

Chapter 2

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ARTICLE I

Elections

Sec. 2-1. Election of officers.

The Mayor shall be elected for a term of four (4) years. Trustees shall be elected to four-year overlapping terms so that every two (2) years, three (3) Trustees are elected. (Prior code 3.1; Ord. 348, § 1, 1992, Ord. 883, § 1, 2007)

Sec. 2-2. Qualification of officers.

Every qualified elector shall be eligible to hold any office to be filled by a municipal election, provided that he or she has resided in the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election, and is otherwise eligible to hold municipal office pursuant to law. (Prior code 3.2)

Sec. 2-3. Vacancies.

If any elective officer of the Town shall remove from or become, during his or her term of office, a nonresident of the Town in which he or she was elected, he or she shall be deemed thereby to vacate his or her office upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist. If any vacancy shall occur in any elective office by death, resignation, removal or otherwise, the same shall be filled by appointment by a majority vote of the Board of Trustees, and such appointee shall hold his or her office only until the next general municipal election, when such vacancy shall be filled by election as in other cases. (Prior code 3.3)

Sec. 2-4. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Law. (Prior code 3.4)

Sec. 2-5. Write-in votes.

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent with the Town Clerk prior to twenty (20) days before the election. (Ord. 217, 1982; Ord. 348, § 1, 1992)

Sec. 2-6. Cancellation of municipal elections.

(a) In any municipal election, if the only matter before the voters is the election of persons to office and if, at the close of the 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 2-5 above, the Town Clerk shall certify such fact to the Board of Trustees and it shall hold a meeting and by resolution shall instruct the Town Clerk to cancel the election and declare the candidates elected.

(b) Upon cancellation of a municipal election and the declaration of election provided by Subsection (a) above, the candidates shall be deemed elected and upon compliance with Section 31-

4-401, C.R.S., serve in their respective offices until their successors are elected and have complied with Section 31-4-401, C.R.S.

(c) 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. 549, § 1, 2000)

Secs. 2-7—2-20. Reserved.

ARTICLE II

Board of Trustees

Sec. 2-21. Corporate authority.

The corporate authority of the Town is vested in a Board of Trustees, consisting of one (1) Mayor and six (6) Trustees, elected at large, who shall be qualified electors residing within the limits of the Town. The Board of Trustees shall possess all the legislative powers of the Town and all other corporate powers not conferred by state law or this Code on some other officer of the Town. Its powers shall include the management and control of the finances, and all the property, real and personal, belonging to the Town. (Prior code 4.1; Ord. 222, § 1, 1982)

Sec. 2-22. Board of Trustees meetings.

(a) Regular meetings of the Board of Trustees shall be held at the Council Chambers in the Town Hall on such date and time as may be set by resolution of the Board of Trustees. A "Notice of Intent to Change" the meeting dates and/or times by resolution shall be published and/or posted fifteen (15) days prior to the date such resolution is approved. A regular meeting shall be held on the same date and time of each and every successive following month. Whenever any meeting day shall be a legal holiday, Christmas Eve or New Year's Eve, the regular meeting of the Board of Trustees shall stand continued to the next succeeding day which is not a holiday at the same place and time and, in case any hearing or proceeding has been set for any such day, the same shall not abate but shall stand continued to the next succeeding day which is not a holiday at the same time and place.

(b) The Mayor and any three (3) members of the Board of Trustees may call special meetings by notice to each of the members personally served or left at his or her usual place of residence. Public notice of such meeting shall be provided according to state law. All meetings shall at all times be open to the public.

(c) Emergency meetings may be called by the Mayor or any two (2) Board of Trustees members, in the event of an emergency that requires the immediate action of the Board of Trustees in order to protect the public health, safety and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of: (1) the next regular meeting; or (2) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the

meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, it shall be deemed rescinded. (Ord. 948, § 1, 2008)

Sec. 2-23. Quorum; absence from meetings.

Four (4) members of the Board of Trustees shall constitute a quorum for the transaction of business; provided, however, that a smaller number may adjourn the meeting to another date. Any member of the Board of Trustees may be removed pursuant to statute. (Prior code 5.2; Ord. 348, § 1, 1992)

Sec. 2-24. Mayor.

(a) The Mayor shall preside over the meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance.

(b) Insofar as required by statute, and for ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall be the presiding officer of the Board of Trustees and shall vote when there is a tie.

(c) The Mayor shall execute and authenticate by his or her signature such instruments as the Board of Trustees or any statutes or ordinances shall require.

(d) The Mayor shall be an ex officio member of all commissions and committees except the Planning Commission. The Mayor shall be entitled to vote when attending a meeting of any commission or committee; however, his or her presence is not required for establishing a quorum.

(e) Except as may be required by statute, the Mayor shall exercise only such powers as the Board of Trustees shall specifically confer upon him or her. (Prior code 5.3; Ord. 222, § 2, 1982; Ord. 750 §1, 2004)

Sec. 2-25. Mayor Pro Tem.

The Board of Trustees may appoint one (1) of their own number as acting Mayor or Mayor Pro Tem, who shall be entitled to act as Mayor in case the Mayor is absent from the Town or is for any reason temporarily unable to perform the duties of his or her office. (Prior code 5.4)

Sec. 2-26. Salaries of Trustees and Mayor.

Each Trustee of the Town shall receive as full compensation for his or her services the sum of one hundred fifty dollars (\$150.00) per month, and the Mayor shall receive the sum of three hundred dollars (\$300.00) per month. The provisions of this Section shall only be effective as to any Trustee and Mayor elected after the 2000 general municipal election. (Prior code 4.2; Ord. 169, 1977; Ord. 486, § 1, 1997; Ord. 548, § 1, 2000)

Sec. 2-27. Standing committees.

At the first regular meeting following each general municipal election, the Mayor shall appoint the following standing committees:

- Finance
- Streets and Alleys

Water
Electrical
Parks and Recreation
Health
Fire Commissioner
Police Commissioner
Health Inspector
Building Inspector
Town Manager
Public Safety
Licenses and Permits

(Prior code 5.5)

Sec. 2-28. Ordinance, resolution or motion required; roll call vote.

(a) Every subject coming before the Board of Trustees for its action shall be submitted by ordinance, resolution or motion. The Town Clerk shall call the roll and the vote thereon shall be taken and recorded by yeas and nays.

(b) A roll call vote shall be taken on all motions which require a majority or greater vote of all members of the Board of Trustees, including all ordinances, resolutions and orders for the appropriation of money or entering into of a contract; overriding the Mayor's veto; ordinances enacted as emergency provisions; and appointment of officers. (Prior code 5.6; Ord. 348, § 1, 1992)

Sec. 2-29. Record and publication of ordinances.

All ordinances, as soon as may be after their passage, shall be recorded in a book kept for that purpose, and authenticated by the signature of the presiding officer of the Board of Trustees and the Town Clerk. All laws of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in a newspaper of general circulation in the Town. Such laws and ordinances shall not take effect and be in force until the expiration of thirty (30) days after they have been so published or posted, except for ordinances calling for special elections or necessary for the immediate preservation of the public health or safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon adoption, provided that they shall have been passed by an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees. (Prior code 5.7)

Sec. 2-30. Vote required.

All ordinances and resolutions, or orders for the appropriation of money or to enter into contract, shall require for their passage or adoption the concurrence of a majority of all the members elected of the Board of Trustees. All ordinances which are to take effect under an emergency clause shall require an affirmative vote of three-fourth ($\frac{3}{4}$) of the members of the Board of Trustees. In all other matters, a majority of the votes cast is sufficient for passage or adoption. (Prior code 5.8)

Sec. 2-31. Referendum.

Ordinances may be referred to a vote of the qualified electors of the Town by the voluntary action of the Board of Trustees or upon protesting petition of the qualified electors as provided by state law. (Prior code 5.9)

Sec. 2-32. Initiation on proposed ordinances.

Any proposed ordinance may be submitted to the Board of Trustees upon petition of qualified electors in a manner provided by state law. (Prior code 5.10)

Secs. 2-33—2-50. Reserved.

ARTICLE III

Officers and Employees

Sec. 2-51. Salaries generally.

(a) The Board of Trustees shall, at least as early as its last monthly meeting before each general municipal election, by ordinance fix the salaries and fees of all the officers of the Town for the period for which they will be elected or appointed, if any change in said salaries is desirable.

(b) The salary of the Mayor, any Trustee and any officer of the Town shall not be increased or diminished during the term for which he or she has been elected or appointed except in the case of abolition of an office, in which case the compensation of the office shall cease at the time of such abolishment. The Mayor, any Trustee and any officer of the Town who has resigned or vacated an office prior to the end of his or her elective or appointive term shall not be eligible to reelection or reappointment to the same during such term if during such term the compensation has been increased.

(c) The Board of Trustees shall from time to time, by resolution, fix the salaries of all employees of the Town. (Prior code 4.3; Ord. 488, § 1, 1997)

Sec. 2-52. Town Clerk; salary; bond.

A Town Clerk shall be appointed within one (1) month after each general municipal election. The Town Clerk shall receive as full compensation for his or her services as such Clerk the sum as set by the Board of Trustees, payable in equal monthly payments. Before entering upon the duties of the office, the Town Clerk shall furnish a surety bond to be approved by the Board of Trustees in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful discharge of his or her duties as Town Clerk and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her hands as Town Clerk. If the same person should serve as both Town Clerk and Town Treasurer, one (1) surety bond in the amount of ten thousand dollars (\$10,000.00) may be given to cover both positions or offices. (Prior code 4.5)

Sec. 2-53. Duty to keep records.

The Town Clerk shall have the custody of all the laws, ordinances and resolutions of the Town, and shall keep a regular and correct journal of the proceedings of the Board of Trustees. The Town Clerk shall record all ordinances and resolutions passed by the Board of Trustees in books provided for such purpose, and shall publish all ordinances and other matters requiring publication and keep proofs thereof. The Town Clerk shall keep on file all contracts and leases to which the Town is a party, all deeds and other instruments relating to Town-owned real estate, and all reports of officers to the Board of Trustees. The Town Clerk shall have custody of the seal of the Town and shall affix the same to all instruments as may be required. The Town Clerk shall perform such other duties as may be required by this Code. (Prior code 4.5-1)

Sec. 2-54. Certified copies.

The Town Clerk shall furnish on demand certified copies of any record, ordinance or other proceeding on file in his or her office upon payment to him or her of such fees as are allowed to the County Clerk and Recorder for similar services, all such fees to be deposited in the Town treasury and to become the property of the Town. (Prior code 4.5-2)

Sec. 2-55. Deputy and Assistant Town Clerks.

The Board of Trustees shall appoint a Deputy Town Clerk and as many assistants as are necessary, within the limitations of the Town budget. The Board of Trustees may require such persons to give good and sufficient surety bonds in an amount not to exceed ten thousand dollars (\$10,000.00), conditioned upon the faithful performance of their duties and for the proper care and accounting of all monies and property coming into their hands. Such persons shall be under the direct supervision of the Town Clerk and shall hold office at the pleasure of the Board of Trustees. The salaries of such persons shall be fixed by the Board of Trustees. (Prior code 4.5-3)

Sec. 2-56. Town Treasurer; salary; bond.

A Town Treasurer shall be appointed one (1) month after the general municipal election. Before entering upon the duties of his or her office, the Treasurer shall furnish a surety bond to be approved by the Board of Trustees, in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful discharge of his or her duties as Treasurer, and that when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her charge as such Treasurer. (Prior code 4.6)

Sec. 2-57. Duties.

(a) The Treasurer shall be the custodian of all funds belonging to the Town and shall pay no money out except upon warrants or drafts as follows:

- (1) For Town employee checks or drafts, one (1) authorized signature shall be required; and
- (2) For checks or drafts of ten thousand dollars (\$10,000.00) or less, one (1) authorized signature shall be required; and

(3) For checks or drafts of more than ten thousand dollars (\$10,000.00), two (2) authorized signatures shall be required.

(b) Authorized signatures are as follows:

- (1) Town Finance Director;
- (2) Town Clerk;
- (3) Town Administrator;
- (4) Town Mayor;
- (5) Town Mayor Pro Tem.

(c) The Treasurer shall keep a separate account of each fund or appropriation and the debits or credits belonging thereto. (Prior code 4.6-1; Ord. 759 §1, 2004)

Sec. 2-58. Monthly reports.

At the end of each month, the Treasurer shall render an account to the Board of Trustees showing the state of the treasury at the date of such account and the balance of money in the treasury. The Treasurer shall also accompany such accounts with a statement of all monies received into the treasury, and on what account, during the preceding month, together with all warrants or drafts redeemed and paid by him or her. Said warrants or drafts, with any and all vouchers held by the Treasurer, shall be delivered to the Town Clerk and filed with his or her account in the Town Clerk's office upon every day of such statement. The Treasurer shall return all warrants and drafts paid by him or her stamped or marked "paid." (Prior code 4.6-2)

Sec. 2-59. Annual report.

Within ten (10) days after the close of each fiscal year, the Treasurer shall make out and file with the Town Clerk a full and detailed account of all receipts and expenditures and of all his or her transactions as such Treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper printed in the Town. (Prior code 4.6-3)

Sec. 2-60. Register of warrants and drafts.

The Treasurer shall keep a register of all warrants and drafts drawn upon him or her, whether the same are paid or not, showing the number, date, to whom issued, for what purpose issued, the fund on which the same is drawn and the county. Said register shall be open to the inspection of all Town officers at all times. Upon expiration of the Treasurer's term of office, he or she shall file said register with the Town Clerk to become a permanent part of the records of the Town. (Prior code 4.6-4)

Sec. 2-61. Appointive officers; appointments and removal.

Each Board of Trustees, upon taking office, within one (1) month after each general municipal election, shall proceed to the election and appointment of the following officers: one (1) Town

Attorney; one (1) Clerk; one (1) Treasurer; one (1) Town Engineer; and one (1) Municipal Judge; and such other officers as may be required by statute or this Code. On the election of such officers, the Mayor may vote only in the case of a tie. One (1) person may hold two (2) or more offices if compatible with the interest of the Town. Each and every such officer may be removed by a majority vote of the Board of Trustees on charges of incompetence, unfitness, neglect of duty or insubordination, duly made and sustained. (Prior code 4.7; Ord. 359, § 1, 1992)

Sec. 2-62. Vacancies.

In case of death, resignation or removal for cause of any of the appointive officers of the Town during their term of office, the Board of Trustees, by a majority vote of all the members thereof, may select and appoint a suitable person to fill the vacancy, who shall hold the office until the succeeding Board of Trustees takes office. (Prior code 4.8)

Sec. 2-63. Employees; appointment and removal.

All employees of the Town shall be appointed by and shall serve at the pleasure of the Board of Trustees. (Prior code 4.9)

Sec. 2-64. Town Collector.

The Town Clerk shall act as the Town Collector and shall be the general collector of all monies due the Town. (Prior code 4.10)

Sec. 2-65. Duties.

The Town Collector shall collect and receive all monies due the Town from all sources and give receipts therefor specifying the date of payment and upon what account paid. The Town Collector shall deposit all monies so collected or received to the credit of the Treasurer in a bank or banks designated by the Board of Trustees. The Town Collector shall keep a complete record of all monies so received by him or her and of all monies deposited in the banks to the credit of the Treasurer, and of all other transactions through or by his or her office. The system, method and manner of making and keeping such records shall be prescribed by the Board of Trustees after recommendation by the Town Clerk, and all records shall be maintained on a daily basis. (Prior code 4.10-1)

Sec. 2-66. Town Collector to keep warrants.

It shall be the duty of the Town Collector to preserve all warrants which are returned to his or her hands. Such warrants, books and all papers pertaining to his or her office shall be at all times open to the inspection of and subject to the examination of the Mayor, any member of the Board of Trustees, or committee thereof. (Prior code 4.10-2)

Sec. 2-67. Billing of amounts due.

It shall be the duty of the Town Collector to bill all customers of the Town for all amounts due the Town, and he or she shall perform such other duties as the Board of Trustees or the proper committee thereof may direct. (Prior code 4.10-3)

Sec. 2-68. Information furnished; inspection of books.

The Town Clerk and the Town Collector shall furnish to any officer or the head of any department of the Town such information as any such officer or department head may require in the proper conduct of his or her office. All books and records of the Town Clerk and the Town Collector shall be open to inspection by any officer of the Town at all times, and such books and records shall be open to the inspection of the public at all reasonable times during office hours. No books or records shall be removed from the Town Clerk's or Town Collector's office unless removed at the direction of the Board of Trustees. (Prior code 4.10-4)

Sec. 2-69. Audit of books.

The books and records of the Town Clerk and Town Collector shall be audited annually by the Town Auditor, and they shall be subject to audit by the Town at any time. (Prior code 4.10-5)

Sec. 2-70. Reports to Board of Trustees.

The Town Clerk and the Town Collector shall, at least once each month, report in writing to the Board of Trustees all receipts and disbursements of the Town for the preceding month, and they shall annually, within ten (10) days after the close of the fiscal year, report to the Board of Trustees all receipts and disbursements of the Town during the preceding year. Said annual reports shall show the total receipts and disbursements of funds. (Prior code 4.10-6)

Sec. 2-71. Town Engineer; appointment and bond.

The Board of Trustees may appoint a qualified person as Town Engineer. Before entering upon the duties of his or her office, the Town Engineer shall execute a surety bond in the amount of one thousand dollars (\$1,000.00), to be approved by the Board of Trustees, conditional upon the faithful performance of his or her duties as Town Engineer and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all papers, property or things belonging to the Town and remaining in his or her charge as such Town Engineer. (Prior code 4.11)

Sec. 2-72. Duties.

The Town Engineer, under the direction of the Board of Trustees, may superintend all public work in which the Town has an interest. The Town Engineer shall, under the direction of the Board of Trustees, have charge of the work upon the streets, ditches, sidewalks, alleys and public grounds of the Town, and the laying out, altering and grading of all streets and alleys therein. When so directed by the Board of Trustees, the Town Engineer shall make all surveys, estimates and maps required, and shall superintend any work or perform any other duties that the Board of Trustees may direct. (Prior code 4.11-1)

Sec. 2-73. Town Attorney.

The Town Attorney shall be the general legal advisor of the Board of Trustees and all officers and boards of the Town in all matters arising out the questions concerning the laws, ordinances and contracts of the Town, and all other matters pertaining to the business of the Town. The Town Attorney shall appear for the Town in all actions or suits in which the Town is a party, and the Town Attorney is authorized to make any and all affidavits or instruments in writing for the proper conduct

of any suit in which, in his or her opinion, the Town's interests require. The Town Attorney shall attend all meetings of the Board of Trustees and draw all ordinances, contracts and other instruments when requested by the Board of Trustees to do so. The Board of Trustees may appoint such assistants as they deem necessary who shall serve under the direction and control of the Town Attorney. (Prior code 4.12)

Sec. 2-74. Oath of office; bonds.

Before entering upon the duties of his or her office, every elected or appointed officer of the Town shall take and subscribe an oath or affirmation that he or she will support the Constitutions of the United States and the State, the 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. Whenever a bond is required of an officer of the Town, the cost of obtaining such bond shall be paid by the Town. (Prior code 4.13)

Sec. 2-75. Social Security coverage.

The Board of Trustees has heretofore by ordinance and agreement extended the benefits of Old Age and Survivors Insurance to the officers and employees of the Town. The proper officers of the Town are hereby authorized to continue making payroll deductions from salaries, to make the required payments by the Town, and to do all other things necessary to continue the coverage of the officers and employees of the Town in said Old Age and Survivors Insurance Program. (Prior code 4.14)

Sec. 2-76. Town Administrator.

(a) The Board of Trustees shall appoint a Town Administrator. The appointment shall be at the pleasure of the Board of Trustees and shall be at a compensation to be fixed from time to time by the Board of Trustees. The appointment or removal of the Town Administrator shall require the affirmative vote of a majority of the entire Board of Trustees.

(b) The Town Administrator shall be appointed without regard to any consideration other than fitness, competency, training and experience in professional administration.

(c) No member of the Board of Trustees shall be appointed Town Administrator during the term for which the member was elected or appointed nor within one (1) year after the term. (Ord. 700, § 1, 2003)

Sec. 2-77. Acting Town Administrator.

During the Town Administrator's temporary absence or disability, or during any period of vacancy prior to the Board of Trustees' appointment of a Town Administrator, the Board of Trustees shall appoint a Town employee to serve as acting Town Administrator. The provisions of this Article applicable to the Town Administrator shall apply to the acting Town Administrator during the period of the appointment. (Ord. 700, § 1, 2003)

Sec. 2-78. Powers and duties of Town Administrator.

The Town Administrator shall be the chief operating and administrative officer of the Town. The Town Administrator shall be responsible to the Board of Trustees for the proper administration of all affairs of the Town placed in the Town Administrator's charge. Except as otherwise provided by this Article or by ordinances not inconsistent herewith, the Town Administrator shall:

- (1) Provide for the enforcement of the laws, rules, regulations, ordinances and other enactments of the Town;
- (2) Be responsible for the efficient operation of the administrative affairs of the Town;
- (3) Provide for the hiring, suspension, discipline, transfer and removal of Town employees;
- (4) Establish, subject to the approval of the Board of Trustees, and enforce personnel rules and regulations governing employees of the Town;
- (5) Be responsible for the supervision and direction of the activities of all employees of the Town;
- (6) Make appointments on the basis of executive and administrative ability, training and experience;
- (7) Cause a proposed budget to be prepared and submitted to the Board of Trustees annually, and be responsible for the administration of the budget after its adoption;
- (8) Cause to be established a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the Town;
- (9) Cause to be prepared and submitted to the Board of Trustees, as of the end of each fiscal year, a complete report on finances and administrative activities of the Town for that year and, upon request of the Board of Trustees, make written or verbal reports at any time concerning the affairs of the Town under the Town Administrator's supervision;
- (10) Provide to the Board of Trustees advice and recommendations concerning the financial condition and future needs of the Town;
- (11) Exercise supervision and control over all Town departments, and make recommendations to the Board of Trustees concerning the establishment, consolidation or abolition of such departments;
- (12) Be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or 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;
- (13) Attend Board of Trustees meetings and participate in discussions with the Board of Trustees in an advisory capacity;

(14) Be responsible for obtaining engineering, architectural, maintenance, construction and other services required by the Town; and

(15) Perform other such duties as prescribed by this Article or as required by the Board of Trustees and not inconsistent with this Code. (Ord. 700, § 1, 2003)

Sec. 2-79. Relationship of Board of Trustees to administrative service.

The Board of Trustees, acting as a whole and by formal action, shall have full authority to direct the Town Administrator with respect to the performance of his or her duties and responsibilities. Although individual Board of Trustees members, including the Mayor, shall be authorized to discuss all matters relating to Town operations with employees, officers, contractors and consultants of the Town, including the Town Administrator, they shall not be authorized to give any direct orders to Town employees. (Ord. 700, § 1, 2003)

Sec. 2-80. Appointment and removal of employees appointed by Board of Trustees.

The Board of Trustees shall appoint and may remove the Town Administrator. The Board of Trustees shall appoint and may remove, consistent with state statutes, the Town Attorney, Town Clerk, Town Treasurer and Municipal Judge. All remaining Town employees shall be employed and may be terminated by the Town Administrator. (Ord. 700, § 1, 2003)

Secs. 2-81—2-90. Reserved.

ARTICLE IV

Conflicts of Interest

Sec. 2-91. Definitions.

As used in this Article, unless the context otherwise requires:

(1) *Business* means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

(2) *Compensation* means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself, herself or another.

(3) *Employee* means any temporary or permanent employee of a state agency or any local government, except a member of the general assembly and an employee under contract to the State.

(4) *Financial interest* means a substantial interest held by an individual which is:

- a. An ownership interest in a business;
- b. A creditor interest in an insolvent business;

- c. An employment or a prospective employment for which negotiations have begun;
- d. An ownership interest in real or personal property;
- e. A loan or any other debtor interest; or
- f. A directorship or officership in a business.

(5) *Local government* means the government of any county, city and county, city, town, special district or school district.

(6) *Local government official* means an elected or appointed official of a local government but does not include an employee of a local government.

(7) *Official act* or *official action* means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

(8) *Public officer* means any elected officer, the head of a principal department of the executive branch and any other state officer. *Public officer* does not include a member of the general assembly, a member of the judiciary, any local government official or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

(9) *State agency* means the state; the general assembly and its committees; every executive department, board, commission, committee, bureau and office; every state institution of higher education, whether established by the state constitution or by law, and every governing board thereof; and every independent commission and other political subdivision of the state government except the courts. (Ord. 348, § 1, 1992)

Sec. 2-92. Public trust; breach of fiduciary duty.

(a) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials and employees. A public officer, member of the general assembly, local government official or employee shall carry out his or her duties for the benefit of the people of the state.

(b) A public officer, member of the general assembly, local government official or employee whose conduct departs from his or her fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his or her trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the state or local government. Judicial proceedings pursuant to this Section shall be in addition to any criminal action which may be brought against such public officer, member of the general assembly, local government official or employee. (Ord. 348, § 1, 1992)

Sec. 2-93. Rules of conduct for all public officers, members of the general assembly, local government officials and employees.

(a) Proof beyond a reasonable doubt of commission of any act enumerated in this Section is proof that the actor has breached his or her fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official or an employee shall not:

(1) Disclose or use confidential information acquired in the course of his or her official duties in order to further substantially his or her personal financial interests; or

(2) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:

a. Which would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties; or

b. Which he or she knows or which a reasonable person in his or her position should know under the circumstances is primarily for the purpose of rewarding him or her for official action he or she has taken.

(b) An economic benefit tantamount to a gift of substantial value includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.

(c) The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this Section:

(1) Campaign contributions reported as required by Section 1-45-108, C.R.S.;

(2) An occasional nonpecuniary gift, insignificant in value;

(3) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;

(4) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such public officer, member of the general assembly, local government official or employee is scheduled to participate;

(5) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such public officer, member of the general assembly, local government official or employee which is not extraordinary when viewed in light of the position held by such public officer, member of the general assembly, local government official or employee;

(6) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.

(7) Payment for speeches, debates or other public events, reported as honorariums;

(8) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly. (Ord. 348, § 1, 1992)

Sec. 2-94. Ethical principles for public officers, local government officials and employees.

(a) The principles in this Section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in state or local government.

(b) A public officer, a local government official or an employee should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he or she has substantive authority.

(c) A public officer, a local government official or an employee should not, within six (6) months following the termination of his or her office or employment, obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she was directly involved during his or her term of employment. These matters include rules, other than rules of general application, which he or she actively helped to formulate and applications, claims or contested cases in the consideration of which he or she was an active participant.

(d) A public officer, a local government official or an employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking. (Ord. 348, § 1, 1992)

Sec. 2-95. Rules of conduct for local government officials and employees.

(a) Proof beyond a reasonable doubt of commission of any act enumerated in this Section is proof that the actor has breached his or her fiduciary duty and the public trust.

(b) A local government official or local government employee shall not:

(1) Engage in a substantial financial transaction for his or her private business purposes with a person whom he or she inspects or supervises in the course of his or her official duties; or

(2) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he or she either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

(c) A member of the governing body of a local government:

(1) Who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body, shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.

(2) May vote notwithstanding subparagraph (c)(1) if his or her participation is necessary to obtain a quorum or otherwise enable the body to act and if he or she complies with the voluntary disclosure procedures under Section 24-18-110, C.R.S.

(d) It shall not be a breach of fiduciary duty and the public trust for a local government official or local government employee to:

(1) Use local government facilities or equipment to communicate or correspond with a member's constituents, family members or business associates; or

(2) Accept or receive a benefit as an indirect consequence of transacting local government business. (Ord. 348, § 1, 1992)

Sec. 2-96. Voluntary disclosure.

A member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses, a public officer, a local government official or an employee may, prior to acting in a manner which may impinge on his or her fiduciary duty and the public trust, disclose the nature of his or her private interest. Such persons shall make the disclosure in writing to the secretary of state, listing the amount of his or her financial interest, if any, the purpose and duration of his or her services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his or her interest. If he or she then performs the official act involved, he or she shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction. (Ord. 348, § 1, 1992)

Secs. 2-97—2-120. Reserved.

ARTICLE V

Proscribed Acts Related to Contracts and Claims

Sec. 2-121. Interests in contracts.

Local government officials or employees shall not be interested in any contract made by them in their official capacity or by any body, agency or board of which they are members or employees. A former employee may not, within six (6) months following the termination of his or her employment, contract or be employed by an employer who contracts with a state agency or any local government involving matters with which he or she was directly involved during his or her employment. For purposes of this Section, the term:

(1) *Be interested in* does not include holding a minority interest in a corporation.

(2) *Contract* does not include:

a. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;

b. Merchandise sold to the highest bidder at public auctions;

c. Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;

d. A contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than ten percent (10%) of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

e. A contract with respect to which any public officer, local government official or employee has disclosed a personal interest and has not voted thereon or with respect to which any member of the governing body of a local government has voted thereon in accordance with Section 24-18-109(3)(b) or 31-4-40(3), C.R.S. Any such disclosure shall be made: to the governing body, for local government officials and employees, and to the secretary of state, for all others. (Ord. 348, § 1, 1992)

Sec. 2-122. Interest in sales or purchases.

Local government officials shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity. (Ord. 348, § 1, 1992)

Sec. 2-123. Voidable contracts.

Every contract made in violation of any of the provisions of Section 24-18-201 or 24-18-202, C.R.S. shall be voidable at the instance of any party to the contract except the officer interested therein. (Ord. 348, § 1, 1992)

Sec. 2-124. Dealings in warrants and other claims prohibited.

Town officers, as well as all other local government officials, and their deputies and clerks, are prohibited from purchasing or selling or in any manner receiving to their own use or benefit or to the use or benefit of any person or persons whatever any state, county, city and county, city or town warrants, scrip, orders, demands, claims or other evidences of indebtedness against the state or any county, city and county, city or town thereof except evidences of indebtedness issued to or held by them for services rendered as such officer, deputy or clerk, and evidences of the funded indebtedness of such state, county, city and county, city or town. (Ord. 348, § 1, 1992)

Sec. 2-125. Settlements to be withheld on affidavit.

(a) Every officer charged with the disbursement of public moneys who is informed by affidavit establishing probable cause that any officer whose account is about to be settled, audited or paid by him or her has violated any of the provisions of this Article shall suspend such settlement or payment and cause such officer to be prosecuted for such violation by the district attorney of the appropriate jurisdiction.

(b) If there is judgment for the defendant upon such prosecution, the proper officer may proceed to settle, audit or pay such account as if no such affidavit had been filed. (Ord. 348, § 1, 1992)

Secs. 2-126—2-140. Reserved.

ARTICLE VI

Municipal Court

Sec. 2-141. Municipal Court of record.

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. 303, § 1-111, 1988)

Sec. 2-142. Jurisdiction.

(a) The Municipal Court has original jurisdiction of all civil and criminal cases arising under this Code and other ordinances of the Town, with power to punish violators thereof by imposing fines and penalties as authorized by this Code or any ordinance, and to assess and collect civil penalties, order and enforce by contempt abatement of nuisances, and perform other responsibilities prescribed by this Code and other ordinances of the Town.

(b) Except as otherwise provided in this Code, the Municipal Court shall be conducted under the procedures prescribed by the Colorado Municipal Court Rules and state law. (Ord. 303, § 1-111, 1988; Ord. 383, § 3, 1994)

Sec. 2-143. Sessions.

There shall be regular sessions of the Court for the trial of cases. The Municipal Judge may hold a special session of the Court at any time. All sessions shall be open to the public. (Ord. 174, § 3, 1978)

Sec. 2-144. Municipal Judges.

(a) The Court shall be presided over by a Municipal Judge appointed for a term of two (2) years by the Board of Trustees. Additional judges may be appointed as may be needed to transact the business of the Court. No person shall be appointed Municipal Judge unless he or she has been admitted to and is currently licensed in the practice of law in the State.

(b) Compensation.

(1) Compensation of the Municipal Judge shall be an annual salary in an amount set by the Board of Trustees, and shall be payable as other salaries to Town employees.

(2) Compensation of the substitute Municipal Judge shall be paid at a rate of eighty dollars (\$80.00) an hour for each court session. *Court session* shall include the time spent traveling to and from the Municipal Court, time in Court and time spent working on cases outside of Court. Compensation in a monthly period for any one (1) substitute judge shall not exceed the monthly compensation of the presiding Municipal Judge.

(c) Before entering upon the duties of his or her office, a Municipal Judge shall make an oath or affirmation that he or she will support the Constitution of the State and the ordinances and laws of the Town, and will faithfully perform the duties of his or her office.

(d) 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. 174, § 3, 1978; Ord. 413, § 1, 1995)

Sec. 2-145. Court Clerk.

(a) The presiding Judge may appoint a person to serve as Court Clerk whose duties shall be those assigned by the Judge. The compensation of the Court Clerk shall be an annual salary in an amount set by the Board of Trustees, and shall be payable as other salaries of Town employees.

(b) The Court Clerk shall file monthly reports with the Town Clerk of all monies collected by him or her. On the 25th day of each month, he or she shall pay to the Town Treasurer all monies in his or her hands. (Ord. 174, § 3, 1978)

Sec. 2-146. Record of proceedings.

It shall be a further duty of the Court Clerk to keep and maintain a verbatim record of all proceedings and evidence at trials, by either electric devices or stenographic means. (Ord. 174, § 3, 1978)

Sec. 2-147. Appropriations.

The Board of Trustees shall on an annual basis budget and appropriate such monies as may be necessary for the proper operations of the Municipal Court. (Ord. 174, § 3, 1978)

Sec. 2-148. Initiation of proceedings by Municipal Court.

(a) A proceeding in Municipal Court is initiated by the filing of a complaint or the service of a summons and complaint; by any means provided in this Code, the state statutes or the Colorado Municipal Court Rules; or in any other manner that provides due process of law.

(b) A parking ticket is a form of summons and complaint.

(c) In a Municipal Court action, it is sufficient in a complaint or summons and complaint to charge a violation of this Code or any ordinance of the Town alleged to have been violated by referring to the section describing such violation, without referring to any subsection under the section violated.

(d) A peace officer may serve any process issued by the Municipal Court anywhere within the County. (Ord. 303, § 1-201, 1988)

Sec. 2-149. Summons.

A summons is issued by the Court Clerk following the filing of a sworn complaint when it appears from the complaint that there is probable cause to believe that a violation has been committed and that the defendant committed it. The summons need only contain the name of the defendant and the date, time and place of appearance of the defendant. A copy of the complaint shall be served therewith,

and a copy of the summons and the complaint shall be supplied to the prosecutor. (Ord. 303, § 1-202, 1988)

Sec. 2-150. Warrant.

In lieu of a summons, a warrant may be issued at the discretion of the Municipal Court following the filing of a sworn complaint. (Ord. 303, § 1-203, 1988)

Sec. 2-151. Summons and complaint.

A summons and complaint may be issued by a peace officer for an offense constituting a violating which was committed in his or her presence, or, if not committed in his or her presence, when the peace officer has reasonable grounds for believing that the offense was committed in fact and that the offense was committed by the person charged. A copy of the summons and complaint so issued shall be filed immediately with the court before which appearance is required. A second copy shall be supplied to the prosecutor if so requested. (Ord. 303, § 1-204, 1988)

Sec. 2-152. Contents of summons and complaint.

(a) The complaint shall contain the name of the defendant; the date and approximate location of the offense; identification of the offense charged, citing the Code or ordinance section alleged to have been violated; and a brief statement or description of the offense charged; which statement or description shall be sufficient if it states the type of offense to which the Code or ordinance relates. The summons and complaint shall contain all the foregoing information and shall also direct the defendant to appear before a specified court at a stated date, time and place or in the office of the Court Clerk or violations bureau as provided in Subsection (b) below.

(b) The summons or summons and complaint shall direct the defendant to appear before a specified court at a stated date, time and place, or to appear or to respond at the office of the Court Clerk or violations bureau of a specified court at a stated date and time or within a stated period of time after service of said summons or summons and complaint.

(c) Amendment of complaint or summons and complaint. The court may permit a complaint or summons and complaint to be amended as to form or substance at any time prior to trial; the court may permit it to be amended as to form at any time before the verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced. (Ord. 303, § 1-205, 1988)

Sec. 2-153. Authority.

(a) Authority to Detain Temporarily.

(1) A police officer may stop any person whom the officer reasonably suspects is committing, has committed, or is about to commit a violation of this Code or any ordinance of the Town and may require that person to give his or her name, address and an explanation of his or her actions.

(2) When a police officer has stopped a person for questioning pursuant to the subsection and reasonably suspects that the officer's personal safety requires it, the officer may conduct a pat-down search of that person for weapons.

(3) A police officer may stop and temporarily detain a person for the purpose of issuing or serving a summons or summons and complaint.

(b) Authority to Charge. A peace officer may issue a summons and complaint or sign a complaint against any person for any violation of this Code or any ordinance of the Town if:

- (1) He or she has a warrant commanding that such person be arrested;
- (2) The violation has been or is being committed by a person in the officer's presence; or
- (3) The officer has probable cause to believe that a violation has been or is being committed by the person and that the person has been or is committing it.

(c) Authority to Arrest and Incarcerate.

(1) A police officer may arrest a person for a violation of this Code or any ordinance of the Town if:

- a. He or she has a warrant commanding that such person be arrested.
- b. The violation has been or is being committed by a person in the officer's presence; or
- c. The officer has probable cause to believe that a violation has been or is being committed by the person and that the person has been or is committing it.

(2) Whenever any police officer is authorized by this Code to arrest any person, the officer has the authority to incarcerate that person if the officer has probable cause to believe that one (1) or more of the following conditions exist:

- a. The person is not likely to desist from the conduct alleged to constitute a violation after issuance of a summons;
- b. The person is unlikely to appear in Municipal Court in response to a summons (but the fact that the defendant does not reside in the Town is not alone such probable cause);
- c. The person refuses or is unable to post the bond required by law;
- d. The person refuses service of a summons;
- e. The person refuses to sign the promise of appearance, if any, on the summons;
- f. The person refuses to identify himself or herself by giving complete name and address verifiable by reasonable supporting data; or
- g. The person falsely identifies himself or herself.

(3) A police officer shall incarcerate any person when the officer has a warrant or writ commanding that such person be arrested or has received information, which the officer reasonably believes to be reliable, that such warrant or writ exists.

(d) Use of Force. An arrest may be made on any day and at any time of the day or night. All necessary and reasonable force may be used in making an arrest. All necessary and reasonable force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest.

(e) Town Attorney is Prosecutor. The Town Attorney or delegate thereof shall act as the prosecutor and represent the Town in all Municipal Court proceedings as appropriate, with all the privileges, immunities, powers and duties of such office. (Ord. 303, § 1-206, 1988; Ord. 348, § 1, 1992)

Sec. 2-154. Presumption of innocence.

Every person is presumed innocent until proved guilty. No person shall be convicted of any offense unless his or her guilt thereof is proved beyond a reasonable doubt. (Ord. 303, § 1-207, 1988)

Sec. 2-155. Trial by jury or by the court.

(a) Trial shall be to the court unless the defendant is entitled to a jury trial under this Code, the Constitution or general laws of the State, in which case the defendant shall have a jury if, within twenty (20) days after arraignment or entry of a plea, he or she files with the court a written jury demand and at the same time tenders to that court a jury fee of twenty-five dollars (\$25.00), unless the fee is waived by the judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant, having paid the jury fee, files with the court at least ten (10) days before a scheduled trial date a written waiver of jury trial, the jury fee shall be refunded. A defendant who fails to file with the court the written jury demand and pay the jury fee as provided above waives the right to a jury trial.

(b) When a jury trial is granted pursuant to Subsection (a), the jury shall consist of three (3) jurors unless a greater number, not to exceed six (6), is requested by the defendant in the jury demand.

(c) In a case tried without a jury, the court shall make a general finding and, in addition, on request shall make oral findings of fact and conclusions of law. (Ord. 919, § 1, 2007)

Sec. 2-156. Dismissal.

If there is unnecessary delay in the trial of a defendant, the court may dismiss the case. If the trial of a defendant is delayed more than ninety (90) days after arraignment of the defendant, unless the delay is occasioned by the action or request of the defendant, the court may dismiss the case and the defendant shall not thereafter be tried for the same offense; except that if, on the day of a trial set within the last ten (10) days of the above time limit, a necessity for a continuance arises which the court, in exercise of sound judicial discretion, determines would warrant an additional delay, then one (1) continuance, not exceeding thirty (30) days, may be allowed, after which the dismissal shall be entered as above provided if trial is not held within the additional time allowed. (Ord. 303, § 1-209, 1988)

Sec. 2-157. Representation of indigent persons.

(a) Court appointed private counsel shall represent, without charge, each indigent person who is under arrest for or charged with violating any provision of this Code or any Town ordinance, if:

(1) The defendant requests it and he or she complies with Subsection (c) of this Section; or

(2) The court, on its own motion or otherwise, so orders and the defendant does not affirmatively reject, on the record, the opportunity to be represented by legal counsel in the proceeding. When appointed by the court, the private counsel shall be limited to defending the indigent person and shall not be appointed to act as advisory counsel. The court shall not appoint private counsel to represent a defendant if such defendant does not fall within the fiscal standards established by the Supreme Court for appointment of public defenders or if such person is determined to be partially indigent.

(b) The determination of indigency shall be made by the court. When a defendant or, if applicable, his or her parent or legal guardian, requests representation by court-appointed counsel, such person shall submit an appropriate application, the form of which shall state that such application is signed under oath and under the penalty of perjury and that a false statement may be prosecuted as such. Before the court appoints a private attorney based on said application, the court shall advise the defendant or, if applicable, his or her parent or legal guardian, that the application is signed under oath and under the penalty of perjury. A copy of the application shall be sent to the prosecuting attorney for review, and, upon request, the court shall hold a hearing on the issue of the eligibility for appointment of the private attorney.

(c) Nothing in this Section shall be construed to authorize the private attorney to represent or advise any person who is physically outside the State and who has not made a court appearance in the pending matter in the Town.

(d) Except as otherwise provided, in any criminal prosecution of any provision of this Code or any Town ordinance, the prosecuting attorney may, at any time during the prosecution, state in writing whether or not he or she will seek incarceration as part of the penalty upon conviction of an offense for which the defendant has been charged. If the prosecuting attorney does not seek incarceration as part of such penalty, legal representation and supporting services need not thereafter be provided for the defendant at state expense, and no such defendant shall be incarcerated if found guilty of the charges against him or her, but the defendant shall be subject to alternatives available to the Town under this Code and ordinances for failure to pay fines and costs. (Ord. 303, § 1-301, 1988; Ord. 348, § 1, 1992)

Sec. 2-158. Election to seek incarceration.

Except as otherwise provided, in any criminal prosecution for misdemeanors, petty offenses or Code violations, the prosecuting attorney may, at any time during the prosecution, state in writing whether or not he or she will seek incarceration as part of the penalty upon conviction of a crime for which the defendant has been charged. If the prosecuting attorney does not seek incarceration as part of such penalty, legal representation and supporting services need not thereafter be provided by the defendant at state expense, and no such defendant shall be incarcerated if found guilty of the charges against him or her, but the defendant shall be subject to all alternatives available to the court under

Section 16-11-502, C.R.S., and to alternatives available to the Town under this Code for failure to pay fines and costs. (Ord. 303, § 1-302, 1988)

Sec. 2-159. Juveniles.

Notwithstanding any provision of law to the contrary, the Municipal Court has the authority to order a child under eighteen (18) years of age confined in a juvenile detention facility operated or contracted by the Department of Institutions for failure to comply with a lawful order of the Court, including an order to pay a fine. If a juvenile facility is not available, the child may be confined in an adult facility so long as he or she is separated from adult offenders. Any confinement of a child for contempt of Municipal Court shall not exceed forty-eight (48) hours. (Ord. 303, § 1-303, 1988)

Sec. 2-160. Assessment of costs.

The Municipal Judge may assess costs against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation. Costs, in the form of administrative fees, shall not exceed the fine established by Section 1-72 of this Code. (Ord. 346, § 1, 1991)

Sec. 2-161. Reserved.

Sec. 2-162. Municipal Court appeals.

Appeals from the Municipal Court shall be in accordance with Rule 37 of the Colorado Rules of Criminal Procedure, and Section 13-6-310, C.R.S. (Ord. 303, § 1-402, 1988)

Secs. 2-163—2-180. Reserved.

ARTICLE VII

Police Department

Sec. 2-181. Department created; control of officers.

The Town shall have a paid Police Department which may consist of a Chief of Police and such number of police officers as in the judgment of the Board of Trustees may be necessary to maintain the peace and good order of the Town. The members of the Police Department shall be appointed by the Board of Trustees, shall be subject to the control and orders of the Mayor and may be removed by a majority vote of the Board of Trustees. (Prior code 8.1; Ord. 359, § 2, 1992)

Sec. 2-182. Chief of Police; duties; bond.

The Chief of Police shall be the head of the Police Department and shall, in addition to the duties imposed upon all members of the Police Department, exercise general supervision and control over the work of all members of the Police Department, prescribe the number of hours and the times of day or night when police officers shall be on duty, and report to the Board of Trustees any violation of duty on the part of any police officer or any failure to comply with any order of the Chief of Police. The Chief of Police shall attend all meetings of the Board of Trustees and shall have charge and control of the Town jail. Before entering upon the duties of such office, the Chief of Police shall

furnish a surety bond to be paid for by the Board of Trustees, in the amount of two thousand dollars (\$2,000.00), conditioned upon the faithful discharge of the duties of his or her office. (Prior code 8.2)

Sec. 2-183. Duties of police officers.

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

- (1) They shall perform all duties as required of the Chief of Police.
- (2) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town, and pursue and arrest any person fleeing from justice in any part of the State.
- (3) They shall be the enforcement officers of the Town and shall see that the provisions of this Code 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 this Code or the laws of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and further provided that, in the special cases relating to traffic offense set forth in Chapter 8 of this Code, they may release an arrested person upon his or her written promise to appear in court.
- (4) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders when desirable.
- (5) They shall execute and return all writs and process to them directed by the Municipal Judge, or by a justice of the peace in any case arising under a Town ordinance, and they may serve the same in any part of the County. (Prior code 8.3)

Sec. 2-184. Oath and bond.

Before entering upon the duties of his or her office, each officer shall take and subscribe the oath or affirmation provided for in Section 2-74 of this Code, and shall execute a surety bond to the Town in the amount of one thousand dollars (\$1,000.00), to be approved and paid for by the Board of Trustees, conditioned upon the faithful performance of the duties of his or her office. (Prior code 8.4)

Sec. 2-185. Uniforms.

Every police officer shall furnish and wear at all times while on duty a uniform of the type and quality prescribed by the Board of Trustees. (Prior code 8.5)

Sec. 2-186. Duty of citizens to aid.

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his or her duties. (Prior code 8.6)

Sec. 2-187. Fees schedule; copies.

The following fees may be assessed for search, retrieval and copying of police records in the control and custody of the Police Department, where such records are subject to inspection and copying pursuant to the Colorado Public Records Act, as set forth at Section 24-72-101 et seq., C.R.S. (including Criminal Justice Records, Section 24-72-301 et seq., C.R.S.):

<i>Copying Fees</i>	
Xerox copies	\$.50 for each page up to 10 pages; every page thereafter is \$.25
Copy of video tape	Cost of tape
Copy of audio tape	Cost of tape
Copy of photographs	Costs incurred by Police Department
Search, retrieval and copying	\$15.00 for every one-half hour

(Ord. 645 § 1, 2002)

Secs. 2-188—2-200. Reserved.

ARTICLE VIII

Local Licensing Authority

Sec. 2-201. Establishment.

There is hereby created and established the Local Licensing Authority of the Town, consisting of the Mayor and the Board of Trustees. (Ord. 221, § 1, 1982)

Sec. 2-202. Authority.

The Local Licensing Authority shall have that authority and responsibility provided and set out in the Colorado Liquor Code Regulations, the Colorado Liquor Code and the Colorado Beer Code. (Ord. 221, § 2, 1982)

Sec. 2-203. Colorado Beer Code.

The Colorado Beer Code, Section 12-46-101 et seq., C.R.S., as may be applied to municipalities, along with the regulations enacted therewith, is hereby adopted by reference. (Ord. 348, § 1, 1992)

Sec. 2-204. Colorado Liquor Code.

The Colorado Liquor Code, Section 12-47-101 et seq., C.R.S., as may be applied to municipalities, along with the regulations enacted therewith, is hereby adopted by reference. (Ord. 348, § 1, 1992)

Secs. 2-205—2-220. Reserved.

ARTICLE IX

Planning Commission

Sec. 2-221. Appointment; authority.

The Planning Commission is hereby authorized for appointment under Part 2, Article 23, Title 31, C.R.S., and shall operate in accordance with said statutes and with applicable provisions of this Code and ordinances of the Town. (Ord. 243, § 1, 1984)

Sec. 2-222. Membership.

(a) The Planning Commission shall be a board of five (5) members. The membership shall consist of five (5) Town residents designated by the Mayor and approved by the Board of Trustees. The Mayor and members of the Board of Trustees shall not serve as members of the Planning Commission. The term of each member shall be six (6) years. The Planning Commission shall elect a chair, and vice chair and shall adopt rules and procedures as needed.

(b) There shall be appointed to the Planning Commission by the Board of Trustees two (2) citizen alternate members, to be designated as Alternate A and Alternate B.

(1) Alternate A shall be the senior alternate and shall be designated as the voting alternate in all instances, except when two (2) regular members are absent and both alternates shall be entitled to vote or in the absence of Alternate A, in which event Alternate B shall be the voting alternate.

(2) The alternate members may sit with the Planning Commission in all meetings and public hearings and may participate in all discussions as though regular members.

(3) An alternate member may vote only in the event a regular member is unable to vote because of absence. An alternate member may not vote in the event a regular member is recused from voting due to a conflict of interest.

(4) Alternate members shall not be counted in determining a quorum of the Planning Commission for the conduct of business, nor for determining the maintenance of a quorum if a regular member must absent himself or herself due to illness, conflict of interest or any other reason during the course of the meeting. (Ord. 243, § 2, 1984; Ord, 709 § 1, 2003; Ord. 829, § 1, 2006)

Sec. 2-223. Meetings.

The Planning Commission shall hold at least one (1) regular meeting per month. Minutes and records shall be kept of all meetings and forwarded to the Town for its permanent records. To accomplish this, a Town staff member shall be appointed as Secretary to the Planning Commission. Vacancies on the Planning Commission shall be filled by appointment from the Mayor and Board of Trustees. (Ord. 243, § 3, 1984; Ord. 829, § 2, 2006)

Sec. 2-224. Comprehensive Plan.

The Planning Commission shall be charged with the responsibility of developing a Comprehensive Plan, by making careful and comprehensive surveys and studies of present conditions and future growth of the Town. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, controlled and harmonious development of the Town. (Ord. 243, § 4, 1984; Ord. 829, § 3, 2006)

Sec. 2-225. Final authority.

The Planning Commission shall act as an advisory counsel to the Board of Trustees, which Board of Trustees shall have final authority in the adoption of plans, legislation, zoning, subdivisions and related matters. (Ord. 243, § 5, 1984)

Secs. 2-226—2-240. Reserved.

ARTICLE X

Park and Open Space Commission

Sec. 2-241. Purpose.

The purpose of this Article is to establish a Park and Open Space Commission consisting of residents of the Town to review and recommend to the Board of Trustees in all matters concerning the acquisition and development of municipally owned parks and open space. (Ord. 671, § 1, 2003)

Sec. 2-242. Appointment, membership.

The Park and Open Space Commission shall consist of seven (7) members appointed by the Mayor and approved by the Board of Trustees. All members of the Park and Open Space Commission shall be bona fide residents and qualified electors of the Town. No member of the Board of Trustees, Town employee or a land developer shall serve as a member of the Park and Open Space Commission. (Ord. 671, § 1, 2003, Ord. 832, § 1, 2006)

Sec. 2-243. Term of office.

Members of the Park and Open Space Commission shall serve three-year terms or until a replacement member is appointed. They shall serve without compensation. The initial terms of the members shall be as follows: one (1) member shall be appointed for a one-year term, three (3) members shall be appointed to a two-year term and three (3) members shall be appointed to a three-year term. Thereafter, as terms expire, all terms shall be for a period of three (3) years. (Ord. 671, § 1, 2003, Ord. 832, § 2, 2006)

Sec. 2-244. Meetings, attendance.

The Park and Open Space Commission shall meet not less than once monthly on a regular date and time as set by the Commission and at such other times as may be necessary to fulfill its duties as defined by this Article. Special meetings may be called by the Chair or by four (4) members of the Commission. All meetings shall be open to the public, and notice of meetings shall be given as

provided by the Colorado Open Meetings Law. The roll shall be taken at each meeting. A member who misses three (3) consecutive meetings shall be deemed removed from office, and the Board of Trustees shall appoint a replacement member to fill the unexpired term. Any member may be removed by the Board of Trustees for cause, including but not limited to, conviction of a felony crime or a conflict of interest. (Ord. 671, § 1, 2003, Ord. 832, § 3, 2006)

Sec. 2-245. Officers.

The Commission shall select a chairman and vice-chairman from among the members of the Commission. The terms of the chairman and vice-chairman shall be for one (1) year and they may be reelected for successive terms. The chairman, or, in his or her absence, the vice-chairman, shall preside at all meetings of the Commission and shall sign all communications of the Commission. (Ord. 671, § 1, 2003)

Sec. 2-246. Rules of order and business.

The Commission shall adopt rules and regulations governing the conduct of its meetings. A majority of its membership shall be required to conduct official business. All members have equal voting privileges on all questions. All members shall comply with the provisions regarding ethics and conflicts of interest contained in Chapter 2, Article IV of this Code. (Ord. 671, § 1, 2003)

Sec. 2-247. Minutes.

The Town shall designate a staff person to act as secretary to the Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be maintained in the permanent records of the Town Clerk. (Ord. 671, § 1, 2003)

Sec. 2-248. Staff and finance.

The Town shall be responsible for keeping a record of the proceedings of the Commission on file in Town Hall and for providing a copy of the minutes to the Board of Trustees. Such staff assistance and professional and technical services will be provided as necessary within the appropriations made by the Town. The Town Attorney shall serve as legal advisor to the Commission but shall not be required to attend meetings except when requested to do so by the Chairman or Board of Trustees. (Ord. 671, § 1, 2003)

Sec. 2-249. Subcommittees.

From time to time, the Commission may establish temporary and/or standing subcommittees and may request the aid of volunteers to implement specific programs and activities. (Ord. 671, § 1, 2003)

Sec. 2-250. Powers and duties.

The Park and Open Space Commission shall be advisory only, and the Commission shall have the following powers and duties:

- (1) To recommend to the Board of Trustees as to all matters concerning the acquisition, care, use, management, control and planning of all Town park and open space properties;
- (2) To prepare, revise and continually update a long-range plan for the acquisition, development and maintenance of parks and open space;
- (3) To review the park and open space annual budget request, and to make recommendations on the proposed budget to the Board of Trustees;
- (4) To coordinate all park and open space matters with any public or private agencies, including review and recommendations on contracts for use and establishment of all park and open space facilities;
- (5) To recommend to the Board of Trustees as to the expenditure of any cash or securities as may be devised or given to the Town for park and open space purposes, and to provide for the care of any property so devised or given;
- (6) To consider all policy matters pertaining to the Town's parks and open space facilities, and to make recommendations to the Board of Trustees;
- (7) To take direction from the Board of Trustees, and to provide advice to the Board on any park and open space questions directed to the Board;
- (8) To research all available grant opportunities for park-and-open-space-related programs and to report their findings to the Board of Trustees. (Ord. 671, § 1, 2003)

Secs. 2-251—2-260. Reserved.

ARTICLE XI

Arts Commission

Sec. 2-261. Purpose.

The purpose of this Article is to establish an Arts Commission for the Town which will administer the Art in Public Places program. (Ord. 521, § 1, 2000)

Sec. 2-262. Appointment; authority.

The Board of Trustees hereby authorizes the establishment of the Arts Commission, which shall operate in accordance with the provisions of this Code and by ordinance of the Town. (Ord. 521, § 1, 2000)

Sec. 2-263. Membership

The Arts Commission shall be a board of seven (7) members. The membership shall consist of one (1) Trustee as an ex officio member and six (6) residents of the Town. The membership of the Arts Commission shall be designated by the Mayor and approved by the Board of Trustees. (Ord. 521, § 1, 2000; Ord. 650, § 1, 2002; Ord. 749 §1, 2004)

Sec. 2-264. Terms of office.

(a) The ex officio members of the Arts Commission shall serve terms corresponding to their terms in office.

(b) The resident members of the Arts Commission shall serve terms of six (6) years, or until his or her successor takes office; except that the first five (5) members appointed to the Arts Commission shall serve terms as follows:

- (1) Two (2) members for six (6) years;
- (2) One (1) member for four (4) years; and
- (3) Two (2) members for two (2) years.

The Mayor and the Board of Trustees shall designate which members are to serve which terms. (Ord. 521, § 1, 2000; Ord. 650, § 2, 2002)

Sec. 2-265. Vacancies.

Vacancies on the Arts Commission shall be filled by appointment by the Mayor and Board of Trustees. (Ord. 521, § 1, 2000)

Sec. 2-266. Meetings.

(a) The Arts Commission shall meet as often as necessary to fulfill its duties as defined in Chapter 3 of this Code.

(b) Minutes and records shall be kept of all meetings and forwarded to the Town for its permanent records.

(c) The Mayor and Trustee serving as ex officio members of the Arts Commission shall be responsible for keeping the Board of Trustees informed of the Arts Commission's activities. (Ord. 521, § 1, 2000; Ord. 650, § 3, 2002)

Sec. 2-267. Officers.

The Arts Commission shall elect a chair, vice chair and secretary and adopt rules and procedures as necessary. (Ord. 521, § 1, 2000)

Secs. 2-268. Powers and duties.

The Arts Commission shall have the following powers and duties:

- (1) Administer the Art in Public Places; as set forth in Chapter 3 of this Code.
- (2) Set up and administer juried art shows. (Ord. 789, § 1, 2005)

Secs. 2-269—2-280. Reserved.

ARTICLE XII

Historic Preservation Advisory Commission

Sec. 2-281. Purpose.

The purpose of this Article is to establish an Historic Preservation Advisory Commission consisting of residents of the Town to act in an advisory capacity to the Board of Trustees and to make recommendations in accordance with the provisions of this Article. (Ord. 743, § 1, 2004)

Sec. 2-282. Appointment; membership.

The Historic Preservation Advisory Commission shall consist of seven (7) members appointed by the Mayor and approved by the Board of Trustees. All members of the Historic Preservation Advisory Commission shall be residents and qualified electors of the Town. No member of the Board of Trustees, Town employee or land developer shall serve as a member of the Historic Preservation Advisory Commission. (Ord. 743, § 1, 2004; Ord 848, § 1, 2006)

Sec. 2-283. Term of office.

Members of the Historic Preservation Advisory Commission shall serve three-year terms or until a replacement member is appointed. They shall serve without compensation. The initial terms of the members shall be as follows: one (1) member shall be appointed to a one-year term, two (2) members shall be appointed to a two-year term and two (2) members shall be appointed to a three-year term. Thereafter, as terms expire, all terms shall be for a period of three (3) years. (Ord. 743, § 1, 2004)

Sec. 2-284. Meetings; attendance.

(a) The Historic Preservation Advisory Commission shall meet not less than once monthly on a regular date and time as set by the Commission and at such other times as may be necessary to fulfill its duties as defined by this Article. Special meetings may be called by the chair or by three (3) members of the Historic Preservation Advisory Commission. All meetings shall be open to the public, and notice of meetings shall be given as provided by the Colorado Open Meetings Law.

(b) The roll shall be taken at each meeting. Any member who misses three (3) unexcused consecutive meetings shall be deemed removed from office, and the Board of Trustees shall appoint a replacement member to fill the unexpired term. Any member may be removed by the Board of Trustees for cause. (Ord. 743, § 1, 2004)

Sec. 2-285. Officers.

The Historic Preservation Advisory Commission shall select a chair and vice chair from among the members of the Commission. The terms of the chair and vice chair shall be for one (1) year, and they may be reelected for successive terms. The chair or, in his or her absence, the vice chair, shall preside at all meetings of the Historic Preservation Advisory Commission and shall sign all communications of the Commission. (Ord. 743, § 1, 2004)

Sec. 2-286. Rules of order and business.

The Historic Preservation Advisory Commission shall adopt rules and regulations governing the conduct of its meetings. A majority of its membership shall be required to conduct official business. All members have equal voting privileges on all questions. All members shall comply with the provisions regarding ethics and conflicts of interest contained in Article IV of this Chapter. (Ord. 743, § 1, 2004)

Sec. 2-287. Minutes.

The Town Administrator shall designate a staff person to act as secretary to the Historic Preservation Advisory Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be maintained in the permanent records of the Town Clerk. (Ord. 743, § 1, 2004)

Sec. 2-288. Town staff.

The Town Staff shall be responsible for keeping a record of the proceedings of the Historic Preservation Advisory Commission on file in Town Hall and for providing a copy of the minutes to the Board of Trustees. Such staff assistance and professional and technical services will be provided as necessary within the appropriations made by the Town. The Town Attorney shall serve as legal advisor to the Commission but shall not be required to attend meetings, except when requested to do so by the chair or Board of Trustees. (Ord. 743, § 1, 2004)

Sec. 2-289. Subcommittees.

From time to time, the Historic Preservation Advisory Commission may establish temporary and/or standing subcommittees and may request the aid of volunteers to implement specific programs and activities. (Ord. 743, § 1, 2004)

Sec. 2-290. Powers; duties.

The Historic Preservation Advisory Commission shall be advisory only, and the Commission shall have the following powers and duties:

- (1) Providing information regarding preservation, renovation and rehabilitation of landmarks, including nomination to the National Register of Historic Places.
- (2) Identifying and prioritizing historic sites and districts within the Town.
- (3) Advising the Board of Trustees on preserving the Town's historic character.
- (4) Pursuing incentives and programs to assist in the preservation of landmarks, ostensibly historic sites and historic districts.
- (5) Promoting preservation-related public education programs, such as walking tours, brochures, a marker program for landmarks, historic sites and districts, lectures and conferences.

(6) Researching all available grant opportunities for preservation-related programs and reporting their findings to the Board of Trustees. (Ord. 743, § 1, 2004)

ARTICLE XIII

Frederick Cultural and Performing Arts Commission

Sec. 2-291. Purpose.

The purpose of this Article is to establish a Cultural and Performing Arts Commission consisting of residents of the Town to act in an advisory capacity to the Board of Trustees and make recommendations in accordance with the provisions of this Article. (Ord. 947, § 1, 2008)

Sec. 2-292. Appointments, membership.

The Cultural and Performing Arts Commission shall consist of seven (7) members appointed by the Mayor and approved by the Board of Trustees. All members of the Cultural and Performing Arts Commission shall be residents and qualified electors of the Town. No member of the Board of Trustees or Town employee shall serve as a member of the Cultural and Performing Arts Commission. (Ord. 947, § 1, 2008)

Sec. 2-293. Term of office.

Members of the Cultural and Performing Arts Commission shall serve three-year terms or until a replacement member is appointed. They shall serve without compensation. The initial terms of the members shall be as follows: two (2) members shall be appointed to a one-year term, three (3) members shall be appointed to a two-year term and two (2) members shall be appointed to a three-year term. Thereafter, as terms expire, all terms shall be for a period of three (3) years. (Ord. 947, § 1, 2008)

Sec. 2-294. Meetings, attendance.

The Cultural and Performing Arts Commission shall meet not less than once monthly on a regular date and time as set by the Commission and at such other times as may be necessary to fulfill its duties as defined by this Article. Special meetings may be called by the Chairperson or by three (3) members of the Commission. All meetings shall be open to the public, and notice of meetings shall be given as provided by the Colorado Open Meetings Law. The roll shall be taken at each meeting. Any member who misses three (3) unexcused consecutive meetings shall be deemed removed from office, and the Board of Trustees shall appoint a replacement member to fill the unexpired term. The Board of Trustees for cause may remove any member. (Ord. 947, § 1, 2008)

Sec. 2-295. Officers.

The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission. The terms of the Chairperson and Vice Chairperson shall be for one (1) year, and they may be reelected for successive terms. The Chairperson or, in his or her absence, the Vice Chairperson shall preside at all meetings of the Commission and shall sign all communications of the Commission. (Ord. 947, § 1, 2008)

Sec. 2-296. Rules of order and business.

The Commission shall adopt rules and regulations governing the conduct of its meetings. A majority of its membership shall be required to conduct official business. All members have equal voting privileges on all questions. All members shall comply with the provisions of this Code regarding ethics and conflicts of interest contained in Article IV of this Chapter. (Ord. 947, § 1, 2008)

Sec. 2-297. Minutes.

The Town Administrator shall designate a staff person to act as secretary to the Commission, who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The minutes shall be maintained in the permanent records of the Town Clerk. (Ord. 947, § 1, 2008)

Sec. 2-298. Town staff.

The Town staff shall be responsible for keeping a record of the proceedings of the Commission on file in Town Hall and for providing a copy of the minutes to the Board of Trustees. Such staff assistance and professional and technical services will be provided as necessary within the appropriations made by the Town. The Town Attorney shall serve as legal advisor to the Commission, but shall not be required to attend meetings, except when requested to do so by the Chairperson or Board of Trustees. (Ord. 947, § 1, 2008)

Sec. 2-299. Subcommittees.

From time to time, the Commission may establish temporary and/or standing subcommittees and may request the aid of volunteers to implement specific programs and activities. (Ord. 947, § 1, 2008)

Sec. 2-300. Powers and duties.

The Cultural and Performing Arts Commission shall be advisory only, and the Commission shall have the following powers and duties:

- (1) To provide information regarding performing arts, including music, theater, dance, etc.; visual arts, including nonpermanent exhibits; and cultural events, such as celebrations of different cultures, culinary arts, etc.;
- (2) To encourage community involvement in the cultural arts by providing opportunities for local and area artists and performers to display their crafts; and
- (3) To research all available grant opportunities for cultural arts-related programs and to report their findings to the Board of Trustees. (Ord. 947, § 1, 2008)

Article XIV

Miners' Day Celebration Commission

Sec. 2-301. Purpose of the Commission.

The purpose of the Commission is to advise the Board of Trustees regarding the planning and organization of the annual Miners' Day celebration. The celebration shall focus on the Town's rich mining heritage, shall showcase the community and provide entertainment for all ages. (Ord. 885, § 1, 2007)

Sec. 2-302. Membership.

The Miners' Day Celebration Commission shall be comprised of nine (9) members. The membership shall consist of seven (7) residents of the Town and two (2) members of the Board of Trustees. The membership of the Commission shall be designated by the Mayor and approved by the Board of Trustees. (Ord. 885, § 1, 2007)

Sec. 2-303. Terms of office.

(a) The Trustee members of the Commission shall serve terms corresponding to their terms in office.

(b) The resident members of the Commission shall serve terms of four (4) years. The initial terms shall be staggered so that three (3) Commissioners serve two-year terms and four (4) Commissioners serve four-year terms. (Ord. 885, § 1, 2007)

Sec. 2-304. Meetings.

(a) The Miners' Day Celebration Commission shall meet as often as is necessary to fulfill its duties as defined herein.

(b) Minutes and records shall be kept of all meetings and forwarded to the Town for its permanent records.

(c) The members of the Board of Trustees serving as members of Miners' Day Celebration Commission shall be responsible for keeping the Board of Trustees informed of the Miners' Day Celebration Commission activities.

(d) Any Commission member who misses more than three (3) meetings without a legitimate excuse shall be removed from the Commission and a replacement member appointed. (Ord. 885, § 1, 2007)

Secs. 2-305—2-320. Reserved.