

## **Article II – Elective Offices**

### **Section 2.1. Town Council and Mayor.**

Except for the application of term limits as set forth in Section 2.3, the Town Council shall consist of the Mayor and six (6) Councilmembers. One (1) Councilmember shall serve as Mayor Pro-Tem. The Mayor and Councilmembers shall be elected at large from the entire Town. The Mayor shall be elected by the registered electors.

### **Section 2.2. Limits on Elective Offices.**

In addition to the limits on other elective offices set forth in Section 2.6 of this Charter, no person shall be eligible to stand for election for more than one Town Elective Office at any single Town election. For purposes of this Section of the Charter only, "Town Elective Office" shall not include any office on a new charter commission to be formed in accordance with Part 2 of Article 2 of Title 31, C.R.S., as may be amended from time to time. A person may hold any Town Elective Office of any kind and run as a candidate in an election for another Town Elective Office of any kind at the same time, but if elected, the candidate must resign such candidate's current Town Elective Office and fill the Town Elective Office to which the candidate was subsequently elected.

### **Section 2.3. Terms of Office--Town Elective Offices.**

(a) At the first election of Town Elective Officers, for the Councilmember position, the persons receiving the three highest numbers of votes shall be elected and shall serve until a successor is elected at the regular election in April 2028 and the successor is duly qualified. All other Councilmembers shall be elected and shall serve until a successor is elected at the regular election in April 2026 and the successor is duly qualified. In the event of a tie in number of votes such that persons with the three highest number of votes cannot be determined, the Town Clerk shall hold a lot drawing open to the public to assign terms to the persons tied with the three highest number of votes. The purpose of this paragraph is to create staggered terms of office for the Councilmember positions. The first-elected Mayor shall hold office until the first regular election in April 2028.

(b) The term of office for each person holding Town Elective Office shall commence upon their taking the oath of office at the first regular or special meeting of the Town Council following the election and shall continue during the term for which they shall have been elected until their successors shall have been elected and duly qualified.

(c) Notwithstanding paragraph (a) above, the Mayor and each Councilmember shall be elected for a term of four (4) years.

(d) The limitations on terms imposed by Article XVIII, §11 of the Colorado Constitution, as amended, shall govern term limits in the Town: "no [Mayor or Councilmember] shall serve more than two consecutive terms in office, except that with respect to terms of office which are two years or shorter in duration, no such elected official shall serve mor than three consecutive terms in office." For clarity, Mayor and Councilmember shall be considered the same office for the purpose of calculating terms of office allowed under Article XVIII, §11 of the Colorado Constitution. A partial term of office shall not be considered a term for purposes of calculating term limitations.

### **Section 2.4. Mayor--Powers and Duties.**

The Mayor shall preside at all meetings of the Town Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon the Mayor by this Charter or the Ordinances or the Resolutions of the Town. The Mayor shall have all the powers, rights, and privileges of a Councilmember. The Mayor shall have no power of veto. The Mayor shall be

recognized as the head of the Town government for all ceremonial, dignitary and legal purposes, and the Mayor shall execute and authenticate legal instruments requiring the Mayor's signature as such official.

### **Section 2.5. Mayor Pro-Tem.**

The Town Council shall, at a regular meeting in February [May/June – if an April election date] of each year, elect one of its Councilmembers to serve as Mayor Pro-Tem for a term of approximately one (1) year, commencing and expiring at the first regular meeting of the Town Council scheduled for March [July – if an April election date] of each year. The Mayor Pro-Tem shall be elected by a majority of the members of Town Council present at said meeting and may be removed by a majority of members of Town Council in office. In the absence or disability of the Mayor, the Mayor Pro-Tem shall preside at meetings of Town Council and shall have all powers and duties of the Mayor. The Mayor Pro-Tem shall have all the powers, rights, and privileges of a Councilmember.

### **Section 2.6. Qualifications.**

~~(a)~~ ~~(a)~~ — To be eligible to hold Town Elective Office, either by election or by appointment, a person, at the time of nomination and election or appointment, shall be a primary resident and registered elector as defined by the laws of the State of Colorado, and registered elector of the Town. To be eligible to hold Town Elective Office, a person shall have primary residency, as residency is defined in C.R.S. § 31-10-201(3), ~~resided~~ within the Town at the time of election or appointment for one (1) year immediately preceding such election or appointment.

~~(b) No person who has been convicted of a felony of embezzlement, bribery, perjury, solicitation of bribery, subornation of perjury, or other felony involving a breach of public trust, shall serve as a Councilmember or Mayor.~~

~~(bc)~~ Each person holding Town Elective Office, either by election or by appointment, shall maintain primary residency in the Town and district ~~(if elected by district)~~, throughout such person's term of office. If any person holding Town Elective Office shall move from the Town or from the district (if elected by district), during such person's term of office, such person's seat shall be vacant and such vacancy shall be filled by the Town Council as provided by this Charter.

~~(ed)~~ No person holding Town Elective Office, either by election or by appointment, shall be an employee of the Town during such person's term of office or perform personal services for the Town for which such elected official is compensated other than as provided in this Charter.

~~(de)~~ No person holding Town Elective Office, either by election or by appointment, shall hold any other elective position with a federal, state, county, or municipal governmental entity, excluding an office on a new charter commission to be formed in accordance with Part 2 of Article 2 of Title 31, C.R.S., as may be amended from time to time, during such person's term of office.