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1 Article 7 and Section 2-31 repealed and reenacted (Ord. 1548, 12-27-1996)

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<sup>1</sup> Chapter 2, Article 14 is amended by relocating Section 2-60-Firemen's Pension to Section 2-43.1 and 2-61 Additional benefits for firemen to Section 2-43.2. (Ord. 1748, eff. 4-16-04)

<sup>2</sup> Chapter 2, Article 12, Section 2-54(2) is repealed and re-enacted (Ord.1819, eff. 9-29-06)

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<sup>1</sup> Chapter 2, Article 14 is amended by relocating Section 2-60-Firemen's Pension to Section 2-43.1 and 2-61

<sup>2</sup> Chapter 2 is amended by a new Article 16 and Section 2-70. (Ord 1688, eff., 5-31-02)

Chapter 2, Section 70 repealed and re-enacted, Ord. 1855, eff. 6-27-08.

<sup>3</sup> Chapter 2 is amended by the addition of Article 16, Section 2-71. (Ord 1797, eff., 8-26-05); amended Ord. 1899, eff. 6-1-10

## **CHAPTER 2. ADMINISTRATION.**

### **ARTICLE 1. GENERAL PROVISIONS.**

#### **Section 2-1. Oath and bond of officers.**

Before entering upon the duties of their respective offices, the City Manager, City Attorney, Municipal Judge, and such other officers and employees as the Council may require, shall each take and subscribe to the oath of office to support the Constitution of the United States and the Constitution of the State of Colorado, and to faithfully discharge the duties of their offices to the best of their skill and ability.

#### **Section 2-2. Disbursement of money.<sup>1</sup>**

(1) All claims and demands against the City, together with all supporting documentation, shall be submitted to and audited by the Finance Director. No money shall be drawn on any City Account except upon warrant checks signed by the City Manager and the City Clerk and countersigned by the Mayor. Every warrant check shall specify the fund from which it is payable and the bank account on which it is drawn. No warrant check shall be drawn which will overdraw the cash balance of the fund from which it should be paid.

#### **Section 2-3. Annual audit of accounts.**

Not later than thirty (30) days after the close of each fiscal year, the City Council shall cause an annual audit to be made of the accounts of all funds of the City by certified public accountants. Such audit shall be conducted in accordance with procedures and guidelines set by the State.

#### **Section 2-4. Public works - Authorization.**

The Council may authorize any public work or public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. The Council may also authorize any public work or any public improvement to be done under any legally constituted plan in which the labor is furnished by any other governmental unit, department or agency of the United States or the State of Colorado, and the necessary supplies and materials therefor provided by the City.

#### **Section 2-5. Public works - Necessity determined by Council; assessment.**

When the Council shall so direct by resolution upon its own initiative or when an advisory petition shall be presented to it requesting the making of any local or public improvement, it shall be referred to the City Manager, who shall report thereon to the Council, which shall determine by resolution the necessity of doing such work or making such improvement. If the Council determines in favor of the work or any part thereof, it may fix the limits of the special assessment and the district or districts therefor which shall include all the lots and premises fronting, touching, or abutting thereon and in case of sidewalks, pavement or other improvements, such as parking lots, shall include such lots, blocks or premises lying contiguous to each other as will, in the opinion of the Council, be benefitted thereby.

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<sup>1</sup>

**Section 2-6. Contracts - Approval by Council; letting.**

Whenever it becomes desirable for the City to enter into a contract for public improvement with a second party, such instrument shall be drawn and approved as to form and content by the City Attorney. Each contract shall provide for public liability and property damage insurance; and worker's compensation insurance required by the laws of the State of Colorado; and performance and payment bonds. The letting and making of such contracts is hereby vested in the Council. The Council, in its discretion, shall have the power to reject any or all bids, provided, that except in the case of emergency, all contracts calling for an expenditure of more than Five Thousand Dollars (\$5,000.00), for public improvement, shall be by bid only. Copies of all contracts shall be filed in the Office of the City Clerk.

**Section 2-7. Venue of action on contract.**

(1) Any contract entered into by the City and a second party shall contain the clause: "Venue of any action in law or equity brought under the terms of this contract shall be in the District Court sitting in and for the County of Las Animas, State of Colorado, and by the signing of this agreement, the parties consent hereto that the said venue shall be Las Animas County, Colorado."

(2) Any contract which does not contain the clause described in subsection (1) above shall nevertheless be a valid obligation of the City, even though said clause was otherwise required and regardless of the date upon which said contract was entered into. (Ord. 1211, 8/18/81.)

**Section 2-8. Contract modifications - Authorization by City Manager.**

When it becomes necessary, in the prosecution of any work or improvement done under contract, to make alterations or modifications to such contract, such alterations or modifications shall be made only upon authorization of the City Manager. No such alteration or modification shall be effective until the price to be paid for the material and/or work under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager. A copy thereof shall be attached by the City Clerk to the original contract on file in his/her office.

**Section 2-9. Contracts.<sup>1</sup>**

The City shall not make any contract with any person who is in default to the City. (Ord. 1797, eff., 8/26/05; Code 1958, Sec. 2-32.)

**Section 2-10. Interdepartmental services.**

Each department of the City shall be charged with providing service to other City departments in like manner as the same is being rendered to the general public. (Code 1958, Sec. 2-35.)

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<sup>1</sup> Chapter 2, Sec. 2-9 is repealed and re-enacted (Ord. 1797, eff., 8-26-05)

## **ARTICLE 2. THE MAYOR.**

### **Section 2-11. Mayor as Official head of City; duties; civil process.**

- (1) The Mayor shall serve as official head of the City and shall serve as Chairperson of the City Council.
- (2) The Mayor shall perform all the ceremonial duties as official head of the City.
- (3) The Mayor may accept service of civil process on behalf of the City.

### **Section 2-12. Mayor - Salary.<sup>1</sup>**

Beginning on January 2, 2008, the salary of the Mayor shall be Eight Hundred Fifty Dollars (\$850.00) per month as and for full compensation for services rendered as Mayor of the City. (Ord. 1832, 7-3-07)

**State law references:** As to power of Council to establish salaries, see C.R.S. 1973 Section 31-3-218.

## **ARTICLE 3. THE CITY COUNCIL.**

### **DIVISION 1. COUNCIL MEETINGS.**

#### **Section 2-13. Council meetings - Time and place.**

The City Council shall hold its regular meetings on the first and third Tuesdays of each month at 7:00 p.m. The regular place of meetings shall be the Council Chambers in the City Hall. However, when any such meeting might fall upon any legal holiday or on the date of the State general election or the City's regular election, the meeting shall be held on the following evening at the same hour.

#### **Section 2-14. Special Council meetings - Notice.**

Whenever a special meeting of the City Council of the City of Trinidad is called, a written notice shall be given to each member of the Council by the City Clerk, of the time and place of such special meeting. The notice shall be served at least twenty-four (24) hours prior to the time when such special meeting shall be held. The notice may be served personally or left at the Council member's usual place of residence. Notice of such meeting shall be posted in two (2) public places. (Ord. 1462 (1), 03/01/94)

#### **Section 2-15. Council meetings - Rules and order of business.**

The following rules and order of business shall govern at Council meetings:

- (1) Meeting nights. The City Council shall hold its regular meetings on the first and third Tuesdays of each and every month at 7:00 p.m., except as set forth in Section 2-13; (Ord. 1428, Sec. 2,

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<sup>1</sup>

Chapter 2, Section 12 is repealed and reenacted. Ord. 1832, 7-3-07.

07/21/92.)

- (2) Rules of procedure. The rules of procedure and order of business shall be strictly adhered to by the City Council, unless they shall be temporarily suspended by a vote of the majority of the members present;
- (3) Special meetings. The City Clerk shall call special meetings of the Council upon written request of the Mayor or any two (2) members of the Council, as provided by the Home Rule Charter; (amended Ord. 1462 (2), 03/01/94)
- (4) Mayor as Chairman of the Council. The Mayor shall preside at all meetings of the City Council and shall be entitled to a vote as other members of the Council. In the case of the absence of the Mayor, the Mayor Pro Tem shall preside, and have the same power as the Mayor;
- (5) What constitutes a quorum. At any regular or special meeting of the City Council a majority of the entire membership shall constitute a quorum to do business, but a minority may adjourn from day to day;
- (6) Order of business. At the hour appointed for the meeting, the members shall be called to order by the Mayor. The City Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. Upon the declaration of quorum, the Council shall then proceed to the business before it, which shall be conducted in the following order:
  - (a) First - Consideration of the minutes of the preceding meeting(s), amendment and approval of the same.
  - (b) Second - Presentation of petitions, written and oral; communications to the City Council.
  - (c) Third - Report of committees.
  - (d) Fourth - Unfinished business.
  - (e) Fifth - Miscellaneous business.
- (7) Priority of business. All questions relating to the priority of business shall be decided without debate;
- (8) Chairman to decide questions of order. The Chairman shall preserve order and decorum, and shall decide all questions of order;
- (9) No member may leave. While the Chairman is putting the question, no member may leave the Council meeting;
- (10) Manner of addressing Chairman. Every member, previous to his/her speaking, shall address himself/herself to the Chairman, and say "Mr. Chairman," but shall not proceed with his/her remarks until recognized and named by the Chair;

- (11) Duties and privileges of members. No member shall speak more than twice to the general question, nor more than once on a previous question, without leave of two-thirds (2/3) of the members of the Council, nor more than once in any case until every member choosing to speak shall have spoken, and no member shall be permitted to leave the chambers while the Council is in session, except by permission of the Chairman;
- (12) Private discourse prohibited. While any member is speaking, no member shall entertain private discourse;
- (13) Suspension of remarks. A member called to order shall immediately suspend his/her remarks, unless permitted to explain. If there is no appeal, the decision of the Chair shall be conclusive, but if the member appeals to the Council from the decision of the Chair, the Council shall decide on the case without debate;
- (14) Order of motions. Motions upon the subject under discussion shall have precedence in the following order: First, to lay on the table; second, to postpone; third, to commit; fourth, to amend;
- (15) Motions reduced to writing. All motions or resolutions shall be reduced to writing if required by the Chair or a member, and, when seconded and stated by the Chair, shall be open for consideration, and no motion or resolution can be withdrawn after it shall have been amended or decided;
- (16) Adjournment. A motion to adjourn shall be in order and shall have precedence over all others, and shall be decided without debate;
- (17) Yeas and nays. Every member who is present when a question is called for by the Chair, shall vote thereon, unless excused by the Council or unless he/she is directly or indirectly interested in the question, in which case he/she shall not vote. The yeas and the nays may be called for by any member, in which case the names of the members voting shall be recorded in the minutes.
- (18) Committees. All committees shall be appointed by the Chairman or in his/her absence by the Chairman Pro Tem, unless otherwise directed by the Council, in which case they shall be appointed by ballot;
- (19) Division of question. If the question in debate contains several distinct propositions any member may have the same divided;
- (20) When amendment and debate not in order. A motion for a previous question, to lay the previous question on the table, or to commit until it is decided, shall preclude all amendments and debates on the main question, and a motion to postpone a question indefinitely or adjourn it to a certain day shall, until it is decided, preclude all amendments to the first question;
- (21) Previous question. The previous question shall be as follows: "Shall the main question now be put?"
- (22) Reports in writing. Committees shall, in all cases, report in writing;

(23) Reports to be addressed to Council. All reports of committees shall be addressed: "To the City Council of the City of Trinidad;"

(24) Number in committees. All committees of the City Council shall consist of three (3) members each;

(25) Journal. The Council shall cause a journal of its proceedings to be kept and maintained by the City Clerk, which shall be available at all reasonable times for public inspection;

(26) Agenda. Any item not included on the agenda shall not be considered at any Council meeting unless two thirds (2/3) of the members present vote to allow it to be considered;

(27) Appointment and Chairman of Standing Committees. Standing committees may be appointed annually, and the first person named on the committee shall be chairman thereof;

(28) Amendment of rules. These rules may be amended at any meeting of the City Council, by consent of two-thirds (2/3) of the members present; provided, however, any rule or rules amended shall not take effect as amended until the next regular meeting.

## **Division 2. In General.**

### **Section 2-16. Council officers.**

The Council officers shall consist of the City Manager, City Attorney and Municipal Judge, who shall be appointed and serve in accordance with the provisions of the Home Rule Charter. (Ord. 1463 (1), 03/01/94.)

### **Section 2-17. Councilmen - Salary.<sup>1</sup>**

(1) The salary of those Council members elected to terms commencing on January 2, 2008, shall be Five Hundred Fifty Dollars (\$550.00) per month as compensation for services beginning on January 2, 2008. (Ord. 1832, 7-13-07)

(2) The salary of those Council members elected to terms commencing January 5, 2010, shall be Five Hundred Fifty Dollars (\$550.00) per month as compensation for services, beginning on January 5, 2010. (Ord. 1832, 7-13-07)

### **Section 2-18.<sup>2</sup> Administrative officers; departmental and personnel charts.**

(1) The administrative officers of the City shall consist of the City Manager, the Assistant City Manager, if so appointed, City Clerk, Finance Director, Director of Public Works, Police Chief, Fire Chief, Superintendent of Parks, Boulevards and Recreation, and the Superintendents of City Utilities. Additional administrative officers may be designated or existing administrative officers may be deleted pursuant to Subsection (2) of this Section. The administrative officers in the

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<sup>1</sup> Chapter 2, Section 17 is repealed and reenacted. Ord. 1832, 7-13-07.

<sup>2</sup> Chapter 2, Section 18 is repealed and reenacted. Ord. 1597, 12-12-98.

performance of their respective duties shall be subordinate to and under the sole direction of the City Manager and shall be appointed by him/her. (Ord. 1597, 12-12-98)

(2) Notwithstanding the other provisions in Chapter 2 of this Code, the City Manager with the consent of the City Council shall have the authority to reorganize the administration of the City or any portion thereof, changing the responsibilities and functions of any administrative department or administrative officer, eliminating or adding any administrative position or department to adapt to the changing needs of the City and its citizens, and changing financial circumstance of the City, and to provide for a more effective and efficient City government without the necessity of an ordinance, provided such administrative reorganization does not violate the City Charter or other applicable law. This subsection and any administrative reorganization lawfully adopted pursuant to it shall supercede any provision of this Code in conflict with it. (Ord. 1597, 12-12-98)

(3) The department chart, as updated to reflect changes made to the administrative organization, shall be on file in the office of the City Clerk, and shall indicate the major services to be supplied by the City and the administrative and supervisory personnel required to administer the same. (Ord. 1597, 12-12-98)

## **ARTICLE 4. THE CITY MANAGER.**

### **Section 2-19. City Manager - Duties generally.**

The duties of the City Manager shall be as set forth in the Home Rule Charter. (Ord. 1463 (2), 03/01/94.)

### **Section 2-20. City Manager - Supervision and approval of public works.**

The City Manager shall have the responsibility for the preparation of plans and specifications, estimating cost, advertising for bids, supervision and approval of any public work or special improvement. (Code 1958, Sec. 2-8.)

### **Section 2-21. City Manager - Liaison among levels of government.**

It shall be the duty of the City Manager to establish and maintain proper relationships with other levels of government and public service agencies and conduct all business negotiations between them and the City, the nature of which does not require the personal attention of the elective officers of the City. (Code 1958, Sec. 2-9.)

### **Section 2-22. City Manager ex-officio member of all City agencies.**

There shall be created, established and maintained the agencies, boards, commissions and bureaus set forth in this Chapter, exercising the duties and functions as more particularly set forth in the respective laws and ordinances constituting such agencies. The City Manager shall be ex-officio member of all agencies, boards, commissions and bureaus. (Code 1958, Sec. 2-67.)

**Section 2-23. Assistant City Manager; appointment; duties.**

The City Manager may appoint an Assistant City Manager who shall perform such functions and duties as shall be assigned to him/her and who shall perform the duties of City Manager in the absence or disability of the City Manager.

**Section 2-24. City Manager Director of Budget; procedure for budget adoption.**

(1) The City Manager shall be the Director of the Budget. He/she shall submit to the Council the proposed budget, and an explanatory budget message in the form and with the contents hereinafter provided. For such purpose, not later than August 1 of each year, he/she, or an officer designated by him/her, shall obtain from the head of each office, department or agency, detailed by organization units and character and object of expenditures, and such other

supporting data as he/she may request, together with an estimate of all capital projects pending or which such department head believes should be undertaken within the budget year, and, within the four (4) fiscal years thereafter. In preparing the budget, the City Manager shall review the estimates, and may revise such estimates as he/she may deem advisable. He/she shall submit his/her budget and budget message to the City Council on or before the first Tuesday in October of each budget year. The budget estimates as submitted by the City Manager shall contain the following:

(a) A brief and concise budget summary showing the estimated receipts of each fund and the total for all funds.

(b) A statement of the detailed estimates of all proposed expenditures for each fund, itemized for each department and activity by objects of expenditures showing parallel columns, the expenditures for the preceding year, the appropriation and expenditures for the current year and the recommendations of the City Manager as to the appropriations to be made for the ensuing year, including an appropriation for contingencies, and showing the increases or decreases in the recommended appropriations from the expenditures for the current year. Expenditures for the current year shall be computed as the actual expenditures to and including the eighth (8th) month of the current fiscal year, plus the estimated expenditures for the next four (4) months.

(c) Detailed statements of estimates of all anticipated income of the City from sources other than current taxes and borrowing, compared with the amounts received by the City from each of the same sources for the preceding year. Receipts for the current year shall be computed as the actual receipts to and including the eighth (8th) month of the annual fiscal year plus the estimated receipts for the next four (4) months.

(d) A statement of the estimated financial condition of each City fund reflecting the estimated surplus or deficit in each such fund, which shall also show the actual or estimated surpluses or deficits from prior years.

(e) A statement of the bonded and other indebtedness of the City showing the amount required in the ensuing year for retirement of principal and interest on the debt, and for a sinking fund or funds for term bonds if such a fund or funds be required, and showing all proposed expenditures or capital projects to be undertaken or executed during the budget year.

(f) A statement of outstanding delinquent taxes and special assessments which have been levied during the current and preceding fiscal years of the City and an estimate of the amount thereof which may reasonably be expected to be collected or realized during the next fiscal year.

(g) An estimate of the amount of money proposed to be raised by taxation and the amount to be raised from bond issues which, together with the estimated income from other sources, will be necessary to meet the proposed expenditures.

(h) Such other information as may be required by the council.

(2) As a part of the budget message or as a separate report attached thereto, the City Manager shall also present a program of proposed capital projects for the ensuing year and the four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted together with suggested methods of financing the same. In order to facilitate the carrying out of the capital budget plan, the City shall maintain a capital reserve fund to pay for capital projects.

(3) The budget and budget message and all supporting schedules shall be a public record in the office of the City Clerk, open to public inspection by anyone. The City Manager shall cause sufficient copies of the budget message to be prepared for distribution to interested persons. The Council, shall within fourteen (14) days after the submission of the budget estimates, set a time for public hearings on the annual budget and capital budget estimates. These hearings may be held on the same day. Council shall cause notice of such public hearings to be given by publication at least seven (7) days prior to the dates on which hearings are to be held.

(4) At the times so advertised, the Council shall hold public hearings on the annual budget and capital budget as submitted, at which all interested persons shall be given an opportunity to be heard on any or all items and estimates in the proposed budgets. After such hearings, the Council may insert any additional item or items, and make any increases or decreases, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

(5) The budget shall be adopted by ordinance by the favorable votes of at least a majority of the entire Council. The budget shall be finally adopted by the last day of December of each year. Should the budget ordinance not be finally adopted prior to the end of the fiscal year, ninety percent (90%) of the several amounts of the appropriation ordinance of the last previous year shall be deemed to be reappropriated for the several objects and purposes specified in the last appropriation ordinance.

(6) Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as formally adopted, shall be certified by the City Manager and City Clerk and filed in the office of the Director of Finance. The budget, so certified, shall be printed, photocopied or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and the use of interested persons and civic organizations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. (Ord. # 1474, 6/21/94.)

**Cross reference:** As to provisions pertaining to disbursement of money, see Sec. 2-2; as to department of Finance and Accounting, see Article 12 of this Chapter.

**State law reference:** As to local government budget law, see C.R.S. 1973, Secs. 29-1-101 et seq.

## **ARTICLE 5. THE CITY CLERK.**

### **Section 2-25. City Clerk – Duties.**

The City Clerk shall be the custodian of the City archives and records and shall be clerk of the Council. He/she shall attend all meetings of the City Council and keep the minutes of all the proceedings and record the same in the journal to be kept in his/her office. He/she shall keep a record of all ordinances, resolutions and regulations of the Council. He/she shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He/she shall also be custodian of all papers, titles, documents, contracts and agreements pertaining to the City, the custody of which is not otherwise provided for. He/she shall certify by his/her signature all ordinances and resolutions enacted or passed by the Council, and perform such other duties as may be required of him/her by the City Manager.

### **Section 2-26. City Clerk to maintain office hours.**

The City Clerk shall keep an office in City Hall and maintain and keep office hours therein from 8:00 a.m. to 5:00 p.m. of each day, Saturdays, Sundays and legal holidays excepted.

## **ARTICLE 6. THE CITY ATTORNEY.**

### **Section 2-27. City Attorney – Duties; special counsel.**

(1) The City Attorney shall act as legal advisor to and attorney for the City Council and all its members in matters relating to their official duties. He/she shall give legal advice to any official or department of the City when requested by the Council or the City Manager, and shall file a copy of any written opinion so provided, with the City Clerk. He/she shall represent the City in all cases in all courts, and before all legally constituted tribunals whenever the City is a party thereto, except as set forth in paragraph (2) of this Section.

He/she shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the City is concerned, and shall certify, before execution, as to their legality and correctness of form. He/she shall file in the office of the City Clerk the original copy of all franchises granted by the City, all contracts and agreements entered into by or on behalf of the City, and all contracts and agreements entered into by or in behalf of the City, and all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a party, together with the proper data and information concerning the same. He/she shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the City. He/she shall perform such other duties as may be prescribed by this Code or by the Council.

(2) Upon recommendation of the City Attorney, or upon its own motion, Council may retain special counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist as co-counsel with the City Attorney herein.

**Section 2-28. City Attorney - Prosecution of suits and execution of judgments.**

It shall be the duty of the City Attorney to prosecute for the City all suits for the recovery of fines and penalties which may be brought in any court and to cause executions to be issued on judgments which may be recovered and attend to their prompt collection. All money which may be received by him/her on account of the City shall be paid into the City treasury. (Code 1958, Sec. 2-16.)

**Section 2-29. City Attorney - Appeal of cases.**

The City Attorney is authorized and empowered to take appeals in all cases, where, in his/her opinion, the interests of the City require it, and to prosecute and defend the same in all courts, and for the purpose of carrying into effect the provisions of this Section, he/she is authorized to make the necessary affidavits and to make and execute, in the name of the City, the necessary appeal or other bonds, signing the same as Attorney for the City. (Code 1958, Sec. 2-17.)

**Section 2-30. City Attorney - Right to be heard on motions before Council.**

The City Attorney shall have the right to be heard on all questions of motion before the City Council amending, repealing or in any manner affecting any ordinance in force or to be enacted by the City Council. (Code 1958, Sec. 2-18.)

## **ARTICLE 7. DEPARTMENT OF PARKS, BOULEVARDS AND RECREATION.<sup>1</sup>**

### **Section 2-31. Department of Parks, Boulevards and Recreation - Superintendent in charge.** (Ord. 1548, 12/27/96)

(1) There is established a Department of Parks, Boulevards and Recreation under the direction of a Parks, Boulevards and Recreation Superintendent Who shall have the following duties: (Ord. 1548, 12/27/96)

(a) Conditioning, maintaining and caring for all City parks, playgrounds, swimming pools, youth centers and other recreational facilities, and all boulevards in the City, including landscaping, planting and care of all lawns, shrubbery, trees and flowers and other measures to enhance the scenic beauty and aesthetic values of the City; (Ord. 1548, 12/27/96)

(b) Organize and direct a recreational program for all age groups, and initiate and maintain a program for use of all City recreational facilities; (Ord. 1548, 12/27/96)

(c) Prepare a departmental budget and reports, and perform such other duties as may be assigned by the City Manager or prescribed by ordinance adopted by the City Council (Ord. 1548, 12/27/96)

(2) The City Council in its discretion or the City Manager with the approval of City Council may divide the Department of Parks, Boulevards and Recreation into separate Department of Parks and

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<sup>1</sup> Article 7 and Section 2-31 repealed and reenacted (Ord. 1548, 12-27-1996)

Boulevards, and Sports and Recreation, each with a superintendent or director in charge, with the Department of Sports and Recreation performing those duties set forth in Subsection (1)(b) above, without the necessity of adopting an ordinance, if it is deemed to be in the best interest of the citizens of the City of Trinidad, and if adequate funds are available to do so. (Ord. 1548, 12/27/96)

## **ARTICLE 8. LIBRARY DEPARTMENT.<sup>1</sup>**

### **Section 2-32. Library Department.**

There is established a Library Department within the City of Trinidad for purposes of administering and operating the City's public library, with such administration and operation to be with the advice and recommendations of the Library Advisory Board. Through the creation of a separate Library Department within the City of Trinidad, it is the express desire and intent of the City Council that the library remain, at all times, an independent learning facility available for the educational benefit of the public at large. All personnel of the Library Department shall be personnel subject to the terms and provisions of personnel policies adopted and/or amended from time to time by the City Council. The City Manager shall have sole and exclusive authority over all Library Department personnel.

## **ARTICLE 9. DEPARTMENT OF PUBLIC SAFETY.**

### **Section 2-33. Department of Public Safety - Director in charge.**

The City Manager may in his/her discretion establish a Department of Public Safety under the direction of a Safety Director. Such department would consist of the Police Division and Fire Division.

### **DIVISION 1. POLICE DIVISION.**

#### **Section 2-34. Creation; composition.**

There is hereby created a Police Department for the City of Trinidad which shall consist of one Chief of Police and as many police personnel as may from time to time be deemed necessary for the safety and good order of the City.

#### **Section 2-35. 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 established by the Department.

#### **Section 2-36. Appointment, powers and duties of the chief.**

The City Manager 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:

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- (1) See that the ordinances of the City are duly enforced and the rules and regulations of the Police Department obeyed, and to perform such duties as may be required by the City Manager.
- (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
- (3) Render such accounts of the Police Department, his/her duties, and receipts as may be required by the City Manager and keep the records of his/her office open to inspection by the City Manager at any time.
- (4) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he/she will support the Constitution and laws of the State of Colorado, Constitution of the United States and ordinances of the City of Trinidad, and that he/she will faithfully perform the duties of the office upon which he/she is about to enter.

### **Section 2-37. Duties of Police Officers.**

All members of the police department shall have power and duties as follows:

- (1) They shall perform all duties required of police officers.
- (2) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the City, and shall pursue and arrest any person fleeing from justice in any part of the state.
- (3) They shall be the enforcement officers of the City 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 law of the State. Upon such arrest they shall forthwith convey such offenders before the proper office to be dealt with according to law; provided, that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and provided further that in the special cases relating to traffic offenses they may release an arrested person upon his/her written promise to appear in court.
- (4) They shall observe the condition of the streets, sidewalks and alleys of the City, and of any obstruction, nuisance, or impediments therein, and shall take necessary measures to cause the removal or the abatement of the same.

### **Section 2-38. Oath.**

Before entering upon the duties of his/her office, each police officer shall take and subscribe to an oath that he/she will support the Constitution and laws of the State of Colorado, the Constitution of the United States, and the ordinances of the City of Trinidad, and that he/she will faithfully perform the duties of the office upon which he/she is about to enter.

### **Section 2-39. Uniforms.**

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

**Section 2-40. Duty of citizens to aid.**

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his/her duties.

**Section 2-41. Extraterritorial duty.**

The Chief of Police may in his/her discretion, upon request of the County Sheriff, Colorado State Patrol or the Chief of Police or person exercising the functions thereof in any other jurisdiction, assign police officers under his/her control together with such equipment as he/she shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

**Section 2-42. Reserve Police; appointment; powers.**

The Police Chief may upon any emergency, riot, pestilence, invasion or at any time he/she shall deem it necessary for the peace, good order or health of the City, appoint Reserve Policemen for a specified time, not exceeding two (2) days, without the approval of the City Council. He/she may also, with the approval of a majority of the City Council, appoint such number of Reserve Policemen as may be agreed upon by the City Council, to serve upon days of election, public celebration and holidays, and said Reserve Policemen shall have and possess all the powers and privileges of regular policemen during the time for which they may be appointed.

**DIVISION 2. FIRE DIVISION.****Section 2-43. Fire Department - Chief in charge.**

There shall be a Chief of the Fire Department who shall be charged with the responsibility of inaugurating a fire prevention, detection and extinguishing program which will use all possible means to guard against the occurrence of fire, and to protect the property and persons of the inhabitants of the City against damages and accidents resulting therefrom, and to furnish information to the public relative to fire hazards, illegal practices and dangerous situations, and to perform such other duties as will promote the public safety and welfare.

**Section 2-43.1. Firemen's pension.**

Every officer, member or employee of the paid Fire Department of the City, retired under the laws of the State, shall be entitled to receive monthly pension plus such additional benefits as provided in Section 139-50-8, Chapter 364, 1969 Session Laws of Colorado, such benefits being one-half (1/2) of any increase in salary and additional pay based on length of service granted by the City during the period of retirement to the rank occupied by said officer, member or employee. (Ord. 1748, re-numbered, eff., 4-16-04)

**Section 2-43.2. Additional benefits for firemen.**

The City Council authorizes such additional benefits as provided in Section 139-50-8, Chapter 364 of the 1969 Session Laws of Colorado, and incorporates herein by reference the provision of said Section. (Ord. 1748, re-numbered, eff., 4-16-04)

## **ARTICLE 10. MUNICIPAL UTILITY DEPARTMENT.**

### **Section 2-44. Utility Departments.**

The Municipal Utility Departments shall consist of the Power and Light Department, the Natural Gas Department, the Sewer Department and the Water Department. The Power and Light Superintendent shall be in charge of the Power and Light Department. The Gas Superintendent shall be in charge of the Natural Gas Department. The Wastewater Superintendent shall be in charge of the Sewer Department. The Water Superintendent shall be in charge of the Water Department. One person may be superintendent of two or more utility departments, in the discretion of the City Manager, who shall appoint the utility superintendents.

### **Section 2-45. Power and Light Department.**

The Superintendent of the Power and Light Department shall be charged with the responsibility for the production, transmission and distribution of electric light and power requirements of the homes, businesses and industries of the City, and such other responsibilities as may be required in connection therewith.

### **Section 2-46. Water and Sewer Departments.**

The Superintendent(s) of the Water and Sewer Departments shall be charged with the responsibility of supplying and maintaining a safe and adequate water supply for the homes, businesses and industries of the City, and for the proper and safe disposal of the sewage therefrom, and such other responsibilities as may be required in connection therewith.

## **ARTICLE 11. DEPARTMENT OF PUBLIC WORKS.**

### **Section 2-47. Department of Public Works - City Engineer as Director.**

(1) There is established a Department of Public Works, under the direction of the City Engineer. The Department shall consist of the Street and Bridge Division, Inspection Division, General Maintenance Division and Engineer's Office.

(2) It shall be the duty of the City Engineer to organize and direct a public works program; prepare departmental budgets and reports; plan and lay out work schedules; initiate and maintain a street maintenance, refuse disposal, and general maintenance program; establish equipment requirements and aid in its purchase; aid in preparing specifications for public works supplies and material; lay out the plans for the construction or repair of pavements, curbs, sidewalks, culverts, bridges, water mains, sanitary and storm sewers; propose detailed costs estimates of new projects; keep a record of departmental activities and perform such other functions as may be prescribed by the City Council and City Manager. (Code 1958, Sec. 2-48.)

**State law references:** As to public works contractor's bond, see C.R.S. 1973 Secs. 38-26-105 et seq.; as to public works labor, see Secs. 8-17-101 et seq.

## **DIVISION 1. STREET AND BRIDGE DIVISION.**

### **Section 2-48. Street and Bridge Division - Supervisor in charge.**

There shall be a Supervisor of the Street and Bridge Division who shall be charged with the responsibility of keeping the streets, sidewalks and bridges in a safe and traversable condition at all times. In pursuance of these duties, he/she shall carry on operations in repairs, grading, graveling, flushing, sweeping, snow removal and other measures in proper season to insure adequate year round traffic conditions. He/she shall also prepare, install and maintain all traffic signs, markers and safety devices for the instruction and protection of those who use the public thoroughfares.

## **DIVISION 2. INSPECTION DIVISION.**

### **Section 2-49. Inspection Division - Building Inspector in charge.**

There shall be a Building Inspector who shall be charged with the responsibility of inaugurating a program to inspect plans and specifications of buildings for compliance with structural, electrical and plumbing regulations, to inspect buildings during the process of construction and upon completion, to inspect premises for garbage and rubbish violations, to inspect sewer and septic tanks, to inspect and condemn unsafe and unsanitary buildings and to issue various permits. The Inspector shall make necessary reports and furnish information to the public relative to building practices and regulations contained in the zoning ordinances, Building Code and State laws, and perform such other duties as will promote the public safety and welfare.

## **DIVISION 3. GENERAL MAINTENANCE DIVISION.**

### **Section 2-50. General Maintenance Division - Supervisor in charge.**

There shall be a Supervisor of the General Maintenance Division who shall be charged with the responsibility of maintaining all the City buildings, lands, and other properties in a clean sightly condition, including the heating, lighting, plumbing and ventilation of the buildings in use. He/she shall also be charged with the operations of the City garage and for maintaining, lubricating, fueling, protecting and repairing all the City machinery, tools and automotive equipment. (Code 1958, Sec. 2-51.)

## **ARTICLE 12. DEPARTMENT OF FINANCE AND ACCOUNTING.**

### **Section 2-51. Department of Finance and Accounting - Finance Director in charge.**

- (1) There is created a Department of Finance and Accounting under the direction of the Finance Director.
- (2) The functions of the department shall consist of Finance and Accounting, Purchases and Supplies, and Utility Billing and Receipts.

### **Section 2-52. Duties of the Finance Director.**

- (1) He/she shall be the custodian of all evidences of value belonging to or held in trust by the City.

He/she shall collect and receive all moneys belonging to and receivable by the City, including license fees, taxes, assessments and other charges belonging and payable to the City, and shall in all cases give a receipt therefor. He/she shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine. He/she shall report the same in detail to the City Manager. He/she shall apportion and collect special assessments, as are authorized and levied by the Council.

(2) He/she shall keep books of account of the receipts and expenditures of the City.

(3) He/she shall keep accurate detailed accounts of:

(a) All taxes assessed by the City and all moneys due the City from any source.

(b) Moneys received and the several sources from which received.

(c) All funds of the City and disbursements made therefrom.

(4) He/she shall examine and audit all accounts and claims against the City except claims for unliquidated damages. He/she shall not issue or sign any draft, check or warrant until he/she has verified the correctness of the account from which the same is issued; neither shall he/she allow the payment of any account unless the money has been appropriated therefor; nor shall he/she issue or sign any draft, check or warrant for any account against the City unless sufficient money is in the fund on which it is drawn. Nothing herein shall be construed to prevent the issuance of registered warrants in accordance with law.

(5) At the close of the fiscal year, and at any time upon direction of the Council he/she shall examine and audit all books of account kept by any official, board or department; provided, however, that he/she shall examine all books of account of the Municipal Court at least once each month. All books of accounts of the City shall be balanced at the end of each calendar month, and a report made thereon by the Finance Director to the City Manager. The Finance Director, in the performance of duties relative to the City accounts, shall perform such other duties as may be required of him/her by the City Manager.

### **Section 2-53. Finance Director's report to Council.**

The Finance Director shall at the close of each fiscal year, and more often if requested by the City Council, make and deliver to the City Council a full and complete report of his/her transactions during the preceding year, stating the amount of moneys received and for what purpose received, and exhibiting all credits allowed by law and the ordinances of the City.

### **Section 2-54. Description of bills and payroll; authorization by City Council action; utilization of signature facsimile.<sup>1</sup>**

(1) Presentation of bills owing by the City shall be made in summarized form to City Council for consideration at any regular or special meeting. Expenses shall be identified by account type, vendor name, check number, invoice number and purchase order number, if any, description of

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<sup>1</sup> Chapter 2, Article 12, Section 2-54 (2) is hereby repealed and reenacted (Ord. 1819, eff. 09/06) Chapter 2, Page 21

service or product purchased and dollar amount of each payment. Payroll for City employees shall also be made on a departmental basis reflecting the time period and gross wage amounts and the appropriate department and account to what such payroll shall be charged.

(2) Authorization of payment of bills or payroll shall require a motion, second and affirmative vote of the majority of the quorum present at such meetings of City Council. Only upon City Council's action authorizing such payments, shall the signature of the Mayor, City Manager and City Clerk be affixed to such payments by check drawn upon the appropriate bank and account of the City. The exceptions to this paragraph are as follows:

(a) The Finance Director, upon the City Manager's consent, is authorized to issue payment for the monthly natural gas invoices, prior to their approval by City Council, when a savings incentive will be realized by the City of Trinidad. Such payments will be identified within the semi-monthly reports for City Council approval; and

(b) The Finance Director, upon the City Manager's consent, is authorized to pay invoices or bills prior to City Council approval if the approval at the next City Council meeting would result in a finance or late fee charge. Such payments will be identified within the semi-monthly reports for City Council approval.

(3) In the alternative, a signature facsimile bearing the signatures of the aforesaid City officials may be used in the process of endorsement of any check for payment of such bills or payroll so long as such bills or payroll were properly authorized for payment by City Council action. The City Clerk and City Finance Director shall each have custody of one (1) key of a two-key system providing access to a security box containing the control key to the signature facsimile machine. In the anticipated absence of either the City Clerk or the City Finance Director, said City Clerk or Finance Director shall surrender his/her key to the Mayor or City Manager for the time period of his/her absence.

(4) A complete register shall be maintained reflecting each check endorsed manually or by use of a signature facsimile which register shall be audited annually or as frequently as determined by City Council, by an independent financial auditor.

### **Section 2-55. Purchasing Agent – Duties.**

Pursuant to rules and regulations approved by City Council, the Purchasing Agent shall purchase all supplies, materials and equipment required by any department, office or agency of the City government. He/she shall have the following powers and duties:

(1) To establish and enforce, with the approval of the City Manager and after consultation with the heads of the departments concerned, standard specifications for all supplies, materials and equipment required by the City government.

(2) To prescribe the time of making requisitions for such supplies, materials and equipment, and the future period which said requisitions are to cover;

(3) To inspect, or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine the quality and conformance with specifications;

- (4) To supervise and control central storerooms to serve the several departments, offices or agencies;
- (5) To supervise the transfer of materials, supplies and equipment between departments or agencies, as needed, after consultation with the department or agency heads concerned;
- (6) To sell those surplus materials that are no longer of use to the City before their value is lost through obsolescence, deterioration or spoilage, and to sell all scrap metals, materials or equipment.

**Section 2-56. Withdrawal of supplies from City storerooms.**

Withdrawals of materials and supplies from City storerooms shall be by requisition, which shall be approved by the department head and which shall be charged to the proper account, subject to such rules and regulations as may be prescribed by the Purchasing Agent. It shall be the responsibility of the department head approving the withdrawal of the material from the City storeroom and the Finance Director to certify that there is to the credit of the office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials or equipment which are to be withdrawn from the storeroom.

**ARTICLE 13. AGENCIES, BOARDS, BUREAUS AND COMMISSIONS.**

**Section 2-57. Library Advisory Board.** (Repealed & Re-enacted, Ord. No. 1912, 3/11/11)

(1) Library Advisory Board Created. There is created an advisory board, to be known as the Library Advisory Board (hereinafter, the "Board"), consisting of five (5) members who shall serve in advising the City concerning the operations of the City's public library.

(2) Membership. The City Council shall appoint five (5) members to the Board. The terms of office of two (2) of the members so appointed shall expire on the first Monday in January, 2012; the terms of office of two (2) of the members so appointed shall expire on the first Monday in January, 2013; and the term of office of the other member so appointed shall expire on the first Monday in January, 2014. Each year thereafter, there shall be appointed, in a similar fashion, a member or members to fill the expiring terms. The new term of each appointee appointed in 2012 and thereafter shall be for a term of three (3) years. Each member shall serve until his or her successor is duly appointed. The City Council shall appoint a successor to fill any vacancy occurring in the Board's membership and to serve for the balance of the unexpired term.

(3) Meetings; officers. The Board shall hold one (1) regular meeting each month at such time and place as it may provide by resolution, and such special meetings as it may from time to time determine necessary, provided that all such meetings shall comply with the Colorado Sunshine Act as set forth in § 24-6-101 *et seq.*, C.R.S. On an annual basis, the Board shall elect from its membership a chairperson, vice chairperson, and secretary. A majority of the Board shall constitute a quorum and all action by the Board shall be taken by a majority thereof and not otherwise.

(4) Powers and duties. The Board shall have the following powers and duties:

(a) In all cases, unless otherwise specifically enumerated in this Subsection, the Board shall act as advisor to the Library Director, the City Manager, and the City Council on matters associated with the library.

(b) In cooperation with the Library Director, the Board shall compile and edit comments, complaints, suggestions, and other information from the users of the library, as concerns the operation, management, and use of the library facility; with that information to be edited and forwarded to the City Manager for consideration.

(c) The Board shall establish in writing, subject to approval by City Council, a formal procedure by which complaints or objections from citizens concerning the type of and/or content of materials available to the public at the library are received, reviewed, and given a fair and impartial hearing. The Board shall have exclusive authority to determine whether such materials shall be retained.

(d) The Board shall make a written annual report to the City Council, not later than July 31<sup>st</sup> of each calendar year, in which the Board shall:

(i) Assess the strengths and weaknesses of the library's service to the community;

(ii) Make recommendations on short- and long-term goals that will improve library service;

(iii) Make prioritized recommendations on capital improvements needed to improve the library; and

(iv) Recommend such other policies, programs, procedures, or guidelines which, if adopted, would enhance the operation of the library.

(e) If requested by the City Manager or Library Director, the Board may assist in the selection process for screening of applicants for various professional positions within the library staff.

(f) If requested by the Library Director, the Board may assist the Library Director in establishing a fine schedule for overdue books and materials.

(g) Subject to the approval of the City Manager, the Board may establish the library's hours of operation.

(5) Limitations of powers.

(a) All budgetary powers, expenditures, and revenues shall be exclusively controlled by the City Council. However, it is hereby recognized that the Board may, on a case-by-case basis, exercise control over non-monetary donations to the library and/or charitable organizations associated with the library.

(b) All personnel matters shall be exclusively controlled by the City Manager.

(c) Except as provided in Subsection (4) herein, all other actions of the Board are restricted to matters of an advisory nature, and in the manner of recommendation.

(6) Legal advisor. The City Attorney shall be the legal advisor of the Board and render all legal services required by the Board without additional compensation, unless such additional compensation is first authorized by the City Council.

(7) Liaison. The City Council may, at its option, appoint from its membership a liaison to the Board to facilitate communications between the City Council and the Board. A liaison shall not have a vote in any matters being considered by the Board.

(8) Library Personnel. Except as provided in Subsection (4) herein, neither the Board nor any of its members shall direct or request that it take part in the employment or removal of library personnel. Violation of this Subsection by a member of the Board shall constitute misconduct and may subject him or her to removal for just cause by a majority vote of the City Council. (Ord. 1912, 3/11/11)

### **Section 2-58. Establishment of a Park and Recreation Advisory Board.**

(1) There is established a Park and Recreation Advisory Board.

(2)<sup>1</sup> The Park and Recreation Advisory Board shall be comprised of seven (7) members who meet the qualifications as set forth in Section 8.3 of the Home Rule Charter of the City of Trinidad, to be appointed by the entire City Council. The terms of the members of the Board shall be for four (4) years and shall be made to ensure the overlapping of terms. The Board shall elect a Chairperson, Vice-Chairperson, and Recording Secretary. (Ord 1749, eff., 4/16/04)

(3)<sup>2</sup> The Park and Recreation Advisory Boards shall develop a master plan and overview of all of the parks and recreational facilities owned by the City, and of the recreational programs which use the City's parks and recreational facilities, and submit this plan to City Council on an annual basis by August 1<sup>st</sup> of each year. (Ord. 1586, eff. 5/2/98)

(4)<sup>3</sup> The Park and Recreation Advisory Board shall hold at least one meeting every three months. The calling and holding of all meetings of the Board shall be in accordance with the Colorado Open Meetings Law, as currently set forth in Section 24-6-402 of the Colorado Revised Statutes as it pertains to local public bodies. (Ord. 1586, eff. 5/2/98)

(5)<sup>4</sup> Vacancies on the Park and Recreation Advisory Board shall be filled by appointment by the Council for the remainder of the unexpired term. In the event that an unexpired term is for a period of less than six (6) months, the Council may appoint a replacement for the regular term plus the unexpired portion of the vacated term. Members of board shall be subject to removal for just cause by a majority vote of the Council. Just cause shall include but not be limited to inefficiency, neglect of duty, acts detrimental to the City's interests, malfeasance in office, or excessive absences. Absences by members of the board of three consecutive meetings or three meetings in a rolling six month period shall be cause for evaluation by City Council for the purpose of consideration of the member's removal. The City Clerk shall advertise vacancies in a newspaper of general circulation requesting that interested individuals submit a letter so indicating their interest and qualifications for

<sup>1</sup> Article 13 Section 2-58 paragraph (2) is repealed and reenacted. (Ord. 1749 eff., 4-16-04)

<sup>2</sup> Article 13 Section 2-58 paragraph (3) is repealed and reenacted. (Ord. 1586 eff., 5-2-98, 12-2-98)

<sup>3</sup> Article 13 Section 2-58 is amended by the addition of paragraph (4). (Ord. 1586 eff., 5-2-98, 12-2-98)

<sup>4</sup> Article 13, Chapter 2-58 paragraph (5) is repealed and reenacted. (Ord 1749, eff., 4-16-04)

the position advertised. (Ord. 1706, eff., 10-25-02, Ord 1749, eff., 4-16-04)

**Section 2-59. Other agencies may be created by Council.**

There shall be created such other agencies, boards, commissions and bureaus as the Council may, from time to time, deem necessary for the proper conduct of City functions.

**Section 2-59.1. Arts and Culture Advisory Commission.**

(1) There is hereby created an Arts and Culture Advisory Commission to advise City Council on means and methods of coordination of artistic and cultural entities within the community to enhance tourism within the community. (Ord. 1750, eff., 4/16/04)

(2) The Arts and Culture Advisory Commission shall be comprised of seven (7) members who meet the qualifications as set forth in Section 8.3 of the Home Rule Charter of the City of Trinidad, to be appointed by the entire City Council. The terms of the members of the Board shall be for a duration of four (4) years and shall be made to ensure the overlapping of terms. The Commission shall choose a chair person and shall periodically meet for the purpose of developing recommendations to the Trinidad City Council on issues of arts and culture. The Board shall elect a Chairperson, Vice-Chairperson, and Recording Secretary. (Ord. 1750, eff., 4/16/04)

(3) Funds can be expended to acquire public art for placement on public property within the City of Trinidad, Colorado. (Ord. 1750, eff., 4/16/04)

(4) Depending on the allocation of funds, the Arts and Culture Advisory Commission may fund a performance by a performer(s) from outside the Trinidad/Las Animas County geographical area. (Ord. 1750, eff., 4/16/04)

(5) No funds shall be expended for a fund-raising event unless the amount of money provided by the Arts and Culture Advisory Commission for fund-raising purposes is refunded in total to the City promptly after the fund-raising event has taken place. If fund-raising is used to defray the costs of acquiring public art, the funds raised for such purpose shall be kept in a separate account for that purpose, and an accounting shall be provided to the City Manager. (Ord. 1750, eff., 4/16/04)

(6) Vacancies on the Arts and Culture Advisory Commission shall be filled by appointment by the Council for the remainder of the unexpired term. In the event that an unexpired term is for a period of less than six (6) months, the Council may appoint a replacement for the regular term plus the unexpired portion of the vacated term. Members of commission shall be subject to removal for just cause by a majority vote of the Council. Just cause shall include but not be limited to inefficiency, neglect of duty, acts detrimental to the City's interests, malfeasance in office, or excessive absences. Absences of three consecutive meetings or three absences in a six-month rolling period shall be cause for evaluation by City Council for the purpose of consideration of the member's removal. (Ord. 1750, eff., 4/16/04)

(7) The City Clerk shall advertise vacancies in a newspaper of general circulation requesting that interested individuals submit a letter so indicating their interest and qualifications for the position advertised. (Ord. 1750, eff., 4/16/04)

**Section 2-60. Downtown Revitalization Commission established.**

- (1) There is established a Downtown Revitalization Commission. (Ord. 1655, eff. 3/30/01)
- (2) <sup>1</sup> The Downtown Revitalization Commission shall be comprised of seven (7) members who meet the qualifications as set forth in Section 8.3 of the Home Rule Charter of the City of Trinidad and who are owners or lessees of commercial property located in the City of Trinidad, or agents or representatives of such owners, to be appointed by the entire City Council. The terms of the members of the Board shall be for four (4) years and shall be made to ensure the overlapping of terms. The Board shall elect a Chairperson, Vice-Chairperson, and Recording Secretary. (Ord. 1655, eff. 3/30/01, Ord. 1749, eff. 4/16/04)
- (3) The function of the Commission shall be to advise City Council on matters relevant to the revitalization of the downtown and other commercial areas of the City of Trinidad. (Ord. 1655, eff. 3/30/01)
- (4) The Commission shall have the authority to promulgate rules and regulations governing the conduct of its meetings and its other operations. (Ord. 1655, 3/30/01)
- (5) At its organizational meeting, the Commission shall select from its members a Chairperson, who shall preside over all meetings, and a Vice-Chairperson, who shall preside in the absence of the Chairperson, whose terms shall be for a period of one year. (Ord. 1655, 3/30/01)
- (6) The City shall furnish clerical and legal services to the Commission. City staff shall be available to assist the Commission in carrying out its duties. (Ord. 1655, 3/30/01)
- (7) The Commission shall meet on a monthly basis and shall report to the City Council on a quarterly basis on its activities and recommendations. (Ord. 1655, 3/30/01)
- (8) The Commission shall review all applications for grants which seek directly or indirectly to revitalize the downtown area or other commercial areas of the City. The Commission shall also have the authority to apply for and receive grants for such purposes. (Ord. 1655, 3/30/01)
- (9) <sup>2</sup> Vacancies of the Downtown Revitalization Commission shall be filled by appointment by the Council for the remainder of the unexpired term. In the event that an unexpired term is for a period of less than six (6) months, the Council may appoint a replacement for the regular term plus the unexpired portion of the vacated term. Members of commission shall be subject to removal for just cause by a majority vote of the Council. Just cause shall include but not be limited to inefficiency, neglect of duty, acts detrimental to the City's interests, malfeasance in office, or excessive absences. Absences by members of the board of three consecutive meetings or three absences in a six-month rolling period shall be cause for evaluation by City Council for the purpose of consideration of the member's removal. The City Clerk shall advertise vacancies in a newspaper of general circulation requesting that interested individuals submit a letter so indicating their interest and qualifications for the position advertised. (Ord. 1749, eff., 4/16/04)

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<sup>1</sup> Article 13 Section 2-60 paragraph (2) is repealed and reenacted. (Ord 1749, eff., 4-16-04)

<sup>2</sup> Chapter 2, Article 13 Section 2-90 is amended by the addition of paragraph 9. (Ord. 1749, eff. 4-16-04)

## ARTICLE 14. RETIREMENT AND PENSIONS.<sup>1</sup>

### ARTICLE 15. CONFISCATED, STOLEN, LOST AND ABANDONED PROPERTY.

#### Section 2-62. Definitions.

The following words have the meanings hereinafter set forth:

- (1) *Custodian* shall mean the Chief of Police, or his/her successor in office, or his/her designee, and his/her successor in office;
- (2) *Director* shall mean the Chief of Police of the City.
- (3) *Owner* shall mean a person or entity, including a corporation, partnership, association, governmental entity other than the City of Trinidad, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the City;
- (4) *Unclaimed property* shall mean any tangible or intangible property, other than a motor vehicle, including any income or increment derived therefrom less any lawful charges, that is held by or under the control of the City and which has not been claimed by its owner for a period of more than sixty (60) days after it became payable or distributable. (Ord. 1424, Sec. 1, 06/23/92.)

#### Section 2-63. Director deemed custodian.

Director, (Chief of Police) of the City is designated the official custodian of each and every article or object of personal property lost, stolen, confiscated, or abandoned within the City, which property is not in the lawful custody of any other person or Court.

#### Section 2-64. Property held as evidence.

The custodian shall keep in his/her custody all articles of personal property seized or held as evidence for use in any pending or prospective trial, unless otherwise ordered by the Court, until final disposition of any pending charges, including appeals or the lapse of time for final appeal. Thereafter, unless ordered by the Court to the contrary, the custodian shall make disposition of such property in accordance with the provisions of this chapter hereinafter set forth.

#### Section 2-65. Notification of owner.

The custodian shall examine any such property, and if the identity of the owner appears from such examination, or if the identity of the owner is readily available to the custodian from public records available to him/her, or otherwise known to him/her, the custodian shall notify the apparent owner by postcard, mailed by first class United States mail, postage prepaid, to the last known address of

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<sup>1</sup> Chapter 2, Article 14 is amended by being renumbered as follows 60 is now 2-43.1 Firemen's pension and 61 is now 2.43.2 Additional benefits for firemen. (Ord. 1748, eff. 4-16-04)

such apparent owner, describing the property and stating that the same is held by the custodian and may be sold or otherwise disposed of unless claimed within thirty days of mailing such notice.

**Section 2-66. Disposal of unclaimed property when.**

If any such property remains unclaimed sixty days after the same is no longer required to be held in evidence pursuant to 2-64 above or sixty (60) days after the same has come into the possession of the custodian, or thirty (30) days after the mailing of any postcard notice provided for in 2-65 above whichever is the longer time, such property may be disposed of from time to time by the Director or his/her designee as hereinafter set forth:

- (1) Bicycles, tricycles or other articles made for use by children may be sold as hereinafter provided, or may, in the alternative, be given to poor or needy or institutionalized children as the Director may order, either directly or by making the same available for distribution through religious, charitable, civic or other organizations, or institutions; provided, however, that at least ten days prior to any such disposition, in a newspaper of general circulation in the City, together with a description thereof, and the rightful owner may claim any such article within the period between final publication and donation, upon satisfactory proof of identity and ownership.
- (2) Any such property may be sold at public sale, provided that the custodian shall cause to be published in a newspaper of general circulation in the City not less than ten days before such sale, a Notice setting forth a description of each article to be sold, the time, date and place of sale, and that any person who claims to be the owner of or claims any interest in any article so described may appear at the Police Department before the time and date set for sale, to reclaim the same upon presentation of satisfactory proof of identity and ownership of such article.
- (3) Such property which consists of jewelry, gems, watches, precious metals, or other property having a unique value, including firearms, or which in the judgment of the Director may bring a higher price if sold on sealed bids, may, in the discretion of the Director, be sold either at public sale as heretofore provided, or to the highest bidder, after solicitation of sealed bids from at least three regular dealers in the particular type of property. No such sale shall be conducted until there shall have been published in a newspaper of general circulation, published in the City, a Notice setting forth a description of each article to be sold, the time, date and place of bid opening, and that any person who claims to be the owner of or claims any interest in any article so described may appear at the Police Department before the time and date set for the opening of such bids, to reclaim the same upon presentation of satisfactory proof of identity and ownership. Any person desiring to submit a sealed bid may do so, and such bids and all bids may be rejected if deemed too low, or for any other reason. Sales of firearms shall be made only to properly licensed dealers.
- (4) Intangible property shall become the sole property of the City and shall be credited to the City's General Fund to be used in the same manner as other funds in the General Fund. (Ord. 1424, Sec. 2, 06/23/92.)

**Section 2-67. Reclaiming property.**

All such property may be reclaimed by the lawful owner, upon proof of identity and ownership satisfactory to the Director, if claimed before donation or sale thereof.

**Section 2-68. Failure to claim property.**

Failure to make claim of ownership within the time limits prescribed in this Ordinance, and before sale or donation of any article, shall forever bar the owner or any person claiming ownership by, through or under the owner from making subsequent claim of ownership.

**Section 2-69. Advertisement.**

If any property is advertised for sale or donation, the same may be destroyed, abandoned, donated, kept or used by the City, without further Notice, if claim of ownership is not made within the time limit prescribed in the second such Notice; and the owner or any person claiming ownership by, through or under the owner shall thereafter be barred from making any claim of ownership to such property.

**ARTICLE 16. OTHER PERSONNEL REGULATIONS<sup>1</sup>****Section 2-70 Response-time requirement for emergency services personnel.<sup>2</sup>**

All employees of the City's Police Department, and all employees of the City's Fire Department, shall within six (6) months of commencement of employment, reside within a distance of City Hall whereby that employee could reach City Hall within 20 minutes under typical driving conditions. All sworn Police Department employees and all employees of the Fire Department who commenced employment after May 31, 2002 (the original effective date of the Residency Requirements Ordinance #1688) shall be required to comply with this Ordinance. Existing sworn Police personnel and all Fire Department personnel who reside outside the corporate limits of the City as of May 31, 2002 may not move to another location outside the City's corporate limits which would result in them being incapable of achieving a 20-minute response time from their place of residence to City Hall. Existing sworn Police personnel and all Fire Department personnel who reside within the City's corporate limits as of May 31, 2002 shall not move to a location outside the City's corporate limits after May 31, 2002 that would preclude them from responding within 20 minutes from their residence to City Hall. (Ord 1855, eff., 6-27-08)

**ARTICLE 17. CODE OF CONDUCT AND CODE OF ETHICS****Section 2-71 City of Trinidad Code of Conduct and Code of Ethics**

(1) Mission Statement.

The mission of the Trinidad Board of Ethics is to assure that the public has confidence in the integrity of all aspects of City government and the Public Servants that exercise discretionary powers. The City shall be guided by the principle of non-partisanship - all actions, decisions and votes shall be made in the best interest of the public, on their merits, objectively and without regard

<sup>1</sup> Chapter 2, Article 16 is amended by the addition of Section 2-71. (Ord 1797, eff., 8-26-05)

<sup>2</sup> Chapter 2, Article 16, Section 2-70, repealed & re-enacted by Ord. 1855, eff 6-27-08.

to political party, regional or ideological partisanship. (Ord 1797, eff., 8/26/05)

(2) Declaration of Purpose.

(a) **Framework.** This Code of Conduct and Code of Ethics should evoke a commitment to maintain high ethical standards. The following substantive provisions form the framework of the essential principles of Trinidad public service conduct and ethics: (Ord 1797, eff., 8/26/05)

(I) **Public Interest.** Treat public service as a public trust, only using the power and resources of public service to advance public interest and not to attain personal or private benefit. (Ord 1797, eff., 8/26/05)

(II) **Objective Judgment.** Employ independent, objective judgment in performing duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences. (Ord 1797, eff., 8/26/05)

(III) **Accountability.** Assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold Public Servants accountable. (Ord 1797, eff., 8/26/05)

(IV) **Democratic Leadership.** Honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules. (Ord 1797, eff., 8/26/05)

(V) **Respectability.** Safeguard public confidence in the integrity of government by being honest, fair, caring and respectful, and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a Public Servant. (Ord 1797, eff., 8/26/05)

(b) **Purpose of Code of Conduct and Code of Ethics.** The purpose of this Code of Conduct and Code of Ethics is to: (Ord 1797, eff., 8/26/05)

(I) State principles of conduct and ethics which are to be applied in public service; (Ord 1797, eff., 8/26/05)

(II) Help motivate Public Servants to pursue productive conduct and ethical ideals which exceed minimum standards; (Ord 1797, eff., 8/26/05)

(III) Provide a process by which Public Servants may identify and resolve conduct and ethical issues; (Ord 1797, eff., 8/26/05)

(IV) Identify minimum standard of ethical conduct for Public Servants; (Ord 1797, eff., 8/26/05)

(V) Inform the public of the minimum standards to which their Public Servants are expected to adhere; (Ord 1797, eff., 8/26/05)

(VI) Promote public confidence in the integrity of Public Servants; (Ord 1797, eff., 8/26/05)

(VII) Encourage members of the public to serve Trinidad and its public by seeking public office or employment, or serving on Boards and Commissions, as volunteers, or as Independent Contractors, and to take pride in participating in the governmental process; (Ord 1797, eff., 8/26/05)

(VIII) Establish penalties, when appropriate, for Public Servants who violate the public trust; (Ord 1797, eff., 8/26/05)

(IX) Protect to the fullest extent possible the rights of all individuals who are subject in any way to the provisions of this Code of Conduct and Ethics Code. (Ord 1797, eff., 8/26/05)

(3) Definitions.

(a) “**Board**” or “**Commission**” means any appointive board, commission, committee or other appointed body established pursuant to state law or City ordinance or resolution. (Ord 1797, eff., 8/26/05)

(b) “**Board of Ethics**” means the Mayor and the City Council, except the Board of Ethics shall not include any person being investigated by the Board of Ethics. (Ord 1797, eff., 8/26/05)

(c) “**Business Entity**” means any of the following entities, whether or not carried on for purposes of profit: business, sole proprietorship, firm, partnership, unincorporated association, venture, trust or corporation. (Ord 1797, eff., 8/26/05)

(d) “**Contract**” means any arrangement or agreement pursuant to which any material, service, or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred. For purposes of considering violations of this Code of Ethics, “Contract” does not include: (Ord 1797, eff., 8/26/05)

(I) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures; (Ord 1797, eff., 8/26/05)

(II) Merchandise sold to the highest bidder at public auctions; (Ord 1797, eff., 8/26/05)

(III) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys; (Ord 1797, eff., 8/26/05)

(IV) Contracts with a Public Servant or Business Entity in which a Public Servant has an Interest if, because of its geographic restrictions, the City could not otherwise reasonably afford itself of the subject of the Contract. It shall be presumed that the City could not otherwise reasonably afford itself of the subject of a Contract if the additional cost to the City is greater than ten percent, or if the Contract is for services that must be performed within a limited time period and no other contractor can

provide those services within that time period. (Ord 1797, eff., 8/26/05)

(V) Contracts in which a Public Servant who has an Interest has disclosed a personal interest and has not taken official action thereon or with respect to which any member of the City Council who has an Interest has voted thereon in accordance with section 24-18-109 (3) (b) or 31-4-404 (3), C.R.S. Any such disclosure shall be made to the City Council and to the Secretary of State. (Ord 1797, eff., 8/26/05)

(VI) Contracts with a corporation in which the Public Servant exercising an official action holds a minority interest. (Ord 1797, eff., 8/26/05)

(e) “**Employee**” means any person holding any paid position of employment with the City. (Ord 1797, eff., 8/26/05)

(f) “**Gift of Substantial Value**” or “**Gift of Substantial Economic Benefit Tantamount to Gifts of Substantial Value**” includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services, and also includes any pecuniary gift of any value associated in any way with a Contract over which the Public Servant has or may perform an Official Action. The following shall not be considered Gifts of Substantial Value or Gifts of Substantial Economic Benefit Tantamount to Gifts of Substantial Value unless they involve a pecuniary gift associated with a Contract over which a Public Servant performs an Official Action: (Ord 1797, eff., 8/26/05)

(I) Campaign contributions and contributions in kind reported as required by section 1-45-108, C.R.S.; (Ord 1797, eff., 8/26/05)

(II) A non-pecuniary award publicly presented in recognition of public service; (Ord 1797, eff., 8/26/05)

(III) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting; (Ord 1797, eff., 8/26/05)

(IV) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to the Public Servant which is not extraordinary when viewed in light of the position held by the Public Servant; (Ord 1797, eff., 8/26/05)

(V) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to recreational, educational, or cultural events; (Ord 1797, eff., 8/26/05)

(VI) Payment for speeches, appearances, or publications reported pursuant to section 24-6-203; (Ord 1797, eff., 8/26/05)

(VII) Payment of salary from employment, including other government employment,

in addition to that earned by reason of service as a Public Servant; (Ord 1797, eff., 8/26/05)

(VIII) Pecuniary or non-pecuniary gifts or contributions to programs or events sponsored by the City in which multiple Public Servants may participate. (Ord 1797, eff., 8/26/05)

(g) “**Independent Contractor**” means a person or entity other than an Officer, or employee who is paid for services rendered to the City pursuant to a contract for services and any officer, employee, agent, Volunteer or subcontractor of such person or entity. (Ord 1797, eff., 8/26/05)

(h) “**Interest**” means a substantial interest held by an individual that is: (Ord 1797, eff., 8/26/05)

(I) An ownership interest in a business;(Ord 1797, eff., 8/26/05)

(II) A creditor interest in an insolvent business; (Ord 1797, eff., 8/26/05)

(III) An employment or a prospective employment for which negotiations have begun; (Ord 1797, eff., 8/26/05)

(IV) An ownership interest in real or personal property; (Ord 1797, eff., 8/26/05)

(V) A loan or any other debtor interest; or (Ord 1797, eff., 8/26/05)

(VI) A directorship or officership in a business. (Ord 1797, eff., 8/26/05)

The term “Interest” is intended to reflect a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss, but does not include any matter in which a similar benefit is conferred to all persons or property similarly situated. An Interest of the following persons and entities shall be deemed to constitute an Interest of a Public Servant: (Ord 1797, eff., 8/26/05)

(VII) Any Relative of the Public Servant; or (Ord 1797, eff., 8/26/05)

(VIII) Any Business Entity in which the Public Servant is an officer, director, employee, partner or owner; or (Ord 1797, eff., 8/26/05)

(IX) Any Business Entity in which the Public Servant owns or controls shares of stock, the aggregate amount of which constitutes more than one percent of the shares of stock of the Business Entity then outstanding. Participation in a stock mutual fund shall not be considered an Interest in a Business Entity of which the mutual fund owns or controls shares of stock. (Ord 1797, eff., 8/26/05)

(i) “**Officer**” means all elected or appointed officers, including but not limited to: (Ord 1797, eff., 8/26/05)

(I) Mayor;

(II) Clerk;

- (III) Council Members;
  - (IV) Treasurer;
  - (V) Attorney;
  - (VI) Manager or equivalent chief administrative officer;
  - (VII) Municipal Judge;
  - (VIII) Police Chief;
  - (IX) Fire Chief; and
  - (X) Department Head.
- (Ord 1797, eff., 8/26/05)

(j) “**Official Action**” means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which includes use of discretionary authority of any Public Servant. (Ord 1797, eff., 8/26/05)

(k) “**Public Servant**” means an Officer, Independent Contractor, or Volunteer of the City; a candidate for such position; and former Officers, Independent Contractors, and Volunteers for six months after termination of service for the City. (Ord 1797, eff., 8/26/05; Ord. 1899, eff. 6/11/10)

(l) “**Relative**” means any person related to a Public Servant by blood or marriage, in any of the following degrees: parents, spouse, children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein. (Ord 1797, eff., 8/26/05)

(m) “**Verified Complaint**” means a written complaint containing a statement signed by a person indicating he or she has personal knowledge of the allegations of the complaint and knows them to be true. (Ord 1797, eff., 8/26/05)

(n) “**Volunteer**” means any person who is appointed or authorized to act on behalf of the City in any manner without compensation. (Ord 1797, eff., 8/26/05)

#### (4) General Requirements.

(a) **Duty.** All Public Servants have a duty to use their public positions to contribute to the public good. This Code of Conduct and Code of Ethics shall not preclude Public Servants from acting in any manner consistent with their official duties or from providing assistance or public services to anyone who is entitled to them. All Public Servants, however, also have a fiduciary duty to refrain from using their positions in any manner for personal or private gain or which is detrimental to the public good. Public Servants must be mindful that the appearance of impropriety can be as corrosive of public confidence as an actual impropriety, and must strive to avoid situations which may create an appearance of impropriety. (Ord 1797, eff., 8/26/05)

(b) **Non-Partisan Public Servants.** City Officers are non-partisan. There shall be no partisan references or campaigning for political office at meetings of City Council, Boards or Commissions. Partisanship shall not be a factor in any Official Action of any Public Servant. (Ord 1797, eff., 8/26/05)

(c) **Chronic Violation of Laws.** Public servants have an ethical duty to abide by the federal,

state, and City laws. Chronic or excessive violations of federal, state or City laws, even when they do not result in convictions for the commission of felonies, misdemeanors, or other laws whose violation constitutes a violation of this Code of Conduct and Code of Ethics, may indicate disrespect for the law and may contribute to the public's disrespect for Public Servants. The Council may, by resolution or ordinance adopt policies which inform Public Servants of the circumstances under which violations of federal, state and City laws will be deemed violations of the Code of Ethics. (Ord 1797, eff., 8/26/05)

(d) State Statutory Requirements. All Public Servants shall comply with all applicable provisions of the Colorado Revised Statutes regarding ethics, including Sections 24-18-101, et seq., and 31-4-404, C.R.S., notwithstanding the requirements of this Code of Conduct and Code of Ethics. (Ord 1797, eff., 8/26/05)

#### (5) Code of Conduct

The City of Trinidad Code of Conduct represents a reasonable policy for guiding the conduct of Public Servants, and defining acceptable conduct in dealing with each other and people outside City government. The City Council believes the Code of Conduct should be adhered to by all Public Servants to provide a productive, effective and respectful atmosphere. (Ord 1797, eff., 8/26/05)

##### (a) Code of Conduct for Public Servants.

In conducting the City's business, Public Servants shall:

- (I) Focus on the issue, stick to the issue
  - (II) Agree to disagree without getting personal
  - (III) Look for Council agreements before disagreement and differences
  - (IV) No personal attacks - no nasty comments about each other
  - (V) Once a decision is made, move on to the next issue and work together in the future
  - (VI) Listen before judging or reacting
  - (VII) Assume best intention, and check on the message
  - (VIII) Speak to each other, not to the audience
  - (IX) Speak for yourself, don't speak for others
  - (X) Base decision on your best judgment
  - (XI) Keep Executive Session discussion confidential
  - (XII) If you have a problem, call the person immediately
- (Ord 1797, eff., 8/26/05)

(b) Consequences for Violation of Code of Conduct. Any Public Servant who violates the Code of Conduct is subject to disciplinary action. Disciplinary action toward a Public Servant for violation of the Code of Conduct shall be taken only upon approval by a vote of a majority of the City Council. The City reserves the right to take any of the following steps for violation of the Code of Conduct by a Public Servant, after consideration of the seriousness, duration, and/or repeated nature of the violation: (Ord 1797, eff., 8/26/05)

- (I) Private Warning;

- (II) Remedial or educational training on the subject of the violation intended to avoid or prevent future violations;
- (III) Public Warning;
- (IV) Removal from any appointed position or policy liaison role;
- (V) Public censure, to include a letter of apology to be sent to affected persons. (Ord 1797, eff., 8/26/05)

(6) Mandatory Standards of Ethical Conduct.

The following requirements shall constitute the Trinidad Code of Ethics, establishing reasonable standards for the ethical conduct of Public Servants. Failure to abide by these standards shall be deemed a violation of the Code of Ethics and shall subject the Public Servant to an investigation by the Board of Ethics and significant discipline. Violations may also constitute a violation of State Law. It is a violation of the Code of Ethics for any Public Servant to: (Ord 1797, eff., 8/26/05)

(a) Confidential Information. Disclose or use confidential information acquired in the course of official duties that is not generally available to the public to further the Public Servant's personal financial interests, or disclose any confidential information, including any information obtained in a City Council Executive Session, unless approved by City Council, or waive any confidence or privilege of the City Council or any Board or Committee without approval of the City Council, Board or Committee. (Ord 1797, eff., 8/26/05)

(b) Gifts of Substantial Value. Accept Gifts of Substantial Value or of Substantial Economic Benefit Tantamount to a Gift of Substantial Value which would tend to improperly influence a reasonable person in a public position to depart from the faithful and impartial discharge of the Public Servant's public duties, of which the Public Servant knows, or which a reasonable person should know, is primarily for the purpose of rewarding an official action the Public Servant has taken or could take. (Ord 1797, eff., 8/26/05)

(c) Engaging in Financial Transactions. Engage in a substantial financial transaction for the Public Servant's private business purposes with a person the Public Servant inspects or supervises in the course of the Public Servant's official duties. (Ord 1797, eff., 8/26/05)

(d) Benefitting Business Interests. Perform an Official Act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the Public Servant either has an Interest or is engaged as counsel, consultant, representative or agent. (Ord 1797, eff., 8/26/05)

(e) Personal Interest. Vote on or attempt to influence the other members of the City Council, a Board or Commission on which the Public Servant sits regarding any proposed or pending matter in which the Public Servant has an Interest. A member of the City Council or a Board or Commission may vote on such matter notwithstanding this prohibition if his or her participation is necessary to obtain a quorum and allow the Council, Board or Commission to vote and if he or she complies with the disclosure requirements of Section 24-18-110, C.R.S. (Ord 1797, eff., 8/26/05)

(f) Crimes. Be convicted of any felony or a misdemeanor, whether or not the crime relates directly to the Public Servant's position in public service. (Ord 1797, eff., 8/26/05)

(g) Discrimination. Be found guilty of violating any federal, state or City laws prohibiting

discrimination. (Ord 1797, eff., 8/26/05)

(h) Sexual Harassment. Be found guilty of violating any federal, state or City laws prohibiting sexual harassment. (Ord 1797, eff., 8/26/05)

(i) Retaliation. Be found guilty of violating any federal, state or City laws prohibiting retaliation, including retaliation against whistleblowers or those filing claims against the City. (Ord 1797, eff., 8/26/05)

(j) Outside Employment or Service. Engage in or accept any employment or service if such employment or service reasonably would tend to impair the Public Servant's independence of judgment in the performance of the Public Servant's duties. This restriction is in addition to any other restrictions on outside employment applicable to a Public Servant and is not intended to authorize outside employment by any Public Servant if otherwise prohibited. (Ord 1797, eff., 8/26/05; Ord. 1899, eff. 6/11/10)

(k) Repealed. (Ord. 1899, eff. 6/11/10)

(l) Personal Benefit. Use his or her own time or efforts or request or direct the use of another Public Servant's time or efforts for personal or private purposes while such time is being compensated by the City or intended for general public benefit. (Ord 1797, eff., 8/26/05)

(m) Vehicles and Equipment. Request, direct, or permit the personal or private use of any City vehicle or City equipment except in the same manner and under the same circumstances applicable to any person who is not a Public Servant, unless such use will also substantially benefit the City. (Ord 1797, eff., 8/26/05)

(n) Special Consideration. Request, or grant to any person, any special consideration, treatment, or advantage beyond that which is available to every other person in similar circumstances or need. (Ord 1797, eff., 8/26/05)

(o) Appearance Before Council, Boards or Commissions. Appear before the City Council or any Board or Commission on which or over which the Public Servant sits or has supervisory responsibilities, except in the Public Servant's representation of the City. (Ord 1797, eff., 8/26/05)

(p) Vote Trading. Offer or promise to give his or her vote or influence in favor of or against any proposed Official Action in consideration or upon condition that any other Public Servant will promise or assent to give his or her vote or influence in favor of or against any other proposed Official Action. (Ord 1797, eff., 8/26/05)

(q) Appearance by Former Public Servants. At any time within one year after termination from the City, appear on behalf of the Interest of any person or entity, before the Council or any Board or Commission, or Public Servant of the City, in relation to any matter concerning which the former Public Servant performed an Official Act or had supervisory responsibility. During such period before a former Public Servant represents any person or entity in a matter not involving an Interest or in relation to a matter over which the former Public Servant did not perform an Official Act or have supervisory responsibility, the former Public Servant shall disclose his or her prior relationship to the City. (Ord 1797, eff., 8/26/05)

(r) Employment and Contracts with Officials. No person in an elected office of the City shall at any time within his or her term or for one year after he or she leaves office become engaged as a City Employee or Independent Contractor. (Ord 1797, eff., 8/26/05)

(s) Respect. Fail to interact with all persons and entities in a respectful and fair manner at all times. Individual members of the public should at no time be criticized for their requests or views. (Ord 1797, eff., 8/26/05)

(t) Nepotism/Favoritism-Hiring. Be directly responsible for the hiring, appointment, retention, or supervision of, or influence or attempt to influence the hiring, appointment, supervision, or retention by the City of, any Relative of the Public Servant or any other individual seeking preferential hiring through a Public Servant. (Ord 1797, eff., 8/26/05)

(u) Nepotism - Terms of Engagement. Influence or attempt to influence the compensation, benefits, or other terms and conditions of engagement by or service to the City applicable to any Relative of the Public Servant. (Ord 1797, eff., 8/26/05)

(v) Nepotism - Employment Procedures. Engage, hire or appoint a Relative of a Public Servant as a Public Servant unless the city's personnel procedures applicable to such employment or appointment have been followed. (Ord 1797, eff., 8/26/05)

(w) Similar Conduct. Other similar conduct which threatens the public confidence in the integrity of government including but not limited to illegal conduct, conduct which puts self interest before public interest, or conduct involving dereliction of duties. (Ord 1797, eff., 8/26/05)

#### (7) Enforcement of the Code of Ethics

(a) Ethics Complaints. The Board of Ethics shall accept from any individual, either personally or on behalf of an organization or governmental body, a Verified Complaint in writing, signed by someone with personal knowledge of the facts giving rise to the complain, which states the name of any person alleged to have committed a violation of the Code of Ethics and which sets forth the particulars thereof. The Board of Ethics shall forward to the accused within ten days a copy of the complaint and a general statement of the applicable provisions with respect to such Verified Complaint. If the Board of Ethics determines that the Verified Complaint does not allege facts sufficient to constitute a violation of the Code of Ethics, it shall dismiss the complaint and notify the complainant and the accused. If the Board of Ethics determines that the Verified Complaint was brought for harassment purposes, it shall so state. (Ord 1797, eff., 8/26/05)

(b) Ethics Investigation. Following the receipt of a Verified Complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis to believe that a violation of the Code of Ethics has been committed or that an investigation of a possible violation is warranted, the Board of Ethics may cause an investigation to be made of the circumstances concerning the possible violation. The Board may also initiate an ethics investigation upon its own initiative or the request of any Public Servant who has been alleged to have committed unethical conduct by sources unwilling to file a Verified Compliant. An ethics investigation shall be conducted by an impartial investigator engaged by the Board. Before invoking its investigatory powers, the Board of Ethics shall approve a motion, which shall state the nature and purpose of the

investigation, the actions or activities to be investigated, and the persons who are the subject of the investigation. The Board of Ethics shall, within five days, serve a copy of the motion on the accused together with a notice informing the person that he or she is the subject of the investigation and a general statement of the applicable provisions whose violation are being investigated. If the Board of Ethics, during the course of an investigation, finds probable cause to believe that a violation of the Code of Ethics has occurred, it may: (Ord 1797, eff., 8/26/05)

(I) Board of Ethics Complaint. If no Verified Complaint has been filed, make upon its own motion a Verified Complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of the Code of Ethics and shall set forth the particulars thereof. The Board of Ethics shall forward to the accused within ten days a copy of the complaint, a general statement of the applicable provisions with respect to such Verified Complaint and a specific statement enumerating the source or sources of information upon which the complain is based. (Ord 1797, eff., 8/26/05)

(II) Amendment of Complaint. If a Verified Complaint has been filed and the Board of Ethics finds probable cause to believe that a violation, other than one contained in the complaint, has occurred, amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the Board of Ethics, a copy of the amendment shall be sent to the person complained against within forty-eight hours. (Ord 1797, eff., 8/26/05)

(c) Service. Service of any notice or other document pursuant to the Code of Ethics is complete upon mailing certified mail to the person's last known address, or upon personal service. (Ord 1797, eff., 8/26/05)

(d) Dismissal or Hearing. Upon completion of the investigation, the Board of Ethics shall dismiss the complaint if it determines there was no violation of the Code of Ethics. If the Board of Ethics determines, based on the investigative report, that a violation may have occurred, it shall, by motion, set a date, time and place at which a hearing shall be held to hear the complaint. The investigative report and notice of the hearing shall be served on the accused not less than thirty days prior to the hearing. (Ord 1899, eff., 6/11/10)