



ORDINANCE NO. 20-13

REFERRING A PROPOSED AMENDMENT TO THE AVON HOME RULE CHARTER REGARDING COMPENSATION OF TOWN COUNCIL TO AN ELECTION OF THE TOWN OF AVON

WHEREAS, the Town of Avon, Colorado, (the “Town”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to C.R.S. §31-2-210(1)(b) the Avon Town Council (the “Council”) may initiate the amendment of the Avon Home Rule Charter (the “Charter”) by adopting an ordinance to refer proposed Charter amendments to a vote of the registered electors of the Town of Avon; and

WHEREAS, Section 4.8 of the Charter provides “[t]he members of the Council shall receive such compensation, and the Mayor such additional compensation, as the Council shall prescribe by ordinance; provided, however, that the compensation of any member during his or her term of office shall not be increased or decreased”; and

WHEREAS, Section 4.8 of the Charter prohibits a member of Council from decreasing or declining a salary during their term of service on Council; and

WHEREAS, Council believes members of Council should be able to reduce their compensation or decline such compensation during their term in office; and

WHEREAS, the Council submits the following amendment to the Charter to a vote of the registered electors of the Town; and

WHEREAS, the Town Council adopts the ballot title of “Amendment to Avon Home Rule Charter Regarding Decrease in Compensation of Members of Council”; and

WHEREAS, the election to adopt the amendment will take place at the next regular election, to be held on November 3, 2020; and

WHEREAS, if a majority of the electors approve the amendment, the Charter will thereby be amended; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply with the requirement of Section 6.5(d) of the Avon Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the Town Council, or any member of the Town Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated by reference and adopted as findings and determinations of the Town Council.

Section 2. Ballot Question. The Town Council hereby refers the following ballot question to the voters of the Town of Avon:

“SHALL THE Home Rule Charter of the Town of Avon be amended by amending and readopting Section 4.8 – Compensation, as follows:

Section 4.8 - Compensation. The members of the Council shall receive such compensation, and the Mayor and Mayor Pro-Tem, such additional compensation, as the Council shall prescribe by ordinance, ~~; provided, however, that the compensation of any member during his or her term of office shall not be increased or decreased.~~ The compensation of any Council member may not be increased or decreased by Council during such Council member's term in office. A Council member may individually and unilaterally choose in writing to decrease or decline that Council member's compensation temporarily or for the remainder of that Council member's term. The Mayor ~~and members of the Council~~ may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office?”

Section 3. Severability. If any provision of this ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This ordinance shall become effective on the first day of the month that is at least thirty (30) days after date of its adoption.

Section 5. Codification of Amendments. The codifier of the Town's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Avon Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 6. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

[SIGNATURE PAGE FOLLOWS]

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING on August 25, 2020 and setting such public hearing for September 8, 2020 at the Council Chambers of the Avon Municipal Building, located at One Hundred Mikaela Way, Avon, Colorado.

BY:

ATTEST:

Sarah Smith Hymes, Mayor

Brenda Torres, Town Clerk

ADOPTED ON SECOND AND FINAL READING on September 8, 2020.

BY:

ATTEST:

Sarah Smith Hymes, Mayor

Brenda Torres, Town Clerk

APPROVED AS TO FORM:

Paul Wisor, Town Attorney