

**STATE OF COLORADO  
TOWN OF PAONIA, COLORADO**

**ORDINANCE NO. 2020-04**

AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO, AMENDING  
THE ENUMERATED AUTHORITY PROVIDED TO THE MAYOR OF THE  
TOWN.

**RECITALS**

**WHEREAS**, the Town of Paonia (the “Town”), is a statutory town and municipal corporation in Delta County, Colorado, governed by and through its Board of Trustees (the “Board”); and

**WHEREAS**, the powers and duties of the Mayor for the Town are specifically enumerated under Section 2-2-20 of the Town Code (the “Code”); and

**WHEREAS**, pursuant to C. R.S. § 31-4-302, any ordinance amending the mayoral duties may only be adopted, amended, or repealed within the sixty (60) days preceding any election of a Mayor, to take effect upon such Mayor's assumption of office; and

**WHEREAS**, the Town has its regular election set for April 7, 2020; and

**WHEREAS**, this Ordinance is being adopted within the sixty (60) days preceding the Town’s regular election and shall only take effect upon the Mayor’s assumption of office.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA as follows:**

**Section 1. Legislative Findings.**

The foregoing Recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Board of Trustees.

**Section 2. Amendment to the Town Code:**

Section 2-2-20 of the Town Code shall be amended as follows:

Sec. 2-2-20. - Mayor.

(a) Four-year terms for Mayor. Every four (4) years, at the Town’s regular election, a Mayor shall be elected to serve a four-year term. The Mayor shall meet the same qualifications as a Trustee and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Trustee, as set forth in Section 2-2-10 above.

(b) The Mayor shall preside over all meetings of the Board of Trustees. The Mayor shall not count for the purpose of determining a quorum of the Board of Trustees. The Mayor shall only be entitled to vote on a question in the event of a tie vote of the Board of Trustees.

(c) Any ordinance adopted and all resolutions authorizing the expenditure of money or the entering into of a contract require the approval and signature of the Mayor before they become valid. Such ordinance or resolution shall be presented to the Mayor within forty-eight (48) hours after the action of the Board of Trustees for the Mayor's signature approving the same. In the event the Mayor disapproves of the resolution or ordinance, the Mayor shall return such ordinance or resolution to the Board of Trustees at its next regular meeting with his or her objections in writing. The Board of Trustees shall cause such objections to be entered onto the record and shall proceed at the same or next subsequent meeting to consider the question: "Shall the ordinance or resolution, notwithstanding the Mayor's objections, be passed?" If four (4) of the members of the Board of Trustees vote in the affirmative, such resolution shall be valid, and such ordinance shall become a law the same as if it had been approved by the Mayor. If the Mayor fails to return to the next subsequent meeting of the governing body any resolution or ordinance presented to the Mayor for his or her approval, the same shall become a valid ordinance or resolution, as the case may be, in like manner as if it had been approved by the Mayor.

(d) The Mayor shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. In case of the nonattendance of the Mayor at any meeting of the Board of Trustees, the Mayor Pro Tem shall preside.

(e) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.

(f) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her.

#### **Section 4. Severability.**

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions 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.

#### **Section 5. Repeal of Prior Ordinances.**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### **Section 6. Ordinance Effect.**

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with

the provisions of this Ordinance are hereby repealed; provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

**Section 7. Effective Date.**

This Ordinance shall take effect after it has been published and the Town has conducted its regular municipal election of April 7, 2020, the results certified, and the Mayor elected from such election sworn in.

**HEARD AND FINALLY ADOPTED by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the 6<sup>th</sup> day of April 2020.**

**TOWN OF PAONIA**

By: \_\_\_\_\_  
CHARLES STEWART, Mayor

ATTEST:

\_\_\_\_\_  
J. CORINNE FERGUSON, Town Clerk