

O R D I N A N C E NO. 588

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF LAS ANIMAS AT THE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 1997, A QUESTION AS TO THE ELIMINATION OF THE REQUIREMENT OF THE ELECTION OF THE CITY CLERK AND CITY TREASURER AND THEREBY MAKING SAID POSITIONS TO BE APPOINTED BY THE MAYOR AND THE CITY COUNCIL.

WHEREAS, heretofore, the City of Las Animas Clerk and Treasurer has been elected by a vote of the people of the City of Las Animas pursuant to Section 2-6.1 of the Municipal Code of the City of Las Animas and pursuant to Section 31-4-05 of the Colorado Revised Statutes; and

WHEREAS, as a result of the elective status of the City Clerk and City Treasurer, and with the subsequent passing of the constitutional amendment requiring term limitations for elected individuals, the City Clerk and City Treasurer are no longer in a position to maintain the position so as to afford that individual the benefits of retirement; and

WHEREAS, given the current City management structure, there is no possible basis for position or professional advancement of the City Clerk and City Treasurer within the City; and

WHEREAS, as a result thereof, the attractability of the position of City Clerk and City Treasurer is lessened by these unintended ramifications; and

WHEREAS, it is the desire of the City Council that the City Council provide for employment in that position that allows competent personnel to remain in that position and to acquire vested and fulfilled retirement benefits, and further provide a mechanism which may allow for the advancement and promotion of the City Clerk and City Treasurer to other positions within the City as the City Council may so desire; and

WHEREAS, the City Council is interested in considering the creation of the post of City Administrator, which would have supervision of the City Clerk and City Treasurer, if the position were not an elected position; and

WHEREAS, the City Council is relying in part upon the Court case set forth in Zaner v. City of Brighton, 899 P.2d 263, and the Court case of "In re Incorporation of the City of Lone Tree", Case NO. 95 CV 312, it is the impression of the City Council of the City of Las Animas, that this issue is not a issue which requires compliance with "Amendment One", also known as the "Bruce Amendment", also known as "Tabor Amendment";

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS,
COLORADO:

SECTION 1. That Section 2-6.1 of the Municipal Code of the City of Las Animas, Colorado is herein repealed in its entirety, if and only if, and upon the favorable passage of the ballot question set forth in Section 2 below. If said ballot question does not obtain a majority of the favorable votes from the citizens of the City of Las Animas so as to be declared an affirmative vote of the people of the City of Las Animas to this proposition, then this Section 1 shall have no force and effect, and Section 2-6.1 shall remain in full force and effect as currently enacted.

SECTION 2. At the regular municipal election to be held in the various precincts and at the polling places of the City of Las Animas on Tuesday, November 4, 1997, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the voters of the city an ordinance which become effective December 1, 1999. The full text of the ordinance to be submitted is as follows:

AN ORDINANCE TO ALLOW THE ELIMINATION OF THE REQUIREMENT OF THE ELECTION OF THE CITY CLERK AND CITY TREASURER AND THEREBY MAKING SAID POSITIONS APPOINTIVE BY THE MAYOR AND THE CITY COUNCIL.

SECTION A. A new Section of the Municipal Code is hereby enacted as follows:

Section 2-6.1. City Clerk and City Treasurer Appointed. Effective December 1, 1999, the City Clerk of the City of Las Animas shall be appointed by a majority vote of the City Council of the City of Las Animas. The Mayor shall be entitled to vote concerning this appointment. Compensation for the City Clerk and City Treasurer shall be determined within the budgetary actions of the City Council. The supervisory authority of the City Clerk and City Treasurer shall be determined by the City Council, and the City Clerk and the City Treasurer shall report directly to the Mayor or the City Administrator if said position of City Administrator is hereinafter created. In the event that the City should create a City Administrator position, then the City Clerk and City Treasurer shall be subject to supervision and review by the City Administrator. The City Clerk position shall be one of a supervisor and as such, the City Clerk and City Treasurer shall have supervisory control over portions of the administrative staff, as are set forth more fully in any organizational charge adopted and approved by the City Council.

SECTION B. It is the intention of the qualified electors of the City of Las Animas that this ordinance, and any part or provision hereof, shall be considered severable; any invalidity of any part, section, provision, clause,

sentence, or fragment of this ordinance will not affect the validity of any other portion of this ordinance; the qualified electors would have adopted the provisions of this ordinance, or any part or provision hereof, regardless of the validity of any part, section, provision, clause, sentence, or fragment hereof.

SECTION 3. The official ballot and the official absentee ballot shall state the substance of the proposition and so state shall constitute the ballot title, designation, and submission clause, and each qualified elector voting at the election shall indicate his or her choice on the proposition submitted, which shall be as follows:

Effective December 1, 1999, the position of City Clerk and City Treasurer shall no longer be an elected position by the citizens of Las Animas and thereafter, the City Clerk and City Treasurer shall be a paid appointed position, the appointment being made by the City Council with the position of City Clerk and City Treasurer coming under the direct supervision of the City Council of the City of Las Animas.

YES _____

NO _____

SECTION 4. If a majority of all the votes cast at the election on the proposition shall be for the proposition, the proposition and the related ordinance shall be deemed to have passed.

SECTION 5. The election shall be conducted under provisions and ordinances of the city.

SECTION 6. The City Clerk of the City of Las Animas shall give, or cause to be the given, public notice of the election on such proposition:

(a) By causing notice to be published in the Bent County Democrat, a daily newspaper of general circulation and published in the city, three times, a week apart, the first publication to be at least twenty days before election day; and

(b) This notice shall include:

(1) The election date and hours for voting, the ballot title and text and the proposition by this ordinance submitted to the voters, and the office address and telephone number of the City Clerk;

(2) The notice of the election shall include the ballot title, as well as the full text of the proposition.

SECTION 7. The officers of the city shall take all action necessary or appropriate to effectuate the provisions of this ordinance.

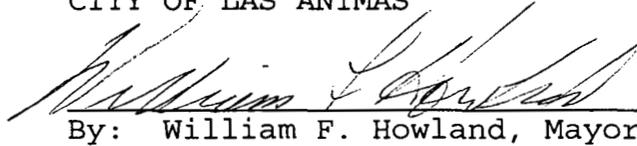
SECTION 8. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid of unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

SECTION 9. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

PASSED this 8th day of July, 1997.

ADOPTED and APPROVED as amended this 12th day of August, 1997.

CITY OF LAS ANIMAS



By: William F. Howland, Mayor

ATTEST:


Leslie J. Uncel, City Clerk