

#### Article 4

##### Town Administration, Appointed Officials and Town Departments

4.01 Mayor. The Mayor shall be the presiding officer of the Council and the recognized head of the Town government for all legal and ceremonial purposes. The Mayor, or anyone acting as Mayor as provided for in Section 3.09 of this Charter, shall have the following duties, authorities, and responsibilities:

- (1) To vote in the same manner as a Council Member without veto power upon any question;
- (2) To sign all contracts binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring their signature except as may be delegated by ordinance to the Town Manager or as otherwise provided by ordinance and attested by the Town Clerk under the seal of the Town; ~~and~~
- (3) To have such other authority as may be conferred upon the Mayor by the Council so long as that grant of authority is not in conflict with the provisions of this Charter; ~~and-~~
- (4) In case of emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life and property.
  - (a) Such authority shall include without limitation establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council which may take such action as it deems necessary.
  - (b) Any unilateral action taken by the Mayor during an emergency shall be temporary in nature and duration and shall be effective only until the Council is convened to ratify the action.

(5) In the event it becomes necessary, the line of succession provided in this Charter shall be followed. The Council shall have the authority to provide for the continuity of government of the Town in the event of disaster. Such authority shall be employed in a manner that will preserve representative government to the Town and that will provide an orderly line of ~~succession of officers~~, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem, and shall then revert to Council Members, then through an orderly line of succession of ~~the administrative~~ department heads.

4.02 Town Manager. The Town Manager shall be the chief executive officer of the Town and shall serve at the will of the Council.

- (1) The Council, by a majority vote of those then in office, shall appoint a Town Manager without a definite term and at compensation fixed by resolution of the Council.

**Commented [HMG1]:** See comment in 4.06 re: defining Town "officers" and whether department heads are included

**Commented [HMG2]:** Could add guidance about how to proceed through Council Members - length of service, alphabetically by last name, etc.

The Town Manger is not mentioned here. What role would they play? The pandemic showed it is important to have a full-time professional able to make emergency-related decisions

(2) The Town Manager shall be accountable to the Council and shall perform such duties as provided by this Charter, ordinance or resolution, and such other duties as may be directed by Council, so long as such direction is not contrary to this Charter, state or federal law or the ordinances of the Town.

(3) The Town Manager may only delegate to others the authority and duties prescribed to their position to the extent allowed by ordinance or resolution.

(4) The Town Manager may designate a Town department head to function in their capacity during short absences.

(5) The Town Manager may hire staff as such are provided for in the Town's budget.

(6) The Town Manager shall prepare an annual budget and submit it to the Council.

4.03 Town Attorney. The Town Attorney shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Town Attorney shall serve at the will of the Council without a definite term at compensation fixed by resolution of the Council.

(2) The Town Attorney shall be responsible to the Council and shall perform such duties as provided by ordinance.

4.04 Municipal Judge. The Municipal Judge shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Municipal Judge shall serve at the will of the Council without a definite term at compensation fixed by resolution of the Council.

(2) The Municipal Judge shall be responsible to the Council and shall perform such duties as provided by ordinance.

4.05 Town Clerk. Town Clerk shall be hired by the Town Manager as an employee of the Town. The Town Clerk or designee shall attend all meetings of the Council, shall keep a permanent record of its proceedings, and shall have the following other duties and responsibilities:

(1) To be custodian of the Town Seal, affix it to all documents and instruments requiring the seal, and attest to the same; ~~;~~

(2) To be custodian of all papers, documents and records pertaining to the Town, the custody of which is not otherwise provided for; ~~;~~

(3) To certify by their signature all ordinances and resolutions enacted or passed by the Council;

(4) To provide and maintain in the Town Clerk's office a supply of forms for petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder;

(5) To review the sufficiency of all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. Yet, nothing contained herein shall require the Town Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Town Clerk;

(6) To administer oaths of office;

(7) suggest adding election duties as required by state law; and

(8) To perform such other duties as may be prescribed by this Charter, ordinance, state law, or the Town Manager.

#### 4.06 Town Departments.

(1) The Council may by ordinance create, consolidate or dissolve any Town department.

(2) All departments and department heads of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the Town Manager.

(3) All department heads ~~hired after the effective date of this Charter~~ shall be hired by the Town Manager and shall be considered, at all times, at-will employees of the Town. ~~The provisions of this Section are specifically intended to supersede~~ conflicting state law on this matter, including C.R.S. § 31-4-307, as to department heads.

### Article 5 Boards and Commissions

5.01 Existing Boards and Commissions. All boards and commissions existing at the time this Charter is adopted shall continue as established by ordinance, except as may be otherwise provided by this Charter or subsequent ordinance.

#### 5.02 Right to Establish, Amend and Abolish.

(1) The Council may create any boards or commissions, including advisory and appeal boards, provided that no such board or commission shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter. Unless otherwise required by law or this Charter,

**Commented [HMG3]:** This imposes a duty for the Town to supply forms of petitions it will accept (such as for recall or initiative) when that duty may not otherwise exist. Per state statute, sometimes it is up to the petitioner to create and submit for approval a form of petition.

**Commented [HMG4]:** This provision in state law (pasted below) specifies removal of "officers of the Town" among others for cause and only following a hearing. Rather than excepting department heads from this statute, the Charter could define what positions are considered to be Town "officers." That definition would be useful elsewhere, as well.

#### **31-4-307. Removal of officers - causes - notice.**

By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this section. A municipal judge may be removed during his term of office only for cause, as set forth in section 13-10-105 (2), C.R.S.

all boards and commissions shall be created by ordinance, which shall prescribe the duties delegated by the Council and the qualification of members.

(2) Each board and commission shall elect its own chair and vice-chair from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council. All board, and commission meetings shall be open to the public, and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Council as the Council shall require.

**Commented [HMG5]:** This leaves open the possibility that Council could standardize rules of procedure among boards and commissions by ordinance or resolution.

(3) The Council may increase, reduce or change by ordinance any or all of the duties and procedures of any board or commission existing at the time of the adoption of this Charter or as created by ordinance thereafter.

(4) Any board or commission that is not required by statute or this Charter may be abolished by the Council at any time.

(5) Terms and conditions of appointment and composition of all boards and commissions shall be determined by ordinance, ~~except that a~~ Appointment of a member to any board or commission shall require a majority vote of the Council, ~~and~~ Removal of any member from a board or commission shall require a two-thirds (2/3) affirmative vote by the entire Council and, in no case, fewer than five (5) affirmative votes for removal, following notice and an opportunity to be heard.

**Commented [HMG6]:** This provision also supersedes C.R.S. 31-4-307 by imposing a super-majority vote requirement for removal (if we assume board and commission members are Town officers).

Again, consider defining "officer" and explicitly including or excluding board and commission members from that definition.