

ORDINANCE NO. 4  
Series 2018

AN ORDINANCE RELATING TO TOWN OFFICERS, NAMELY EMPLOYEES AND  
CONTRACT LABOR, WITHIN THE TOWN OF PITKIN

WHEREAS, Colorado Revised Statutes (2009), 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, Colorado Revised Statutes, 31-15-201 authorizes a municipality to provide by ordinance for the appointment, term of office, removal, powers, duties, and compensation of all officers otherwise not provided for and of all employees; and

WHEREAS, Colorado Revised Statutes, 31-4-304 requires the board of trustees to appoint a clerk, treasurer, and town attorney, or may provide by ordinance for the election of such officers; and allows for the appointment of other officers; and

WHEREAS, Colorado Revised Statutes, 31-4-304 requires the Town of Pitkin to prescribe the duties of any such officers, where such are not defined by law, and the compensation or fee they are entitled to receive for their services; and

WHEREAS, Colorado Revised Statutes, 31-4-304 allows a town to require an oath of office, and a bond, with surety, for the faithful discharge of their duties, and

WHEREAS, Colorado Revised Statutes, 31-4-307, provides that by a majority vote all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town; and

WHEREAS, there **exists** is an ordinance addressing compensation for the Town Clerk and Treasurer, specifically Ordinance No. 3 Series 2016; and

WHEREAS, there **exists** is an ordinance addressing compensation for the Building Inspector; specifically Ordinance No. 2 Series 2001;

WHEREAS, there does not appear to be an ordinance addressing the appointment, term of office, removal, powers, or duties for the Building Inspector; and

WHEREAS, there does not appear to be an ordinance addressing the appointment, term of office, removal, powers, duties, and compensation for the Town Sanitarian; and

WHEREAS, there does not appear to be an ordinance addressing the appointment, term of office, removal, powers, duties, and compensation for the Town Attorney; and

WHEREAS, the appointment, term of office, removal, powers, duties, and compensation for the Town Clerk, Treasurer, Building Inspector, Sanitarian and the Town Attorney should be set forth by ordinance.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, as follows:

1. The Town of Pitkin Colorado sets forth the following protocols for the appointment, term of office, removal, powers, duties, and compensation of the town officers and employees ~~described~~ **listed** below not otherwise covered by law or separate ordinance:

Town Clerk  
Town Treasurer  
Building Inspector  
Town Sanitarian  
**Environmental Health Agent?**  
Town Attorney

2. In the event the Town of Pitkin wishes to create positions to be held by officers or employees it may do so by ordinance specifically addressing such additional officers or employees.
3. Every officer shall, upon surrender of his office, deliver to ~~his successor~~ **the Town Clerk, or in the surrender of the Town Clerk office, to the Mayor**, all paper and electronic records, equipment, and other material items pertaining to his office.
4. All moneys belonging to the Town and coming into possession of any Town officer shall be paid into the Town Treasury forthwith.
5. Town Clerk and Clerk Pro Tem

The Town Clerk and shall be a resident of the Town of Pitkin. The Town Clerk and Clerk Pro Tem shall be appointed by a majority vote of the Board of Trustees. The Town Clerk and Clerk Pro Tem may be removed from office by resignation or a majority vote of the Board of Trustees after notice as appropriate. The term of office shall be two years. Such term of office may extended by majority vote of the Board of Trustees at the conclusion of the two year period. Compensation of the Town Clerk and Clerk Pro Tem shall be by ordinance. The Town Clerk and Clerk Pro Tem shall swear or affirm an oath of office, but a bond shall not be required.

6. Town Treasurer. The Town Treasurer shall be a resident of the Town of Pitkin. The Town Treasurer position shall be held by the Town Clerk. The Town Treasurer shall perform such duties as are prescribed by the statutes of this state and by the ordinances of

the Town of Pitkin not inconsistent therewith. The appointment, term of office, removal, and compensation for the Town Treasurer shall be as set forth above for the Town Clerk. The Clerk Pro Tem is not authorized to act as the Town Treasurer.

7. **Building Inspector.** The Building Inspector shall be appointed by a majority vote of the Board of Trustees. The term of office shall be two years. Such term of office may be extended by majority vote of the Board of Trustees at the conclusion of the two- year period. The Building Inspector may be removed from office by resignation or a majority vote of the Board of Trustees.

The Building Inspector shall  
 (be deemed to be an officer of the Town of Pitkin) or  
 (not be deemed to be an officer of the Town of Pitkin) and

(be deemed to be an employee of the Town of Pitkin) or  
 (be deemed to be an independent contractor, and sign a contract with the Town).

Compensation of the Building Inspector shall be as set forth in the Town of Pitkin Ordinance No. 2 Series 2001. The Building Inspector shall swear or affirm an oath of office, but a bond shall not be required.

8. **Assistant Building Inspector.** An Assistant Building Inspector may be appointed by a majority vote of the Board of Trustees as deemed necessary for the timely execution of the duties of this office. The appointment, term of office, removal, and compensation for the Assistant Building Inspector shall be as set forth above for the Building Inspector. The Assistant Building Inspector shall swear or affirm an oath of office, but a bond shall not be required. Compensation of the Assistant Building Inspector shall be as set forth in the Town of Pitkin Ordinance No. 2 Series 2001.

9. **Town Sanitarian.** The Town Sanitarian shall be appointed by a majority vote of the Board of Trustees. The Town Sanitarian shall serve at the convenience of the Board of Trustees, and may be removed from her or his position at any time upon resignation or a majority vote of the Board of Trustees. The powers and duties of the Town Sanitarian shall be by set forth in a signed contract  
 The Town Sanitarian shall be an independent contractor. Compensation of the Town Sanitarian shall be as set forth in a signed contract with the Town Sanitarian and the Town of Pitkin.

10. **Environmental Health Agent.** The Environmental Health Agent shall be appointed by a majority vote of the Board of Trustees. The Environmental Health Agent shall serve at the convenience of the Board of Trustees, and may be removed from her or his position at any time upon resignation of the Board of Trustees. The powers and duties of the Environmental Health Agent shall be set forth in a signed contract.  
 The Environmental Health Agent shall be an independent contractor. Compensation of the Environmental Health Agent shall be set forth in a signed contract with the Environmental Health Agent

11. Town Attorney. **The Town Attorney shall be an attorney-at-law licensed to practice in the State of Colorado.** The Town Attorney shall be appointed by a majority vote of the Board of Trustees. The Town Attorney shall serve at the convenience of the Board of Trustees, and may be removed from her or his position at any time upon resignation or a majority vote of the Board of Trustees. The powers and duties of the Town Attorney shall be as set forth in a signed contract between the Town Attorney and the Town of Pitkin.

READ, ADOPTED AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_ 2018

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Rachel New, Mayor

(SEAL)  
ATTEST:

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Sara Gibb, Town Clerk