

ORDINANCE NO. 753-23

AN ORDINANCE AMENDING THE FOWLER MUNICIPAL CODE SECTIONS 2.08.050(A)-(B), 2.08.050(D), 2.08.060, 2.08.070, 2.08.090 AND 2.08.110 IN THEIR ENTIRETIES

WHEREAS, many of the administrative provisions of the Fowler Municipal Code were adopted in 1981, making them at least thirty-five years age; and

WHEREAS, the Board of Trustees desires to update the language and procedures set forth in the various administrative procedures; and

WHEREAS, the Board of Trustees desires to change the meeting day of regular Board of Trustee meetings from the second Monday of each month to the third Monday of each month and change the posting requirements of all public meetings to use electronic-only notices of its meetings in compliance with Section 24-6-402(2)(c)(III).

BE IT ORDAINED by the town of Fowler Board of Trustees as follows.

a. The following sections of the Fowler Municipal Code are amended in their entirety.

2.08.050(A)

Regular Board of Trustees Meetings. The Town of Fowler Board of Trustees will conduct its regular meetings on the third Monday of each calendar month commencing at 6:00 p.m. in the Town of Fowler Town Hall at 114 E Cranston Ave., Fowler, Colorado, or wherever Town Hall may be located on the meeting date. Where a town holiday falls on a regular meeting date, the regular meeting shall be the Tuesday immediately following the Monday holiday.

2.08.050(B)

Holiday Schedule. The Board of Trustees will adopt the Town of Fowler's official holiday schedule for the calendar year by resolution at any meeting held in December immediately prior to that calendar year or at the first meeting in January of the calendar year for which holidays are being adopted.

2.08.050(D)

Official Posting Sites. The official posting site shall be electronic, and the Agenda for each Town of Fowler meeting shall be readily accessible through a "Sunshine List." Additionally, the agenda for each meeting may be posted at the Town of Fowler Town Hall, currently located at 114 E Cranston Ave., Fowler, Colorado or wherever the Town Hall may be located and/or the Fowler Library, 400 6th Street, Fowler, Colorado or wherever the Fowler Library may be located. The Board of Trustees may designate additional posting sites by resolution at any meeting held in December immediately prior to that calendar year or at the first meeting in January of the calendar year for which additional official posting sites are being adopted.

2.08.060 Special meetings

- A. Calling a special meeting. The mayor may convene the Board of Trustees at any time, with applicable notice to the public. If the mayor is unable to call a special meeting due to absence or incapacity, a special meeting may be called by no less than four members of the board.
- B. Notice of Special Meeting. Notice of a special meeting must be given at least twenty-four hours prior to the meeting. The notice shall be in writing and authorized by the mayor. The notice will be served upon each trustee by email using the most recent email address on file with the clerk, in person or by a notice left at the trustee's place of residence. The notice shall include the date and hour of the meeting and the agenda for the meeting. Only business stated in the notice shall be transacted at the special meeting.

2.08.070 Quorum.

No action shall be taken unless a quorum is present. A majority of the trustees who have taken the oath of office shall constitute a quorum. For purposes of this section, the mayor is considered a trustee. A lesser number may adjourn from time to time and compel the attendance of the absent members, which demand shall be entered on the record by the clerk, who shall notify the absent trustees of the time and place of the meeting. In cases where the clerk is notified by a majority of trustees prior to a meeting that the members are unable to attend a meeting, the clerk shall promptly notify the mayor who may vacate the meeting due to the inability to obtain a quorum. If the mayor vacates the meeting due to the inability to obtain a quorum, the clerk shall promptly notify all trustees and provide each trustee with the names of those trustees unable to attend the meeting. The clerk will post a notice of the vacated meeting on-line, and may post notice on the town hall primary door or at the other posting sites.

2.08.090. Order of business.

The order of business of a Board of Trustees' meeting is as follows:

- A. Pledge of Allegiance. The mayor leads the board in the Pledge of Allegiance.
- B. Call to order. The mayor shall take the chair at the hour appointed for the meeting, and shall immediately call the board to order. The mayor or temporary chairman shall preserve the order and decorum, and decide all questions of order.
- C. Roll Call. Before proceeding with the board's business, the clerk will call the roll of the trustees. The names of trustees present shall be entered in the minutes.


- D. Public Hearings. The mayor shall call any noticed public hearings to order, conduct and close the public hearings.
- E. Consent Agenda. The mayor shall announce the consent agenda and that any trustee may request that a consent agenda item be removed from the consent agenda and placed on the regular agenda for discussion.
- F. Agenda Approval. Prior to agenda approval, the mayor will entertain motions to delete or add agenda items for discussion. The agenda will be approved by majority vote of the trustees present.
- G. Consent Agenda Approval. All items contained in the consent agenda will be approved in a single motion by majority vote of the trustees present.
- H. Public Comments. Any citizen may make comments to the board as a whole and not to any individual trustee on matters under the jurisdiction of the board. Such comments shall be limited to a reasonable time, to be no more than three (3) minutes, and such determination will be in the discretion of the presiding officer. No action shall be taken in regard to the public comments, and the public comments may not pertain and/or relate to personnel matters or individual town employees.
- I. Reports. Town officials and committees shall present reports as may be required by the board.
- J. Old Business. The board will consider any business that has been previously considered and which is still unfinished.
- K. New Business. The board will consider any business not considered previously including the introduction or readings of ordinances and resolutions.
- L. Adjournment. The board may adjourn from time to time to a specific date and hour upon majority vote of the trustees present. If no specific date and hour is set forth in the motion to adjourn, the meeting shall adjourn to the next scheduled regular board meeting. A motion to adjourn is always in order and will be decided without debate.

2.08.110 Adoption of Ordinances.

- A. A trustee will introduce each ordinance. The ordinance will then be read aloud in full unless printed copies of the ordinance are available for all present at the meeting in which case only the title must be read aloud. After reading, the ordinance may be amended or approved by an affirmative majority vote of the quorum present. After the reading and initial approval, the ordinance shall be published in accordance with state law. After publishment, the ordinance may be adopted upon motion, second and affirmative majority vote of the quorum present unless the law requires a greater number.

- B. Ordinances and resolutions for the appropriation of money must be adopted by affirmative majority vote of all trustees who have taken the oath of office.
- C. Ordinances adopting a uniform code or other provision by reference, or adopting a franchise agreement, must be adopted following the procedures set forth in Colorado law.
- b. Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform to this ordinance.
- c. Severability. If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be illegal or invalid, such judgment shall not affect application to other persons or circumstances and those other portions of this ordinance not illegal or invalid shall continue in full force and effect as to those provisions.
- d. Effective Date. This ordinance shall be effective thirty days after publication.

INTRODUCED, READ AND ORDERED PUBLISHED in the Fowler Tribune THIS 10th DAY OF July, 2023.


Lucas Flanscha, Mayor, Town of Fowler

ATTEST:


Kelly J. Lotrich, Town Clerk, Town of Fowler