

**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
BLUE RIVER, COLORADO, REPEALING AND REENACTING  
ARTICLE III OF CHAPTER 2 OF THE BLUE RIVER MUNICIPAL  
CODE PERTAINING TO OFFICERS AND EMPLOYEES OF THE TOWN  
AND  
REPEALING SECTIONS 2-4-30 THROUGH 2-4-80 PERTAINING TO  
THE OFFICE OF MUNICIPAL JUDGE**

**WHEREAS**, the Town of Blue River, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, pursuant to Article 31, C.R.S., the Town possesses the statutory obligation and authority to establish municipal offices and to provide for the management of employees as necessary to provide services and to conduct municipal operations for the benefit of the public; and

**WHEREAS**, Article III, Chapter 2 of the Blue River Municipal Code which currently provides for the establishment of certain municipal offices and management of employees is outdated and requires updating and revision to best serve the Town’s needs,

**BE IT ORDAINED** by the Board of Trustees of the Town of Blue River, Colorado, as follows:

**Section 1. Repeal and Reenactment of Article 3, Chapter 2, of the Blue River Municipal Code.** Article III of Chapter 2 of the Municipal Code of the Town of Blue River is hereby repealed in its entirety and a new Article III added to read in full as follows:

- Sec. 2-3-10. Appointed Officers.**
- Sec. 2-3-20. Town Clerk/Town Treasurer.**
- Sec. 2-3-30. Town Attorney.**
- Sec. 2-3-30. Municipal Judge.**
- Sec. 2-3-40. Removal of Appointed Officer.**
- Sec. 2-3-50. Town Manager.**
- Sec. 2-3-60. Chief of Police.**
- Sec. 2-3-70. Relationship of Town Board to Administrative Service.**

**ARTICLE III Officers and Employees**

**Sec. 2-3-10. Appointed Officers.**

- (a) Offices and Officers. The following offices are created, and officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:
- (1) Town Clerk/Town Treasurer;
  - (2) Town Attorney; and
  - (3) Municipal Judge.

The same individual may not hold more than one appointed office.

- (b) At Will Employment. The appointment of an employee of the Town to serve as an officer shall not alter, modify, or amend in any manner the at will employment status for all employees of the Town.
- (c) Vacancies. The appointed officers shall hold their respective offices until the office is vacated due to resignation, termination in accordance with law, or other reason. Vacancies shall be filled by appointment by the Board of Trustees.
- (d) Oath of Office. Each officer before entering upon the duties of his or her office, shall take and subscribe to an oath conforming to the requirements of, and in the form required by, C.R.S. § 24-12-101.
- (e) Duties. Appointed officers of the Town shall have such powers and perform such duties as are now or may be prescribed by state law and the ordinances, resolutions, and policies of the Town, shall perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of a majority of the Board of Trustees.
- (f) Supervision by Board. The appointed officers of the Town shall take direction from, and report to, the Board of Trustees. The Board of Trustees shall retain all right of hiring, promotion, discipline, suspension, or termination of any appointed officer unless such authority is delegated to the Town Manager.
- (g) Residency. In recognition of the potential lack of sufficient housing opportunities within the Town, the Town Board waives any statutory obligation that officers of the Town reside within the limits of the Town.

**Sec. 2-3-20. Town Clerk/Town Treasurer.**

- (a) Appointment. In accordance with C.R.S. § 31-4-304, the Town Board shall appoint a Town Clerk and a Town Treasurer. Such positions may be vested in the same individual bearing the title of “Town Clerk” unless otherwise determined by the Board of Trustees.

- (b) Meeting Attendance. The Town Clerk shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the Board.

**Sec. 2-3-30. Town Attorney.**

- (a) Appointment. The Town Attorney shall be appointed by a majority of the Board of Trustees. Such position may be a part-time or full-time employment position or a contract position.
- (b) Dismissal. The Town Board may, as a condition of any employment or retainer agreement, specify the conditions and process under which the Town Attorney may be removed from office which may include a requirement that the attorney serve at will without right of charge or hearing prior to removal notwithstanding C.R.S. § 31-4-307.
- (c) Duties. The Town Attorney shall perform the following duties:
  - (1) Act as legal advisor to, and be attorney and counsel for, the Board of Trustees and be responsible solely to the Board of Trustees. 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 Town Manager or Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her.
  - (2) Prosecute ordinance violations and conduct for the Town cases in Municipal Court.
  - (3) Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and promptly give his or her opinion to the legal consequences thereof.
  - (4) Call to the attention of the Board of Trustees all matters of law, and changes or developments in the law, affecting the Town.
  - (5) Perform such other duties as may be prescribed for him or her by the Board of Trustees.

**Sec. 2-3-40. Municipal Judge.**

- (a) Appointment and Term. The Town Board shall appoint a Municipal Judge to preside over the Municipal Court. The Municipal Judge may be a part-time employee of the Town or a contractor.
  - (1) Pre-existing Employment as of Effective Date. An employee serving as the Municipal Judge prior to the effective date of this Section without a defined or specified term of office shall continue employment until removal or resignation.
  - (2) Appointment Following Effective Date. For any appointment of a Municipal Judge following the effective date of this Section, appointment and the position of

employment or contract shall be for a term of two (2) years commencing on the date of appointment. Upon expiration of a term, the appointment shall continue for a subsequent two (2) year term unless the Town provides written notice to the appointed Municipal Judge of the Town's election to allow the term to expire and not to reappoint or extend the employment or contract of the Municipal Judge. Such notice shall be provided to the Municipal Judge not less than sixty (60) days prior to the date of the expiration of the term. Expiration of the term following timely notice and the resulting termination of employment shall not be deemed removal pursuant to C.R.S. § 13-10-105.

- (b) Associate Judges. The Town Board may appoint one or more associate municipal judges for designated terms established in writing to serve in the temporary absence of the Municipal Judge. An associate judge may be a part-time employee of the Town or a contractor. Appointment and the position of employment or contract shall be for any length of term as determined by the Board of Trustees. Upon expiration of a term, the appointment shall continue for a subsequent term unless the Town provides to the appointed associate municipal judge written notice of election to terminate not less than thirty (30) days prior to the date of termination. Expiration of the term following timely notice and the resulting termination shall not be deemed removal pursuant to C.R.S. § 13-10-105.
- (c) Qualifications. Any person appointed to the office of Municipal Judge or associate municipal judge shall have been admitted to and shall be at the time of his or her appointment and at all times during his or her tenure of office, licensed in the practice of law in the State of Colorado.
- (d) Compensation. The Municipal Judge and any associate municipal judge shall receive a salary or hourly wage established by the Board of Trustees.
- (e) Duties of Municipal Judge. The Municipal Judge and, in the absence of the Municipal Judge, any associate municipal judge shall supervise and direct the Municipal Court's operation and shall perform no other duties during the hours when Court is in session except as may be approved by the Board of Trustees.

### **Sec. 2-3-50. Removal of Appointed Officer.**

- (a) Removal of Town Clerk or Town Attorney. By a majority vote of all members of the Board of Trustees, the Town Clerk and Town Attorney may be removed from office. Pursuant to C.R.S. § 31-4-307, no removal shall be made without a charge in writing and an opportunity of hearing unless a charge and hearing is waived by the Town Clerk or Town Attorney.
- (b) Waiver and At Will Positions. The Town Board may, as a condition of employment or contract, require the Town Clerk or Town Attorney to waive any requirement for a charge in writing and hearing as a condition of termination as provided by C.R.S. § 31-4-307. The

offices of Town Clerk and Town Attorney shall be established as at will offices and positions.

- (c) Removal of Municipal Judge or Associate Judge. A municipal judge or associate municipal judge may be removed during his or her term of office only for cause, as set forth in C.R.S. § 13-10-105(2).

**Sec. 2-3-60. Town Manager.**

- (a) Town Manager Generally. The Board of Trustees shall have the authority to hire a Town Manager and set the terms and conditions of the position by an employment contract.
- (b) Responsibilities and General Authority. The Town Manager shall be the chief administrative officer of the Town. To that end, the Town Manager shall have full and complete authority to carry out the administrative affairs of the Town and to implement the legislative policies, ordinances, resolutions and directives of the Town Board subject only to any specific directions of a majority of the Town Board and any ordinances, resolutions, or employment agreement between the Town and the Town Manager.

The Town Board may, as a condition of the employment of a Town Manager whose duties also include appointment and service as the Town Clerk, require that the dismissal, termination, or resignation of the Town Manager shall also terminate the Manager's position as Town Clerk.

- (c) Specific Authority. Without limiting the foregoing general authority and subject to the limitations on authority provided by subsection (d) below, the Town Manager shall be specifically authorized to exercise the following authority without prior Town Board approval:
  - (1) Contract Authority. To execute on behalf of the Town all contracts (regardless of title but excluding contracts referenced in subsection (c) below) for goods and services, provided that sufficient funds have been budgeted and appropriated by the Board and the contract does not exceed a total of \$50,000, including any potential authorized extensions.
  - (2) Emergency Contracting. During an emergency and unless otherwise restricted by the Town Board, to incur financial obligations and execute contracts and agreements on behalf of the Town for expenditures that shall not exceed the Town's total restricted and unassigned funds that are not otherwise committed to another purpose by law or contract. The City Manager shall immediately notify the Town Board of any financial obligations entered into under this emergency authority. For purposes of this Paragraph, an emergency shall be a situation involving or threatening the health and safety of persons or the imminent damage or destruction of property. By way of examples of emergencies only and not as a limitation, an emergency may include road or bridge collapse; flood or high wind

event; or disaster involving aircraft crash, act of terrorism or hazardous material spill.

- (3) Local Emergency Declaration. The City Manager, as Principal Executive Officer pursuant to state law, shall have the power to declare that a state of disaster exists when he or she is of the opinion that a disaster or extraordinary emergency has occurred or the threat of such event is imminent. The issuance of a declaration of disaster or emergency shall automatically empower the City Manager to exercise all disaster and emergency powers permitted by state and local law.
  - (4) Annual Budgeting. To prepare or cause to be prepared for presentation and consideration by the Board an annual budget for the Town, its authorities, agencies, and other entities.
  - (5) Supervision of Employees. To employ, direct, supervise, discipline, and discharge all employees and to establish compensation for all employees subject to funding provided by the Board through the annual budget.
  - (6) Financial Affairs and Accounting. To approve and process all documentation and tasks necessary to conduct the financial affairs of the Town, including but not limited to all operations associated with banking and investment of Town funds and preparing and filing of financial reports and statements. To manage, approve and authorize the execution and distribution of accounts receivable, accounts payable and payroll, provided that sufficient funds are budgeted and appropriated.
  - (7) Administrative Policies. To promulgate all administrative policies, including but not limited to policies for financial, tax, licensing, recordkeeping, personnel and purchasing administration, consistent with all federal, state and local laws.
- (d) Limitations on Authority. Unless specifically authorized by ordinance or resolution, the Town Manager shall not be authorized to:
- (1) Intergovernmental Agreements. Execute intergovernmental agreements, memoranda of understanding or other forms of contracts with other governments, governmental agencies, special districts or political subdivisions unless specifically authorized by ordinance or resolution of the Town Board.
  - (2) Special Services and Franchises. Execute agreements or contracts for judicial or legal services or execute franchise agreements.
  - (3) Real Property. Sell or convey Town-owned real property.
  - (4) Mill Levy. Certify the mill levy for the Town or any Town-operated authority or agency.

(5) Legislative Power. Exercise legislative power unless specifically delegated by the Town Board as may be permitted by law.

(e) Supervision. The Town Manager shall take direction from, and report to, the Board of Trustees. Town Board members may make suggestions, recommendation, and provide other advice to the Town Manager provided that the Manager retains discretion to direct the administrative needs of the Town in accordance with Town ordinances, resolutions, policies, and law and in accordance with specific instruction by a majority of the Town Board.

(f) Attendance Obligation. The Town Manager, or in the absence of the Manager, a designee of the Town Manager, shall attend all special and regular Town Board meetings to provide input on any matters he or she deems essential to the operations of the Town. The Town Manager is invited to participate in any discussions before the Town Board but shall not have the authority to cast a vote in any matter before the Town Board.

### **Sec. 2-3-70. Chief of Police.**

(a) The Town shall employ a qualified individual to serve as the Chief of Police. The Chief of Police shall be an employee of the Town and not an appointed officer. Any state statutory authority authorizing the Chief of Police to hire certified peace officers shall be subject to the prior consent and express approval of the Town Manager.

(b) For purposes of the Town Manager's supervision of the Chief of Police, the Chief of Police shall be deemed a key employee of the Town. As a key employee, the Town Manager shall not take a final adverse employment action (termination, suspension, or discipline) until the Manager first consults with the Mayor and either the Mayor pro tem or one other member of the Board of Trustees or the entire Board of Trustees.

### **Sec. 2-3-80. Relationship of Town Board to Administrative Service.**

Neither the Town Board nor any member of the Board shall have authority to require or prohibit the hiring, promotion, discipline, suspension, transfer, or termination of any person by the Town Manager. Except for the purpose of making specific inquiries, all members of the Town Board shall deal with administrative personnel or consultants solely through the Town Manager or the Town Manager's designee and no member of the Town Board shall give orders to any employee of the Town.

**Section 2. Repeal of Sections 2-4-30 through 2-4-80 of the Blue River Municipal Code. Sections 2-4-30 through and including 2-4-80 are hereby** repealed in their entirety due to the relocation and amendment of these Sections by Section 1 of this Ordinance.

**Section 3 Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 4. Repeal.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 5. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 6. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 16th day of August, 2022.

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Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Eddy  
Town Clerk

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Town Attorney

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