

RESOLUTION NUMBER 2024-04
TOWN OF MOFFAT, COLORADO

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF MOFFAT, COLORADO, ESTABLISHING PROCEDURES FOR EVIDENTIARY HEARINGS FOR THE REMOVAL OF TOWN OFFICIALS PURSUANT TO COLORADO REVISED STATUTES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Town of Moffat ("Town") requires established clear and efficient procedures for the removal of Town officials, as allowed under Colorado Revised Statutes, to ensure due process and fairness; and

WHEREAS, the Board of Trustees ("Board") finds that all public hearings of the Board shall be conducted in conformance with applicable state and local regulations, including the following state statutes governing court and courts procedure:

C.R.S. Title 31 (Government-Municipal), 31-4-307:

"By a majority vote of all members of the Board of Trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, they may be removed from office pursuant to this section. A municipal judge may be removed during their term of office only for cause, as set forth in 13-10-105(2), C.R.S."

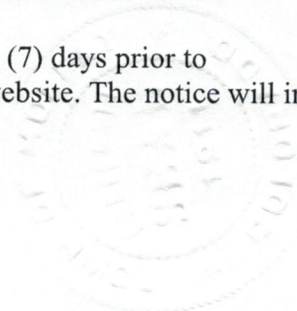
WHEREAS, the Board recognizes the importance of conducting such hearings in a manner that is transparent, efficient, and respects the rights of all involved parties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MOFFAT, COLORADO, that:

SECTION 1. Incorporation of Recitals: The foregoing recitals are hereby incorporated into this Resolution as findings of fact.

SECTION 2. Adoption of Procedures:

1. Issuance of Charge Notice: Upon initiation of removal proceedings, the Mayor or Town Clerk shall issue a Charge Notice to the official, listing the charges and the hearing date. The Notice must reach the official ten (10) days before the hearing via email, hand, or registered mail. Confirmation of receipt is required and will be documented.
2. Notice of the public hearing shall be posted at least seven (7) days prior to the hearing at the Town Hall and on the Town's official website. The notice will include the date, time, place, and subject matter of the hearing.



3. The Mayor (or presiding officer) will oversee the evidentiary hearing, with the duty to preserve order, ensure procedural compliance, and uphold the time restrictions for presentations.
4. Decorum and Respect: Speakers are required to conduct themselves with professionalism, civility, and respect. Remarks should be confined to the subject under discussion, and speakers must refrain from personal attacks or disrespectful comments. The discourse should be constructive and aimed at maintaining a dignified hearing environment.
5. Submission of evidence or documentation of the charge(s) for consideration must be made at least three (3) days prior to the hearing, by both parties, to the Clerk and available to the charged official.
6. The Town shall first present its evidence for removal of the official, for a period not exceeding thirty (30) minutes.
7. The Town official subject to potential removal shall have the opportunity to present their case in response, for a period not exceeding thirty (30) minutes.
8. The decision regarding the removal of the Town official will be made by a majority vote of the Board present and announced at the conclusion of the hearing or at a subsequent public meeting.

SECTION 3. Severability: If any clause, sentence, paragraph, section, or part of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date: This Resolution shall become effective immediately upon its passage and adoption.

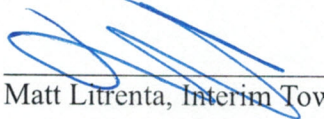
ADOPTED AND APPROVED by the Board of Trustees this 16th day of January, 2024.

TOWN OF MOFFAT



Jon Lopez, Mayor

ATTEST:



Matt Litrenta, Interim Town Clerk

