

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO AMENDING SECTION 17.2.3 OF THE COMMUNITY DEVELOPMENT CODE  
CONCERNING DESIGN REVIEW BOARD MEMBERSHIP REQUIREMENTS AND TERM LIMITS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (the “Charter”); and

WHEREAS, Title 17 of the Town of Mountain Village Municipal Code (“Code”) is known as the Town of Mountain Village Community Development Code (“CDC”), and Chapter 17.2 of the CDC outlines the requirements and limitations for membership on the Town’s Design Review Board (“Board”); and

WHEREAS, the Town and its residents benefit from having a certain number of Board members be lot owners or residents of the Town;

WHEREAS, the Town Council has considered the pros and cons of term limits on Board membership and has concluded that the benefits of having the option to utilize the experience and institutional knowledge of long-term Board members outweighs the benefits of term limits, provided that re-appointment of any Board member remains in the discretion of the Town Council regardless of the time served; and

WHEREAS, in compliance with Section 17.1.7 of the Code, the Board reviewed the proposed amendment and provided a recommendation to Town Council on March 17, 2022; and

WHEREAS, based on the Board’s recommendation and public comments, the Town Council desires to amend the CDC to change the membership requirements and term limits of the Design Review Board as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment to the CDC. Section 17.2.3 of the CDC is hereby amended to read as set forth in Exhibit A, attached hereto.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town 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. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Effective Date. This Ordinance shall become effective on May 21, 2022 and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 6. Public Hearing. A public hearing on this Ordinance was held on the 21<sup>st</sup> day of April 2022 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.8 of the Charter.

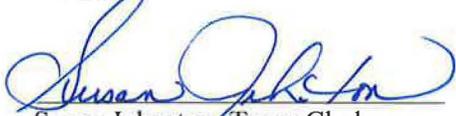
**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 17th day of March 2022**

**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 21st day of April 2022**

**TOWN OF MOUNTAIN VILLAGE:**

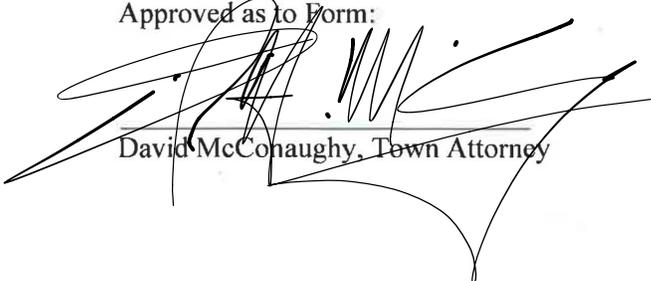
**TOWN OF MOUNTAIN VILLAGE, COLORADO,  
A HOME-RULE MUNICIPALITY**

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

Approved as to Form:

  
David McConaughy, 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. 2022-03 ("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 March 17, 2022, 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			
Marti Prohaska	X			
Harvey Mogenson	X			
Patrick Berry	X			
Peter Duprey	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 April 1, 2022 in accordance with Section 5.2(d) 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 April 21, 2022. 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			
Marti Prohaska	X			
Harvey Mogenson	X			
Patrick Berry	X			
Peter Duprey	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 21<sup>st</sup> day of April 2022.

  
 Susan Johnston, Town Clerk  
 (SEAL)



## Exhibit A

### 17.2.3 Design Review Board.

B. Seven (7) regular members to the DRB shall be appointed by the Town Council. ~~The maximum number of years that a member may serve shall be twelve (12) consecutive years, subject to reappointment by the Council pursuant to section D below.~~ In accordance with the provisions of the Town Charter, three (3) members are to be appointed in odd numbered years, and four (4) members are to be appointed in even numbered years. Up to two (2) alternate members may be appointed by the Town Council for ~~two (2)~~ four (4) year terms. Alternate members shall only vote when one of the seven (7) regular members cannot vote due to a prohibition in the Town's Code of Ethics or when a regular member is absent from a meeting. Any appointed alternate members shall actively participate in the discussion of agenda items, site visits and other DRB activities.

C. The Council shall ~~strive to~~ appoint at least three (3), and strive to appoint at least five (5), or more members of the DRB who are lot owners or residents of Mountain Village; ~~however, residency is not a requirement for appointment but is preferred.~~ The term for a DRB member shall be for ~~two (2)~~ four (4) years.

H. Regular meetings of the DRB shall be held on the ~~fourth~~ first (1<sup>st</sup>) Thursday of each month unless there is a conflict in such meeting date, in which case, a new DRB meeting date will be established in the annual DRB meeting calendar. The DRB may conduct special meetings, in addition to regularly scheduled meetings, as circumstances may require and as determined by the Director of Community Development. The agenda of all DRB meetings and site visits shall be noticed by: