

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2013 - 08

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND
APPOINTING AN INTERIM TOWN MARSHAL**

WHEREAS, pursuant to C.R.S. § 31-4-304, the Board of Trustees (“Board”) of the Town of Nederland (“Town”) possesses the authority to appoint such Town officers as it deems necessary for the good government of the Town; and

WHEREAS, the Nederland Town Code prescribes certain duties and functions of a Town Marshal, an office which is currently vacant; and

WHEREAS, the Board finds that it is necessary and desirable to appoint a person to temporarily perform the duties and functions of each of this office in the interest of maintaining the efficient and effective functioning of the Town; and

WHEREAS, the Board further finds that the person so appointed to temporarily perform the Town Marshal duties shall be considered a temporary officer only and, as such, shall not be considered a statutory officer of the Town nor shall such person have any expectation of permanent employment with the Town; and

WHEREAS, after due and careful consideration of all relevant parties and factors, the Board desires to appoint an Interim Town Marshal as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The Board of Trustees hereby appoints Nederland Police Department Sergeant Larry Johns as the Interim Town Marshal for the Town of Nederland. In recognition of the Colorado Supreme Court’s decision in *Mitchell v. Town of Eaton*, 491 P.2d 587 (Colo. 1971), the Board finds and determines that the office of “Interim Town Marshal” is neither defined nor required by statute or ordinance and therefore, such office is temporary only. The office of Interim Town Marshal is not a permanent statutory office as contemplated by C.R.S. § 31-4-307, to which its removal provisions apply. The person appointed by this Resolution has been advised that he has no expectation of continued employment as the Interim Town Marshal and, as such, he may be removed from this temporary office at any time by a majority vote of the Trustees voting thereon for any reason or for convenience. Such removal may be accomplished by motion.

Section 2. The appointment made by Section 1 of this Resolution shall become effective on October 1, 2013.

Section 4. Unless otherwise provided by the Agreement approved hereby, the person appointed by this Resolution is authorized to perform those duties and functions of the Town

Marshal as set forth in the Nederland Municipal Code and as prescribed from time to time by the Board of Trustees.

RESOLVED, APPROVED and ADOPTED this 1st day of October, 2013.

TOWN OF NEDERLAND

By: 
Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk

