

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-10**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, PRESCRIBING THE MEANS OF PUBLICATION FOR
ENACTING
LOCAL LEGISLATION AND OTHER MATTERS**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, Article 6 of the Keystone Home Rule Charter establishes the procedure to be followed by the Town Council when enacting ordinances; and

WHEREAS, Sections 6.5 and 6.6 of the Keystone Home Rule Charter require the “publication” of ordinances approved on first reading, as well as the “publication” of ordinances following final passage; and

WHEREAS, Sections 10.6 and 10.12 of the Keystone Home Rule Charter requires the “publication” of hearings on the proposed budget and the adopted budget; and

WHEREAS, Section 10.14 of the Keystone Home Rule Charter permits the “publication” of records of expenditures; and

WHEREAS, the Keystone Home Rule Charter does not currently prescribe or otherwise address the manner by which such “publication” is to occur; and

WHEREAS, the Colorado courts have ruled that the manner by which a home-rule city enacts legislation is a matter of purely local concern; and

WHEREAS, with the advent of the internet and other electronic communication means, Town Council believes and finds that the use of a newspaper is no longer the most effective and efficient means to notify the Keystone community and the public of proposed legislation, or of adopted legislation; and

WHEREAS, the Colorado Open Meetings Law, at Section 24-6-402(2)(c)(II), recognizes a statewide policy to transition local governments from the past obligation and practice of posting notice in physical locations (such as at facilities and in newspapers) in favor of posting notices at the local government’s online website; and

WHEREAS, the Town Council further finds that publication is the act of giving or serving of notice; when applied to an ordinance, it is the act of serving of notice of the law’s existence and its contents to the public at large for inspection or scrutiny; and

WHEREAS, accordingly, the Town Council interprets the “publication” requirement in the Keystone Home Rule Charter to include such means as may be reasonably calculated to provide notice of the actions of Town Council pertaining to the enactment of legislation and budget matters; and

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WHEREAS, Town Council wishes to authorize the use of electronic publication, including posting of notices and ordinances on the Town's official internet webpage, as a permissible means to publicize the actions of the Town and Town Council, including without limitation, notices of public hearings on budgets, proposed legislative actions and final legislative enactments.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Town Council adopts the following requirement related to publication of proposed ordinances set forth in Section 6.5 of the Keystone Home Rule Charter:

Publication of ordinances and other legal notices.

When an ordinance, resolution, legal notice, or document is required to be published or posted by the Charter, ordinances of the Town, or applicable laws or regulations of the state or the United States, such publication shall be made by posting the ordinance, resolution, notice, or other Town document for public access to the Town's official website for a period of not less than five (5) consecutive days. The publication requirement is deemed complete as of the first date of such posting. When publication is completed as required by this section, the Town Clerk may certify the publication of the ordinance, resolution, notice, or other document in any court, and the Town Clerk's certificate of publication shall be conclusive evidence of the publication requirement.

A temporary technical disruption in the public's access to the Town's official website during a posting period will not invalidate a publication provided that at least one posting of the ordinance, resolution, notice, or document was available to the public for at least twenty-four hours. In addition to the posting to the Town's official website, the Town Clerk may provide a courtesy and secondary publication in a newspaper of general or limited circulation within the Town and/or by physically posting notice in a prominent location at the entrance of the Town Hall.

In the event that access to the Town's official website is rendered unavailable to the public for a period of time that will make online posting wholly ineffective, the Town shall publish the ordinance, resolution, notice or document at least once in a newspaper of general or limited circulation within the Town.

The provisions of this Section shall supersede and control the publication requirements contained in Titles 24, 29, and 31 of the Colorado Revised Statutes. Notwithstanding, the Town will complete the publication requirements related to annexation matters in the manner that is set forth in Article 12 of Title 31 of the Colorado Revised Statutes.

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Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 23rd DAY OF July, 2024.

Signed by:
Kenneth D. Riley

FFCC105F18734F9
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:
Madeline Sielw

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Town Clerk

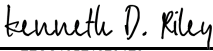
APPROVED AS TO FORM:

Signed by:
Jennifer Madsen

89751994A1B74EC...
Town Attorney

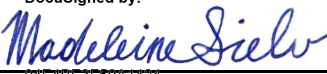
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READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 6 IN FAVOR AND 0
OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN
COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 13th DAY OF August,
2024.

Signed by:


FFCC105F18734E9...
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:


04E4BE3F30A1424...
Town Clerk

APPROVED AS TO FORM:

Signed by:


89751994A1B74EC...
Town Attorney