

EMERGENCY ORDINANCE NO. 1266

SERIES 1967

AN ORDINANCE SUBMITTING TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF GRAND JUNCTION, COLORADO, AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 29, 1967, A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF GRAND JUNCTION CONCERNING THE WATER SYSTEM AND THE SEWER SYSTEM OF THE CITY; PROVIDING FOR THE HOLDING OF SAID SPECIAL ELECTION FOR THE SUBMISSION OF SAID AMENDMENT IN ACCORDANCE WITH THE CHARTER OF THE CITY OF GRAND JUNCTION AND THE CONSTITUTION OF THE STATE OF COLORADO; PRESCRIBING DETAILS IN CONNECTION WITH SAID ELECTION AND CHARTER AMENDMENT; RATIFYING ALL ACTION TAKEN TOWARD AMENDING THE CHARTER AND HOLDING SAID ELECTION; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Grand junction, in the County of Mesa and State of Colorado (herein the "City," the "County" and the "State," respectively), is a body corporate and politic, and a home rule city with a "Council-Manager Government," pursuant to Article XX of the State Constitution and the Charter of the City (herein the "Charter"); and

WHEREAS, Article XX, Section 5, of the Constitution of the State of Colorado, as amended on November 7, 1950, provides in part as follows, to-wit:

"The city council, or board of trustees, or other body in which the legislative powers of any home rule city or town may then be vested, on its own initiative, may submit any measure, charter amendment, or the question of whether or not a charter convention shall be called, at any general or special state or municipal election held not less than thirty days after the effective date of the ordinance or resolution submitting such question to the voters";

and

WHEREAS, Section 151 of Article XVII of the Charter of the City provides that it may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado; and

WHEREAS, the City Council of the City (herein the "Council" proposes to submit an amendment to the Charter authorizing the issuance from time to time of the revenue bonds of the City payable out of the net revenues of the water system and sewer system or either or both of said systems without the submission of the question of their issuance to the electors of the City and further to clarify the provisions of the Charter relating to the water system and sewer system of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. That all action heretofore taken by the City Council and officers of the City of Grand Junction, not inconsistent with the provisions of this ordinance, directed toward the amendment to the Charter, and the election thereon, be, and the same is hereby ratified, approved and confirmed.

Section 2. That the following amendment to Section 96 of Article XII of the Charter of the City of Grand Junction be submitted to a vote of the qualified electors of the City of Grand Junction in accordance with the provisions of Article XX of the Constitution of the State of Colorado and the Charter of the City at a special municipal election to be held in the five election precincts or districts of the City on Tuesday, the 29th day of August, 1967, between the hours of 7:00 o'clock A.M. and 7:00 P.M., which proposed amendment is as follows:

(Form of Proposed Amendment)

"Section 96. Rates-Regulations-Fines-Financing

(1) The city council shall by ordinance or ordinances fix rates, establish regulations for the use of the water and sewer systems, provide for the orderly administration of the department, and impose fines and penalties for the violation thereof.

(2) The city council, pursuant to ordinance and without an election, may borrow money or issue interim warrants or revenue bonds for the purpose of acquiring, constructing, improving or extending the water system or the sewer system; provided that such borrowing shall be repaid, and such warrants and bonds shall be made payable solely out of the net revenue derived from the operation of the water system or sewer system, or either or both of such systems.

(3) The revenues derived from the operation of the water or sewer systems shall be used for the maintenance, operation, extension and improvement of either or both of such systems and for interest on and discharging of principal of bonds and other obligations incurred in the acquisition, construction, improvement and extension of either or both of such systems. Whenever such revenues produce a surplus over and above such costs, such surplus may be used to create reasonable capital improvement or reserve funds, and to the extent the surplus is not so used it shall be the duty of the council to reduce the rates to consumers so that, as far as practicable, the people may receive the benefits of the department at not more than actual cost.

(4) All consumers of water for domestic use outside of the city limits shall pay not more than double the rates so established and fixed for users within the city limits.

(5) Nothing herein contained shall be construed to prevent the council from issuing bonds or other obligations payable solely out of the net revenue derived from the operation of any other utilities or income producing projects in the manner provided by law."

(End of Form of Proposed Amendment)

Section 3. That pursuant to section 25 of Article II of the Charter, the provisions of the laws of the State now in force relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of the election, except as otherwise provided in Article II of the Charter, so far as they may be applicable, shall govern the election, except as the Council may have otherwise provided by ordinance, including without limitation this ordinance, and except as otherwise provided in Article XX of the State Constitution.

Section 4. That the City Clerk shall cause the ballots to be used for voting upon the proposed amendment to be printed, bound, numbered, endorsed and authenticated as required by the Charter. The official ballots shall be furnished by the City Clerk to the judges of election to be by them furnished to the electors and shall be in substantially the following form:

(Form of Face of Ballot)

OFFICIAL BALLOT

CITY OF GRAND JUNCTION, COLORADO

SPECIAL MUNICIPAL ELECTION ON TUESDAY, AUGUST 29, 1967

Instructions to Electors

To vote on the proposed Charter Amendment, make a cross mark (X) in the square opposite the words "For Charter Amendment" or "Against Charter Amendment" which expresses your choice. After you have completed voting, deposit your ballot in the ballot box provided for such purpose.

PROPOSED CHARTER AMENDMENT:

Shall Section 96 of Article XII of the Charter of the City of Grand Junction, Colorado, be amended to read as follows:

"(Insert in the ballot as printed the full text of the proposed Charter Amendment, as set forth in Section 2 of this ordinance)"

FOR Charter Amendment

AGAINST Charter Amendment

(End of Form of Face of Ballot)

The following shall be endorsed on the back of each ballot:

(Form of Back of Ballot)

Official ballot for the City of Grand Junction, Colorado, Special Municipal Election on Tuesday, August 29, 1967.

(Facsimile Signature)\City Clerk

(End of Form of Back of Ballot)

Section 5. That no ballot for or against the proposed Charter amendment shall be received by the judges of election unless the person offering the same shall be a duly qualified and registered elector of the City.

Section 6. That the three election judges and two clerks for each election precinct or district shall be as follows:

<u>District A</u>	Mrs. Ila McCarrie	Mrs. Agnes Goodrich
	Mrs. Faye Elsberry	Mrs. Betty Christenson
	Mrs. Cora Hertzke	
District B	Mrs. Lela Zimmerman	Mrs. Lucile Craft
	Mrs. Edna White	Mrs. Elsa Ratekin
	Mrs. Edythe Clodfelter	

District C	Mrs. Eva Lindsay	Mrs. Etna Wendel
	Mrs. Wilma Porter	Mrs. Edith Ligrani
	Mrs. Donald Dorman	
District D	Mrs. Vera Stocker	Mrs. Leona Watson
	Mrs. Bernice O'Dell	Mrs. Esther Granat
	Mr. Ralph Barnes	
District E	Mrs. Jane Matteroli	Mrs. Mary Anne Warner
	Mrs. Leila Kane	Mrs. Kathryne Harper
	Mrs. Mildred Collins	

Section 7. (a) That the City Clerk shall give written or printed notice of the election for said charter amendment by causing said notice to be published for three times a week apart, said notice to be published concurrently with the first publication of the full text of the charter amendment, as required by Section 8 of this resolution.

(b) That a copy of said notice shall be sent to the Judges of Election in each precinct or district to be posted at the voting places.

(c) That said notice shall be published in _____ a daily newspaper published in and having general circulation in the City and being the official newspaper thereof.

(d) That the Clerk shall cause said notice to be republished in said newspaper on the tenth day before the election and on any three successive days during the ten-day period prior to such election. If the Clerk shall find it impracticable to make publication on the tenth day before the election, the publication shall be made on the earliest possible day before the tenth day.

(e) That said notice shall be in substantially the following form:

(Form of Notice)

NOTICE OF AND CALL FOR

CHARTER AMENDMENT ELECTION

Held at The

SPECIAL MUNICIPAL ELECTION

ON

TUESDAY, AUGUST 29, 1967

IN GRAND JUNCTION, COLORADO

I, Helen C. Tomlinson, Clerk of the City of Grand Junction, in the County of Mesa and State of Colorado, under and by virtue of the authority vested in me as such officer by the Constitution and laws of the State of Colorado and the Charter of the City of Grand Junction, and pursuant to an ordinance adopted on the 19th day of July, 1967, DO HEREBY CALL AND GIVE PUBLIC NOTICE of a charter amendment election to be held as a Special Municipal Election in each election precinct or district in the City, on Tuesday, the 29th day of August, 1967, at which election there will be submitted to the vote of the qualified and registered electors of the City a proposed amendment to the Charter of the City, as follows:

PROPOSED CHARTER AMENDMENT:

Shall Section 96 of Article XII of the Charter of the City of Grand Junction, Colorado, be amended to read as follows:

"(In the notice as published insert the full text of the proposed charter amendment as set forth in Section 2 of this ordinance)"

If a majority of those voting on the proposed charter amendment is in favor thereof, the amendment will have carried.

The election precincts or districts and the polling places for the charter amendment election will be as follows:

<u>Election Precinct or District</u>	<u>Polling Place</u>
District A contains all that portion of the City of Grand Junction lying south of Grant Avenue.	City Hall 5th & Rood Ave.
District B contains all that portion of the City of Grand Junction lying north of Grand Avenue and west of North Seventh Street.	Grand Junction High School Gymnasium 1400 N. 5th St.
District C contains all that portion of the City of Grand Junction lying north of Elm Avenue and east of the following described line: commencing at North Twelfth and Elm, thence north along North Twelfth Street to Walnut Avenue; thence east along Walnut Avenue to Fifteenth Street, thence north to the City limits.	Orchard Avenue School 16th & Orchard Avenue
District D contains all that portion of the City of Grand Junction lying east of Seventh Street and north of Grand Avenue; and west of the following described line; beginning at the northeast corner of North Twelfth Street and Grand Avenue, thence north along North Twelfth Street to Walnut Avenue, thence east along Walnut Avenue to Fifteenth Street, thence north along Fifteenth Street to the City limits.	Grand Junction Junior High School Gymnasium 9th & Chipeta Ave.
District E contains all that portion of the City of Grand Junction lying east of Twelfth Street, north of Grand Avenue and South of Elm Avenue.	Lincoln Park Auditorium Lincoln Park

Any qualified registered elector may ascertain the precinct or district in which he resides and the polling place at which he should vote by inquiry directed to the City Clerk.

The polls at each polling place in each precinct or district will be opened at 7:00 o'clock a.m. on the day of said election, and will be closed at 7:00 o'clock p.m. on said day. No votes will be received or permitted by the election judges unless the person offering to vote is a duly qualified and registered elector in the precinct or district in which he seeks and is entitled to vote; provided, however, that when any registered elector of the City, on the day of the election, will be absent from the City, or by reason of his work or the nature of his employment is likely to be absent and fears that he will be absent from the City on said day, or because of serious illness or physical disability or for reasons based upon the doctrines of established religions will be unable to attend the polls, he may cast an absentee ballot at such election in the manner provided in the Colorado Municipal Election Code of 1965.

Except as otherwise provided by law, every person who has attained the age of twenty-one years is entitled to register and vote if he is a citizen of the United States, who has resided in this State for one year, in this country for ninety days, in the city for thirty days and in the district or precinct for fifteen days immediately preceding the election.

Any qualified elector whose name does not appear in the registration books in the office of the City Clerk for his precinct or district shall have the right to register or to change the address of his residence in said office at any time during office hours up to and including Monday, the 14th day of August, 1967, i. e., fifteen days before said election.

IN TESTIMONY WHEREOF, the City Council of the City of Grand Junction has caused this notice to be published and dated this 19th day of July, 1967.

City Clerk

(SEAL)

(End of Form of Notice)

Section 8. That the City Clerk, in addition, pursuant to Section 5 of Article XX of the State Constitution, shall publish with her official certification, for three times, a week apart, in The Daily Sentinel, i.e., the City's official newspaper, the full text

of the proposed Charter amendment which is to be submitted to the qualified electors of the City, the first publication thereof to be made simultaneously with the first publication of the notice authorized by Section 7 of this ordinance. Within ten days following the election, the City Clerk shall publish once in said newspaper the full text of the Charter amendment in the event such amendment shall have been approved by a majority of those voting thereon. Within said ten-day period the City Clerk shall file with the Secretary of State two copies of the amendment (with the vote for and against) officially certified by her. The notice and certification shall be in substantially the following form:

(Form of Certification)

NOTICE AND CERTIFICATION OF CHARTER AMENDMENT *TO BE* SUBMITTED TO QUALIFIED ELECTORS AT THE SPECIAL MUNICIPAL ELECTION *TO BE* HELD ON TUESDAY, AUGUST 29, 1967

PUBLIC NOTICE IS HEREBY GIVEN that I, Helen C. Tomlinson, Clerk of the City of Grand Junction, in the County of Mesa and State of Colorado, under and by virtue of the authority vested in me as such officer by the Constitution and laws of the State of Colorado, and by the Charter of the City of Grand Junction, do HEREBY OFFICIALLY CERTIFY that at the charter amendment election *to be* held as a Special Municipal Election on Tuesday, August 29, 1967, for the purpose of submitting to the qualified and registered electors of the City the following charter amendment to Section 96 of Article XII of the Charter of the City of Grand Junction, the full text of which amendment, as authorized by ordinance of the City Council adopted on the 19th day of July, 1967, is as follows:

PROPOSED CHARTER AMENDMENT:

Shall Section 96 of Article XII of the Charter of the City of Grand Junction, Colorado, be amended to read as follows:

"(In the Notice and Certification as published and filed with the Secretary of State insert the full text of the charter amendment as set forth in Section 2 of this ordinance.)"

The amendment designated * carried (or failed to carry) *** by a majority of those qualified electors voting thereon by a vote of _____ "for" and _____ "against."**

Attested by me with the corporate seal of the City of Grand Junction, Colorado, this _____ day of _____, 1967.

\City Clerk

(SEAL)

* (Delete the words "to be" from the form completed and executed after election.)

** (Insert this paragraph in the form completed after the election.)

*** (Delete the inapplicable words at the time of the completion of the form after the election.)

Section 9, That the judges and clerks of election shall count, tally, and turn over all ballots, ballot boxes and their tally sheets of the votes to the City Clerk. The Council shall within two days after the election meet as a canvassing board and duly canvass the election returns.

Section 10. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance, including, without limiting the generality of the foregoing, the printing of ballots and instructions, the furnishing of such other supplies, and the publication and posting of notices.

Section 11. That no informalities in conducting the election shall invalidate the same, if the election has been conducted fairly and in substantial conformity with the requirements of the Constitution of the State of Colorado and the Charter of the City of Grand Junction.

Section 12. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 13. That all ordinances, by-laws and regulations of the City, in conflict with this ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, by-law, or regulation, or part thereof, heretofore repealed.

Section 14. That by reason of the fact that the water system and the sewer system are not adequate and improvements and extensions are needed immediately it is necessary to hold an election on the proposed Charter amendment at the earliest possible time, the Council hereby finds this Ordinance is necessary for the immediate preservation of the public peace, health and safety, a special

emergency is declared to exist, and this ordinance shall be in full force and effect upon its final passage and shall be published within three days.

FINALLY ADOPTED and approved as an emergency ordinance this 19th day of July, 1967.

(SEAL)

/s/ Ray A. Meacham
President of the Council

Attest:

/s/ Helen C. Tomlinson
City Clerk

APPROVED AS TO FORM

\City Attorney

I HEREBY CERTIFY that the foregoing emergency ordinance, entitled AN ORDINANCE SUBMITTING TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF GRAND JUNCTION, COLORADO, AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 29, 1967, A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF GRAND JUNCTION CONCERNING THE WATER SYSTEM AND THE SEWER SYSTEM OF THE CITY; PROVIDING FOR THE HOLDING OF SAID SPECIAL ELECTION FOR THE SUBMISSION OF SAID AMENDMENT IN ACCORDANCE WITH THE CHARTER OF THE CITY OF GRAND JUNCTION AND THE CONSTITUTION OF THE STATE OF COLORADO; PRESCRIBING DETAILS IN CONNECTION WITH SAID ELECTION AND CHARTER AMENDMENT; RATIFYING ALL ACTION TAKEN TOWARD AMENDING THE CHARTER AND HOLDING SAID ELECTION; AND DECLARING AN EMERGENCY was introduced, read, passed and adopted as an emergency ordinance, numbered 1266 and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting of said Council held on the 19th day of July, 1967.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said City, this 19th day of July, 1967.

/s/ Helen C. Tomlinson
City Clerk

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