

CHAPTER 2

Administration

Article 1 Elections

- Sec. 2-1-10 Conduct of elections
- Sec. 2-1-20 Write-in candidate affidavit
- Sec. 2-1-30 Cancellation of election

Article 2 Mayor and Board of Trustees

- Sec. 2-2-10 Board of Trustees; terms, authority, qualifications and vacancies
- Sec. 2-2-20 Mayor
- Sec. 2-2-30 Mayor Pro Tem
- Sec. 2-2-40 Acting Mayor
- Sec. 2-2-50 Compensation
- Sec. 2-2-60 Regular meetings
- Sec. 2-2-70 Special meetings
- Sec. 2-2-80 Conduct of meetings; voting
- Sec. 2-2-90 Boards and commissions

Article 3 Officers and Employees

- Sec. 2-3-10 Appointed officers
- Sec. 2-3-20 Powers and duties of officers
- Sec. 2-3-30 Oath of office; bond
- Sec. 2-3-40 Removal of Town officers
- Sec. 2-3-50 Social Security

Article 4 Municipal Court

- Sec. 2-4-10 Creation of Municipal Court
- Sec. 2-4-20 Original jurisdiction
- Sec. 2-4-30 Appointment of Municipal Judge
- Sec. 2-4-40 Compensation of Judge
- Sec. 2-4-50 Oath of office
- Sec. 2-4-60 Court Clerk
- Sec. 2-4-70 Sessions generally
- Sec. 2-4-80 Rules of procedure
- Sec. 2-4-90 Contempt power
- Sec. 2-4-100 Surcharge

Article 5 Planning Commission

- Sec. 2-5-10 Creation
- Sec. 2-5-20 Purpose
- Sec. 2-5-30 Composition
- Sec. 2-5-40 Terms
- Sec. 2-5-50 Removal of members
- Sec. 2-5-60 Alternate members
- Sec. 2-5-70 Officers
- Sec. 2-5-80 Meetings
- Sec. 2-5-90 Duties of Planning Commission

Article 6 Board of Adjustment

- Sec. 2-6-10 Authority
- Sec. 2-6-20 Designation of Board of Trustees
- Sec. 2-6-30 Appeals

Sec. 2-6-40 Quorum; vote

ARTICLE 1

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 as amended. The Town may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. 2007-07 §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 is filed with the Town Clerk by the person intending to be a write-in candidate. The affidavit shall indicate the name of the person who will be the write-in candidate, the office for which such person is a candidate and a statement that the person is qualified to assume the duties of that office if elected. Such affidavit shall be filed with the Town Clerk at least twenty (20) days prior to the date of election. (Ord. 92-1 §1; Ord. 2007-07 §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 who have filed affidavits of intent as set forth in Section 2-1-20, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and the Board of Trustees, shall declare the candidates elected.

(b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. (Ord. 92-1 §2; Ord. 2007-07 §1)

ARTICLE 2

Mayor and Board of Trustees

Sec. 2-2-10. Board of Trustees; terms, authority, qualifications and vacancies.

(a) Terms.

(1) Commencing with the regular election scheduled for the first Tuesday in April, 2002, Trustees shall be elected for overlapping four-year terms. At the 2002 election, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year terms. The candidate or candidates receiving the next highest vote total or totals shall be elected to two-year terms. At all subsequent regular municipal elections following April 2002, three (3) Trustees shall be elected to serve four-year terms.

(2) The Mayor and Trustees may serve an unlimited number of terms in office, so long as they are elected for such terms at each regular or special election or are duly appointed to such office when a vacancy exists pursuant to Section 31-4-303, C.R.S.

(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 who has resided within the Town limits for a period of at least twelve (12) consecutive months immediately preceding the date of the election. However, in case of annexation of property, any person who has resided within the annexed territory for the time prescribed in this Subsection shall be deemed to have met the residence requirements for the Town.

(d) Removal from office. By a majority vote of all members of the Board of Trustees, the Mayor or any Trustee 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 Town limits. When any officer ceases to reside within the Town limits, he or she may be removed from office pursuant to this Subsection.

(e) Vacancies. The Board of Trustees shall have the power by appointment to fill vacancies as provided by state law. (Ord. 06-1998 §2; Ord. 2001-01 §§1-3; Ord. 2007-07 §1)

Sec. 2-2-20. Mayor.

(a) Commencing with the regular election in 2002, the Mayor shall serve a four-year term. 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 over all meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town.

(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) In addition to those powers and duties required by state statute, the Mayor shall exercise such powers as the Trustees shall specifically confer upon him or her.

(e) In case of the Mayor's death, disability, resignation or other vacation of the Mayor's office, the Board of Trustees shall have the power to fill such vacancy as provided for in Section 2-2-10 above. (Ord. 2005-05 §§1, 2; Ord. 2007-07 §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. 2007-07 §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. 2007-07 §1)

Sec. 2-2-50. Compensation.

(a) Compensation for the Mayor shall be as established by ordinance, subject to the condition that the Mayor attend in full each month at least one (1) regular meeting of the Board of Trustees of the Town. In the event the Mayor does not so attend at least one (1) such meeting, no compensation shall be paid to the Mayor for that month, and such compensation shall instead be paid to the Mayor Pro Tem, subject to the condition that, with respect to the month in question, the Mayor Pro Tem attend in full at least one (1) such meeting in the place of the Mayor.

(b) Compensation for members of the Board of Trustees shall be as established by ordinance for each regular monthly meeting, which total includes any regular work session held in conjunction with any regular meeting, attended by that Board member. In the event of a special meeting requested by a citizen and for which a fee is assessed to such citizen as set forth in Appendix B to this Code, each member of the Board of Trustees shall be paid the amount contained in Appendix B to this Code for each such citizen-initiated special meeting attended by that Board member. For any other special meeting or special work session, members of the Board of Trustees shall be paid the amount contained in Appendix B to this Code per meeting. While attendance by members of the Board of Trustees is strongly encouraged at all regular and special meetings and work sessions as a matter of public policy, compensation for members of the Board of Trustees shall not exceed a total of three (3) regular or special meetings per calendar month, which shall be calculated based on a combination of the three (3) highest compensated meetings attended by that Board member in that month.

(c) The compensation described in this Section shall be paid quarterly and be paid at approximately the same time as the regular monthly payroll checks are issued at the end of March, June, September and December of each year. Incoming Board of Trustees members shall be paid for the April meeting in even-numbered years after the biennial election. Outgoing Board of Trustees members shall not be paid for attendance at the April meeting in even-numbered years after the biennial election. The compensation set forth in this Section will be reduced by mandatory state or federal withholdings.

(d) 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. 2002-01 §3; Ord. 2005-06 §§1—3; Ord. 2007-07 §1)

Sec. 2-2-60. Regular meetings.

The regular meetings of the Board of Trustees shall be held as established by ordinance at the Town Hall at 6:00 p.m., except on legal holidays, when no meeting shall be held. (Ord. 2007-07 §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 fees are set forth contained in Appendix B to this Code. 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. 2007-07 §1)

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

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

(b) A majority 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 allowed by the Board of Trustees to abstain. 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. 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. If a quorum is present, the Board of Trustees shall proceed with the business before it, in the manner and order as established by the Board of Trustees. (Ord. 2007-07 §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) Board of Adjustment; and

- (2) Planning Commission. (Ord. 2007-07 §1)

ARTICLE 3

Officers and Employees

Sec. 2-3-10. Appointed officers.

(a) The following officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:

- (1) Town Administrator;
- (2) Town Attorney;
- (3) Town Clerk;
- (4) Town Treasurer;
- (5) Town Engineer;
- (6) Town Planner; and
- (7) Building & Zoning Administrator.

(b) 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.

(c) The Board of Trustees may appoint such additional officers as it deems necessary. (Ord. 2007-07 §1)

Sec. 2-3-20. Powers and duties of officers.

Appointed officers of the Town shall have such powers 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. 2007-07 §1)

Sec. 2-3-30. Oath of office; bond.

(a) When required by the Board of Trustees, each officer or employee, before entering upon the duties of his or her office, shall take and subscribe to an oath to support the Constitutions and laws of the United States and the State and the ordinances of the Town.

(b) In all cases where, by law, ordinance or resolution of the Board of Trustees, a bond is required of any such officer, he or she shall make and execute to the Town a bond in such sum as is required, to be approved by the Board of Trustees, conditioned upon the faithful performance of all

duties pertaining to such office, the proper care of all money or property of the Town coming into his or her hands and the proper accounting for or delivery of the same. (Ord. 2007-07 §1)

Sec. 2-3-40. Removal of Town officers.

(a) By a majority vote of all members of the Board of Trustees, any appointed 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. Appointed officers or employees of the Town need not reside within the limits of the Town. The 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.

(b) Specification of charges. All charges preferred against any such officer of the Town, for any cause or causes specified in the foregoing subsection for the removal of such officer, shall be made in writing to the Board of Trustees and shall clearly specify any such cause or causes of removal.

(c) Service of charges and notice of hearing. A copy of such charges and specifications, together with a notice of the time and place of hearing, shall be served upon the accused officer at least fifteen (15) days before the day of hearing.

(d) Hearing. At the time and place so set, the Board of Trustees shall meet and proceed according to its rules to hear the evidence against the accused officer, as well as the evidence offered in his or her behalf, adjourning from time to time as may be necessary, until all the evidence shall have been given.

(e) Decision. Within three (3) days after the evidence shall have been given, the Board of Trustees shall vote by yeas and nays upon each charge and specification separately. The question upon each charge shall be "Is the accused guilty?" If the Board of Trustees, by a lawful number, finds the accused officer guilty of any specified charge aforesaid, it shall resolve that the accused be removed from office and his or her office declared vacant.

(f) Appearance by counsel. Upon the trial as aforesaid, the accused officer shall be heard by himself or herself or by counsel in his or her defense, and the Town may also be represented by counsel in the prosecution of such charges. The Chief of Police, the Mayor or the Town Clerk may serve any paper required to be served by any provisions of this Article. (Ord. 2007-07 §1)

Sec. 2-3-50. Social Security.

In the opinion of the Board of Trustees, the extension of the social security system to employees and officers of the Town will be of great benefit not only to the employees and officers by providing that said employees and officers may participate in the provision of the old-age and survivors insurance system, but also to the Town by the efficiency of its government. (Ord. 2007-07 §1)

ARTICLE 4

Municipal Court

Sec. 2-4-10. Creation of Municipal Court.

Pursuant to and governed by the provisions of state law, there is hereby created and established a Municipal Court for the Town, and such Municipal Court shall have all of the powers and duties as set forth in Title 10, Article 13, C.R.S., and the Municipal Court Rules of Procedure. The Board of Trustees shall have the power to appoint a Municipal Judge, such assistant judges as may be necessary and such other Municipal Court staff as may, from time to time, be required for the proper operation of the Municipal Court. (Prior code 7-4; Ord. 2007-07 §1)

Sec. 2-4-20. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance. (Ord. 2007-07 §1)

Sec. 2-4-30. Appointment of Municipal Judge.

The Municipal Court shall be presided over by a Municipal Judge, appointed for a term of two (2) years by ordinance of the Board of Trustees. Additional judges as may be needed to transact the business of the Court may be appointed by the Board of Trustees for such terms as necessary. (Ord. 2007-07 §1)

Sec. 2-4-40. Compensation of Judge.

The compensation of the Municipal Judge shall be an annual salary in an amount set by ordinance of the Board of Trustees, and shall be payable monthly. (Ord. 2007-07 §1)

Sec. 2-4-50. Oath of office.

Before entering upon the duties of his or her office, the Municipal Judge shall take an oath of affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the Town, and will faithfully perform the duties of his or her office. (Ord. 2007-07 §1)

Sec. 2-4-60. Court Clerk.

The Town Administrator, with the approval of the Board of Trustees, may appoint a person to serve as Court Clerk, whose duties shall be those assigned by the Municipal Judge. The Municipal Judge may also act as Court Clerk in accordance with state statutes. (Ord. 2007-07 §1)

Sec. 2-4-70. Sessions generally.

(a) There shall be regular sessions of the Municipal Court for the trial of cases as may be fixed by the Municipal Judge. The Municipal Judge may hold special sessions of court at any time, including Sundays, holidays and evenings. All sessions shall be open to the public.

(b) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared. (Ord. 2007-07 §1)

Sec. 2-4-80. Rules of procedure.

In addition to other powers, the Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Ord. 2007-07 §1)

Sec. 2-4-90. Contempt power.

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury. (Ord. 2007-07 §1)

Sec. 2-4-100. Surcharge.

(a) After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town, the Municipal Judge shall add thereto a surcharge in the amount of ten dollars (\$10.00). The total fine, including the amount of the additional surcharge, shall not exceed three hundred dollars (\$300.00).

(b) All proceeds generated by the surcharge shall be distributed as follows:

(1) One-half (½) of the total surcharge funds collected shall be deposited in the Town's general fund and used primarily to pay the cost of providing jail services for persons sentenced to terms in the Weld County Jail or other detention facility. Such funds shall not be restricted funds, and may be used for other general fund purposes.

(2) One-half (½) of the surcharge collected will be used to support the Weld County Drug Task Force in its drug prevention and interception program. (Ord. 08-1997 §1; Ord. 2007-07 §1)

ARTICLE 5

Planning Commission

Sec. 2-5-10. Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town. (Ord. 2007-07 §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 implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) 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. 2007-07 §1)

Sec. 2-5-30. Composition.

The Planning Commission shall consist of five (5) members, such members being the Mayor and one (1) other member of the Board of Trustees, as ex officio members, and three (3) persons appointed by the Board of Trustees. (Ord. 2001-04 §1)

Sec. 2-5-40. Terms.

Planning Commission members appointed by the Mayor shall serve a term of four (4) years. The ex officio members shall be full voting members, and such member's term shall correspond to his or her respective term on the Board of Trustees. (Ord. 2001-04 §1)

Sec. 2-5-50. Removal of members.

A member of the Planning Commission may be removed by the Board of Trustees if the member:

- (1) Misses two (2) consecutive meetings or misses three (3) regular monthly meetings in a calendar year; or
- (2) Neglects his or her duty or commits malfeasance in office; and
- (3) The member has been given written notice of the reasons for the proposed removal in writing at least seven (7) days prior to removal and is given an opportunity to respond to the governing body regarding the reasons set forth in the notice. (Ord. 2001-04 §1; Ord. 2007-07 §1)

Sec. 2-5-60. Alternate members.

The Board of Trustees may appoint an alternate member of the Planning Commission. The alternate member shall be counted as a member for purposes of establishing a quorum. Such alternative member is encouraged to attend all meetings of the Planning Commission, but shall only participate in the proceedings of the Planning Commission if a regular Commissioner is absent from the meeting. If a regular Commissioner is absent at the beginning of the meeting and later arrives, the alternate member shall not participate further in the proceedings. (Ord. 2001-04 §1)

Sec. 2-5-70. Officers.

The Planning Commission shall select a Chair who shall serve a term of one (1) year with eligibility for reelection from among the non-ex officio members, except that the alternate member shall not serve as an officer of the Planning Commission. A Vice Chair may be selected from the entire membership of the Planning Commission other than the alternate member. In the absence of both the Chair and Vice Chair, any member of the Planning Commission may conduct the meeting. (Ord. 2001-04 §1; Ord. 2007-07 §1)

Sec. 2-5-80. Meetings.

The Planning Commission shall conduct at least one (1) regular meeting each month. Three (3) members of the Planning Commission shall constitute a quorum. A member of the administrative staff of the Town shall attend each meeting and shall keep a record of the Planning Commission's resolutions, transactions, findings and determinations. If no administrative staff is available, a member of the Planning Commission shall keep the record for the Planning Commission. The records of the Planning Commission are public records. (Ord. 2001-04 §1)

Sec. 2-5-90. Duties of Planning Commission.

The Planning Commission shall perform such duties as are established for it by state statute and shall perform such other functions as are properly delegated to it by the Board of Trustees. (Ord. 2001-04 §1; Ord. 2007-07 §1)

ARTICLE 6

Board of Adjustment

Sec. 2-6-10. Authority.

Pursuant to the authority granted to municipalities in Section 31-23-307(4), C.R.S., the Board of Trustees has authority to transfer to another board, agency or commission the authority of the Board of Adjustment. The Board of Trustees, by this Article, appoints the Board of Trustees, as such authority. All appeals taken from any building official or administrative official of the Town shall be heard by the Board of Trustees, sitting as the Board of Adjustment. (Ord. 03-1997 §1)

Sec. 2-6-20. Designation of Board of Trustees.

The Board of Trustees is hereby designated as the agency of the Town which has the authority to make decisions pursuant to Section 31-23-307(1), C.R.S. (Ord. 03-1997 §2)

Sec. 2-6-30. Appeals.

Any appeal to the Board of Adjustment shall be taken by filing a notice with the Town Clerk and setting forth the order to be appealed. Such notice shall be filed with the Town Clerk no later than twenty (20) days after entry of the order appealed from. The officer from whom the appeal is taken shall thereafter at once transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. (Ord. 03-1997 §3)

Sec. 2-6-40. Quorum; vote.

The Board of Adjustment shall not act on any matter brought before it unless at least five (5) members of the Board of Adjustment are present for such hearing. The affirmative vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or termination of any building or other administrative official or to decide in favor of the applicant in a matter upon which it is required to act. (Ord. 03-1997 §4; Ord. 2007-07 §1)