

## Chapter 2 ADMINISTRATION

### ARTICLE 1. MAYOR

#### 2-1-1 Qualifications.

The Mayor shall be a qualified elector who has resided within the limits of the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election; provided that in case of annexation, any person who has resided within the annexed territory for the time prescribed shall be deemed to have met the residence requirements for the Town to which the territory was annexed. A Mayor shall be deemed to be "qualified elector" as that term is used in this section only if they meet the criteria for being a qualified municipal elector as set forth in C.R.S. § 31-10-201(3).

( Ord. No. 04-2019 , § 1, 5-13-2019)

State law reference(s)—C.R.S. § 31-4-301(1), 1973.

#### 2-1-2 Term of Office.

The Mayor shall be elected to serve a four-year term at regular elections every four (4) years. Notwithstanding (Colorado Constitution, Article XVIII, Section 11) the elected officials of the Town of Grand Lake are authorized to serve more than two (2) consecutive terms of office, and the limitation on terms of office of (Colorado Constitution, Article XVIII, Section 11) is eliminated.

#### 2-1-3 Powers and Duties.

- (A) The Mayor, or, in his absence, one of the Trustees, who may be elected Mayor Pro-Tem, shall preside at all meetings of the Board of Trustees, and shall have the same voting powers as any member of said Board.

State law reference(s)—C.R.S. § 31-4-302, 1973, amended 1981.

- (B) *Ordinances Approved by Mayor Veto.* Any Ordinance adopted and all Resolutions authorizing the expenditure of money or the entering into a contract require the approval and signature of the Mayor before they become valid, except as otherwise provided in this Section. Such Ordinances or Resolutions shall be presented to the Mayor within forty-eight (48) hours after the action of the governing body for his signature approving same. If he disapproves, he shall return such Ordinance or Resolution to the governing body at its next regular meeting with his objections in writing. The governing body shall cause such objections to be entered at large upon the records and shall proceed at the same or next subsequent meeting to consider the question: "Shall the Ordinance or Resolution notwithstanding the Mayor's objections, be passed?" If two-thirds ( $\frac{2}{3}$ ) of the members elected to the governing body vote in the affirmative, such Resolution shall be valid, and such Ordinance shall become a law the same as if it had been approved by the Mayor. If the Mayor fails to return to the next subsequent meeting of the governing body any Resolution or Ordinance presented to him for his approval, the same shall become a valid Ordinance or Resolution, as the case may be, in like manner as if it had been approved by him.

State law reference(s)—C.R.S. § 31-16-104, 1973, as amended.

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(C) He shall assist the Clerk in preparing an abstract of votes cast at all municipal elections.

State law reference(s)—C.R.S. § 31-10-1201, 1973, as amended.

(D) He shall call the Board to order at all meetings and shall preserve such order; and shall decide all questions of order and conduct the proceedings of the meeting in accordance with parliamentary rules.

### **2-1-4 Mayor Pro-Tem.**

At its first meeting following each election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro-Tem, who, in the absence of the Mayor from any meeting of the Board or during Mayor's absence from the Town or his inability to act, shall perform the duties of Mayor.

State law reference(s)—C.R.S. § 31-4-303, 1973.

### **2-1-5 Acting Mayor.**

In the event of the absence or disability of both the Mayor and the Mayor Pro-Tem, the Trustees may designate another of their number to serve as Acting Mayor during such absence or disability.

State law reference(s)—C.R.S. § 31-4-103(2), 1973.

### **2-1-6 Compensation.**

The Mayor shall receive such compensation as may be fixed by Ordinance.

State law reference(s)—C.R.S. § 31-4-301(4), 1973.

### **2-1-7 Oath.**

Before entering upon the duties of the office, the Mayor shall take an oath or affirmation of office.

State law reference(s)—C.R.S. § 31-4-401(1), 1973.

### **2-1-8 Bond.**

Before entering upon the duties of office, the Mayor will furnish a surety Bond in the amount of ten thousand dollars (\$10,000.00) conditioned upon the faithful performance of his duties and that upon vacating office, he will turn over and deliver to his successor all monies, books, papers, property, or things belonging to the Town and remaining in his charge as Mayor.

State law reference(s)—C.R.S. § 31-4-402(2), 1973, with added provisions.

## **ARTICLE 2. EMERGENCY PROTECTION**

### **2-2-1 Purpose.**

The Town of Grand Lake will from time to time in the future, in all probability, have within its corporate limits a disaster as hereinafter more fully defined; and therefore, it is deemed in the best interest of Grand Lake to exercise certain emergency police powers necessary and incidental to the maintenance of the safety, health and welfare of the residents of the Town of Grand Lake.

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### **2-2-2 Disaster Defined.**

For purposes of the Article, disaster shall mean any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, or hostile military or paramilitary action.

### **2-2-3 Mayor Designated as Liaison Officer.**

The Mayor of the Town of Grand Lake or his designee shall be hereinafter designated as the Liaison Officer to facilitate the cooperation and protection of the Town of Grand Lake in the work of disaster prevention, preparedness, response, and recovery.

### **2-2-4 Mayor May Declare Local Disaster Emergency.**

The Mayor or his designee may declare a local disaster.

### **2-2-5 Emergency Periods.**

In the event a local disaster is declared by the Mayor or his designee, the period of such emergency shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the Board of Trustees of the Town of Grand Lake.

### **2-2-6 Notice of Disaster Emergency.**

Any Order or Proclamation by the Mayor or his designee declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the County Clerk, City Clerk, or other authorized record-keeping agency and with the Colorado Division of Emergency Management, Department of Local Affairs.

### **2-2-7 Effect of Local Disaster Declaration.**

This effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

### **2-2-8 Authorization for Immediate Actions Based on Notice of Algae Toxin Concentrations.**

1. In the event the Town of Grand Lake receives notice of the following algae toxin concentrations in Grand Lake, Shadow Mountain Reservoir, or other connected bodies of water, the Mayor and/or Town Manager are hereby authorized to take the actions indicated:
2. Levels of 1—10 ug/L microcystin toxin, or less than twenty thousand (20,000) cells/mL cyanobacteria, or less than ten (10) ug/L chlorophyll—a based on Protein Phosphatase Inhibition Assay (PPIA) analytical results: the "For Your Information: Cyanobacteria" signs which are provided by the Grand County Public Health Office shall be posted at marinas, beaches, picnic grounds and other public access points.
3. Levels of 10—20 ug/L microcystin toxin, or 20,000—100,000 cells/mL cyanobacteria, or 10—50 ug/L chlorophyll—a based on Protein Phosphatase Inhibition Assay (PPIA) analytical results: the blue "Health

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Advisory" signs which are provided by the Grand County Public Health Office shall be posted at marinas, beaches, picnic grounds and other public access points which advise of the potential risks of contact with the algae.

- (a) If health impacts are observed before these levels are reached, posting these signs discouraging water contact and broadcasting advisories via local media outlets may be taken.
4. Levels of more than twenty (20) ug/L microcystin based on Protein Phosphatase Inhibition Assay (PPIA) analytical results or there exists cyanobacterial scum formation in areas where whole body contact and/or risk of ingestion or aspiration may occur: Public access points within the jurisdiction of the Town will be posted with the red "Health Advisory" signs which are provided by the Grand County Public Health Office.
5. Any action taken by Mayor or Town Manager shall be subject to review by the Board of Trustees at its next regular or special meeting. At the meeting, the Board of Trustees shall either ratify or rescind the action.
6. Any actions taken may be rescinded or modified by the Mayor or Town Manager upon the Town being advised that the algae toxins have fallen beneath the indicated levels for a period of at least two (2) weeks.

## **2-2-9 Fire Bans.**

1. The Mayor or the Town Manager shall have the authority to implement, modify, and rescind a ban on open fires within the town limits of the Town of Grand Lake.
2. The Mayor or Town Manager shall consider the recommendations issued by officials from other affected governmental agencies prior to implementing, modifying, or rescinding a ban on open fires.
3. For the purposes of this Chapter, open fires shall be defined as any outdoor fire, including, but not limited to, campfires, slash or trash burning, warming fires, charcoal or wood-burning grills, smoking of cigarettes, cigars, or pipes, fused explosives, and any fireworks except authorized fireworks displays conducted under the supervision of a certified display operator licensed by the Colorado Department of Public Safety.
4. The specific terms and conditions of the fire ban, as well as its applicability to various types of operations, including commercial operations, shall be determined by the Mayor or Town Manager at the time the fire ban is implemented or modified.
5. Any action taken by the Mayor or Town Manager shall be subject to review by the Board of Trustees at its next regular or special meeting. At the meeting, the Board of Trustees shall either ratify or rescind the action.
6. The penalty for violating this Section shall be a maximum fine of three hundred dollars (\$300.00) per occurrence.

## **ARTICLE 3. BOARD OF TRUSTEES**

### **2-3-1 Corporate Authority.**

The corporate authority of the Town is vested in a Board of Trustees, consisting of one (1) Mayor and six (6) Trustees.

State law reference(s)—C.R.S. § 31-4-301(1), 1973.

### **2-3-2 Authority in General.**

The Board of Trustees shall constitute the legislative body of the Town, and shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall

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have the power and authority to adopt such Ordinances and Resolutions as it shall deem proper in the exercise of its powers.

### **2-3-3 Appointment of Officers.**

- (A) The Board of Trustees shall appoint a Recorder, who shall be designated as the Town Clerk, a Town Treasurer, a Town Attorney, a Chief, who shall be designated as the Chief of Police, and a Municipal Judge.

State law reference(s)—C.R.S. § 31-4-304, 1973; C.R.S. § 31-4-306, 1973; C.R.S. § 13-10-105, 1973.

- (B) The Board of Trustees may appoint other officers as it may deem necessary for good government of the Town, and prescribe their duties, fix their compensation and require an oath of affirmation.

State law reference(s)—C.R.S. § 31-4-304, 1973.

- (C) All appointments of officers shall be by Ballot and concurrence of a majority of the members elected to the Board is required. The names of those who voted, and the vote of each candidate received upon the vote resulting in an appointment shall be recorded.

State law reference(s)—C.R.S. § 31-16-108, 1973.

- (D) All appointed officers shall be appointed by the Board of Trustees at the first regular meeting after each regular election, and shall hold their respective offices for a term of two (2) years, or until their respective successors are appointed and qualified.

### **2-3-4 Filling Vacancies in Appointive Offices.**

The Board of Trustees shall have power, by appointment, to fill all vacancies in any appointive office, and the person so appointed shall hold office until after the next regular election and until his successor is appointed and qualified.

State law reference(s)—C.R.S. § 31-4-303, 1973.

### **2-3-5 Filling Vacancies in Elective Offices.**

The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of trustee and a successor or successors to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for trustee receiving the highest number of votes shall be elected to four-year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term or terms.

State law reference(s)—C.R.S. § 31-4-301(5), 1973, 1979 Supp.

### **2-3-6 Removal of Officers.**

By the vote of four (4) Trustees, the Mayor, the Clerk, the Treasurer, the Marshall, 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 C.R.S. § 31-4-307, 1973, as amended. A municipal Judge may be removed during his term of office only for cause, as set forth in C.R.S. § 13-10-105(2), 1973.

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State law reference(s)—C.R.S. § 31-4-307, 1973, as amended.

### **2-3-7 Combined Offices.**

The Board of Trustees may appoint one (1) person to hold more than one (1) office, where such offices are compatible. The Board of Trustees may appoint one (1) person to hold the office of Town Clerk and Town Treasurer.

### **2-3-8 Intergovernmental Contracts and Agreements.**

The Board of Trustees shall have authority, on behalf of the Town, to enter into contractual arrangements with one (1) or more other governmental bodies for the performance of any governmental service, activity or undertaking which could be performed by each of the governmental bodies, in accordance with the requirements of State Law.

State law reference(s)—C.R.S. § 29-1-203, 1973.

### **2-3-9 Committees.**

Any question pending before the Board of Trustees may be referred to a standing committee, or to a special committee, for its consideration and report. Standing committees shall be appointed at a regular meeting by the Mayor.

## **ARTICLE 4. TRUSTEES**

### **2-4-1 Qualifications.**

Trustees shall be qualified electors who have resided within the limits of the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election; provided that in case of annexation, any person who has resided within the annexed territory for the time prescribed shall be deemed to have met the residence requirements for the Town to which the territory was annexed. A member of the Board of Trustees shall be deemed to be "qualified elector" as that term is used in this section only if they meet the criteria for being a qualified municipal elector as set forth in C.R.S. § 31-10-201(3).

( Ord. No. 04-2019 , § 2, 5-13-2019)

State law reference(s)—C.R.S. § 31-4-301(1), 1973.

### **2-4-2 Term of Office.**

Trustees shall be elected to serve a four-year term. At each regular election, three (3) Trustees shall be elected to serve four-year terms. Notwithstanding (Colorado Constitution, Article XVIII, Section 11), the elected officials of the Town of Grand Lake are authorized to serve more than two (2) consecutive terms of office, and the limitation on terms of office of (Colorado Constitution, Article XVIII, Section 11) is eliminated.

State law reference(s)—C.R.S. § 31-4-301(5), 1973, 1979 Supp.

### **2-4-3 Compensation.**

Trustees shall receive such compensation as may be fixed by Ordinance.

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State law reference(s)—C.R.S. § 31-4-403, 1973.

## **2-4-4 Oath.**

Before entering upon the duties of the office, a Trustee shall take an oath or affirmation of office.

State law reference(s)—C.R.S. § 31-4-401(1), 1973.

## **2-4-5 Procedure—Regular and Special Meetings.**

- (A) *Regular Meetings.* The Trustees shall hold regular meetings on the second and fourth Monday of each month at a time to be determined at the second meeting of April each year by the Mayor after consultation with the Board of Trustees provided, however, that when the day fixed for any regular meeting of the Board falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Board will be held in the Town Hall of the Town of Grand Lake or other such place as the Mayor may deem is necessary. The second meeting of each month may be omitted without public notice.
- (B) *Special Meetings.* The Mayor may convene the Board at any time. Whenever a special meeting shall be called, a Summons or a Notice in writing signed by the Mayor shall be served upon each member of the Board either in person or by Notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the Notice. If the Mayor is absent from the Town a special meeting may be convened by a majority of the Board. Notice of meeting may also be given by direct communication or by telephone call from the Mayor or the Town Clerk to the Trustee or his spouse.
- (C) *Quorum.* No action shall be taken unless a quorum is present. A majority of the Trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the Board, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which said demand shall be entered on the record forthwith by the Clerk, who shall thereupon notify the absent members of the time and place of the meeting.
- (D) *Agenda.* All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Board shall, at least six (6) days prior to each meeting, be delivered to the Town Clerk, whereupon the Clerk shall immediately arrange a list of such matters according to the order of business. Each Trustee, the Mayor, and the Town Attorney will be furnished with a copy of the order of business, together with a copy of the Minutes of the last preceding meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit.
- (E) *Regular Meetings.*
  - 1. *Call to Order.* The Mayor shall take the chair at the hour appointed for the meeting and shall call the Board to order. The Mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the Rules of Procedure, (Refer to Chapter 2: Administration Article 5: Rules of Procedures) unless otherwise provided by Ordinance. Executive Session is permitted only in accordance with the provisions of C.R.S. § 29-9-101, 1973, as amended.
  - 2. *Pledge of Allegiance.*
  - 3. *Announcements.* The Mayor shall make any announcements as deemed necessary for the efficient operation of the meeting.
  - 4. *Roll Call.* Before proceeding with the business of the Board, the Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the Minutes.

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5. *Petitions.* Petitions remonstrances, communications, and comments or suggestions from citizens present, shall be heard by the Board. All such remarks shall be addressed to the Board as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officer. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.
  6. *Reading the Minutes.* Unless a reading of the Minutes of a Board Meeting is requested by a member of the Board, the Minutes of the preceding meeting, which have been furnished by the Clerk to each Trustee, shall be considered approved if correct, and errors rectified if any exist.
  7. *Old Business.* The Board shall consider any business that has been previously considered and which is still unfinished.
  8. *New Business.* The Board shall consider any business not heretofore considered, including the introduction or reading of Ordinances and Resolutions.
  9. *Reports of Officers.* The Town officials and/or committees shall present such reports as may be required by the Board.
  9. *Mayor's Report.* The Mayor shall present such reports as may be deemed necessary by the Mayor.
  8. *Other Business.* Prior to adjournment the Board shall, as it deems necessary, consider such business as is not specifically provided for herein.
  9. *Adjournment.* The Board may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A Motion to Adjourn shall always be in order and decided without debate.
- (F) *Resolution or Motion Required—Roll Call Vote.* Every subject coming before the Board for its action shall be submitted by Resolution or Motion. The Clerk shall call the roll and the vote thereon shall be taken by ayes and nays.
- (G) *Vote Required.* All Ordinances, all Resolutions or orders for the appropriation of money, all Resolutions or orders to enter into contracts, and all appointments of officers, shall require for the passage or adoption the concurrence of a majority of all the members elected to the Board. In all other matters a majority of the votes cast is sufficient for passage except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the members of the Board.

( Ord. No. 05-2018 , § 1, 9-10-2018; Ord. No. 08-2020 , § 1, 6-22-2020)

State law reference(s)—C.R.S. § 31-16-103, 1973; C.R.S. § 31-16-108, 1973; C.R.S. § 31-4-302, 1973, amended 1981.

- (H) *Publication of Ordinances.* All Ordinances, as soon as may be possible after their passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer of the Town and the Clerk. All Ordinances of a general or permanent nature and those imposing any fine, penalty, or forfeiture, following adoption and compliance with the provisions of C.R.S. § 31-16-104, 1973, as amended, shall be published in some newspaper published within the limits of the Town or, if there are none, in some newspaper of general circulation within the limits of the Town. Such Ordinances shall not take effect until thirty (30) days after publication, except for Ordinances calling for special elections or necessary for the immediate preservation of the public health or safety which shall take effect immediately upon adoption and compliance with the provisions of C.R.S. § 31-16-104, 1973, as amended, if they are adopted by an affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the members of the Board of Trustees. The reasons making the Ordinances necessary for the immediate preservation of the public health or safety shall be set forth in a separate Section of said Ordinances. Codes may also be adopted by reference as provided by State Law.

State law reference(s)—C.R.S. § 31-16-105, 1973.



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- (I) *Committees.* Any question pending before the Board may be referred to the appropriate committee, or to a special committee, for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at the next meeting.
  - (J) *Suspension of the Rules.* Any of the provisions of this Section may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths ( $\frac{3}{4}$ ) of the members present, except that this shall not be construed to permit any action that is contrary to State Statute.
  - (K) *Ordinances Approved by the Mayor.* Refer to Section 2-1-3(B).

## **ARTICLE 5. RULES OF PROCEDURES**

### **2-5-1 Purpose and Applicability.**

The purpose of the Administrative Rules of Procedure contained herein is to provide a uniform, consistent and expeditious method of procedure for the conduct of all Hearings held before the Board of Trustees, or any Board, Commission, or official of the Town. The provisions of this Section shall be applied uniformly in all such Hearings; provided, however, that any Board, Commission, or official may supplement the provisions hereof by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provisions of this Section by any Board, Commission or official shall be reduced to writing and copies thereof shall be made available to the public.

### **2-5-2 Quasi-Judicial Hearings.**

The provisions of Sections 2-5-2 through 2-5-7 shall be applicable only to those Hearings where the Board of Trustees, Board, Commission or official is called upon to exercise a power of quasi-judicial nature, which, for purpose of this Article, shall be deemed to consist of the following:

- (A) Hearings before the Board of Trustees upon application for the issuance, or Hearings for the suspension or revocation of liquor or fermented malt beverage licenses; upon Ordinances which zone or re-zone realty; and upon all appeals from the decisions of any city official, board or commission, where such an appeal is otherwise authorized, and which requires an evidentiary Hearing to determine such appeal.
- (B) Hearing before the Board of Zoning Adjustment upon appeals from any decision of the Building Inspector or upon request for a variance or exception from the terms of any Section of this Code.
- (C) Hearing before any Board, Commission or official respecting the issuance, suspension or revocation of any license issued by the Town.

### **2-5-3 Rights of Participants.**

All quasi-judicial Hearings shall be conducted under procedures designed to ensure all interested due process of law and equal protection of the laws and shall, in all cases, provide for the following:

- (A) The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters.
- (B) The cross-examination, upon request, of all witnesses by the interested parties.
- (C) The stenographic, or other verbatim, reproduction of all testimony presented in the Hearing, or an adequate summary of such testimony.

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- (D) A clear decision by the Hearing body which shall set forth the factual bases and reasons for the decision rendered.

#### **2-5-4 Order of Procedure.**

In all quasi-judicial Hearings, the following order of procedure shall be followed:

- (A) Presentations of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given.
- (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 opposition or rebuttal to the matters presented by the opposition.
- (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.

#### **2-5-5 Rules of Evidence.**

The Hearing body shall be required to observe rules of evidence, and may consider only matters which the chair concludes is reasonably reliable and calculated to aid the Hearing body in reaching an accurate determination of the issues involved.

#### **2-5-6 Deliberation and Notice of Decision.**

Each Hearing body is hereby authorized to deliberate upon the issues presented at the Hearing in private, non-public sessions; provided that no decision shall be effective, except upon a vote of the members of the Hearing body, conducted in an open session thereof, which shall be duly recorded in the Minutes of the public body. Written copies of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same, within thirty (30) days of the Trustees' decision.

#### **2-5-7 Judicial Enforcement and Review.**

Any party aggrieved by any decision rendered by the Hearing body in any quasi-judicial Hearing, as well as department heads or authorized officials of the Town, or the Town itself, 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.

#### **2-5-8 Administrative Hearings.**

All other hearings before the Board of Trustees of any Board, Commission or official shall be deemed to be Administrative Hearings, the purpose of which is to obtain information to enable the Board to determine legislative policy or to enable any Board, Commission or official to make recommendations to the Board on pending legislation. Such Hearing shall be conducted in compliance with the provisions of Sections 2-5-9 through 2-5-13 hereof and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his views.

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## **2-5-9 Commencement of Proceedings.**

All proceedings conducted pursuant to the provisions of this Article shall be commenced in the manner provided by this Section of Statute governing the matter.

## **2-5-10 Referral to Hearing Body.**

Upon receipt by the Town Clerk of the Secretary of any Board, Commission or other appropriate officer of the Town of any application, petition, notice of appeal, complaint, or other instrument initiating a Hearing, the same shall be referred to the Board of Trustees, Board, Commission, or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by said Board of Trustees, Board, Commission or official, who shall direct public notice thereof, to be given; provided, however, that the Board of Trustees or any Board or Commission may authorize its Clerk or Secretary to set a date, time and place for Hearing upon receipt of such instrument without the necessity for action by the Board of Trustees, Board, Commission or official.

## **2-5-11 Public Notice.**

Public Notice of the date, time and place of the Public Hearing may be given in the manner provided by this Article or Statute. In the absence of provisions specifically delineating the manner in which public notice is to be given, notice of the date, time, place and purpose of the Hearing to be held may be published once in that newspaper designated by the Mayor, not less than fifteen (15) days prior to the date of said Hearing. Notices may be posted on the bulletin board on the Town Hall and other appropriate public places. Adequate notice shall be given before the commencement of all public hearings.

## **2-5-12 Preserving Order.**

The chair shall have the right to preserve order during the Hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings as may be necessary, and the chair may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the Hearings. It may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person.

## **2-5-13 Adjournments.**

After commencement of any Hearing, the Hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the Hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned Hearing shall recommence, without the necessity of any further published notices thereof.

Manager

# **ARTICLE 7. TOWN MANAGER**

## **2-7-1 Appointment.**

The Board of Trustees shall appoint a Town Manager within ninety (90) days after any vacancy exists in such position. The Town Manager shall hold office at the pleasure of a majority of the Board. He shall be selected solely

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on the basis of his executive and administrative qualifications with special reference to his training and experience. He shall be compensated for his services as the Board may from time to time determine.

## **2-7-2 Functions and Duties.**

The Town Manager shall be the Chief Administrative Officer of the Town government. His functions and duties shall be:

- (A) To be responsible to the Board for the efficient administration of all administrative departments of the Town government.
- (B) To supervise the enforcement of all Laws and Ordinances.
- (C) To hire, or cause to hire, the heads of Town Departments and Town staff other than the Municipal Judge, Town Attorney, Town Clerk, Town Clerk Pro-Tem, Town Treasurer, and Administrative Hearing Officer.
- (D) To recommend an annual budget to the Board and to administer the budget as finally adopted, and to keep the Board fully advised at all times as to the financial condition of the Town.
- (E) To recommend to the Board for adoption such measures as he may deem necessary, and to attend Board meetings with the right to take part in discussions but not to vote.
- (F) To establish, subject to Board approval, appropriate personnel rules and regulations governing officers and employees of the Town.
- (G) To perform such other duties as may be prescribed by Ordinance or by direction of the Board.

## **2-7-3 Administrative Organization.**

The Town Manager, as the chief executive officer of the town, shall be responsible for the effective and efficient organization and implementation of Town administrative functions over which he has purview. .

## **2-7-4 Relationship of Board to Town Manager.**

Neither the Mayor nor any member of the Board shall in any way interfere with the Town Manager in his exercise of the powers and duties granted by this Article. Except for the purposes of inquiry, the Mayor and members of the Board shall deal with the Town Manager solely through the Town Board, and neither the Mayor nor any member of the Board shall give orders to any of the subordinates of the Town Manager, either publicly or privately.

## **2-7-5 Intent of Article.**

Nothing in this Article shall impair the responsibility of the Board for the overall operation of the Town Government as required by the laws of the State of Colorado.

# **ARTICLE 8. TOWN CLERK**

## **2-8-1 Appointment.**

The Board of Trustees, at its first meeting after each regular election, shall appoint some qualified person as Town Clerk. The Town Clerk shall be subject to the supervision of the Town Manager, including imposition of

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discipline up to but not including termination, which is reserved to the Board of Trustees. In case a vacancy should occur in the office of Clerk, the Board shall appoint a Clerk for the unexpired term.

### **2-8-2 Oath of Bond.**

Before entering upon the duties of the office, the Town Clerk shall take an oath or affirmation of office, and furnish a surety bond in the amount of ten thousand dollars (\$10,000), conditioned upon the faithful discharge of his or her duties as Town Clerk. In the event the Town Clerk shall occupy more than one (1) office, both of which must be bonded, one (1) bond shall be sufficient for both.

### **2-8-3 Duties.**

The Town Clerk shall perform the following duties:

- (A) He shall be the Clerk of the Board and shall attend all meetings of the Board and shall keep a permanent journal of its proceedings.
- (B) He shall be the custodian and archivist of all the Town's records and such records shall be open at all reasonable times for inspection by electors of the Town.
- (C) He shall certify by his signature all Ordinances and Resolutions enacted or passed by the Board.
- (D) He shall be the Clerk of the Municipal Court and shall attend all Court proceedings and shall keep a record of same and shall carry out the process of the Municipal Judge.
- (E) He shall serve as the Municipal Clerk, keeping all records and carrying out the process prescribed by Colorado Statutes under the Municipal Election Code.
- (F) He shall be a Notary Public by the State of Colorado.
- (G)
- (H) He shall perform such other duties as may be prescribed for him by law or by order of the Mayor of the Town as authorized by the Board of Trustees.

## **ARTICLE 9. CLERK PRO-TEM**

### **2-9-1 Appointment.**

The Board of Trustees, at its first meeting after each regular election, shall appoint some qualified person as Town Clerk Pro-Tem. The town Clerk Pro Tem shall be subject to the supervision of the Town Manager, including imposition of discipline up to but not including termination, which is reserved for the Board of Trustees. In case a vacancy should occur in the office of Clerk Pro-Tem, the Board shall appoint a Clerk Pro-Tem for the unexpired term.

### **2-9-2 Clerk Pro-Tem Definition.**

He shall be able to perform all the duties of the Clerk under the direction of the Clerk during his absence or inability to act.

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### **2-9-3 Oath of Bond.**

Before entering upon the duties of the office, the Town Clerk Pro-Tem shall take an oath or affirmation of office, and furnish a surety bond in the amount of ten thousand dollars (\$10,000), conditioned upon the faithful discharge of his or her duties as Town Clerk. In the event the Town Clerk Pro-Tem shall occupy more than one (1) office, both of which must be bonded, one (1) bond shall be sufficient for both.

### **2-9-4 Duties.**

He shall be able to perform all the duties of the Clerk under the direction of the Clerk during his absence or inability to act.

## **ARTICLE 10. TOWN TREASURER**

### **2-10-1 Appointment.**

The Board of Trustees, at its first meeting after each regular election, shall appoint some qualified person as Town Treasurer. The Town Treasurer shall be subject to the supervision of the Town Manager, including imposition of discipline up to but not including termination, which is reserved to the Board of Trustees. In case a vacancy should occur in the office of Treasurer, the Board shall appoint a Treasurer for the unexpired term.

### **2-10-2 Oath of Bond.**

Before entering upon the duties of the office, the Town Treasurer shall take an oath or affirmation of office, and furnish a surety bond in the amount of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his duties and that upon vacating office, he will turn over and deliver to his successor all monies, books, papers, property, or things belonging to the Town and remaining in his charge as Treasurer.

### **2-10-3 Duties.**

The Town Treasurer shall perform the following duties:

- (A) The Treasurer shall be the official bookkeeper of the Town of Grand Lake, keeping all financial records pertaining to the Town in such a manner as may be prescribed by the Board and the Colorado Revised Statutes. All books and accounts of the Treasurer shall always be subject to inspection by any member of the Board.
- (B) He shall keep a separate account of each fund or appropriation and of the debits and credits belonging thereto.
- (C) He shall receive, record, and deposit all monies paid to the Town in appropriate accounts in one (1) or more eligible public depositories pursuant to the provisions of the Public Deposit Protection Act (C.R.S. § 11-10.5-106), as well as in other securities or forms of investments as authorized by either Colorado Revised Statute or resolution. Neither the Treasurer nor other member of the governing body who acts in good faith in approving and designating such depository or investment shall be liable for loss of public funds deposited by the Treasurer by reason of default or insolvency of such depository, or loss on account of such investment.
- (D) He shall prepare all bills, statements, and invoices presented to the Town for payment, and submit a schedule of accounts payable and prepaid to the Board for approval at a regularly scheduled meeting.

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Upon approval, the Treasurer shall publish the schedule of payments made in a manner allowed by state statute and maintain a file of all bills, statements, and invoices marked "paid" in an appropriate manner.

- (E) He shall prepare a monthly financial report for each fund, including all monies received, all payments made, and the balance of money in each account and for each fund.
- (F) He shall prepare the annual budget for the Town for presentation to and approval by the Board in accordance with Colorado Revised Statutes budget law.
- (G) He shall prepare all financial statements and documentation required and assist the Town's independent auditors in anticipation of the annual audit in accordance with Colorado Revised Statutes.
- (H) He shall perform all other duties, keep all records, and make all reports that are required by the provisions of this Code or by Colorado Revised Statutes.

## **ARTICLE 11. TOWN ATTORNEY**

### **2-11-1 Appointment.**

The Board of Trustees, at its first meeting after each regular election, shall appoint some qualified Attorney at Law as the Town Attorney. In case a vacancy should occur in the office of Town Attorney, the Board shall appoint a Town Attorney for the unexpired term.

State law reference(s)—C.R.S. § 31-4-304, 1973.

### **2-11-2 Oath and Bond.**

Before entering upon the duties of the office, the Town Attorney shall take an oath or affirmation that he will faithfully perform the duties of his office.

### **2-11-3 Duties.**

The Town Attorney shall perform the following duties:

- (A) He shall act as legal advisor to, and be attorney and counsel for the Mayor and the Board of Trustees and shall be responsible solely to them. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and shall file with the Town Clerk a written copy of all opinions given by him.
- (B) He shall prosecute violations of this Code. He shall conduct for the Town, cases in Municipal Court. He shall file with the Clerk copies of such records and files relating thereto.
- (C) He shall prepare or 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) He shall call to the attention of the Board all matters of law, and changes or developments therein, affecting the Town.
- (E) He shall perform such other duties as may be prescribed for him by the Board and shall execute the process of the Mayor.

## **ARTICLE 12. POLICE DEPARTMENT**

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### **2-12-1 Creation—Composition.**

There is hereby created a Police Department for the Town of Grand Lake which shall consist of one (1) Chief of Police and as many policemen deputies as may from time to time be deemed necessary for the safety and good order of the Town.

### **2-12-2 Departmental Rules and Regulations.**

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board.

### **2-12-3 Appointment, Powers and Duties of Marshal.**

At its first regular meeting following each biennial election, the Board of Trustees may appoint a police chief who shall be the head of the Police Department. The Chief shall be an officer of the Town and shall have the same power that sheriffs have by law, co-extensive with the County in cases of violation of Town Ordinances and for offenses committed within the limits of the Town. He shall execute the process of the Mayor. It shall be the duty of the Marshal to:

- (A) Execute and return, by himself or by any member of the police force, all writs and processes directed to him by the Mayor or the Municipal Judge in any case arising under the Town Code. In criminal cases, quasi-criminal cases, or cases in violation of the Town Code, he may serve the same in any part of the County in which such town is situated.
- (B) Suppress all riots, disturbances, and breaches of the peace, shall apprehend all disorderly persons in the Town, and shall pursue and arrest any person fleeing from justice in any part of the State.
- (C) Apprehend any person in the act of committing any offense against the laws of the State or the Code of the Town, and forthwith and without any warrant, bring such person before a Municipal Judge, County Judge, or other competent authority for examination and trial pursuant to law.
- (D) Take charge of the Town Jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the Town, and see that orders and sentences with reference to such are fully executed and complied with.
- (E) Render such accounts of the Police Department, his duties, and receipts as may be required by the Board, and keep the records of his office open to inspection by the Board at any time.
- (F) Upon assuming the duties of such office, the Town Marshal shall take and subscribe to an oath that he will support the Constitution and laws of the State of Colorado, Constitution of the United States and Ordinances of the Town of Grand Lake, and that he will faithfully perform the duties of the office upon which he is about to enter. He shall furnish a bond to be approved by the Board, in the amount of not less than five thousand dollars (\$5,000.00), conditioned upon the faithful discharge of the duties of his office.

### **2-12-4 Compensation.**

The Marshal shall be compensated at a monthly rate determined by the Board of Trustees.

### **2-12-5 Duties of Police Officers.**

All members of the Police Department shall have power and duties as follows:



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- (A) They shall perform all duties required of Chief.
  - (B) They shall suppress riots, disturbances and breaches of the peace, apprehend disorderly persons in the Town, and shall pursue and arrest any person fleeing from justice in any part of the State.
  - (C) They shall be the enforcement officers of the Town and shall see that the provisions of this Code and the laws of the State of Colorado are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or the law of the State. Upon such arrest they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided, that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and provided further that in the special case relating to traffic offenses they may release an arrested person upon his written promise to appear in Court.
  - (D) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders when desirable.
  - (E) They shall execute and return all writs and processes directed to them by the Mayor or the Municipal Judge in any case arising under the Town Code and they may serve the same in any part of the County in which such Town is situate.
  - (F) They shall observe the condition of the streets, sidewalks, and alleys of the Town, and of any obstruction nuisance, or impediments therein, and shall take necessary measures to remove or abate the same.

#### **2-12-6 Oath and Bond.**

Before entering upon the duties of his office, each police officer shall take and subscribe an oath that he will support the Constitution and Laws of the State of Colorado, the Constitution of the United States, and the Ordinances of the Town of Grand Lake, and that he will faithfully perform the duties of the office upon which he is about to enter.

#### **2-12-7 Uniforms.**

Every police officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the Board.

#### **2-12-8 Duty of Citizens to Aid.**

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his duties.

#### **2-12-9 Extraterritorial Duty.**

The Chief may in his discretion, upon request of the Sheriff of Grand County, or person exercising the functions thereof, assign police officers under his control together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction. The Chief shall promptly notify the Mayor whenever such action is taken.

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## **2-12-10 Reserve Police: Appointment Powers.**

The Mayor may upon any emergency, riot, pestilence, invasion or at any time he shall deem it necessary for the peace, good order or health of the Town, order the Chief to appoint Reserve Policemen for a specified time, not exceeding five (5) days, without the approval of the Board. He may also order the Chief to appoint such number of Reserve Policemen as may be agreed upon to serve upon days of election, public celebration and holidays, and said Reserve Policemen shall have and possess all the powers and privileges of regular policemen during the time for which they may be appointed.

## **2-12-11 Police Operations Manual.**

Upon the appointment of a police chief, there shall be a manual stating the Standard Operating Procedures of the Grand Lake Police Department to be followed and observed daily by each officer of the Law. This manual is the policy of the Board of Trustees and may be changed periodically. The adoption of this manual shall be by Resolution.

# **ARTICLE 13. POLICE PENSION FUND**

## **2-13-1 Fund Established.**

Upon the appointment of a police chief, the Policemen's Pension Fund of the Town is hereby established. The Policeman's Pension Fund shall be managed, administered, used and disbursed under the direction of the Board of Trustees.

## **2-13-2 Operation of Fund.**

The Policeman's Pension Fund of the Town shall be operated in accordance with the laws and statutes of the State of Colorado, and as the same, may later be amended.

## **2-13-3 Limit of Contribution by Town.**

The Board hereby finds and determines that the Town should use the power granted to it under the Colorado State Statutes, and does hereby elect to pay from the general funds of the Town, into the Policemen's Pension Fund created hereby such sum monthly as shall be prescribed by State Law.

## **2-13-4 Police Officer's Contribution.**

The members of the Police Department shall from their respective monthly salaries, contribute into the Policemen's Pension Fund of the Town, identical percentages monthly of their respective monthly salaries so that the contribution of the Police Department as a whole shall match the contribution of the Town.

## **2-13-5 Refund of Contribution.**

- (A) Should any paid member of the Police Department who has contributed to the Fund leave the services of the Town prior to becoming eligible to receive a pension payable from funds of the Policemen's Pension Fund, for any reason other than his death, all funds that shall have been paid into such fund by such person shall be refunded to such member on demand. In no event shall such refund include accumulated interest on the member's contribution or any portion of the Town's contribution to the Fund.

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- (B) Refund of a policeman's payment as hereinabove provided may be made in installments, according to such rules and regulations as the Board of Trustees shall from time to time adopt.

## **ARTICLE 14. SALARIES OF TOWN OFFICERS**

### **2-14-1 Elected Officials.**

The Salaries of Elected Officials shall be as follows:

Mayor \$ \_\_\_\_\_. per annum, payable monthly.

Trustees \$ \_\_\_\_\_. per annum, payable monthly.

### **2-14-2 Appointed Officers and Employees.**

All appointed Officers and Employees of the Town shall receive such salary as shall be established by the salary schedule as set forth each year in the Town's Budget and by Resolution passed by a majority of those elected by the Board.

## **ARTICLE 15. EMPLOYEE POLICY HANDBOOK**

### **2-15-1 Employee Policy Handbook.**

There shall be a manual stating the Personnel Policies for the appointed Officers and Employees of the Town of Grand Lake. This manual is the policy of the Board of Trustees and may be changed periodically. The adoption of this manual shall be by Resolution.

## **ARTICLE 16. ADMINISTRATIVE HEARING OFFICER**

### **2-16-1 Administrative Hearing Officer.**

- (A) *Appointment.* The Administrative Hearing Officer shall be appointed for a term of two (2) years by the Board of Trustees. Additional Administrative Hearing Officers, as may be needed to transact the appeals, may be appointed by the Board of Trustees for a term of two (2) years.
- (B) *Oath.* Before entering upon the duties of his office, an Administrative Hearing Officer shall take an oath or affirmation that he will support the Constitution of the United States and the Constitution of the State of Colorado and the laws of the Town of Grand Lake and will faithfully perform the duties of his office.
- (C) *Monetary Compensation.* The compensation of the Administrative Hearing Officer is set by the Board as listed in Grand Lake Municipal Code Section 2-14-2.
- (D) *Duties.* The duties of an Administrative Hearing Officer are listed in Grand Lake Municipal Code Section 1-1-11.