

**TOWN OF LAKE CITY, COLORADO  
ORDINANCE NO. 2014-6**

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO,  
CONCERNING ADMINISTRATIVE MATTERS AND REPEALING  
ORDINANCE NO. 1, SERIES 2014 AND ORDINANCE NO. 1,  
SERIES 2012.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
LAKE CITY, COLORADO, as follows:

Part 1:

Ordinance Number 1, Series 2014, and Ordinance Number 1, Series 2012,  
are hereby repealed in their entirety and a new Chapter III of the Lake City  
Municipal Code is enacted to read as follows.

CHAPTER III  
Administration

SECTION 1 – MAYOR AND BOARD OF TRUSTEES

**1.1 Board of Trustees**

The Mayor and six Trustees shall comprise the Board of Trustees  
and shall perform duties as specified by State Law and Town  
Ordinances. The Mayor shall serve a four-year term of office. Three  
Trustees shall be elected at each biennial regular election for four-  
year terms of office.

**1.2 Vacancies**

The Board of Trustees shall fill any vacancies, which occur in the  
office of Mayor or Trustee by appointment until the next regular  
election. Such vacancy shall be filled at the next regular election for  
the remaining two-year term of office if the term of the vacant office  
has not expired by such election or for the full four-year term if the  
term of the vacant office has expired.

### **1.3 Presiding Officer**

The Mayor or, in his or her absence, the Mayor Pro Tem, shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of the Board. The Mayor shall be considered a member of the governing body and the Board of Trustees. The Mayor or, in his or her absence, the Mayor Pro Tem, shall preserve decorum and decide all questions of order, subject to appeal of the Board.

### **1.4 Mayor Pro Tem**

The Mayor Pro-Tem shall serve as Mayor during the absence or disability of the Mayor, and in case of vacancy in the office of Mayor, pending the selection of a successor. The Mayor Pro-Tem shall be appointed by the Mayor and ratified by the Board of Trustees at the first regular meeting following the Town election for Board members or following filling of a vacancy in the office of Mayor. This shall be the first order of business after the new Board members are sworn into office.

### **1.5 Temporary Chair**

In case of the absence of the Mayor and the Mayor Pro-Tem, the Clerk shall call the Board to order and call the roll of members. If a quorum is present the Board shall proceed to elect by majority vote a chair of the meeting to act until the Mayor or the Mayor Pro-Tem is in attendance.

## SECTION 2 – MEETINGS

### **2.1 Regular Meetings**

The Board of Trustees shall meet in regular session on the first and third Wednesdays of each month at 7:00 p.m. When a regular meeting falls on a holiday, the meeting shall be held on the following day, at the same hour, unless otherwise scheduled by the Mayor. The Mayor may dispense with any regular meeting, or reschedule any regular meeting with at least forty-eight (48) hours notice to Board members, provided that at least one regular meeting shall be held each month. The Board of Trustees shall designate the place of all regular meetings.

### **2.2 Special Meetings**

Special meetings shall be called by the Town Clerk at the request of the Mayor or any two (2) members of the Board. There shall be at least twenty-four (24) hours written notice to each member of the Board and Town Manager, served personally, left at such person's usual place of residence, or sent via electronic mail. Such notice shall indicate the business to be performed at such special meeting. If any member shall have moved from the Town of Lake City and shall be a non-resident thereof, no notice shall be required. Any Trustee may waive notice of the meeting and a Trustee's presence shall constitute waiver of notice of the meeting.

### **2.3 Emergency Meetings**

Emergency meetings may be called by the Mayor or any two (2) Board 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 Lake City. Notice of such emergency meeting may be given to the Board by telephone or whatever other means is reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board that is necessary for the immediate protection of the public health, safety, and welfare may

be taken; provided however, any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board at which the emergency issue is on the public notice of the meeting. At such subsequent meeting the Board may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded.

#### **2.4 Motions**

All motions presented by any member shall require a second. A majority vote of the members present, unless a greater number is required otherwise, shall decide all questions.

#### **2.5 Voting**

- A. A roll call vote by “yes” and “no” shall be taken upon the passage of all ordinances, the appointment of any officer, and on all motions concerning the expenditure of funds and entered upon the minutes of the Board proceedings. Every ordinance, except emergency ordinances, shall require the affirmative vote of a majority of the quorum of the Board present for passage. Emergency ordinances shall require the affirmative vote of 3/4 of all members of the Board.
- B. Upon each vote taken by the Board, the Chair shall announce the result of the vote. In the case of a tie vote, the issue shall be considered rejected.
- C. Every member present shall be required to vote, except in the case of a conflict of interest as described herein or unless excused for good cause by the other Board members present. The vote shall be for or against a pending ordinance, resolution or motion. The failure to vote shall be considered an affirmative vote.

#### **2.6 Maintenance of Official Records**

Minutes shall be kept of all regular and special Board meetings, and meetings of the Board of Adjustments, Planning Commission, and of any other board or commission of the Town which is required by Colorado law to maintain minutes. Upon adoption of the minutes by the board or commission, such minutes shall be the official record of the meeting and shall be available for inspection during normal business hours.

## SECTION 3 – OFFICERS AND EMPLOYEES

### 3.1 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.
- B. A majority vote of all members of the Board in office at the time shall be required to appoint any Town Official. The Town Clerk, Mayor or Mayor Pro-Tem shall administer the oath of office before the Board.
- C. The Board shall fill any vacancy for the unexpired term. The Clerk and the Treasurer and any other officer, if required by the Board, shall, prior to taking office, execute an oath and be bonded in an amount required by the Board at the Town's expense.
- D. Appointed officers shall take an oath or affirmation, administered by the municipal judge, clerk, or other person who is designated by the Board or who is authorized by law.
- E. The Board may appoint such other officers and employees as it deems necessary and shall fix the compensation to be paid all officers and employees of the Town. The Board may either appoint a Town Marshall or contract for police services with the Sheriff or other qualified law enforcement official or agency.

### **3.2 Appointments by the Mayor**

The Mayor may appoint individuals to such standing and special committees as he or she determines appropriate from time to time. The Mayor shall submit a written resolution of appointment to be made with the advice and general consent of the Board. Consideration of such appointment may be deferred until the next meeting by a majority vote of the Board.

### **3.3 Town Treasurer**

- A. The Treasurer shall have and perform such duties as stated the Colorado Revised Statutes and as may be assigned from time to time by the Town Administrator and in the absence thereof by the Board of Trustees.
- B. The Treasurer shall receive compensation in the amount of One Dollar and No Cents (\$1.00) per year, payable on or before the thirty-first day of January each year, except if the person holding the office of Treasurer shall be otherwise employed by the Town, then he or she shall not be entitled to any additional compensation.
- C. The same person may hold the offices of Treasurer and Clerk.

### **3.4 Town Clerk**

- A. The Clerk shall have and perform such duties as stated in the Colorado Revised Statutes and as may be assigned from time to time by the Town Administrator and in the absence thereof by the Board of Trustees.
- B. The Clerk shall receive compensation in the amount of One Dollar and No Cents (\$1.00) per year, payable on or before the thirty-first day of January each year, except if the person holding the office of Clerk shall be otherwise employed by the Town, then he or she shall not be entitled to any additional compensation.

### **3.5 Town Attorney**

- A. 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.
- B. 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.
- C. 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.

### **3.6 Removal of Appointed Officers**

Appointed officers may be removed pursuant to state law. An appointed officer who was also employed by the Town, whether such employment was as an employee or independent contractor, whose employment was terminated, shall resign such appointed office. The termination of the employment of any appointed officer with the Town, whether such employment is as an employee or independent contractor, shall be sufficient basis for removal from office.

Part 2:

This ordinance shall become effective the later of the thirty-first day following publication, pursuant to COLO. REV. STAT. § 31-16-105, or November 3, 2014.

Part 3:

The repeal and amendment of various provisions of the Town of Lake City Municipal Code Colorado by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

Part 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 3<sup>rd</sup> day of September, 2014.

TOWN OF LAKE CITY, COLORADO

  
Bruce Vierheller, Mayor



I, Deborah Bendinelli, certify and attest that Ordinance 2014-6 was introduced and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the 3<sup>rd</sup> day of September, 2014.

ATTEST:

A handwritten signature in black ink, appearing to read 'DBendinelli', written above a horizontal line.

Deborah Bendinelli, Town Clerk