

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 Town Offices Generally
- 2.06 Town Officers and Employees
- 2.08 Procedure for Hearings
- 2.10 Procurement Code
- 2.14 Planning and Zoning Commission

Chapter 2.04

TOWN OFFICES GENERALLY

Sections:

- 2.04.010 Town Officers--Appointment.
- 2.04.020 Town Officers--Oath.
- 2.04.030 Town Officers--Surety Bond Required.
- 2.04.040 Town Officers--Vacancy.
- 2.04.050 Administrative Functions--Mayor.
- 2.04.060 Town Administrator--Duties.
- 2.04.070 Town Clerk--Duties.
- 2.04.080 Town Treasurer--Duties.
- 2.04.090 Town Attorney--Duties.
- 2.04.100 Town Officers--Removal.

2.04.010 Town Officers--Appointment. The Board of Trustees shall appoint the following Town officers: Town Clerk/Municipal Clerk, Town Treasurer/project coordinator and Town Attorney. The appointment of said Town officers shall be for a period established at the time of appointment, but in no event shall continue beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., as amended, by members of the succeeding Board of Trustees.

The Board of Trustees may enter into a written contract with any Town officer. Such contract shall be supplemental to the provisions of this Chapter. The provisions of this Title shall supersede any such contract when in conflict. (Ord. 211 §1(part), 1994).

2.04.020 Town Officers--Oath. Each of the officers appointed under Section 2.04.010, before entering upon the duties of such office, shall take an oath or affirmation, administered by the Municipal Judge, Clerk or other person who is designated by the Board of Trustees, or who is authorized by law to administer such oaths, to support the Constitution and laws of the Town, and faithfully perform the duties of his office. (Ord. 211 §1(part), 1994).

2.04.030 Town Officers--Surety Bond Required. A. Each of the following officers shall execute a bond with sureties approved by the Board of Trustees in the following amounts:

Treasurer	\$100,000.00
Clerk	\$10,000.00

Said bond shall be conditioned upon the faithful discharge of the duties of their office and for the care and disposition of municipal funds in their hands. The cost of the bond shall be paid by the Town.

B. The Board of Trustees shall declare vacant the office of any person appointed to office who fails to give a bond when required within ten (10) days after notification of appointment, and shall proceed to appoint as in other cases of vacancy. In the event the official bond of an officer, after the taking and approval thereof, becomes insufficient by reason of the death or insolvency of any of the sureties thereon, the Board of Trustees shall require the officer to procure additional sureties or to give a new bond and may designate the time when such additional sureties or new bond shall be furnished, which shall not be less than ten (10) days. In the event the additional sureties or new bond is not furnished within the time so designated, the office shall be declared vacant, and the vacancy shall be filled by appointment as provided by law. (Ord. 211 §1(part), 1994).

2.04.040 Town Officers--Vacancy. The Board of Trustees has the power, by appointment, to fill all vacancies in any appointed Town office, and the person so appointed shall hold his office until the next regular election and until members of the Board of Trustees have complied with Section 31-4-401, C.R.S., as amended. (Ord. 211 § 1 (part), 1994).

2.04.050 Administrative Functions--Mayor. The Mayor, under the authority and direction of the Board of Trustees, shall be responsible for the efficient administration of the affairs of the Town, unless otherwise expressly provided for in the De Beque Municipal Code. Except as otherwise provided herein, the Mayor shall be responsible for the administration of this Title, pursuant to the authority and direction of the Board of Trustees.

The Mayor shall report to the Board, at each regular meeting of the Board of Trustees, all significant administrative decisions made and actions taken by him since the last regular meeting of the Board. Specifically, the Mayor shall report to the Board all decisions made by him concerning personnel matters and shall discuss with the Board any personnel decisions contemplated by him. (Ord. 211 § 1 (part), 1994).

2.04.060 Town Administrator -- Duties. The Town Administrator shall oversee the daily administration and business of the Town of De Beque as guided by the Board of Trustees. The Town Administrator shall serve as personnel director in establishing and implementing human resource policies and administering daily practices.

The Town Administrator shall serve as an officer of the Town pursuant to a contract entered into by the Town Administrator and the Town. Such contract shall address such matters as compensation, benefits, minimum and maximum hours per week of employment, and termination of employment. Such contract may provide for termination “at will” in return for severance compensation.

A. Supervision Received. The Town Administrator shall work under the general guidance and direction of the Mayor and the Board of Trustees.

B. Supervision Exercised. The Town Administrator shall exercise supervision over all Town employees.

C. Essential Duties and Responsibilities. The Town Administrator shall:

1. Work concurrently with the Treasurer to develop, prepare, and present the annual budget, assuring that assigned areas of responsibility are performed within budget; monitor revenues and expenditures in assigned areas to assure sound fiscal control; assure effective and efficient use of budgeted funds, materials, facilities, and time;

2. Research grant programs; prepare grant applications and oversee administration of the use of the grant funds, work with the Board of Trustees and Mayor to develop priorities for capital improvements and find grant programs or other funding sources which will help the Town achieve its capital improvement projects;

3. Develop and prepare financial reports and plans, including budgets; forecast, estimate, and monitor the financial condition of the Town to assure the fiscal well being of the Town;

4. Administer a personnel system for all employees, including evaluations, guidance, training, rules, records, job descriptions, and policy documents approved by the Board of Trustees; enforce the Personnel Handbook;

5. Attend Board Meetings to inform the Board of Trustees on personnel, department and fiscal activities, and recommend policies and ordinances;

6. Manage and supervise assigned operations to achieve goals within available resources; plan and organize workloads and staff assignments, review progress and direct

changes as needed;

7. Provide leadership and direction in the development of short and long range plans; gather, interpret, and prepare data for studies, reports and recommendations; coordinate department activities with other departments and agencies as needed;

8. Administer and monitor contracts and agreements;

9. Maintain harmony among workers and resolve grievances;

10. Oversee the Town insurance programs to insure appropriate coverage is maintained and claims are addressed;

11. Act as an economic development liaison for the Town, responding to requests for business information; develop and implement a marketing plan for the Town;

12. Act as a liaison with various community groups relating to Town issues;

13. Perform public relations duties in support of the Town and Board of Trustees; meet with private citizens to inform and resolve various issues and problems; coordinate with and serve as primary contact with various federal, State, and local agencies and municipalities;

14. Perform such other duties and responsibilities as required and directed by the Mayor and Board of Trustees.

D. Physical Demands.

The physical demands described here are representative of those that must be met by the Town Administrator to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Administrator is frequently required to sit and stand and talk or hear, use hands to finger, handle, feel or operate objects, tools or controls; and reach with hands and arms. The Town Administrator is occasionally required to walk.

The Town Administrator must occasionally lift and/or move up to twenty-five pounds (25 lbs.). Specific vision abilities required by this job include close vision and the ability to adjust focus.

E. Work Environment.

The work environment characteristics described here are representative of those the Town

Administrator will encounter while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Administrator works mostly inside. The Town Administrator works constantly with computer, technical, and mechanical equipment.

The noise level in the work environment can vary from moderate to quiet.

(Ord. 310 §1 (part), 2006).

2.04.070 Town Clerk - - Duties. The Town Clerk provides a variety of routine and complex supervisory, clerical, and administrative work in the administration of Town government.

A. Supervision Received. The Town Clerk works under the general guidance and direction of the Mayor, the Board of Trustees, and/or Town Administrator, if appointed.

B. Supervision Exercised. The Town Clerk shall exercise supervision over all of the clerical staff.

C. Essential Duties and Responsibilities. The Town Clerk shall have the powers, duties and responsibilities as follows:

1. Shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the Board of Trustees;

2. Shall serve as custodian of the Town's official records and public documents; performs certification and recording for the Town as required on legal documents and other records requiring such certification; seals and attests by signature to ordinances, resolutions and contracts, easements, deeds, bonds or other documents requiring Town certification;

3. Shall prepare and distribute agendas, materials, minutes and records of meetings;

4. Shall prepare and advertise meeting agendas, bid and other advertisements, and legal notices of public hearings and special meetings;

5. Shall administer all applicable provisions of the Colorado Municipal Election Code, Sections 31-10-101, *et seq.*, C.R.S., as amended, and perform all duties required by the Colorado Campaign Reform Act, pursuant to Section 1-145-115, C.R.S., as amended;

6. Shall serve as Clerk to the Local Liquor License Authority and shall

administer the issuance of municipal liquor licenses in accordance with applicable Town ordinances and Colorado law and under approval of Board of Trustees;

7. Shall administer oaths of office to public officials;
8. Shall serve as a notary public;
9. Shall maintain employment records for all officers and Town employees, keeping record of vacation time, sick leave, maternity leave, military leave, bereavement leave, overtime and compensatory leave;
10. Shall prepare payroll and administer checks to employees and officers;
11. Shall countersign all checks drawn upon the Town, in the absence of the Treasurer, and signed by the Mayor;
12. Shall attend seminars, workshops, and training related to Town Clerk's duties and responsibilities;
13. Shall tactfully deal with the public in a pleasant, yet firm manner when advising them on regulatory matters and shall be skilled in reception and telephone etiquette;
14. Shall type Board members' and Mayor's correspondence and shall make reservations and travel arrangements for meetings, seminars, and conventions;
15. Shall assist in the preparation of ordinances and resolutions as directed;
16. Shall accept claims for damages and other legal papers served on the Town;
17. Shall receive moneys belonging to the Town and shall give persons paying money into the treasury a receipt specifying the date of payment and what payment is for;
18. Shall serve as Loss Control Coordinator and Safety Coordinator for Workman's Compensation insurance and shall coordinate in-house training sessions for safety issues;
19. When the Treasurer is unavailable, the Town Clerk shall perform the Treasurer's duties; and
20. Shall complete in a timely and accurate manner all other duties as assigned.

D. Peripheral Duties.

1. The Town Clerk shall also serve as the Municipal Court Clerk and in such capacity shall have the following duties:

- a. Shall manage all aspects of Summons and Complaints filed with the Court from time of receipt from the Marshal's Department through archival;
- b. Shall prepare for Court days, including dockets, juries, trials, etc.;
- c. Shall receive moneys due on Summons and Complaints and penalty assessments issued and fines levied and shall give persons paying money into the treasury a receipt specifying the date of payment and what payment is for;
- d. Shall report to the Colorado Division of Motor Vehicles all Summons and Complaints or penalty assessments with judgments that apply to drivers' licenses.

2. Services as Utility Billing Clerk:

- a. Shall process forms, payments or other material according to established methods and procedures and shall examine them for accuracy and completeness;
- b. Shall accept payments and shall issue receipts for water/sewer billing, shall post monthly utility payments and meter readings and shall prepare monthly utility bills and shut-off notices. The Clerk shall prepare all correspondence pertaining to utility billing, such as credits, changes in addresses and computations of final billings;
- c. Shall accept and refund water service deposits, shall insure new accounts are opened correctly and shall receive new water customers' local information to set up accounts.

E. Physical Demands.

The physical demands described here are representative of those that must be met by the Town Clerk to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Clerk is frequently required to sit and stand and talk or hear, use hands to finger, handle, feel or operate objects, tools or controls; and reach with hands and arms. The Town Clerk is occasionally required to walk.

The Town Clerk must occasionally lift and/or move up to twenty-five pounds (25 lbs.).

Specific vision abilities required by this job include close vision and the ability to adjust focus.

F. Work Environment.

The work environment characteristics described here are representative of those the Town Clerk encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Clerk works mostly inside. The Town Clerk works constantly with computer, technical, and mechanical equipment.

The noise level in the work environment is usually quiet.

(Ord. 304 §1 (part), 2005; Amended Ord. 310 §2 (part), 2006).

2.04.080 Town Treasurer--Duties. The Town Treasurer performs a variety of complete professional and technical accounting and finance functions in maintaining the fiscal records and systems of the Town.

A. Supervision Received. The Town Treasurer works under the general guidance and direction of the Mayor, the Board of Trustees, and/or Town Administrator, if one has been appointed.

B. Supervision Exercised. The Town Treasurer exercises supervision over all staff members performing financial duties and responsibilities.

C. Essential Duties and Responsibilities. The Town Treasurer shall have the powers, duties and responsibilities as follows:

1. Shall provide leadership and direction in the development of short and long range plans, shall gather, interpret and prepare financial data for studies, reports and grants;
2. Shall serve as chief financial advisor to the Town; shall provide professional advice to supervisors, and shall make presentations to the Mayor, the Board of Trustees, the Town Administrator, civic groups, departments and the general public;
3. Shall serve as a notary public;
4. Shall assure that assigned areas of responsibility are performed within the budget; shall perform cost control activities; shall monitor revenues and expenditures in assigned areas to assure sound fiscal control; shall prepare annual budget requests; shall assure effective and efficient use of budgeted funds, materials, facilities and time;

5. Shall develop and prepare financial reports and plans, including budgets; shall forecast, estimate and monitor the financial condition of the Town to assure the fiscal well being of the Town;

6. Shall supervise the collection of taxes, fees, and other receipts in accordance with laws and regulations;

7. Shall establish, control and maintain a system of accounts for the Town as required by law; shall post and reconcile ledgers and accounts; shall keep a separate account of each fund and appropriation and debits and credits belonging thereto. Such books and accounts shall always be subject to inspection by any member of the Board of Trustees.

8. Shall research grant programs; shall prepare grant applications and oversee administration of the use of the grants funds; shall work with the Board of Trustees, Mayor, and/or Town Administrator to develop priorities for capital improvements and shall attempt to find grant programs or other funding sources which will help the Town achieve its capital improvements projects;

9. Shall serve as the Town's investment officer as provided in Chapter 4.04 of the De Beque Municipal Code;

10. Shall render an accounting to the Board of Trustees or such officer as may be designated from time to time by the Board of Trustees, at the end of each month and more often if required, showing the state of the treasury at the date of such accounting and the balance of money in the treasury. This accounting shall include a statement of all moneys received into the treasury by the account recorded for the preceding month, together with a list of all checks redeemed or checks paid. Checks, with any voucher, shall be appropriately filed. All checks paid shall be stamped or marked "PAID." The system of accounts shall include a register of all checks paid, with the name to whom paid and a description of the reason for the payment, the date paid, the amount of the payment, the number, and the fund from which paid;

11. Shall collect and deposit all funds, taxes, revenues and moneys that come into the Town's possession in a local financial institution and other investments as authorized by the laws of the State of Colorado;

13. Shall annually, by March 1st, after the close of the fiscal year, make out and file in the Town's records a full detailed account of all such receipts and expenditures and all of his transactions as such Treasurer during the preceding fiscal year and shall immediately cause such accounting to be published in a newspaper printed or circulated in the Town, if there is one and, if not, by posting the same in a public place in the Treasurer's office;

14. Shall countersign all checks drawn upon the Town and signed by the Mayor;

15. Shall, when Town funds are available on hand in cash in the amount of five hundred dollars (\$500.00) or over, immediately apply such funds to the redemption of an equal amount of such outstanding Town warrants, certificates or orders, in the manner provided by law;

16. Shall train and develop financial staff, shall oversee payroll and accounts payable processing; and shall oversee the investment of Town funds; and

17. Shall complete in a timely and accurate manner all other duties assigned.

D. Physical Demands.

The physical demands described here are representative of those that must be met by the Town Treasurer to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Treasurer is frequently required to sit and stand and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The Town Treasurer is occasionally required to walk.

The Town Treasurer must occasionally lift and/or move up to twenty-five pounds (25 lbs.). Specific vision abilities required by this job include close vision and the ability to adjust focus.

E. Work Environment.

The work environment characteristics described here are representative of those the Town Treasurer encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Treasurer works mostly inside. The Town Treasurer works constantly with computer, technical, and mechanical equipment.

The noise level in the work environment is usually quiet.

(Ord. 304 §3 (part), 2005; Amended Ord. 310 §2 (part), 2006).

2.04.090 Town Attorney--Duties. The duties of the Town Attorney shall be as follows:

A. Act as legal advisor to, and be Attorney and counsel for, the Board of Trustees, and shall be responsible solely to the Board. He shall advise any Town officer or department head of the

Town in matters relating to his official duties when so requested by the Board;

B. Shall prosecute ordinance violations and shall represent the Town in cases before the Municipal Court. He shall file with the Town Clerk/Municipal Clerk copies of such records and files relating thereto as the Board shall request;

C. Shall review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Board and shall promptly give his opinion as to the legal consequences thereof;

D. Shall call to the attention of the Board all matters of law, and changes or developments therein, affecting the Town; and

E. Shall perform such other duties as may be prescribed for him by the Board.

(Ord. 211 §1(part), 1994; Amended Ord. 310 §2 (part), 2006).

2.04.100 Town Officers--Removal. A. By a majority vote of all members of the Board of Trustees, the Mayor, any member of the Board, the Clerk, the Treasurer, the Town Attorney, 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 has been made ceases to reside within the limits of the Town when such residence is required. When any officer ceases to reside within the limits of the Town, he may be removed from office pursuant to this Section. (Ord. 211 §1(part), 1994; Ord. 234 §§1, 2, 1996; Amended Ord. 310 §2 (part), 2006).

Chapter 2.06

TOWN OFFICERS AND EMPLOYEES

Sections:

- 2.06.010 Personnel Handbook.
- 2.06.020 Employee Job Descriptions.
- 2.06.030 Contract Officers and Employees.
- 2.06.040 Town Officers and Employees -- Salaries and Hourly Rates (Repealed)
- 2.06.050 Salary Survey.
- 2.06.060 Officers and Employees Work Periods.
- 2.07.070 Town Marshall.

2.06.010 Personnel Handbook. All full-time and part-time officers and employees of the Town shall be subject to the provisions of a Personnel Handbook which shall be promulgated from time to time by resolution of the Board of Trustees. (Ord. 300 §4, 2005).

2.06.020 Employee Job Descriptions. All full-time Town employee positions shall have job descriptions which shall be promulgated from time to time by resolution of the Board of Trustees.

(Ord. 307 §1, 2005).

2.06.030 Contract Officers and Employees. The Board of Trustees may enter into a written contract with any individual officer or employee. Such contract shall be supplemental to the provisions of this Title. The provisions of this Title 2 shall supersede any such employment contract when in conflict. (Ord. 300 §4, 2005).

2.06.040 Repealed

(Amended Ord. 459, §2, 2015)

2.06.050 Salary Survey. The Treasurer shall annually make a salary survey and recommend wages or salaries for Town officers and employees. The salary survey shall include wages and salaries being paid to public and private sector officers and employees in the recruiting area who perform functions similar to those of Town officers and employees. In recommending wage or salary changes, the Treasurer shall consider the level of responsibility, meritorious service, longevity and economic conditions, as well as comparable salaries in the private and public sector. (Ord. 300 §4, 2005).

2.06.060 Officers and Employees Work Periods. A. The work period for Town

officers shall be as follows:

1. Town Clerk/Municipal Clerk. The Town Clerk/Municipal Clerk shall work as many hours as necessary to perform the duties of his office, unless otherwise directed by the Board.

2. Treasurer/Project Coordinator. The Treasurer/project coordinator shall work as many hours as necessary to perform the duties of his office, unless otherwise directed by the Board of Trustees.

3. Town Attorney. The Town Attorney shall work as many hours as necessary to perform the duties of his office, as directed by the Board of Trustees.

B. Town employees shall work the following hours:

1. Town Marshal. The Town Marshal shall work a minimum of one hundred seventy-six (176) hours per month or as many hours as are necessary to perform the duties of his office.

2. Public Works Supervisor. The Public Works Supervisor shall work a minimum of one hundred seventy-six (176) hours per month, or as many hours as are necessary to complete the required work.

3. Part-Time and Seasonal Employees. Part-time and seasonal employees shall work forty (40) hours or less per week.

2.06.070 Town Marshal.

A. **Creation; composition.** There is hereby created a Marshal's Department for the Town of De Beque which shall consist of one Marshal and as many Deputy Marshals as may be deemed necessary by the Marshal for the safety and good order of the Town.

B. **Departmental rules and regulations:** The Marshal's Department shall be operated and managed in accordance with applicable provisions of the Town's Personnel Handbook and such other departmental rules and regulations as may promulgated by the Marshal. The Marshal shall notify the Town Administrator and Board of Trustees of any additions or changes to the departmental rules and regulations prior to adoption or implementation thereof.

C. **Oath.** Before entering upon the duties of his or her office, the Marshal and each Deputy Marshal shall take and subscribe an oath that he or she will support the Constitution and laws of the State of Colorado, the Constitution of the United States, 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.

D. **Marshal; powers and duties.** The Town Marshal shall be the head of the Marshal's Department and shall be hired and may be removed by the Town Administrator; provided that the Town Administrator shall advise the Town Board of Trustees before hiring or removing the Marshal. It shall be the duty of the Marshal to, among other things:

1. See that the ordinances of the Town and the laws of the State are duly enforced;
2. Direct the operations of the Marshal's Department subject to the rules and regulations thereof, including the enforcement of said rules and regulations. The Marshal may consult with the Administrative Authority or Board of Trustees on matters pertaining to the operation of the Marshal's Department;
3. Hire, promote, increase or decrease compensation, discipline, suspend, or dismiss Deputy Marshals and other employees assigned exclusively to the Marshal's Department;
4. Appoint one or more deputies as Code Compliance Officers for the Town;
5. Render such accounts of the Marshal's Department and his or her duties as may be required by the Board of Trustees, and keep the records of the Department open to inspection by the Board of Trustees; and
6. Perform such duties as may be required by the Board of Trustees and Administrative Authority.

E. **Duties of Deputy Marshals:** The Marshal and Deputy Marshals shall have the following powers and duties:

1. Performing all duties required by the Marshal or the Marshal's designee in the absence of the Marshal;
2. Suppressing all disturbances and breaches of the peace, apprehending all disorderly persons in the Town, and pursuing and arresting any person fleeing from justice in any part of the State;
3. Acting as enforcement officers of the Town and seeing that the provisions of the ordinances of the Town and the laws of the State are complied with;
4. Apprehending all persons engaged in their presence in the violation of any provision of the ordinances of the Town or the laws of the State of Colorado;
5. Reporting such offenses as may come to their knowledge to the proper Town official or to the Municipal Judge and securing a warrant for the arrest of offenders when

appropriate;

6. Observing the condition of the streets, sidewalks, and alleys of the Town and of any obstruction, nuisance, or impediments thereto and taking necessary measures to remove or abate the same;
7. Executing and returning all writs and process directed to them by the Municipal Judge in any case arising under a Town ordinance and providing such services in any part of the County if authorized to do so; and
8. Performing such other duties as may be required by the Board of Trustees, Town Administrator, ordinances of the Town, or other laws.
(Ord. 492 §2, 2018).

PROCEDURE FOR HEARINGS

Sections:

- 2.08.010 Purpose and Applicability.
- 2.08.020 Quasi-judicial Hearings.
- 2.08.030 Rules of Procedure.
- 2.08.040 Rights of Participants.
- 2.08.050 Order of Procedure.
- 2.08.060 Appointment of Hearing Officer.
- 2.08.070 Deliberation and Notice of Decision.
- 2.08.080 Judicial Enforcement and Review.

2.08.010 Purpose and Applicability. The purpose of this Chapter is to provide a uniform, consistent, and expeditious method of procedure for the conduct of all quasi-judicial hearings held before the Board of Trustees; any board, commission, official or employee of the Town; or any hearing officer appointed to hear and receive evidence and render a decision on the law and facts. The provisions of this Chapter shall be applied uniformly in all applicable hearings. Provided, however, the rules contained in this Chapter may be supplemented by the adoption of further rules of procedure by the hearing body, official, employee, or hearing officer, not inconsistent therewith. All rules adopted to supplement the provisions of this Chapter by any board, commission, official, employee, or hearing officer, shall be reduced to writing and copies thereof shall be made available to the public. (Amended Ord. 300 §1, 2005).

2.08.020 Quasi-judicial Hearings. The provisions of this Chapter shall be applicable only to those hearings where the Board of Trustees, board, commission, official, employee, or duly-appointed hearing officer is called upon to exercise powers of a judicial or quasi-judicial nature which shall include, but not be limited to, the following:

A. Hearings before the Board of Trustees upon application for the issuance of, or renewal of, or hearings for the suspension or revocation of, a liquor or fermented malt beverage license.

B. Hearings before any board, commission, or official appealing the issuance, suspension, or revocation of other licenses issued by the Town, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal.

C. All land use and development hearings conducted pursuant to Title 14 of the De Beque Municipal Code.

D. Personnel hearings.

E. Appeals from any decision of the Building Official.

F. All appeals from the decisions of any Town official, board, or commission, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal. (Amended Ord. 300 §1, 2005).

2.08.030 Rules of Procedure. All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

A. The board, commission, official, employee, or duly-appointed hearing officer conducting the hearing shall have authority to administer oaths and affirmations; rule upon offers of proof; compel testimony; receive evidence; dispose of motions relating to discovery and production of relevant documents and things for inspection, copying, or photocopying; regulate the course of the hearing; fix the time for filing of briefs and other documents; direct the parties to appear and confer to consider simplification of issues, admissions of facts, or documents to avoid unnecessary proof, and limitation of the number of witnesses; issue appropriate orders to control the subsequent course of the proceedings; dispose of motions; and control the decorum and conduct of the proceeding.

B. Any Town board, commission, official, employee, or duly-appointed hearing officer conducting a quasi-judicial hearing shall have the power to issue subpoenas compelling testimony or the production of documents. Pursuant to Section 13-10-112(2), C.R.S., as amended, the De Beque Municipal Judge shall have the power to enforce said subpoenas.

C. All testimony may be taken under oath or by affirmation in the discretion of the board, commission, official, employee or hearing officer conducting the hearing.

D. The hearing need not be conducted according to the technical rules relating to evidence and witnesses.

E. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.

F. Any relevant evidence shall be admitted if it is the type of evidence on which responsible parties are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law, statute, or court rules which might make improper the admission of such evidence. Evidence which is reasonably reliable and calculated to aid the hearing body, official, or officer, in reaching an accurate determination of the issues involved may be considered.

G. Irrelevant and unduly repetitious evidence shall be excluded.

H. The board, commission, official, employee, or hearing officer conducting the hearing shall be permitted at the hearing to continue the hearing, for good cause, to another date, time, and place. In such an event, no advertised public notice of such continued hearing shall be required.

I. In reaching a decision, official notice may be taken, whether before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State, or of official records of the Town, and ordinances, rules, and regulations of the Town. Interested parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.

Interested parties shall be given a reasonable opportunity, upon request, to refute the officially noticed matters by evidence or by written or oral presentation of authority.

J. All hearings shall be open to the public unless otherwise authorized or permitted by applicable law.

K. A record of the entire proceedings shall be made by tape recording, or any other means of permanent recording determined to be appropriate by the Town board, commission, official, employee, or duly-appointed hearing officer conducting the hearing. (Amended Ord. 300 §1, 2005).

2.08.040 Rights of Participants. Each interested party participating in a quasi-judicial hearing shall have these rights, among others:

- A. To call and examine witnesses on any matter relevant to the issues of the hearing.
- B. To introduce documentary and physical evidence.
- C. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
- D. To rebut the evidence presented.
- E. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

2.08.050 Order of Procedure. In all quasi-judicial hearings, the following order of procedure shall be followed, unless otherwise determined by the body or person conducting the hearing:

- A. Presentation of those documents showing the regularity of the commencement of the

proceedings and the form of the public notice given, if required.

- B. Presentation of evidence by the applicant, petitioner, appealing party, or complainant.
- C. Presentation of evidence in support of the applicant, petitioner, appealing party, or complainant by any other person.
- D. Presentation of evidence from any person opposing the application, petition, appeal, or complaint.
- E. Presentation of evidence in rebuttal to the matters presented by the opposing party.
- F. All documents or other items of physical evidence shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person. (Amended Ord. 300 §1, 2005).

2.08.060 Appointment of Hearing Officer. In any hearing upon application for the issuance of, or renewal of, or hearing for the suspension or revocation of, a liquor or fermented malt beverage license; any personnel hearing; and any other hearing when it is necessary to avoid a conflict of interest, the Town board, commission, official, or employee called upon to render a decision may appoint one or more hearing officers who have not determined the factual issues in controversy and have no personal financial interest in the outcome of the hearing to conduct the required hearing. The hearing officer shall hear and receive evidence and render a decision on the applicable law and the facts. The hearing officer shall have all the authority possessed by the Town Board, commission, official, or employee to render decisions, except, if required by applicable law, only the Town Board, commission, official, or employee possessing the authority, shall take formal action on the matters at issue, following issuance of the hearing officer's decision on the law and facts. (Amended Ord. 300 §1, 2005).

2.08.070 Deliberation and Notice of Decision. If the final decision or formal action is required to be made by a Town board or commission, no decision or formal action shall be effective, except upon a vote of the members of said board or commission, conducted in an open session thereof, which shall be duly recorded in the minutes of the Town board or commission. No member of a board or commission who did not hear the evidence or has not read the entire record of proceedings shall vote or take part in the factual determination. The Town board, commission, official, employee, or duly-appointed hearing officer may issue an oral decision immediately upon conclusion of the evidentiary hearing. If no decision is issued at the hearing, said decision shall be rendered in writing within the time limits provided by applicable law. If no specific time limit is provided, the decision shall be rendered no later than twenty (20) days following the conclusion of the hearing. Said written decision shall contain findings of fact and conclusions of law, setting forth the grounds of the decision, based on the evidence presented at the hearing. Copies of the written decision shall be delivered to the applicant, petitioner, appellant, complainant, and other interested parties requesting the same unless otherwise prohibited by applicable law. (Amended Ord. 300 §1,

2005).

2.08.080 Judicial Enforcement and Review. Any party aggrieved by any decision rendered by the hearing body, official, employee, or duly-appointed hearing officer in any quasi-judicial hearing, may apply to have said decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure, and any other applicable law. Said appeal shall be filed with the court within thirty (30) days following the issuance of the final decision or the formal action. (Amended Ord. 300 §1, 2005).

(Ord. 299 §1(part), 2005).

Chapter 2.10

PROCUREMENT CODE

Sections:

- 2.10.010 Purpose and Scope.
- 2.10.020 Definitions.
- 2.10.030 Powers and Duties of Purchasing Agent.
- 2.10.040 Methods and Procedures for Source Selection.
- 2.10.050 Purchasing Authority and Process.
- 2.10.060 Local Preference.
- 2.10.070 Division of Contracts Prohibited.
- 2.10.080 Recurring Purchases.
- 2.10.090 Disposition of Surplus Personal Property.

2.10.010 Purpose and Scope

The purpose of this Chapter is to set forth the procedures that the Town will follow in purchasing equipment, materials, vehicles, and other tangible personal property and obtaining professional and consulting services. (Ord. 434, § 1, 2013).

2.10.020 Definitions

As used in this Chapter, the following definitions shall apply.

Bid blanks means forms to be completed, which may also state requirements for additional written information, in connection with the submission of sealed competitive bids.

Invitation for bids means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Local equipment means equipment such as tools, vehicles, excavators, graders, and other equipment that is primarily stored and located in Mesa or Garfield Counties, Colorado.

Local goods means goods, materials or supplies that are harvested, mined, produced, manufactured, sold, distributed, or assembled in Mesa or Garfield Counties, Colorado.

Local services means labor or services provided by residents of Mesa or Garfield Counties, Colorado.

Lowest qualified bidder means the bidder with the lowest price and the highest qualifications, based

on the following criteria: (1) the ability, capacity and skill of the bidder to perform under the contract or furnish the supplies required; (2) whether the bidder can perform the contract or furnish the supplies promptly or within the time specified, without delay or interference; (3) the character, integrity, reputation, judgment, experience, and efficiency of the bidder; (4) the quality of performance on previous contracts, if any; (5) previous and existing compliance by the bidder with laws, ordinances, and regulations relating to the contract or service; (6) sufficiency of financial resources and ability of the bidder to perform the contract or furnish the supplies; (7) the ability of the bidder to provide future maintenance and service; (8) the extent to which the bidder commits to using local goods, local equipment, and local services when practical and efficient to do so; and (9) the response to the invitation for bids.

Purchasing Agent means the Town Administrator or such other person as may be authorized by the Board of Trustees to act as Purchasing Agent for any particular transaction.

(Ord. 434, § 1, 2013).

2.10.030 Powers and Duties of Purchasing Agent

A. The Board of Trustees hereby authorizes the Purchasing Agent to exercise purchasing authority subject to the provisions of this Chapter. The Purchasing Agent may delegate purchasing duties to members of the Town staff under his supervision and direction. The Board of Trustees hereby delegates authority to the Purchasing Agent to execute contracts, work orders, notices to proceed, and other documents in connection with procurements authorized in accordance with this Chapter.

B. The Purchasing Agent's general duties and powers are as follows:

1. Procure for the Town the highest quality in supplies and services at the least reasonable expense to the Town.

2. Consolidate purchases in bulk quantities when practical to maximize economic benefit to the Town. Quantities purchased should represent a reasonable balance based on transportation costs, quantity discount, price, budget, cost, and storage capabilities.

3. Endeavor to obtain as full and open competition as is practical for all purchases and sales.

4. Enforce the terms and conditions of contracts and purchase orders with all vendors and suppliers, and to declare vendors who default on their quotations or contracts as noncompliant bidders who may be disqualified from receiving any business from the Town for a stated period of time.

5. Secure all applicable federal and state tax exemptions for the Town on purchases and

contracts.

6. Apply for and obtain such grants as may be available to defray the costs of purchases and contracts.

7. Coordinate with the finance department to secure the maximum efficiency in budgeting and accounting.

8. Consult with professionals such as attorneys and engineers hired in conformance with this Chapter to draft and review contracts, plans, specifications, and other documents and to supervise work in connection with procurements.

(Ord. 434, § 1, 2013).

2.10.040 Methods and Procedures for Source Selection

Subject to the provisions of Section 2.10.040(B), below, the following methods may be applied for procurement.

A. Sole Source Procurement

Procurements may be made without competition when the Purchasing Agent reasonably determines, after conducting a good faith review of available sources, that there is only one viable and reasonable source within the relevant supply area for the required supply, service or construction item. The Purchasing Agent shall conduct negotiations, as appropriate, as to price, delivery, and terms.

B. Emergency Procurement

Notwithstanding any other provisions of this Chapter, the Purchasing Agent may make or authorize others to make emergency procurement of supplies, services or construction items when there exists a threat to public health, safety or welfare and when the purchase cannot reasonably be delayed for review by the Board of Trustees. All emergency procurements shall not exceed the sum of \$10,000 in any single fiscal year; provided that the Board of Trustees may increase this limitation at any time by resolution for the current and/or future fiscal years, subject to all budgeting and appropriation requirements. The Purchasing Agent shall encourage competition for emergency procurements to the extent practicable under the circumstances, but strict compliance with any other procurement method described in this section not be required. All emergency procurements shall be reported to the Board of Trustees at the next available meeting.

C. Open Market

Open market purchases involve an informal evaluation of price, quality, convenience and

service from any source and the exercise of sound decision-making by the Purchasing Agent based on such information.

D. Comparative Pricing

For purchases based on comparative pricing, the Purchasing Agent shall solicit quotes from no fewer than three (3) vendors/suppliers, unless it is impracticable under the circumstances to obtain three (3) quotes. Quotes may be solicited orally or in writing at the discretion of the Purchasing Agent.

E. Requests for Proposals (RFPs)

RFPs shall be in writing and shall be distributed to a minimum of three (3) firms or individuals to be selected by the Purchasing Agent. The Purchasing Agent shall also have the discretion to solicit RFPs by advertising in a newspaper or other publication, by posting the RFP in a public place, or by posting the RFP on a website, listserv, or by other electronic means. The RFP may, but does not need to be, directed to the public at large.

F. Competitive Bidding

1. Notice to Bidders. An invitation for bids shall be published by any one or more of the following methods: (a) advertisement in a local newspaper of general circulation as defined by Section 1.04.010 at least twice; (b) posting on the Town's official website; and/or (c) posting at Town Hall and all other official public posting sites as determined by the Board of Trustees for the posting of public meeting notices. The notice shall be published at least ten (10) days prior to the date for bid opening, which deadline shall apply to the second publication if newspaper advertisement is utilized. The notice shall include a general description of the materials and/or services to be procured; the place where bid blanks and specifications may be obtained; the closing date and time for acceptance of bids; a statement that all bids shall be submitted to the Town Clerk; the time and place for opening bids; the need for bonding, if applicable; and the reservation by the Town of the right to reject any and all bids. In addition to the formal publication requirements described above, the Purchasing Agent shall have the authority to give informal notice of the invitation for bids to such potential vendors as the Purchasing Agent deems appropriate.

2. Bid Requirements. To be considered as a qualifying bid, each bid shall comply with the following:

a. Bids shall be in writing and signed by an authorized representative of the bidder, enclosed in a sealed envelope, and filed with the Town Clerk by the deadline stated in the invitation for bids. Bids shall include all information required by the bid blanks and specifications.

b. Only one (1) bid may be submitted per bidder. If a bidder submits multiple bids, then all bids of that bidder shall be rejected; provided, however, a bidder may withdraw a bid

up until twenty-four (24) hours prior to the bid opening and, once withdrawn, may submit a new bid.

3. Withdrawal/correction of bids. Bids may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitting bids. An otherwise low bidder shall be permitted to correct a material mistake in his or her bid, including price, when the intended bid is obvious from the bid document or is otherwise supported by proof that has evidentiary value as determined by the Purchasing Agent. A low bidder shall not be permitted to correct a bid for mistakes or errors in judgment.

4. Waiver of informalities in bids. The Purchasing Agent may waive informalities in a bid if (a) the item is only a matter of form or is an immaterial variation from the exact requirements of the invitation for bids; (b) the item being waived has trivial or no effect on price, quality, quantity, delivery, or performance, and (c) such a waiver would not affect the relative standing of bidders or otherwise prejudice other bidders.

5. Bid opening procedure. At the time and place specified in the notice for bids, the Purchasing Agent shall open the sealed bids in public. The Purchasing Agent shall announce the names of those who have bid and the amounts of the bids and shall state whether any bids submitted have been withdrawn. As the bids are opened, such details as the Purchasing Agent deems appropriate shall be read and copied on a bid tally record, which shall be open for public inspection. The person recording the bids shall sign the tally sheet.

6. Bid evaluation; award. The Purchasing Agent shall perform a review and analysis of all tabulated bids. Evaluation criteria include price, quantity and/or quality offered, qualifications of the bidder, and capacity to fulfill all requirements of the contract. All awards shall be made by the Board of Trustees by written notice to the bidder. Alternate bids may be awarded whenever deemed necessary by the Town. The Town need not award a bid to the lowest responsive and responsible bidder, but rather the bid shall be awarded to the bidder who, in the sole discretion of the awarding authority, provides the best overall value to the Town based on the evaluation criteria described in this Chapter.

7. Rejection of Bids. The Purchasing Agent may reject all or any part of a bid (unless the bid expressly excludes the ability to partially accept the bid) when it is determined to be in the best interest of the Town, or if the vendor or contractor is in default on the payment of taxes, license fees, or other sums due to the Town.

8. Nonresponsive Vendor. Any vendor/bidder who fails to comply with the terms of an awarded contract, quote or purchase order, or the required specifications contained in the bid, may be declared a nonresponsive bidder/vendor by the Purchasing Agent.

9. Bonding; conditions. For a contract awarded based on a bonded competitive bid, the successful bidder shall be required at the time the contract is executed to deliver to the Town a contractor's performance bond, a labor and material payment bond, or other surety acceptable to the

Town in the amount of one hundred percent (100%) of the contract price. Such contractor shall promptly perform all work required by the contract on behalf of the Town and shall promptly pay all amounts lawfully due to all persons supplying or furnishing labor or materials used or performed in the prosecution of the work provide for in such contract. Further, the contractor shall indemnify and hold the Town harmless for all payments or liabilities arising from the execution of the terms of the contract.

(Ord. 434, § 1, 2013).

2.10.050 Purchasing Authority and Process

The purchasing authority and process required for all types and amounts of procurements shall be as follows, provided that all monetary limits set forth in this Section are maximum ceilings, and nothing shall prohibit the Purchasing Agent from utilizing a higher level process than required by this Section or from requesting Board consideration of a purchase when not required.

For purposes of this Section, the “Estimated Contract Amount” shall be cumulative with respect to all contracts with a given vendor in a calendar year that are awarded by any means other than RFP, competitive bid. By way of illustration, if a vendor has previously been awarded a construction contract for \$50,000 in a calendar year under the comparative pricing method, then such vendor shall not be eligible to be awarded another construction contract in that year unless the Town utilizes the RFP, competitive bid, or bonded competitive bid process for such new contract.

A. Equipment

1. Authority. The Board of Trustees must approve all awards of contracts for acquisition of new or replacement of equipment that exceed \$10,000.

2. Required Procedures

Estimated Contract Amount	Process
Less than \$5,000	Open market
\$5,000 to \$50,000	Comparative pricing or RFP
Greater than \$50,000	Competitive bid

B. Change Orders

The Town Administrator shall have authority to approve and execute written change orders with respect to any procurement authorized by this Chapter; provided that the aggregate sum of all change orders for a given contract shall not exceed \$10,000 without approval by the Board of Trustees. However, the Board of Trustees shall have the authority to supersede this provision and to dictate more restrictive or less restrictive authority to the Town Administrator to approve and

execute change orders by including specific provisions to such effect in any original contract approved by the Board.

If a contract was approved through competitive bidding, and if one or more change orders will increase the total contract price by more than 50% of the original contract price, then the Board may, in its sole discretion, require that the change order be treated as a separate contract subject to new bidding in accordance with this Chapter.

Additionally, or in the alternative, the Board may require that the contracted vendor solicit new competitive bids from subcontractors and/or suppliers prior to approving any change order.

C. Materials, Supplies, Nonprofessional and Technical Services

1. Authority. The Board of Trustees must approve all awards of contracts for materials, supplies, and for nonprofessional or technical services (including IT services) that exceed \$10,000.

2. Required Procedures

Estimated Contract Amount	Process
Less than \$5,000	Open market
\$5,000 or more but less than \$50,000	Comparative pricing or RFP
\$50,000 or more	Competitive bid

D. Professional Services

1. Authority. Except for appointed positions as addressed in subsection (3), below, the Board of Trustees must approve all awards of contracts for professional services anticipated to exceed \$10,000 per year for any single vendor.

2. Required Procedures

Estimated Contract Amount	Process
Less than \$5,000	Open market
\$5,000 or more but less than \$50,000	Comparative pricing or RFP
\$50,000 or more	Competitive bid

3. Appointed Positions.

The Board of Trustees shall be responsible to approve the retention of any outside professional to serve as an appointed official for the Town, including but not limited to the Town

Attorney, Town Engineer, Town Planner, and Town Building Official, utilizing whatever method or procedure the Board of Trustees deems appropriate in its sole discretion. Notwithstanding any written proposal, rate sheet, or agreement to the contrary, all such persons shall serve at the pleasure of the Board of Trustees on such terms as the Board may decide in its discretion and may be removed from office at any time, with or without cause. No professional serving in such an appointed position shall be entitled to any guaranteed minimum or maximum compensation, and the prospective rates and fees for future work of such professionals shall be subject to review by the Board of Trustees at any time the Board deems appropriate. If an appointed position becomes vacant, then the Town Administrator shall have the authority to retain professionals to provide interim services in accordance with his authority under subsections (1) and (2), above. Because no professional retained to serve as an appointed official shall have any right or expectation of continued appointment, the terms of compensation for such an appointment shall, to the fullest extent permitted by law, be deemed not to be a “sole source government contract” within the meaning of Article XXVIII of the Colorado Constitution. The Board of Trustees shall have the discretion to determine when potential work by an outside professional would fall outside the scope of his or her duties as an appointed official such that other procedures in this Chapter would apply.

E. Utilities and Utility Equipment

The Purchasing Agent shall have the authority to secure utility services, including necessary equipment therefore, using a sole source procedure.

F. Real Property (including land with or without existing improvements, easements, rights of way, and water rights)

Acquisition of real property interests shall be made by sole source or open market procedures; provided that all such acquisitions in excess of \$10,000 shall require authorization by the Board of Trustees.

(Ord. 434, § 1, 2013).

2.10.060 Local Preference

It is the goal of the Town to utilize local equipment, local goods, and local services in order to provide employment opportunities to area residence when it is feasible and efficient to do so as determined by the Purchasing Agent in his discretion. (Ord. 434, § 1, 2013).

2.10.070 Division of Contracts Prohibited

No contracts or purchases shall be divided to avoid the procedural requirements of this Chapter. (Ord. 434, § 1, 2013).

2.10.080 Recurring Purchases

Quotes obtained for routine purchases of supplies, equipment or materials under open market, comparative pricing, or RFP procedures may be deemed valid for a period of two (2) years from the date of the quote. The Purchasing Agent is not required to obtain revised quotes for such items during the two-year period, provided that the vendor is informed of the Town's intention to make repeated purchases at the time of the initial purchase. (Ord. 434, § 1, 2013).

2.10.090 Disposition of Surplus Personal Property

The Purchasing Agent has the power to declare personal property (materials, supplies, and/or equipment) of the Town surplus or obsolete. In the event the Purchasing Agent desires to divest the Town of surplus or obsolete personal property, he or she shall first establish a reasonable estimate of the value of the property. If the estimated value of any one item, or if the aggregate value of all items to be offered at a given time, is one thousand dollars (\$1,000.00) or more, the Purchasing Agent shall obtain the approval of Board of Trustees to offer the property for sale. All sales of personal property with an estimated value of one thousand dollars (\$1,000.00) or more shall be offered for sale by advertizing for sealed bids in a newspaper of general circulation in the Town, unless otherwise approved by Board of Trustees. The Purchasing Agent shall oversee the opening, review, and award of the sealed bids. In the event no bids are received on an item, the Purchasing Agent shall so inform Board of Trustees, who will direct whether to re-offer the item for sale at a later time, or whether to otherwise dispose of the item.

If the estimated value of the property is less than one thousand dollars (\$1,000.00) the Purchasing Agent may use his or her discretion to offer the item for sale (through public bid or private means), to donate the item, or to dispose of the item.

In the event of disposal the Purchasing Agent is to use his or her best efforts to recycle all or part of the item, as appropriate. The Purchasing Agent shall report to the Board of Trustees the manner and terms of all dispositions of surplus property. (Ord. 434, § 1, 2013).

Chapter 2.14

PLANNING AND ZONING COMMISSION

Sections:

- 2.14.010 Created.
- 2.14.020 Membership—Term--Vacancy.
- 2.14.030 Residence Requirement—Compensation.
- 2.14.040 Terms--Election of Officers.
- 2.14.050 Powers and Duties.
- 2.14.060 Additional Duties.
- 2.14.070 Master Plan Preparation.

2.14.010 Created. Pursuant to the authority conferred by Article 23, Chapter 31, Colorado Revised Statutes, as amended, there is created a Planning Commission and Zoning Commission for the Town. The members of the Planning Commission shall also serve, and are appointed as the Zoning Commission. (Ord. 110 §1, 1980; Amended Ord. 300 §3, 2005).

2.14.020 Membership—Term--Vacancy. A. The Town Planning Commission shall have five (5) members, consisting of the Mayor and a member of the Board of Trustees as ex officio members, and three (3) persons appointed by the Mayor. The term of each member shall be for a period of four (4) years or until his successor takes office; except for the terms of those members of the public appointed to the Commission, the term of one (1) member shall be for a period of two (2) years, the term of one (1) member shall be for a period of three (3) years, and the term of one (1) member shall be for a period of four (4) years. A term shall be deemed to end on the fifteenth (15th) day of May of the appropriate year. The terms of the appointees shall be fixed and designated by the Mayor at the time of appointment. All appointed members of the Commission shall be eligible for reappointment by the Mayor. Nothing contained herein shall in any way constitute removal of existing members of the Planning Commission at the time of enactment of the Ordinance codified in this Chapter.

B. In the event of a vacancy in the office of any member of the Planning Commission by reason of death, resignation or removal, the Mayor shall declare a vacancy in office and shall appoint some qualified person, in the concurrence of the Board of Trustees, for the remainder of such term. In the event any appointed member is guilty of misconduct, neglect of duty, or malfeasance in office, the Mayor, after public hearing, shall have the right to remove such member from office and to appoint some other qualified person to such office for the remainder of such term. (Ord. 110 §2(part), 1980; Amended Ord. 126 §1(part), 1981; Amended Ord. 214 §1, 1994; Amended Ord. 239 §1, 1996; Amended Ord. 300 §3, 2005).

2.14.030 Residence Requirement--Compensation. All members of the Planning and Zoning Commission shall be bona fide residents of the Town, and if any member ceases to reside in the Town, his membership shall immediately terminate. All members of the Commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except for that member who is a member of the Zoning Board of Adjustment of the Town. (Ord. 110 §3, 1980; Amended Ord. 300 §3, 2005).

2.14.040 Terms--Election of Officers. The Planning and Zoning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be for one (1) year, with eligibility for reelection. The Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record. (Ord. 110 §4, 1980; Amended Ord. 126 §1(part), 1981; Amended Ord. 300 §3, 2005).

2.14.050 Powers and Duties. The Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Town. The Commission may also, with the consent of the Board, contract with Town planners, engineers and architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board which shall provide the funds, equipment and accommodations necessary for the Commission's work. (Ord. 110 §5, 1980; Ord. 126 §§2, 3, 1981; Amended Ord. 300 §3, 2005).

2.14.060 Additional Duties. The Commission shall have all the powers and perform each and all of the duties specified by Chapter 31, Article 23, Colorado Revised Statutes, as amended, together with any other duties or authority which may hereafter be conferred upon them by the laws of the State. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments. (Ord. 110 §6, 1980; Ord. 126 §2, 1981; Amended Ord. 300 §3, 2005).

2.14.070 Master Plan Preparation. In the preparation of a master plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for traffic, the promotion of safety from fire, flood, water and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. (Ord. 110 §7, 1980; Amended Ord. 300 §3, 2005).