

Chapter 2

Administration and Personnel

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ARTICLE I

Elections

Sec. 2-1. Adoption of Colorado Municipal Election Laws.

Town elections shall be governed by the "Colorado Municipal Election Code of 1965," Part 1 of Article 10 of Title 31, C.R.S., except as otherwise provided in this Code. (Ord. 194 §1, 1995)

Sec. 2-2. Write-in candidate affidavit required.

Pursuant to Section 31-10-306, C.R.S., 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 twenty (20) days prior to the date of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 180, 1992; Ord. 194 §1, 1995)

Sec. 2-3. Election may be cancelled; when.

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 write-in candidates filing affidavits of intent pursuant to Section 2-2 above, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and by resolution declare the candidates elected and upon such declaration the candidates shall be deemed elected. Notice of cancellation shall be published by

the Town Clerk, if possible, in order to inform the electors, and notice of cancellation shall be posted at each polling place and in not less than one (1) other public place. (Ord. 180, 1992; Ord. 194 §1, 1995)

Secs. 2-4-2-20. Reserved.

ARTICLE II

Mayor and Board of Trustees

Sec. 2-21. Board of Trustees.

The legislative and corporate authority of the Town shall be vested in a Board of Trustees, consisting of one (1) Mayor and six (6) Trustees, who shall be elected at a regular municipal election on the first Tuesday of April in each even-numbered year. Each member of the Board of Trustees shall serve two-year terms. The Board of Trustees shall have the powers, rights, functions and privileges in the operation of the Town government as set forth in the state statutes. (Prior code II-1-1; Ord. 194 §1, 1995)

Sec. 2-22. Mayor.

(a) The Mayor shall serve two-year terms, elected at the same time as the Trustees are elected. The Mayor or, in his or her absence, the Mayor Pro Tem, shall preside at all meetings of the Board of Trustees and shall be the ceremonial head of the Town government. The Mayor shall have no vote on any matter before the Board of Trustees, except in the case of a tie vote. In the case of a tie vote, the Mayor shall be entitled to cast the deciding vote. All ordinances and all resolutions authorizing the expenditure of money or the

entering into of a contract shall be subject to disapproval by the Mayor as provided in Section 31-16-104, C.R.S., and shall not be valid without the signature of the Mayor; provided, however, that the Board of Trustees may override any such veto by the Mayor upon affirmative vote of two-thirds ($\frac{2}{3}$) of all the members elected to the Board of Trustees as provided by state law, in which case said ordinance, resolution or contract shall be valid as if it had been approved and signed by the Mayor.

(b) The Mayor is the chief executive office of the Town and is empowered to act to preserve the health, welfare and safety of the Town and its residents. The Mayor is further empowered to act to perform the duties of any Trustee in the event of an emergency during the death, disability, unavailability or failure of such Trustee to act. The Mayor shall have such other duties and responsibilities as the Board of Trustees may give to him or her from time to time. (Prior code II-1-2)

Sec. 2-23. Administrative departments.

(a) At the first meeting of the Board of Trustees following each regular biennial election, the Mayor, with the concurrence of the Trustees, shall appoint each Trustee to an area of administrative responsibility. The Mayor shall make said Trustee appointments from the following list of administrative offices:

- (1) Streets and public works;
- (2) Public safety;
- (3) Parks and recreation;

- (4) Special affairs;
- (5) Budget and finance; and
- (6) Building and zoning.

(b) Each Trustee shall be responsible for the department assigned to him or her. The Board of Trustees may further prescribe the duties and responsibilities of each Trustee and the Mayor by resolution. The Trustees, in their capacities as head of the various departments set forth above, may also be known as commissioners of those departments. (Prior code II-1-3; Ord. 194 §1, 1995)

Sec. 2-24. Mayor Pro Tem.

At the first meeting of the Trustees following each regular biennial election, the Trustees shall elect one (1) of their number as Mayor Pro Tem, who shall, in the absence of the Mayor from the meeting or in the Mayor's inability to act, perform all the functions and duties of the Mayor. The Mayor Pro Tem may also vote as a Trustee during the time he or she is serving as Mayor. (Prior code II-1-4)

Sec. 2-25. Oath.

The Mayor and each Trustee shall, upon entering his or her office, first take an oath that he or she will support the Constitutions of the United States and of the State and the Code, ordinances and resolutions of the Town, and that he or she will faithfully perform the duties of the office or offices upon which he or she is about to enter. (Prior code II-1-5; Ord. 194 §1, 1995)

Sec. 2-26. Removal.

By a vote of four (4) 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 for hearing. If the Mayor or any Trustee moves out of the Town, he or she may be removed under this Section. Any elected official may also be removed by recall in accordance with the provisions of state law. (Prior code II-1-6)

Sec. 2-27. Resignation and vacancies.

Any elected official may resign upon giving written notice to the Board of Trustees, such resignation to be effective upon acceptance of the resignation by the Trustees. At any time there is a vacancy in any office, whether created by resignation, removal, death, disability or otherwise, the Trustees, by majority vote of the remaining members, may appoint a successor to hold office until the next regular election of the Town and until a successor is duly elected and qualified. (Prior code II-1-7; Ord. 194 §1, 1995)

Sec. 2-28. Meeting time and location of regular meetings.

The Board of Trustees shall hold its regular meetings on the third Monday of each month, except in December when the regular meeting shall be held on the second Monday of the month, at 7:30 p.m. in the home of the Mayor, one (1) of the Trustees, or such other location within the Town as may be set by said Trustees. The place of the next regular meeting shall be designated in the regular order of business at each meeting. However, the Board of Trustees may provide for the holding of any regular meeting or adjournment thereof at such other time or place as it deems necessary or desirable, provided that all members of the Board of Trustees shall be duly notified of

the time and place of such meeting. (Prior code II-3-1; Ord. 194 §1, 1995)

Sec. 2-29. Posting of notice.

The place for posting meeting notices as required by Section 24-6-402, C.R.S. shall be the Town Clerk's office. Failure to redesignate the posting location annually shall not invalidate the holding of a meeting and any action taken thereat for which notice is published at this location. (Ord. 194 §1, 1995)

Sec. 2-30. Lack of quorum.

In the event there is not a quorum present at any meeting, the Trustees attending may adjourn the meeting from time to time until a quorum is present. If there is a vacancy in the office of one (1) or more Trustees by resignation, removal, death, disability or otherwise, or by failure to attend three (3) consecutive meetings, and a quorum is not available, a majority of the then remaining Trustees may call a special election to fill such vacancies. (Ord. 194 §1, 1995)

Sec. 2-31. Calling of special meetings.

A special meeting may be called by the Mayor when, in his or her judgment, he or she deems such a meeting necessary or desirable, and a special meeting shall be called by the Mayor when requested so to do by three (3) or more Trustees, who in their judgment deem such a meeting necessary or desirable; provided, however, that notice shall be given to each member of the Board of Trustees at least twenty-four (24) hours in advance of the time and place of such special meeting, except in a case of an emergency, in which case the only notice that shall be required is such notice as is practical under the circumstances. (Prior code II-3-2)

Sec. 2-32. Order of business.

(a) At the commencement of the meeting, the Mayor or, in his or her absence, the Mayor Pro Tem shall have the Town Clerk note the absences and announce whether a quorum be present. In the event a quorum is present, the Board of Trustees shall then proceed to the business before the Board of Trustees, which shall be conducted in the following order:

- (1) Reading of the minutes of the last meeting, amendment and approval of the same.
- (2) Reports of the Trustees.
- (3) Approval of bills.
- (4) Reports of the appointed officers.
- (5) Reports of committees.
- (6) Report of the Mayor.
- (7) Old business.
- (8) New business.
- (9) Establishing time and place of next meeting.
- (10) Adjournment.

(b) The rules of procedure and order of business may be amended or temporarily suspended by the Mayor or by a two-thirds ($\frac{2}{3}$) vote of the Trustees present. (Prior code II-3-3; Ord. 194 §1, 1995)

Sec. 2-33. Robert's Rules of Order.

The rules contained in Robert's Rules of Order (as revised) shall govern the meeting

insofar as they are applicable and insofar as they are not inconsistent with the rules of order adopted herein. (Prior code II-3-4; Ord. 194 §1, 1995)

Sec. 2-34. Minutes of proceedings.

The Town Clerk shall include in the minutes of each meeting the following:

- (1) Name: Meeting of the Board of Trustees of the Town of Bow Mar, Colorado.
- (2) Kind of meeting (regular or special).
- (3) Place and date of meeting.
- (4) Trustees present and officer presiding.
- (5) Appointed officers or guests present.
- (6) Reading and approval of previous minutes.
- (7) All motions, resolutions and ordinances introduced or voted upon, and reports given and the disposition of same.
- (8) A record of the results of each vote taken, and on the passage or adoption of every ordinance the "yeas" and "nays" shall be called and recorded by name.
- (9) A record of all other actions taken by the Board of Trustees.
- (10) The time and place of the next regular meeting.

(11) The signature of the Town Clerk and presiding officer at the time the minutes are approved. (Prior code II-3-5)

Secs. 2-35-2-50. Reserved.

ARTICLE III

Officers and Employees

Sec. 2-51. Appointment, resignation and removal of officers.

The Board of Trustees shall appoint a Clerk-Treasurer, Town Attorney, Municipal Judge and any other officers it deems necessary for the good government of the Town. The Board of Trustees may further prescribe by ordinance their duties and the compensation or fees they are entitled to receive for their services. By the vote of four (4) Trustees, any officer of the Town may be removed from office, with or without cause. Any appointed officer may resign upon giving the Board of Trustees sixty (60) days' prior written notice. (Prior code II-2-1; Ord. 194 §1, 1995; Ord. 194 §1, 1995)

Sec. 2-52. Oath of office.

Every appointive official shall, before entering upon the duties of his or her office, take an oath that he or she will support the Constitutions of the United States and of the State and the Code, ordinances and resolutions of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code II-2-2)

Sec. 2-53. Bond for Treasurer.

The Treasurer of the Town shall execute a bond with surety to be approved by the

Board of Trustees in an amount as may be set by the Board. The Treasurer's duties may be combined with that of the Town Clerk, but the Treasurer shall be knowledgeable of generally accepted accounting principles. (Prior code II-2-3)

Secs. 2-54-2-70. Reserved.

ARTICLE IV

Social Security

Sec. 2-71. Legislative declaration.

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 of said Town 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. 194 §1, 1995)

Secs. 2-72-2-90. Reserved.

ARTICLE V

Municipal Court

Sec. 2-91. Establishment of Municipal Court.

There is hereby established a Municipal Court of the Town, pursuant to the provisions of state law. Such court is not a qualified court of record. Appeals of any final decision of the Court shall be taken to the appropriate county or district court pursuant to the provisions of state law and the rules of procedure governing municipal courts. (Prior code II-10-1; Ord. 194 §1, 1995)

Sec. 2-92. Appointment of Municipal Judge.

Pursuant to state law Municipal Judges shall be appointed by the Trustees. (Prior code II-10-1; Ord. 194 §1, 1995)

Sec. 2-93. Compensation of Judge.

The compensation of Judges shall be an annual salary in an amount set by the Board of Trustees and shall be payable monthly. (Ord. 194 §1, 1995)

Sec. 2-94. Location.

The Municipal Court may be located at any place in Arapahoe, Jefferson, Douglas or Denver County as may be authorized by law if such facilities are in reasonable proximity to the Town, and the Board of Trustees determines that suitable facilities cannot be provided in the Town. (Prior code II-10-2; Ord. 194 §1, 1995)

Sec. 2-95. 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 impositions of such fines and penalties as are prescribed by ordinance or the laws of the State. (Ord. 194 §1, 1995)

Sec. 2-96. Procedures.

The Municipal Court shall comply with all rules and procedures prescribed by state law. The Court may, from time to time, adopt such local rules, procedures and schedules as is deemed proper so long as they are not inconsistent with state law. (Prior code II-10-3)

Sec. 2-97. Reports.

The Town Clerk shall report on the activity of the Municipal Court at each regular meeting of the Board of Trustees. (Prior code II-10-4; Ord. 194 §1, 1995)

Sec. 2-98. Court costs.

The Municipal Judge may, in his or her discretion, assess Court costs against any defendant who, after any Municipal Court appearance, pleads no contest or guilty, enters into a plea arrangement or is convicted of violating any municipal ordinance. In all such appearances, Court costs shall be fifteen dollars (\$15.00) except when trial is by jury, in which case Court costs shall be forty-five dollars (\$45.00). In all matters in which a deferred judgment is granted, Court costs in an amount not to exceed twenty-five dollars (\$25.00) shall be imposed unless waived by the Court based upon the indigence of the defendant. (Ord. 179, 1992)

Sec. 2-99. 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. Imprisonment of a juvenile contemnor shall not exceed forty-eight (48) hours.

(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. 194 §1, 1995)

Secs. 2-100--2-110. Reserved.