

**TOWN OF OAK CREEK**

**ORDINANCE NO. 617**

**AN ORDINANCE REPEALING AND REENACTING/ADOPTING BY REFERENCE THE TOWN OF OAK CREEK PERSONNEL POLICIES AND PROCEDURES CODIFIED AS CHAPTER 2.26 OF THE OAK CREEK MUNICIPAL CODE AND REPEALING CHAPTERS 2.28, 2.36, 2.38 AND 2.40 OF THE OAK CREEK MUNICIPAL CODE DUE TO THEIR CONFLICT WITH OR DUPLICATION OF THE TOWN OF OAK CREEK PERSONNEL POLICIES AND PROCEDURES ADOPTED HEREIN.**

**WHEREAS**, Section 2.26 of the Oak Creek Municipal Code provides for the adoption, maintenance and amendment of a Code of Personnel Policies for the Town of Oak Creek pursuant to C.R.S. § 31-16-201, et seq; and

**WHEREAS**, C.R.S. § 31-16-203 requires that after introduction of the adopting ordinance, the governing body of any municipality shall schedule a public hearing thereon, notice of which shall be published twice in a newspaper of general circulation in the adopting municipality, once at least fifteen days preceding the hearing, and once at least eight days preceding the hearing; and

**WHEREAS**, Ordinance No. 617 was introduced to the Board of Trustees on May 24, 2012 and a public hearing was scheduled for June 14, 2012; and

**WHEREAS**, notice of the public hearing was published on June 3, 2012 and June 10, 2012 in the Steamboat Pilot, a paper of general circulation in the Town; and

**WHEREAS**, the public hearing scheduled for June 14, 2012 was tabled to June 28, 2012 to meet the notice requirements in accordance with C.R.S. § 31-16-203; and

**WHEREAS**, the Oak Creek Board of Trustees held a public hearing on June 28, 2012 to consider comments on the proposed repeal and reenactment by reference the Oak Creek Personnel Policies and Procedures Handbook pursuant to the provisions codified as Chapter 2.26 and the repeal of Chapters 2.28, 2.36, 2.38 and 2.40 of the Oak Creek Municipal Code due to their conflict with or duplication of the Town of Oak Creek Personnel Policies and Procedures Handbook. No public comment was received at said public hearing; and

**WHEREAS**, Trustee Gustafson made a motion to repeal and reenact by reference the Oak Creek Personnel Policies and Procedures codified as Chapter 2.26 and repeal Chapters 2.28, 2.36, 2.38 and 2.40 of the Oak Creek Municipal Code due to their conflict with or duplication of the said Town of Oak Creek Personnel Policies and Procedures, noting that proposed Section 6 is reserved and the language is not included at this time until further review has been completed. Trustee Meyers-Story seconded the motion. The motion passed unanimously.

**NOW, THEREFORE**, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

**SECTION 1. REPEAL AND REENACTMENT/ADOPTION.** Pursuant to the provisions of C.R.S. § 31-16-201, et seq, there is hereby repealed and reenacted/adopted by reference the Town of Oak Creek Personnel Policies and Procedures codified as Chapter 2.26 of the Oak Creek Municipal Code.

**SECTION 2. TITLE – CITATIONS REFERENCE.** It shall be sufficient to refer to said code as the Town of Oak Creek Personnel Policies and Procedures in any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the “Town of Oak Creek Personnel Policies and Procedures.” References may be made to the titles, chapters, sections and subsections of the “Town of Oak Creek Personnel Policies and Procedures” and such references shall apply to those titles, chapters, sections or subsections as they appear in the Oak Creek Municipal Code.

**SECTION 3. COPIES ON FILE.** Not less than one copy of such code, certified to be a true and correct copy by the Mayor and the Clerk, shall be filed in the office of the Clerk at all times and the Clerk shall also maintain, at a reasonable price, copies of such code available for purchase by the public.

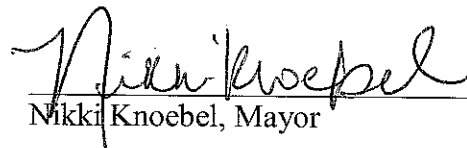
**SECTION 4. AMENDMENTS.** Whenever a reference is made to such code, or any portion thereof, the reference shall apply to all amendments, corrections heretofore, now or hereafter made.

**SECTION 5. REPEAL OF CHAPTERS 2.28, 2.36, 2.38 AND 2.40.** Chapters 2.28, 2.36, 2.38 and 2.40 are hereby repealed due to their conflict with or duplication of the Town of Oak Creek Personnel Policies codified as Chapter 2.26 of the Oak Creek Municipal Code.

**SECTION 6. SEVERABILITY, CONFLICTING ORDINANCES REPEALED.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED** this 28<sup>th</sup> day of June, 2012.

  
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Nikki Knoebel, Mayor

ATTEST:

  
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Mary Alice Page Allen  
Town Administrator/Clerk

