

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2021-670

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO, REPEALING AND READOPTING ARTICLE
III OF CHAPTER 2 OF THE LOCHBUIE TOWN CODE GOVERNING
OFFICERS AND EMPLOYEES**

WHEREAS, the Town of Lochbuie (the “Town”) is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, certain provisions of the Municipal Code governing officers and employees exceed the requirements of statutes that govern statutory towns and limit flexibility of administration to operate to implement policies and direction of the Board; and

WHEREAS, the Town Board of Trustees desires to amend the Code to repeal and readopt Article III of Chapter 2 to conform to state law governing statutory towns and to allow the Town Administrator flexibility to hire at-will employees to serve and perform certain functions for the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. **Incorporation of Recitals.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Board of Trustees.

Section 2. **Repeal and Readoption of Article III of Chapter 2 of the Lochbuie Municipal Code.** Article III of Chapter 2 of the Lochbuie Municipal Code (“Code”) is hereby repealed and readopted to read as follows in its entirety:

ARTICLE III - Officers and Employees

Sec. 2-3-10. - Town Administrator.

- (a) Appointment. The position of Town Administrator is created to centralize in a single individual all administrative functions of the Town. The Town Administrator shall be responsible for all day-to-day operations and activities of the Town. The Town Administrator shall be selected by the Board of Trustees and shall serve as an at-will employee at the pleasure of the Board of Trustees for an indefinite period, and the terms of his or her employment may be governed by

a contract with the Board of Trustees, which contract, if any, shall take precedence over this Section. Compensation of the Town Administrator shall be set forth in such contract, if any, and/or shall be set annually by the Board of Trustees at the time of annual budget approval or any other time during the year by a majority vote of the Board of Trustees. .

- (b) Absences. In the absence of the Town Administrator for a period of greater than three weeks, the Board of Trustees shall appoint an acting Town Administrator. In the absence of the Town Administrator for a shorter period, the Town Administrator shall appoint another member of Town staff to act as Town Administrator and report the same to the Board of Trustees.
- (c) Removal. Notwithstanding anything to the contrary contained herein, the Town Administrator shall not be deemed an appointed official pursuant to Section 31-4-304, C.R.S., and thus the provisions regarding removal are expressly inapplicable to the Town Administrator.
- (d) Qualifications. The Town Administrator need not be a resident of the Town.
- (e) Duties. The Town Administrator shall perform the following duties:
 - (1) Supervise the day-to-day activities of the Town, with full responsibility and authority for administration of the Town.
 - (2) Hire, establish compensation for, and terminate all Town personnel, excluding those Town officers who are appointed by and serve at the pleasure of the Board of Trustees. Although respective Town department heads shall supervise the day-to-day activities of Town personnel, the ultimate authority to render a decision concerning the terms of any employee's employment lies with the Town Administrator.
 - (3) Supervise the day-to-day activities of the Town's Water Activity Enterprise and Wastewater Activity Enterprise, with full responsibility and authority for administration of such enterprises and their facilities.
 - (4) Develop and administer all Town and enterprise budgets.
 - (5) Keep the Board of Trustees, and the individual liaisons who are members thereof, informed about all issues related to Town administration.
 - (6) Request engineering and legal services from the Town Engineer and the Town Attorney, as needed, and coordinate with the Town Engineer and the Town Attorney.
 - (7) Prepare and deliver reports to the Board of Trustees on a monthly basis describing matters determined by the Town Administrator or by the Board

of Trustees necessary to keep the Board of Trustees properly advised as to the activities of the Town Administrator.

- (8) Purchase such goods and services as are determined by the Town Administrator to be necessary in the day-to-day administration of the Town and the purchase of which is authorized by the approved Town budget; provided, however, that the power to purchase any goods or services shall be limited to an amount as set forth in a purchasing policy as adopted by the Board of Trustees by resolution. All other proposed purchases of goods or services shall come before the Board of Trustees for its prior approval. Notwithstanding the above, the Town Administrator shall have the power and authority to exceed the above limits if goods or services are needed immediately to correct or remedy an unsafe condition or to adequately address an emergency situation with the advice and consent of the Mayor, who will advise the Board of Trustees of his or her decisions and actions as soon as practical.
- (9) Perform such other duties as may be assigned by the Board of Trustees.

Sec. 2-3-20. - Town Clerk.

- (a) **Appointment.** The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Clerk for a two year term. In the temporary absence of the Town Clerk, the Town Administrator shall appoint another member of Town staff to act as Town Clerk and report the same to the Board of Trustees. In case a vacancy should occur in the office of Town Clerk, the Board of Trustees shall appoint a Town Clerk for the unexpired term.
- (b) The Town Clerk may also be a staff person with additional responsibilities.
- (b) **Oath.** Before entering upon the duties of the office, the Town Clerk shall take an oath of office in accordance with Section 24-12-101, C.R.S..
- (c) **Duties.** The Town Clerk shall perform the following duties and functions:
 - (1) Be the Clerk of the Board of Trustees, attend all meetings of the Board and keep a permanent journal of its proceedings.
 - (2) Be the custodian of all Town records.
 - (3) Perform such other duties as may be prescribed for him or her by law, by the Board of Trustees, or by the Town Administrator.

Sec. 2-3-30. - Town Treasurer.

- (a) Appointment. The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Treasurer for a two year term. In case a vacancy should occur in the office of Town Treasurer, the Board of Trustees shall appoint a Town Treasurer for the unexpired term. The Board of Trustees may, in its discretion, appoint the Town Clerk or Town Administrator as Town Treasurer.
- (b) Oath. Before entering upon the duties of the office, the Town Treasurer shall take an oath of office.
- (c) Duties. The Town Treasurer shall perform the duties as assigned by the Board of Trustees or the Town Administrator. The Town Treasurer may also be a staff person with additional responsibilities

Sec. 2-3-40. - Town Attorney.

- (a) Appointment. The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified attorney at law as Town Attorney and shall fix his or her compensation. In case a vacancy should occur in the office of Town Attorney, the Board of Trustees shall appoint a Town Attorney for the unexpired term.
- (b) Duties. The Town Attorney shall perform the following duties:
 - (1) Act as legal advisor to, and be attorney and counsel for, the Board of Trustees, and be responsible solely to the Board of Trustees. On behalf of the Town, he or she shall advise any officer or department head of the Town in matters relating to his or her official duties.
 - (2) Prosecute or supervise prosecution of ordinance violations in Municipal Court.
 - (3) Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees or Town Administrator, and promptly give his or her opinion as to the legal consequences thereof.
 - (4) Call to the attention of the Board of Trustees all matters of law, and changes or developments therein, affecting the Town.
 - (5) Perform such other duties as may be prescribed for him or her by the Board of Trustees.

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

The clerk or the treasurer appointed by the Board of Trustees may be removed from office by a vote of a majority of all members of the Board of Trustees following the issuance of a charge in writing and an opportunity to be heard.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 7 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 17th day of August, 2021.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of August 17, 2021 and ordered published by title only one time by *The Brighton Blade* newspaper on Aug 25, 2021.

[SEAL]



Kim Coleman, Town Clerk