

TOWN OF BASALT, COLORADO
ORDINANCE NO. 11
SERIES OF 2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, REPEALING ARTICLE XIV, SECTION 14.8, OF THE TOWN OF BASALT HOME RULE CHARTER, REGARDING TERMINATION OF APPOINTED OFFICIALS, AND SUBMITTING THIS ORDINANCE TO A REFERENDUM ELECTION.

RECITALS

1. The Basalt Home Rule Charter, Section 14.8, provides that employees appointed directly by the Town Council may be removed from office only by the affirmative vote of a majority of the entire Council. This provision is unnecessary because the other provisions of the Charter which specifically identify the employees and officials to be appointed directly by the Council also contain this requirement.

2. Section 14.8 also provides that employees and officials appointed by the Town Manager with the approval of the Town Council may be terminated only with the approval of the Town Council. Such employees and officials include the Town Clerk (Section 6.2); Finance Director (Section 6.3), and Police Chief (Section 6.4). Such employees and officials are hereinafter referred to as "the jointly appointed officials."

3. Section 6.1 of the Home Rule Charter provides that the Town Manager shall have the duty and authority to hire, discipline, and terminate any Town Employee except as otherwise provided in the Charter or by ordinance.

4. The Town Council finds that it is appropriate for the jointly appointed officials to be subject to the same treatment as other Town Employees as stated in Section 6.1.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, as follows:

SECTION 1

Section 14.8 Termination of Appointed Officials, is hereby repealed.

SECTION 2

Referendum. Pursuant to C.R.S. § 29-2-102(1), and Section 5.6 of the Home Rule Charter, this Ordinance is hereby submitted to an election by the registered electors of the Town of Basalt for their approval or rejection at the regular municipal election scheduled for November 5, 2013. The election shall be conducted as a coordinated election in Eagle and Pitkin Counties in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"), and an Intergovernmental Agreement (the "Intergovernmental Agreement") between the Town and Eagle and Pitkin County Clerk and Recorders. The form of the ballot question is attached hereto as Exhibit A.

SECTION 3

Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause, or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING ON August 13, 2013, by a vote of 4-0 on August 13, 2013.

READ ON SECOND READING AND PUBLIC HEARING, AND ADOPTED by a vote of 6-0, on August 27, 2013.



ATTEST:

TOWN OF BASALT, COLORADO

By Jacque Whitsitt, Mayor

By *Pamela K. Schilling*
Pamela K. Schilling, Town Clerk

First Publication: _____
Final Publication: _____
Effective Date: _____

EXHIBIT A

FORM OF BALLOT QUESTION

BALLOT QUESTION

SHALL THE TOWN OF BASALT, COLORADO, HOME RULE CHARTER
BE AMENDED BY THE REPEAL OF ARTICLE XIV, SECTION 14.8,
REGARDING THE TERMINATION OF APPOINTED OFFICIALS.