

ORDINANCE 1

SERIES OF 1973

AN ORDINANCE PERTAINING TO THE ADMINISTRATIVE ORGANIZATION OF THE TOWN OF MARBLE, COLORADO; SETTING OUT DUTIES FOR TOWN OFFICIALS; ESTABLISHING REGULAR MEETINGS OF THE BOARD OF TRUSTEES; CREATING A PLANNING AND ZONING BOARD; DEALING WITH SALARIES, COMPENSATIONS AND EMPLOYEE BENEFITS; AND ESTABLISHING A TOWN SEAL.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO:

Section 1. Mayor - Board of Trustees. The corporate authority of the Town of Marble, Colorado, is vested in a Board of Trustees, consisting of one Mayor and six (6) Trustees. The Board of Trustees shall have the power to appoint such other officers as it may deem necessary for the good government of the corporation, prescribe their duties and fix their compensation all as provided by law.

Section 2. Mayor - Duties. The Mayor shall preside over all meetings of the Board of Trustees and shall perform all duties as may be required of him by statute or ordinance.

a. Insofar as required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the town. He shall be the presiding officer of the Board of Trustees and shall vote when there is a tie.

b. The Mayor shall execute and authenticate by his signature such instruments as the Trustees or any statutes or ordinances may require.

c. Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him.

Section 3. Mayor Pro-Tem. At its first meeting, following each biennial election, the Board shall choose one of the Trustees as mayor Pro-Tem. The Mayor Pro-Tem shall, in the absence of the Mayor from any meeting of the Board of Trustees or during the absence of the Mayor from the Town, or his inability to act, perform the duties of mayor.

Section 4. Acting-Mayor. In the event of the absence or disability of both the Mayor and the the Mayor Pro-Tem, the Trustees may designate another of their member to serve as Acting-Mayor during such absence or disability.

Section 5. Board of Trustees - Qualifications, Vacancies. The Board of Trustees shall constitute the legislative body of the Town and shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

a. Qualifications. The Mayor and each Trustee shall be a resident of the Town and a qualified elector therein. If the Mayor or any Trustee shall move from or become, during the term of his office, a non-resident of the Town he shall be deemed thereby to have vacated his office upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist.

b. Filling Vacancies. In case of death, resignation, vacation, or removal for cause, of any of the Town officers during their term of office the Board by a majority vote of all the members thereof, may select and appoint from among the duly qualified electors of the Town, a suitable person to fill the vacancy.

Section 6. Regular and Special Meetings of the Board of Trustees.

a. Regular Meetings. The Board of Trustees shall hold regular meetings on the first and third Fridays in each and every month at 7:30 P.M. Provided, however, when the date fixed for any regular meeting of the Board falls on a day designated by law as a legal or national holiday, the Board of Trustees may, by resolution passed at the next preceding meeting, vacate the meeting date which falls on a holiday, and designate some other date upon which the meeting shall be held. All regular meetings of the Board of Trustees will be held at the Town Hall, Marble, Colorado.

b. Special Meetings. Special meetings of the Board of Trustees may be called at such time and places upon request and with such notice as required by the statutes of the State of Colorado and the ordinances of the Town.

c. Quorum. No action shall be taken unless a quorum is present. A majority of the members elected to the governing body shall constitute a quorum.

d. Agenda. All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted to the Board and any person who wishes to appear with regard to any of the above shall notify the Town Clerk of intention to appear before the Board of Trustees or to submit such other matters to the Board, whereupon the Clerk shall immediately arrange a list of such matters according to the order of business. Any person desiring to appear or submit matters to the Board shall so notify the Clerk by five o' clock on Wednesday preceding the meeting, and if Wednesday be a holiday then on the last regular working day prior to the day of the meeting. Any person who shall not notify the Clerk by the time specified of his or her desire to appear before the Board, or of matters to be submitted to the Board, shall be heard only if time allows and shall be placed last on the agenda of business at the regular meeting. Each Trustee, the Mayor and the Town attorney will be furnished with a copy of the minutes of the last preceding meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit. A copy of the Order of Business shall be posted at: _____ *1

Section 7. Town Clerk Appointment. The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Clerk. In case a vacancy shall occur in the office of Clerk, The Board shall appoint a Clerk for the unexpired term.

Section 8. Oath and Bond. Before entering upon the duties of his office, the Clerk shall take an oath of office and furnish a surety bond in the amount of Ten Thousand Dollars (\$10,000), conditioned upon his faithful discharge of his duties as Town Clerk.

Section 9. Duties. The Town Clerk shall perform the following duties:

- a. He shall be the Clerk of the Board and will attend all meetings of the Board and shall keep a permanent journal of its proceedings.
- b. He shall be the custodian of all of the Town's records and such records shall be kept open at all reasonable times for inspection by electors of the Town.
- c. He shall attest by his signature all ordinances and resolutions enacted or passed by the Board.
- d. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose provided by the Board.
- e. He shall be the custodian of all bonds of all officers and employees of the Town.
- f. He shall perform such duties as may be prescribed for him by law or by the Board of Trustees.

Section 10. Town Treasurer - Appointment. The Board of Trustees at its first regular meeting after each biennial election, shall appoint some qualified person as Town Treasurer. In case a vacancy shall occur in the office of Treasurer, the Board shall appoint a Treasurer for the unexpired term. The Board may in its discretion appoint the Town Clerk as Treasurer.

Section 11. Oath and Bond. Before entering upon the duties of the office, the Treasurer shall take an oath of office and furnish a surety bond in the amount of Ten Thousand Dollars (\$10,000) to be approved by the Board of Trustees, conditioned upon the faithful performance of his duties as Town Treasurer and when he shall vacate such office he will turn over and deliver to his successor, all money, books, papers, property or things belonging to the Town of Marble and remaining in his charge as Treasurer.

Section 12. Duties. The Town Treasurer shall perform the following duties:

- a. The Treasurer shall receive all monies belonging to the Town of Marble, and give receipts therefore; Shall keep his books and accounts in such manner as may be prescribed by the Board, or by statute of the State of Colorado; Shall keep a separate account of each fund or appropriation and of the debts and credits belonging thereto; And shall report to the Board at each regular monthly meeting thereof, the state of the treasury at the date of such account, and the balance of money in the treasury. He shall

also accompany such statement of accounts with a statement of all monies received in the treasury and on what accounts, by him, and their supporting vouchers shall be delivered and filed in the Clerk's office upon every day of such statement. All books and accounts of the Treasurer shall always be subject to inspection by any member of the Board.

b. Treasurer's Annual Report. Annually within ten (10) days after the close of the fiscal year, the Town Treasurer shall make out and file with the Clerk a full and detailed account of all receipts and expenditures of the Town, and all of his transactions as such Treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper circulated within the Town.

c. If there shall be no funds in his hands for the payment of any Town warrant presented to him for such payment, it shall be his duty to register such warrants in a book to be kept by him for such purpose, and he shall endorse upon all such warrants so presented to him the time and date of such registry. Whenever he shall pay such warrants, he shall enter the payment and the amount of interest allowed or paid on such warrant in the Registry.

d. He shall perform all other duties, keep all records and make all reports that are required by the provisions of this Code or by the laws of the State of Colorado.

Section 13. Town Attorney - Appointment. The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified attorney at law as Town attorney and shall fix him compensation. In case a vacancy shall occur in the office of Town attorney, the Board shall appoint an attorney for the unexpired term.

Section 14. Duties. The Town attorney shall perform the following duties:

a. He shall act as legal advisor to and be attorney and counsel for the Board and he shall be responsible solely to the Board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and file with the Clerk a copy of all written opinions given by him.

b. He shall prosecute ordinance violations and he shall conduct for the Town cases in Municipal Court. He shall file with the Clerk copies of such records and files pertaining thereto.

c. He shall prepare or review all ordinances, contracts, bonds, or other written instruments which are submitted to him by the Board and shall promptly give his opinion as to the legal consequences thereof.

d. He shall call to the attention of the Board all matters of law, and changes or developments therein, affecting the Town.

e. He shall perform such other duties as may be prescribed for him by the Board.

Section 15. Police Department - Creation - Composition. There is hereby created a Police Department for the Town of Marble which shall consist of one Chief of Police (Town Marshall) and as many policeman deputies as may from time to time be deemed necessary for the safety and good order of the Town.

Section 16. Departmental Rules and Regulations. The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board.

Section 17. Appointment, Powers and Duties of the Chief. At its first regular meeting after each biennial election, the Board of Trustees shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:

a. See that the ordinances of the Town are duly enforced and the rules and regulations of the Police Department obeyed, and to perform such duties as may be required by the Board.

b. Direct the operations of the Police Department, subject to the rules and regulations thereof.

c. Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for Trial.

d. Take charge of the Town jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the Town and see that orders and sentences with reference to such are fully executed and complied with.

e. Render such accounts of the Police Department, his duties, and receipts as may be required by the Board, and keep the records of his office open to the inspection of the Board at any time.

f. Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he will support the Constitution and laws of the State of Colorado, Constitution of the United States and the ordinances of the Town of Marble, and that he will faithfully perform the duties of the office upon which he is about to enter. He shall furnish a surety bond to be approved by the Board in the amount of Five Thousand Dollars (\$5,000.00), conditioned upon the faithful discharge of his office.

Section 18. Duties of Police Officers. All members of the police department shall have powers and duties as follows:

a. They shall perform all duties required of town marshalls or the Chief of Police.

b. They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town, and shall pursue and arrest any person fleeing from justice in any part of the state.

c. They shall be the enforcement officer of the Town and shall see that the provisions of this Code and the laws of the State of Colorado are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or the laws of the State. Upon such arrest they shall forthwith convey such offenders before the proper officer to be dealt with according to the law; provided, that they may incarcerate any person whom they shall arrest at a late or unusual hour of the night until the following morning, and provided further that in special cases relating to traffic offenses they may release the arrested person upon his promise to appear in Court.

d. They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Municipal Court Judge, securing a warrant for the arrest of offenders when desirable.

e. They shall execute and return all writs and process to them directed by the Municipal Judge and any case arising out of a Town ordinance, and may serve the same in any part of the county in which the Town is situated.

f. They shall observe the conditions of the streets, sidewalks and alleys of the Town, and of any obstruction, nuisance or impediments therein, and shall take necessary measures to remove or abate the same.

Section 19. Oath and Bond. Before entering upon the duties of his office, each police officer shall take and subscribe to an oath of office and shall also furnish to the Town a surety bond in an amount of Two Thousand Dollars (\$2,000.00), to be approved by the Board, conditioned upon the faithful performance of the duties of his office.

Section 20. Subsistence Allowance. Of the amounts appropriated for police officers, the sum of Five Dollars (\$5.00) per day of each work day shall be designated as and shall constitute a statutory subsistence allowance. The purpose of this section is to give police officers a tax benefit provided by Section 120 of the 1954 Internal Revenue Code.

Section 21. Uniforms. Every police officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the Board.

Section 22. Duty of Citizens to Aid. It is the duty of all persons, when called upon by any officer, to promptly aid and assist such officer in the discharge of his duties.

Section 23. Extra Territorial Duty. The Chief of Police may in his discretion, upon the request of the Chief of Police or person exercising the functions thereof in any other jurisdiction, assign police officers under his control together with such equipment as he shall deem proper to perform temporary duty in the requesting jurisdiction.

Section 24. Planning and Zoning Commission - Creation. *2 There is hereby created and established a Planning and Zoning Commission in and for the Town of Marble, Colorado. Such commission shall consist of five members to be appointed by the Board of Trustees, three of whom shall be citizens at large with overlapping three

year terms and two of whom shall be incumbent trustees. The citizen-at-large members shall be qualified tax paying electors, residents of the Town of Marble at least three years immediately preceding the date of their appointment and shall hold no paid office or position in the Town administration.

Section 25. Powers and Duties. The Planning and Zoning Commission shall exercise the functions and powers and perform the duties assigned to it by the ordinances of the Town of Marble and by the statutes of the State of Colorado. It shall prepare and submit to the Board of Trustees for approval by that Board, a master plan for the physical development of the Town, and such areas outside the boundaries of the Town as is proper under the statutes of the State of Colorado. It shall submit to the Board of Trustees a zoning plan for the Town of Marble with its recommendations thereon. All plats of proposed subdivisions shall be submitted to it for its recommendations and approval or disapproval before being presented to the Board of Trustees. It shall hold hearings relative to zoning and changes in zoning ordinances and it shall make recommendations thereon to the Board of Trustees.

Section 26. Salaries and Compensation - Annual Salary. The salaries and compensation of all officers and employees of the Town of Marble shall be as set forth in the annual salary ordinance and/or resolution.

Section 27. Public Copy to be Filed. A copy of the current salary ordinance and/or resolution shall be kept on file with the Town Clerk for examination and inspection by the public.

Section 28. Oaths of Office. Whenever it is required that an officer or other appointee under this Code shall be required to take an oath before entering the duties of such office and no oath is specifically prescribed, such oath shall be substantially in the following form, to -wit:

"I, _____, do solemnly swear that I will support the Constitution of the United States of America and the State of Colorado and that I will well and faithfully perform the duties of the office of _____ of the Town of Marble, Colorado, to the best of my ability and understanding."

Section 29. Employee Benefits - Holidays and Leaves.

a. The following days are declared paid holidays for all Town officials and permanent and probationary employees with the exception of police:

- 1 - The 1st day of January;
- 2 - The 3rd Monday of February;
- 3 - The last Monday in May;
- 4 - The 4th of July;
- 5 - The 1st Monday in September;
- 6 - The 2nd Monday in October;
- 7 - The 4th Monday in October;
- 8 - The 4th Thursday in November;
- 9 - the 25th day in December.

When any holiday listed above falls on a Saturday, the preceding Friday shall be considered a holiday, and when a holiday listed falls on a Sunday the following Monday shall be considered a holiday. In addition to the above any day may be designated a holiday by Proclamation of the Mayor with the approval of the Board. In order to be eligible for paid holidays an employee must work his scheduled work days preceding and following the holiday unless he has received approval of absence.

b. Holiday Work. A permanent employee or a probationary employee shall be compensated for time worked on holidays at the rate of time and one-half or by equal time off as agreed upon by employee and supervisor concerned. Police personnel shall be granted extra vacation allowance in lieu of holidays worked as provided in Sub-section "d" below.

c. Vacation Leave - Regular. Every police officer and permanent or probationary employee in the Town service except temporary and seasonal employees shall be allowed vacation leave at the rate of one calendar week for the first year and thereafter at the rate of two (2) calendar weeks each year.

d. Vacation Leave - Policing. Police personnel shall be credited with one (1) calendar week additional vacation leave in lieu of holidays worked at the end of each completed year of service. Pay will be based on current basic salary.

e. Vacation Leave - How Taken. Vacation leave may not be accumulated or postponed. Each department head shall keep necessary records of vacation leave allowance and shall schedule vacation leaves with particular regard to seniority of employees and to accord with operating requirements, and insofar as possible with the written request of employee.

f. Pay in Lieu of Vacation. If in the discretion of the Town Administrator an emergency exists an employee may be granted the equivalent in money of vacation leave to which the employee is entitled for that year. But it is the policy of the Board of Trustees that an employee shall be granted a full amount of vacation leave each year. It is hereby declared to be the policy of the Town that vacation leaves should be taken by Town employees.

g. Sick Leave. Sick leave shall be granted to any officer or employee except temporary or seasonal employees, on the basis of one day for each month worked. For periods of sick leave over two (2) days duration the employee shall, at his expense, furnish the Board of Trustees with a certificate or letter from the attending doctor setting forth the reasons for the sick leave. Abuse of such leave shall be grounds for disciplinary action up to and including discharge. Sick leave may be accumulated to thirty (30) days, payment of sick leave shall be at the discretion of the Board.

h. Reporting Absences. Any officer or employee who finds it necessary to be absent from duty due to emergency, shall report the reasons therefore to his supervisor or to department head by telegram or telephone at least one (1) hour before working time, on the first day of such absence. If this is not possible, the employee shall report to his supervisor or department head at the earliest possible time.

i. Personal Leave. The Board of Trustees may authorize extended personal leave with or without pay for any employee requesting such leave. Such leave, with or without pay, may be granted for training purposes or for urgent, personal business.

Section 30. Authorization to Establish Payroll Deduction System. It is the considered opinion of this body that the extension of the Social Security System to employees and officers of the Town of Basalt *3 will be of great benefit, not only to the employees of the Town by providing that said employees may participate in the provisions of the Old Age and Survivor's Insurance System, and will also be of great benefit to the Town of Marble by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government. 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 of Marble is hereby 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 of employees and officers under the Old Age and Survivors' Insurance System. The Clerk is hereby authorized to establish a system of payroll deduction to be matched by payments by the Town of Marble to be paid in the Contribution Fund of the State through the Department of Employment Security, and to make charges for this tax to the funds, from which wage or salary payments are issued to the employees of the Town of Marble. Such payments are to be made in accordance with the provisions of Section 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 18th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate one-half per cent per month until such time as payments are made. Appropriation is hereby made from the proper fund, or funds, of the Town of Marble 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.

Section 31. Authority to Enter Into Contract. Authority is given to the Mayor and the Town Clerk of Marble to enter into an Agreement with the Department of Employment

Security, State of Colorado, which Agreement shall be in accordance with House Bill 291, and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the Town of Marble shall be in effect as of :

_____ *4

Section 32. Town Seal - Establishment. A seal, the impression which shall be as follows: In the center the word "SEAL" and around the outer edge the words "Town of Marble, Colorado, Established _____, *5 shall and the same is hereby established and declared to be the seal of the Town of Marble.

INTRODUCED, READ, PASSED AND ORDERED POSTED this 16th day of March, 1973.

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*1 - Ordinance # 1 - Series 1973 - Section 6d: This is blank in the source document.

*2 - Ordinance # 1 - Series 1973 - Section 24: See Ordinance 3 of 1987.

*3 - Ordinance # 1 - Series 1973 - Section 30: Town of Basalt shown in source document.

*4 - Ordinance # 1 - Series 1973 - Section 31: This is blank in the source document.

*5 - Ordinance # 1 - Series 1973 - Section 32: The source document shows a date that is not legible.

*6 - Ordinance # 1 - Series 1973 - End of Document: At this point, the source document is signed by Lloyd G. Blue, Mayor and June K. Blue, Town Clerk.