

**TOWN OF SILT
ORDINANCE NO. 12
SERIES OF 2022**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO REFERRING TO THE REGISTERED ELECTORS OF THE TOWN OF SILT, AT THE NOVEMBER COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, A QUESTION ASKING WHETHER SECTIONS 5-3, 5-9, AND 2-2 OF THE TOWN CHARTER SHALL BE AMENDED TO CHANGE THE REGULAR MUNICIPAL ELECTION TO THE STATE OF COLORADO COORDINATED ELECTION IN NOVEMBER IN ODD NUMBERED YEARS, GIVE THE TOWN EXPRESS AUTHORITY TO PARTICIPATE IN COORDINATED ELECTIONS, AND CHANGE THE ELECTION FOR THE MAYOR AND TRUSTEES TO OCCUR IN NOVEMBER IN ODD NUMBERED YEARS.

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

WHEREAS, pursuant to Section 1-5 of the Charter, proceedings to amend the Charter may be initiated by the adoption of an ordinance by the Board of Trustees ("Board") submitting the proposed amendment to a vote of the registered electors of the Town; and

WHEREAS, Section 5-3 of the Charter directs the Town to conduct its regular municipal elections on the first Tuesday of April in even numbered years; and

WHEREAS, the Board finds that amending the Charter to direct the Town to hold regular municipal elections on the day of the State of Colorado coordinated elections in November in odd numbered years would coordinate the Town's election with county and state elections; and

WHEREAS, the Board finds and determines that coordinating the regular municipal elections with the county and state elections in November will result in significant cost savings to the Town since the Town will not have to hold separate municipal elections; and

WHEREAS, the Board finds and determines that coordinating regular elections will facilitate increased voter participation because of additional election items of interest to the electorate; and

WHEREAS, Section 5-9 of the Charter addresses election procedures and the conduct of elections and gives the Town Clerk charge of activities and duties relating to the conduct of Town elections and Section 1.16.020 of the Silt Municipal Code directs

the Town Clerk to work with the necessary county officials to implement Silt's portion of the coordinated election; and

WHEREAS, the Board finds and determines that amending the Charter to address the Town's participation in coordinated elections and give the Town express authority to participate in coordinated elections is necessary and proper to support the change of regular municipal election to the coordinated election in odd numbered years, if approved by the Town's electors; and

WHEREAS, Section 2-2 of the Charter provides the terms of office and timing of elections for the Mayor and Town Trustees and states that the Mayor and trustee elections will be conducted in even numbered years; and

WHEREAS, the Board finds and determines that amending the Charter to specify that elections for Mayor and Trustees will occur in odd numbered years is necessary to facilitate the change of regular municipal elections to the coordinated election in odd numbered years, if approved by the Town's electors; and

WHEREAS, the Board desires to submit to the registered electors of the Town at the coordinated election to be held on November 8, 2022, a ballot question to amend Section 5-3 of the Charter so the regular municipal election occurs concurrently with the State of Colorado coordinated election in November in odd numbered years and to amend Sections 5-9 and 2-2 of the Charter to facilitate this change; and

WHEREAS, the Board finds and determines that the ballot question stated in this ordinance addresses the single subject of changing the date of the regular municipal election and that the submission of the question to the Town's registered electors is in the best interests of the Town.

NOW, THEREFORE, THE BOARD OF THE TOWN OF SILT, COLORADO ORDAINS THAT:

1. Recitals. The Board of Trustees incorporates the foregoing recitals as conclusions, facts, determination, and findings by the Board of Trustees.
2. Submission to Voters. The following question stated in Section 3 below shall be submitted to the registered voters of the Town of Silt voting at the regular coordinated election which shall be held on Tuesday, November 8, 2022.
3. Publication and Ballot Form. The Town Clerk shall cause a notice of election for the following ballot question to be published, consistent with the requirements of C.R.S. § 31-2-210(4), in substantially the following form and add shall the question to the coordinated election ballot on November 8, 2022:

SHALL SECTION 5-3 OF THE TOWN OF SILT HOME RULE CHARTER BE AMENDED TO READ AS FOLLOWS:

SECTION 5-3. TIME OF ELECTIONS. ALL REGULAR TOWN ELECTIONS SHALL BE HELD ON THE STATE OF COLORADO COORDINATED ELECTION IN NOVEMBER IN ODD NUMBERED YEARS. ANY SPECIAL ELECTION OF THE TOWN SHALL BE CALLED BY RESOLUTION ENACTED AT LEAST SIXTY (60) DAYS IN ADVANCE OF SUCH ELECTION. THE RESOLUTION CALLING A SPECIAL ELECTION SHALL SET FORTH THE PURPOSE OF SUCH ELECTION.

AND SHALL SECTION 5-9 OF THE TOWN OF SILT HOME RULE CHARTER BE AMENDED TO READ AS FOLLOWS:

SECTION 5-9. CONDUCT OF ELECTIONS. THE TOWN CLERK SHALL HAVE CHARGE OF ALL ACTIVITIES AND DUTIES REQUIRED PURSUANT TO THIS CHARTER RELATING TO THE CONDUCT OF TOWN ELECTIONS. THE TOWN MAY PARTICIPATE IN COORDINATED ELECTIONS ADMINISTERED BY GARFIELD COUNTY. IN ANY CASE WHERE ELECTION PROCEDURES ARE IN DOUBT OR QUESTION, THE TOWN CLERK SHALL PRESCRIBE THE PROCEDURES TO BE FOLLOWED.

AND SHALL SECTION 2-2 OF THE TOWN OF SILT HOME RULE CHARTER BE AMENDED TO READ AS FOLLOWS:

SECTION 2-2. TERMS OF OFFICE. EACH TRUSTEE AND THE MAYOR SHALL BE ELECTED FOR A TERM OF FOUR (4) YEARS. FOUR (4) TRUSTEES SHALL BE ELECTED AT THE REGULAR MUNICIPAL ELECTION IN NOVEMBER OF 2025 AND EVERY FOUR (4) YEARS THEREAFTER. TWO (2) TRUSTEES AND THE MAYOR SHALL BE ELECTED AT THE REGULAR MUNICIPAL ELECTION IN NOVEMBER OF 2027 AND EVERY FOUR (4) YEARS THEREAFTER, SUBJECT TO THE PROVISIONS OF SECTION 2-6 OF THIS ARTICLE. THE PROVISIONS OF ARTICLE XVIII, SECTION 11, OF THE COLORADO CONSTITUTION, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, REGARDING LIMITATION ON TERMS OF OFFICE SHALL APPLY.

YES _____

NO _____

- 4. Amendment to Silt Home Rule Charter. Subject to registered voter approval, Sections 5-3, 5-9, and 2-2 of the Town of Silt Home Rule Charter shall be amended to be consistent with the ballot question language in Section 3 above.

5. Extension of Mayor and Trustee terms. If the ballot question contained in this ordinance is approved by the Silt electorate, the terms of the Board of Trustees then sitting shall be extended to the next regular municipal election in November 2025 for Trustees whose terms are set to expire in 2024, or November 2027 for Mayor and Trustees whose terms are set to expire in 2026.
6. Amendment of Silt Municipal Code. If the ballot question contained in this ordinance is approved by the Silt electorate, the Town Silt Municipal Code shall be amended as follows (deletions shown in ~~striketrough~~, additions shown in double underline):

2.04.010 - Mayor and trustees—Terms.

At the general municipal election to be held on the statewide coordinated election in November 2025 ~~first Tuesday of April, 1982~~, ~~three~~ four trustees for the town shall be elected for terms of four years each, and every four years thereafter ~~three~~ four trustees shall be elected for a term of four years. At the general election to be held on the statewide coordinated election in November 2027 ~~first Tuesday of April, 1984~~, the mayor and other ~~two~~ three trustees shall be elected for terms of four years each, and every four years thereafter ~~two~~ three trustees and the mayor shall be elected for a term of four years.

7. 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.
8. 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 Town will continue to be effective as if this ordinance was never adopted.

INTRODUCED, READ, AND APPROVED ON FIRST READING this 11th day of July 2022, at 7:00 PM in the Town Hall, Town of Silt, Colorado.

PASSED, APPROVED ON SECOND READING, ADOPTED, AND ORDERED PUBLISHED following a continued public hearing this 25th day of July 2022.

ATTEST


Town Clerk Sheila M. McIntyre, CMC



TOWN OF SILT


Mayor Keith B. Richel