

TOWN OF KERSEY
ORDINANCE NO. 2023-0005

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF KERSEY
PROVIDING ADDITIONAL CLARITY CONCERNING THE REMOVAL OF TOWN
OFFICERS.

WHEREAS, the Town of Kersey ("Town") is a Colorado statutory municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the State of Colorado established Colorado Revised Statutes 31-4-108 regarding expulsion from the town board and also established CRS 31-4-209 which provides the local government the ability to compel attendance of members and to punish members for misconduct; and

WHEREAS, beginning in 1994, the town established rules concerning the removal of officers and vacancies within the Planning Commission however certain rules for the town board have relied solely on Colorado state law; and

WHEREAS, the Board of Trustees desires to provide additional clarity for reasons when removal of an officer may be desired as allowed for within Colorado State law.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KERSEY, COLORADO AS FOLLOWS:

Section 1. An addition to Kersey Municipal Code, Section 2-74 (g) is hereby created to read as follows:

2-74 (g) – Elected or appointed board members may be removed by the governing body if the official:

- 1) Has been convicted of any state or federal felony offense, has knowingly violated any state of Colorado Title 31 statute or federal law relating to government administration, or has been convicted of any state or federal misdemeanor or felony offense involving embezzlement or moral turpitude; or
- 2) Misses three consecutive meetings without good cause; or
- 3) Neglects duties or commits malfeasance in office.
- 4) Before removal, the individual must be given written notice of the reasons for the proposed removal at least seven days prior to removal, and provided a reasonable opportunity to respond to the governing body in writing or in person, at the discretion of the mayor, regarding the reasons set forth in the notice. Vacancies occurring prior to the expiration of a term of office shall be filled for the remainder of the unexpired term by the board of trustees."

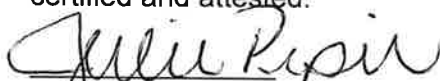
Introduced, read, approved, and adopted and ordered published by title only by the concurrence of at least

a majority of the Board of Trustees, and ordered published the 8 day of August, 2023 to take effect thirty days following publication.

TOWN OF KERSEY


By: Gary Lagrimanta, Mayor

The fact of the previous introductions and readings of the ordinance as above stated, and the fact of its newspaper publication and posting publication in accordance with law, and hereby certified and attested.


Julie Piper, Town Clerk

