

# TITLE 1

## ADMINISTRATIVE PROVISIONS

- 1-1 Board of Trustees
- 1-2 Officers, Employees and Departments
- 1-3 Elections
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TITLE I

ADMINISTRATIVE PROVISIONS

CHAPTER 1

**BOARD OF TRUSTEES**

Section:

- 1-1-1: Four – Year Terms for Trustees
- 1-1-2: Four – Year Terms for Mayor
- 1-1-3: Vacancies
- 1-1-4: Rules of the Board of Trustees
- 1-1-5: Compensation

**1-1-1: Four – Year Terms for Trustees:**

At the April 4, 1972, election, six trustees shall be elected. The three candidates for trustee receiving the highest number of votes shall be elected for four-year terms, and the three candidates for trustee receiving the next highest number of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three trustees shall be elected to serve four-year terms.

**1-1-2: Four – Year Terms for Mayor:**

At the April 4, 1972, election, and at the regular election every four years thereafter, a mayor shall be elected to serve a four-year term.

**1-1-3: Vacancies:**

The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board or any other elected office, and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. Where a vacancy or vacancies exist in the office of trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three candidates for trustee receiving the highest number of votes, shall be elected to four-year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term or terms.

**1-1-4: Rules of the Board of Trustees:**

The following shall be the rules and order of business governing the Board of Trustees of the Town of Olathe:

RULE 1: Repealed Ord. 02-1995

RULE 2: The Board of Trustees of the Town shall meet in regular session on the second and fourth Monday in each calendar month at the hour of 6:30 p.m., and at such times as the Board in its discretion may deem proper. (Ord. 2009-13)

RULE 3: Special meetings shall be called in the manner provided by law.

RULE 4: The Mayor shall preside at all meetings. He shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Board of Trustees. In case of the non-attendance of the Mayor at any meeting, the Mayor Pro-Tem shall preside; and in case neither of said officers are present, the Board of Trustees shall appoint one of their number chairman pro-tem.

RULE 5: Repealed Ord. 02-1995

RULE 6: Repealed Ord. 02-1995

RULE 7: Repealed Ord. 02-1995

RULE 8: Repealed Ord. 02-1995

RULE 9: Every member present, when a question is stated by the chair, shall vote thereon, unless excused by the Board. They ayes and nays may be called for by any member, in which case the name of each member voting, shall be recorded in the minutes, together with his vote.

RULE 10: All committees shall be appointed by the presiding officer unless otherwise ordered by the Board.

RULE 11: Repealed Ord. 02-1995

RULE 12: When the Board is in executive session, the room shall be cleared of all persons except members of the Board and such other persons, as they shall authorize to remain.

RULE 13: Repealed Ord. 02-1995

**1-1-5: Compensation.**

A. The Board of Trustees shall determine the compensation, salary, or pay of each Town Officer or employee.

B. The Board of Trustees shall be entitled to compensation on a fee basis of \$50.00 per month; the Mayor shall be entitled to compensation on fee basis of \$80.00 per month. Both shall be entitled to be credited with payment each month of the minimum water usage charge for their individual residences. Such

compensation shall be charged to appropriate funds determined by the Board from time to time. (Ord. 00-04)

**TITLE I**

**ADMINISTRATIVE PROVISIONS**

CHAPTER 2

**Officers, Employees and Departments**

Section:

- 1-2-1: Officers and Employees.
- 1-2-2: Creation of Police Department.
- 1-2-3: Chief of Police.
- 1-2-4: Town Attorney.
- 1-2-5: Oath of Office.
- 1-2-6: Records.
- 1-2-7: Municipal Judge
- 1-2-8: Treasurer

**1-2-1: Officers and Employees.**

- A. Appointed officers of the Town shall include the Clerk, Municipal Judge, Treasurer and Town Attorney.
- B. All appointed officers shall serve for a term of two years commencing at the first regular meeting of the Board of Trustees following the regular election; provided that no appointment of any officer shall continue beyond one week after the qualifications of the members of the succeeding Board of Trustees.
- C. Officers may be removed in accordance with the requirements of State law.
- D. All employees of the Town shall serve at the pleasure of the Town and they may be summarily discharged at any time.
- E. All officers and employees shall perform duties provided by law and in addition any duties specified by the Board of Trustees or their supervisors. The Board of Trustees may adopt personnel regulations. (Ord. 3-1994)

**1-2-2: Creation of Police Department.**

There is hereby created a Police Department for the Town of Olathe, Colorado, which shall consist of a Chief of Police and such police officers as may be hired from time to time. All members of the Police Department shall be employees of the Town and not officers.

**1-2-3: Chief of Police.**

One member of the Police Department shall be designated as Chief of Police, who shall be responsible for the administration and supervision of all members of the Department. The Chief shall report directly to the Board of Trustees, or the Mayor, other members of the Board of Trustees, Town Manager or Town Administrator as the Board may direct from time to time. (Ord. 3-1994)

**1-2-4: Town Attorney.**

- A. The Board of Trustees shall appoint an individual or entity to the office of Town Attorney.
- B. The Town Attorney shall provide legal services to the Town of Olathe as an independent contractor pursuant to the terms of an agreement approved by the Board of Trustees. (Ord. 2013-12)

**1-2-5: Oath of Office.**

Before entering upon the duties of their respective offices, all persons elected or appointed to any Town office shall take and subscribe one of the following oaths:

"I, \_\_\_\_\_, do solemnly swear, by the ever living God that I will support the Constitution of the United States, the Constitution of the State of Colorado, and that I will well and faithfully perform the duties of the office of \_\_\_\_\_ of the Town of Olathe, to the best of my skill and ability."

"I \_\_\_\_\_, do solemnly, sincerely, and truly declare and affirm, that I will support the Constitution of the United States, the Constitution of the State of Colorado, and that I will well and faithfully perform the duties of the office of \_\_\_\_\_ of the Town of Olathe, to the best of my skill and ability." (Ord. 2010-08)

**1-2-6: Records.**

Every officer shall, when going out of office, deliver to his successor all moneys, books, papers and all other things appertaining to his office or belonging to the Town, and shall at all times when required, submit the books and papers of his office to the examination of the Mayor or any member of the Board of Trustees.

**1-2-7: Municipal Judge**

- A. The Municipal Judge shall be appointed as required by Colorado Revised Statute 13-10-105, at or following the first regular Board of Trustees meeting of January in odd numbered years for a two-year term commencing on February 28<sup>th</sup> of such year. 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 Municipal Judge shall preside over Municipal Court.
- B. The Municipal Judge so appointed may be removed only for cause and the applicable causes shall be as prescribed by Colorado Revised Statute 13-10-105.
- C. In the case of the temporary absence sickness or other inability of the Municipal Judge to act, the Board of Trustees may appoint an acting Municipal Judge. The acting Municipal Judge will have the same qualifications as required by law for the Municipal Judge.
- D. No person shall be eligible for appointment as Municipal Judge unless he shall have graduated from a high school or has attained the equivalent of a high school education as indicated by the possession of a certificate of equivalency issued by the State Department of Education and based upon the record made on the general educational development test. The Municipal Judge shall have those qualifications provided by Colorado Revised Statute 13-10-106. (Ord. 2009-05)

**1-2-8 Treasurer**

- A. The Treasurer shall have and perform such duties as stated in Part 3, Article 20, Title 31, of the Colorado Revised Statutes, and as may be assigned from time to time by the Town Administrator and in the absence thereof by the Board of Trustees.
- B. The Treasurer shall receive compensation in the amount of One Dollar and No Cents (\$1.00) per year, payable on or before the thirty-first day of January each year, except if the person holding the office of Treasurer shall be employed full-time by the Town, then he or she shall not be entitled to any additional compensation.
- C. The Treasurer shall take an oath or affirmation, administered by the municipal judge, clerk, or other person who is designated by the governing body or who is

authorized by law to administer oaths, to support the constitution of the United States and the state constitution.

- D. The same person may hold the offices of Treasurer and Clerk. (Ord. 2010-06)



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CHAPTER 3

**ELECTIONS**

Section:

1-3-1: Write – In Affidavits of Intent.

1-3-2: Cancellation of elections.

**1-3-1: Write – In Affidavits of Intent.**

No write-in vote for any municipal office shall be counted at any election unless as Affidavit of Intent has been filed with the Town Clerk by the person whose name is written in twenty days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

**1-3-2: Cancellation of Election.**

- A. Pursuant to C. R. S. 31-10-507 if the only matter before the voters at any election is the election of persons to office and if, at the close of business on the 19<sup>th</sup> 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 shall cancel the election and by resolution declare the candidates elected. Upon such resolution the candidates shall be deemed elected.
- B. Notice of such cancellation shall be published, if possible and shall be posted at each polling place and at one other public place.

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CHAPTER 4

**PUBLICATION OF ORDINANCES**

Section

1-4-1: Publication of Ordinances Adopted by the Board of Trustees

**1-4-1: Publication of Ordinances Adopted by the Board of Trustees**

Ordinances adopted by the Board of Trustees of the Town of Olathe are permitted to be published by title only rather than publishing the ordinance in full. (Ord. 2012-01)