

TOWN OF LAKE CITY, COLORADO
ORDINANCE NO. 2014-01

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO,
REPEALING ORDINANCE NUMBER 4, SERIES 2013, AND
AMENDING SECTIONS 5.1 AND 5.7, ORDINANCE NUMBER 1,
SERIES 2012, OF THE TOWN OF LAKE CITY, CONCERNING
OFFICERS AND EMPLOYEES

WHEREAS, Colorado Revised Statute 31-4-304, requires that the Board of Trustees of the Town of Lake City appoint a Town Attorney, or provide by ordinance for the election of such officer;

WHEREAS, Colorado Revised Statute 31-4-304, requires that the Board of Trustees of the Town of Lake City prescribe by ordinance the duties of the Town Attorney and the compensation or fees such officer shall receive for his or her services;

WHEREAS, the Board of Trustees of the Town of Lake City, due to a mistake by the Town Attorney, by Ordinance 2013-4 amended Section 6, Ordinance 4, Series 1999, which had been repealed and replaced by Ordinance 2012-1; and

WHEREAS, the Board of Trustees of the Town of Lake City, by this ordinance repeals Ordinance 2013-4 and amends Sections 5.1 and 5.7 of Chapter III, of the Lake City Municipal Code (Ordinance 2012-1), concerning the Town Attorney;

WHEREAS, the United States Internal Revenue Service has taken the position with other municipalities, that all appointed officers are employees for federal income tax withholding purposes;

WHEREAS, the Town of Lake City has historically engaged the services of the Town Attorney as an independent contractor and not as an employee; and

WHEREAS, the Board of Trustees of the Town of Lake City, by this ordinance, makes clear that the office of Town Attorney may be held by an individual or entity and that such individual or entity may provide legal services

to the Town as an independent contractor pursuant to the terms of an agreement approved by the Board of Trustees.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Lake City, Colorado, as follows:

Section 1: Section 5.1.A., Ordinance 1, Series 2102, is hereby amended to read as follows.

5.1 APPOINTMENT OF OFFICERS AND OATH OF OFFICE

A. At its first regular meeting following each regular election, the Board shall appoint a Town Clerk, Treasurer, and Municipal Judge.

Section 2: Section 5.7., Ordinance 1, Series 2012, is hereby amended to read as follows:

5.7 TOWN ATTORNEY

At its first regular meeting following each regular election, the Board shall appoint an individual or entity to the office of Town Attorney. The Town Attorney shall provide legal services to the Town of Lake City as an independent contractor pursuant to the terms of an agreement approved by the Board of Trustees.

The Town Attorney shall attend all meetings of the Board of Trustees as required by the Mayor, Board or Town Manager. Any member of the Board of Trustees, by permission of a majority of a quorum of the Board, may call upon the Town Attorney for an oral or written opinion to decide any questions of law, but not to decide upon any parliamentary rules. The Town Attorney may retain special counsel with the prior approval of the Board.

The Town Manager shall have the authority to call upon the Town Attorney as needed for an oral or written opinion to decide any questions of law.

Section 3:

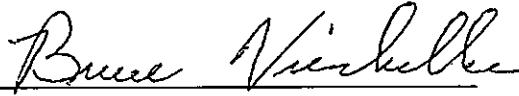
This ordinance shall become effective on the thirty-first day following publication, pursuant to COLO. REV. STAT. § 31-16-105.

Section 4:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this 15th day of January, 2014.

TOWN OF LAKE CITY, COLORADO


Bruce Vierheller, Mayor

I, Cindy Nelson, certify and attest that Ordinance 2014-01 was introduced and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the 15th day of January, 2014.

ATTEST:


Cindy Nelson, Town Clerk