



**TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM**

To: Mayor Woodcock and Town Board of Trustees From: Linda Michow, Town Attorney Via: Kent Brown, Town Administrator	Meeting Date: Wednesday September 14, 2016
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Agenda Item #	Action: X	Discussion:	Information:
Agenda Title: Ordinance No. 735 Amending Section 2-2-60 of the Milliken Municipal Code Regarding Regular Meetings of the Board of Trustees			
Attachments: Ordinance No.735			

PURPOSE:

For Board consideration on the September 14, 2016 agenda is Ordinance No. 735 to change the meeting day, time and location of regular meetings of the Board from a specific day, time and location to a day, time and location set forth by Board resolution. The ordinance also clarifies the voting requirement to extend meetings past 11:00 p.m.

BACKGROUND:

Currently, Section 2-2-60 (a) of the Municipal Code requires the Board to conduct two regular meetings “on the second and fourth Wednesday of each month, commencing at the hour of 7:00 p.m., and at such other dates and times as determined by the Board of Trustees.” It also requires that the Board meetings take place in Milliken Town Hall. Technically, if the Board decides to cancel a meeting for lack of business, it would be in violation of Section 2-2-60, which requires two meetings each month. Subsection (b) of Section 2-2-60 allows for meetings to extend beyond 11:00 p.m. only upon vote of two-thirds of the Board of Trustees.

In order to allow for changes in the meeting time and place without being in violation of the Municipal Code, Section 2-2-60 should be amended to allow the Board to fix the meeting times and days by resolution. So long as the meetings are duly posted and noticed in accordance with the Colorado Open Meeting Law, the Board may fix and make changes to its meeting times by resolution. Further, Subsection (b) of Section 2-2-60 should be amended to clarify that the two-thirds vote to extend meetings past 11:00 p.m. applies to the Trustees present at the meeting – as opposed to two-thirds of ALL members of the Board.

BUDGET IMPLICATONS:

None identified.

STAFF RECOMMENDATION:

In order to allow for changes in meeting times or days, it is recommended that Section 2-2-60 be amended as set forth in Ordinance No. 735.

SUGGESTED MOTION:

“I move to approve Ordinance No. 735 Amending Section 2-2-60 of the Milliken Municipal Code Regarding Regular Meetings of the Board of Trustees and further direct Town staff to draft a resolution setting the regular meetings of the Board to be on the second and fourth Wednesday commencing at _____ p.m. in the Milliken Meeting House at 1201 Broad Street.”

ORDINANCE NO. 735

**AN ORDINANCE AMENDING SECTION 2-2-60 OF THE MILLIKEN
MUNICIPAL CODE REGARDING REGULAR MEETINGS OF THE
BOARD OF TRUSTEES**

WHEREAS, the Town of Milliken is a municipal corporation organized under Title 31 of the Colorado Revised Statutes as a statutory town; and

WHEREAS, the legislative and corporate authority of the Town is vested in a board of trustees, consisting of the Mayor and six trustees; and

WHEREAS, the Board of Trustees has the authority to designate the days and times of its regular and special meetings; and

WHEREAS, the Board has established by ordinance the days and times of its regular meetings as codified in Section 2-2-60 of the Municipal Code; and

WHEREAS, in the interest of operational efficiencies and subject to the requirements of the Colorado Open Meetings Law, the Board desires to amend Section 2-2-60 (a) to allow the Board to fix its meeting days and times by resolution; and to clarify in subsection (b) that the meetings may extend past 11:00 p.m. by vote of two thirds of Board of Trustees present.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, THAT:

Section 1: Section 2-2-60 of Chapter 2 of the Milliken Municipal Code is hereby amended to read in full as follows:

Sec. 2-2-60. - Regular meetings.

(a) The Board of Trustees shall hold at least one regularly scheduled meeting each month at a day, hour and place as determined by the Board of Trustees by resolution.

(b) Regularly scheduled meetings of the Board of Trustees shall adjourn at 11:00 p.m. unless two-thirds of the Board of Trustees present determine, by vote, to extend said meeting.

Section 2: Codification. The Town Clerk is hereby directed to work with the Town's Municipal Code codifier to ensure that the provisions of this Ordinance are included in the next codification of the Milliken Municipal Code.

Section 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the

remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 4: Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance of the Milliken Municipal Code are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2016.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Linda Michow, Town Attorney

Published: _____