

ORDINANCE NO. 2018 - 02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING SECTION 1.12.050 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE TO OPT OUT OF THE SIGNATURE VERIFICATION REQUIREMENT IN THE COLORADO MUNICIPAL ELECTION CODE FOR ALL MOUNTAIN VILLAGE MUNICIPAL ELECTIONS

RECITALS:

- A.** The Town of Mountain Village (the “**Town**”), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and its Town Charter.
- B.** The Town, from time to time, holds municipal elections by mail ballot under the Town Charter, the State of Colorado Mail Ballot Act, the Election Rules of the Colorado Secretary of State, and the Colorado Municipal Election Code of 1965, as amended.
- C.** The Council has determined that it is in the best interests of the Town to opt out of the signature verification requirement of the State of Colorado Municipal Election Code, as defined in C.R.S. 31-10-910.3, for all Mountain Village municipal elections.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Legislative Findings.

The recitals to this Ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Section 1.12.050 of the Town Municipal Code is hereby amended and shall read in its entirety as set forth on Exhibit A attached hereto.

Section 3. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 4. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5. Safety Clause.

The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

Section 6. Effective Date.

This Ordinance shall take effect on April 14, 2018.

Section 7. PUBLIC HEARING.


A public hearing on this Ordinance was held on the 15th day of March, 2018, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 15th day of February, 2018.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 15th day of March, 2018.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Jaekie Kennefick, Town Clerk

Approved As To Form:


James Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town"), do hereby certify that:

1. The attached copy of Ordinance No. 2018-02 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on February 15, 2018 by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton	X			
Bruce McIntire	X			
Dan Jansen	X			
Patrick Berry	X			
Jack Gilbride	X			
Natalie Binder	X			


3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance, was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on February 21, 2018, in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 15, 2018. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton	X			
Bruce McIntire	X			
Dan Jansen	X			
Patrick Berry	X			
Jack Gilbride	X			
Natalie Binder	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me, as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 15th day of March, 2018.



Jackie Kennefick, Town Clerk

(SEAL)



EXHIBIT A
CHAPTER 1.12.050
ELECTION CODE

Sections:

1.12.050 Identification and Verification Requirements

1.12.050 Identification and Verification Requirements

The Town of Mountain Village opts out of the identification requirement provisions of the State of Colorado Mail Ballot Act, as defined in C.R.S. 1-7.5-107 (3.5), (4) and (5), and Colorado Secretary of State Regulations 12.5.6 through 12.5.9, and the signature verification requirement of the State of Colorado Municipal Election Code, as defined in C.R.S. 31-10-910.3, for all Mountain Village Municipal Elections. Beyond the voter registration requirement to provide the voter's date of birth, further identification will not be required as a condition of registering to vote or voting in Town of Mountain Village Municipal Elections. Comparison of a voter's signature on the return envelope to any signature image, including those signature images in the statewide voter registration system, is not required. (Ord. 2004-03 and 2018-04)