

CITY OF RIFLE, COLORADO
ORDINANCE NO. 10
SERIES OF 2017

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REFERRING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION OF WHETHER SECTION 13.2 OF THE CITY CHARTER SHALL BE AMENDED TO ALLOW THE SALE OF REAL PROPERTY BY ORDINANCE OF THE CITY COUNCIL.

WHEREAS, the City of Rifle (the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 13.2 of the City of Rifle Charter requires an affirmative vote of a majority of the qualified electors of the City prior to the sale of any land or water rights owned and used by the City for park or governmental purposes; and

WHEREAS, as the City redevelops and modernizes, the election requirement in Section 13.2 of the Charter is cumbersome and costly and may limit opportunities that would benefit the citizens of Rifle; and

WHEREAS, Section 5.1 of the Rifle Charter provides citizens of the City the right to petition the City to prevent the actions of the City Council by referendum on an ordinance so an election on any property sale may be petitioned by the citizens; and

WHEREAS, Section 13.14 of the Rifle Charter and C.R.S. §31-2-210 require any Charter Amendment to be approved by the electorate of the City, and the City Council desires to place the proposed Charter Amendment on the ballot for the regular municipal election to be held on September 12, 2017.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

2. Submission to Voters. The following question stated in Section 3 below shall be submitted to the registered voters of the City of Rifle voting at the regular municipal election which shall be held by mail ballot on Tuesday, September 12, 2017.

3. Publication and Ballot Form. The City Clerk shall cause a notice of election for the following ballot question to be published as part of the municipal election publication in substantially the following form and add the question to the City’s 2017 Municipal Election Ballot:

SHALL SECTION 13.2 OF THE CITY OF RIFLE CHARTER BE REPEALED AND REPLACED TO READ AS FOLLOWS:

NEITHER LANDS OWNED AND USED BY THE CITY FOR PARK OR GOVERNMENTAL PURPOSES, NOR WATER RIGHTS, SHALL BE SOLD OR CONVEYED WITHOUT AN ORDINANCE PASSED WITH AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL. NOTHING IN THIS PROVISION, HOWEVER, SHALL PROHIBIT THE CITY FROM EXCHANGING OR CHANGING POINT OF DIVERSION OF WATER RIGHTS.

YES _____

NO _____

4. Amendment to Rifle Home Rule Charter. Subject to registered voter approval, Section 13.2 of the City of Rifle Home Rule Charter shall be repealed and replaced to be consistent with the ballot question language in Section 3 above.

5. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance, which, upon the date that it is to take effect, will become, and remain thereafter, in full force and effect.

6. Invalidity. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions of this ordinance will have no force or effect, and all other acts, orders, or ordinances of the City will continue to be effective as if this ordinance was never adopted.

INTRODUCED on June 7, 2017, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on June 19, 2017, passed without amendments, approved, and ordered published in full as required by the Charter.

Dated this _____ day of _____, 2017.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk