

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2022-676**

**AN ORDINANCE INITIATING THE ADOPTION OF A
HOME RULE CHARTER FOR THE TOWN OF
LOCHBUIE, PROVIDING FOR THE ELECTION OF
CHARTER COMMISSION MEMBERS, AUTHORIZING
PARTICIPATION IN THE 2022 COORDINATED
GENERAL ELECTION, AND DECLARING AN
EMERGENCY**

WHEREAS, the Municipal Home Rule Act of 1971, C.R.S. 31-2-201 et seq., as amended, authorizes the Town Board of Trustees to initiate by ordinance the adoption of a home rule charter; and

WHEREAS, the Town Board of Trustees finds that the best government is the one closest to the people; and

WHEREAS, among other things, home rule status, through adoption of a charter: (1) provides the vision and mission statement framework of the Town which serves as the guide for future actions and decisions affecting the Town and its inhabitants; (2) permits the registered voters of the Town to direct the structure and organization of governance of the Town and procedures for adopting legislation by the governing body; and (3) provides increased flexibility in assessing and collecting revenue sources and in seeking solutions to local problems without undesired statewide statutory restrictions; and

WHEREAS, the process for adopting a home rule charter requires an initial election to form a charter commission and to elect members thereof; and

WHEREAS, the electors of the Town will have opportunity to comment on a proposed charter at public meeting(s) to be held by the charter commission prior to a second election to approve or reject the proposed charter; and

WHEREAS, the Town Board of Trustees desires to initiate the adoption of a home rule charter for the Town of Lochbuie; and

WHEREAS, November 8, 2022, is a designated coordinated election date under state law; and

WHEREAS, Section 1-7-116(5), C.R.S., requires a political subdivision participating in a coordinated election to notify the county clerk and recorder in writing of its participation 100 days before the election; and

WHEREAS, intergovernmental agreements will be executed between Weld County and

the Town and between Adams County and the Town for the provision of coordinated election services; and

WHEREAS, the Municipal Election Code Section 31-10-108, C.R.S., provides that special election may be held at the same time as a general or coordinated election and the Town desires to have this question heard at an election on November 8, 2022 such that a thirty day effective date would cause the Town to miss important deadlines for participation in such coordinated election; therefore, the Town Board of Trustees declares that the public health, safety and welfare requires that this ordinance be adopted as an emergency ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LOCHBUIE, COLORADO:

Section 1. **Initiation of Home Rule.** The following question shall be submitted to a vote of the registered electors of the Town of Lochbuie in accordance with the provisions of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, at the coordinated general election to be held on November 8, 2022:

Shall the Town of Lochbuie form a home rule charter commission?

Section 2. **Commission Members.** If the formation of the home rule charter commission is approved by the qualified electors at the November 8, 2022 coordinated general election, the registered electors shall also elect members to the home rule charter commission, which members, in accordance with Section 31-2-206(1)(b), C.R.S., shall be elected at-large and which commission shall consist of nine members. The candidates that receive the greatest number of votes up to nine shall be elected to the home rule charter commission.

Section 3. **Uniform Election Code.** At the election called hereunder, in lieu of the Colorado Municipal Election Code of 1965, the requirements and procedures of the Uniform Election Code of 1992, articles 1 to 13 of title 1, C.R.S., shall be utilized in coordination with the Counties of Weld and Adams.

Section 4. **Participation in Coordinated Election.** The Lochbuie Town Board of Trustees approves its participation in a coordinated election to be held on November 8, 2022, said election to be conducted by the Weld and the Adams County Clerk and Recorders, and hereby authorizes the Town Clerk to take whatever action is necessary to effect the election, including providing notice to the Weld and the Adams County Clerk and Recorders in writing of the Town's participation and otherwise complying with all applicable state and local elections laws, as appropriate.

Section 5. **Designation of Election Official.** The Designated Election Official for the Town for the 2022 coordinated election is Heather Meierkort, Town Clerk.

Section 6. **Publication of Election Notice.** The Town Board of Trustees hereby directs the Town Clerk to publish the first election notice and notice of thirty-day period for

candidates for charter commission to file nomination petitions and statements of consent to serve in accordance with the deadlines set forth in the Municipal Home Rule Act of 1971.

Section 7. Cancellation of Election If Insufficient Number of Charter Commission Candidates. The election authorized by the Ordinance shall be automatically cancelled without further action of Board of Trustees if less than nine (9) persons submit legally sufficient nomination petitions seeking election to the charter commission by the statutory filing deadline.

Section 8. Authorization to Execute Intergovernmental Agreements for Conduct of The Election. The Mayor, in consultation with the Town Attorney, is hereby authorized to execute Intergovernmental Agreements for Conduct of The Election with each of Weld and Adams County for participation in the 2022 coordinated election to be held on November 8, 2022.

Section 9. Initial Meeting of the Charter Commission. Contingent upon the approval of the qualified electors at the November 8, 2022 coordinated general election to form a charter commission and to elect the members thereof, the charter commission shall have an initial meeting on November 15, 2022, at 4:30 p.m. or such time as the members of the Charter Commission shall determine for the purpose of organizing itself and otherwise as set forth in C.R.S. §31-2-206(4).

Section 10. 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 Board of Trustees 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 11. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 12. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 13. Emergency; Effective Date. The Board of Trustees finds that an emergency exists and that the immediate effectiveness of this ordinance is necessary to protect the public health, safety and welfare by ensuring that this issue can be placed on the ballot at the

November 2022 election. This Ordinance shall take effect immediately following publication by title.

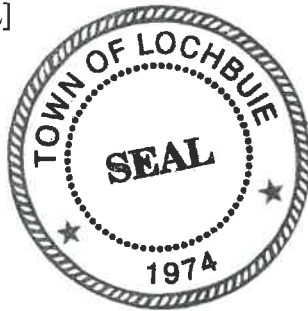
ADOPTED by a vote of 10 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 19 day of July, 2022.

TOWN OF LOCHBUIE, COLORADO



Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of July 19, 2022, and ordered published by title only by *The Brighton Blade* newspaper on July 28, 2022.

[SEAL]



ATTEST:


Heather Meierkort, Town Clerk