

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 6
SERIES 2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE COLORADO SUBMITTING A BALLOT QUESTION TO THE VOTERS OF THE TOWN AT THE NOVEMBER 7, 2023 COORDINATED ELECTION TO AMEND THE MT. CRESTED BUTTE HOME RULE CHARTER TO ADJUST COUNCILMEMBER TERM LIMITATIONS AND CONFORMING AMENDMENTS IN CONNECTION THEREWITH

WHEREAS, the Town of Mt. Crested Butte, Colorado (“Town”) is a Colorado home-rule municipality governed by its Town Council (“Council”) having all the powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Council has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, pursuant to Charter Section XIII(H) and C.R.S. § 31-2-210, the Council has authority to refer ballot questions amending the Town’s Home Rule Charter to the electorate; and

WHEREAS, the Council has previously given notice to the Gunnison County Clerk and Recorder of its desire to reserve space for a ballot question as part of the coordinated election to be held on November 7, 2023; and

WHEREAS, in 2021, the Council referred a ballot question to the Town’s electorate which proposed the elimination of term limits for Councilmembers; and

WHEREAS, the 2021 ballot question was rejected by the Town’s electorate; and

WHEREAS, the Town has not conducted a municipal election since 2008 due to a lack of candidates to serve on the Town Council, which has resulted in vacancies since that time being filled without election and in some cases by appointment, which deprives the electorate of their opportunity to choose their representatives on the Town Council; and

WHEREAS, the Council finds that the Home Rule Charter should be amended to expand the pool of available candidates; and

WHEREAS, the Council wishes to refer a ballot question amending the Charter to accomplish this goal by adjusting the limitations on Councilmember terms.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ORDAINS THAT:

Section 1. The following ballot question is hereby referred to the electorate of the Town at the November 7, 2023 coordinated election:

Ballot Question and Title:

IN ORDER TO ENCOURAGE ELIGIBLE CANDIDATES TO STAND FOR ELECTION TO THE TOWN COUNCIL, REDUCE THE NEED FOR APPOINTMENT OF COUNCILMEMBERS TO FILL VACANCIES, REDUCE THE NEED TO CANCEL ELECTIONS, AND TO ENCOURAGE COMPETITIVE COUNCIL RACES AND MORE ROBUST REPRESENTATION OF THE CITIZENS OF THE TOWN BY THE ELCTED TOWN COUNCIL, SHALL THE HOME RULE CHARTER OF THE TOWN OF MT. CRESTED BUTTE COLORADO BE AMENDED TO EXTEND THE CONSECUTIVE TERM LIMIT FOR COUNCILMEMBERS TO THREE (3) TERMS AND TO PROVIDE THAT TERMS ARE CONSIDERED CONSECUTIVE UNLESS SEPARATED BY A SINGLE TWO-YEAR ELECTION CYCLE?

Yes: _____

No: _____

Full text of Amendment:

Amend Section III(B) of the Charter to read in its entirety as follows:

B. Terms of office.


The terms of office of council shall be four (4) years. No person shall serve in the office of councilmember for more than three (3) consecutive four (4)-year terms. Terms are considered consecutive unless separated by at least one (1) two (2) year election cycle.

If a vacancy, as defined in section I of this article, occurs prior to the administration of the oath of office to the newly elected councilmembers, that candidate receiving the next highest number of votes shall be elected to the term so vacated. All vacancies occurring after that time shall be governed by the provisions of section I of this article. Provided, however, that the council shall also have the power to fill a vacancy on the council by ordering an election to fill a vacancy until the next regular election and until a successor has been elected and qualified. If a vacancy on the council is not filled by appointment or an election is not ordered within thirty (30) days after the vacancy occurs, the council shall order an election, subject to the municipal election code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and qualified.

Section 2. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.


INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 18th day of July, 2023, on first reading, and introduced, read, corrected and adopted on second and final reading this 15th day of August, 2023.

TOWN OF MT. CRESTED BUTTE, COLORADO



Nicholas Kempin, Mayor

ATTEST:



Tiffany O'Connell, Town Clerk