

**ORDINANCE ADOPTING A NEW CHAPTER 1.04.100 OF TITLE 1 OF THE
MOUNTAIN VILLAGE MUNICIPAL CODE ESTABLISHING PERMANENT
LOCATIONS FOR POSTING NOTICE OF PUBLIC MEETINGS**

ORDINANCE NO. 2021-03

WHEREAS, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the Town of Mountain Village (“Town”), the Town Council (“Council”) has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, local public bodies, including Council, are required by the Open Meetings Law, and specifically §24-6-402(2)(c), C.R.S., to designate annually at the first regular meeting of each calendar year the locations at which public notice of each meeting will be posted at least twenty four (24) hours prior to each meeting; and

WHEREAS, Section 3.6(d) of the Town of Mountain Village Home Rule Charter authorizes Council to create any Boards and Commissions; and

WHEREAS, pursuant to Section 3.6(d) of the Town of Mountain Village Home Rule Charter, Council may establish rules governing the rules or procedures of any Board or Commission; and

WHEREAS, Boards and Commissions established by Council are “local public bodies” subject to the requirements of the Open Meeting Law, including the requirement found in §24-6-402(2)(c) to designate locations at which public notice of certain meetings will be posted at least twenty-four (24) hours prior to each meeting; and

WHEREAS, Council wishes to comply with the requirements of §24-6-402(2)(c) by permanently establishing locations at which public notice of each meeting subject to notice requirements shall be posted at least twenty four (24) hours prior to each Council, Board or Commission meeting, as applicable; and

WHEREAS, Council finds that permanently establishing locations at which public notice shall be posted of each Council meeting and any other Board or Commission meeting subject to notice requirements will promote the health, safety and general welfare of the Town of Mountain Village community; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that Council desires to comply with the requirement of Section 5.2(c) of the Town of Mountain Village Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that Council, or any member of Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of Council.

Section 2. Addition of Chapter 1.04.100 to Title 1 of the Town of Mountain Village Municipal Code. Chapter 1.04.100, “Permanent Locations For Posting Notice For Public Meetings” to read as set forth in **Exhibit A: Addition of Chapter 1.04.100 to Title 1 of the Town of Mountain Village Municipal Code**, attached hereto.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications 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. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage.

Section 5. Safety Clause. Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Codification of Amendments. The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes

as may be necessary to incorporate the provisions of this Ordinance within the Town of Mountain Village Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 8. **Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Section 5.9 of the Town of Mountain Village Home Rule Charter.

[SIGNATURE PAGE FOLLOWS]

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING on January 14, 2021 and setting such public hearing for February 18, 2021 via virtual Zoom meeting.

BY:



Laila Benitez, Mayor

ATTEST:

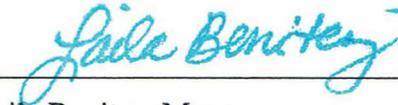


Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 18th day of February 2021.

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

BY:



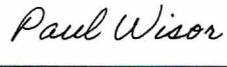
Laila Benitez, Mayor

ATTEST:



Susan Johnston, Town Clerk

APPROVED AS TO FORM:



Paul Wisor, Town Attorney

I, Susan Johnston, 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. 2021-03("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 the Town ("Council") at a regular meeting held via virtual Zoom meeting, on January 14, 2021, 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, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	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 January 24, 2021 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 via virtual Zoom meeting, on February 18, 2021. 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, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	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 18th day of February 2021.



(SEAL)


Susan Johnston, Town Clerk

**EXHIBIT A: ADDITION OF CHAPTER 1.04.100 TO TITLE 1 OF THE TOWN OF MOUNTAIN VILLAGE
MUNICIPAL CODE**

**CHAPTER 1.04.100
PERMANENT LOCATIONS FOR POSTING NOTICE OF PUBLIC MEETINGS**

The following places are designated as the permanent locations for posting notice of all meetings held by Council or any Board or Commission where posting notice of such meeting is required pursuant to state law:

Mountain Village Town Hall - 455 Mountain Village Blvd. Suite A, Mountain Village, CO 81435
Mountain Village Town Hall Post Office - 455 Mountain Village Blvd, Mountain Village, CO 81435
Mountain Village Police Station Bulletin Board - 411 Mountain Village Blvd # 1, Mountain Village, CO 81435
Meadows Post Office - 300 Adams Ranch Rd., Mountain Village, CO 81435
Town of Mountain Village website – <https://townofmountainvillage.com/>

The Town shall be deemed to have given full and timely notice of meetings of the Council or any Boards or Commissions required hereunder if the notice of the meeting is posted in the locations designated herein no less than twenty-four (24) hours prior to the holding of such meeting.