

**TOWN OF MILLIKEN
RESOLUTION NO. 18-23**

**A RESOLUTION DECLARING THE TERM OF OFFICE OF TOWN TRUSTEE, PEGGY
WAKEMAN, TO BE A FOUR-YEAR TERM CONSISTENT WITH SECTION 2-2-10(a)
OF THE MILLIKEN MUNICIPAL CODE**

WHEREAS, the Town of Milliken conducted a regular election to elect Town Trustees on April 3, 2018; and

WHEREAS, in accordance with Section 2-2-10(a) of the Milliken Municipal Code, at each regular election, three (3) Trustees shall be elected at-large to serve four-year terms, thus creating staggered terms of three Trustees every four years; and

WHEREAS, at the April 3, 2018 regular election, four Trustee seats were open due to a vacancy in office, with three seats to be elected to serve four-year terms and one seat to be elected to serve a two-year term (due to the vacancy); and

WHEREAS, pursuant to Colorado Revised Statutes (CRS) Section 31-4-301(5), if an office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for the office is held at the time at which it would have been held if no vacancy occurred ("Shortened Term"); and

WHEREAS, in accordance with CRS Section 31-10-1205(1.5), "In any election in a municipality that utilizes four-year overlapping terms of office for members of the governing body as provided in sections 31-4-107(3) and 31-4-301(5), any available four-year terms of office shall be awarded to the candidate or candidates receiving the highest number of votes. The terms of office of the candidate or candidates receiving the next highest vote total or totals shall be shortened as provided in sections 31-4-107(3) and 31-4-301(5)"; and

WHEREAS, the Board of the Trustees serve at-large and at every election the specified number of candidates receiving the highest number of votes are deemed elected; and

WHEREAS, where a vacancy creates a Shortened Term of office, the candidate with the lowest number of votes of the elected candidates shall serve the Shortened Term in accordance with CRS Section 31-10-1205(1.5); and

WHEREAS, the initial certified results of the April 3, 2018 election identified Scott Smith, Hollie Traylor, Rachael Dugan to be elected to serve four-year terms while Peggy Wakeman would receive the two-year term; and

WHEREAS, with the vacancy in office caused by Trustee-elect Dugan's withdrawal and disqualification as a Trustee, the Board must appoint a successor to serve until the next regular election in two years; and

WHEREAS, as a result of the vacancy, the candidate with the next highest votes is eligible to be awarded the four-year term; and

WHEREAS, if Trustee Wakeman's term remains a two-year term, the required staggering of terms of three Trustee members at every regular election will not be met for an extended period; and

WHEREAS, to be compliant with Section 2-2-10(a) of the Municipal Code and state statutes, the Board of Trustees enabled Peggy Wakeman, by majority vote at the April 25, 2018 regular Board meeting, to serve the four-year term; and

WHEREAS, this result will not thwart or diminish voters' intent, as Trustee Wakeman did not run for a two-year term but ran for an at-large seat similar to all candidates on the ballot.


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

Section 1. The Board of Trustees determines, in accordance with Section 2-2-10(a) of the Municipal Code, that in order to maintain staggered terms in office of three Trustees every four years, Peggy Wakeman shall serve the four-year term in office vacated by the withdrawal of candidate Rachael Dugan.

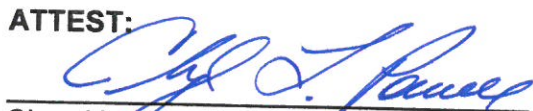
Section 2. The Board of Trustees directs the Designated Election Official to perform all acts necessary to effectuate this Resolution including amending the certified statement of election results for publication and transmittal as set forth in CRS Section 31-10-1205.

Section 3. This Resolution shall take effect immediately.

ADOPTED AND APPROVED this 9th day of May, 2018.



Beau Woodcock, Mayor

ATTEST:


Cheryl L. Powell, Town Clerk