

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 728

AN ORDINANCE REFERRING TO THE ELECTORS OF THE TOWN THE QUESTION OF COMPENSATION FOR THE OFFICES OF MAYOR AND TRUSTEE AND ESTABLISHING THE AMOUNT OF SUCH COMPENSATION IF THE QUESTION IS APPROVED AT THE APRIL 2014 REGULAR ELECTION

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-4-406, in municipalities of not more than five thousand inhabitants incorporated prior to July 3, 1877, the mayor and members of the governing body shall not receive any compensation for their services unless the question of paying such mayor or members for their services is first approved by the registered electors of the municipality; and

WHEREAS, the Town is a municipality of not more than five thousand inhabitants that was incorporated prior to July 3, 1877 and, as such, falls within the above statute; and

WHEREAS, the Town Board of Trustees (“Board”) finds that the time and personal resources required to be dedicated by persons holding the offices of Mayor and Trustee are significant and that this public service has tangible and intangible benefits to Town residents, businesses and visitors; and

WHEREAS, in the interest of recognizing the value of the significant time spent by elected Town officers and the resulting public benefits, the Board finds that it is desirable to refer to Town electors the question of whether such officers should receive compensation for their services at the April 2014 regular Town election; and

WHEREAS, if such ballot question is approved by the electors, C.R.S. § 31-4-301(4) requires that the amount of compensation due to the Mayor and Trustees be established by ordinance; and

WHEREAS, C.R.S. § 31-4-405 prohibits any increase in an elected official’s compensation to occur during his or her term of office; and

WHEREAS, if the question of compensation is approved by Town electors at the April 2014 election, the Board wishes to authorize and establish the amount of such compensation to be paid to those officers whose terms commence in April 2014 and thereafter.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, that:

Section 1. The following ballot question shall be submitted to Town electors at the next regular Town election, to be conducted on Tuesday, April 1, 2014:

Ballot question:

Shall the Mayor and other members of the Board of Trustees receive compensation for their services, commencing with new terms of office filled by election in April of 2014 and for new terms of office that commence thereafter?

Section 2. In the event the ballot question referred to the electors by Section 1 of this Ordinance is approved by a majority voting thereon, Article II of Chapter 2 of the Nederland Municipal Code, concerning the Mayor and Board of Trustees, shall be amended by the addition of a new Section 2-25, to read in its entirety as follows:

Sec. 2-25. Mayor and Trustee Compensation.

Commencing with new terms of office filled by election in April of 2014 and for each new term of office that commences thereafter, each member of the Board of Trustees, shall receive compensation in the amount of \$150.00 per month, and the Mayor to receive \$250.00 per month.

Section 3. Effectiveness of Section 2 Contingent Upon Election Results. Adoption of the Code Section set forth in Section 2 of this Ordinance is expressly conditioned on voter approval of the ballot question referred by Section 1 of this Ordinance. In the event a majority of electors voting on said ballot question vote “no” on the measure, then the Code Section approved by Section 2 of this Ordinance shall be rendered null and void and shall have no force or effect. In the event a majority of electors voting on the ballot question referred by this Ordinance vote “yes” on the measure, the Town Clerk is authorized to take all steps ordinary and necessary to include the new Code Section adopted by Section 2 hereof in the Nederland Municipal Code.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 5. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 4th DAY OF FEBRUARY, 2014.

TOWN OF NEDERLAND, COLORADO



Joe Gierlach, Mayor

ATTEST:

Michele Martin
Michele Martin, Town Clerk

APPROVED AS TO FORM:

Carmen Beery
Carmen Beery, Town Attorney

