

Title 2

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Chapter 2.04**Board of Trustees****2.04.010 Four-year terms for Trustees.**

At each regular election three (3) Trustees shall be elected to serve four-year terms. (Prior code §3.1-1; Ord. 6-72 §1(part), 1972; Ord. 15-97, 1997)

2.04.012 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. (Ord. 20-91 §1, 1991)

2.04.016 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 the Board of Trustees shall declare the candidates elected. (Ord. 20-91 §2, 1991; Ord. 15-97, 1997)

2.04.030 Meetings.

The regular meetings of the Board of Trustees shall be held at the Municipal Building, 170 MacGregor Avenue, Estes Park, Colorado, on the second and fourth Tuesday of each and every month at 7:00 p.m. Special meetings may be

called by the Mayor or, in his or her absence, by the Town Clerk, by written notice of such meeting, to each member of the Board of Trustees. (Prior code §4.1; Ord. 27-74 §1, 1974; Ord. 6-90 §3, 1990; Ord. 15-97, 1997; Ord. 8-03 §1, 2003)

2.04.040 Quorum.

Four (4) members of the Board of Trustees shall be a quorum for the transaction of business. No business shall be transacted except when a quorum is present, but a smaller number may adjourn the meeting to another time. (Prior code §4.3)

2.04.050 Action by Board.

All ordinances and all resolutions for the appropriation of money or the entering into of contracts shall require for their passage the concurrence of a majority of the Board of Trustees. All other matters upon which a vote is taken shall require the concurrence of a majority of those present. (Ord. 15-97, 1997)

Chapter 2.08**Standing Committees****2.08.010 Committees.**

At the first regular meeting following each biennial election, the Mayor shall appoint three (3) Trustees to the following standing committees: community development, public safety and public works and utilities. (Ord. 26-88 §1(part), 1988; Ord. 7-03 §1, 2003)

2.08.030 Special committees.

Special committees may be appointed as the needs of the Board of Trustees may require. The Mayor shall appoint all members of any special committee of the Town. (Ord. 26-88 §1(part), 1988)

2.08.040 Tree Board.

(a) Creation. The Board shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the Board of Trustees. The term of the members shall be four (4) years. The initial terms shall be three (3) members with two-year terms and four (3) members with four-year terms. Following the initial two-year terms, all terms shall be four (4) years. Any vacancy that shall occur during the term of any member shall be filled by appointment by the Mayor with the approval of the Board of Trustees for the unexpired portion of said member's term. Members of the Board shall serve without compensation.

(b) Administration. The Tree Board shall choose its own officers and make its own rules and regulations for the management of it duties.

(c) Duties and responsibilities.

(1) It shall be the responsibility of the Tree Board to study, investigate, develop and administer a plan for the care, preservation, planting, replanting and removal of trees and shrubs in parks, along public streets and rights-of-way, and in other public areas of the Town. The Tree Board, when requested by the Town Board, shall consider, investigate, make findings, report and recommend on any matter referred to it by the Board of Trustees.

(2) The Tree Board may forward to the Board of Trustees recommendations regarding public tree resources including, but not limited to, the following: Recommended distance trees may be planted from sidewalks and curb lines; recommended distances for planting of trees with regard to any street corner or fire hydrant; recommendations concerning the planting, pruning and maintaining of trees and shrubs necessary

to insure public safety and/or to preserve and enhance the beauty of public grounds and streets; recommendations concerning any portion of a tree overhanging any public street or right-of-way with regard to obstruction of view and the public safety; recommendations concerning the removal of all dead, diseased or dangerous trees, broken or decayed limbs which constitute a safety hazard to the public. (Ord. 23-96 §§1--3, 1996; Ord. 15-97, 1997)

Chapter 2.12

Mayor

2.12.010 Four-year term for Mayor.

A Mayor shall be elected to serve a four-year term. (Prior code §3.1-2; Ord. 6-72 §1(part), 1972; Ord. 15-97, 1997)

2.12.020 Duty to sign warrants or other instruments; facsimile signature.

All warrants or other instruments of payment drawn upon the Town shall be signed by the Mayor. The Mayor may execute, or cause to be executed, all such warrants or other instruments of payment with a facsimile signature in lieu of his or her manual signature upon his or her compliance with State statutes pertaining to facsimile signatures. (Prior code §3.1-5; Ord. 14-72 §1, 1972; Ord. 15-97, 1997)

2.12.030 Vote required.

The Mayor shall have no vote upon any question except in the case of a tie vote. All ordinances and resolutions adopted authorizing an expenditure of money or the entering into a contract require the approval and signature of the Mayor before they can become valid. (Prior code §4.8; Ord. 15-97, 1997)

Chapter 2.16

Mayor Pro Tem

2.16.010 Mayor Pro Tem.

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees, or during the Mayor's absence from the Town or his or her inability to act, shall perform his or her duties. (Prior code §4.2; Ord. 15-97, 1997)

Chapter 2.20

Town Clerk

2.20.010 Town Clerk; appointment.

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint a qualified person as Town Clerk. In case of a vacancy in the office of Clerk, the Board of Trustees shall appoint a Clerk for the unexpired term. (Prior code §3.2; Ord. 15-97, 1997)

2.20.030 Duty to keep records.

The Town Clerk shall attend 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 of Trustees. He or she shall be the custodian of all of the Town's records. (Prior code §3.2-2; Ord. 6-90 §5, 1990; Ord. 15-97, 1997)

2.20.050 Other duties.

The Town Clerk shall perform such other duties as the Board of Trustees may prescribe. (Prior code §3.2-4)

2.20.060 Deputy Town Clerk; duties.

The Board of Trustees may appoint a qualified person to serve as Deputy Town Clerk. In the event that the Town Clerk is unable to perform the duties of the Town Clerk, the Deputy Town Clerk shall perform the duties of the Town Clerk except for the signing of warrants. (Ord. 12-90 §1, 1990)

Chapter 2.24

Town Treasurer

2.24.010 Town Treasurer; appointment.

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint a qualified person as Town Treasurer. In case of a vacancy in the office of Treasurer, the Board of Trustees shall appoint a Treasurer for the unexpired term. (Prior code §3.3; Ord. 15-97, 1997)

2.24.030 Duty to keep records and render accounts.

The Treasurer shall receive all moneys belonging to the Town and give receipts therefor, keep his or her books and accounts in such manner as may be prescribed by the Board of Trustees, keep a separate account of each fund or appropriation and the debts and credits belonging thereto and sign and pay all warrants and bills approved by the Board of Trustees. All books and accounts of the Treasurer shall always be subject to inspection of any member of the Board of Trustees. (Prior code §3.3-2; Ord. 6-90 §7, 1990; Ord. 15-97, 1997)

2.24.040 Other duties.

The Treasurer shall perform all other duties, keep all records and make all reports that are required by other provisions of this Code or by the laws of the State. (Prior code §3.3-3)

Chapter 2.28

Town Attorney

2.28.010 Town Attorney; appointment.

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint a qualified attorney at law as the Town Attorney. In case of a vacancy in the office of Town Attorney, the Board of Trustees shall appoint a Town Attorney for the unexpired term. The Board of Trustees may also appoint such Assistant Town Attorneys as it deems necessary. (Prior code §3.4; Ord. 31-72 §1, 1972; Ord. 15-97, 1997)

2.28.020 Duties.

It shall be the duty of the Town Attorney to attend meetings of the Board of Trustees as directed by the Mayor or the Board of Trustees, to draw all ordinances, contracts and other instruments when requested to do so, to prosecute or defend all suits brought by or against the Town, and to render such legal service to the Board of Trustees and other Town officers as they may require. (Prior code §3.4-1; Ord. 31-72 §2, 1972; Ord. 15-97, 1997)

Chapter 2.32

Other Officers

2.32.010 Other officers.

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint qualified persons to serve as the Chief of Police, Municipal Judge and Assistant Municipal Judge, which officers shall have the powers and duties and perform the functions as provided or shall be provided by the Board of Trustees. (Prior code §3.5; Ord. 29-72 §1, 1972; Ord. 7-86 §2, 1986; Ord. 5-88 §1, 1988; Ord. 26-88 §2, 1988; Ord. 6-90 §8, 1990)

Chapter 2.44

Fire Department

2.44.010 Fire Chief; appointment.

The Board of Trustees, at the first meeting following each biennial election, shall appoint a Fire Chief and two (2) Assistant Fire Chiefs. The Fire Chief shall have the general supervision and control of the Fire Department and its facilities and equipment, and perform the duties as set forth in the Town ordinances, subject to the approval of the Board of Trustees. An Assistant Fire Chief shall act for, and have the authority of, the Fire Chief in his or her absence. (Prior code §5.1; Ord. 25-72 §1, 1972; Ord. 7-86 §1, 1986; Ord. 15-97, 1997)

2.44.020 Volunteer fire department.

The Town shall have a volunteer fire department, and the Board of Trustees shall furnish the funds for providing housing, and for maintaining and operating such fire-fighting equipment as it deems necessary. (Prior code §5.2; Ord. 15-97, 1997)

Chapter 2.48**Police Department****2.48.020 Chief of Police; appointment.**

At its first regular meeting following each biennial election, the Board of Trustees shall appoint a Chief of Police who shall be the head of the Police Department. (Prior code §5.4; Ord. 15-97, 1997)

2.48.040 Oath.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution and laws of the State, and Town ordinances, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code §5.6; Ord. 15-97, 1997)

2.48.070 Fund established.

The Policemen's Pension Fund is that fund established by Part 3 of Article 30 of Title 31, C.R.S. 1973, as amended. (Prior code §5.10-1; Ord. 358 §1(part); Ord. 33-78 §1, 1978; Ord. 15-97, 1997)

Chapter 2.52**Municipal Court****2.52.010 Municipal Court created; jurisdiction; powers; authority; duties; procedure.**

There is created a Municipal Court to hear and try all alleged violations of the Town ordinance provisions, which Court, and the Municipal Judge or judges and other officers, shall have all of the powers, authority, duties and shall follow the procedure as provided therefor

by the laws of the State and the rules of procedure promulgated by the Supreme Court of the State. (Prior code §9.1; Ord. 1-70 §1(part), 1970)

2.52.020 Compensation of Municipal Judges.

The Municipal Judge shall receive as compensation for his or her services an annual salary of twenty thousand six hundred sixty-one dollars and ninety cents (\$20,661.90); provided that any Municipal Judge who serves for only a part of the year shall receive for his or her compensation only a pro rata portion of the foregoing annual salary based upon the number of days he or she actually serves as Municipal Judge. The Assistant Municipal Judge shall receive as compensation for his or her services one hundred fifty dollars (\$150.00) per court session attended. (Prior code §9.2; Ord. 1-70 §1(part), 1970; Ord. 2-78 §1, 1978; Ord. 7-80 §1, 1980; Ord. 3-85 §1, 1985; Ord. 25-86 §1, 1986; Ord. 32-87 §1, 1987; Ord. 24-88 §1, 1988; Ord. 15-89 §1, 1989; Ord. 15-90 §1, 1990; Ord. 12-92 §1, 1992; Ord. 12-94 §1, 1994; Ord. 1-98 §1, 1998; Ord. 15-99 §1, 1999; Ord. 19-01 §1, 2001; Ord. 20-03 §1, 2003; Ord. 15.05, §1 2005; Ord. 27-07 §1, 2007)

2.52.030 Clerk of Municipal Court.

There is established the position of Clerk of the Municipal Court. The Municipal Judge or judges shall serve as ex officio clerk during the temporary absence, sickness, disqualification or other inability of the Clerk to act. (Prior code §9.3; Ord. 1-70 §1(part), 1970; Ord. 15-97, 1997)

2.52.040 Compensation of Clerk of the Municipal Court.

The Clerk of the Municipal Court shall receive as compensation for his or her services

as Clerk of the Municipal Court an annual salary of ten thousand six hundred eighty-four dollars and eighty cents (\$10,684.80); provided that any Clerk of the Municipal Court who serves only a part of a year shall receive compensation for only that portion of the year he or she actually serves as Clerk of the Municipal Court. (Prior code §9.4; Ord. 1-70 §1(part), 1970; Ord. 11-84 §1, 1984; Ord. 1-86 §1, 1986; Ord. 25-86 §2, 1986; Ord. 32-87 §2, 1987; Ord. 24-88 §2, 1988; Ord. 15-89 §2, 1989; Ord. 15-90 §2, 1990; Ord. 12-92 §2, 1992; Ord. 12-94 §2, 1994; Ord. 1-97 §1, 1997; Ord. 22-98 §1, 1998; Ord. 14-00 §1, 2000; Ord. 19-01 §1, 2001; Ord. 20-03 §1, 2003; Ord. 15-05 §1, 2005; Ord. 27-07 §1, 2007)

Chapter 2.56

Salaries

2.56.010 Salaries.

The Board of Trustees shall fix the salaries or wages of all officers and employees of the Town. (Prior code §3.6)

2.56.020 Compensation of Mayor and the Board of Trustees.

The Mayor shall receive as full compensation for his or her services the sum of six thousand dollars (\$6,000.00) per year during each year of his or her term, payable in equal monthly payments. The Mayor Pro-Tem shall receive as full compensation for his or her services the sum of five thousand dollars (\$5,000.00) per year during each year of his or her term, payable in equal monthly payments. Each member of the Board of Trustees shall receive as full compensation for his or her services the sum of four thousand dollars (\$4,000.00) per year during each year of his or her term, payable in equal monthly payments. (Ord. 7-74 §1, 1974; Ord. 9-80 §1, 1980; Ord. 8-86 §1, 1986; Ord. 15-97, 1997; Ord. 3-00 §1, 2000; Ord. 3-08 §1, 2008)

Chapter 2.60

Social Security Coverage

2.60.010 Social Security coverage.

The Board of Trustees has adopted an ordinance extending the benefits of Old Age and Survivors' Insurance to its officers and employees. The proper officers of the Town are authorized to continue making payroll deductions from salaries and to make the required payment by the Town and to do all other things necessary to continue the coverage of the officers and employees of the Town in the Old Age and Survivors' Insurance System. (Prior code §3.7)

Chapter 2.68

Town Administrator

2.68.010 Town Administrator; appointment.

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint a qualified person as Town Administrator. In case of a vacancy in the office of Town Administrator, the Board of Trustees shall appoint a Town Administrator for the unexpired term. (Ord. 21-75 §1(part), 1975; Ord. 15-97, 1997)

2.68.030 Functions and duties.

The functions and duties of the Town Administrator shall be as follows:

- (1) To be responsible to the Board of Trustees for the efficient administration of all departments of the Town government;
- (2) To supervise the enforcement of all laws and ordinances;

(3) To recommend an annual budget to the Board, to administer the budget as finally adopted and to keep the Board of Trustees fully advised at all times of the financial condition of the Town;

(4) To recommend to the Board of Trustees for adoption such measures as he or she may deem necessary; and

(5) To perform such other duties as may be prescribed by ordinance or by direction of the Board of Trustees. (Ord. 21-75 §1(part), 1975; Ord. 15-97, 1997)

2.68.040 Administrative organization.

The Town Administrator shall propose an administrative organization plan of the Town which shall be presented to the Board of Trustees for approval. When the plan is approved by the Board, it shall become the administrative organization plan of the Town, and all Town administrative procedures and functions shall be carried on in accordance with such plan. (Ord. 21-75 §1(part), 1975)

Chapter 2.80

Unclaimed Property

2.80.010 Purpose.

The purpose of this Chapter is to provide for the local administration and disposition of unclaimed property which is in the possession of or under the control of the Town. (Ord. 4-92 §1, 1992)

2.80.020 Definitions.

Unless otherwise required by contract or use, words and terms are to be defined for the purpose of this Chapter as follows:

(1) *Finance Officer* means the Town's Finance Officer or designee.

(2) *Owner* means the person or entity, including a firm, corporation, partnership, association, governmental entity other than the Town, or the duly authorized legal representative or successor in interest of the same, which owns unclaimed property held by the Town.

(3) *Unclaimed property* means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than one (1) year after said property has become payable or distributable. *Unclaimed property* includes but is not limited to the following:

- a. Deposits for electric service;
- b. Overpayment on utility services;
- c. Uncashed payroll checks;
- d. Money or property from police seizure;
- e. Lost and found money or property deposited with the Town, including weapons left with the Police Department; and

f. Unclaimed appearance bonds in Municipal Court. (Ord. 4-92 §2, 1992; Ord. 15-97, 1997)

2.80.030 Procedure for disposition of property.

(a) Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50.00) or more, the Finance Officer shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the Town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Finance Officer with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50.00) or having no last known address of the owner, the Finance Officer shall cause a notice to be published in a newspaper of general circulation in the Town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry or claim the property. The notice shall also state that if the owner fails to provide the Finance Officer with a written claim for the return of the property within sixty

(60) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(c) If the Finance Officer receives no written claim within the above sixty-day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(d) If the Finance Officer receives a written claim within the sixty-day claim period, the Finance Officer shall evaluate the claim and give written notice to the claimant within ninety (90) days that the claim has been accepted or denied in whole or in part. The Finance Officer may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one (1) claimant for the same property, the Finance Officer may, in the Finance Officer's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

(f) In the event that all claims filed are denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited.

(g) Any legal action filed challenging a decision of the Finance Officer shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Finance Officer pursuant to the order of the court having jurisdiction over such claim. (Ord. 4-92 §3, 1992)

2.80.040 Police and fire pension benefits.

The provisions of this Chapter shall apply to any unclaimed property held by the Town as a benefit under the Town's Police and/or Fire Pension Fund, unless the owner, within three (3) years after it has become payable or distributable, has communicated concerning the unclaimed property, or otherwise indicate an interest as evidenced by a memorandum or other record on file with the Town. The provisions of Section 2.80.030 shall be followed with regard to the procedure for disposition of said unclaimed property from the Police and/or Fire Pension Fund of the Town. (Ord. 4-92 §4, 1992)

2.80.050 Sale or disposition of property.

(a) At any time after any unclaimed property becomes the sole property of the Town, pursuant to the provisions of Section 2.80.030 of this Chapter, the Finance Officer may, in his or her sole discretion, sell said property at a public or private sale without notice. The purchaser of said property, at any sale conducted by the Finance Officer pursuant to this Section, takes the property free of all claims of the owner or previous holder and all persons claiming through or under him or her. The Finance Officer shall execute all documents necessary to complete the transfer of ownership to the purchaser.

(b) The Finance Officer may, in his or her sole discretion, at any time following the date upon which any unclaimed property shall become the sole property of the Town, destroy or dispose of any unclaimed property at any time. No action or proceeding may be obtained against the Town or the Finance Officer, on account of any action taken by the Finance Officer pursuant to this Section. (Ord. 4-92 §5, 1992; Ord. 15-97, 1997)

