

Ordinance No. 8.04

AN ORDINANCE SUBMITTING CHARTER AMENDMENTS
TO THE ELECTORS OF THE TOWN OF LARKSPUR
AT THE SPECIAL MUNICIPAL ELECTION TO BE
HELD ON NOVEMBER 5, 1996

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR,
COLORADO AS FOLLOWS:

That there are hereby submitted and referred to the vote of the electors of the Town of Larkspur at the special municipal election to be held on Tuesday, November 5, 1996 the following proposed Charter Amendments:

Highlighted words indicate new material added to existing Charter provisions; dashes through words indicate deletions from existing Charter provisions and such dashed material will no longer be part of the Charter.

Section 1. A Charter Amendment amending the following provisions of the Charter.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF LARKSPUR COLORADO:

That Section 2.07 of Article II of the Town Charter is amended to read as follow:

SECTION 2.07 - ELECTIVE OFFICERS

The elective officers shall be a mayor, ~~and six council-members, and a~~ ~~Town Clerk~~ each of whom shall have resided in the area comprising the Town at the time of his election or appointment for not less than one year. The mayor, ~~and councilmen and Town Clerk~~ shall all be nominated and elected at large from the Town.

That Section 2.08 of Article II of the Charter of the Town of Larkspur is amended to read as follows:

SECTION 2.08 - NOMINATING PETITIONS

The nominating petitions for each candidate for either ~~mayor, or~~ ~~councilman, or Town clerk~~ shall be signed by not less than ten different

qualified electors from the Town. Any elector may sign more than one petition for any elective office, and there shall be no limit as to the number of different petitions an elector may sign for any elective office. Nominating petitions shall be filed not later than 25 days prior to a municipal election.

That Section 2.09 of Article II of the Charter of the Town of Larkspur, is amended to read as follows:

~~SECTION 2.09 - MAYOR AND TOWN COUNCIL MEMBERS' TERMS OF OFFICE~~
~~MAYOR, TOWN COUNCIL MEMBERS AND TOWN CLERK~~

Except for the transition election as provided in Section 13.07 of this Charter, the mayor shall be elected for a four-year term and each councilmember shall be elected for a four-year term. ~~Except for the Town clerk transition election as provided in this paragraph, the Town clerk shall be elected for a two year term.~~

In the transition election, the mayor shall be elected for a four-year term and the three councilmembers receiving the greatest number of votes each shall be elected to four-year terms. The three councilmembers receiving the next greatest number of votes each shall be elected to two-year terms, and their Council seats shall come open for re-election in 1984. The three councilmembers elected in the general municipal election of 1984 shall be elected to four-year terms, and thereafter all Council terms shall be for four years.

~~The Town clerk transition election shall occur on Tuesday, January 7, 1987. In the Town clerk transition election, the Town clerk shall be elected to an initial term which shall terminate at the first meeting of the Town Council following the regular municipal election to be held in April, 1988. Thereafter the Town clerk shall be elected by a majority of the vote of electors of the Town at each general municipal election. The term of office shall be for two years and shall commence upon his taking the oath of office at the first Town Council meeting held after the election in the year elected and shall continue during the term for which he shall have been elected until a successor shall have been elected and duly qualified.~~

That Section 3.05 of Article III of the Charter of the Town of Larkspur, Colorado is amended to read as follows:

SECTION 3.05 - Compensation

The members of the Council ~~and the Town Clerk~~ shall receive such

compensation and the Mayor such additional compensation as the Council shall prescribe by ordinance; provided, however, that they shall neither increase nor decrease the compensation of any ~~elected official of the Town member~~ during his term of office. The mayor ~~and councilmembers~~ and the ~~Town Clerk~~ may, upon order of the Council, be paid their actual and necessary out-of-pocket expenses incurred in the performance of their duties of office.

That Section 3.06 of Article III of the Charter of the Town of Larkspur, Colorado is amended to read as follows:

SECTION 3.06 - VACANCIES

A Council seat shall become vacant whenever any councilman, not including the mayor, is recalled, dies, becomes incapacitated, resigns, ceases to be a resident of the Town, assumes the office of mayor, or is convicted of a felony. Within thirty days after a vacancy occurs, the remaining councilmen may choose by majority vote a duly qualified person to fill such vacancy. He shall serve the unexpired term so vacated until his successor is duly elected and qualified following the next regular municipal election. If three or more vacancies exist simultaneously, the remaining councilmen shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a regular municipal election within ninety days and provided that the successors to the vacant seats have not already been elected and are merely awaiting their official assumption of office.

~~The office of the Town clerk shall become vacant if the Town clerk is recalled, dies, becomes incapacitated, resigns, ceases to be a resident of the Town, is appointed or elected to another elective office of the Town, or is convicted of felony. Within thirty days after the vacancy occurs, the council shall choose by majority vote a duly qualified person to fill such vacancy.~~

That Section 4.01 of Article IV of the Charter of the Town of Larkspur, Colorado is amended to read as follows:

SECTION 4.01 - THE MAYOR

The Mayor shall be the chief executive and administrative officer of the Town. As such he shall possess, have and exercise all the executive powers and administrative powers vested in the Town, ~~except for those administrative powers which are otherwise delegated by the provisions of this Charter.~~

That Section 4.03 of Article IV of the Charter of the Town of Larkspur, Colorado is amended to read as follows:

SECTION 4.03 - TOWN CLERK

~~The Mayor shall appoint a Town Clerk with approval of Council who shall be custodian of the Town seal and shall keep a journal of Council proceedings and record in full all ordinances, motions, and resolutions. He shall have power to administer oaths and take acknowledgements under seal of the Town and shall perform such other duties as required by this Charter, the Council or the Mayor.~~

~~The Town clerk shall have the following duties:~~

~~(a) The Town clerk shall be the clerk of the council and shall attend all meetings of the council and shall keep a permanent journal of its proceedings.~~

~~(b) The Town clerk shall be the custodian of the seal of the Town and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the Town, the custody of which is not otherwise provided for by the Charter.~~

~~(c) The Town clerk shall certify by his signature, all ordinances and resolutions enacted or passed by the council.~~

~~(d) The Town clerk shall provide and maintain in his office a supply of forms for all petitions required to be filed by the provisions of this Charter, by State statute, or applicable Town ordinance.~~

~~(e) The Town clerk shall have power to administer oaths of office.~~

~~(f) The Town clerk shall be the chairperson of the election commission.~~

~~(g) The Town clerk shall publish all notices, proceedings, and other matters required to be published.~~

~~(h) The Town clerk shall supervise the staff under his jurisdiction.~~

~~(i) The Town clerk shall perform such other administrative duties as may be prescribed by this Charter, by ordinance, or by applicable State statute.~~

For the amendments to the Town Charter

Against the amendments to the Town Charter

SECTION 4 - Voter Approval

If the majority of all the votes cast at the election on the Charter amendment shall be for the amendment, the amendment shall be deemed to have passed.

SECTION 5 - Conduct of Election

The election to be held on November 5, 1996 as well as the Town clerk transition election shall be conducted under provisions of the Town Charter, and applicable statutes.

SECTION 6 - Public Notice

The Town clerk of the Town of Larkspur, Colorado shall, within thirty days of the adoption of this ordinance, cause notice to be published of an election upon the amendments to the Town Charter contained in this ordinance, which notice shall contain the full text of the proposed amendments.

SECTION 7 - Local Concern

This ordinance is necessary to protect the public health, safety, and welfare of the residents of the Town, and covers matters of local concern.

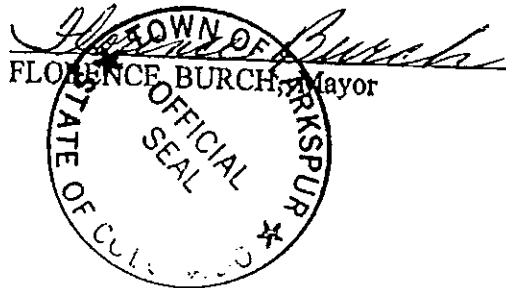
SECTION 8 - Effective Date

This ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 4th day of September, 1996, and passed by a vote of 4 for, 2 against, and 0 abstentions.

ATTEST:

Deirdra Anderson
Town Clerk



I hereby certify that the within Ordinance No. 801 was posted on the bulletin board at the Town Hall of the Town of Larkspur from Sept 5, 1996 to

Sept 10, 1996.

Suzanne J. Anderson
Town Clerk