

**TOWN OF RED CLIFF, COLORADO  
ORDINANCE 3, SERIES 2014**

**AN EMERGENCY ORDINANCE REVISING ARTICLE 2 OF CHAPTER 2 OF THE TOWN OF RED CLIFF MUNICIPAL CODE TO ESTABLISH A NEW QUORUM REQUIREMENT FOR THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO.**

WHEREAS, the Town of Red Cliff ("Town") is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law;

WHEREAS, § 2-3-20 of the Town of Red Cliff Municipal Code ("Code") presently specifies that a majority of the Town's Trustees (or, four Trustees) shall constitute a quorum;

WHEREAS, § 2-2-80(c) of the Code presently provides that the Mayor of the Town shall not be counted as a member of the Town's Board of Trustees ("Board") for the purposes of achieving a quorum;

WHEREAS, as a result of the Town's regular municipal election conducted on April 1, 2014, the Board will have two vacancies effective no later than April 15, 2014;

WHEREAS, the Board intends to take prompt action to fill these vacancies by appointment in accordance with § 2-2-70 of the Code but these vacancies cannot be filled for at least thirty days in accordance with the Code;

WHEREAS, these vacancies on the Board will potentially cause the Board difficulty in achieving a quorum until such time as they are filled by appointment and thereby preclude the Board from properly governing the Town; and,

WHEREAS, the Board has determined that the foregoing circumstances constitute a special emergency and that passage of this ordinance is necessary for the preservation of the public peace, health and safety of the Town.

**NOW, THEREFORE, THE TOWN OF RED CLIFF ORDAINS:**

**Section 1: Section 20 of Article 3 of Chapter 2 of the Town of Red Cliff Municipal Code is revised to provide in its entirety:**

**Sec. 2-3-20      Quorum.**

**No action shall be taken unless a quorum is present. A majority of the Board of Trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the Board of Trustees, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which said demand shall be entered on the record forthwith by the Town Clerk, who shall thereupon notify the absent members of the time and place of the meeting.**

**Section 2: Subsection (c) of Section 80 of Article 2 of Chapter 2 of the Town of Red Cliff Municipal Code is revised to provide in its entirety:**

(c) The Mayor shall be counted as a member of the Board of Trustees for the purposes of achieving a quorum but not for calculating the required number of votes to approve any given matter.

**Section 3: Declaration.** The Board of Trustees hereby finds, determines and declares that the circumstances described above constitute a special emergency and that this Ordinance is necessary and proper for the preservation of the public peace, health and safety of the Town of Red Cliff, Colorado.

**Section 4: Severability.** If any section, paragraph, clause, provision or part of this Ordinance is for any reason held to be invalid or unenforceable, the remainder of this Ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this Ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance and the application thereof to other persons shall not be affected thereby.

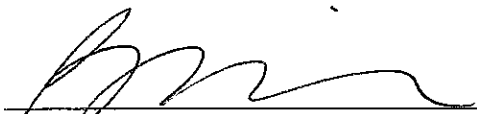
**Section 5: Effective Date.** This Ordinance shall become effective as of the date hereof in accordance with Section 2-3-50 of the Town of Red Cliff Municipal Code.

INTRODUCED, TITLE READ IN FULL, APPROVED, ADOPTED AND ORDERED  
PUBLISHED ON THIS 2nd DAY OF APRIL 2014.


TOWN OF RED CLIFF, COLORADO

  
\_\_\_\_\_  
Scott Burgess, Mayor

ATTEST:

  
\_\_\_\_\_  
Barb Smith, Administrator

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Heaphy, Town Attorney