



Agenda Item 12
**COMMUNITY DEVELOPMENT
DEPARTMENT**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-139

TO: Mountain Village Town Council
FROM: Amy Ward, Community Development Director
FOR: February 15, 2024
DATE: February 8, 2024
RE: First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations

ATTACHMENTS

Exhibit 1: Garfield Hecht Memo re: TOMV Wetlands Regulations
Exhibit 2: CDC Wetland Regulations redline
Exhibit 3: Proposed Ordinance

PUBLIC COMMENT

None received

DESIGN REVIEW BOARD (DRB) RECOMMENDATION

The DRB found that changes to the wetland regulations could be recommended with the removal of some added language referencing “compelling public purpose such as affordable housing” that had been added to CDC 17.6.1.B.2.d, and 17.6.1.B.2.i as shown in ~~red strike-through text~~ in the attached redline (Exhibit 2). With the above referenced changes, DRB provided unanimous recommendation to Town Council to approve the changes to wetlands regulations per the attached redline and Ordinance. The attached Ordinance incorporates the proposed edits as proposed by the DRB.

STAFF ANALYSIS AND RECOMMENDATION

It should be noted that CDC 17.6.1.B.2.b in the existing wetlands regulations states “Provide appropriate setbacks to wetland areas to the extent practicable. There will be situations where wetland fill or no wetland setbacks are appropriate to implement the Comprehensive Plan, allow for reasonable use, or for site-specific issues or project needs.” and could also apply to compelling public purposes such as affordable housing.

Staff recommends approval of the Ordinance as proposed.

PROPOSED MOTION

I move to approve on first reading an Ordinance to Amend the CDC Section 17.6.1.B- Wetlands Regulations

/aw

EXHIBIT 1

Glenwood Springs Office
910 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.
ATTORNEYS AT LAW
Since 1975

www.garfieldhecht.com

MEMORANDUM

To: Town of Mountain Village Town Council

From: Garfield & Hecht, P.C.

Date: February 8, 2024

RE: Town of Mountain Village Wetlands Regulations

The Town of Mountain Village (“TMV”) regulates wetland disturbance associated with land use and development within TMV. TMV’s wetlands regulations are codified in Section 17.6.1(B) of the Community Development Code (the “Wetland Regulations”). Additionally, certain parts of TMV are subject to both the Wetland Regulations and a Wetland Management Plan (“WMP”) imposed by the Consent Decree entered into by the Environmental Protection Agency (“EPA”) and Telluride Ski and Golf (“TelSki”) in 1997. The Consent Decree was the negotiated conclusion of an EPA enforcement action involving unauthorized fill of wetlands in what is now TMV. The wetlands subject to the WMP are those wetlands identified in the WMP or located on land now owned by TelSki or owned by Telski as of April 1997. The Consent Decree was terminated in 2013, but per Section 19 of the Consent Decree, the WMP remains in effect until modified or terminated by the EPA.

The state and federal governments also regulate wetland disturbance under the Clean Water Act, 33 U.S.C. §§ 1251, *et seq.* (the “CWA”) and Colorado Water Quality Control Act, C.R.S. §§ 25-8-101, *et seq.* (“WQCA”), and their respective implementing regulations. The EPA and Army Corps of Engineers (“ACOE”) administer the CWA, while the Colorado Department of Public Health and Environment (“CDPHE”) and its commissions administer the WQCA.

Whether a “wetland” is subject to the CWA and/or WQCA depends on the definition of “wetland.” The CWA applies to “navigable waters” which is defined to mean “the waters of the United States, including the territorial seas.” The state WQCA is and has historically been broader than CWA jurisdiction in that the WQCA covers “state waters,” which means “any and all surface and subsurface waters which are contained in or flow through the state.” Regulations promulgated by CDPHE under the WQCA define wetlands as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” 5 CCR1002-31.5(36).

Based on the CWA definition of “navigable waters,” the federal agencies only have authority over those wetlands that are considered “waters of the United States.” “Waters of the

United States” is not further defined in the CWA, so the implementing agencies (EPA and ACOE) have adopted a definition through the administrative rulemaking process. The definitions have changed over time based on evolving agency interpretation of the term and federal appellate and supreme court case law but have come to include wetlands when they are adjacent to or connected with a “water of the United States.”

The regulatory definition of “waters of the United States” was recently challenged and ultimately struck down when the U.S. Supreme Court issued its opinion in *Sackett v. EPA* in May 2023. The question in *Sackett* was whether certain “wetlands” on the Sacketts’ property in Idaho were considered “waters of the United States” and therefore subject to the CWA and EPA enforcement action. SCOTUS determined that the then-current definition of “waters of the United States” adopted and implemented by the EPA did to comport with the language and intent of the CWA and therefore adopted a new definition of the term. Specifically, SCOTUS interpreted “waters of the United States” to mean “a relatively permanent body of water connected to traditional interstate navigable waters.” It went on to determine that “wetlands” are only considered “waters of the United States” and subject to CWA jurisdiction if the wetland has a continuous surface connection with a water that is a “water of the United States in its own right,” making it difficult to determine where the “water” ends, and the “wetland” begins.

TMV’s Wetland Regulations currently define wetland as “an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.” CDC Sec. 17.8.1. Because the CDC refers to ACOE regulations to define wetlands, the scope of the Wetland Regulations—and therefore TMV’s land use authority over them—is effectively defined by federal law. Accordingly, at present, wetlands subject to the Wetland Regulations are limited to the narrower reach of the CWA established in *Sackett* and, relatedly, the new definitions of “waters of the United States” and wetlands adopted by the ACOE in response to *Sackett*. See Exhibit A.

Conversely, even though the Consent Decree/WMP were established under and based on the CWA, the scope of the WMP remains the same despite the changes brought about by *Sackett*. As is articulated in both the Consent Decree and WMP, the WMP applies to the wetlands identified in the WMP, whether or not they are jurisdictional wetlands—i.e., wetlands that fall within the purview of the CWA. And because the WMP was imposed under the Consent Decree and the WMP survived termination of the Consent Decree, its provisions apply unless/until modified or terminated by the EPA or a federal court. Thus, there will no change in the Town’s enforcement of the WMP.

To ensure that wetlands that are important to the TMV environment remain protected—at least with respect to development activities—withstanding changes that have occurred or may occur in federal regulations, staff is proposing certain changes to the CDC. Those changes are set forth in the ordinance provided with this memorandum.

First and foremost, staff proposes that the definition of “wetlands” be amended to remove the reference to ACOE determinations and defer to the more general description currently included in the CDC definition. Because this new definition is broader than the federal definition of

“wetlands” following *Sackett*, the Wetland Regulations will apply to wetlands that are subject to federal regulation and to those that are not. Second, since the definition of wetlands will not track ACOE delineations, there will be no need for ACOE review of land use applications. Accordingly, those requirements are proposed for removal from CDC Section 17.6.1.B. Instead, an applicant must provide a wetlands report prepared by a qualified professional that identifies wetlands on the subject and adjacent properties that meet the new CDC definition. Finally, the proposed CDC amendments include an option to request a waiver from Town Council from compliance with the Wetland Regulations. The waiver process will provide a formal mechanism to effectuate CDC Section 17.6.1.B.2.b, which acknowledges that there may be situations where “wetland fill or no wetland setbacks are appropriate to implement the Comprehensive Plan, allow for reasonable use, or for site-specific issues or project needs.”

We will be available at the February 15, 2024, Town Council meeting to discuss the proposed CDC changes further with Council. Thank you.

EXHIBIT A

33 CFR 328.3(a)

(a) *Waters of the United States* means:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under [paragraph \(a\)\(5\)](#) of this section;

(3) Tributaries of waters identified in [paragraph \(a\)\(1\)](#) or [\(2\)](#) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

(i) Waters identified in [paragraph \(a\)\(1\)](#) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in [paragraph \(a\)\(2\)](#) or [\(a\)\(3\)](#) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in [paragraphs \(a\)\(1\)](#) through [\(4\)](#) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in [paragraph \(a\)\(1\)](#) or [\(a\)\(3\)](#) of this section.

...

(c) In this section, the following definitions apply:

(1) **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) **Adjacent** means having a continuous surface connection.

EXHIBIT 2

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE
AMENDING SECTIONS 17.4.2, 17.4.3, 17.6.1, AND 17.8.1 OF THE MOUNTAIN VILLAGE
MUNICIPAL CODE REGARDING WETLAND REGULATIONS**

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 (“Charter”); and

WHEREAS, the Town has adopted zoning and subdivision regulations codified at Title 17 of the Mountain Village Municipal Code and referred to as the Community Development Code (the “CDC”); and

WHEREAS, the CDC Section 17.6.1 includes regulations regarding the preservation and protection of wetlands; and

WHEREAS, the issuance of the United States Supreme Court decision in *Sackett v. Environmental Protection Agency* has created ambiguity and inconsistency in the scope of wetlands subject to regulation under the CDC; and

WHEREAS, Town Council now desires to amend the CDC’s definition of “wetlands” and other relevant portions of CDC Chapter 17.4 and Section 17.6.1.

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 of CDC Sec. 17.8.1. The Town Council hereby amends CDC Section 17.8.1 of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

Wetlands. An area where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. ~~Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.~~

Section 3. Amendment of CDC Sec. 17.6.1. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

B. *Wetland Regulations.*

...

2. Standards

d. The review authority shall only allow for wetland disturbance or fill if it is demonstrated that ~~(i) the development proposed in the land use application serves a compelling public purpose including, but not limited to, affordable housing, and a waiver is granted pursuant to Section 17.6.1.B.2.j, or (ii)~~ there is not a practicable alternative to avoiding such activities and if the following criteria are met:

...

iii. ~~the United States Army Corps of Engineers (“USACE”) has reviewed the proposed wetland disturbance or fill and has either recommended approval or has approved the required federal permits~~ **all state and federal permits related to the disturbance or fill (if any) have been approved.**

...

f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands **report and delineation performed by a USACE qualified wetlands consultant or other appropriate professional. The wetlands report required by this section must have been prepared within 5 years of the date of the development application and shall include an analysis of whether the wetlands are subject to any federal or state wetland permitting process in effect as of the date of the development application.**

~~i. Written verification of the delineation from the USACE is required prior to the review authority issuing the final CDC required development approval.~~

~~(a) The review authority may also, as a condition of the final approval, require the submission of the USACE wetland delineation verification prior to the issuance of a development permit.~~

~~(b) ACE written approval of wetland delineations typically expire after five (5) years. A new wetland delineation approval letter from the USACE shall be submitted if the original wetland delineation approval has expired.~~

...

i. Any development application that proposes wetland fill **to a wetland that is subject to federal and/or state regulation** shall be referred to the USACE **appropriate state or federal agency** in accordance with the Referral and Review Process to ensure compliance with the federal **and state** wetland permitting process.

j. Through a Class 5 application, whether as a standalone application or in conjunction with another land use application, an applicant may request from Town Council a waiver of the Wetland Regulations for projects that serve a compelling public purpose including, but not limited to, affordable housing. Town Council may, after weighing the public benefits to be gained by the subject application and the purpose and intent of these Wetland Regulations, grant the waiver in whole or in part and with or without conditions. Town Council shall be the sole review authority with authorization to grant a waiver from these Wetland Regulations.

Section 4. Amendment of CEC Sec. 17.4.2.B. Town Council hereby amends “Table 4-1 Development Application Classes” set forth in CDC Section 17.4.2.B to include the language in **bold** and underlined under the “Subdivision” portion of Table 4-1:

Development Application Type	Application Class	Review Authority
<u>Wetland Regulations Waiver under CDC Sec. 17.6.1.B.2.j</u>	Class 5	Town Council

Section 5. Amendment of CDC Sec. 17.4.3.J.5. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

17.4.3. *Development Review Procedures*

...

J. *Step 10: Review Authority Public Hearing or Meeting.*

...

5. *Other Class 5 Applications.* Minor subdivision, **requests for waiver of Wetland Regulations under CDC Section 17.6.1.B.2.j,** and other class 5 development applications do not require a public hearing.

Section 6. Effect of Ordinance. Those provisions on the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

Section 7. 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 8. 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 9. Effective Date. This Ordinance shall become effective on fourteen (14) days after final publication pursuant to Section 4.3 of the Town Charter 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 10. Public Hearing. A public hearing on this Ordinance was held on the ____ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 11. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ____ day of _____ 2024

TOWN OF MOUNTAIN VILLAGE:
TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:
TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

By: _____
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. 2024-____ (the "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 _____, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	"Absent"	"Abstain"
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez (Rick)				

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 _____ 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 _____. 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"
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez (Rick)				

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 ____ day of _____ 2024.

By: _____
Susan Johnston, Town Clerk (SEAL)

EXHIBIT 3

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE
AMENDING SECTIONS 17.4.2, 17.4.3, 17.6.1, AND 17.8.1 OF THE MOUNTAIN VILLAGE
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WHEREAS, the CDC Section 17.6.1 includes regulations regarding the preservation and protection of wetlands; and

WHEREAS, the issuance of the United States Supreme Court decision in *Sackett v. Environmental Protection Agency* has created ambiguity and inconsistency in the scope of wetlands subject to regulation under the CDC; and

WHEREAS, Town Council now desires to amend the CDC’s definition of “wetlands” and other relevant portions of CDC Chapter 17.4 and Section 17.6.1.

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

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Section 2. Amendment of CDC Sec. 17.8.1. The Town Council hereby amends CDC Section 17.8.1 of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

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B. *Wetland Regulations.*

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iii. ~~the United States Army Corps of Engineers (“USACE”) has reviewed the proposed wetland disturbance or fill and has either recommended approval or has approved the required federal permits~~ **all state and federal permits related to the disturbance or fill (if any) have been approved.**

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f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands **report and** delineation performed by a USACE qualified **wetlands** consultant **or other appropriate professional.** **The wetlands report required by this section must have been prepared within 5 years of the date of the development application and shall include an analysis of whether the wetlands are subject to any federal or state wetland permitting process in effect as of the date of the development application.**

i. ~~Written verification of the delineation from the USACE is required prior to the review authority issuing the final CDC required development approval.~~

(a) ~~The review authority may also, as a condition of the final approval, require the submission of the USACE wetland delineation verification prior to the issuance of a development permit.~~

(b) ~~ACE written approval of wetland delineations typically expire after five (5) years. A new wetland delineation approval letter from the USACE shall be submitted if the original wetland delineation approval has expired.~~

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i. Any development application that proposes wetland fill **to a wetland that is subject to federal and/or state regulation** shall be referred to the USACE **appropriate state or federal agency** in accordance with the Referral and Review Process to ensure compliance with the federal **and state** wetland permitting process.

j. Through a Class 5 application, whether as a standalone application or in conjunction with another land use application, an applicant may request from Town Council a waiver of the Wetland Regulations. Town Council may, after weighing the public benefits to be gained by the subject application and the purpose and intent of these Wetland Regulations, grant the waiver in whole or in part and with or without conditions. Town Council shall be the sole review authority with authorization to grant a waiver from these Wetland Regulations.

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17.4.3. *Development Review Procedures*

...

J. *Step 10: Review Authority Public Hearing or Meeting.*

...

5. *Other Class 5 Applications.* Minor subdivision, **requests for waiver of Wetland Regulations under CDC Section 17.6.1.B.2.j,** and other class 5 development applications do not require a public hearing.

Section 6. Effect of Ordinance. Those provisions on the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

Section 7. 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 8. 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 9. Effective Date. This Ordinance shall become effective on fourteen (14) days after final publication pursuant to Section 4.3 of the Town Charter 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 10. Public Hearing. A public hearing on this Ordinance was held on the ____ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 11. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

By: _____
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. 2024-____ (the "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 _____, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	“Absent”	“Abstain”
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar Gomez				

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 _____ 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 _____. 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”
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar Gomez				

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 ____ day of _____ 2024.

By: _____
Susan Johnston, Town Clerk (SEAL)