

ORDINANCE 2019-07

AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE AND IMPLEMENTING PROVISIONS FOR A SINGLE UNIFORM TEXT FOR SWEARING OR AFFIRMING AN OATH OF OFFICE AND THE REQUIREMENTS REGARDING HOW AND WHEN AN OATH OR AFFIRMATION OF OFFICE MUST BE TAKEN, SUBSCRIBED, ADMINISTERED, AND FILED

WHEREAS, the Colorado General Assembly has found almost every state and local elected or appointed public official must by statute take some type of oath or affirmation of office; and

WHEREAS, the Colorado General Assembly has found most oath or affirmation statutory provisions are silent or incomplete regarding the text, process, and timing of an oath or affirmation; and

WHEREAS, the Colorado General Assembly has found statutory oath or affirmation inconsistencies should be harmonized and updated; and

WHEREAS, in light of the foregoing findings, the Colorado General Assembly adopted, and the Governor has signed, HB18-1138 to establish a single, consistent text for all oaths and affirmations of office; and

WHEREAS, the City desires to conform to the requirements set forth in HB 18-1138.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1. That Section 2.15.030(A) of the Fruita Municipal Code and Ordinance 2015-05 be amended as follows:

- A. When required by the City Council, each officer or employee, before entering upon the duties of his or her office, shall take an oath ~~to support the Constitutions and laws of the United States, the State of Colorado and the ordinances of the City.~~ **OR AFFIRMATION AS FOLLOWS:**

“I [NAME], DO [SELECT SWEAR, AFFIRM] THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF COLORADO, THE LAWS OF THE STATE OF COLORADO, AND THE ORDINANCES OF THE CITY AND WILL FAITHFULLY PERFORM THE DUTIES OF THE OFFICE OF [NAME OF OFFICE OR POSITION] UPON WHICH I AM ABOUT TO ENTER TO THE BEST OF MY ABILITY.”

IT IS LAWFUL FOR A PERSON ELECTING TO SWEAR AN OATH TO “SWEAR BY THE EVERLIVING GOD” IF THAT PERSON SO CHOOSES.

- 1. THE OATH OR AFFIRMATION MUST BE:
 - A. IN WRITING AND SIGNED BY THE PERSON TAKING THE OATH OR AFFIRMATION;**
 - B. ADMINISTERED CITY CLERK OR OTHER DESIGNATED PERSON AS PROVIDED IN SECTION 24-1-103, C.R.S.; AND**
 - C. TAKEN, SIGNED, ADMINISTERED, AND FILED AS SPECIFIED IN THIS PARAGRAPH C OF THIS SECTION BEFORE THE PERSON ENTERS UPON THE PUBLIC OFFICE OR POSITION****

- 2. THOSE PERSONS REQUIRED TO UNDER THIS SECTION TO TAKE AN OATH SHALL FILE WITH THE COUNTY CLERK AND THE CITY CLERK THEIR OATH OR AFFIRMATION.**

Section 2. That Section 2.28.090 of the Fruita Municipal Code and Ordinance 2000-08 be amended as follows:

- A. Before entering upon the duties of his office, the Municipal Judge, or any assistant judge, shall take an oath or affirmation ~~that he will support the Constitution of the United States and the Constitution of the State of Colorado and the Charter and ordinances of the City of Fruita, and that he will faithfully perform the duties of his office.~~ AS FOLLOWS:**

“I [NAME], DO [SELECT SWEAR, AFFIRM] THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF COLORADO, AND THE LAWS OF THE STATE OF COLORADO, AND THE ORDINANCES OF THE CITY AND WILL FAITHFULLY PERFORM THE DUTIES OF THE OFFICE OF [NAME OF OFFICE OR POSITION] UPON WHICH I AM ABOUT TO ENTER TO THE BEST OF MY ABILITY.”

IT IS LAWFUL FOR A PERSON ELECTING TO SWEAR AN OATH TO “SWEAR BY THE EVERLIVING GOD” IF THAT PERSON SO CHOOSES.

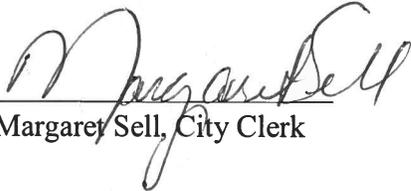
- B. THE OATH OR AFFIRMATION MUST BE:
 - 1. IN WRITING AND SIGNED BY THE PERSON TAKING THE OATH OR AFFIRMATION;**
 - 2. ADMINISTERED AS PROVIDED IN SECTION 24-1-103, C.R.S.; AND**
 - 3. TAKEN, SIGNED, ADMINISTERED, AND FILED AS SPECIFIED IN THIS SUBSECTION (2) OF THIS SECTION BEFORE THE PERSON ENTERS UPON THE PUBLIC OFFICE OR POSITION****

C. THOSE PERSONS REQUIRED TO UNDER THIS SECTION TO TAKE AN OATH SHALL FILE WITH THE SECRETARY OF STATE AND THE CITY CLERK THEIR OATH OR AFFIRMATION.

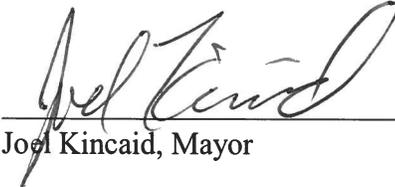
**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 19TH DAY OF FEBRUARY, 2019**

ATTEST:

City of Fruita



Margaret Sell, City Clerk



Joel Kincaid, Mayor