

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 12, SERIES 2022**

**AN ORDINANCE REFERRING BALLOT QUESTIONS TO THE ELECTORS FOR
THE NOVEMBER 8, 2022 GENERAL ELECTION
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 April 5, 2022, 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 15.2 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 at a regular or special election and to adopt a ballot title for the proposed amendments; and

WHEREAS, a special election of the Town may be held at the same time and place as a general election as a coordinated election pursuant to Section 1-7-116, C.R.S.; and

WHEREAS, November 8, 2022 (“**the Election**”) is the date of the next general election in the State of Colorado; and

WHEREAS, the Town Council hereby determines to hold an election of the Town’s registered electors on November 8, 2022 to be held as part of the coordinated election being conducted by the County Clerks and Recorder (the “**County Clerks**”) of Larimer County and Weld County, pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S.; and

WHEREAS, the Town Council would like to refer certain ballot questions to the registered electors of the Town at the Election; and

WHEREAS, Section 5.1 (Redistricting Commission and Determination of Population) of the Charter provides that the Town shall appoint a Redistricting Commission following a regular Town election at which the number of registered electors in the Town totals eight thousand (8,000), which Redistricting Committee shall, among other things, produce a redistricting plan containing three (3) Councilmember districts, and

WHEREAS, Section 2.2 of the Charter provides, “Prior to the first Town election following a Town election for which the number of registered electors in the Town totals eight thousand (8,000), the Council shall create two (2) additional districts in the manner provided in Article V. Upon the creation of the two (2) additional districts, two (2) additional Councilmember positions shall be created. Of the six (6) Councilmember positions then established, three (3) Councilmembers shall represent the Town at large”; and

WHEREAS, the Town Council, would like to refer to voters an amendment to the Home Rule Charter, to increase the threshold number of registered electors required before expansion of the Town Council to 6 members and commencement of redistricting, from eight thousand (8,000) to fifteen thousand (15,000); 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 changing the date of the Town's regular elections from April of even years to November of even years, to reduce the cost to the Town and the burden on staff of holding independent elections in April; and

WHEREAS, if the elections are changed to November of even years, they can be coordinated with Larimer and Weld Counties, and the County Clerks would serve as the coordinated election officials, with duties including providing notices, printing and mailing ballots and appointing election judges, all of which would reduce the cost of Town elections incurred by the Town; and

WHEREAS, Section 31-10-109, C.R.S. states that the governing body of a municipality, in consultation with the County Clerk and Recorder, may submit to a vote of the registered electors of the municipality the question of whether the regular election date of such municipality shall be changed to November and, if approved, authorizes the governing body to alter the terms of office of officials as necessary to accomplish the change in election dates in an orderly manner, without shortening the term of any elected official in office at the time of its adoption; and

WHEREAS, after staff consultation with the County Clerks of Larimer and Weld County, in order to reduce the administrative burden to the Town, the Town would like to refer a ballot question to the voters to change the regular election dates to November of even numbered years and to amend the Charter to reflect and accomplish such change; 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 – SPECIAL TOWN ELECTION

The Town Council hereby determines to hold a special election of the Town's registered electors on November 8, 2022 to be held as part of the coordinated election being conducted by the County Clerks and Recorder of Larimer County and Weld County, pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S.

ARTICLE 2 – ELECTION OFFICIALS

The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law to be conducted by a municipal election official or the Town Clerk in connection with the Election. The Town Clerk is directed to take such actions as are necessary or convenient to the conduct of the Election and may execute such documents as may be required in furtherance of this power. The County Clerks shall serve as the Coordinated Election Officials, pursuant to the Intergovernmental Agreements with the Counties.

ARTICLE 3 – 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 November 8, 2022.

ARTICLE 4 – 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 5 - 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 6 – 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 7 – 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.

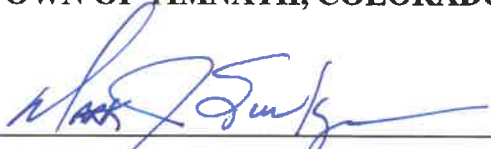
ARTICLE 8 – EFFECTIVE DATE

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 AUGUST 9, 2022, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6 P.M. ON AUGUST 23, 2022 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 9TH DAY OF AUGUST, 2022.


MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 23, 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 Home Rule Charter to Increase the Threshold Number of Registered Electors to 15,000 Registered Electors, for Expansion of the Town Council to Six Councilmembers and Commencement of Redistricting

Shall Sections 2.2.1, 4.5.2, and 5.1 of the Town of Timnath Home Rule Charter be amended to increase the threshold number of registered electors at which the Town Council is expanded from Four Councilmembers to Six Councilmembers and at which redistricting is commenced from eight thousand (8,000) to fifteen thousand (15,000) registered electors?

YES ____

NO ____

Ballot Question ____

Changing Timnath Town Elections to November of Even Years and Amending the Town Home Rule Charter to Reflect the Change

Shall the Town of Timnath regular elections be changed from April of even years to the Tuesday succeeding the first Monday of November in each even-numbered year, commencing on November of 2028, and shall Sections 4.3, 5.1, 5.9, 5.11 of the Town of Timnath Home Rule Charter be amended to incorporate such change, update redistricting deadlines to correspond to a November election date, and to extend terms of office as needed to accomplish the change in election dates?

YES ____

NO ____