

**TOWN OF OPHIR
ORDINANCE 97- 1**

AN ORDINANCE PROVIDING PROCEDURES UNDER WHICH THE REGISTERED ELECTORS OF OPHIR SHALL AMEND OR REPEAL THE CHARTER OF THE TOWN OF OPHIR

WHEREAS, the Town of Ophir is a home rule municipality and whereas the Town of Ophir adopted a Home Rule Charter on May 9, 1979;

WHEREAS, Article 20, section 9(2) of the Constitution of the State of Colorado provides that: the general assembly shall provide by statute procedures under which the registered electors of any proposed or existing city and county, city, or town may adopt, amend, and repeal a municipal home rule charter;”

WHEREAS, the Town of Ophir finds that amending its Charter is a matter of local concern;

WHEREAS, the providing procedures for amending the Town of Ophir Charter will benefit the health, welfare and safety of the citizens of the Town of Ophir;

NOW THEREFORE BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR that:

This Ordinance shall govern amendments, supplements, additions, revisions, or repeals of the Home Rule Charter of the Town of Ophir.

- 1. Section 1: Petition.** Any proposed amendment, supplement, addition, revisions, or repeal of the Home Rule Charter of the Town of Ophir (“Home Rule Charter”) shall be initiated by Petition. A Petition shall be signed by no less than 10% of qualified electors of Town. At a minimum the Petition shall contain the following:

 - (a) a statement of the proposed amendment, supplement, addition, revision or repeal of the Home Rule Charter;
 - (b) the signatures of such qualified electors and the mailing address of each signer;
 - (c) the date of signing of each signature; and,
 - (d) the affidavit of each circulator of such Petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.

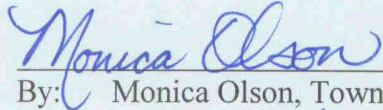
- 2. Section 2: Certified by Clerk.** Any Petition for amendments, supplements, additions, revisions, or repeals (“Amendment”) of the Home Rule Charter Town shall be submitted to

the Town Clerk. The Town Clerk shall review the Petition and determine whether it complies with Section 1 of this Ordinance. If the Petition so complies, the Town Clerk shall certify the Petition and refer the Petition to the General Assembly.

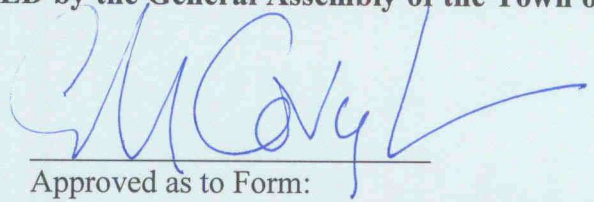
3. **Section 3: Establish Charter Commission.** Upon referral of a certified Petition, the General Assembly shall create a Charter Commission. The Charter Commission shall be composed of five (5) qualified electors of the Town of Ophir and the members of the Charter Commission shall be appointed by a majority vote of the General Assembly. The Charter Commission shall set a public hearing which shall be held no less than fifteen (15) and no more than forty-five (45) days from the day appointment of the members of the Commission. The Charter Commission shall publish in the official newspaper of record in San Miguel County notice of the public hearing at least 15 days prior to public hearing. The published notice shall contain the full text of Amendment. Additionally, the Charter Commission shall mail to each qualified elector notice of the public hearing, together with the full text of the Amendment.
4. **Section 4. Public Hearing; Approval or Denial by Charter Commission.** A public hearing shall be held prior to any decision by the General Assembly. The Charter Commission shall either recommend approval, recommend approval with modifications or recommend denial of the proposed Amendment. The Charter Commission shall then refer the proposed Amendment, together with its recommendation, to next regular meeting of the General Assembly.
5. **Section 5. Passage by Ordinance.** The General Assembly shall approve or deny the proposed Amendment. Adoption of any proposed Amendment shall be by ordinance and approval of any ordinance shall be by a two-thirds vote of the members of the General Assembly.
6. **Section 6. Severability.** If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.
7. **Section 7. Conflict with Other Laws.** In the event that the express provisions of this Ordinance are in conflict with any existing laws of the Town of Ophir or existing or future laws of the State of Colorado or of the United States of America, then this Ordinance shall supersede such laws to the maximum extent permissible by home rule communities.
8. **Section 8. Effective Date.** This ordinance shall be in full force and effect upon publication of notice of final adoption.

FIRST READING INTRODUCED, HEARD, AND APPROVED by the General Assembly of the Town of Ophir this 18th day of March, 1997.

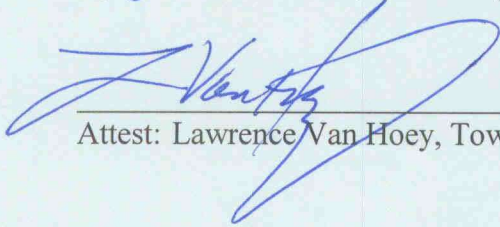
SECOND READING HEARD AND APPROVED by the General Assembly of the Town of Ophir this 15th day of April, 1997.



By: Monica Olson, Town Mayor



Approved as to Form:
Elizabeth M. Covington, Town Attorney



Attest: Lawrence Van Hoey, Town Clerk