# AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2016 FOR THE PURPOSE OF VOTING ON THE FORMATION AND FUNDING OF A REGIONAL TRANSPORTATION AUTHORITY

## ORDINANCE NO. 2016 - 09
## RECITALS

The Town Council of the Town of Mountain Village, Colorado makes the following findings to support the calling of a special election on November 8, 2016:

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. Section 2.2(b) of the Town Charter provides that special elections shall be held in accordance with the provisions of Town ordinances so long as they provide that dates of all special elections are required to be set by the Town Council at least sixty (60) days in advance of each special election and set forth the special purpose of each such election.

4. Representatives from the Town, Town of Telluride and San Miguel County have agreed upon an intergovernmental agreement governing a regional transportation authority known as the San Miguel Authority for Regional Transportation ("SMART") pursuant to C.R.S. § 43-4-601, et. seq.

5. The Town Council approved the terms of this SMART intergovernmental agreement conditioned upon voter approval at an election to be held on November 8, 2016, at its July 21, 2016 regular meeting.

6. For SMART to be formed, the resident registered electors of the Town must vote to approve the formation and funding of SMART, the nonresident registered electors of the Town must vote to approve the funding of SMART, and either the registered electors of San Miguel County or the Town of Telluride, or both, must vote to approve both the formation and funding of SMART.

7. Pursuant to C.R.S. § 43-4-603(4), an election to form a regional transportation authority shall be conducted by the county clerk and recorder as a coordinated election.

8. A general election is already scheduled for November 8, 2016, to be administered by the San Miguel County Clerk & Recorder (the "Clerk").

9. The Town Council hereby determines to hold a special election on November 8, 2016, to be held as part of the coordinated election being conducted by the Clerk pursuant to the Uniform Election Code of 1991, Title 1, Articles 1 through 13, C.R.S., as amended.

10. The Clerk is the Coordinated Election Official for the election.

11. The Town is required to enter into an intergovernmental agreement with the Clerk to conduct the election on behalf of the Town on or before September 9, 2016.

12. The Town intends to cooperate with the Clerk to provide all necessary ballot titles and various agreements with the Clerk for the conduct of the election.

13. It is necessary to submit to the resident registered electors of the Town the proposition to approve the formation and funding of SMART and to the nonresident registered electors of the Town the proposition to approve the funding of SMART.

14. 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.

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

1. Special Election.

   The Town Council hereby determines that an election shall be held on November 8, 2016, as part of the San Miguel County coordinated election for the purpose of voting on the formation and funding of SMART, at which there shall be submitted to the eligible electors of the Town certain ballot proposals set forth in a separation resolution of the Town Council of the Town of Mountain Village certifying such ballot questions. The Clerk shall be the Coordinated Election Official for the election.
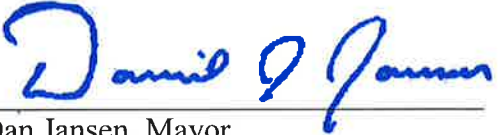
2. Effective Date and Duration.

   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.

3. 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 18<sup>th</sup> day of August, 2016.

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

By: _____
    Dan Jansen, Mayor

ATTEST:

_____
Jackie Kennefick, Town Clerk

Approved As To Form:

_____
James 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. 2016-09 ("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 August 18, 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 18th day of August, 2016.

Jackie Kennefick, Town Clerk

(SEAL)