

ORDINANCE NO. 949

AN ORDINANCE OF THE CITY OF BURLINGTON SETTING ADDITIONAL CONTENT FOR VOTER AUTHORIZATION FOR AN AMENDMENT TO THE CHARTER FOR THE CITY OF BURLINGTON, COLORADO; SUBMITTING THE BALLOT ISSUE AT THE ELECTION TO BE HELD APRIL 7, 2020; AND DECLARING AN EMERGENCY

WHEREAS, the City of Burlington, Colorado (the "City"), a Colorado Home Rule City duly organized and operating as a Colorado Home Rule City under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City (the "City Council") have been duly elected and qualified; and

WHEREAS, the Charter of the City of Burlington ("Charter"), Article XIII Miscellaneous Provisions, Section 13.10 Amendment states that the Charter may be amended at any general or special election; and

WHEREAS, ARTICLE II SECTION 2.1 AND SECTION 2.7 of the Charter entitled "Colorado Municipal Election Laws Adopted" shall be amended to read City elections shall be governed by the Colorado Revised Statutes Municipal Election Law Title 31, Articles 10 & 11 as now existing or hereafter amended or modified.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Section 1. Calling and Conduct of the Election. An election shall be held on Tuesday, April 7, 2020, at which time there shall be submitted to the eligible electors of the City the ballot issue set forth in this Ordinance. The cost of the election shall be paid from the City's general fund. The City Clerk shall serve as the designated election official of the City for the purposes of performing acts required or permitted by law in connection with the election. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions to this Ordinance and the holding of a polling place election on April 7, 2020.

Section 2. Charter Amendment Ballot Issue. A ballot issue concerning amending parts of Article II Elections in the Charter of the City of Burlington shall be submitted to the eligible electors of the City, which ballot issue shall be in substantially the following form:

SHALL ARTICLE II, SECTION 2.1 "COLORADO MUNICIPAL ELECTION LAWS ADOPTED, ELECTIONS", OF THE CHARTER OF THE CITY OF BURLINGTON, COLORADO BE AMENDED TO READ "CITY ELECTIONS SHALL BE GOVERNED BY THE COLORADO REVISED STATUTES MUNICIPAL ELECTION LAW, TITLE 31, ARTICLES 10 AND 11 AS NOW EXISTING OR HEREAFTER AMENDED OR MODIFIED"; AND SHALL ARTICLE II, SECTION 2.7 "NOMINATING PETITIONS – REQUIRED SIGNATURES" BE AMENDED TO READ "CITY ELECTIONS SHALL BE GOVERNED BY THE COLORADO REVISED STATUTES MUNICIPAL ELECTION LAW, TITLE 31, ARTICLES 10 AND 11 AS NOW EXISTING OR HEREAFTER AMENDED OR

MODIFIED" HOWEVER THE SIGNATURE REQUIREMENTS SHALL REMAIN
UNCHANGED AT NO FEWER THAN 25 FOR MAYOR AND COUNCILMEN PETITIONS.

_____ YES / FOR _____ NO / AGAINST

Section 3. Setting the Ballot Content. For purposes of the Section 31-11-111, C.R.S., this Ordinance shall serve to set the additional content of the ballot issues set forth herein. Any election contest arising out of the Ballot Issues or the election concerning the order of the ballot or the form or content of the ballot titles shall be commenced pursuant to Section 1-11-23.5 C.R.S.

Section 4. Amendment of Charter. Subject to approval of the ballot issue set forth in Section 2 hereof by a majority of the eligible electors voting thereon at said election, those sections of the Charter shall be changed.

Section 5. Ratification of the Municipal Code. With the exception of the provisions of the Municipal Code which are modified and amended as provided herein, all remaining provisions shall remain in full force and effect. To the extent necessary to affect the voter authorization, the Municipal Code may be further amended by ordinance consistent with the terms of this Ordinance.

Section 6. Approval of Ballot Issue. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of the ballot issue, the City acting through the Council shall be authorized to proceed with the necessary actions in accordance with the ballot issue so approved.

Section 7. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 8. Emergency Declaration: Effective Date. By reason that it is necessary to certify the ballot issues by an established date and the matters set forth in this Ordinance will be subject to a vote by the eligible electors of the City, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that this Ordinance shall be in full force and effect upon adoption.

**INTRODUE, READ AND ADOPTED AS AN EMERGENCY ORDINANCE,
AND ORDERED PUBLISHED** this 24th day of February, 2020.