

RESOLUTION NO. 13-28

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CASTLE PINES, COLORADO, APPOINTING AN
INTERIM CITY CLERK**

WHEREAS, the Office of City Clerk became vacant as of August 27, 2013 upon the City Council's appointment of then-interim City Clerk Jaime Edwards to fill the vacant position of Council member for Ward 3 within the City of Castle Pines; and

WHEREAS, in accordance with the C.R.S. § 31-4-108(2)(b), set forth in full below, the City Council must either appoint a person to fill the vacancy or schedule a special election to elect a new City Clerk:

In case any office of an elective officer becomes vacant before the regular expiration of the term thereof, the vacancy may be filled by the city council by appointment or by election until the term of office of a successor elected at the next regular election has commenced as provided in section 31-4-105. If the city council does not fill the vacancy by appointment or order an election within sixty days after the vacancy occurs, it shall order an election, subject to the municipal election code, as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular election has commenced as provided in section 31-4-105.

WHEREAS, the City has submitted a ballot question on the November 5, 2013 election asking the voters whether the position of City Clerk should be changed from elective to appointive ("Ballot Question 2F"); and

WHEREAS, even if Ballot Question 2F is approved, there will be more than 60 days between the occurrence of the vacancy in the office of City Clerk and the November 5th election thereby necessitating an interim appointment; and

WHEREAS, to comply with the requirement of C.R.S. § 31-4-108(2)(b) and to avoid the time and expense of a special election, the City Council desires to appoint an individual to serve as City Clerk for an interim period as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby appoints Seth Katz to serve as the Interim City Clerk until January 14, 2014, the effective date of the transition from elective to appointive City Clerk if Ballot Question 2F is approved by a majority of registered electors. Alternatively, if Ballot Question 2F is not approved, then such appointment shall continue until the term of office of a successor commences following the next regular City election.

Section 2. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 3. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 6 in favor, 0 against and 1 absent this 28th day of October, 2013.



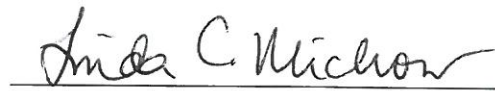
Jeffrey T. Huff, Mayor

ATTEST:

Approved as to form:



Diane Spomer, Deputy City Clerk



Linda C. Michow, City Attorney