

TOWN OF PARACHUTE, COLORADO
ORDINANCE NO. 749-2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO REFERRING TO THE ELIGIBLE ELECTORS OF THE TOWN AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 6, 2018 A BALLOT QUESTION TO AMEND SECTION 1-12 OF THE TOWN HOME RULE CHARTER TO AUTHORIZE USE OF EMERGENCY ORDINANCES FOR PRESERVATION OF PUBLIC PROPERTY AND SETTING A BALLOT TITLE.

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter;

WHEREAS, Section 1-12 of the Parachute Home Rule Charter establishes the basis for use of emergency ordinances when “immediately necessary for the preservation of public peace, health, or safety...”;

WHEREAS, the Board of Trustees wishes to clarify that an emergency ordinance may be used if immediately necessary for the preservation of public property, as well;

WHEREAS, the Board of Trustees, therefore, desires to amend the Home Rule Charter to explicitly provide for that purpose;

WHEREAS, Article I, Section 5 of the Home Rule Charter states:

This Charter may be amended at any time in the manner provided in the Colorado Constitution and in Title 31, Article 2 of the Colorado Revised Statutes, as said provisions may be amended from time to time. Proceedings to amend the Charter may be initiated by the filing of a petition meeting the requirements of the Colorado Revised Statutes, or by the adoption of an ordinance by the Board of Trustees submitting the proposed amendment to a vote of the registered electors of the Town. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

WHEREAS, the Charter and C.R.S. § 31-2-210 requires any Charter amendment to be approved by the registered electors of the Town, and the Board of Trustees desires to place the proposed Charter Amendment on the ballot for the regular election to be held on November 6, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Amendment to Town Charter. Section 1-12 of the Town of Parachute Home Rule Charter is hereby amended to read as follows with additions shown in **bold, underlined** text and deletions shown as ~~strike through~~ text:

Section 1-12. Emergency Ordinances.

An ordinance that is immediately necessary for the preservation of public **property**, peace, health, or safety may be enacted as an “emergency ordinance” at any regular or special meeting of the Board of Trustees by the affirmative vote of every member of the Board of Trustees present or by affirmative votes equal to a quorum plus one (1), whichever is less. Any emergency ordinance shall state expressly that it is an emergency ordinance and shall describe the nature of the emergency. An emergency ordinance shall take effect immediately upon passage. The ordinance shall be posted, and a notice thereof shall be published, as provided in this Charter as soon as reasonably possible.

Section 3. Ballot Question. Before the Charter Amendment proposed in this Ordinance shall become effective, such amendment shall receive the approval of a majority of the registered electors of the Town of Parachute voting thereon and the Board of Trustees hereby submits to the registered electors of the Town of Parachute the following ballot question and title for the coordinated election to take place on November 6, 2018:

SHALL SECTION 1-12 OF THE TOWN OF PARACHUTE HOME RULE CHARTER BE AMENDED TO ALLOW FOR AN EMERGENCY ORDINANCE TO BE USED IF NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PROPERTY, AS PROVIDED IN ORDINANCE NO. ___-2018?

YES

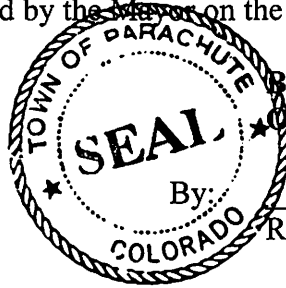
NO

Section 4. Publication. Pursuant to C.R.S. § 31-2-210(4), the Town Clerk shall, within thirty days of the date of adoption of this Ordinance, publish notice of an election upon the amendment, which notice shall contain the full text of the amendment as contained in the Ordinance.

Section 5. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado

at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21 day of June, 2018 and approved by the Mayor on the 21 day of June, 2018.



BOARD OF TRUSTEES OF THE TOWN
OF PARACHUTE, COLORADO

By: Roy McClung
Roy McClung, Mayor

ATTEST:

Lucy Cordova
Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO REFERRING TO THE ELIGIBLE ELECTORS OF THE TOWN AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 6, 2018 A BALLOT QUESTION TO AMEND SECTION 1-12 OF THE TOWN HOME RULE CHARTER TO AUTHORIZE USE OF EMERGENCY ORDINANCES FOR PRESERVATION OF PUBLIC PROPERTY AND SETTING A BALLOT TITLE.

was introduced before the Board of Trustees on June 21, 2018; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on June 21, 2018, and approved by the Mayor on June 21, 2018.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 21 day of June 2018.

TOWN OF PARACHUTE

Lucy Cordova
Lucy Cordova, Town Clerk