

CITY OF RIFLE, COLORADO
ORDINANCE NO. 11
SERIES OF 2017

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REFERRING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION WHETHER SECTION 3.8 OF THE CITY CHARTER SHALL BE AMENDED TO ALLOW THE CITY COUNCIL TO SET THE TIME OF THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL BY ORDINANCE AND POST A CHANGE IN LOCATION OF A CITY COUNCIL MEETING TWENTY-FOUR HOURS BEFORE THE MEETING.

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

WHEREAS, Section 3.8 of the City of Rifle Home Rule Charter requires that newly elected City Council Members take office and hold the organizational meeting of the City Council at 8:00 p.m. on the first Monday following the regular municipal election at which they are elected; and

WHEREAS, by Section 2.1 of the Charter, the City has adopted the Colorado Municipal Election Code, C.R.S. § 31-10-101 *et seq.*; and

WHEREAS, Section 31-10-102.8 of the Colorado Municipal Election Code requires at least 10 days from the date of the election before results are certified in order to allow for the receipt of ballots cast pursuant to the state and federal Uniformed and Overseas Citizens Voting Act; and

WHEREAS, the requirement of 3.8 is incompatible with the 10-day requirement of the Colorado Municipal Election Code and the Uniformed and Overseas Citizens Voting Act; and

WHEREAS, Section 3.8 of the Charter also requires the publication and posting of any change in location of a City Council meeting one week prior to the meeting which can be impractical if conditions in City Hall become uninhabitable; and

WHEREAS, the City Council desires to submit to the registered electors of the City at the regular municipal election to be held on September 12, 2017, a ballot question to amend Section 3.8 of the Charter to authorize the City Council to set the organizational meeting by ordinance and notice any change of location of a City Council meeting to twenty-four hours prior to the meeting.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

2. Submission to Voters. The following question stated in Section 3 below shall be submitted to the registered voters of the City of Rifle voting at the regular municipal election which shall be held on Tuesday, September 12, 2017.

3. Publication and Ballot Form. The City Clerk shall cause a notice of election for the following ballot question to be published as part of the municipal election publication in substantially the following form and add the question to the City's 2017 Municipal Election Ballot:

SHALL SECTION 3.8 OF THE CITY OF RIFLE HOME RULE CHARTER BE REPEALED AND REPLACED TO READ AS FOLLOWS:

COUNCIL MEETINGS SHALL BE HELD IN THE CITY COUNCIL CHAMBERS AT THE CITY HALL, OR AT SUCH OTHER PLACE WITHIN THE CITY LIMITS AS THE COUNCIL MAY, BY RESOLUTION, PRESCRIBE. IN THE EVENT THAT A MEETING IS HELD IN A LOCATION OTHER THAN CITY HALL, NOTICE OF THE LOCATION SHALL BE POSTED AT LEAST TWENTY-FOUR HOURS BEFORE THE MEETING. THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL SHALL BE HELD AT A TIME SET BY ORDINANCE OF THE CITY COUNCIL. REGULAR MEETINGS OF THE CITY COUNCIL SHALL BE HELD NOT LESS THAN TWICE MONTHLY, AT A TIME AND DATE TO BE FIXED BY ORDINANCE BY THE CITY COUNCIL. ALL REGULAR AND SPECIAL MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC.

FOUR (4) COUNCIL MEMBERS SHALL BE A QUORUM FOR THE TRANSACTION OF BUSINESS.

YES _____

NO _____

4. Amendment to Rifle Home Rule Charter. Subject to registered voter approval, Section 3.8 of the City of Rifle Home Rule Charter shall be repealed and replaced to be consistent with the ballot question language in Section 3 above.

5. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance, which, upon the date that it is to take effect, will become, and remain thereafter, in full force and effect.

6. Invalidity. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions of this ordinance will have no force or effect, and all other acts, orders, or ordinances of the City will continue to be effective as if this ordinance was never adopted.

INTRODUCED on June 7, 2017, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on June 19, 2017, passed with amendments, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2017.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk