

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 10, SERIES 2015**

**AN ORDINANCE PROVIDING FOR AN ELECTION
CONCERNING AMENDMENTS TO THE HOME RULE CHARTER
OF THE TOWN OF TIMNATH, COLORADO**

WHEREAS, the Town of Timnath (the "**Town**") is a home rule municipality operating under the Timnath Home Rule Charter (the "**Charter**") adopted on November 7, 2006 and the Town's Municipal Code (the "**Code**"). Pursuant to the Charter, the Code, and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, Section 31-2-210(1)(b), C.R.S., permits the Town Council, on behalf of the Town, to adopt an ordinance to submit proposed charter amendments to a vote of the registered electors of the Town and to adopt a ballot title for the proposed amendment.

WHEREAS, Section 1-41-103(1)(a), C.R.S., specifies that questions pertaining to amendments to the charter of any home rule municipality submitted by the legislative body of the home rule municipality, in accordance with said charter, shall appear on the TABOR-related ballot; and

WHEREAS, Section 1-41-101, CRS, requires that TABOR-related ballot issue elections be held on the first Tuesday of November of odd-numbered years, and November 3, 2015, is one of the election dates on which ballot issues may be submitted to the Town's eligible electors pursuant to TABOR; and

WHEREAS, this Ordinance, entitled "An Ordinance Providing for an Election Concerning Amendments to the Home Rule Charter of the Town of Timnath, Colorado," provides for increasing the elector threshold at which the Town Council membership will be increased from 1,200 electors to 8,000 electors, reducing limitations on the Town's ability to appropriate funds for unanticipated expenditures, extending the deadline for filing of the Town's annual audit so that it is consistent with state law, removing lax Council Member meeting attendance requirements and delegating this responsibility to Town Council, providing more flexibility to the Council in addressing potential future budget shortfalls, removing one year waiting period required between the end of a term as a council member and subsequent employment with the Town, and amending the procedural requirements for Council removal of the Town Manager and Town Commission members from their positions;

WHEREAS, these changes are intended to help Timnath operate more efficiently and effectively by decreasing administrative burdens and bringing various provisions of the Charter into step with corresponding state laws and the Charters of other municipalities of the Town's size within the state; and

WHEREAS, The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for

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Town of Timnath
4800 Goodman Street
Timnath, CO 80547

the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

Section 1. Short Title. This ordinance shall be known as and may be cited by the short title “**2015 Charter Amendment Election Ordinance**”.

Section 2. Election Actions. All actions heretofore taken (consistent with the provisions of this ordinance) by or on behalf of the Town and the officers thereof directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 3. Uniform Election Code. Pursuant to § 31-10-102.7, C.R.S., the Town Council elects to utilize the provisions of the Uniform Election Code of 1992, and in particular the provisions of Article 7.5 thereof, for the election called pursuant to Section 4 below. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 to 13, C.R.S., Title 31, Article 25, Part 6, C.R.S. and TABOR.

Section 4. Calling of Election. Pursuant to TABOR, Title 1, Articles 1 to 13, C.R.S., Title 31, and Article 25, Part 6, C.R.S., the Town Council hereby calls a special election to be conducted on November 3, 2015, as a mail ballot election (the “**Election**”). Because the Election will be a mail ballot election, the Town Council directs the designated election official named in Section 6 below to file a mail ballot election plan with the Colorado Secretary of State.

Section 5. Election Questions. At the Election, there shall be submitted to the eligible electors of the Town a question or questions regarding various proposed amendments to the Town’s Charter, including but not limited to amendments that would: (1) INCREASE THE ELECTOR THRESHOLD AT WHICH THE TOWN COUNCIL MEMBERSHIP WILL BE INCREASED FROM 1,200 ELECTORS TO 8,000 ELECTORS; (2) REDUCE LIMITATIONS ON THE TOWN’S ABILITY TO APPROPRIATE FUNDS FOR UNANTICIPATED EXPENDITURES; (3) EXTEND THE DEADLINE FOR FILING OF THE TOWN’S ANNUAL AUDIT SO THAT IT IS CONSISTENT WITH STATE LAW; (4) REMOVE LAX COUNCIL MEMBER MEETING ATTENDANCE REQUIREMENTS AND DELEGATE THIS RESPONSIBILITY TO TOWN COUNCIL; (5) PROVIDE MORE FLEXIBILITY TO THE COUNCIL IN ADDRESSING POTENTIAL FUTURE BUDGET SHORTFALLS; (5) REMOVE ONE YEAR WAITING PERIOD REQUIRED BETWEEN THE END OF A TERM AS A COUNCIL MEMBER AND SUBSEQUENT EMPLOYMENT WITH THE TOWN; (6) AMEND THE PROCEDURAL REQUIREMENTS FOR COUNCIL REMOVAL OF THE TOWN MANAGER AND TOWN COMMISSION MEMBERS FROM THEIR POSITIONS; AND (7) INCORPORATE VARIOUS ADMINISTRATIVE AND GRAMMATICAL CHANGES RECOMMENDED BY TOWN STAFF AND CONSULTANTS.

Section 6. Designated Election Official Appointment. Larimer County Clerk and Recorder is hereby appointed as the Designated Election Official of the Town for purposes of

performing acts required or permitted by law in connection with the election. November elections must be county-coordinated under § 1-7-116, C.R.S., which requires the county clerk and recorder to coordinate elections when more than one overlapping political subdivision holds an election on the same day in November. See also, § 1-1-104(6.5). State elections overlap on November 3, 2015, therefore pursuant to § 1-7-116, C.R.S., the Larimer County Clerk and Recorder is required to be the Designated Election Official.

Section 7. Miscellaneous.

Without limiting the foregoing, the following specific determinations also are made:

- a. The Town Council hereby directs the Town Attorney to approve the final form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.
- b. The Board hereby directs the Town Clerk to oversee the general conduct of the Election and authorizes the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Town Council in conducting the Election, including, but not limited to appointment, training and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.
- c. If any section, subsection, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this Ordinance, the intent being that the same are severable.
- d. All orders, resolutions, ordinances or regulations of the Town, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

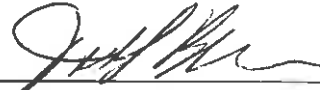
Section 8. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JULY 28, 2015, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 PM ON AUGUST 11, 2015 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 28TH DAY OF JULY, 2015.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 11, 2015.

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TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk

