

ORDINANCE NO. 05-2020

AN ORDINANCE ADDRESSING THE ROLES AND RESPONSIBILITIES OF THE BOARD OF TRUSTEES

WHEREAS, the Board of Trustees of the Town of Sedgwick was organized pursuant to State law, including but not limited to C.R.S. § 31-4-301; and

WHEREAS, the Board of Trustees has determined it is necessary to adopt an ordinance specifying the roles and responsibilities of the Mayor and Trustees.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, COLORADO:

Section 1. The Board of Trustees hereby adopts the following regulations concerning the roles and responsibilities of the Board of Trustees:

Roles and Responsibilities of the Board of Trustees

- Sec. 1** **Definitions**
- Sec. 2** **Responsibilities of the Mayor**
- Sec. 3** **Responsibilities of the Trustees**
- Sec. 4** **Responsibilities of all elected officials**
- Sec. 5** **Relationship of the Board of Trustees to Town staff**
- Sec. 6** **Exceptions to this Ordinance**
- Sec. 7** **Violations and enforcement of this Ordinance**

Sec. 1. Definitions. As used in this Ordinance:

Elected official means the Mayor and each Trustee of the Town of Sedgwick.

Quasi-judicial matter means any matter in which a person's individual rights are decided by the application of the pertinent law to the facts presented at a hearing before the Board of Trustees, including but not limited to:

- a. An action affecting an individual property, such as a rezoning, subdivision, site development plan, planned unit development or special use permit; or
- b. An action to approve, suspend or revoke any Town license or permit.

Sec. 2. Responsibilities of the Mayor.

a. The Mayor shall be responsible for the general oversight and management of Town employees, including making decisions about hiring, discipline and termination of employment. Notwithstanding the foregoing, the Board of Trustees shall be responsible for appointing and removing the Town Clerk, Town Treasurer, Town Attorney and Town Marshal in accordance with State law and the ordinances of the Town.

b. The Mayor is authorized to make day-to-day decisions in the best interests of the Town.

c. The Mayor shall preside over meetings of the Board of Trustees.

d. The Mayor shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town.

e. The Mayor shall sign ordinances, resolutions, contracts and other legal instruments as authorized by State statute, Town ordinance, resolution or motion.

f. The Mayor shall serve as the liaison between the Trustees and Town staff.

Sec. 3. Responsibilities of the Trustees.

a. The Trustees shall exercise their responsibilities under the statutes, ordinances, and resolutions collectively rather than individually, except as otherwise specifically permitted by Town ordinance, resolution or motion.

b. The Trustees shall deal with Town staff only through the Mayor.

Sec. 4. Responsibilities of all elected officials.

a. Individual elected officials shall not make promises or commitments that bind or appear to bind the Town, shall not make threats involving the use of Town powers, and shall not give any assurances concerning pending or future action by the Town.

b. With regard to any pending quasi-judicial matter:

1. Individual elected officials shall not initiate contact with any person whose interests may be affected by the decision in such matter.

2. Individual elected officials shall request that any person who

initiates contact with the elected official on such a matter voice any concerns or opinions only at a public hearing called for the purpose of hearing such matter.

3. Individual elected officials shall make decisions concerning such matter solely on the basis of the evidence and testimony given at the hearing on the matter.

c. Individual elected officials shall not reveal any confidences learned in executive session or otherwise gained by virtue of the elected official's position with the Town.

d. Individual elected officials shall not participate in any matter in which the elected official has a conflict of interest and, in such a circumstance, refrain from influencing or attempting to influence any other elected official.

e. Individual elected officials shall not use for personal or private purposes any information which is not generally known to the public and which is gained by virtue of the elected official's position with the Town, and shall not otherwise act to benefit one's own or another person's personal or private interests by virtue of the elected official's position with the Town.

f. Individual elected officials shall not act in any Town matter in a malicious, vengeful or retaliatory manner, or in a manner influenced by other improper motivations.

Sec. 5. Relationship of Board of Trustees to Town staff.

a. The Trustees shall deal with Town staff solely through the Mayor, shall not give orders to or reprimand any employee of the Town, shall not dictate the appointment or removal of any person from Town employment, and shall not interfere with the duties of any Town employee.

b. Requests by Trustees for information from or action by Town staff shall generally be made at a public meeting and shall require the approval of a majority of the Board present. For items requiring immediate attention, such request shall be made in writing to Town staff and shall require the approval of the Mayor.

Sec. 6. Exceptions to this Ordinance.

a. Nothing in this Ordinance is intended to preclude or prohibit any citizen from exercising his or her right to make contact with any elected official.

b. Nothing in this Ordinance is intended to preclude or prohibit any elected official from participating in any Town Board committee.

c. Nothing in this Ordinance is intended to preclude or prohibit any elected official from attending the meetings of any other governmental entity and, if authorized by the Town Board, representing the concerns and viewpoints of the Town.

d. Nothing in this Ordinance is intended to preclude or prohibit any elected official from participating in other organizations as approved by the Town Board, and representing the Town's interests thereon, but such official shall keep the Town Board apprised of the activities of such organizations and shall follow the general policy directions established by the Town Board in representing the Town's interests.

e. Nothing in this Ordinance is intended to preclude or prohibit any elected official from exercising his or her right to express his or her own individual opinion or viewpoint on any matter.

Sec. 7. Violations and Enforcement of this Ordinance.

a. If a majority of the Board of Trustees determines that an elected official has violated this Ordinance, the Board of Trustees may impose one or more of the following sanctions after giving the elected official an opportunity to address the Board of Trustees in a public meeting:

1. Issue a verbal or written public warning.
2. Issue a verbal or written public reprimand or censure.
3. Require the elected official to attend remedial education or training given by an organization such as CIRSA or the Colorado Municipal League regarding the issues that gave rise to the violation.

b. Repeated or egregious violations of this Ordinance may constitute grounds for removal of an elected official in which case the statutory process for removal as set forth in C.R.S. § 31-4-307, as amended from time to time, shall apply.

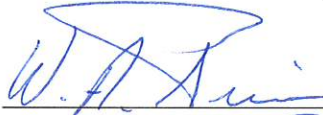
c. In addition to the sanctions set forth in subsections a and b of this Section, the prosecuting attorney for the Town, or special counsel authorized to act on behalf of the Town, may prosecute any violation of this Ordinance in Municipal Court in the same manner that other municipal offenses are prosecuted. Any person convicted of a violation of this Ordinance shall be punished by a fine of not more than \$2,650 (as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113). Each day a violation exists shall be considered a separate punishable violation.

Section 2. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

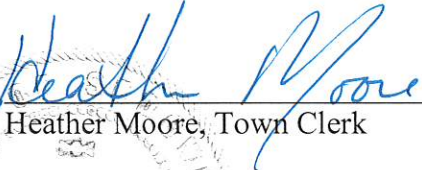
INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 11th day of May, 2020.

TOWN OF SEDGWICK, COLORADO



Wayne Price, Mayor

ATTEST:



Heather Moore, Town Clerk

