

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

CITY COUNCIL

Sections:

- 2.04.010 Time of regular meetings.
- 2.04.020 Special meetings.
- 2.04.030 Place of meetings.

2.04.010 Time of regular meetings. The Council shall hold at least two regular meetings per month at such times as it may prescribe in its rules, as provided by Section 16 of the City Charter. (Prior Code, §1-1)

2.04.020 Special meetings. The Mayor or any three Councilmen may call special meetings of the Council. The City Clerk shall give notice of special meetings, as provided by Section 32A of the City Charter. (Prior Code, §1-2)

2.04.030 Place of meetings. Regular meetings of the Council shall be held in the Council Chambers in City Hall. Special meetings shall be held at the same place as regular meetings unless the Mayor or Councilmen calling a special meeting designate another place within the City. (Prior Code, §1-3)

Chapter 2.12

POLICE DEPARTMENT

Sections:

2.12.010 Establishment of Police Department.

2.12.010 Establishment of Police Department. There is hereby established a Police Department, to consist of such employees as deemed appropriate from time to time. The Chief of Police shall be responsible to the City Manager for the proper supervision and administration of the Department. Policemen shall have all powers and duties granted to peace officers in the State of Colorado. (Ord. 3, §2, 1987)

Chapter 2.20

PUBLIC WORKS DEPARTMENT

Sections:

2.20.010 Established.

2.20.010 Established. There is established within the City administrative organization a Department of Public Works, which shall include those divisions, offices, departments and agencies as designated from time to time by the City Manager with the approval of the City County and in compliance with the City Charter. (Ord. 1, §1, 1975)

Chapter 2.44

MISCELLANEOUS DEPARTMENTS

Sections:

2.44.010 Parks, Recreation and Culture Department established.

2.44.020 Community Development Department established.

2.44.010 Parks, Recreation and Culture Department established. There is hereby established within the City's administrative organization a Department of Parks, Recreation and Culture, which shall include those divisions, departments and agencies as designated from time to time by the City Manager with approval of the City Council.

2.44.020 Community Development Department established. There is hereby established within the City's administrative organization a Department of Community Development, which shall include those divisions, offices, departments and agencies as designated from time to time by the City Manager, with the approval of the City Council (Ord. 22 §1, 1999)

## Chapter 2.60

### ACTING OFFICERS AND EMPLOYEES

#### Sections:

2.60.010 Acting officers and employees.

2.60.010 Acting offices and employees. The appointing or electing authority who may appoint or elect the successor of an officer or employee may appoint or elect a person to act during the temporary absence, leave, disability or suspension of such officer or employee, or, in the case of a vacancy, until a successor is appointed or elected and qualifies, unless the Council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The Council by general ordinance may provide for a deputy to act in such cases. Also an acting municipal judge may be appointed to serve in any case or proceeding for which the municipal judge is disqualified or when the municipal judge is absent or otherwise unable to serve. (Prior Code §1-40)

## Chapter 2.64

### PROHIBITED GIFTS TO CITY OFFICIALS

#### Sections:

- 2.64.010 Definitions.
- 2.64.020 Prohibited gifts.
- 2.64.030 Permitted gifts.
- 2.64.040 Violations

2.64.010 Definitions. As used in this Chapter, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

A. "Board and commission member" shall mean any person duly appointed by the Council to any board or commission of the City as authorized in City Charter Section 9, but shall not include any person who is a duly appointed commissioner of the Delta Housing Authority.

B. "City official" shall mean a Councilmember, an employee or a board and commission member.

C. "Councilmember" shall mean a member of the City Council.

D. "Employee" shall mean each compensated person in the service of the City who is designated as an employee in the City's personnel rules and regulations, but shall not include any person providing services for the City who is considered for federal income tax purposes to be an independent contractor.

E. "Gift" shall mean the transfer of a thing of value by one person to another person without the person transferring the thing of value receiving in return lawful compensation or consideration of equal or greater value from the person receiving the thing of value. However, a "gift" shall not mean anything of value given to a person by a local, state or the federal government as authorized by law.

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

G. "Thing of value" shall mean any tangible or intangible having a market value, including, without limitation, money,

real property, personal property, services, loans of money or property, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, travel, lodging, meals, and the forbearance and forgiveness of debt. (Ord. 1, §1, 2007)

2.64.020 Prohibited gifts. Unless permitted under City Code Section 2.64.030, a City official shall not solicit or accept any gift from any person either directly or indirectly through the City official's spouse or dependent child, which gift the City official knows or which a reasonable person in the City official's position should know under the circumstances, is either:

A. a gift that would tend to improperly influence that City official to depart from the faithful and impartial discharge of his or her public duties; or

B. a gift being solicited or given for the primary purpose of rewarding the City official for an official action he or she has taken. (Ord. 1, §1, 2007)

2.64.030 Permitted gifts. The gift prohibitions of Section 2.64.020 shall not apply to City officials with respect to the following permitted gifts:

A. campaign contributions as authorized by law;

B. a non-monetary award, publicly presented, in recognition of public service;

C. gifts similarly available to the general public;

D. educational scholarships and grants available to members of the general public similarly situated;

E. grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated;

F. an occasional, unsolicited gift having a fair market value of twenty-five dollars (\$25) or less;

G. unsolicited informational material, publications or subscriptions related to the City official's performance or his or her official duties;

H. an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

I. payment of or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar, or other meeting at which the City official is scheduled to participate as a representative of the City or to attend as part of his or her official duties;

J. an occasional, unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the City official's attendance would not be considered extraordinary when viewed in light of the position held by the City official;

K. payment received by a Councilmember for a speech, appearance or publication required to be reported by the Councilmember pursuant to C.R.S. 24-6-203;

L. gifts received by a Councilmember or a board and commission member arising from his or her employment and that is unrelated to his or her official City duties; and

M. gifts received by an employee from the City as authorized in the City's personnel rules and regulations, and any gifts received by an employee arising from his or her non-City employment and that is unrelated to his or her official City duties. (Ord. 1, §1, 2007)

#### 2.64.040 Violations.

A. It shall be unlawful for any City official to violate any provision of this Chapter. Proof of a violation shall be established by a preponderance of the evidence as presented at trial.

B. Any City official determined by the Municipal Court to have violated any provision of this Chapter shall be deemed to have committed a civil infraction and shall be punished by a civil fine not to exceed one thousand dollars (\$1,000). In addition to any civil fine imposed, a judgment in the amount of twice the fair market value of the prohibited gift received shall also be entered by the Municipal Court against the City official. If the City official fails to pay the total judgment amount entered for the civil fine and for twice the fair market value of the prohibited gift within thirty (30) days of the entry of the final judgment, the City may pursue any legal means available to it for the collection of the judgment. (Ord. 1, §1, 2007)

## Chapter 2.68

### ELECTIONS

#### Sections:

- 2.68.010 Precinct No. 1.
- 2.68.020 Precinct No. 2.
- 2.68.030 Precinct No. 3.
- 2.68.040 Polling places.
- 2.68.050 Registration books.
- 2.68.060 Write-in affidavits of intent.
- 2.68.070 Cancellation of Election.
- 2.68.080 Repealed

2.68.010 Precinct No. 1. All of that portion of the City lying east of Main Street and north of Sixth Street in the City is designated as Precinct No. 1 for all general and special municipal elections hereafter held in the City. (Prior Code, §8-1)

2.68.020 Precinct No. 2. All of that portion of the City lying west of Main Street is designated as Precinct No. 2 for all general and special municipal elections hereafter held in the City. (Prior Code, §8-2)

2.68.030 Precinct No. 3. All of that portion of the City lying east of Main Street and south of Sixth Street in the City is designated as Precinct No. 3 for all general and special municipal elections hereafter held in the City. (Prior Code, §8-3)

2.68.040 Polling places. The polling places in each precinct shall be in such places as the City Council may from time to time designate. (Prior Code, §8-4)

2.68.050 Registration books. The City Clerk shall prepare separate registration books for each of the precincts to contain the names of all duly qualified registered electors as such electors are now registered in his office. (Prior Code, §8-5)

2.68.060 Write-in affidavits of intent. No write-in vote for any office shall be counted unless an affidavit of intent to be a write-in candidate has been filed with the clerk by the person wishing to be a write-in candidate not later than sixty-four days before the day of the election. The affidavit of intent must indicate the office to which the affiant desire

election and that the affiant is qualified to assume the office if elected. (Ord. 19, §1, 1981; Ord. 4, §1, 1992; Ord. 9, §2, 2015; Ord. 1, §2, 2016)

2.68.070 Cancellation of Election. If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Clerk, if instructed by resolution of the City Council either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration the candidates shall be deemed elected and shall take office at the next regular meeting following the date upon which the election would have occurred and as provided by the City Charter. Notice of cancellation shall be published if possible and shall be posted at each polling place and in not less than one other public place. (Ord. 1, §2, 2016)

2.68.080 Repealed. (Ord. 21, 2007; Ord. 9, §2, 2015)

Chapter 2.72

PERSONNEL SYSTEM

Sections:

2.72.010 Officers and employees--Number and classes--  
Compensation.

2.72.020 Bonds of personnel.

2.72.030 Oath and affirmation of office.

2.72.010 Officers and employees--Number and classes--  
Compensation. The Council, by motion, resolution or ordinance, may regulate the number and classes of offices and positions of employment in the various departments, offices and agencies of the City government; and by resolution may determine or regulate compensation to be paid to officers and employees, as provided by Section 12(5) of the City Charter. (Prior Code, §1-29)

2.72.020 Bonds of personnel. Except as otherwise provided by the Charter, the Council by resolution shall determine what personnel shall be bonded and the amounts of such bonds, as provided by Section 12(5) of the City Charter. Bonds shall be approved by the Council and filed with the City Clerk, as provided by Section 138 of the City Charter. (Prior Code, §1-30)

2.72.030 Oath or affirmation of office. Every officer or salaried employee shall take and file the oath or affirmation prescribed by Section 138 of the City Charter before he enters upon his duties. (Prior Code, §1-31)

## Chapter 2.74

### UNCLAIMED INTANGIBLE PROPERTY

#### Sections:

- 2.74.010 Unclaimed property.
- 2.74.020 Procedures.

2.74.010 Unclaimed property. Any intangible property, including any income or increment derived therefrom less any lawful charges or other amounts due the City, that is held by or under control of the City, which has not been claimed by its owner for a period of more than one year after it becomes payable or distributable, shall be disposed of in accordance with the procedures set out in this Chapter. (Ord. 6 §1, 1992)

#### 2.74.020 Procedures.

A. Prior to the disposition of any unclaimed property having an estimated value of \$50.00 or more, the City shall send a notice to the owner's last known address, if any, as shown on the records of the City by certified mail, return receipt requested.

B. Prior to the disposition of any unclaimed property having an estimated value of \$50.00 or less, or property concerning which no address is shown in City records for the owner, the City shall cause a notice to be published in a newspaper of general circulation in the City.

C. The notice required pursuant to Subsection (A) or (B) above shall describe the property, the name of the perceived owner, if known, the amount or estimated value of the property, and if available the purpose for which the property was deposited or held. The notice shall state that if the owner fails to submit a written claim to the City within sixty days of the date of mailing or publication, the property shall become the sole property of the City and any claim of the owner shall be forfeited.

D. If no such claim is received within said sixty days, the property shall become the sole property of the City and any claim of the owner to the property shall be deemed forfeited.

E. If the City receives a written claim within sixty days, the City shall evaluate the claim and give written notice to the claimant within ninety days thereafter whether the claim has been accepted or denied in whole or in part. The City may investigate the validity of the claim and may request further supporting documentation from the claimant prior to resolving the matter.

F. In the event there is more than one claimant for the same property, the City may, in its sole discretion, resolve the claim in any appropriate manner.

G. In the event all claims are denied, the property shall become the property of the City and any claim of the owner of such property shall be deemed forfeited.

H. The City Manager is hereby authorized to adopt additional regulations for the administration of this Chapter as deemed appropriate. (Ord. 6 §1, 1992)

## Chapter 2.75

### PREFERENCES FOR LOCAL CONTRACTORS BIDDING ON CITY PROJECTS

Sections:

2.75.010 General Application

2.75.020 Exceptions

2.75.030 Penalties for Providing False Bid Information

#### 2.75.010 General Application.

Except as otherwise provided in this Chapter, whenever competitive bidding is required by law for any contract involving materials, services and/or labor furnished to the City of Delta, preference shall be given to each qualified local business in the manner more particularly described in this Section.

A. Definition of Qualified Local Business: A qualified local business means an individual or entity who, at the time of submitting a bid for a contract relating to a City of Delta purchase or work project, (1) currently maintains one or more fixed business offices or taxable distribution points located within Delta County, Colorado, (2) has a pre-established mailing address, other than a mere post office box, also located in Delta County, Colorado and (3) employs an adequate number of local residents to perform the preponderance of work required by the pertinent contract for supplying materials, services and/or labor to the City.

B. Award of Specific Contracts: In the course of evaluating bids or proposals pertaining to any contract for the purchase or lease of supplies, materials, equipment, or other personal property and/or any contract for labor to be performed on a public works project and/or any professional services contract, the City will strive to extend an eight percent (8%) preference, but not to exceed One Hundred Thousand Dollars (\$100,000.00), to each otherwise eligible contract bidder who sufficiently demonstrates ownership of a qualified local business in the related bid proposal documents. It is provided, however, that when applying this provision to specific contract settings, the City will continue to give appropriate consideration and weight to all other relevant information and factors customarily used for comparison of bids in the process of selecting the lowest responsible bidder including, but not limited to the following:

(1) the relative quality of any proposed material items and their conformity with pertinent contract specifications, (2) the relative benefit to the City of proposed delivery and discount terms and conditions and proposed terms of warranty and repair for material items, (3) the overall experience, qualification and reputation of the bidder for performance of similar contracts, etc.

2.75.020 Exceptions: The following contracts shall not be eligible for preferences contemplated by Section 2.75.010:

A. Contracts for which application of the provisions of said Section would be prohibited by State or Federal law or regulations.

B. Contracts funded in whole or in part by grants, donations or gifts to the City of Delta, the conditions of which prohibit or discourage preferences of the sort allowed by Section 2.75.010.

C. Contracts for redressing emergency conditions in the City of Delta where any delay in completion or performance of the contract would jeopardize public health, safety or welfare, or where in the judgment of the City Manager, or his or her designee, the operational effectiveness of a significant City of Delta function would be seriously impaired if the contract were not entered into expeditiously without resort to competitive bidding processes.

D. Contracts with any single or sole source supplier for supplies, material, equipment or other personal property.

E. Any other contract setting in which the City determines the application of a preference would be fundamentally adverse to the City of Delta's interests.

2.75.030 Penalties For Providing False Bid Information

If the City Manager, or his or her designee, determines that a person or entity submitting a bid for a City contract has made an intentional misstatement of fact to obtain a contract preference under this Chapter, the City of Delta may pursue all consistent legal and/or equitable remedies afforded by Colorado law and, in addition, may impose the following penalties:

A. A finding of such an intentional misstatement by a contract bidder shall furnish a basis for disqualifying all current and future bids on City contracts from that bidder and

his or its related business for a period of at least one full year from the date of the finding.

B. An intentional misstatement made to obtain a price preference under this Chapter shall subject the recipient of any such price preference to a civil penalty of treble the amount of the price preference actually received, or Three Hundred Dollars (\$300.00), whichever is greater. The City may collect such penalty, plus all reasonable attorney fees and costs incurred in the course of collection efforts, through civil proceedings filed in the appropriate Court in Delta County, Colorado. (Ord. 7, 2012)

## Chapter 2.88

### CEMETERY REGULATIONS

#### Sections:

- 2.88.080 Driving on lots prohibited--Cemetery hours.
- 2.88.090 Destruction of property prohibited.
- 2.88.100 Burial in approved cemeteries within City required.
- 2.88.110 Rules and regulations government Delta Cemetery.

#### 2.88.080 Driving on lots prohibited--Cemetery hours.

A. It is unlawful for any person or persons to ride or drive any animal, animals or vehicles upon, over or across the lands or lots of any cemetery of the City, or any part thereof, except the regularly laid-out vehicle ways in such cemetery.

B. It is unlawful for any person to enter the grounds of the Delta Cemetery at any time between one hour after sunset and one hour before sunrise without the written permission of the custodian and chief of police. (Ord. 14, §8, 1976)

2.88.090 Destruction of property prohibited. It is unlawful for any person, not properly authorized, to destroy, mutilate, cut, remove, break or injure any trees, shrubs, plants or other ornament, or to tie any horse or other animal or animals to the same, in any cemetery in the City, and it is unlawful to destroy, cut, mutilate, remove, break, injure or deface any walks, sidewalks, fences, gateposts or other things used in or belonging to such cemetery. (Ord. 14, §9, 1976)

2.88.100 Burial in approved cemeteries within City required. The interment of any deceased person within the corporate limits of the City, except in platted and duly authorized cemeteries, is prohibited. (Ord. 14, §10, 1976)

2.88.110 Rules and regulations governing Delta Cemetery. All plot owners, visitors, cemetery employees, persons working directly or indirectly for lot owners and all lots sold shall be subject to these rules and regulations, and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the City from time to time; and the reference to these rules and regulations in the certificate of ownership to plots shall have the same force and effect as if set forth in full therein. (Ord. 14, §11(part), 1976)