

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 876

(Series 2018)

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF PAGOSA SPRINGS THE QUESTIONS OF:

- A. AMENDING ARTICLE 2, SECTIONS 2.1, 2.7, 2.8, AND 2.9, ARTICLE 4, SECTIONS 4.5 AND 4.6, AND ARTICLE 5, SECTION 5.11 OF THE HOME RULE CHARTER OF THE TOWN OF PAGOSA SPRINGS, TO PROVIDE FOR THE ELECTION OF TOWN COUNCIL MEMBERS AT LARGE; AND**
- B. AMENDING ARTICLE 2, SECTION 2.6 OF THE HOME RULE CHARTER OF THE TOWN OF PAGOSA SPRINGS, TO IMPOSE TERM LIMITS FOR THE MAYOR AND MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the 2003 Pagosa Springs Home Rule Charter, as amended (“Charter”); and

WHEREAS, Article 12, Section 12.2 of the Charter states that the Charter may be amended in the manner provided in the Colorado Constitution and Title 31, Article 2 of the Colorado Revised Statutes, and that 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 Town Council submitting the proposed amendment to a vote of the registered electors of the Town; and

WHEREAS, the Town Council hereby finds and determines that the submittal of amendments to the Charter are appropriate and necessary to the function and operation of the Town to provide for:

- A. The election of Town Council members at large beginning with the 2020 regular election; and**
- B. Imposing term limits of no more than 2 consecutive four-year terms on the Mayor and members of the Town Council; and**

WHEREAS, pursuant to Section 1.4 A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Section 12.2 of the Charter and Section 31-2-210(1)(b), C.R.S., the Town may amend the Charter by submitting the proposed amendments to a vote of the registered electors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Town Charter Amendments Relating to Election of Town Council Members at Large. Pursuant to section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Pagosa Springs that the following proposed amendments to sections 2.1, 2.7, 2.8, 2.9, and 4.5 and 4.6 of the charter will be submitted to the registered electors at the regular municipal election to be held on April 3, 2018, pursuant to Ordinance No. 875 (Series 2018) by deleting the words that are struck over and by adding the capitalized and double-underlined words:

ARTICLE 2 TOWN COUNCIL

Section 2.1 - Council Members

The Town Council, hereafter referred to as Council, shall consist of seven (7) members, which shall include a Mayor nominated and elected from the Town at large and six (6) Council Members, ~~three (3) being district Council Members, nominated and elected one (1) each from each of the Town's three (3) districts, and three (3) being at large Council Members, nominated and elected from the Town at large.~~ Town Council Members shall not receive pay except by voter approval, but may be reimbursed for their reasonable expenses.

[The remainder of this Section remains unchanged.]

Section 2.7 - Qualifications for Elected Office

A) No person shall be eligible to be elected or appointed to the office of Mayor or Council Member unless he or she is:

3) A resident of the Town, ~~and in the case of district Council Members, a resident of his or her respective district~~ for a period of no less than twelve (12) consecutive months immediately preceding the election. In the case of annexation, residency within the annexed territory for the prescribed period shall satisfy the residency requirements for this Section.

[The remainder of this Section remains unchanged.]

Section 2.8 - Vacancies

- A) A vacancy in the office of Mayor or Council Member shall exist if during the term of office the Mayor or a Council Member:
- 2) Is no longer a resident of the Town, ~~or in the case of district Council Members, a resident of the district from which he or she is elected;~~
- C) Should the position of a Council Member be vacated for any reason, the Council shall:
- 1) If more than 120 days remain in the unexpired term, solicit the general public for application to fill the vacancy and appoint a person meeting the qualifications ~~either~~ from the Town at large ~~or from the district of the vacated Council seat~~ to fill the position for the remainder of the unexpired term; or
- D) IF A VACANCY IN THE OFFICE OF A DISTRICT COUNCIL MEMBER OCCURS BETWEEN THE 2018 AND 2020 REGULAR ELECTIONS, THE VACANCY WILL BE FILLED UNDER SUBSECTION (C) OF THIS SECTION FROM THE TOWN AT LARGE.

[The remainder of this Section remains unchanged.]

Section 2.9 ~~Town Council Districts~~

- A) ~~The Town shall be divided into three (3) Town Council districts, the boundaries of which shall be changed only by an ordinance adopted by the affirmative vote of a majority of the entire Council.~~
- B) ~~The boundaries of the districts established pursuant to this Section shall not be changed more often than once in six (6) years, unless change is necessary to conform to constitutional apportionment requirements. Territory added to the Town shall become a part of such district or districts as may be determined by ordinance, but this shall not prevent apportionment to conform to constitutional requirements.~~
- C) ~~The districts shall be contiguous, compact, and have approximately the same number of registered electors.~~
- D) ~~Notwithstanding any other provision of this Charter, no change in district boundaries shall create a vacancy during the term of any Council Member in office at the time of the change.~~

ARTICLE 4 ELECTIONS

Section 4.5 - Nomination for Elective Officers

Nominations for Council Members and Mayor shall be by petition as provided in the Colorado Municipal Election Code of 1965 as now existing, or hereafter amended or modified, except that at least twenty-five (25) signatures of registered electors of the Town of Pagosa Springs shall be required on each petition for candidates. ~~elected at large, and at least twenty-five (25) signatures of registered electors residing in the specified district shall be required on each petition for candidates elected from said district.~~ Notwithstanding the provisions of the Colorado Municipal Election Code, a registered elector may sign any number of nominating petitions as long as either the nominating petitions are for candidates that are running at large, or the registered elector resides in the candidate's district, regardless of the number of separate offices to be filled in any municipal election.

Section 4.6 - Election Precincts

The Town shall consist of at least one election precinct per district, provided that the Council may, for the convenience of voters, establish additional precincts ninety (90) days or more prior to any election. Any precincts so established shall remain for subsequent elections until otherwise provided by ordinance. ~~No precinct, or part thereof, shall be located within more than one Council Member district.~~

ARTICLE 5 INITIATIVE, REFERENDUM, AND RECALL

Section 5.11 – Recall

B) A petition to recall the Mayor or a Council member ~~elected or appointed at large shall be signed by registered electors of the Town. A petition to recall a Council member elected or appointed from a district shall be signed by registered electors of the district from which the Council member was elected or appointed.~~ The petition shall be signed by at least twenty-five (25) percent of the entire vote cast for all the candidates for the office which is subject to the recall at the last preceding election at which the office was filled by election.

[The remainder of this Section remains unchanged.]

Section 2. Town Charter Amendment Imposing Term Limits for Mayor and Council Members. Pursuant to section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Pagosa Springs that the following proposed amendment to section 2.6 of the charter will be submitted to the registered electors at the regular municipal election to be held on April 3, 2018, pursuant to Ordinance No. 875 (Series 2018) by deleting the words that are struck over and by adding the capitalized and double-underlined words:

**ARTICLE 2
TOWN COUNCIL**

Section 2.6 - Term Limitations FOR MAYOR AND COUNCIL MEMBERS

~~There shall be no limitations on the number of terms which may be served by the Mayor or Council Members.~~ **NO PERSON MAY SERVE MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS AS MAYOR. NO PERSON MAY SERVE MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS AS A COUNCIL MEMBER. THE TERM LIMITS SPECIFIED IN THIS SECTION TAKE EFFECT WITH THE 2020 REGULAR ELECTION. NO PERSON SERVING AS MAYOR OR AS A COUNCIL MEMBER AT THE TIME OF THE REGULAR ELECTION IN 2020 THAT WILL HAVE SERVED TWO CONSECUTIVE FOUR-YEAR TERMS UNDER THIS SECTION IS ELIGIBLE TO BE A CANDIDATE FOR MAYOR OR COUNCIL MEMBER AT THE 2020 REGULAR ELECTION.**

Section 3. Ballot Titles. The official ballot shall contain the ballot titles which shall also be the designation and submission clauses for the questions:

A. "Shall the Town of Pagosa Springs Home Rule Charter be amended to provide for the election at large of all members of the Town Council, as set forth in Ordinance No. 876 (Series 2018)?"

B. "Shall the Town of Pagosa Springs Home Rule Charter be amended to impose term limits of 2 consecutive terms on the Mayor and Town Council Members beginning with the 2020 Regular Election, as set forth in Ordinance No. 876 (Series 2018)?"

Section 4. Election. At the regular municipal election to be held on April 3, 2018, the ballot questions set forth in this Ordinance shall be submitted to the electors

and the Charter shall be thereby amended if a majority of the registered electors of the Town voting thereon approve the ballot questions.

Section 5. Public Inspection. The full text of this Ordinance, with any amendments, are available for public inspection at the office of the Town Clerk.

Section 6. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 7. Ratifications of Prior Actions. Any and all actions previously taken by the Election Official, the Town Clerk, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws to facilitate the Election which were consistent with this Ordinance are hereby ratified and confirmed.

Section 8. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

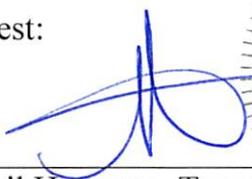
INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY
PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS
REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE
2nd DAY OF JANUARY, 2018.

TOWN OF PAGOSA SPRINGS,
COLORADO

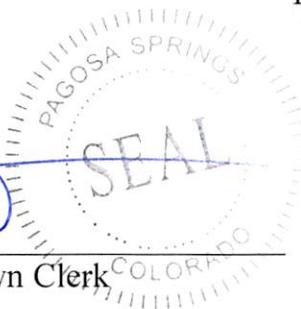
By: 

Don Volger, Mayor

Attest:

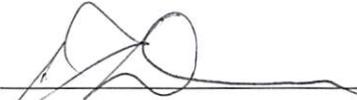


April Hessman, Town Clerk

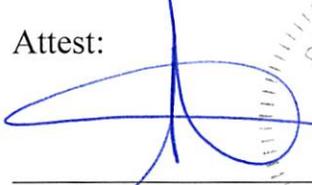


FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 18 DAY OF January, 2018.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: 
Don Volger, Mayor

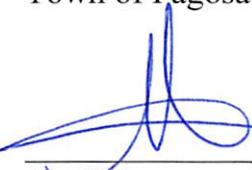
Attest:


April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 876 (Series 2018) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 2nd day of January, 2018, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website, on January 3rd, 2018, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

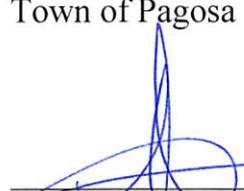
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 19 day of January, 2018.


April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 876 (Series 2018) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 18 day of January, 2018, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website, on January 19, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 19 day of January, 2018.



April Hessman, Town Clerk

(S E A L)

