

**ORDINANCE  
NO. 2015 - 2**

**AN ORDINANCE OF THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO (1) SUBMITTING PROPOSED HOME RULE CHARTER AMENDMENTS TO A VOTE OF THE REGISTERED ELECTORS AT A JULY 23, 2015 SPECIAL ELECTION CONCERNING MUNICIPAL ELECTION MATTERS, INCLUDING: RESIDENCY AND VOTER REGISTRATION REQUIREMENTS TO CONFORM WITH RECENTLY ENACTED STATE ELECTION LAW AND THE MUNICIPAL ELECTION CODE; DESIGNATING ELECTION DATES INCLUDING TABOR ELECTION DATES; ADDING PROVISIONS CONCERNING ELECTED OFFICIALS; PROVIDING FOR ADDITIONAL CHARTER CLEANUP PROVISIONS; AND (2) AMENDING AND REPEALING CERTAIN ORDINANCES OF THE TOWN OF OPHIR PERTAINING TO ELECTIONS, VOTER QUALIFICATIONS, AND CHARTER AMENDMENTS.**

Said Ordinance was passed at the General Assembly's regular meeting held on June 16, 2015. Ordinance # 2015-2 shall become effective upon publication of notice of passage. Copies of this Ordinance are available at Town Hall. Lisa Rutledge, Town Clerk

**WHEREAS**, the Ophir General Assembly desires to submit to the voters of the Town of Ophir questions as to whether the Home Rule Charter shall be amended (1) to conform residency and voter registration requirements to those found in Section 1-2-101 C.R.S.; (2) designating election dates and specifically election dates for purposes of Article X, Section 20 of the Colorado Constitution ("Tabor" or "Taxpayer Bill of Rights"); (3) provide for elections, powers and duties of municipal officers; and (4) make several clarifying and clean-up changes to update sections of the Home Rule Charter and improve the efficiency of Town government; and

**WHEREAS**, the Ophir General Assembly desires to amend or repeal certain Ordinances of the Town of Ophir concerning qualifications of voters and charter amendment provisions.

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

**Section 1.** The following ballot questions concerning amendment of the Home Rule Charter of the Town of Ophir shall be submitted to the qualified electors at a special municipal election to be conducted on July 23, 2015:

### QUESTION 1

Shall the Home Rule Charter of the Town of Ophir, in the following sections, be amended to conform to State of Colorado Municipal Election Code, and make changes to clarify intent and update procedures, to read as follows?

#### ARTICLE II. ELECTIONS AND ELECTORATE

##### Section 2. Electorate.

##### A. Qualifications to Vote in Town Election.

A qualified elector is any person eighteen (18) years of age or older who has resided within the Town of Ophir for twenty-two days immediately preceding the election at which the person offers to vote and has registered to vote with the Town Clerk on or before the date of the election at which the person offers to vote.

##### B. Qualifications to Serve as Member of the General Assembly.

A qualified member of the General Assembly is any person eighteen (18) years of age or older who has resided within the Town of Ophir for twenty-two (22) days immediately preceding any meeting of the General Assembly in which the person offers to vote and has registered to vote with the Town Clerk on or before the date of the meeting or election at which the person offers to vote.

##### C. Registration.

The Town Clerk shall register any qualified elector who appears in person at the office of the Clerk at any time when registration is permitted. However, to qualify to vote in an upcoming municipal election or General Assembly meeting, electors must be registered on or before the date of the election or meeting. In order to efficiently administer this section, the Clerk may designate other qualified persons, offices or locations for registration of Town electors, provided that such arrangements in no way abridge the rights herein guaranteed electors.

D. Maintenance of Voter Rolls.

The Town Clerk has the authority to maintain the voting rolls of the Town of Ophir and of the General Assembly. The Town Clerk may choose to purge the voting rolls pursuant to procedures established by the Town Clerk. The post card shall state Article II, Section 2, paragraphs A, B and C of this Charter, in their entirety.

Section 3. Applications for Absentee Ballots.

Applications for absentee ballots may be requested no sooner than thirty (30) days before and not later than the close of business on the Friday immediately preceding the election and must be filed no later than 5:00 p.m. on the day preceding the election for which the absentee ballot has been requested.

Section 4. Colorado Municipal Election Code Adopted with Reservation

Procedures, standards and requirements for arranging, conducting and determining the results of municipal elections and shall conform with Article 31, Title 10 C.R.S. known as the Colorado Municipal Election Code, provided that in any case of conflict between the Colorado Municipal Election Code and provisions of this Charter or any Town ordinance, the local provision shall be deemed valid and control.

## QUESTION 2

Shall Article II the Ophir Home Rule Charter, Elections and Electorate, be amended by addition of the following Sections 6, 7 and 8?

### SECTION 6 ELECTIONS AND ELECTION DATES

Regular municipal elections shall be held on the first Tuesday following the first Monday in January of each year (the "Regular Municipal Election Date"). Any election required by Colorado Constitution Article X, section 20 or C.R.S. 1-41-101 et seq. may be conducted at either the regular municipal election date of any odd numbered year (which shall be the Biennial Local District elections for such purposes) or on the first Tuesday of November in any year. Any special municipal election may be called by resolution or ordinance of the General Assembly at least thirty (30) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. The polling place, voter service and polling center for all municipal elections shall be open from 5:30 p.m. to 8:00 p.m. on election day provided, however, that should the town determine to participate in a coordinated election, the polling place shall be open from 7:00 a.m. to 7:00 p.m. on said election day. Regular and special elections which are not coordinated elections utilizing mail ballots conducted by the County Clerk may be conducted by paper ballot. The General Assembly may prescribe by ordinance provisions for paper ballot voting in municipal elections.

### SECTION 7. ELECTION PRECINCT.

The Town is a single precinct for all municipal elections.

### SECTION 8. Election of Officers – Terms - Powers - Duties

The General Assembly, on the regular municipal election date each year, shall elect a Mayor, Mayor Pro Tem, Town Clerk, and Town Treasurer. Said officers shall hold their respective offices for a term of one year, commencing on the regular municipal election date. Each such officer must be a qualified elector of the Town.

#### **(a) Mayor and Mayor Pro Tem Powers.**

The Mayor or, in his or her absence, the Mayor Pro Tem, shall preside at all meetings of the General Assembly and shall have the same voting powers as any qualified elector of the General Assembly. The Mayor, or the Mayor Pro Tem in the Mayor's absence, shall be the ceremonial head of the Town Government of the Town of Ophir and shall be authorized to execute and sign all necessary or authorized documents on behalf of the Town. The Mayor shall have final approval over agendas for General Assembly meetings, to be exercised in a manner consistent with the Town Clerk agenda-related obligations.

**(b) Clerk Duties.**

The Clerk shall attend all meetings of the General Assembly and make a true and accurate record of all proceedings, rules, resolutions, ordinances and votes made in the past by the General Assembly or by the Ophir electorate.

The Clerk shall attest to all necessary and authorized documents of the Town.

**(c) Treasurer Duties**

In addition to those duties prescribed by Article VI, Finances, the Treasurer shall:

- (i) Receive all monies belonging to the Town and shall keep the Town's books and accounts in such manner as may be prescribed by ordinance. Such books and accounts shall always be subject to inspection of any member of the General Assembly.
- (ii) Keep a separate account of each fund or appropriation and the debits and credits belonging thereto;
- (iii) Give every person paying money into the Treasury a receipt therefor specifying the date of payment and upon what account paid, and file statement of such receipts with the Town Clerk on the date of his or her monthly report;
- (iv) Render an account to the General Assembly or such other officer as may be designated by ordinance, at the end of each month and more often if required, showing the state of the treasury at the date of such account and the balance of money in the Treasury. The Treasurer shall also accompany such accounts with a statement of all monies received into the Treasury and on what account during the preceding month, together with all warrants redeemed and paid by him or her. Said warrants, with a new voucher held by the Treasurer, shall be delivered to the Clerk and filed with his or her

account in the Clerk's office upon every day of such statement. The Clerk shall return all warrants paid by he or she, stamped or marked "Paid". He or she shall keep a register of all warrants redeemed and paid, which shall describe such warrants and show the date, amount, number, the fund from which paid, and the name of the person whom and when paid.

- (v) The Treasurer shall give a bond to the Town in its corporate name with good and sufficient sureties, to be approved by a vote of the General Assembly in such sum as it requires, conditioned on the faithful performance of his or her duties as Treasurer of the Town, so long as he or she shall serve as such Treasurer and requiring that, when he or she vacates such office, he or she will turn over and deliver to his or her successor or monies, books, papers, property or things belonging to the Town and remaining in his or her charge as such Treasurer. The General Assembly may waive the requirement of a bond.

### QUESTION 3

Shall the Ophir Home Rule Charter, in the following sections, be amended to make changes to clarify intent and update procedures, to read as follows?:

#### ARTICLE III GENERAL ASSEMBLY PROCEDURE

##### Section 1. Regular Meetings.

The General Assembly shall meet regularly at least once a month at a day and hour to be fixed by the General Assembly. Written notice of the meeting and agenda shall be posted in Town Hall and published in a newspaper of general circulation in San Miguel County at least two days prior to the date of the regular meeting. Except for public hearings for which publication of notice is otherwise required for any regular or special meeting, posting of notice alone shall be sufficient notice for all purposes. Regular meeting agendas may be changed at any time by the Mayor or the General Assembly.

##### Section 2. Special Meetings.

Special meetings shall be called by the Town Mayor or Town Manager or any three members of the General Assembly after written notice of the meeting and agenda is posted in Town Hall and published in a newspaper of general circulation in San Miguel County at least two days prior to the date of the special meeting. No business shall be transacted at any special meeting unless it has been stated in the notice of such meeting.

## Section 6. Voting.

Except as otherwise provided for in this Charter, every ordinance, resolution or motion shall require the affirmative vote of a majority of the members of the General Assembly present. The results of such vote shall be entered upon the minutes of the General Assembly. No member of the General Assembly shall vote on any question in which he or she has a personal or financial interest, other than the common public interest, or on any question concerning his or her own conduct. The General Assembly may prescribe by ordinance provisions for paper ballot voting in General Assembly meetings and hearings.

## Section 9. Action by Ordinance Required.

In addition to such acts of the General Assembly that are required by other provisions of this Charter to be by ordinance, every action making an appropriation, creating an indebtedness for which an appropriation has not been specifically made, approving a contract in excess of \$5,000.00, authorizing the borrowing of money, levying a tax, establishing any rule and regulation for the violation of which a penalty is imposed, disposing of any real estate, or placing any burden upon or limiting the use of private property shall be by ordinance, except to the extent voter approval is required by section Article X, Section 20 of the Colorado Constitution; provided, however, that this section shall not apply to the budget adoption procedure in Article VI. Budgetary ordinances shall be confined to the subject of the appropriation.

## Section 11. Ordinance Procedure

C. If the Ordinance is referred to public hearing, the General Assembly shall schedule such public hearing at the next regular or special meeting of the General Assembly, provided that any such special meeting shall occur not less than fourteen (14) days after introduction at first reading. Notice of the public hearing shall be published prior to the meeting and shall contain the date, time and location of the public hearing and the title of the proposed ordinance.

E. After final adoption of an ordinance of a general or permanent nature, a public notice shall be published containing the title of the ordinance, its effective date, and penalty clause if any, and notice that copies are available for inspection with the Town Clerk.

## ARTICLE VII MUNICIPAL BORROWING

### Section 2. General Obligation Bonds

No bonds or other evidence of indebtedness payable in whole or in part from the proceeds of ad valorem taxes, or to which the full faith and credit of the Town are pledged, shall be issued until the question of their issuance shall, at a special or regular election, be submitted to a vote of the electors of the Town of Ophir and approved by a majority of those voting on the question. The aggregate amount of such securities shall not exceed twenty percent (20%) of the assessed valuation of the taxable property within the Town as shown by the latest assessment.

### **Section 2. Conflicting Ordinances**

- A. Ordinance 1997-1, "Providing Procedures for Amendment of Town Charter", is hereby repealed in its entirety.
- B. Subsection 1.A.(2) of Ordinance 1997-2, "Providing Qualifications of Town Electors", is hereby amended to read as follows:
  - (2) that he or she has resided in the Town of Ophir for twenty-two days immediately preceding an election at which the person offers to vote.
- C. Section 1 of Ordinance 94-15 is hereby repealed.
- D. Existing ordinances or parts of ordinances in conflict with or inconsistent with the provisions hereof are hereby repealed to the extent of such conflict or inconsistency.

### **Section 3. Severability.**

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

### **Section 4. Publication.**

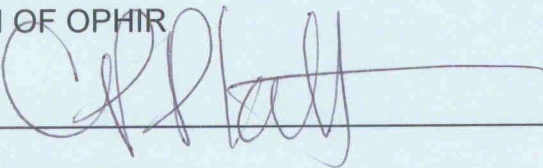


This ordinance shall become effective upon publication of notice of passage. The Town Clerk shall cause publication of notice of its passage including the full title of this ordinance in a newspaper of general circulation within the Town of Ophir. The Town Clerk shall also cause Notice of Special Election with the full text of all ballot questions to be published in a newspaper of general circulation within the Town of Ophir.

**INTRODUCED, READ AND REFERRED** to public hearing before the General Assembly of the Town of Ophir, Colorado on the 14th day of April, 2015.


**HEARD, AMENDED AND FINALLY ADOPTED** by the General Assembly of the Town of Ophir, Colorado this 16th day of June, 2015.

TOWN OF OPHIR

s/  \_\_\_\_\_

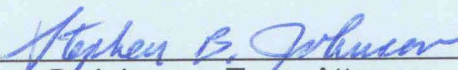
Corrine Platt, Mayor

ATTEST

s/  \_\_\_\_\_

Lisa Rutledge, Town Clerk

APPROVED AS TO FORM:

s/  \_\_\_\_\_  
Stephen B. Johnson, Town Attorney