

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 18A-2019
(Series of 2019)

AN EMERGENCY ORDINANCE INITIATING THE ADOPTION OF A HOME RULE CHARTER FOR THE TOWN OF EAGLE, PROVIDING FOR THE ELECTION OF CHARTER COMMISSION MEMBERS, CALLING A SPECIAL MUNICIPAL ELECTION, AUTHORIZING PARTICIPATION IN THE 2019 GENERAL ELECTION, AND DECLARING AN EMERGENCY

WHEREAS, the Municipal Home Rule Act of 1971, C.R.S. § 31-2-201, *et seq.*, as amended, authorizes the Town Board of the Town of Eagle to initiate by ordinance the adoption of a home rule charter;

WHEREAS, the process for adopting a home rule charter requires an initial election to form a charter commission and to elect members thereof;

WHEREAS, the electors of the Town will have opportunity to comment on a proposed charter at public meeting(s) to be held by the charter commission prior to a second election to approve or reject the proposed charter;

WHEREAS, following extensive research and study sessions concerning the advantages of home rule, including local governance on local issues, the Town Board desires to initiate the adoption of a home rule charter for the Town of Eagle;

WHEREAS, November 5, 2019, is a general election date under state law;

WHEREAS, the Town may call a special election pursuant to C.R.S. § 31-1-108;

WHEREAS, C.R.S. § 1-7-116(5) requires a political subdivision participating in a general election to notify the county clerk and recorder in writing of its participation 100 days before the election;

WHEREAS, an intergovernmental agreement will be executed between Eagle County and the Town of Eagle for the provision of coordinated election services; and

WHEREAS, an emergency exists, and the immediate effectiveness of this Ordinance is necessary to meet election deadlines and to protect the public welfare by avoiding a costly special election.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. Initiation of Home Rule. The following question shall be submitted to a vote of

the registered electors of the Town of Eagle in accordance with the provisions of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, at the special municipal election to be coordinated with the general election to be held on November 5, 2019:

Shall the Town of Eagle form a home rule charter commission?

Section 2. Commission Members. At the special municipal election to be coordinated with the general election to be held on November 5, 2019, , the registered electors shall also elect nine (9) members to the home rule charter commission, which members shall be elected at-large. If the formation of the home rule charter commission is approved by the qualified electors at the November 5, 2019, special municipal election, the candidates that receive the greatest number of votes shall be elected to the home rule charter commission.

Section 3. Call of Special Election; Uniform Election Code. The Town Board calls a special election pursuant to C.R.S. § 31-10-108, which shall be coordinated with Eagle County at the November 5, 2019, general election. At the special election called hereunder, in lieu of the Colorado Municipal Election Code of 1965, the requirements and procedures of the Uniform Election Code of 1992, articles 1 to 13 of title 1, C.R.S., to the extent applicable, shall be utilized in coordination with Eagle County. The Town Board authorizes the Town Clerk to take whatever action is necessary to effect coordination of the special election, including providing the Eagle County Clerk and Recorder in writing of the Town's participation and otherwise complying with all applicable state and local elections laws, as appropriate. The Designated Election Official for the Town for the 2019 Town special election is Jenny Rakow, Town Clerk.

Section 4. Publication of Election Notice. The Town Board hereby directs the Town Clerk to publish the first election notice and notice of thirty-day period for candidates for charter commission to file nomination petitions.

Section 5. Initial Meeting of the Charter Commission. Contingent upon the approval of the qualified electors at the November 2019 municipal special election to form a charter commission and to elect the members thereof, the charter commission shall have an initial meeting not more than twenty (20) days after certification of the November 2019 coordinated election results for the purpose of organizing itself and otherwise as set forth in C.R.S. § 31-2-206(4).

Section 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 7. Emergency Declared. This Ordinance is deemed necessary for the protection of the public health, safety and welfare. The Town Board finds that immediate effectiveness of this Ordinance is fiscally necessary because, without the immediate effectiveness of this Ordinance calling an election for the purpose of deciding whether to form a charter commission and electing members thereof, the Town will be unable to meet the statutorily prescribed deadlines for the

holding of a charter commission election as part of the coordinated general election in November 2019, necessitating a more expensive special election.

Section 8. Effective Date. Upon passage by three quarters (3/4) of the members of the Town Board, this Ordinance shall become effective immediately. If this Ordinance is not passed by three-quarters (3/4) of the members of Town Board as required by C.R.S. § 31-16-105, then it is the intent of the Town Board that this Section be severed from the Ordinance and, if approved by a majority of members of the Town Board constituting a quorum, the Ordinance is adopted as a non-emergency measure effective thirty days after final publication.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JULY 9, 2019.

TOWN OF EAGLE, COLORADO


Anne McKibbin, Mayor

ATTEST:


Jenny Rakow, Town Clerk



PUBLISHED ON:

Eagle Valley Enterprise: July 18, 2019