

CHAPTER 2

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

All municipal elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965, except that the Town may by resolution determine to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. 11, 2002 §1)

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

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent has been filed with the Town Clerk prior to twenty (20) days before the day of election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 4, 1992 §1; Ord. 11, 2002 §1)

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

(a) At any municipal election, 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 set forth in Section 2-1-20, the Town Clerk shall cancel the election and by resolution shall certify such fact to the Board of Trustees, which shall hold a meeting and by resolution shall instruct the Town Clerk to cancel the election and shall declare the candidates elected. Upon such declaration, the candidates shall be deemed elected.

(b) Notice of such cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. (Ord. 4, 1992 §2; Ord. 11, 2002 §1)

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

(a) Terms. The Board of Trustees shall consist of four (4) Trustees and the Mayor. Trustees shall be elected to serve terms of four (4) years. At each regular election, two (2) Trustees shall be elected to serve four-year terms.

(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 their term of office, the Board of Trustees, within sixty (60) days of the creation of said vacancy, by a majority vote of all remaining members thereof, shall select and appoint, from among the duly qualified electors of the Town, a suitable person to fill the vacancy or, alternatively, call a special election to fill said vacancy. Any person appointed or elected to fill a vacancy 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 two (2) 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. 2, 2002; Ord. 11, 2002 §1)

Sec. 2-2-20. Mayor.

(a) The Mayor shall be elected to serve a term of four (4) years. 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, be a full voting member thereof 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) 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. 11, 2002 §1)

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

At its first meeting following each biennial municipal election, the Board of Trustees shall choose one (1) of its members 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. Vacancies in the office of Mayor Pro Tem shall be filled by appointment made by majority vote of the Board of Trustees. (Ord. 11, 2002 §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. 11, 2002 §1)

Sec. 2-2-50. Compensation.

(a) The Mayor and each member of the Board of Trustees shall receive such monthly compensation for his or her services as established by ordinance and affirmatively voted upon and approved by the Town's electorate at a regular or special meeting.

(b) 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. 11, 2002 §1)

Sec. 2-2-60. Regular meetings.

The regular meetings of the Board of Trustees shall normally be held on the first and third Monday of each month at the Town Hall at 7:00 p.m., except on legal holidays, when no meeting shall be held, or at such other times as otherwise established by announcement and/or publication upon the affirmative vote of the Board of Trustees at a public meeting. (Ord. 11, 2002 §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. 11, 2002 §1)

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

(a) Meetings of the Board of Trustees shall be conducted by the Mayor, according to such rules as the Trustees may adopt from time to time.

(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 the vote.

(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. 11, 2002 §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.
- (2) Planning Commission.
- (3) Tree Board.
- (4) Water Enterprise Board. (Ord. 11, 2002 §1)

Sec. 2-2-100. Delegation of administrative duties and functions.

In the absence of a duly appointed Town Administrator, the Board of Trustees may appoint and delegate to one (1) of its members the responsibilities and duties necessary to oversee and supervise the employees and day-to-day operations of a Town department. All such appointments shall be authorized by a written resolution duly passed by the Board of Trustees which shall describe in reasonable detail the authority and responsibilities delegated to the appointee and the term of such appointment. Trustees appointed to perform the duties and responsibilities described herein, and in any resolution of appointment, shall receive no additional compensation for such services. (Ord. 11, 2002 §1)

ARTICLE III**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 Attorney;
- (2) Town Clerk;
- (3) Town Treasurer; and
- (4) Municipal Judge.

(b) The Board of Trustees may also appoint a Town Administrator and a Town Prosecutor as it deems necessary from time to time.

(c) All Town officers shall hold their respective offices at the pleasure of the Board of Trustees and, unless earlier removed from office, shall serve until the next regular municipal election at which time they may or may not be reappointed at the discretion of the Board of Trustees. The reappointment and/or appointment of officers shall occur no later than the second regular meeting of the Board of Trustees after each regular municipal election. Vacancies shall be filled by appointment of the Board of Trustees.

(d) A single person may be appointed to hold and simultaneously perform two (2) or more officer positions, excepting the Municipal Judge position. (Ord. 11, 2002 §1)

Sec. 2-3-20. 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. 11, 2002 §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. 11, 2002 §1)

Sec. 2-3-40. Town Administrator.

(a) Office of Town Administrator. The purpose of the office of Town Administrator is to provide for the centralization of the administrative operations and responsibilities of the Town, with the Town Administrator to be the administrative head of the Town government under the direction and control of the Mayor and Trustees, and who shall be responsible to the Mayor and Trustees for the efficient conduct of said office.

(b) Appointment of Town Administrator.

(1) The Board of Trustees may appoint a Town Administrator who shall hold office at the pleasure of the majority of the Board. The Town Administrator shall be selected solely on the basis of executive and administrative qualifications, with special emphasis on training and experience in municipal administration, and shall be compensated at a rate deemed appropriate by the Board of Trustees.

(2) The Mayor shall annually conduct a job performance evaluation of the Town Administrator and submit the same to the Board of Trustees for its review and approval.

(3) The Town Administrator shall be subject to reappointment after every regular municipal election and shall serve at the pleasure of the Board of Trustees. The Town Administrator may be removed during his or her term of office, with or without cause, but only upon written notice and an opportunity to be heard before the Board of Trustees.

(4) The Town Administrator shall nominate a department head or other senior employee of the Town to serve as acting Town Administrator during the temporary disability or absence from the Town of the Town Administrator. Such nominee, once confirmed by the Board of Trustees, shall perform all the duties and exercise all the powers of the Town Administrator during the period of disability or absence of the Town Administrator, but shall receive no additional compensation therefor unless specifically authorized by the Board of Trustees. In the event of a vacancy in the position of Town Administrator, an interim Town Administrator may be appointed until the position is filled by regular appointment.

(5) The Town Administrator is hereby declared and determined to be a key Town employee with duties and responsibilities demanding that he or she reside in, or in close proximity to, the Town. As a result, the Town Administrator shall be required to reside within a fifteen-minute normal drive time radius of the Town Hall, and in no event greater than fifteen (15) miles therefrom, throughout his or her term of office.

(c) Functions and duties of Town Administrator. The Town Administrator shall be the chief administrative officer of the Town government and may head one (1) or more of the departments of the

Town. The Town Administrator's functions and duties shall be as follows:

(1) To be responsible to the Board of Trustees for the organization and efficient administration of all administrative departments of the Town, and to faithfully carry out directives and recommendations of the Mayor and Board of Trustees in coordinating the administrative functions and operations of the various departments.

(2) To supervise the enforcement of all laws and ordinances of the Town, save and except to the extent that the administration of such enforcement is confined to other Town officials by law or ordinance.

(3) To appoint and discharge, subject to the review and consent of the Board of Trustees, the heads of Town departments, excepting any Town officer appointed by the Board of Trustees, such as the Municipal Court Judge, Town Attorney, Town Prosecutor, Town Clerk and Town Treasurer. The Town Administrator shall also have the authority to employ, dismiss, suspend or discipline all departmental employees.

(4) To establish, subject to the approval of the Board of Trustees, appropriate personnel salary schedules and rules and regulations governing officers and employees of the Town.

(5) To issue administrative regulations and outline general administrative procedures applicable to areas and departments within the Town Administrator's supervision which are not in conflict with the laws of the State or other Town ordinances.

(6) To recommend an annual budget to the Board of Trustees, administer the budget as finally adopted and keep the Board of Trustees fully advised at all times as to the financial condition of the Town, including providing an annual report of the Town's affairs and summary of operations of all Town departments.

(7) To recommend to the Board of Trustees for its consideration proposed ordinances, changes in ordinances and such other regulatory measures as may be deemed necessary; and to attend Trustee meetings with the right to take part in discussion, but not to vote.

(8) To supervise and be responsible for the purchase of all supplies, material and equipment as authorized by the Board of Trustees for the various departments, divisions or services of the Town in a manner necessitated by and subject to the limitations imposed by law.

(9) To serve as public relations officer of the Town, and in such capacity to investigate and adjust all complaints filed against any employee, department, division or service of the Town, and to cooperate with all community organizations whose aim and purpose is to advance the best interests of the Town and its citizens.

(10) To be available to assist the Town Attorney, Town Clerk and Town Treasurer with all the facilities of the office of Town Administrator, and those officers in turn shall be available to assist the Town Administrator in the performance of the Town Administrator's duties.

(11) To perform such other duties that may be prescribed by ordinance or by direction of the Board of Trustees. (Ord. 9, 2001 §§1—3; Ord. 11, 2002 §1)

Sec. 2-3-50. Removal of Town officials and officers.

(a) Removal from office. 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 official or officer of the Town may be removed from office. No such removal shall be made without first providing a charge in writing and an opportunity for a hearing unless the person against whom the charge is made is required to be a resident of the Town and has moved outside 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) Service of notice of hearing. A written notice of the time and place for a hearing shall be served upon the official or officer sought to be removed from office at least ten (10) days before the day of hearing. The notice shall contain a plain and concise statement of the reasons, if any, for removing the subject official or officer from office. The official or officer may, in writing, waive and forego his or her right to a hearing.

(c) Hearing. At the time and place so set, the Board of Trustees shall meet and proceed according to its rules to hear information for or against the removal of the officer or official, adjourning from time to time as may be necessary, until all information shall have been given.

(d) Decision. Not more than three (3) days after the hearing, the Board of Trustees shall vote by yeas and nays to remove the official or officer from office. If the Board of Trustees, by a lawful number, votes for removal, then such person shall be removed from office and his or her office declared vacant.

(e) Appearance by counsel. Upon the hearing as aforesaid, the official or officer subject to removal shall be heard in person or by counsel in his or her defense. The Town may also be represented by counsel in such hearing. The Chief of Police or Town Clerk may serve any paper required to be served by any provisions of this Article. (Ord. 11, 2002 §1)

Sec. 2-3-60. 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. 11, 2002 §1)

ARTICLE IV

Municipal Court

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

A qualified Municipal Court of record in and for the Town is hereby created and established pursuant to and governed by the provisions of state law. (Ord. 11, 2002 §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. 11, 2002 §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 resolution 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. The Municipal Judge shall be an attorney admitted to and licensed in the practice of law in the State. (Ord. 2, 1978 §3; Ord. 11, 2002 §1)

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

Compensation for the Municipal Judge shall be established from time to time as deemed appropriate and necessary by the Board of Trustees and shall be paid in a timely manner similar to other Town employees. (Ord. 11, 2002 §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. 11, 2002 §1)

Sec. 2-4-60. 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.

(c) The proceedings and evidence of the Municipal Court shall be electronically recorded by audiotape recorder or other suitable means. (Ord. 2, 1978 §2; Ord. 11, 2002 §1)

Sec. 2-4-70. 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. 11, 2002 §1)

Sec. 2-4-80. 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 and arraignment. (Ord. 11, 2002 §1)

Sec. 2-4-90. Penalty surcharge.

There is hereby created a Police Training and Equipment Surcharge in an amount to be set determined by the Board of Trustees by resolution, to be assessed upon all persons found liable, convicted or pleading guilty or no contest to, a violation of any ordinance of the Town, which surcharge shall not be suspended or waived by the Municipal Court. (Ord. 5, 1996 §2; Ord. 11, 2002 §1; Ord. No. 2014-4, § 1, 5-5-2014)

Sec. 2-4-100. Court Clerk.

The Board of Trustees may appoint a person to serve as Municipal 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. 11, 2002 §1)

Sec. 2-4-110. Court costs.

Except where a person is found by the Court to be indigent, court costs are to be assessed and collected against any person who pleads guilty or nolo contendere, admits liability, enters into a plea agreement or is found guilty or liable after a trial, in the amount of thirty-one dollars (\$31.00), and such costs shall be deposited in the Town's general fund. (Ord. 6, 1999 § 1)

Sec. 2-4-120. Reserved.

Editor's note: Ord. No. 2014-4, § 2, adopted May 5, 2014, repealed § 2-4-120, which pertained to fuel surcharge and derived from Ord. 2008-03.

ARTICLE V**Police Department****Sec. 2-5-10. Creation; composition.**

There is hereby created a Police Department for the Town, which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the Town. (Ord. 11, 2002 §1)

Sec. 2-5-20. Departmental regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be approved by the Board of Trustees. (Ord. 11, 2002 §1)

Sec. 2-5-30. Chief of Police; appointment and duties.

(a) The Board of Trustees, upon the recommendation of the Town Administrator, if any, shall appoint a Chief of Police who shall be the head of the Police Department and serve at the pleasure of the Board. The Chief of Police shall not be deemed to be an appointed Town officer pursuant to Section 2-3-10 of this Chapter. The Chief of Police shall have the status of an appointed Town employee whose employment term shall not be subject to reappointment after each Town election. The Chief of Police may only be removed from his or her position upon the recommendation of the Town Administrator, if any, and the affirmative vote of the Board of Trustees. It shall be the duty of the Chief of Police to:

(1) See that the ordinances of the Town and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the Board of Trustees.

(2) Direct the operations of the Police Department, subject to the rules and regulations thereof.

(3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial.

(4) Render such accounts of the Police Department, his or her duties and receipts as may be required by the Board of Trustees, and keep the records of his or her office open to inspection by the Board of Trustees at any time.

(b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution

of the United States, the Constitution and laws of the State and ordinances 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.

(c) The Chief of Police may be removed from office upon the recommendation of the Town Administrator, if any, and on the affirmative vote of the membership of the Board of Trustees after a hearing. The Chief of Police shall be provided written notice of the reasons, if any, for his or her removal not less than ten (10) days prior to the hearing thereon. (Ord. 11, 2002 §1)

Sec. 2-5-40. Duties of police officers.

All members of the Police Department shall have power and duties as follows:

(1) They shall perform all duties required by the Chief of Police.

(2) They shall be the enforcement officers of the Town and shall see that the provisions of the ordinances of the Town and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of the ordinances of the Town or the laws of the State.

(3) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County. (Ord. 11, 2002 §1)

Sec. 2-5-50. Oath of officers.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances 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. (Ord. 11, 2002 §1)

ARTICLE VI

Planning Commission

Sec. 2-6-10. Creation.

Pursuant to the authority conferred by Section 31-23-202, C.R.S., there is created a Planning Commission for the Town. (Ord. 1, 1994 §23.1; Ord. 11, 2002 §1)

Sec. 2-6-20. Powers and duties.

(a) The Planning Commission shall have the power to perform each and all of the duties assigned to it by the ordinances of the Town and by the statutes of the State. It shall prepare and submit to the Board of Trustees for its approval a master plan for the physical development of the Town and such areas outside the boundaries of the Town as are proper under the statutes of the State. It shall review the zoning ordinances of the Town, hold hearings on proposed changes to such ordinances and make recommendations for any changes to the Board of Trustees. All plats of proposed subdivisions shall be submitted to it for its recommendations and approval or disapproval before being presented to the Board of Trustees.

(b) The Planning Commission shall review all proposed subdivisions, proposed zonings and such other matters related to planning as is deemed advisable. The decisions of the Planning Commission shall be purely advisory in nature to the Board of Trustees. Upon final adoption of the master plan by the Planning Commission, the same shall be presented to the Board of Trustees for its approval and the plan shall be given primary consideration by the Board of Trustees. The Board of Trustees may amend or alter the master plan, but only after the Planning Commission has had the opportunity to comment upon the proposed amendment. Any deviation from the master plan shall be determined to be an amendment to the plan. (Ord. 1, 1994 §23.2; Ord. 11, 2002 §1)

Sec. 2-6-30. Membership.

(a) The Planning Commission shall consist of five (5) members who shall be appointed by the Mayor. Neither the Mayor nor any member of the Board of Trustees shall serve on the Planning Commission.

(b) No member of the Planning Commission may be an employee of the Town, and all members shall serve without compensation.

(c) All members of the Planning Commission shall be residents of the Town, and if any member ceases to reside in the Town, his or her membership shall automatically and immediately terminate. (Ord. 1, 1994 §23.3; Ord. 3, 1999 §1)

Sec. 2-6-40. Terms of office.

The term of office for each member of the Planning Commission shall be four (4) years, or until a successor is qualified and takes office. (Ord. 1, 1994 §23.4; Ord. 3, 1999 § 2; Ord. 11, 2002 §1)

Sec. 2-6-50. Alternates.

There shall be two (2) alternate members to the Planning Commission appointed by the Mayor. Alternate members shall be expected to attend all meetings of the Commission, but shall have no voting power unless sitting in substitution of an absent regular member. (Ord. 1, 1994 §23.5; Ord. 3, 1999 §3)

Sec. 2-6-60. Absences from meetings.

In the event that one (1) or more members of the Planning Commission shall be absent from a meeting thereof, the chairperson shall designate an alternate to act in each such absent member's place, and such alternate shall have for that meeting, during such member's absence, the power to vote. (Ord. 2, 1990; Ord. 1, 1994 §23.6)

Sec. 2-6-70. Organization and rules.

The Planning Commission shall designate one (1) of its members as its chairperson and one (1) of its members as vice-chairperson, who shall serve in the absence of the chairperson. The chairperson shall preside at the meetings of the Planning Commission and shall possess full voting power. The Planning Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 1, 1994 §23.7; Ord. 11, 2002 §1)

Sec. 2-6-80. Filling of vacancies.

(a) Appointed members of and alternates to the Planning Commission may be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Prior to such removal, the Mayor shall file with the Board of Trustees and the Planning Commission a written statement of the reasons for such removal. In addition, a copy of such written statement shall be forwarded to the person to be removed, together with appropriate notice that such member is entitled to a public hearing before the Board of Trustees if he or she wishes to contest his or her removal.

(b) Vacancies on the Planning Commission occurring otherwise than through the expiration of a term shall be filled for the remainder of the unexpired term by one (1) of the alternates to be appointed by the Mayor, and if there are no alternates available, by such other person as the Mayor shall appoint. In filling vacancies occurring through the expiration of a term, it is the intent of the Board of Trustees that the Mayor shall give preference to the reappointment of the outgoing Planning Commission members and to the appointment of any available alternates. It shall be the duty of the Mayor to fill any vacancies occurring among the alternates. (Ord. 1, 1994 §23.8; Ord. 3, 1999 §4; Ord. 11, 2002 §1)

Sec. 2-6-90. Staff and finances.

The Town Clerk shall act as Secretary to the Planning Commission. All expenditures of the Planning Commission shall be within the amounts appropriated for such purpose by the Board of Trustees, which shall provide the funds, equipment and accommodations necessary for the Planning Commission's work. (Ord. 1, 1994 §23.9; Ord. 11, 2002 §1)

Sec. 2-6-100. Purposes in view.

In preparation of a master plan for the physical development for the Town, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire, floodwater and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. (Ord. 1, 1994 §23.10)

Sec. 2-6-110. Board of Trustees as Planning Commission.

Should the Board of Trustees determine that it is not feasible to appoint and maintain a separate Planning Commission, the Board of Trustees may, by motion, elect to act as the Planning Commission and may exercise and perform all of the powers and duties of the Planning Commission as set forth in this Article. (Ord. 2012-5)

ARTICLE VII**Water Enterprise Board****Sec. 2-7-10. Creation.**

There is hereby created the Town Water Enterprise Board, which shall have the powers and duties set forth in this Chapter. (Ord. 7, 1993 §1)

Sec. 2-7-20. Membership.

The Water Enterprise Board shall consist and be comprised of the members of the Board of Trustees, inclusive of the Mayor, and shall be deemed to be in session whenever the Board of Trustees is meeting. (Ord. 7, 1993 §2; Ord. 11, 2002 §1)

Sec. 2-7-30. Scope.

The Water Enterprise shall consist of the water treatment and distribution utility and the irrigation utility for the Town, will be overseen and managed by the Water Enterprise Board, and shall be an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution. (Ord. 7, 1993 §3)

Sec. 2-7-40. Powers.

The Water Enterprise Board shall have the following powers:

- (1) To assess, oversee, monitor and review the construction, operation and maintenance of the Town's water systems, in accordance with the Town's ordinances and the approved Water Enterprise Board budget.
- (2) To establish policy on extension of the Town's water services.
- (3) To review and approve applications for proposed extensions of the Town's water services including, but not limited to, reviewing the adequacy of plans of developers for installation of water utilities in newly developed areas.

(4) To establish service policies relating to billing, collections, connection and disconnection of service, meter reading and calibration and related matters in relation to the Town's water utilities.

(5) To set connection charges, service charges and standby fees; and to establish other rates and charges applicable to the Town's water utilities.

(6) To review and approve or reject proposed expenditures of water utilities funds subject to the approved Town budget for each fiscal year.

(7) To hear appeals of any order, requirement, decision or determination made by an administrative official regarding water rates and fees, connection or disconnection. In situations where the assessment of interest, disconnection charges, reconnection charges or usage charges would be inequitable, the Water Enterprise Board may waive all or a portion of such interest or charges, and may negotiate and approve payment plans for water users.

(8) To borrow money, issue bonds or otherwise extend the credit of the Town's water enterprise fund, by resolution without an election, for the purpose of purchasing, equipping, constructing, condemning, otherwise acquiring, extending or improving the Town's water systems, provided that the bonds or other obligations shall be made payable solely from the net revenues derived from the operation of the water systems.

(9) To exercise all powers in accordance with applicable laws, ordinances and statutes, necessary or convenient to the performance of the above enumerated powers. (Ord. 7, 1993 §4)

Sec. 2-7-50. Compensation.

Water Enterprise Board members shall receive no compensation but may be reimbursed for expenses incurred in the performance of their duties. (Ord. 7, 1993 §5)

Sec. 2-7-60. Voting quorum.

Each member of the Water Enterprise Board shall have one (1) vote. A quorum for the transaction of business by the Board shall consist of a majority of the members. (Ord. 7, 1993 §6)

Sec. 2-7-70. Organization and rules.

(a) The Chairman of the Water Enterprise Board shall be the Mayor.

(b) Meetings of the Water Enterprise Board shall be held at the time of the regular meetings of the Board of Trustees; special meetings of the Water Enterprise Board may be called by the Chairman or by a majority of members.

(c) The Water Enterprise Board shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(d) The Water Enterprise Board shall adopt rules for the transaction of business. Except as otherwise provided by this Chapter, the proceedings and meetings of the Board shall be governed by such rules. (Ord. 7, 1993 §7; Ord. 11, 2002 §1)

Sec. 2-7-80. Town staff.

The Town's staff shall provide to the Water Enterprise Board such assistance as the Board deems necessary. (Ord. 7, 1993 §8)

ARTICLE VIII

Tree Board

Sec. 2-8-10. Creation and establishment.

There is hereby created and established a Tree Board for the Town which shall consist of three (3) members appointed by the Mayor, who are citizens and residents of the Town. (Ord. 5, 1989 §1; Ord. 11, 2002 §1)

Sec. 2-8-20. Term of office.

The term office for members of the Tree Board shall be three (3) years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. 5, 1989 §2; Ord. 11, 2002 §1)

Sec. 2-8-30. Compensation.

Members of the Tree Board shall serve without compensation. (Ord. 5, 1989 §3)

Sec. 2-8-40. Duties and responsibilities.

(a) It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and regularly update a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented to the Board of Trustees and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the Town.

(b) The Tree Board, when requested by the Board of Trustees, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Ord. 5, 1989 §4; Ord. 11, 2002 §1)

Sec. 2-8-50. Operation.

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 5, 1989 §5)