

TITLE 4  
ELECTIONS, APPOINTMENT AND RECALL OF OFFICIALS

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CHAPTER 4.01  
ELECTIONS

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- 4.01.030 Conduct of Elections
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- 4.01.060 Coordinated Elections
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4.01 .010 Regular Municipal Election. The Town of Collbran shall hold a regular Municipal Election on the first Tuesday of April in each even numbered year. (Source: Ord. No.168)

4.01.020 Special Elections. Special elections may be called by the Board of Trustees or initiated by petition to be held at a time other than the regular election for the purpose of submitting public questions or proposals to the registered electors of the Town in the manner set forth in the Colorado Municipal Election Code and Article X, Section 20 of the Colorado Constitution.

4.01.030 Conduct of Elections. All Municipal Elections in the Town of Collbran shall be conducted pursuant to the Colorado Municipal Election Code of 1965, except for coordinated elections conducted pursuant to the Uniform Election Code of 1992, Articles 1-13 of Title 1, C.R.S.

4.01.040 Write-in Candidates. No write in vote for the Board of Trustees 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 day of the election. Said affidavit shall certify that such person desires the office and is qualified to assume the duties of that office, if elected. (Source: Ord. No. 133)

4.01.050 Cancellation of Elections Where No Contest Exists. (a) If only matter before the voters is the election of persons to office, and if at the close of business on the 19th day before the election there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent pursuant to Section 4.01.040, the Town Clerk shall certify such fact to the Board of Trustees. The Board of Trustees shall hold a meeting and may cancel the election and, by resolution, declare the candidates elected.

(b) If possible, notice of cancellation shall be published prior to election day to notify electors of the municipality of such cancellation. Notice of cancellation shall be posted at each polling place and in not less than one (1) other place to be determined by the Town Clerk. (Source: Ord. No. 133)

4.01.060 Coordinated Elections. (a) In accordance with the provisions of C.R.S. 31-10-102.7, the Town of Collbran hereby adopts the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 for the purpose of participating in any coordinated election in Mesa County which is conducted by the County Clerk and Recorder.

(b) The Town Clerk shall work with the Mesa County Clerk and Recorder and other designated election officials and take all necessary actions to implement Collbran's portion of the coordinated election in accordance with Section 20 of Article X of the Colorado Constitution, the Uniform Election Code of 1992, and all other appropriate statutes.

(c) Nothing in this Section shall prohibit the Town of Collbran from conducting a regular municipal election which is not a part of a coordinated election or a special municipal election on a ballot question. Such elections shall be conducted in accord with the Colorado Municipal Election Code of 1965, as provided in Section 4.01.030. (Source: Ord. No. 208)

4.01.070 Recount. In accordance with the authorization provided in 31-10-1207, C.R.S., if it appears that any candidate failed to be elected or any ballot issue or ballot question failed to pass by a margin of less than one percent (1%) of the number of votes cast in opposition to the ballot issue or ballot question or for the candidate who was declared elected to the office sought and the candidate who received the next

greater number of votes, the losing candidate or the supporters of the losing ballot issue or ballot question may submit a certified written request for a recount at the expense of the person or group making the request. This request shall be filed with the Town Clerk within ten (10) days after the election. Before conducting the recount, the candidate who requested the recount is declared the winner of the election or the ballot issue or ballot question is declared passed regardless of the margin of victory, the payment for expenses shall be refunded to the person or group who paid such costs for the recount. *(Source: Ord. No. 209)*

CHAPTER 4.02  
BOARD OF TRUSTEES

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4.02.010	Mayor, Board of Trustees - Election; Terms; Quorum
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4.02.030	Board of Trustees - Vacancies
4.02.040	Mayor Pro Tem - Clerk Pro Tem
4.02.050	Removal of Members of the Board of Trustees
4.02.060	Oath of Office
4.02.070	Compensation
4.02.080	Emoluments Not to be Increased
4.02.090	Appointment to Office - Restrictions
4.02.100	Conflict of Interest
4.02.110	Recall of Member of the Board of Trustees

4.02.010 Mayor, Board of Trustees - Election; Terms; Quorum. (a) The legislative and corporate authority of the Town of Collbran shall be vested in a Board of Trustees, consisting of one (1) Mayor and ~~six (6)~~ four (4) Trustees, who shall be registered electors who have resided within the limits of the Town of Collbran for a period of at least twelve (12) consecutive months immediately preceding the date of election; except that, in case of annexation, any person who has resided within the annexed territory for the time prescribed in this subsection (a) shall be deemed to have met the residence requirements for the Town of Collbran. (Source: Ord. No. 168)

(b) Commencing with the regular Municipal Election to be held in April 2014, 1980, there shall be elected ~~three (3) trustees for a term of four (4) years and three (3) trustees for a term of two (2) years; the three (3)~~ two (2) candidates for trustee with the greatest number of votes to be deemed elected to serve for a term of four (4) years. Thereafter, ~~three (3)~~ two (2) trustees shall be elected every two (2) years to serve for a term of four (4) years. (Source: Ord. No. 80)

(c) At each regular Municipal Election, there shall be elected a Mayor for a term of two (2) years. (Source: Ord. No. 168)

(d) All officers elected under this Chapter shall hold their offices until their successors are elected and have complied with the provisions of Section 4.02.060.

(e) ~~Four (4)~~ **Three (3)** members of the Board of Trustees shall constitute a quorum for the transaction of business.

(f) If any vacancy occurs in the term of Trustee for which a four (4) year term is in effect, the Board of Trustees shall fill such vacancy, as provided in Section 4.02.030. If 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 of been held if no vacancy had occurred. At the election the ~~three (3)~~ **two (2)** persons receiving the highest number of votes shall be elected to fill the regular four (4) year terms. Other persons elected shall fill the shortened term(s).

4.02.020 Mayor - Powers. The Mayor, or in his absence, one of the Trustees, who may be elected Mayor pro tem, shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of said Board. The Mayor shall be considered a member of the governing body and the Board of Trustees of the Town of Collbran. (Source: Ord. No. 168)

4.02.030 Board of Trustees - Vacancies. The Board of Trustees has the power, by appointment, to fill all vacancies in the Board or any other office, and the person so appointed shall hold his office until the next regular election and until a successor is elected and has complied with Section 4.02.060. The Board of Trustees also has the power to fill a vacancy in the Board or in any other elective office of the Town by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and has complied with Section 4.02.060. If a vacancy in the Board or such other elective office is not filled by appointment or an election is not ordered within sixty (60) days after the vacancy occurs, the Board of Trustees shall order an election, subject to the Municipal Election Code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and has complied with Section 4.02.060.

4.02.040 Mayor Pro Tem - Clerk Pro Tem. At its first meeting following a regular Municipal 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 or during the Mayor's absence from the Town or in his inability to act, shall perform the Mayor's duties. The Board also has the power to elect a Clerk pro tem to perform the duties of the Clerk during his absence or inability to act.

4.02.050     Removal of Members of the Board of Trustees. By a majority vote of all members of the Board of Trustees, the Mayor and any member of the Board may be removed from office. Provided, however, no such removal shall be made without a charge in writing and an opportunity of hearing being given unless the member against whom the charge is made has moved out of the limits of the Town of Collbran. When any member of the Board ceases to reside within the limits of the Town, he may be removed from office pursuant to this Section.

4.02.060     Oath of Office. All members of the Board of Trustees, elected or appointed, shall take an oath or affirmation, administered by the Municipal Judge, Town 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 Constitution of the State of Colorado. The Board of Trustees has the power to declare vacant the office of any member of the Board appointed or elected who fails to take the oath of office within ten (10) days after he has been notified of his appointment or election, and it shall proceed to appoint his successor as in other cases of vacancy.

4.02.070     Compensation. No member of the Board of Trustees shall receive any compensation for his services as such member except as provided under Title 3, or as otherwise provided by law.

4.02.080     Emoluments Not to be Increased. The emoluments of any member of the Board of Trustees, including the Mayor, shall not be increased or diminished during the term for which he has been elected or appointed except in the case of abolition of an office, in which case the emoluments of the office shall cease at the time of such abolishment. Any member of the Board of Trustees, including the Mayor, who has resigned or vacated an office prior to the end of his elective or appointive term shall not be eligible for re-election or re-appointment to the same during such term if during such term the emoluments have been increased.

4.02.090     Appointment to Office - Restrictions. (a) During the time for which he has been elected or for one (1) year thereafter, no member of the Board of Trustees shall be appointed to any municipal office which is created or the emoluments of which are increased during the term for which he has been elected except in the cases permitted in this Chapter.

4.02.100     Conflict of Interest. (a) Any member of the Board of Trustees who has a personal or private interest in any matter proposed or pending before the Board shall disclose such interest to the governing body and shall not vote thereon, and shall refrain from attempting to influence the decisions of the other members of the Board of Trustees in voting on the matter.

(b) A member of the Board of Trustees may vote notwithstanding subsection (a) of this Section if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure provisions of Section 24- 18-110, C.R.S.

4.02.110 Recall of Member of the Board of Trustees. Any member of the Board of Trustees may be recalled from office pursuant to the provisions of Sections 31-4-501 *et seq.*, C.R.S.

CHAPTER 4.03  
(RESERVED)

CHAPTER 4.04  
PLANNING COMMISSION

Sections:

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4.04.020	Members Designated - Terms
4.04.030	Vacancies - Removal
4.04.040	Organization and Rules
4.04.050	Expenditures
4.04.060	Powers and Duties
4.04.070	Master Plan Preparation
4.04.080	Subdivision Regulations

4.04.010 Created. Pursuant to the authority conferred upon this municipality by Article 23, Chapter 31, C.R.S., there is hereby created a Planning Commission for the Town of Collbran, Colorado. (*Source: Ord. No. 84*)

4.04.020 Members Designated - Terms. (a) The Town Planning Commission shall consist of five (5) members who shall be appointed by the Board of Trustees, one (1) of whom may be a member of the Zoning Board of Adjustment or Appeals. The term of each member shall be for a period of four (4) years or until his successor takes office. Provided, however, of those first appointed to the newly created Commission, the term of two (2) members shall be for a period of two (2) years, the term of two (2) members shall be for a period of three (3) years, and the term of one (1) member shall be for a period of four (4) years. A term shall be deemed to end the fifteenth (15th) day of May of the appropriate year. The terms of the first-appointed members shall be fixed and designated by the Board of Trustees at the time of



appointment.

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

(c) All members of the Commission shall serve without compensation and shall hold no other municipal office, except that one (1) such member may be a member of the Zoning Board of Adjustment or Appeals.

4.04.030 Vacancies - Removal. In the event of a vacancy in the office of any member of the Planning Commission by reason of death, resignation, termination due to residency, or removal, the Board of Trustees shall declare a vacancy in such office and shall appoint some qualified person for the remainder of such term. In the event any appointed member is guilty of misconduct, neglect of duty, or malfeasance in office, the Board of Trustees, after public hearing, shall have the right to remove such member from office and to appoint some other qualified person to such office for the remainder of such term. The Board of Trustees shall file a written statement of the reasons for such removal.

4.04.040 Organization and Rules. The Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine from time to time. The term of chairman shall be one (1) year, with eligibility for reelection. The Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

4.04.050 Expenditures. The Commission may, with the consent of the Board of Trustees, contract with Town planners, engineers, and architects and other consultants for such services as it may require and may appoint such employees as it may deem necessary for its work. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Board of Trustees, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.

4.04.060 Powers and Duties. The Town Planning Commission shall have all of the powers and perform each and all of the duties specified by Chapter 31, Article 23, C.R.S., as amended, together with any other duties or authority which may hereafter be conferred upon them by the laws of this State. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments. The Commission shall have and shall exercise all of the powers and rights granted to a Zoning Commission as provided for in Sections 31-23-301, *et. seq.*, C.R.S.

4.04.070 Master Plan Preparation. (a) The Town Planning Commission shall make and adopt a master plan for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the Commission's judgment bear a relation to the planning of the Town. Said plan shall be in accordance with Section 31-23-206, C.R.S., as amended.

(b) In the preparation of such plan, the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic, the promotion of safety from fire, floodwaters, and other dangers, adequate provision for light and air, the promotion of helpful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

4.04.080 Subdivision Regulations. The Commission shall adopt regulations governing the subdivision of land within its jurisdiction which may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum area and width of lots. Said regulations shall be adopted in the manner provided for in Section 31-23-214, C.R.S., as amended.

CHAPTER 4.05  
ARENA ADVISORY COMMITTEE

Sections:

4.04.010	Creation
4.04.020	Purpose
4.04.030	Membership and Terms of Office
4.04.040	Compensation
4.04.050	Powers and Duties
4.04.060	Organization
4.04.070	Expenditures
4.04.080	Vacancies – Removal

**4.05.010      Creation**

There is hereby created and established an Arena Advisory Committee (formerly known as Board of Park Managers), with powers as set out in this Article, for the purpose of overseeing the Collbran Rodeo Arena (formerly known as the Fairgrounds).

**4.05.020      Purpose**

The Arena Advisory Committee is created for the following purposes:

- (1) Develop and solicit ideas for facility improvements.
- (2) Oversee the arena but not act as custodians for day-to-day functions.
- (3) Organize volunteers for various projects and events.
- (4) Protect the arena to keep it as a community facility and act as a liaison between the various user groups and the Board of Trustees, but this function is not related to rental of the facilities to users.
- (5) Provide regular reports to the Board of Trustees.
- (6) Fund-raising for the Rodeo Arena.
- (7) To make recommendations to the Board of Trustees on operating rules and regulations, annual budget appropriations and arena improvements.

#### **4.05.030 Membership and Terms of Office**

The Arena Advisory Committee shall consist of seven (7) voting members including three (3) residents of the Town of Collbran and four (4) shall be residents of the Plateau Valley outside of the Collbran municipal limits. In addition, there shall be a non-voting member from the Collbran Board of Trustees appointed by the Board of Trustees. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Should this criterion not be met by interested applicants, the Board of Trustees has the authority to make an appointment from individuals that have applied for a position. Arena Advisory Committee members shall be appointed by the Board of Trustees biennially at the first Trustee meeting in February of the year and shall serve for a period of twenty-four (24) months. Arena Advisory Committee members shall be appointed to overlapping two (2) year terms to provide for continuity of the Committee. Nothing shall preclude a member from serving succeeding terms if so appointed.

#### **4.05.040 Compensation**

Members of the Arena Advisory Committee shall serve without compensation.

#### **4.05.050 Powers and Duties**

It shall be the responsibility of the Arena Advisory Committee to perform the following duties:

- (1) Act in an advisory capacity to the Board of Trustees in all matters pertaining to the Collbran Rodeo Arena.
- (2) Review the preliminary budget prepared by the Town Administrator and provide timely input as needed before adoption of the budget by the Board of Trustees.
- (3) Advise the Board of Trustees with respect to the acceptance of money, personal property or real estate donated or offered to the Town of Collbran for arena purposes.
- (4) Assist with the development of and make recommendations to the Board of Trustees for adoption of an arena master plan and periodically review and update such plan.
- (5) Act as a liaison between users and the Town, but this function is not related to rental of the facilities to users.

#### **4.05.060 Organization**

At the first Arena Advisory Committee meeting following the Board of Trustees appointment each year, the Arena Advisory Committee shall organize by electing three (3) of its members to serve as Chair, Vice-Chair and Secretary, respectively, to serve at the pleasure of the Arena Committee. The Arena Advisory Committee shall hold such regular and special meetings as may be required. All proceedings shall be open to the public and notice of meetings shall be posted on

the official town public notice posting place a minimum of 24 hours in advance. The affirmative vote of a majority of the entire membership of the Arena Advisory Committee shall be necessary for it to take any action except to adjourn. A member of the Arena Advisory Committee shall serve as Secretary for the recording of minutes for the Arena Committee, who shall keep a record of its proceedings and transactions. A copy of such minutes shall be provided to the Board of Trustees at their next regular meeting following the Arena Advisory Committee meeting. The Board of Trustees may prescribe regulations for the conduct of its internal affairs, which shall be consistent with this Article and the Municipal Code, and copies of which shall be kept on file in the office of the Municipal Clerk where they shall be available for public inspection.

#### **4.05.070 Expenditures**

The Arena Advisory Committee shall not be authorized to receive money on behalf of the Town of Collbran, nor shall it be authorized to make direct expenditures of Town funds, except with the prior approval of the Town Administrator or Board of Trustees or as otherwise provided by ordinance.

#### **4.05.080 Vacancies – Removal**

Members of the Arena Advisory Committee may be removed by action of the Board of Trustees for malfeasance or nonfeasance or for unexcused failure to attend three (3) consecutive meetings of the Arena Committee. The Arena Advisory Committee may recommend such action to the Board of Trustees.

