RESOLUTION NO. 6
SERIES 2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REFERRING THREE BALLOT QUESTIONS TO AMEND SECTIONS OF THE GUNNISON MUNICIPAL HOME RULE CHARTER TO THE QUALIFIED ELECTORS OF THE CITY OF GUNNISON AT THE CITY OF GUNNISON REGULAR MUNICIPAL ELECTION TO BE HELD MAY 12, 2015.

WHEREAS, the Gunnison Municipal Home Rule Charter (Charter) was adopted by the electors of the City of Gunnison on July 10, 1962, and amendments to the Charter must be approved by the qualified electors of the City of Gunnison; and

WHEREAS, the City will be conducting its Regular Municipal Election on May 12, 2015; and

WHEREAS, Article VI Legislation, Section 6.3 Procedures of Passage, (D) and (F) of the current Charter requires City ordinances be published in full after passage on first reading, and again in full after second reading if the ordinance is amended, in a newspaper of general circulation within the City; and

WHEREAS, transparency of City government through information dispersal to the citizens are top priorities of City elected officials and staff; and

WHEREAS, citizens obtaining that information is changing from print to electronic formats in our society; and

WHEREAS, Article IV General Provisions Regarding Officers and Personnel of the City, Section 4.10 of the current Charter requires a Surety Bond be posted by City elected and appointed officers whose duties involve the custody of public property or the handling of public funds. However the City maintains crime insurance that covers these officers and employees and protects the citizens of the City from any financial malfeasance; and

WHEREAS, Article II Elections of the current Charter sets forth the requirements for the conduct of City Elections, and where the Charter does not specify election requirements, City elections fall under the Colorado Municipal Election Code, Title 31, Article 10 of the Colorado Revised Statutes; and

WHEREAS, conflicts between the Charter and the Colorado Municipal Election Code has led to some confusion among voters in municipal elections; and

WHEREAS, City Council and staff believe that adherence to the Colorado Municipal Election Code will help alleviate voter confusion between voting in City, County and State elections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. The following ballot questions shall be referred to a vote of the registered electors of the City of Gunnison at the Regular Municipal Election to be held on May 12, 2015:

BALLOT QUESTION 1

Shall Article VI Legislation, Section 6.3 Procedures of Passage (D) and (F) of the Gunnison Home Rule Charter be amended to state as follows:

Section 6.3 D. If passed on first reading, the ordinance shall be published by title only within ten (10) days unless otherwise provided in this Charter.

Section 6.3F Unless otherwise provided in this Charter, if an ordinance is amended, it shall be published by title only after passage, with a notation that the ordinance has been amended, and shall take effect upon the date of such publication.

YES _____ NO _____

BALLOT QUESTION 2

Shall Article IV General Provisions Regarding Officers and Personnel of the City, Section 4.10 Surety Bonds of the Gunnison Home Rule Charter be repealed in its entirety, and subsequent sections of Article IV be renumbered for consistency?

YES _____ NO _____

BALLOT QUESTION 3

Shall Article II Elections, be amended to comply with the Colorado Municipal Election Code, and read as follows:

Section 2.1 Applicability of Colorado Municipal Election Code:
The Colorado Municipal Election Code, and any amendments thereto, heretofore or hereafter adopted shall prevail, except those provisions which are inconsistent with the Charter. The Council shall provide by ordinance, resolution or motion, for the manner of holding City elections and such additional regulations in respect to elections as may be necessary to accomplish the intent of this article.

Section 2.2 Elective Officers and Terms of Office:
The elective officers of the City shall be five Council members, all of whom shall be nominated and elected from the City at large. At each regular City election there shall be elected three Council members and such additional number as may be required to fill vacancies pursuant to the provision of Section 4.7 Filling Vacancies in Elective Offices. The two receiving the highest number of votes shall be elected for a term of office of four years. The one receiving the third highest number of votes shall be elected for a term of office of two years. A number equal to the number of vacancies being filled (if any) who shall receive the next highest numbers of votes in order shall be elected for a term of office of two years.
A. The terms of office for Council members shall commence on the Monday next following the regular City or special election at which they are elected.
B. Elections shall be non-partisan. There shall be no partisan designations affixed in any way or manner to any candidate for the office of City Council member.

Section 2.3 City at Large; Voting Precinct:
The City of Gunnison shall consist of one ward. The voting precinct of the City shall consist of one until changed by the Council as hereinafter provided. The Council shall by resolution from time to time establish convenient voting precincts in accordance with this Charter and statutes.

Section 2.4 Election Date:
A regular City election shall be held on the second Tuesday in May of each odd numbered year. Special City elections shall be held in accordance with the provisions of this Charter.

2.5 Election Commission:
An Election Commission is hereby created, consisting of the City Clerk and two qualified electors of the City, who during their term of office shall not be elected officials or employees or candidates or nominees for elected City office. These two members shall be appointed by the Council from July 1 following a regular City election for a term of two years, and shall serve without compensation.

The City Clerk shall be chair. The Election Commission shall appoint the Board of Election judges and clerks for each voting precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the City. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

The Election Commission shall provide for ballots and sample ballots or voting machines for determination of the winner in the event of a tie vote or canvassing of returns and issuance of appropriate certificates.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Gunnison held this 24th day of March, 2015.

Mayor Pro Tem

(SEAL)

ATTEST:

City Clerk