1	7.33	1
Criminal Mischief	2	3	2	2.33	2
Disturbance	5	6	5	5.33	3
Drug case	1	1	1	1.00	4
Family Problems	7	14	6	9.00	8
Harassment	12	3	4	6.33	6
Juvenile Problem	4	4	6	4.67	11
Noise\Party Complaint	2	3	6	3.67	1
Suspicious Circumstances	40	19	28	29.00	13
Trespass	2	1	0	1.00	1
Disorder Crimes Totals	83	67	59	69.67	50

Red numbers indicate a DECREASE in crime from October 2024

Yellow backgrounds indicate an INCREASE in crime from October 2022-2024 Average

October 2022-2025 Totals



October 2025 Traffic

Traffic Citations	10/24	10/25
Traffic Citations Issued	27	30
Traffic Warnings	63	47

➤ Citations Issued Up 3

➤ Warnings Down 16

Call Type	10/24	10/25
Traffic Stop	92	76
Motor Vehicle Accident	6	8
DUI Arrest	0	3
Traffic Problem	14	17
REDDI Report	2	1

➤ Traffic Stops Down 16 or 17%

➤ MV Accidents Up 2

➤ DUI Arrests Up 3

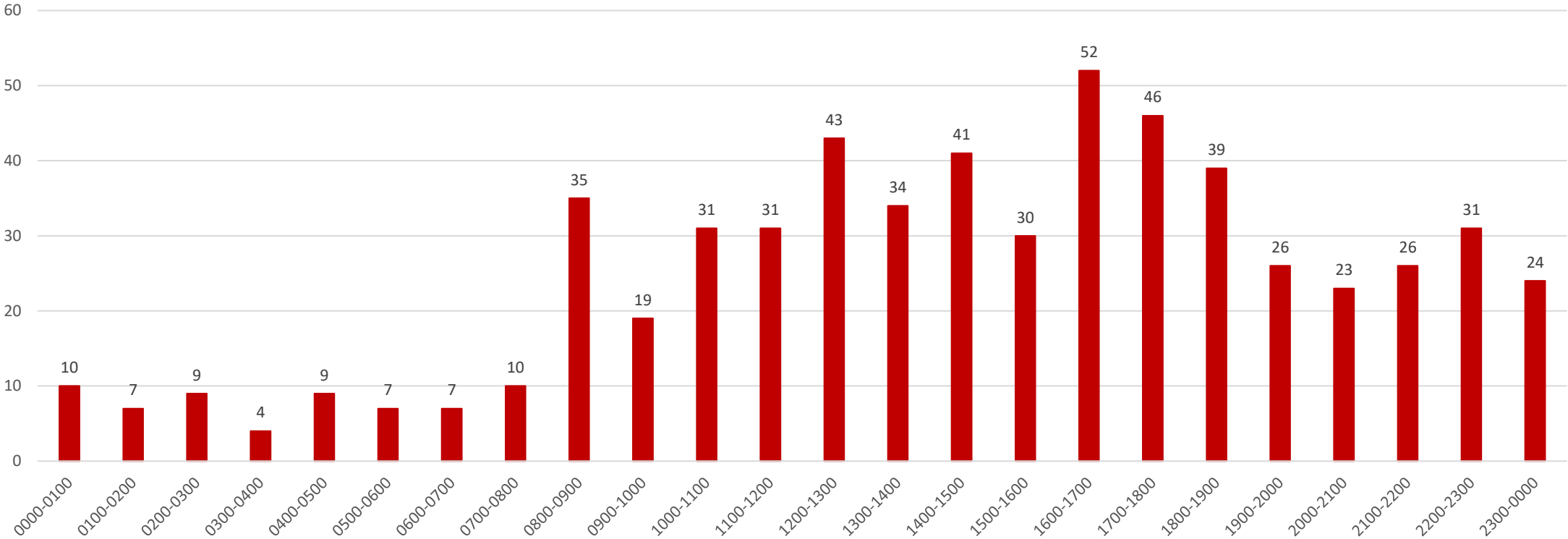
➤ Traffic Problems Up 3

➤ REDDI Reports Down 1

October 2025

Call Totals by Hour

Busiest Hours
1600-1700 (52)
1700-1800 (46)

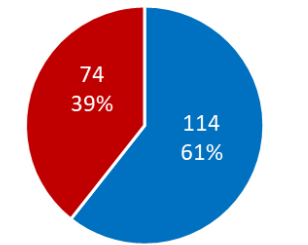


36 Calls between 0200-0700

October 2025

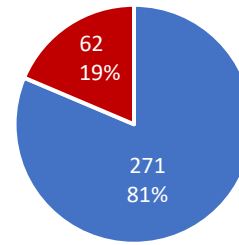
Wellington/Non-Wellington Units

Dispatched



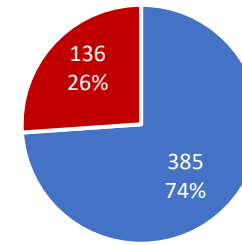
■ Wellington ■ Non-Wellington

Officer-Initiated



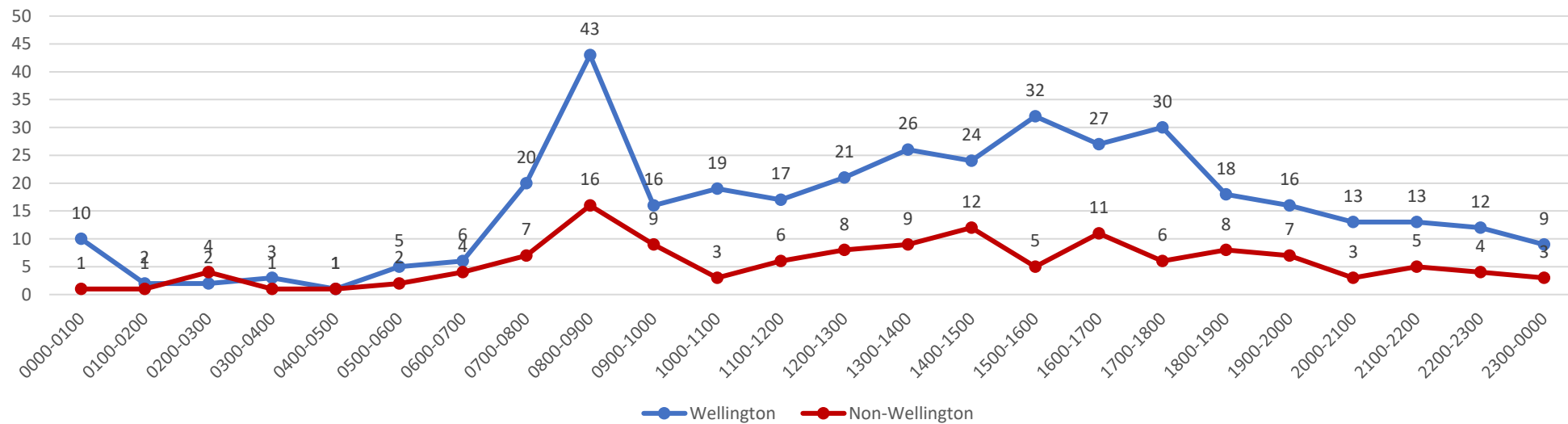
■ Wellington ■ Non-Wellington

Total Calls



■ Wellington ■ Non-Wellington

Wellington/Non-Wellington Calls by Hour



■ Wellington ■ Non-Wellington

October 2025

Response Times / Time on Calls

Dispatched Calls Only

All Times in Minutes

<u>Average Response Time (All Units)</u> – High / Medium / Low refers to call priority		
High		10.42
Medium		8.01
Low		33.64
Avg. Response Time		17.36

<u>Average Time on Calls (All Wellington Calls)</u>			
High			101.08
Medium			29.7
Low			34.92
Avg. Time			55.23

Board of Trustees Meeting

Date: December 9, 2025
Subject: BOT Planning Calendar

EXECUTIVE SUMMARY

Attached is the Board of Trustees Planning Calendar.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. BOT Planning Calendar 2025



BOARD OF TRUSTEES PLANNING CALENDAR

All meetings are at 6:30 p.m. unless otherwise noted

December 9, 2025	Board of Trustees Regular Meeting
December 16, 2025	Board of Trustees Work Session
December 23, 2025	Cancelled – Board of Trustees Regular Meeting
January 13, 2026	Board of Trustees Regular Meeting
January 20, 2026	Board of Trustees Work Session
January 27, 2026	Board of Trustees Regular Meeting
February 10, 2026	Board of Trustees Regular Meeting

Future Work Session Topics

Liquor Hearing Officer Training – Rescheduled
Fire Code Work Session with Wellington Fire

Other Meetings/Events

Main Street Annual Dinner – November 20
Shop Small Saturday – November 29
Wellington Holiday Magic/ Parade of Lights – December 6

This document is subject to change without notice

Board of Trustees Meeting

Date: December 9, 2025
Subject: Utilities Report (October 2025)

EXECUTIVE SUMMARY

Attached are the monthly operational summaries and production reports for the Water and Wastewater Utilities.

BACKGROUND / DISCUSSION

N/A

CONNECTION WITH ADOPTED MASTER PLANS

N/A

FISCAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

MOTION RECOMMENDATION

N/A

ATTACHMENTS

1. 2025-11-01 Utility Production and Operational Summary Report
2. Water Production Through October 2025
3. Wastewater Production Through October 2025



Wellington Drinking Water and Wastewater Utilities Monthly Production and Operational Summary Report As of November 1, 2025

Monthly Production Summary

- Drinking Water
 - Total October monthly volumetric production to meet demand was 24.4 million gallons (MG), which is below average production for October over the last 5 years (25.8 MG).
 - The Conventional Plant produced 22.8 MG.
 - The Nanofiltration Plant produced 1.7 MG.
 - Please see the attached charts for additional details related to drinking water production.
- Wastewater
 - The total influent volume for October was 16.9 MG, which is below average for October over the last five years (18.8 MG).
 - Hydraulic loading for October was at 0.54 million gallons per day (MGD). This hydraulic load represents 61% of the currently permitted maximum hydraulic capacity.
 - Organic loading for October was 1,314 pounds of BOD, which is below average for October over the last 5 years (1,713 lbs of BOD). This represents 50% of the currently permitted maximum organic capacity.
 - Please see the attached charts for additional details related to water reclamation production.

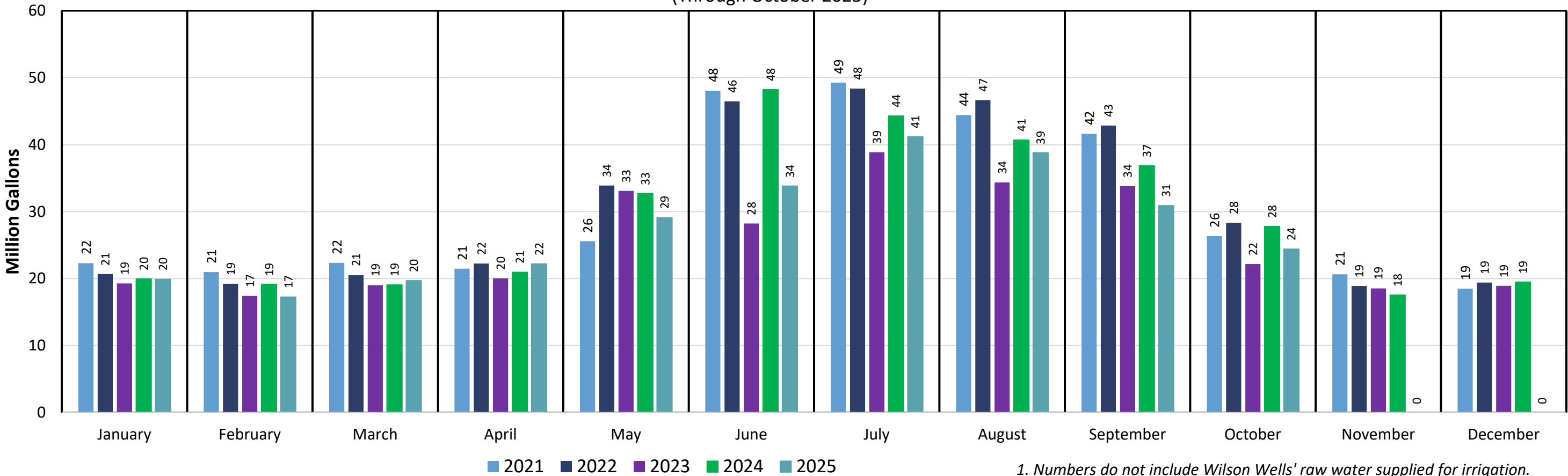
Monthly Operational Summary

- Drinking Water Treatment Plants
 - Conventional Plant
 - Treatment processes were operational all month without issue.
 - Nanofiltration Plant
 - The Nanofiltration Treatment Unit was operational during the beginning of the month. The raw water inlet pipe burst on October 10th. The unit was down for repair for the remainder of the month.
- Water Reclamation Facility
 - Operational all month on the new side of the plant.
 - Staff continue to work with the project contractor and design engineer to resolve clogging issues with the diffusers and airlines in the digesters.

TOWN OF WELLINGTON
Water Treatment

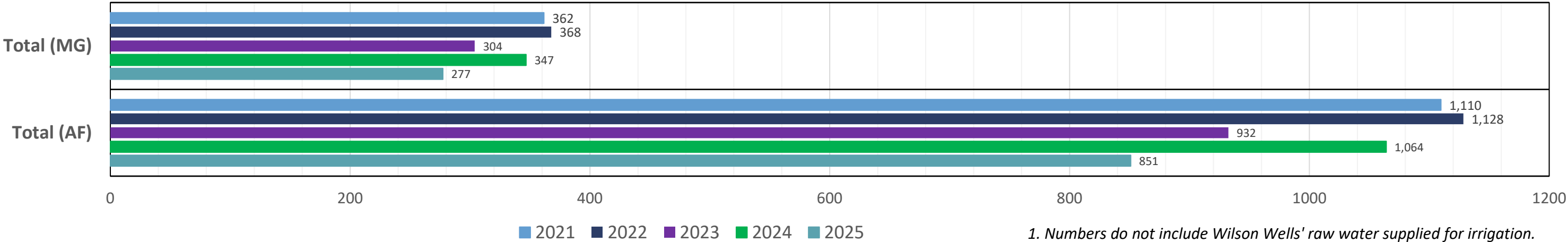
Total Monthly Production: Conventional WTP and Nano Plant₁

(Through October 2025)



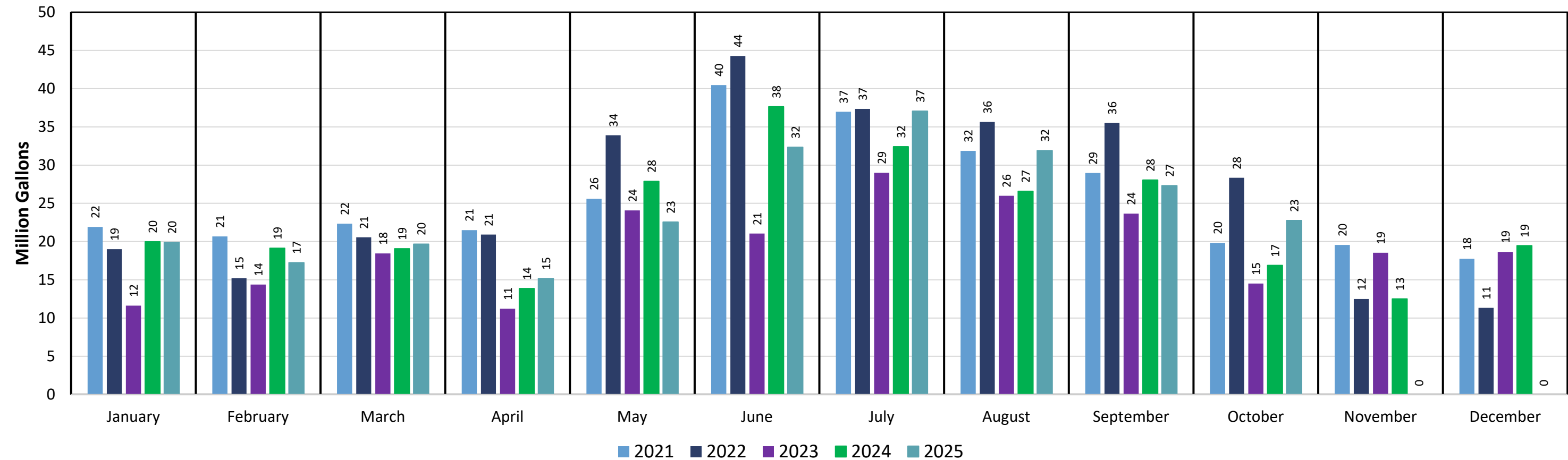
Annual Production Volumes₁

(Through October 2025)

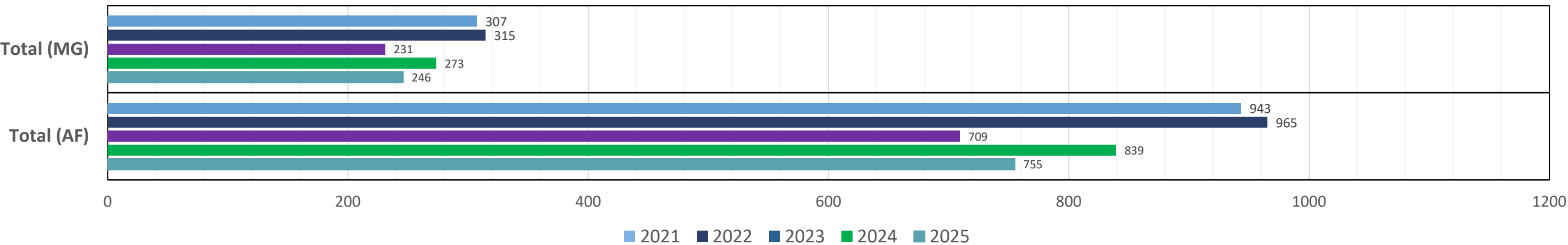


TOWN OF WELLINGTON
Water Treatment

Monthly Production: Conventional WTP
(Through October 2025)

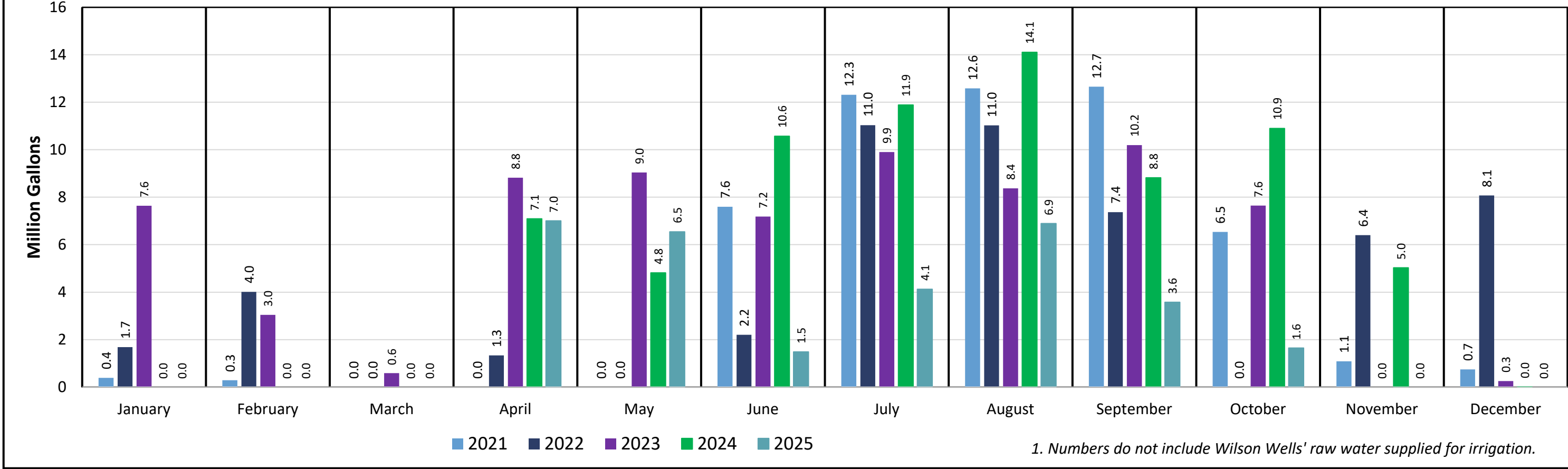


Annual Production Volumes
(Through October 2025)

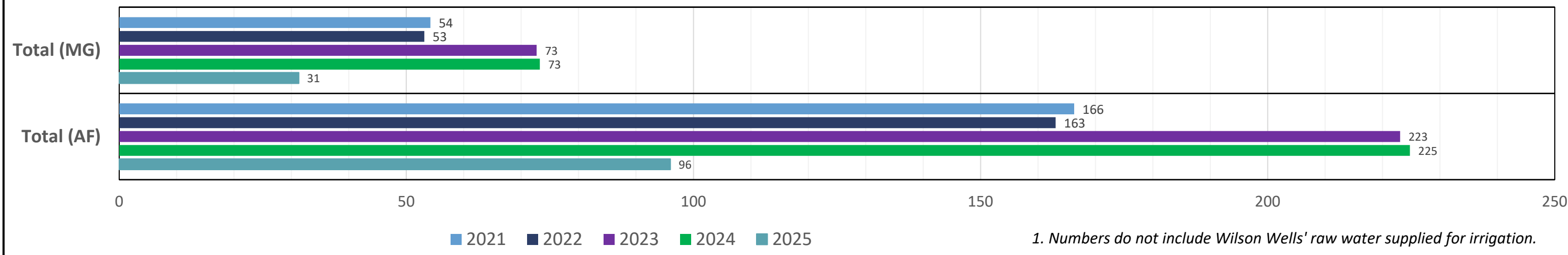


TOWN OF WELLINGTON
Water Treatment

Monthly Production: Nano Plant₁
(Through October 2025)

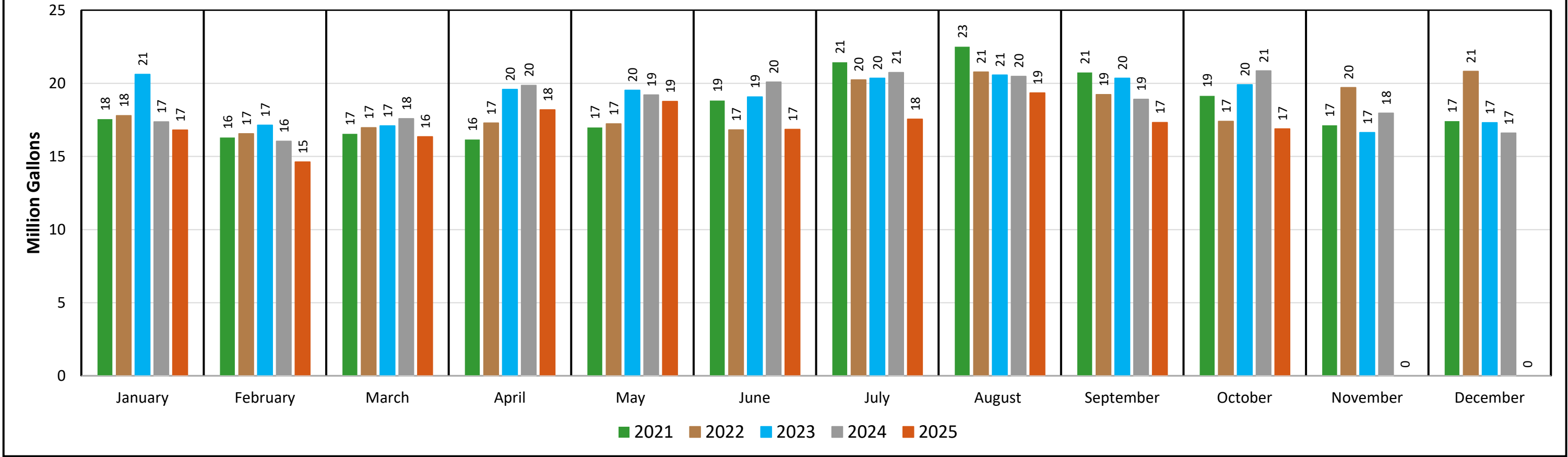


Annual Production Volumes,
(Through October 2025)

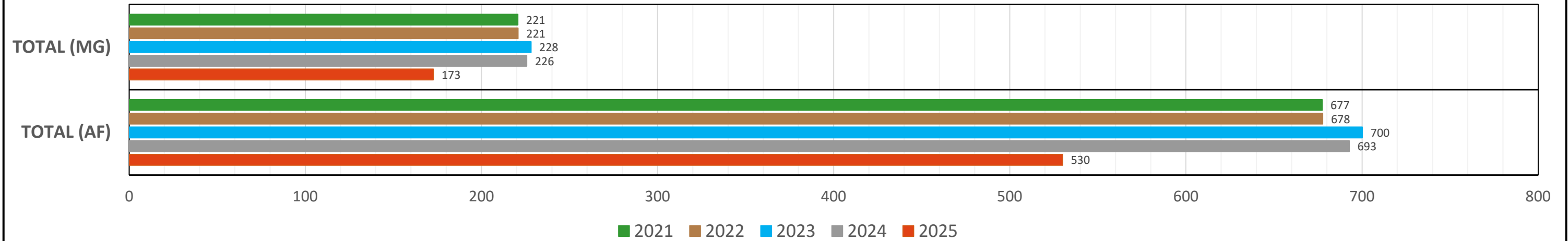


TOWN OF WELLINGTON
Water Reclamation Facility Treatment

Monthly Production: Monthly Volume of Influent
(Through October 2025)

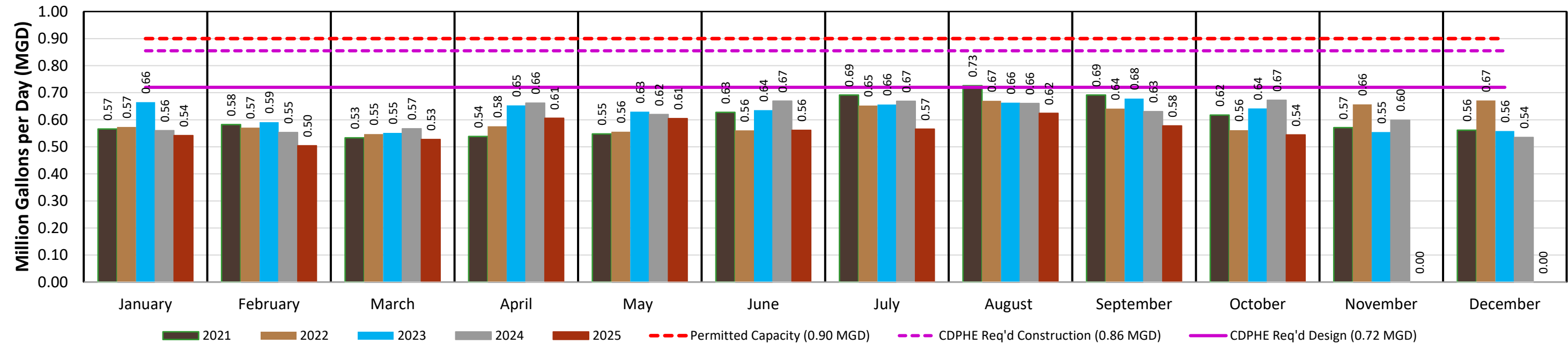


Annual Volume of Influent
(Through October 2025)

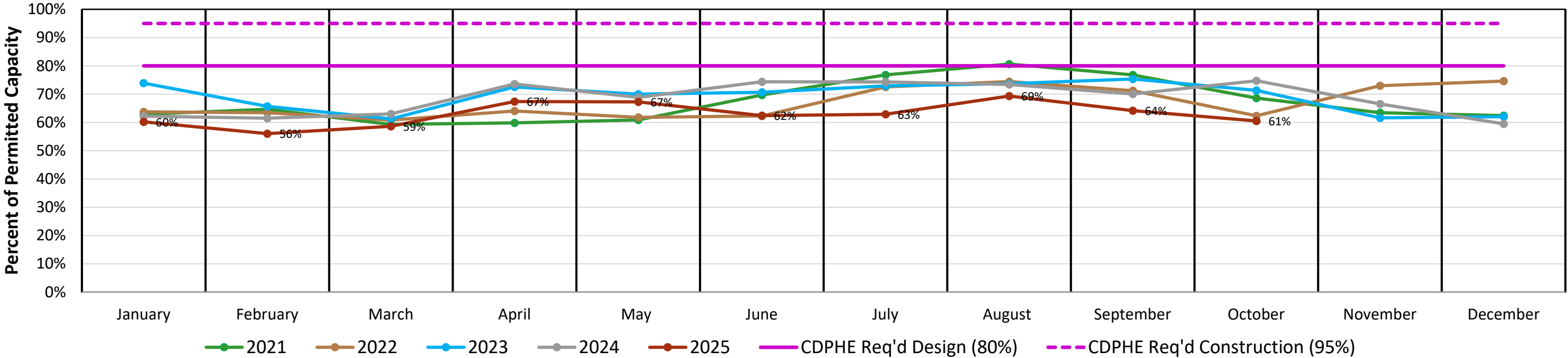


TOWN OF WELLINGTON
Water Reclamation Facility

Monthly Production: Hydraulic Loading
(Through October 2025)

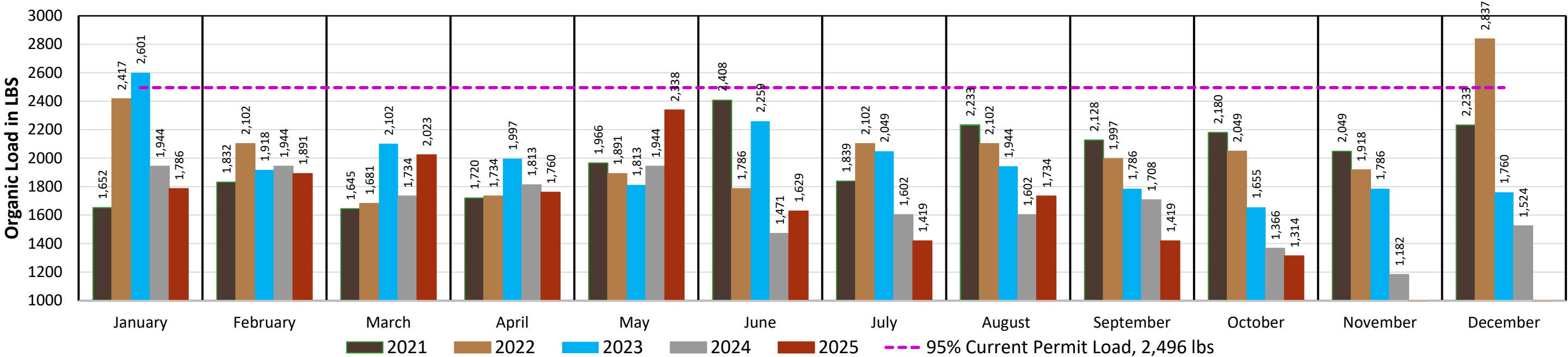


Monthly Production: Percent of Permitted Hydraulic Capacity
(Through October 2025)



TOWN OF WELLINGTON
Water Reclamation Facility

Monthly Production: Organic Loading
(Through October 2025)



Monthly Production: Percent of Permitted Organic Capacity
(Through October 2025)

