

ORDINANCE 2021-12

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO AMENDING SECTION 2.04.010(B) OF THE TOWN MUNICIPAL CODE**

WHEREAS, the Section 6.1(a)(2)(H) of the Town of Mountain Village Home Rule Charter (the “Charter”) provides the Mayor, with the consent of Council shall be responsible for hiring individuals for the following positions:

- 1) The Town Attorney
- 2) The Town Manager
- 3) The Town Treasurer
- 4) The Town Clerk
- 5) The Police Chief
- 6) The Municipal Judge
- 7) The Director of Community Development
- 8) The Director of Operations and Development; and

WHEREAS, Section 6.1(a)(2)(I) of the Charter provides “all other personnel shall be hired, suspended or dismissed by the Town Manager, with the advice and consent of the Mayor”; and

WHEREAS, the Charter does not identify the individual responsible for suspending or dismissing an individual who fills the positions enumerated in Section 6.1(a)(2)(H); and

WHEREAS, Section 2.04.010(B) of the Town’s Municipal Code (the “Code”) provides the Town Manager, the Town Clerk, the Town Treasurer, the Town Attorney, the Chief of Police, and the Director of Community Development shall serve at the pleasure of the Mayor; and

WHEREAS, as a matter of operation of the Town, the Town Clerk and the Director of Community Development report to the Town Manager; and

WHEREAS, Town Council hereby determines it is appropriate amend Section 2.04.01(B) of the Code to reflect for the Town Manager, were the need to arise, to be the party responsible for suspending or terminating the Town Clerk or the Director of Community Development and it is necessary to amend.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:

Section 1. Amendment to Section 2.04.010(B). Town Council hereby delegates to the Town Manager, Section 2.04.010(B) is hereby amended to read as follows with ~~strike-out~~ indicating language to be deleted and underline indicating language to be adopted:

The Office of the Town Manager/Clerk/Treasurer/Attorney/Police Chief/Director of Community Development are hereby created and established. The department

head of each office shall be nominated by the Mayor and confirmed by the Town Council wholly on the basis of his/her administrative and executive abilities and qualifications, and his/her knowledge of the accepted practice in respect to the duties of his/her office. ~~Each department head~~ The Town Manager, Treasurer, Police Chief and Town Attorney, after confirmation, shall serve at the pleasure of the Mayor. The Town Clerk and Director of Community Development shall be suspended or dismissed by the Town Manager, with the advice and consent of the Mayor. (Town Charter Article VI, Section 6.1H)

Section 2. Ordinance Effect. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced, and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause, or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective on August 14, 2021, following public hearing and approval by Council on second reading.

Section 5. Public Hearing. A public hearing on this Ordinance was held on the 15th day of July 2021 at Town Council Chambers, Town Hall located at 455 Mountain Village Boulevard, Suite A, Mountain Village, Colorado 81435.

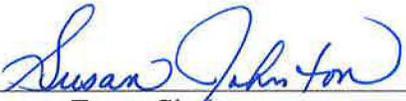
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INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 17th day of June 2021.

TOWN OF MOUNTAIN VILLAGE

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

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 15th day of July 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 the Corrected Ordinance No.2021-12 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on June 17, 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 June 23, 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 Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on July 15, 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 15th day of July 2021.



Susan Johnston
 Susan Johnston, Town Clerk