

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO
AMENDING SECTION 2.04.030 (D) OF THE TOWN OF MOUNTAIN VILLAGE
MUNICIPAL CODE REGARDING THE FUNCTIONS OF THE TOWN ATTORNEY**

ORDINANCE NO. 2016 - 12

RECITALS

The Town Council of the Town of Mountain Village, Colorado makes the following findings to support amendment of section 2.04.030(D) of the Municipal Code:

1. The Town of Mountain Village (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the "Charter").
2. The Town is governed by its Home Rule Charter ("Charter") as authorized by Article XX § 6 of the Colorado Constitution.
3. The Town Council has the authority, pursuant to Article V, Section 5.8 of the Charter to enact emergency ordinances for the preservation of the public peace, safety, or welfare upon the majority vote of the members of the Town Council present at the meeting.
4. Without enacting this emergency ordinance removing a reference in the Municipal Code to the Town Attorney not prosecuting violations of Ordinances, the Code or the Charter the Town may not be in a position to be able to efficiently enforce its laws in the immediate future.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF MOUNTAIN VILLAGE, COLORADO, THAT:**

1. Action.

The Town Council hereby amends and replaces the entirety of section 2.04.030(D) of the Town of Mountain Village Municipal Code with the language as set forth in Section 2.

2. Amendment to Section 2.04.030(D).

D. Town Attorney: Shall be Chief Administrative Officer of the Office of Town Attorney and shall be responsible for organizing and operating that Office. Town Attorney shall act as legal representative and counselor to the Town in all legal matters and shall provide legal advice to the Mayor and Council when requested. He/She shall draft all deeds, contracts, conveyances, ordinances, resolutions, and

other legal instruments when required. He/she shall approve or disapprove, in writing, the proposed final form and legality of all such legal documents within ten (10) days before their final approval or acceptance by the Town Council. The Town Attorney through its office or by contract with another licensed attorney within the State of Colorado shall prosecute violations of Ordinances, the Code, or the Charter and the Town Attorney shall defend exclusively all suits, actions, or causes where the Town is a party, except in those cases where legal defense is provided by insurance contract or where additional legal counsel is deemed necessary and provided by an act of the Town Council. (Ord. 96-08 § 2 (part) Ord. 2016-12)

3. Effective Date and Duration.


Pursuant to Article V, Section 5.8 of the Charter, this ordinance shall be effective immediately upon adoption as it is necessary for the immediate preservation of the public health and safety of the citizens of the Town for the reasons recited herein.

4. Publication of Notice.

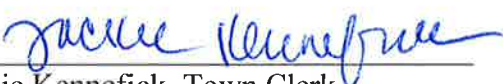
Pursuant to Article V, Section 5.8 of the Charter, the Town Clerk shall publish notice of this Ordinance within five (5) days after enactment of this Ordinance.

INTRODUCED, READ, HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 22nd day of September, 2016.

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

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

Approved As To Form:


Jim 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. 2016-12 ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, and approved as an emergency ordinance with minor amendments by the Town Council of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on September 22, 2016 by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Martin McKinley	X			
Bruce MacIntire	X			
Dan Caton	X			
Laila Benitez	X			
Cath Jett	X			
Michelle Sherry	X			

3. 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 22nd day of September, 2016.



Jackie Kennefick, Town Clerk

(SEAL)

