

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 3, SERIES 2022**

**AN ORDINANCE REFERRING BALLOT QUESTIONS TO THE ELECTORS
REGARDING AMENDMENTS TO THE TOWN CHARTER**

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 amended on November 3, 2015, 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. and Section 15.3 of the Charter permit 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 amendments; and

WHEREAS, April 5, 2022 (“**the Election**”) is the date of the next regular election in the Town; and

WHEREAS, the Town Council would like to refer certain ballot questions to the registered electors of the Town at the Election, unless the Election is cancelled pursuant to Section 31-10-507, C.R.S.; and

WHEREAS, Article XVIII, Section 11 of the Colorado Constitution states that terms are consecutive unless they are at least four years apart and imposes term limits on all elected officials of towns, including home rule towns, and authorizes the voters of a town to lengthen, shorten or eliminate the limitations on terms of office imposed by Section 11; and

WHEREAS, the electors of the Town have previously eliminated term limits for Town officials; and

WHEREAS, the Town Council, after surveying Town residents, would like to refer to voters an amendment to the Home Rule Charter, to reestablish term limits for elected Town officials, per the limitations set forth in Article XVIII, Section 11 of the Colorado Constitution, except that the Town Council would prefer to have terms considered to be consecutive unless they are at least two years (rather than four years) apart; and

WHEREAS, the Town Council would like refer to voters another amendment to the Home Rule Charter to help Timnath operate more efficiently and effectively by revising various election-related deadlines in the Charter for consistency with the Colorado Municipal Election Code of 1965, §§ 31-10-101 *et seq.*, C.R.S., including the deadlines for circulation and submission of petitions for candidates for Councilmember or Mayor, submission of write-in affidavits, and special elections; 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 the preservation of public health, welfare, peace, safety and/or property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

ARTICLE 1 – REFERRAL OF BALLOT QUESTIONS

The Town Council hereby refers and approves submission of two ballot questions to the registered electors of the Town at the next election, in substantially the form set forth in Exhibit A, attached hereto and incorporated herein. The Town Council hereby sets the ballot titles as set forth in Exhibit A. The Town Council authorizes the Town Attorney to finalize the language for the ballot questions. The ballot questions will be submitted to the registered electors at the Election on April 5, 2022, provided that the Election is held. In the event that the April 5, 2022 Election is cancelled pursuant to Section 31-10-507, C.R.S. (because at the close of business on the sixty-fourth day before the Election, there are not more candidates than offices to be filled at such Election, including candidates filing write-in affidavits), the ballot questions shall be automatically withdrawn and shall be deemed not to have been submitted to the registered electors. Town Council may re-refer the ballot questions for a future election.

ARTICLE 2 – EFFECT OF PASSAGE

If a majority of the votes cast on any ballot question are in favor of the ballot question, the Charter shall be amended as described in such ballot question.

ARTICLE 3 - CONTESTS

Pursuant to § 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.

ARTICLE 4 – RATIFICATION

All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Town, the Council, and the Town Clerk, directed towards the Election and the objects and purposes stated herein is hereby ratified, approved and confirmed.

ARTICLE 5 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

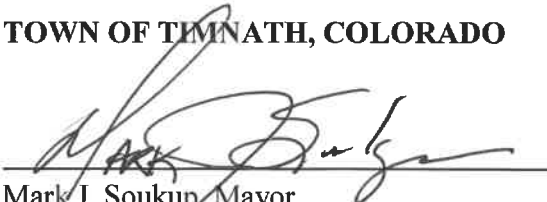
ARTICLE 6 – EFFECTIVE DATE

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 DECEMBER 14, 2021, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6 P.M. ON JANUARY 11, 2022 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 14TH DAY OF DECEMBER, 2022.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 11, 2022.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC

Town Clerk



EXHIBIT A

Ballot Question ____

Amending the Town of Timnath Charter to Add Term Limits for Elected Town Officials

Shall Section 2.5.2 of the Town of Timnath Home Rule Charter be amended to provide that all elected officials of the Town shall be subject to term limits set forth in Article XVIII, Section 11 of the Colorado Constitution, except that terms considered by Section 11 to be consecutive shall be at least two years apart, rather than at least four years apart, and shall not serve more than two full consecutive terms of office, except that with respect to terms of office that are two years or shorter in duration, no such elected official shall serve more than three consecutive terms in office, which limitation shall apply to terms of office beginning on or after April 5, 2022, and to set forth certain details related thereto?

YES ____

NO ____

Ballot Question ____

Amending the Town of Timnath Charter to Change Certain Election-Related Deadlines

Shall Sections 4.7.1 and 4.8 and 4.9 of the Town of Timnath Home Rule Charter be amended to change certain election-related deadlines to conform to the Colorado Municipal Election Code of 1965?

YES ____

NO ____