

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### Chapters:

**2.04 Board of Trustees**

**2.06 Code of Conduct**

**2.20 Reserved**

**2.24 Municipal Court**

**2.28 Planning Commission**

**2.32 Social Security System**

#### **Chapter 2.04**

##### **BOARD OF TRUSTEES**

###### Sections:

**2.04.010 Meetings.**

**2.04.020 Attendance--Absentee fines.**

**2.04.030 Compensation.**

###### **2.04.010 Meetings.**

The board of trustees shall hereafter until otherwise ordained hold its regular meetings on the third Thursday of each month from January through November, and on the second Thursday of the month of December. If rescheduling the regular meeting is necessary due to unforeseen circumstances, notice to the effect of meeting date, time and place will be posted two weeks in advance.

(Ord. 2008-10, 2008: Ord. 6-1997, 1997: Ord. 1 Ch. 6 § 1, 1907)

###### **2.04.020 Attendance--Absentee fines.**

A majority of all trustees elected shall constitute a quorum to do business at all meetings of the board of trustees but a minority may adjourn from day-to-day and compel the attendance of absent members by a fine not exceeding ten dollars (\$10.00) for each offense.

(Ord. 7-1995 § 2, 1995)

###### **2.04.030 Compensation.**

A. Service - Mayor and Members. Members of the board of trustees shall be entitled to compensation for their service as follows:

1. The Mayor shall receive the sum of four hundred seventy-five dollars (\$475.00) per

month.

2. Other members of the board of trustees shall receive one hundred fifty dollars (\$150.00) per month.

B. Effective Date.

1. The increase in compensation for members of the board of trustees provided for in subsection A of this section shall not apply during the present term of any trustee, including the mayor, serving at the time of adoption of the ordinance codified in this section, but shall become effective upon the election and qualification for office of each successor of those trustees presently serving.
2. A trustee who is elected and qualified to succeed himself or herself for a new term shall be entitled to the compensation established by this section from and after his or her qualification for such new term.
3. A trustee who is appointed to complete a term shall be entitled to the compensation established by this section from and after his or her qualification to complete a term.

C. Compensation Term

1. Compensation begins the month elected and qualified or appointed and qualified and terminates upon resignation, recall, removal by the Board of Trustees, the last day of the month prior to a successor elected and qualified or March 31 the year the term ends, whatever comes first.
2. Prorated compensation is only applicable to the board of trustee member and the appointment to complete the board of trustee term when both are serving in the same position for a portion of a month and both have served a minimum of ten (10) days. Fifty percent (50%) of the compensation shall be paid to both board of trustee member and the appointment to complete the board of trustee term.

D. Members of Board of Trustees benefits in addition to compensation.

1. All past and current members of the Board of Trustees are eligible for lifetime golf benefits per the criteria established in Resolution 26-2011.
2. Resolution 26-2011 at terminus status for all new Board of Trustees members.
3. New benefits shall not apply during the present term of any trustee, including the mayor, serving at the time of adoption of the ordinance codified in this section, but shall become effective upon the election and qualification for office of each successor of those trustees presently serving.

---

**Editor Notes:** (Ord. 3-1991 §§ 1, 2, 1991)Ord. 211-04, April 21, 2011 rescinds the following section of Cedaredge Municipal Code Chapter 2.08 General Provisions 2.08.010 Oaths. (Ord. 1 Ch. 3 § 1, 1907)  
2.08.020 Appointment of police chief. (Ord. 2010-18, 6-17-2010) (Ord. 1 Ch. 3 § 2, 1907) 2.08.030 Bonds. (Ord. 1 Ch. 3 § 4, 1907)  
2.08.040 Designated keeper of seal and records. (Ord. 1 Ch. 3 § 5, 1907) 2.08.050 Duties of town clerk. (Ord. 1 Ch. 3 § 6, 1907)  
2.08.060 Duties of town treasurer. (Ord. 1 Ch. 3 § 7, 1907)  
2.08.070 Report by treasurer. (Ord. 1 Ch. 3 § 8, 1907)  
2.08.080 Warrants--Interest earning--When. (Ord. 1 Ch. 3 § 9, 1907) Chapter 2.12 Town Administrator Sections: 2.12.010 Office created. (Ord. 7-1995 § 5(1), 1995) 2.12.020 Appointment-- Qualifications-- Compensation. (Ord. 7-1995 § 5(2), 1995) 2.12.030 Duties. (Ord. 1-1980 § 3, 1980) Chapter 2.16 Prosecuting Attorney 2.16.010 Election or appointment--Term. (Ord. 1 Ch. 4 § 1, 1907) 2.16.020 Representation--Civil and criminal cases (Ord. 1 Ch. 4 § 2, 1907) Board Compensation (Ord 2015-10 20151210)  
These sections are inconsistent with the Home Rule Charter.  
**The Home Rule Charter Articles 2, 3 and 4 are inserted by reference regarding Administration and Personnel. (Ord. 2011-4, 4-21-2011)**

---

## Chapter 2.06

### CODE OF CONDUCT FOR BOARD OF TRUSTEES

#### Sections:

- 2.06.020 Principles of Proper Conduct.
- 2.06.040 Unacceptable Conduct.
- 2.06.060 Governance.
- 2.06.080 Ideals of Board Member Conduct.

#### **2.06.020 Principles of Proper Conduct**

- A. Be dependable
- B. Demonstrate Patience
- C. Demonstrate Ethical Principles
- D. Listen Attentively
- E. Model a Professional Manner
- F. Maintain Integrity

#### **2.06.040 Unacceptable Conduct**

- A. Displaying Antagonism
- B. Speaking Rudely or Recklessly
- C. Spreading Rumors
- D. Inciting Divisiveness

#### **2.06.060 Governance**

- A. Role of Board Member: Individuals seek office for a variety of reasons. Individual trustees

must now recognize the change in role from citizen to Board member. The relationship to the Town changed:

1. From Citizen to Official
  2. From Outsider to Insider
  3. From Critic to Representative
  4. From single issue focus to decision maker on all issues
- B. Board Member Success: Success as an individual trustee cannot happen without collaboration and consensus-building. Trustees should think in terms of “we” not I.
- C. Powers of the Board: The Board shall be the legislative and governing body of the Town and shall have such powers as are possessed by the Town and not otherwise conferred by the Home Rule Charter. All powers shall be exercised in a manner prescribed in the Charter or as provided by ordinance or resolution. (Section 2-8)
- D. Meetings: Governance decisions occur at meetings scheduled by the Board which have been established per Municipal Code 2.04.010 and defined by Home Rule Charter Section 2.11 and attended by a quorum. Meetings for the purpose of this ordinance shall include Public Hearings defined by Home Rule Charter 9.2 or 14.1
- E. Meeting Agendas: Regular Board meetings cover a formal process from Roll Call through Adjournment. The Board of Trustees must approve the agenda or request movement of an item to another time and place.
- F. Work Sessions: Work sessions are informal meetings of all Trustees to discuss matters that may require Board actions at a later date. Potential agenda items are identified and available information shared. Not every item requires discussion when business is carried over from previous meetings. No decisions are made in the work session.
- G. Board Member Meeting Attendance: A written request for an expected absence to a scheduled meeting shall be received by the Mayor at least 24 hours in advance of the meeting.
- H. Town Staff Attendance at Meetings:
1. The Town Manager/ Administrator or designee shall attend all meetings as assigned by the Board. The Town Administrator shall keep the Board advised as to the condition and needs of the Town. The Town Administrator shall take part in discussions of all matters concerning the welfare of the Town, but does not vote in meetings of the Board.
  2. The Town Clerk or designee shall attend all meetings where a record of the proceeding is required.

3. Staff members shall attend as assigned by the Town Manager/Administrator.
- I. Citizen Attendance at Meetings: Citizens are encouraged to attend Board meetings and offer comments, suggestions for Board consideration. Questions should most often be submitted to the Mayor or Town Administrator, at a minimum of 24 hours in advance of the meeting. The Board meeting time is not best suited for a question-answer session. Citizen questions & suggestions will receive a response from the Town at the discretion of the Mayor or majority of the Board of Trustees.
  - J. Ex-Parte Contact: Communication by any Board of Trustee Member(s) with any individual for the purpose of discussing an active application outside of a scheduled meeting for that purpose excluding staff assigned to the application is considered Ex-parte communication.
    1. Board members act in a quasi-judicial manner which means they serve as a judge. The applicant, application opponents and application proponents deserve an impartial judgment by the Board when they convene to vote on the request/application. Therefore, no Board member should have contact with individual parties outside the hearing or formal decision-making process.
    2. Ex-Parte contact may cause bias regarding the issue. The Board member involved should immediately state that it would be improper to talk about the matter outside of the meeting. By listening to this discussion, the Board member may be excluded from making a decision when the issue is up for a vote.
    3. All information outside of the meeting should be forwarded to Town Hall for distribution to all.
    4. If Ex-parte contact does occur, the Board member should inform the remaining Board members; disclose content of the discussion and decide whether to recuse him/herself from the item under consideration.
    5. If the Trustee is recused, he/she should leave the room so as not to influence other members
  - K. Conflict of Interest: Conflict of interest may occur if a Trustee has a substantial personal or financial interest direct or indirect, other than the common public interest in any issue upon which the Board as a whole will be asked to decide. Refer to Home Rule Charter section 1-17.
  - L. Voting and Non-Voting Board Members:
    1. All Board Members in attendance in the room in which the vote is taken shall vote.
    2. All votes cast shall be yes, no or in the form of a response that is an affirmation or rejection of the agenda item.

3. Upon the introduction of an item any Board member can announce the purpose for recusal or conflict of interest and shall direct the member to voluntarily and immediately remove themselves from the room. It is at the discretion of a majority vote of the Board of Trustees to force a member from the room in the event of Ex-Parte Contact or Conflict of Interest.

#### **2.06.80 Ideals of Board Member Conduct**

- A. **Members of the Board of Trustees:** Members of the Board of Trustees come with a wide variety of backgrounds, personalities, skills, values, opinions and individual goals. The tie that binds members is their choice to serve and protect the community today and into the future. This common goal underlies their strength as they acknowledge the right to “agree to disagree” on contentious issues. Finding a satisfactory outcome is the ultimate goal.
- B. **In Public Meetings:**
  1. Practice civility, professionalism and decorum befitting an official’s role. Public meetings generally follow Parliamentary Procedure to facilitate management of time and content. Difficult issues, or challenges among points of view offer members an opportunity to demonstrate democracy in action. Freedom of speech carries with it a responsibility for respecting others. There is no room for belligerent, impertinent, slanderous, threatening, abusive or disparaging comments. Such disrespectful behavior is not to be tolerated.
  2. It is the responsibility of the presiding officer to keep comments of Board members on track during meetings. Board members are expected to respect this role and assist the Mayor’s efforts to focus on discussion of current agenda items. If there is disagreement about the agenda or the Mayor’s actions, those objections should be voiced politely and with reason, according to parliamentary procedure.
  3. Offensive comments from Board members are to be avoided during any discussion. If a Board member is personally offended by another’s remarks, it is appropriate to make notes of the actual offending words used, then call for “a point of personal privilege” that challenges the offending Board member to justify or apologize for the language used. The Mayor will be expected to maintain control of this discussion.
  4. Officials have a public stage upon which to demonstrate how individuals with disparate points of view may find common ground and seek solutions that benefit the community as a whole. (Ord.2012-05, 07-19-2012)
  5. Accepting the oath of office commits Board members to participate in meetings to discuss pertinent issues. Punctuality is presumed. It is equally important to keep comments relative to the topic at hand, allow individuals time to express their comments, and avoid unnecessary embellishments on specific points. It is essential that

Board members review written materials before meetings so they are prepared to discuss germane points of an agenda item.

6. If participating in meetings with other Boards or Commissions, it is crucial to explain personal opinions vs. representation of the Town's opinion. Check with Town staff or Town manager about any "position" statements.
7. Remember that Town Boards and Commissions serve their community, not individual Board members.
8. Board member behavior is always open to scrutiny by the public. This behavior should extend outside formal meetings.
9. Inappropriate behavior can lead to removal from a Board or Commission.
10. Inappropriate behavior should be noted to the Mayor who then may counsel the offending member. If unacceptable behavior persists, the Mayor should bring the issue to the Board and allow a decision of all Board members to determine if the individual is to be sanctioned or removed from the Board.

C. Private Encounters:

1. Respectful behavior is always appropriate
2. Technology allows Board members to share e-mail, voicemail and other forms of communication which is subject to open records. Board members should be knowledgeable of Open Meetings/Records laws. The Board room is the preferred place for discussion.
3. It is appropriate for individual Trustees to meet with each other, with the Mayor or Administrator to discuss Town matters.
4. Private meetings including incidental town business discussions amongst Board of Trustees in public places degrades the public's trust in their elected representatives.
5. Board members/ Trustees are not to interrupt staff members from performing their duties, in order to answer questions regarding any Town operations.
6. It is inappropriate to criticize employees directly, or to their supervisors. Comments about staff performance should only be made to the Town Administrator.
7. Board members are not to solicit political support from staff members.
8. Board Members must not attempt to influence staff on making appointments, awarding contracts, selecting consultants or processing applications, or permits.

D. Board Contact with the Media:

1. Board members may be contacted at any time by media representatives for background information or quotes. Best practice is never “go off record”. One misinterpretation can be painful to endure.
2. Choose words carefully; they cannot be taken back. If you don’t say it, it can’t be misquoted.
3. The Mayor is the designated spokesperson for the Board; the Administrator Manager is spokesperson for the Town.

**Chapter 2.20**

**(RESERVED)**

**Chapter 2.24**

**MUNICIPAL COURT**

Sections:

**2.24.010 General provisions.**

The municipal court of the town shall be constituted as a qualified municipal court of record pursuant to CRS 13-10-102(3) and said court shall operate in conformity with the following provisions:

- A. A verbatim record of all proceedings and evidence at trials in said court shall be kept by either electronic devices or stenographic means.
- B. The judge of said municipal court shall be an attorney at law admitted to and currently licensed in the practice of law in the state.
- C. The monthly salary is compensation for the month in which municipal court is scheduled or municipal court work is processed. The municipal judges of the town shall receive one salary which shall be a fixed annual compensation adopted by Resolution simultaneously at the time the Board of Trustees appoint the Municipal Judge and/or Alternate Municipal Judge. The Municipal Judge shall be paid once a month unless the Alternate Judge is assigned at any time in a month in the Municipal Judge’s absence then the Alternate Judge shall be paid the monthly salary for that month as a substitute for the Municipal Judge. Any decision by the judges to prorate salaries between themselves is at their sole discretion.
- D. A municipal judge shall assess Court Cost and Surcharge fees against all defendants who plead guilty or nolo contendere (no contest) or who enters into a plea agreement or, after trial is found



guilty of an ordinance violation. Suspending any portion of the Court Cost and Surcharge fees or Jury Court Cost and Surcharge fees is prohibited:

1. For trial to the court or any other disposition of the case without a trial by jury such costs shall include twenty-five dollar (\$25) court cost plus a twenty-five dollar (\$25) surcharge delineated for training and equipment for the police department for a total of fifty dollars (\$50) termed as Court Cost and Surcharge fees.
  2. For trial by jury such costs shall include seventy-five dollar (\$75) court cost plus a twenty-five dollar (\$25) surcharge delineated for training and equipment for the police department for a total of one hundred dollars (\$100) termed as Jury Court Cost and Surcharge fees.
- E. The municipal court of the town shall have authority to issue temporary and permanent restraining orders to prevent domestic abuse whether or not such relief could be obtained in a domestic relations action filed in the district court all as more particularly provided in CRS 14-4-102, as amended, the provisions of which are incorporated herein by this reference.
- F. The municipal judge shall have the power to enforce subpoenas issued by any board, commission, hearing officer, or other body or officer of the town authorized by law or ordinance to issue subpoenas.
- G. The municipal court shall have jurisdiction in proceedings concerning any juvenile ten years of age or older who has violated any traffic ordinance of the town and; provided, that the penalty for violation thereof by a juvenile shall not include a jail sentence of more than ten days.
- H. The municipal court dates shall be scheduled, at a minimum, on any Thursday, except for holidays, for the months of February, April, June, July, August, October and December effective June 1, 2015 at the Civic Center Grand Mesa Room; 140 NW 2nd ST, beginning at 9:00am. Municipal court dates in addition to the prescribed dates are at the discretion of the municipal court judge. All municipal court dates shall be available and posted a minimum of thirty (30) days in advance.

(Ord. 2011-9, 10-20-2011) (Ord. 2010-18, 6-17-2010) (Ord. 2009-2, 2009); (Ord. 2007-17, 2007); (Ord. 2007-3, 2007); (Ord. 2002-7 § 1, 2002); (Ord. 1-1998, 1998); (Ord. 7-1995 § 6, part, 1995); (Ord. 1-1991 § 1, 1991) (Ord.2013-5,06-20-2013); (Ord. 2013-10, 09-19-2013); (Ord. 2015-03, 04-16-2015)

## **Chapter 2.28**

### **PLANNING COMMISSION**

Sections:

**2.28.010 Creation.**

**2.28.020 Terms of members.**

**2.28.030 Removal of members.**

- 2.28.040 Vacancies.
- 2.28.050 Organization and procedures.
- 2.28.060 Compensation

#### **2.28.010 Creation.**

The planning commission of the town shall consist of nine members, including the mayor of the town and one member of the Board of Trustees of the town and seven persons appointed by the Board of Trustees. All members of the planning commission shall be bona fide residents of the town and, if any member ceases to reside within said town, his or her membership on the commission shall automatically terminate. All members of the commission shall serve without compensation and appointed members shall hold no other municipal office.

(Ord. 2010-6, 2-18-2010) (Ord. 6-1996 § 1, 1996; Ord. 1-1982 § 1, 1982)

#### **2.28.020 Terms of members.**

The terms of ex officio members of the planning commission shall correspond to their official tenures and the terms of non-ex officio members shall be for three years.

(Ord. 2010-6, 2-18-2010) (Ord. 2007-15 (part), 2007; Ord. 6-1996 § 2, 1996; Ord. 1-1982 § 2, 1982)

#### **2.28.030 Removal of members.**

Members other than ex officio members may be removed after public hearing by the Board of Trustees for inefficiency, neglect of duty, or malfeasance in office. The ex officio member representing the Board of Trustees shall be appointed by said board and may be removed by the board for the same reasons for removal of non-ex officio members. The Board of Trustees shall file a written statement of the reason for the removal of any member following such hearing.

(Ord. 2010-6, 2-18-2010) (Ord. 1-1982 § 3, 1982)

#### **2.28.040 Vacancies.**

Vacancies occurring otherwise than through expiration of a term can be recommended by the commission and shall be filled for the remainder of the unexpired term by the Board of Trustees.

(Ord. 2010-6, 2-18-2010) (Ord. 1-1982 § 4, 1982)

#### **2.28.050 Organization and procedures.**

The planning commission shall elect a chairperson from among the non-ex officio members and shall create and fill such other offices as it may from time to time determine. The term of the chairperson shall be for one year, with eligibility for re-appointment. The commission shall hold at least one regular meeting in each month, except that the chairperson may cancel any regular meeting for which there is a lack of official business. The commission shall adopt and follow its rules of procedure. The commission shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. All meetings of the planning commission shall be public meetings. The planning commission established in this chapter and Article 11 of the Home

Rule Charter shall have all of the powers and duties granted and imposed by the provisions of Part Two, Article 23, Title 31, Colorado Revised Statutes, 1973, as amended, and shall adhere to the purposes and procedures outlined in said statutory provisions.

### **2.28.060 Compensation.**

With exception to ex-officio members, members of the planning commission shall be entitled to be compensated for their services as follows:

- A. Effective Date January 1, 2015.
- B. Each member shall receive twenty-five (\$25.00) dollars per month.
- C. In the event additional compensation is approved by the Town Board for public hearings, the planning members present at the public hearing will be compensated an equal portion of fees specifically charged to the applicant for the purpose of a public hearing by the Planning Commission.
- D. No compensation will be paid, that month, if the member fails to report to the scheduled regular meeting unless excused in advance by the Planning Commission Chairperson.
- E. Decrease or increase in compensation shall be adopted by ordinance.

(Ord. 2010-6, 2-18-2010) (Ord. 2007-15 (part), 2007: Ord. 1-1982 § 5, 1982, Ord. 2014-7)

## **Chapter 2.32**

### **SOCIAL SECURITY SYSTEM**

Sections:

- 2.32.010 Findings.**
- 2.32.020 Plans required for coverage extension-- Execution authorization.**
- 2.32.030 Payroll deduction system authorized.**
- 2.32.040 Appropriation for Contribution fund authorized.**
- 2.32.050 Participation authority.**

#### **2.32.010 Findings.**

It is the considered opinion of the town council that the extension of the Social Security System to employees and officers of the town will be of great benefit, not only to the employees of the town by providing that said employees and officers may participate in the provisions of the Old-Age and Survivors' Insurance System, and will also be of great benefit to the town by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government.

(Ord. 2-1956 (part), 1956)

#### **2.32.020 Plans required for coverage extension--Execution authorization.**

The 38th General Assembly of the state of Colorado, in regular session, enacted a statute, known as House Bill No. 291, which is the enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Department of Employment Security, state of Colorado, to act as the department to implement the coverage of employees and officers under the said Old-Age and Survivors' Insurance System. The town is authorized to execute and deliver to the Department of Employment Security, state of Colorado, a plan, or plans, and agreement, required under Section 5 of said enabling Act and the Social Security Act, to extend coverage to employees and officers of the town and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System.

(Ord. 2-1956 (part), 1956)

#### **2.32.030 Payroll deduction system authorized.**

The clerk is authorized to establish a system of payroll deduction to be matched by payments by the town to be paid into the contribution fund of the state through the Department of Employment Security, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of the town. Such payments are to be made in accordance with the provisions of Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the Department of Employment Security, state of Colorado, shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made.

(Ord. 2-1956 (part), 1956)

#### **2.32.040 Appropriation for contribution fund authorized.**

Appropriation is made from the proper fund, or funds, of the town in the necessary amount to pay into the contribution fund as provided in Section 5 (c) (1) of the enabling Act and in accordance with the Plan, or Plans, and Agreement.

(Ord. 2-1956 (part), 1956)

#### **2.32.050 Participation authority.**

Authority is given to the mayor and the clerk of the town to enter into an agreement with the Department of Employment Security, state of Colorado, which agreement shall be in accordance with House Bill No. 291 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the town shall be in effect as of January 1, 1956.

(Ord. 2-1956 (part), 1956)