

AN ORDINANCE PERTAINING TO ADDITIONAL ELIGIBILITY REQUIREMENTS FOR PERSONS SEEKING ELECTION OR APPOINTMENT AS MAYOR OR TRUSTEE OF THE TOWN OF LA JARA AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Board of Trustees of the Town of La Jara hereby finds and determines that, in the past and continuing to the present, the election of persons who are also employees of the town to the position of mayor or trustee of the Town of La Jara, has given rise, and will continue to give rise, to irreconcilable conflicts of interest in that such persons serving in a dual capacity must frequently abstain from deliberating and/or voting on such matters as, but not limited to, personnel matters, budget matters involving appropriations to and approving expenditures for their respective departments, so as to not give the appearance of impropriety or possible invalidity of the matter on which action by the Board is required, and

WHEREAS, the Board of Trustees of the Town of La Jara also finds and determines that having a mayor and/or members of the Board of Trustees who are closely related to present employees of the Town likewise gives rise to similar irreconcilable conflicts of interests in the matters as set forth above, and

WHEREAS, when other members of the Board of Trustees and or the mayor point out what appears to be a conflict of interest in a matter that is before the Board of Trustees that involves either an employee who is also a member of the Board or a close relative of a present employee of the Town, there have been, and will continue to be, serious differences of opinion whether such conflicts are, indeed, present, and

WHEREAS, the Board finds and determines that it is in the best interests of the citizens and taxpayers of the Town of La Jara to maximize and preserve as much as possible the representative voice of their elected and/or appointed Mayor and members of the Board of Trustees and that such representation should not be diminished or compromised by virtue of any one or more of such official having to abstain from decision-making and voting on matters that may come before the full board for consideration because of conflicts of interest or the appearance of conflicts of interest, and

WHEREAS, the Board finds and determines that, in addition to the eligibility requirements for electors eligible to hold municipal office as set forth in Colo. Rev. Stat. §31-10-301, as amended, it is necessary to impose additional eligibility requirements in order to avoid in the future having employees of the Town and close relatives of employees of the town being elected to or appointed as an official of the Town of La Jara for the reasons as aforesaid.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

SECTION ONE - DEFINITIONS: For purposes of this Ordinance, the following terms shall have the meaning set forth below, unless the context otherwise indicates, in the interpretation and enforcement of this Ordinance:

- (1) *Employee* shall mean any person who works for the Town of La Jara in any position or department, whether full-time or part-time, in return for compensation.
- (2) *Close Relative* shall mean any person who is a husband, wife, parent, child, brother or sister, brother-in-law or sister-in-law, uncle or aunt, uncle-in-law or aunt-in law, nephew or niece, or nephew-in-law or niece-in-law of a person presently employed or to be employed by the Town of La Jara.
- (1) *Municipal Office* shall mean the office of Mayor of the Town or a member of the Board of Trustees of the Town.

SECTION TWO - ELIGIBILITY OF EMPLOYEES OR CLOSE RELATIVES OF AN EMPLOYEE TO HOLD MUNICIPAL OFFICE:

- (A) No person who is an employee of the Town of La Jara, or who after being duly elected or appointed as Mayor or a member of the Board of Trustees of the Town of La Jara, becomes an employee shall be eligible to hold or retain a municipal office during that person's period of employment or for a period of one year after the termination of such employment, whether by retirement, removal as provided by law, or resignation.
- (B) No person who is a close relative of an employee of the Town shall be eligible to hold or retain a municipal office during the employee's period of employment or for a period of one year after the termination of such person's employment, whether by retirement, removal as provided by law, or resignation.

SECTION THREE - SEVERABILITY: If any section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such decisions shall not affect the validity or constitutionality of the remaining portion of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and every article, section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase thereof irrespective of the fact that any one or more of the other sections, subsections, parts, subpart, paragraphs, subparagraphs, sentences, clauses, words or phrases thereof be declared invalid or unconstitutional.

SECTION FOUR - REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH: All Ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION FIVE- - EFFECTIVE DATE: Whereas, for the reasons set forth in the Preamble of this Ordinance, the Board of Trustees finds, determines, and declares that the terms and provision of this Ordinance shall take effect 30 days after the publication and thereof and shall be applicable to the Municipal Election set for April 6, 2004, and all municipal elections thereafter unless repealed or amended.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT A REGULARLY-SCHEDULED MEETING OF THE BOARD AT WHICH A MAJORITY OF THE BOARD WAS PRESENT THIS 12TH DAY OF OF FEBRUARY, 2004.

THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA

(Town Seal)

By: Austin Valdez
Austin Valdez, Mayor

Attest:

Helen J. Hutchins
Helen J. Hutchins, La Jara Town Clerk

Date of Publication February 11, 2004.