

CHAPTER 2

Administration and Personnel

ARTICLE I Elections

Section 2-1.	Conduct of elections
Section 2-2.	Qualification of officers
Section 2-3.	Regular elections
Section 2-4	Four-year term for Mayor
Section 2-5	Four-year term for Trustees
Section 2-6	Term of office
Section 2-7	Write-in candidate affidavit
Section 2-8	Cancellation of elections
Section 2-9-20	Reserved

ARTICLE II Mayor and Board of Trustees

Section 2-21	Board of Trustees
Section 2-22	Installation into office
Section 2-23	Mayor duties
Section 2-24	Trustee duties
Section 2-25	Vacancies
Section 2-26	Reimbursement
Section 2-27	Mayor Pro Tem
Section 2-28	Temporary chair
Section 2-29	Decorum and order
Section 2-30	Quorum
Section 2-31	Removal from office
Section 2-31-A	Recall of elected individual
Section 2-32	Delivery of documents to Board
Section 2-33-50	Reserved

ARTICLE III Board Meetings

Section 2-51	Regular meetings
Section 2-52	Special meetings
Section 2-53	Emergency meetings
Section 2-54	Adjourned sessions
Section 2-55	Executive session
Section 2-56	Study/work sessions
Section 2-57	Public participation in Board meetings
Section 2-58	Powers of the Board as a legislative body
Section 2-59	Powers of the Board as a quasi-judicial body
Section 2-60	Board as a policy-making body
Section 2-61	Maintenance of official records
Section 2-62	Board contacts with persons or firms retained by Town
Section 2-63-80	Reserved

ARTICLE IV Conduct of Meetings

Williamsburg- Final

Section 2-81	Presiding officer
Section 2-82	Order of business: regular meetings
Section 2-83	Filing with the Town Clerk: distribution of copies
Section 2-84	Right of floor
Section 2-85	Right of appeal
Section 2-86	Limitation of debate
Section 2-87	Voting
Section 2-88	Personal privilege
Section 2-89	Dissents and protests
Section 2-90	Excused from attendance
Section 2-91	Excused during meeting
Section 2-92	Making motions
Section 2-93	Permission required to address Board
Section 2-94	Voting requirements
Section 2-95	Recesses
Section 2-96	Mayor voting member
Section 2-97	Every member votes
Section 2-98	Procedure of motions
Section 2-99	Demand for written motion
Section 2-100	Withdrawal of motion
Section 2-101	Motions to adjourn
Section 2-102	Motion to lay on the table
Section 2-103	Amendment
Section 2-104	Amend an amendment
Section 2-105	Motion to postpone
Section 2-106	Reconsideration
Section 2-107	Special order
Section 2-108	Anonymous communications
Section 1-109-130	Reserved

ARTICLE V Ordinances and Resolutions

Section 2-131	Introduction
Section 2-132	Review
Section 2-133	Appropriation ordinance
Section 2-134	Reading of ordinances and resolutions
Section 2-135	Amendment of ordinances
Section 2-136	Report by committee
Section 2-137-150	Reserved

ARTICLE VI Conflict of Interest

Section 2-151	Disclosure
Section 2-152	Confidential matters
Section 2-153-170	Reserved

ARTICLE VII Officers and Employees

Section 2-171	Appointment of officers and oath of office
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Williamsburg- Final

Section 2-172	Officers and employees
Section 2-173	Appointments by the Mayor
Section 2-174	Residency requirements
Section 2-175	Town Clerk
Section 2-176	Town Attorney
Section 2-177	Officers and employees to attend
Section 2-178	Vacancies
Section 2-179	Removal from office of an appointed official
Section 2-180-200	Reserved

ARTICLE III Reserved

ARTICLE IX Municipal Court

Section 2-221	Creation of Municipal Court
Section 2-222	Appointment of Municipal Judge
Section 2-223	Original jurisdiction
Section 2-224	Qualifications
Section 2-225	Rules of procedure
Section 2-226	Contempt power
Section 2-227	Records to be kept
Section 2-228	Execution of process or writ
Section 2-229-270	Reserved

ARTICLE X Zoning Committee

Section 2-271	Creation
Section 2-272	Purpose
Section 2-273	Membership
Section 2-274-290	Reserved

**ARTICLE I**

**Elections**

**Sec. 2-1. Conduct of elections.**

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965 as amended.

**Sec. 2-2. Qualification of officers.**

Every qualified elector shall be eligible to hold any office to be filled by a municipal election, provided that he or she has resided in the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election, and is otherwise eligible to hold municipal office pursuant to law.

**Sec. 2-3. Regular elections.**

Regular Town elections shall be held in conjunction with the County of Fremont of every even-numbered year.

**Sec. 2-4. Four-year term for Mayor.**

At every regular election held, there shall be elected a Mayor for a term of four (4) years.

**Sec. 2-5. Four-year term for Trustees.**

At every regular election held, beginning with the November 2018 regular election, there shall be elected three (3) Trustees for terms of four (4) years each. There after, at every regular election there shall be 3 trustees elected to four (4) year terms.

**Sec. 2-6. Term of office.**

All elected officers shall hold their office until their successors are elected and qualified.

**Sec. 2-7. Write-in candidate affidavit.**

In any special or regular election for election of any member to the Board of Trustees, no write-in vote for any person shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in, prior to twenty (20) days before the date of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

**Sec. 2-8. Cancellation of elections.**

In any special or regular election for a member or members to the Board of Trustees, if the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk, if instructed by resolution of the Board of Trustees, either before or after such date, shall cancel the election and, by resolution, declare the candidates elected. In the event an election is canceled pursuant to this Section, the members declared officers shall hold office until the next regular election.

**Secs. 2-9--2-20. Reserved.**

**ARTICLE II**

**Mayor and Board of Trustees**

**Sec. 2-21. Board of Trustees.**

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

(b) The Board of Trustees shall constitute the legislative body of the Town and shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

**Sec. 2-22. Installation into office.**

## Williamsburg- Final

(a) The newly elected Mayor and Trustees shall be installed into office at the next regular or special board meeting after the election, upon receipt of the certificate and statement of the election judges from the Town Clerk.

(b) Each of the members of the Board of Trustees, before entering upon the duties of such office, shall take and subscribe to an oath administered by the Municipal Judge, Town Clerk or person authorized by law to administer such oath. Such oath shall be made and subscribed substantially in the following form:

"I, \_\_\_\_\_, do solemnly swear that I will support the Constitutions of the United States and of the State of Colorado, and the ordinances of the Town of Williamsburg, and faithfully perform the duties of the office of \_\_\_\_\_ upon which I am about to enter."

### **Sec. 2-23. Mayor duties.**

The Mayor shall preside at all meetings of the Board of Trustees and shall cast a vote. The Mayor shall be responsible for ceremonial purposes. He or she will act as the official representative of the Town and is authorized and empowered to sign his or her name officially for and on behalf of the Town on all contracts, documents and papers to which the Town is a party, and to require that the conditions in any instrument are faithfully performed. The Mayor shall appoint all Trustees to departments, subject to Board approval. He or she shall from time to time provide for the Board of Trustees such information and recommend such measures as he or she may deem beneficial to the Town. The Mayor shall examine the grounds of all complaints against any elected or appointed official of the Town to determine the existence of a violation or neglect of duty and report to the Board of Trustees the evidence thereof, if deemed sufficient for the removal of said officer. He or she shall have such other powers as the Board of Trustees may prescribe.

### **Sec. 2-24. Trustee duties.**

In addition to other duties, each Trustee shall act as a liaison to a department of the Town and shall render assistance to such department at the request of the Board of Trustees.

**Sec. 2-25. Vacancies.**

(1) The Board of Trustees by a majority vote of all members present shall have power, by appointment, to fill all vacancies on the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified.

(2) If a vacancy occurs in time for the office to be placed on the ballot at the next regular election, a successor for the office shall be elected at such regular election, regardless of whether the office would otherwise have been placed on the ballot at such election.

(3) If any vacancy occurs in an office for which a four-year term is in effect, and the office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for the office is held at the time at which it would have been held if no vacancy had occurred.

**Sec. 2-26. Reimbursement.**

The members of the Board of Trustees and the Mayor shall be paid actual expenses incurred by them or any of them in the transaction of the business of the Town, including mileage traveled out of Town, while engaged in transacting such business, at the rate of the current federal rate of reimbursement per mile, upon the presentation of an itemized statement of such expense and the allowance thereof by the Board of Trustees. Such expenditures other than mileage shall be approved for reimbursement by the Board of Trustees prior to being incurred. Such reimbursement shall be presented for payment within one (1) month of occurrence.

**Sec. 2-27. Mayor Pro Tem.**

The Mayor Pro Tem shall serve as Mayor during the absence or disability of the Mayor and in case of vacancy in the office of Mayor, pending the selection of a successor. The Mayor Pro Tem shall be appointed by the Mayor and ratified by the Board of Trustees at the first regular meeting following the Town election for Board members or following filling of a vacancy in the office of Mayor.

**Sec. 2-28. Temporary chair.**

In case of the absence of the Mayor and the Mayor Pro Tem, the Town Clerk shall call the Board of Trustees to order and call the roll of members. If a quorum is found to be present, the Board of Trustees shall proceed to elect, by a majority vote of those present, a chair of the meeting, to act until the Mayor or the Mayor Pro Tem appears.

**Sec. 2-29. Decorum and order.**

a. The presiding officer shall preserve decorum and decide all questions of order, subject to appeal of the Board of Trustees. All members shall observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting or violates these rules, the presiding officer shall, or any member may, call the violator to order, in which case the violator shall be quieted, unless permitted to explain.

b. No board member or any other individual attending any meeting or workshop held by the Town of Williamsburg will be allowed to remain if under the influence of alcohol or illegal drugs if said person(s) are disruptive. In the event that a person is clearly appears to be under the influence, as determined by a majority of the board members present, the presiding officer shall, with the approval of a majority of the board members present, who are not so accused, deem the persons(s) ineligible to remain at the meeting and such individual(s) shall be required to leave the meeting. In addition, if the individual(s) is a Board Member, after leaving, the absence will be deemed unexcused

**Sec. 2-30. Quorum.**

A quorum shall be a majority of the members of the Board of Trustees in office at the time for the transaction of business at all Board meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting for not longer than one (1) week. For meetings at which less than a quorum is in attendance, a majority of the members present are authorized to send the Town representative or other person for the absent members, as such majority of members may agree. A fewer number of members of the Board of Trustees may adjourn from day to day.

**Sec. 2-31. Removal from office.**

Five (5) of the members of the Board of Trustees may remove a Trustee or the Mayor for good cause after notice of the alleged grounds to the Mayor or Trustee and a hearing thereon. Notice of alleged grounds for removal and setting of a hearing thereon shall require a majority vote of the members of the Board of Trustees. The alleged grounds may be based upon a written complaint by a member of the Board of Trustees or a citizen of the Town. In the event that a complaint requesting a hearing for removal of such official is placed on an agenda of a meeting, at least ten (10) days after the complaint is presented, and there is no majority vote for a removal hearing at the meeting at which it appears on the agenda, the official shall not be subject to a removal hearing on the same charge. All testimony at a removal hearing shall be given under oath. Grounds for removal shall be presumed against any member of the Board of Trustees who has:

- (1) Been absent on three (3) occasions within any two-year period between regular meetings of the Town, which absence are unexcused;
- (2) Been convicted of a felony or a crime of moral turpitude during the current term of office or within five (5) years of being elected, which conviction was not known to the voters at the time the member was elected to office;
- (3) Violated the conflict of interest provisions of these procedures or state law;
- (4) Willfully violated any of the procedures of this Chapter;
- (5) Neglected the official's duty as an elected official; and/or
- (6) Acted in malfeasance or misfeasance of office.

**Sec. 2-31-A. Recall of Elected Individual**

**Recall of Board members will comply with Part 5, Article 3, Title 31 CRS (CRS 32-4-501 et seq).**

**Sec. 2-32. Delivery of documents to Board.**

All documents, from whatever source, pertaining to Town business and intended for delivery to members of the Board of Trustees, must be filed with the Town Clerk, who shall, in timely order, deliver said documents to all members of the Board of Trustees.

**Secs. 2-33--2-50. Reserved.**

## ARTICLE III

### Board Meetings

#### **Sec. 2-51. Regular meetings.**

The Board of Trustees shall meet in regular session on the first Monday of each month at 7:00 p.m. When a regular meeting falls on a holiday, the regular meeting shall be held on the following day, at the same hour, unless otherwise scheduled by the Mayor. The Mayor may dispense with any regular meeting, or reschedule any regular meeting with at least twenty four (24) hours' notice to Board members, except that at least one (1) regular meeting shall be held each month. The place of all regular meetings shall be designated by the Board of Trustees. Notices of meetings shall be posted at the Town Hall Bulletin Board 24 hours prior to the meeting. The Town Hall Bulletin Board shall be the designated public place for posting notices of meetings under C.R.S. 24-6-402. Other Town bulletin boards shall be utilized if time allows to provide sufficient distribution. Effort will be made to post meeting notice more than 24 hours prior.

#### **Sec. 2-52. Special meetings.**

- (a) Special meetings shall be called by the Town Clerk on the request of the Mayor or any two (2) members of the Board of Trustees on at least twenty four (24) hours' notice to each member of the Board of Trustees, by letter, email, telephone or in person. Said notice shall indicate the business to be performed at such special meeting. If any member shall have moved from the Town and shall be a nonresident thereof, no notice shall be required. Any Trustee may waive notice of the meeting, and a Trustee's presence shall constitute waiver of notice of the meeting.
- (b) No business shall be transacted at any special meeting of the Board of Trustees unless the same has been stated in the notice of such meeting unless otherwise determined by unanimous vote of those members present.
- (c) Notice of Special meetings shall be posted at the Town Hall Bulletin Board 24 hours prior to the meeting. Other Town bulletin boards shall be utilized if time allows to provide sufficient distribution.

#### **Sec. 2-53. Emergency meetings.**

Emergency meetings may be called by the Mayor or any two (2) Board of Trustees members in the event of an emergency that requires the immediate action of the Board of Trustees in order to protect the public health, safety and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded.

**Sec. 2-54. Adjourned sessions.**

Any session of the Board of Trustees may be adjourned or adjourned from day to day, or for more than one (1) day, but no adjournment shall be for a longer period than until the next regular meeting.

**Sec. 2-55. Executive session.**

(a) State statutes require that an affirmative vote by two-thirds (2/3) of a quorum present may call an executive session at either a regular or special meeting. No formal action can occur at an executive session. The motion for executive session shall describe as specifically as possible the subject of the executive session, including the provision of C.R.S. 24-6-402 (4) authorizing the Board to meet in executive session so long as such description does not disclose any information that would potentially harm the public interest.

(b) Only the matters allowed in C.R.S. 24-6-402 (4) may be discussed at an executive session:

**Sec. 2-56. Study/work sessions.**

Informal study/work sessions are used as a regular procedure to familiarize the Board members with many detailed aspects of the subjects on upcoming agenda items, thus saving valuable time in the Board meeting itself. Generally, citizen comment of up to three (3) minutes per speaker will be allowed on items which remain listed on the agenda of a Board of Trustees study/work session, unless otherwise determined by the members present. Study/work sessions shall be considered special meetings; however, the only action that may be taken at a study/work session is to hold an executive session in compliance with Section 2-55 above.

**Sec. 2-57. Public participation in Board meetings**

1. Citizen's Request to Speak:

Citizens are encouraged to attend Board of Trustees meetings and to participate in public hearings when the subject matter of such hearings is important to them. At times, citizens may wish to bring matters to the attention of City Council that is not on the agenda for that particular meeting. The "Citizen's Request to Speak" segment of all regular meetings of the Board of Trustees offers all interested citizens an opportunity to address Council with respect to local matters having a bearing on the operation and functions of the Town. The citizen's request to speak segment is not intended, however, to be used by individuals or groups who merely wish to use Council meetings as a platform to express personal or political philosophies or messages that have little or nothing to do with the business and affairs of the Town of Williamsburg.

As a matter of general policy, neither Town of Williamsburg nor Town staff should be expected to respond to matters raised in the citizen's request to speak segment of Board of Trustees Meeting meetings. Nevertheless, Board of Trustees members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen. Board of Trustees also will refer certain matters raised in this segment of the meeting to the Town Clerk or to one of the Board of Trustee Committees for further study and discussion whenever warranted. However, not all issues raised by individual citizens or groups will be referred to staff or committee.

The Board of Trustees asks all persons who wish to address the Board of Trustees to remember that the primary purpose of each regular meeting of the Board of Trustees is to carry

## Williamsburg- Final

on the legislative and other business of the Town of Williamsburg in accordance with a published agenda and applicable rules of law and procedure. For this reason, the following rules will apply with respect to the citizen's request to speak segment of all Board of Trustees meeting

1. All persons wishing to speak must, prior to the meeting, submit to the Town Clerk (or his/her deputy) a completed written application which will show the speaker's name, address and the topic or subject that will be addressed by the speaker;

2. All speakers must stay on topic and are encouraged to state their points as briefly and clearly as possible. Redundancies and repetitive remarks (especially if several persons are speaking to the same general issue) should be avoided;

3. In any event, each speaker will be strictly limited to a maximum of five (5) minutes, unless a longer period is authorized by the person chairing the meeting. Individuals who are not registered or have additional comments may be allowed three (3) minutes to address the Board of Trustees on any item at the end of the meeting.

4. All remarks should be addressed to the Board of Trustees and pertain to matters of at least general importance to the Town and its operations. Neither Board of Trustees members nor Town staff should be expected to engage in discussions or debate with any speaker. Board members and staff are there to listen during this segment of the meeting;

5. No person addressing Council shall approach the Mayor or another member of Council without first obtaining permission from the chair to do so;

6. No citizen requesting to speak shall address The Board of Trustees or the meeting until he or she has been recognized by the chair, and no person who has once addressed the meeting shall be allowed to address the meeting a second time, unless specifically permitted to do so by the chair, who may impose time limits and other restrictions as conditions of such permission;

7. Discussions and debates between or among members of the audience are strictly prohibited;

8. Personal attacks, whether directed at members of Board of Trustees, Town staff or fellow citizens, must be avoided;

9. The use of profanity or ethnic, racial or gender-oriented slurs is prohibited, as is any "disorderly conduct" which violates state or local law. See Section 18-9-106, C.R.S.

10. The Mayor or other Board member chairing the meeting is in charge and shall have the authority to order any person to terminate his or her remarks if the time allotted to such person has expired or if the speaker has violated any of the foregoing rules. Any person who violates an order of the chair in a manner which tends to disturb or disrupt the meeting, after one additional warning from the chair, may be subject to removal from the meeting and possible criminal charges, depending upon the severity of the situation and the magnitude and frequency of the disruption(s).

11. All individuals shall observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that

abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room by a Town designee.

12. Nothing in this Section shall be construed as granting any person a right to speak to the Board of Trustees during a Board meeting, except where a “public hearing” is being conducted. By decision of the Board, the Board may choose to remove the “Citizen’s Request to Speak” from any agenda with or without prior notice to the public, or may choose to terminate such portion of the agenda prior to the point where all citizens who wish to speak have spoken. Further, the Board, either by decision of the Board or by decision of the presiding officer of the Board, may choose not to hear public comments on any item on the agenda that is not a “public hearing”. The only persons who have an absolute right to speak at a Board meeting are members of the Board themselves (subject to the rules of decorum and procedure).

**Sec. 2-58. Powers of the Board as a legislative body.**

(a) The Board of Trustees exercises its legislative power through adopting, amending and repealing ordinances, resolutions and motions. The Board of Trustees is primarily a legislative and policy-making body in the Town's form of government. Individual Board members are appointed by the Mayor to serve as Board liaisons to functions as may be designated by resolution of the Board of Trustees.

(b) The administrative function of carrying out the adopted ordinances, resolutions and motions is delegated to the Town Board or their designee.

**Sec. 2-59. Powers of the Board as a quasi-judicial body.**

In addition to the adoption of legislative acts, the Board of Trustees may be required to make quasi-judicial decisions. Quasi-judicial decisions are normally of a specific nature made by applying a certain set of rules to a particular circumstance after a public hearing on the issue. Some types of quasi-judicial decisions that may be considered by the Board of Trustees are liquor license approvals, rezoning requests and other land use issues. When acting in a quasi-judicial capacity, the Board of Trustees is serving as a judge, and the applicant and the interested citizens are entitled to have the decision made by an impartial body. Therefore, no Board member shall have individual contact with any party regarding an issue which is subject to a quasi-judicial decision by the Board of Trustees outside of the Board's decision-making process.

**Sec. 2-60. Board as a policy-making body.**

While policy may be enunciated by the Board of Trustees in ordinances, it may also be enunciated in resolutions or by matters adopted by motion and order.

**Sec. 2-61. Maintenance of official records.**

Minutes shall be kept of all regular and special Board meetings, and meetings of the Board of Zoning Adjustment, Planning committee and of any other board or commission of the Town which is required by state law to maintain minutes. Upon adoption of the minutes by the board or commission, such minutes shall be the official record of the meeting and shall be available for inspection during normal business hours. In the event an executive session is held during a work/study session, there shall be minutes of such session reflecting the purpose and vote on holding the executive session. In addition, regular, special and emergency meetings of the Board of Trustees shall be recorded on audio tape, if possible, and maintained for a minimum period of twenty-four (24) months, except that, pursuant to C.R.S. 24-6-402 (d.5)(II)(B), it shall not be necessary to record or maintain the recording of the substance of any executive session or portion of executive session which, in the opinion of the Town Attorney, constitutes a privileged attorney-client communication.

**Sec. 2-62. Board contacts with persons or firms retained by Town.**

Board member contact with Town-retained consultants or contractors shall be made through the Town Mayor or designee, except that any Board member may contact the Town Attorney regarding a personal conflict of interest.

**Secs. 2-63--2-80. Reserved.**

**ARTICLE IV**

**Conduct of Meetings**

**Sec. 2-81. Presiding officer.**

The Mayor, or in the Mayor's absence the Mayor Pro Tem, shall take the chair at the hour appointed for the Board of Trustees to meet, and shall immediately call the meeting to order. The roll will then be called by the Town Clerk who shall enter in the minutes of the meeting the names of the members present

**Sec. 2-82. Order of business; regular meetings.**

(a) The business of all regular meetings of the Board of Trustees shall be transacted in the following order. The consent of the majority of the members present shall be required to add an issue to the agenda or to change the order of the agenda.

- (1) Call to order - Mayor - 7:00 p.m.
- (2) Pledge of Allegiance
- (3) Roll call - Town Clerk.
- (4) Past Minutes approval
- (5) Petitions, communications and public comments.
- (6) Mayors Report
- (7) Committee reports (committees designated by resolution of the Board of Trustees).

## Williamsburg- Final

- (8) Town Clerk's report.
- (9) Financial Officers report.
- (10) Building Permit report-
- (11) Code Enforcement report
- (12) Scheduled / Old business:
  - a.
  - b.
  - c. etc.
- (11) New or Other business.
- (12) Public comments - 3 minute limit each
- (12) Adjournment.

(b) The Mayor or a majority of the quorum may permit a member to introduce an ordinance, resolution, motion or agenda item out of the regular order on the printed agenda.

(c) The order of business for special meetings and study/work sessions may differ from that used for regular meetings and will be established prior to the meetings. No public hearing shall be set for a regular meeting at any time earlier than 6:00 p.m., and the Board of Trustees shall not proceed to consideration of any public hearing prior to the time set for such public meeting. Petitions and communications shall not be considered prior to 6:00 p.m.

(d) At 10:00 p.m., if the regular meeting of the Board of Trustees has not previously been adjourned, procedures shall be as follows:

(1) All agenda items not previously considered shall be continued to an hour and day set by the Board of Trustees.

(2) In no case shall proceedings extend beyond thirty (30) minutes after 10:00 p.m. except upon the unanimous vote of the board present.

(e) The business of all regular meetings shall be transacted in the order provided for above unless the Board of Trustees by consent of the majority of the members present shall suspend the rules and change the order.

(f) The Town Clerk will have delivered to each Board member an agenda showing the order of business and indicating the public hearings to be anticipated as a result of previous action of the Board of Trustees, Planning committee or other commissions, or as a result of petitions regularly filed. Also listed will be ordinances, petitions previously presented to the Town Clerk's office and a list of the reports of special committees, or any other appointed official or department head of the Town.

### **Sec. 2-83. Filing with the Town Clerk; distribution of copies.**

## Williamsburg- Final

(a) Every ordinance, resolution and document to come before the Board of Trustees for consideration at a regular Board meeting must be filed with the Town Clerk and available for pick-up by Trustees on the previous business day on which the Board of Trustees meets, and for special meetings, as soon as practical prior to the day on which the Board of Trustees meets. Each proposed ordinance and resolution filed shall be assigned a proper number for recording by the Town Clerk at the Board of Trustees meeting upon its adoption.

(b) It shall be the responsibility of the Town Clerk to have available to each member of the Board of Trustees all ordinances, resolutions and documents submitted prior to the meeting to come before the Board of Trustees for consideration at the meeting.

(c) All public notices and agendas of the Board of Trustees and its appointed boards, commissions and committees shall be posted at least twenty-four (24) hours in advance at the Town Hall.

### **Sec. 2-84. Right of floor.**

When recognized by the Chair, a member's comments shall be confined to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote. All discussion shall occur only upon recognition of the presiding officer.

### **Sec. 2-85. Right of appeal.**

Any member may appeal to the Board of Trustees from a ruling of the presiding officer. If the appeal is seconded, said member making the appeal may briefly state a reason for the same, and the presiding officer may briefly explain the basis for said officer's ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Yes," the ruling of the Chair is sustained; otherwise it is overruled.

### **Sec. 2-86. Limitation of debate.**

No member of the Board of Trustees shall be allowed to speak more than once upon any one (1) subject until every other member choosing to speak shall have spoken, and no member shall speak more than twice upon any one (1) subject, nor for a longer time than ten (10) minutes, without consensus of the Board of Trustees.

### **Sec. 2-87. Voting.**

(a) A roll call vote by "yes" and "no" shall be taken upon the passage of all ordinances, the appointment of any officer, and on all motions concerning the expenditure of funds and entered upon the minutes of the Board of Trustees proceedings. Every ordinance, except emergency ordinances, shall require the affirmative vote of a quorum of the Board of Trustees present for passage.

(b) Upon each vote taken by the Board of Trustees, the Town Clerk shall announce the result of the vote, and state the names of the members against the proposal. In the event a member did not vote as announced by the Town Clerk, such member shall so advise the Board of Trustees immediately upon announcement of the vote. In the case of a tie vote, the issue shall be considered lost.

(c) Each member present shall vote "yes" or "no" on any ordinance, resolution or motion before the Board of Trustees unless excused by the unanimous consent of the remaining members

present or the member has a conflict of interest as provided by state law or Town ordinance. In the event of such conflict, the member shall follow the procedure set forth in Article VI of this Chapter. Failure to vote in compliance with this Chapter shall be considered a vote in favor of the question at issue. Any Board of Trustees member refusing to vote except when not so required by this Chapter shall be guilty of misconduct in office.

**Sec. 2-88. Personal privilege.**

The right of a member to address the Board of Trustees on a question of personal privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned.

**Sec. 2-89. Dissents and protests.**

Any Board of Trustees member shall have the right to express dissent from or protest against any ordinance or resolution of the Board of Trustees, and have the reason therefore entered upon the record. Such dissent or protest must be filed in writing, couched in respectful language, and presented to the Board of Trustees not later than the next regular meeting following the date of passage of the objectionable ordinance or resolution.

**Sec. 2-90. Excused from attendance.**

(a) It shall be the responsibility of each Board member to contact the Town Clerk or Mayor as soon as it is known that such member will not be in attendance at a meeting of the Board of Trustees. In the event a Board member is not in attendance at a meeting, such absence shall be considered excused, unless any Board member objects to the excusal of such absence. In the event of objection, the Board of Trustees shall determine by majority vote whether the absence is excused or unexcused. In the event a Board member is absent for two (2) consecutive regular meetings, any consecutive absence thereafter shall be considered unexcused unless the Board of Trustees has previously approved the extended absences.

(b) When a member's absence from a meeting is declared unexcused by the Board of Trustees, at the next succeeding regular meeting attended by the unexcused member, the member may explain the reason for the subject absence and request that the Board of Trustees reconsider its determination. Such reconsideration may occur upon the concurrence of a majority of the Board of Trustees present.

**Sec. 2-91. Excused during meeting.**

No member may leave the Board chambers while in session without permission from the presiding officer.

**Sec. 2-92. Making motions.**

All motions presented by any member shall require a second prior to discussion by the Board of Trustees. A majority vote of the members present, unless a greater number is required otherwise, shall decide all questions.

**Sec. 2-93. Permission required to address Board.**

(a) Persons other than members of the Board of Trustees and Town officers shall not be permitted to address the Board of Trustees except upon recognition by the presiding officer.

Williamsburg- Final

(b) If anyone other than a Town official desire to speak to a member of the Board of Trustees while the Board is in session, the member, if agreeable to the request and upon approval of the presiding officer, shall rise and retire to an area outside of the meeting room.

**Sec. 2-94. Voting requirements.**

Matters coming before the Board of Trustees shall be subject to the following voting requirements:

<u>Situation</u>	<u>Votes Required for Passage</u>
To pass any ordinance	Majority of the quorum present. A roll call vote is required.
To pass an ordinance as emergency ordinance	Vote of three-fourths of all members of the Board. roll call vote is required
to call a special election	
To pass a resolution	Majority of quorum present.
To appoint officers	Vote of three-fourths of all members of the Board in office at the time. A roll call vote is required.
Motions/resolutions	Majority of quorum present.
involving Town funds	A roll call vote is required.

**Sec. 2-95. Recesses.**

(a) In the Mayor's sole discretion, the Mayor may call a recess at any time during a formal Board meeting.

(b) During a recess:

- (1) Board members may discuss procedures for considering a particular substantive issue before them;
- (2) Board members constituting a quorum shall not discuss substantive issues before them;
- (3) Board members shall not take formal votes, make final policy decisions or take any other formal action; and
- (4) No one shall be excluded from Board of Trustees discussions involving a sufficient number of members to constitute a quorum.

**Sec. 2-96. Mayor voting member.**

The Mayor shall be a voting member of the Board of Trustees and shall be counted for purposes of a quorum. The Mayor shall not have veto powers.

**Sec. 2-97. Every member votes.**

Every member present shall be required to vote, except in the case of a conflict of interest as described in Article VI of this Chapter. The vote shall be for or against a pending ordinance, resolution or motion. The failure to vote shall be considered an affirmative vote.

**Sec. 2-98. Procedure of motions.**

When a question is before the Board of Trustees, no motion shall be entertained except:

- (1) To fix the hour of adjournment;
- (2) To adjourn;
- (3) To lay on the table;
- (4) For the previous question;
- (5) To postpone to a certain day;
- (6) To refer;
- (7) To amend; and
- (8) To postpone indefinitely.

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend and the motion to postpone indefinitely, shall be put to vote without debate.

**Sec. 2-99. Demand for written motion.**

Any member may demand that a motion be put in writing.

**Sec. 2-100. Withdrawal of motion.**

A motion may be withdrawn by the mover with the consent of the Board of Trustees.

**Sec. 2-101. Motions to adjourn.**

A motion to adjourn shall be in order at any time, except as follows:

- (1) When repeated without intervening business or discussion;
- (2) When made as an interruption of a member while speaking;
- (3) When the previous question has been ordered; and
- (4) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

**Sec. 2-102. Motion to lay on the table.**

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon the motion of a member voting with the majority and with the consent of two-thirds (2/3) of the members present.

**Sec. 2-103. Amendment.**

On an amendment to strike and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

**Sec. 2-104. Amend an amendment.**

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced unless otherwise agreed by the member making the first amendment. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

**Sec. 2-105. Motion to postpone.**

All motions to postpone, excepting a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal questions shall be declared lost.

**Sec. 2-106. Reconsideration.**

After the decision on any question, any member who voted on the prevailing side of the question may move a reconsideration of any action at the same or the succeeding regular meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final adoption. After a motion for reconsideration has once been acted on, no other motion for reconsideration shall be made without unanimous consent.

**Sec. 2-107. Special order.**

The consent of a majority of the members present shall be required to add an issue to the agenda.

**Sec. 2-108. Anonymous communications.**

Unsigned or anonymous communications shall not be introduced to the Board of Trustees. This applies to written, verbal or telephone communications.

**Secs. 2-109--2-130. Reserved.**

**ARTICLE V**

**Ordinances and Resolutions**

**Sec. 2-131. Introduction.**

(a) All ordinances, except emergency ordinances, shall be introduced to the Board of Trustees and in the meeting in printed or written form, (email is allowed if the Board members have indicated that they have a preferred working email address) by the Thursday prior to the meeting. However revisions may be made, in printed or written form, on the day of the meeting if the original form of the ordinance was made in time. Emergency ordinances shall be introduced to the Board of Trustees and in the meeting in printed or written form. All resolutions shall be introduced to the Board of Trustees and in the meeting in printed or written form.

**Sec. 2-132. Review.**

All proposed ordinances shall be reviewed by the Town Attorney, if referred by the Town Trustees and bear the Attorney's certification that they are in correct form. The Town Clerk shall attach to each proposed ordinance a brief digest of the provision thereof, and where it is proposed to amend an existing ordinance. The digest shall show the name of the department or party at whose request the proposed ordinance was prepared.

**Sec. 2-133. Appropriation ordinance.**

The Trustees shall not review or prepare any ordinance, nor shall the Town Clerk accept for filing any proposed ordinance providing for the appropriation of money unless the same shall be accompanied by a form devised by the Finance Officer, which shall show fully the purpose of the appropriation and the fund to which it is to be charged

**Sec. 2-134. Reading of ordinances and resolutions.**

Ordinances shall be read in full or by title only where copies are available to the Board of Trustees and those in attendance and may be amended prior to adoption. Upon introduction and prior to adoption, any three (3) Board members may request a second reading of any ordinance at the next regular meeting or at a special meeting. The ordinances will be in effect thirty (30) days following adoption with the exception of ordinances that are repealed prior to the thirty-day limit. All ordinances adopted containing an emergency clause is effective immediately. All ordinances will be posted following Board approval at Board designated sites.

**Sec. 2-135. Amendment of ordinances.**

An ordinance amending a previously adopted ordinance shall not be allowed except that amendments to the Municipal Code shall be allowed. A new ordinance shall be passed to repeal existing ordinances. The new ordinance repealing an existing ordinance or the Municipal Code shall be accompanied by an exhibit or reference showing the part of the original ordinance or Municipal Code to be amended, properly identified by page, section or paragraph referenced to the original ordinance or Municipal Code. Copies of the exhibit shall be furnished to each member of the Board of Trustees.

**Sec. 2-136. Report by committee.**

All ordinances and resolutions referred to committee must be reported by the committee within ten (10) days after date of reference, except as otherwise provided in these rules, or at the next meeting succeeding the expiration of ten (10) days. If not reported as above provided, any member of the Board of Trustees may call the document out of committee by notifying the Town Clerk and Mayor in open session of said member's intention. It shall then be the duty of the Clerk to place the document before the Board of Trustees for consideration at the next succeeding meeting without any further reference.

**Secs. 2-137--2-150. Reserved.**

## **ARTICLE VI**

### **Conflict of Interest**

**Sec. 2-151. Disclosure.**

In the event that the Mayor or a Board member has a conflict of interest, such person shall disclose such interest, in writing or during a meeting, as soon as the conflict of interest is known. If the Mayor or a Board member has a conflict of interest which such person has not disclosed, such a conflict may be addressed by any other Board member, and the Board of Trustees may determine by a majority of those present that a conflict of the Mayor or a Board member exists. If the Mayor or a Board member has a conflict of interest, whether self-disclosed or determined by the Board of Trustees, such person shall abstain from voting on the issue. If the vote of a member is necessary to obtain a quorum or otherwise enable the Board of Trustees to act, the member may vote only after disclosure in the office of the Secretary of State as provided by state law.

**Sec. 2-152. Confidential matters.**

It shall be a conflict of interest and a violation of this Chapter for any member of the Board of Trustees to disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Board of Trustees determines that such disclosure should be made.

**Secs. 2-153--2-170. Reserved.**

## **ARTICLE VII**

### **Officers and Employees**

**Sec. 2-171. Appointment of officers and oath of office.**

(a) A majority vote of all members of the Board of Trustees in office at the time shall be required to appoint any Town official. The Town Clerk, Mayor or Mayor Pro Tem shall administer the oath of office before the Board of Trustees.

(b) Except as specifically provided by law, each officer appointed by resolution shall serve at the pleasure of the Board of Trustees and nothing herein is intended to create an expectation of continued employment. Except as specifically provided by law, the Personnel Plan of the Town shall not apply to the officers appointed, unless provisions of such Personnel Plan are hereafter specifically made applicable to any such officers.

**Sec. 2-172. Officers and employees.**

## Williamsburg- Final

The Town Clerk, Town Attorney, Finance Officer and other officers and employees of the Town shall be under the control and direction of the Chair during sessions of the Board of Trustees.

### **Sec. 2-173. Appointments by the Mayor.**

Whenever the Mayor shall, at any meeting, submit a written resolution of appointment to be made with the advice and consent of the Board of Trustees, consideration of such appointment may be deferred until the next meeting by a majority vote of the Board of Trustees.

### **Sec. 2-174. Residency requirements**

(a) The appointed Town Clerk, Town Attorney, Finance Officer and Municipal Judge may reside outside of the corporate limits of the Town.

The Finance Officer shall keep a true and accurate account of all monies belonging to the Town and of the several funds to which such monies belong, and shall report to the Board of Trustees, in writing, once in each month, all monies received and paid out by him or her as such Treasurer.

(b) The Finance Officer shall attend all meetings of the Board of Trustees as required by the Mayor or Board of Trustees.

### **Sec. 2-175. Town Clerk.**

(a) The duties of the Town Clerk shall be as prescribed by Section 31-4-305, C.R.S.

(b) It shall be the duty of the Town Clerk to attend all meetings of the Board of Trustees and to make, in a book kept for that purpose, a full, legible and accurate record of all the proceedings, rules and ordinances of the Board of Trustees; to maintain personnel files; to sell all licenses and keep records of the same; to be responsible for proceedings of municipal elections; and to keep accurate records of all transactions of his or her office and, whenever required by the Board of Trustees, provide a true report of such.

(c) The Town Clerk shall be ex officio clerk of the Board of Trustees and shall keep minutes of the meetings and perform such other and further duties as may be ordered by the Mayor or Board of Trustees.

(d) The Town Clerk shall collect and receive monies, keep a true and accurate account of all monies belonging to the Town and of the several funds to which such monies belong, and shall report to the Board of Trustees, in writing, once in each month, under direction and approval of the Finance Officer.

### **Sec. 2-176. Town Attorney.**

## Williamsburg- Final

(a) The Town Attorney must be currently licensed in the practice of law in the state. It shall be the duty of the Town Attorney to act as legal advisor to, and be attorney and counsel for, the Board of Trustees and to be responsible solely to the Board. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her. He or she shall prosecute ordinance violations and all other proceedings brought by the Town in Municipal Court. The Town Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and shall promptly give his or her opinion as to the legal consequences thereof as requested. He or she shall perform such other duties as may be prescribed for him or her by the Board of Trustees.

(b) The Town Attorney shall, either in person or by deputy, attend all meetings of the Board of Trustees as required by the Mayor or Board. Any member of the Board of Trustees, by collective decision, may call upon the Town Attorney for an oral or written opinion to decide any questions of law, but not to decide upon any parliamentary rules. The Town Attorney may retain special counsel with the prior approval of the Board of Trustees.

### **Sec. 2-177. Officers and employees to attend.**

The head of any department, or any officer or employee of the Town, when requested by the Mayor, Mayor Pro Tem or Board member shall attend any regular, adjourned, special, emergency or study/work session and confer with the Board of Trustees on all matters relating to the Town. Such officers and employees, from time to time, may be required to attend an executive session of the Board of Trustees.

### **Sec. 2-178. Vacancies.**

In the case of death, resignation, vacation or removal of any of the Town officers during their term of office, the Board of Trustees, by a majority vote of all the members present, shall select and appoint a suitable person to fill the vacancy, and no such appointment of any officer shall continue beyond one (1) week after the qualification of the members of the succeeding Board of Trustees.

### **Sec. 2-179. Removal from office of an appointed official.**

The Board of Trustees may remove any appointed official at the discretion of the Board in compliance with state law.

### **Secs. 2-180--2-200. Reserved.**

**ARTICLE VIII RESERVED**

**ARTICLE IX**

**Municipal Court**

**Sec. 2-221. Creation of Municipal Court.**

A qualified Municipal Court of record in and for the Town is hereby created and established pursuant to and governed by the provisions of state law.

**Sec. 2-222. Appointment of Municipal Judge.**

The Municipal Court shall be presided over by a Municipal Judge, who shall be appointed by the Board of Trustees. Such Municipal Judge, when so appointed, shall hold his or her office for not less than two (2) years and until his or her successor is appointed unless sooner removed by the Board of Trustees, and who may be reappointed for a subsequent term. Any vacancy in the office of the Municipal Judge shall be filled by appointment of the Board of Trustees for the remainder of the unexpired term. The compensation for the Municipal judge shall be prescribed by resolution.

**Sec. 2-223. Original jurisdiction.**

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the impositions of such fines and penalties as are prescribed by ordinance.

**Sec. 2-224. Qualifications.**

The Municipal Judge must meet all qualifications set forth by statutes of the State.

**Sec. 2-225. Rules of procedure.**

In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court.

**Sec. 2-226. Contempt power.**

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

**Sec. 2-227. Records to be kept.**

A verbatim record of the proceedings and evidence at all proceedings held in the Municipal Court shall be made and kept by either electronic devices or by stenographic means.

**Sec. 2-228. Execution of process or writ.**

The Sheriff or Code Enforcement Officer may execute any process or writ issued out of or by the Municipal Court in any case arising under the ordinances of the Town.

**Secs. 2-229--2-270. Reserved.**

**ARTICLE X**

**ZONING COMMITTEE**

**Sec. 2-271. Creation.**

Pursuant to state law, there is hereby created a Zoning Committee for the Town.

**Sec. 2-272. Purpose.**

The Zoning Committee is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Zoning Adjustment of the Town.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning committee to make amendments to changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

**Sec. 2-273. Membership.**

## Williamsburg- Final

(a) The membership of the Planning Committee shall consist of minimum of three (3) and a maximum of seven (7) residents of the Town. An odd membership is preferred. One (1) additional member shall be a member of the Board of Trustees appointed by the Mayor with the approval of the Board of Trustees, with the term to coincide with the member's term as Trustee. This Board member shall vote only in the event of a tie vote among the other members. All members shall be residents of the Town. The terms of such resident members shall coincide with the Board of Trustees elected term of two (2) years. Subsequently elected Board of Trustees may extend or re-appoint the Planning committee members individually or as a group.

(b) All members of the Zoning Committee shall be bona fide residents of the Town and if any member ceases to reside in the Town, his or her membership on the Planning committee shall immediately terminate.

(c) All members of the Zoning Committee shall serve as such without compensation. Members of the Planning committee may be removed with a majority vote of the Board of Trustees at any time.

**Secs. 2-274--2-290. Reserved.**