

TOWN OF PARACHUTE, COLORADO
ORDINANCE NO. 803-2022

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO REFERRING TO THE ELIGIBLE ELECTORS OF THE TOWN AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 8, 2022 A BALLOT QUESTION TO AMEND SECTIONS 3-2, 3-3, AND 3-4 AND DELETE SECTION 3-6 OF THE TOWN HOME RULE CHARTER REGARDING APPOINTED POSITIONS 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 (the “Town Charter” or “Home Rule Charter”);

WHEREAS, Sections 3-2, 3-3, and 3-4 of the Town Charter provide for the Town Council to appoint a Town Clerk, Police Chief, and Finance Director, and set terms for such offices pursuant to Section 3-6;

WHEREAS, this appointment procedure mirrors statutory town requirements, but in the modern era is at odds with the Council-Manager form of government and standard practice;

WHEREAS, the Town Council wishes to amend Sections 3-2, 3-3, and 3-4 of the Town Charter to provide that the Town Manager appoints such positions, and to eliminate Section 3-6 as inapplicable;

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 Town Council 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 Town Charter and C.R.S. § 31-2-210 requires any Charter amendment to be approved by the registered electors of the Town, and the Town Council desires to place the proposed Charter Amendment on the ballot for the regular election to be held on November 8,

2022; and

WHEREAS, the Town Council declares the subject matter of this ordinance is an emergency in order to meet statutory timelines to conduct an election and, therefore, is immediately necessary for the preservation of public property, peace, health or safety.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL 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. Sections 3-2, 3-3, and 3-4 of the Town of Parachute Home Rule Charter are hereby amended to read as follows with additions shown in **bold, underlined** text and deletions shown as ~~strikethrough~~ text and Section 3-6 shall be deleted in its entirety:

Section 3-2. Town Clerk

The ~~Town Manager~~Town Council shall appoint **or remove** a Town Clerk. The Town Clerk shall be the custodian of the Town Seal and shall keep records of Town Council proceedings and record in full all ordinances, motions, and resolutions. The Town Clerk shall have the power to administer oaths and take acknowledgments under the Seal of the Town and shall perform such other duties as required by this Charter or the Town Council.

Section 3-3. Police Chief

The ~~Town Manager~~Town Council shall appoint **or remove** a Police Chief. The Police Chief shall be the head of the Police Department, shall see that the ordinances of the Town are duly enforced, and shall have such other powers and duties as provided by ordinance.

Section 3-4. Finance Director

The ~~Town Manager~~Town Council shall appoint **or remove** a Finance Director. The Finance Director shall have charge of the financial records of the Town and shall collect, receive and disburse all monies belonging to the Town and shall have all other duties required to administer properly the financial affairs of the Town.

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 Town Council 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 8, 2022:

SHALL SECTIONS 3-2, 3-3, AND 3-4 OF THE TOWN OF PARACHUTE HOME RULE CHARTER BE AMENDED TO ALLOW FOR THE TOWN MANAGER TO APPOINT THE TOWN CLERK, POLICE CHIEF, AND FINANCE DIRECTOR

AND SHALL SECTION 3-6 OF THE CHARTER REGARDING TERMS FOR SUCH OFFICES BE DELETED, AS PROVIDED IN ORDINANCE NO. 803 2022?

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.

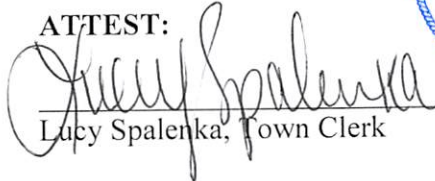
Section 5. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. Ratification of Actions. All actions heretofore taken, not inconsistent with the provisions of this Ordinance, by the Council and the officers, agents, or employees of the Town relating to the subject matter of this Ordinance, are hereby ratified, approved, and confirmed.

Section 7. Severability. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

Section 8. Immediate Effect. This Ordinance shall become effective immediately upon passage and shall be terminated only by subsequent ordinance of the Parachute Town Council or initiative of the Town's voting electors.

INTRODUCED AS AN EMERGENCY ORDINANCE, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Town council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 8th day of September, 2022 and approved by the Mayor on the 8 day of September, 2022.

ATTEST:

Lucy Spalenka, Town Clerk



TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO


Tom Rugaard, Mayor

Claudia Flores Cruz,
Mayor Pro Tem

PUBLIC NOTICE

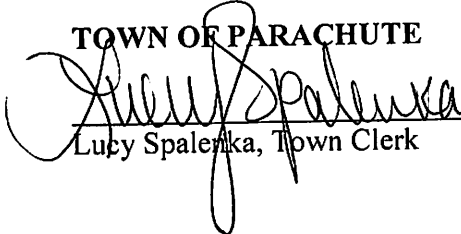
Public notice is hereby given that an Ordinance entitled:

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO REFERRING TO THE ELIGIBLE ELECTORS OF THE TOWN AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 8, 2022 A BALLOT QUESTION TO AMEND SECTIONS 3-2, 3-3, AND 3-4 AND DELETE SECTION 3-6 OF THE TOWN HOME RULE CHARTER REGARDING APPOINTED POSITIONS AND SETTING A BALLOT TITLE.

was introduced before the Town council on September 8, 2022; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town council held on September 8, 2022, and approved by the Mayor on September 8, 2022.

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 8 day of September 2022.

TOWN OF PARACHUTE


Lucy Spalenka, Town Clerk