

## CHAPTER 2

### Administration and Personnel

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**ARTICLE I****Elections****Sec. 2-1-10. Conduct of elections.**

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965. The Town may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. 2-2005 §1)

**Sec. 2-1-20. Write-in candidate affidavit.**

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 2-1992 §1)

**Sec. 2-1-30. Cancellation of election.**

(a) 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 as required by Section 2-1-20 of this Article, the Town Clerk shall certify such fact to the Board of Trustees; and it shall hold a meeting and by resolution instruct the Town Clerk to cancel the election, and shall declare the candidates elected.

(b) Notice of cancellation of election pursuant to Subsection (a) above shall be published, if possible, and such notice shall be posted at each polling place and in not less than one (1) other public place. (Ord. 2-1992 §§2, 3; Ord. 2-2005 §1)

**ARTICLE II****Mayor and Board of Trustees****Sec. 2-2-10. Board of Trustees; terms, authority, qualifications and vacancies.**

(a) Terms. The term of office of the members of the Board of Trustees, including the Mayor, shall be for a four-year period. Terms of office of the members of the Board of Trustees other than the Mayor shall be overlapping terms, with three (3) Trustees elected at each biennial election.

(b) Authority. The Board of Trustees shall constitute the legislative body of the Town, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(c) Qualifications. Each Trustee shall be a resident of the Town and a registered elector therein. If any Trustee shall move from or become, during the term of his or her office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his or her office.

(d) Vacancies. In case of the death, resignation, vacation or removal for cause of any of the Trustees during his or her term of office, the Board of Trustees, by a majority vote of all remaining members thereof, may select and appoint, from among the duly qualified electors of the Town, a suitable person to fill the vacancy. The person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected

for the unexpired term. Where vacancies exist in the offices of Trustee and successors are to be elected at the next election to fill the unexpired terms, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year terms, and the candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired terms. (Ord. 3-1972 §§1—3, Ord. 2-2005 §1)

#### **Sec. 2-2-20. Mayor.**

(a) The Mayor shall meet the same qualifications as a Trustee and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Trustee, as set forth in Section 2-2-10 above.

(b) The Mayor shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of the Board of Trustees. The Mayor shall be considered to be a member of the governing body and the Board of Trustees.

(c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.

(d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her. (Ord. 2-1996 §1; Ord. 2-2005 §1)

#### **Sec. 2-2-30. Mayor Pro Tem.**

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. In the absence of the Mayor from any meeting of the Board of Trustees, during the absence of the

Mayor from the Town or during the inability of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor. (Ord. 2-2005 §1)

#### **Sec. 2-2-40. Acting Mayor.**

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another Trustee to serve as acting Mayor during such absence or disability. (Ord. 2-2005 §1)

#### **Sec. 2-2-50. Compensation of Mayor and Trustees.**

(a) The Mayor of the Town shall be entitled to receive one hundred fifty dollars (\$150.00) compensation per Board of Trustees meeting attended.

(b) Each member of the Board of Trustees shall be entitled to thirty dollars (\$30.00) compensation per meeting attended.

(c) The compensation paid to any member of the Board of Trustees, including the Mayor, shall not be increased or diminished for the term of office for which he or she has been elected or appointed. Any Mayor or Trustee who has resigned or vacated an office prior to the end of his or her elective or appointed term shall not be eligible to election or reappointment to the same during such term if the rate of compensation has been increased. (Ord. 1-1992 §§1, 2; Ord. 1-2000 §§1, 2; Ord. 2-2005 §1)

#### **Sec. 2-2-60. Regular meetings.**

The Board of Trustees shall hold its regular meetings on the first and third Wednesdays in each month at the Town Hall at 7:00 p.m. (Ord. 1911 §5-1; Ord. 2-2005 §1)

**Sec. 2-2-70. Special meetings.**

(a) Any four (4) members of the Board of Trustees may call special meetings by written notice to each member of the Board of Trustees, personally served or left at the member's usual place of residence by the Town Clerk, at least forty-eight (48) hours in advance of the meeting.

(b) The Board of Trustees at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the Board of Trustees not in attendance.

(c) Should the Board of Trustees convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the Board of Trustees may, in its discretion, assess fees for the special meeting against the interested party. The Board of Trustees may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the Town and the Town Attorney for time spent in preparation for attendance at special meetings. (Ord. 2-2005 §1)

**Sec. 2-2-80. Conduct of meetings; voting.**

(a) Meetings of the Board of Trustees shall be conducted by the Mayor, according to *Robert's Rules of Order, Revised*.

(b) A majority of all Trustees elected shall constitute a quorum to do business at all meetings of the Board of Trustees, and each member, including the Mayor, shall vote upon every question put by the Chair unless required to abstain in order to avoid a conflict of interest as required by Section 31-4-404, C.R.S. The Mayor shall preside at all meetings of Board of Trustees and shall have the same voting powers as any member of the Board of Trustees. Upon

the taking of any vote, the Town Clerk shall record in the minutes the names of those voting and their votes.

(c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor pro tem, and the Town Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. Upon the appearance of a quorum, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following order:

(1) Reading, amending and approving the minutes of the last meeting.

(2) Presentation of petitions and reports of officers.

(3) Reports of standing and select committees.

(4) Unfinished business of preceding meeting.

(5) Communications to the Board of Trustees.

(6) New and miscellaneous business.

(7) Claims against the Town. (Ord. 1911 §§6-1—6-3; Ord. 2-2005 §1)

**Sec. 2-2-90. Boards and commissions.**

The Board of Trustees shall create and appoint members to such boards and commissions as may now or hereafter exist, including but not limited to the following:

(1) Planning Commission.

(2) Undesirable Plant Management Committee. (Ord. 2-2005 §1)

### ARTICLE III

#### Officers and Employees

##### Sec. 2-3-10. Appointed officers.

(a) The Board of Trustees shall, as soon as practicable after its organization each year, appoint the following officers by a majority vote of the Board of Trustees:

- (1) Town Attorney;
- (2) Town Clerk; and
- (3) Town Treasurer.

(b) The Board of Trustees may, by a majority vote of the Board, appoint other officers, including a Town Administrator, a Municipal Judge and a Town Marshal.

(c) Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the Board of Trustees. (Ord. 1911 §§3-2—3-4; Ord. 2-2005 §1)

##### Sec. 2-3-20. Duties of Town Administrator.

(a) The Town Administrator, if appointed by the Board of Trustees, shall be the chief administrative officer of the Town.

(b) The Board of Trustees, by a majority vote, may appoint a Town Administrator. He or she shall serve at the pleasure of a majority of the Board at a salary to be fixed by the Board. The Town Administrator shall be selected on the basis of his or her executive and administrative qualifications, with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office. The

Town Administrator, at the discretion of the Board of Trustees, may serve in a part-time capacity.

(c) The Town Administrator shall be responsible to the Board of Trustees for the efficient administration of the affairs of the Town. To that end, he or she shall have the power and duty to:

(1) Enforce the laws and ordinances of the Town.

(2) In cooperation with the Town Treasurer and Board of Trustees, prepare a proposed budget annually and submit it to the Board. He or she shall also be responsible for the administration of the budget after its adoption.

(3) Prepare and submit to the Board of Trustees, on a quarterly basis, a complete report on finances and administrative activities of the Town and, upon request of the Board of Trustees, make written or verbal reports at any time concerning the affairs of the Town.

(4) Keep the Board of Trustees advised of the overall financial condition and future needs of the Town and make such recommendations to the Board of Trustees as he or she deems necessary or expedient.

(5) As delegated by the Board of Trustees, enforce all terms and conditions imposed in favor of the Town and its inhabitants in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Board of Trustees for such action and proceedings as may be necessary to enforce the same.

(6) Attend Board of Trustees and Planning Commission meetings and participate in discussions in an advisory capacity.

(7) As delegated by the Board of Trustees, be responsible for engineering, architectural maintenance, construction and equipment services required by the Town.

(8) Inform the public concerning plans and activities of the Town and of the Town's administration.

(9) Perform such other duties as may be prescribed by ordinance or by the Board of Trustees, including those functions agreed to by the Town in any contracts it executes with the State for the provision of administrative services.

(d) The Trustees at a regular or special meeting may, upon the vote of the entire Board of Trustees, remove the Town Administrator from office for reasonable cause. Upon such termination, the Trustees may, at their discretion, provide termination pay. (Ord. 2-1979 §§1—5; Ord. 2-2005 §1)

#### **Sec. 2-3-30. Powers and duties of officers.**

Appointed officers of the Town shall have such power and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the Town, shall further perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of the Board of Trustees. (Ord. 2-2005 §1)

#### **Sec. 2-3-40. Oath of office; bond.**

(a) Each and every officer of the Town, whether elected or appointed, shall before entering upon the duties of his or her office take an oath or affirmation that he or she will support the Constitution of the United States and the Constitution of the State of Colorado and will

well and truly perform the duties of the office to the best of his or her skill and ability.

(b) The Town Treasurer and such other officers as the Board of Trustees may designate before entering upon the duties of their respective offices, shall execute bonds to the Town with sureties to be approved by the Board of Trustees in such sums as the Board of Trustees may direct and approve, conditioned that they will faithfully perform the duties of their respective offices and that they will, when required by the Board of Trustees, pay over all money and deliver up all property in their custody belonging to the Town. (Ord. 1911 §§3-1, 3-5; Ord. 2-2005 §1)

#### **Sec. 2-3-50. Removal of Town officers.**

By a majority vote of all members of the Board of Trustees, the Mayor, Town Clerk, Town Treasurer, any member of the Board of Trustees 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. When any elected officer ceases to reside within the limits of the Town, he or she may be removed from office pursuant to this Section. Appointed officers or employees of the Town need not reside within the limits of the Town. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S. (Ord. 2-2005 §1)

### **ARTICLE IV**

#### **Municipal Court**

#### **Sec. 2-4-10. Reserved.**

The Town has reserved this Article to establish a Municipal Court after adoption of this Code. (Ord. 2-2005 §1)

**ARTICLE V**

**Planning Commission**

**Sec. 2-5-10. Creation.**

There is hereby created a Planning Commission for the Town, which shall consist of five (5) members, including the Mayor and one (1) member of the Board of Trustees of the Town, as ex officio members, and three (3) persons appointed by the Board of Trustees. All members of the Planning Commission shall be bona fide residents of the Town and, if any member ceases to reside within the Town, his or her membership on the Planning Commission shall automatically terminate. All members of the Planning Commission shall serve without compensation, and appointed members shall hold no other municipal office. (Ord. 8-1981 §1; Ord. 2-2005 §1)

**Sec. 2-5-20. Purpose.**

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (3) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (4) To exchange information with the various governmental agencies charged with planning and zoning responsibilities.
- (5) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except

that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees. (Ord. 2-2005 §1)

**Sec. 2-5-30. Membership.**

(a) The terms of ex officio members shall correspond to their official tenures, and the terms of the appointed members shall be for three (3) years; provided, however, that the terms of two (2) of the members of the initial Planning Commission shall be for one (1) and two (2) years respectively, in order that the three-year terms of the members appointed thereafter shall be staggered.

(b) Members other than ex officio members may be removed, after public hearing, by the Board of Trustees for inefficiency, neglect of duty or malfeasance in office. The ex officio member representing the Board of Trustees shall be appointed by the Board of Trustees and may be removed by the Board of Trustees for the same reasons for removal of appointed members. The Board of Trustees shall file a written statement of the reason for the removal of any member following such hearing.

(c) Vacancies occurring otherwise than through expiration of a term shall be filled for the remainder of the unexpired term by the Board of Trustees.

(d) The Planning Commission shall elect a Chair from among the appointed members and shall create and fill such other offices as it may from time to time determine. The term of the office shall be for one (1) year, with eligibility for re-election. The Planning Commission shall hold at least one (1) regular meeting in each month and shall adopt rules for the transaction of business and keep a record of its resolutions, transactions, findings and determinations, which

record shall be a public record. All meetings of the Planning Commission shall be public meetings. The Planning Commission shall have all of the powers and duties granted and imposed by the provisions of Part 2, Article 23, Title 31, C.R.S., and shall adhere to the purposes and procedures outlined in said statutory provisions. (Ord. 8-1981 §§2—5; Ord. 2-2005 §1)