

ORDINANCE NO. 2

Series 1997

AN ORDINANCE ESTABLISHING THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION

WHEREAS, at the general election held November 5, 1996 the registered electors of the Town approved a one-half of one percent increase in the Town's sales tax for the purpose of funding an open space acquisition program for the Town; and

WHEREAS, as part of the ballot question approving such sales tax increase the electors directed the Town Council to adopt legislation implementing such sales tax increase not later than June 1, 1997; and

WHEREAS, the Town Council finds and determines that the establishment of a permanent Town commission, to be known as the "Breckenridge Open Space Advisory Commission", will assist the Council in the creation and operation of the open space acquisition program provided for in the ballot question approved by the electors on November 5, 1996; and

WHEREAS, Article IX of the Breckenridge Town Charter authorizes the Town Council to create by Ordinance such permanent boards and commissions, including advisory boards, as the Town Council shall deem to be necessary, and further establishes certain rules governing the creation of such boards and commissions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. There is hereby added to the Breckenridge Town Code a new Chapter 4 of Title 2, to be entitled "Breckenridge Open Space Advisory Commission", which shall read in its entirety as follows:

CHAPTER 4

BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION

SECTION:

- 2-4-1: Creation
- 2-4-2: Appointment; Qualification
- 2-4-3: Term of Office; Vacancies
- 2-4-4: Compensation
- 2-4-5: Duties and Responsibilities
- 2-4-6: Operation
- 2-4-7: Meetings
- 2-4-8: Rules and Regulations

2-4-1: CREATION: There is created and established the Town of Breckenridge Open Space Advisory Commission. The Commission shall operate in accordance with and subject to the provisions, duties and limitations of this Chapter.

2-4-2: APPOINTMENT; QUALIFICATION: The Commission shall consist of seven (7) members who shall be appointed by the Town Council. Members of the Commission shall be residents and electors of the Town. One member of the Commission shall be a member of the Town Council; provided, however, that the Mayor shall not serve on the Commission. All members of the Commission shall serve at the pleasure of the Town Council, and may be removed by the Town Council at any time without cause.

2-4-3: TERM OF OFFICE; VACANCIES: The term of the members of the Commission shall be two (2) years, except that the term of four (4) of the members appointed to the first Commission shall be only one (1) year, and the term of the remaining three (3) members of the first Commission shall be for two (2) years. In the event that a vacancy shall occur during the term of any appointed member, a successor shall be appointed by the Town Council to serve the unexpired portion of the term. Any appointment made to fill a vacancy on the Commission shall be made in compliance with the requirements of Section 9.4 of the Town Charter.

2-4-4: COMPENSATION: Each member of the Commission, except a member of the Commission who is also a member of the Town Council, shall receive compensation for serving on the Commission at the rate of two thousand four hundred dollars (\$2,400.00) annually, payable at the rate of two hundred dollars (\$200.00) per month. The member of the Commission who is also a member of the Town Council shall not receive any additional compensation for serving on the Commission. Any member of the Commission who fails to attend a majority of the meetings of the Commission in a given month shall forfeit his entitlement to compensation for such month. All members of the Commission shall be

reimbursed for actual and necessary out-of-pocket expenses incurred in the performance of their duties.

2-4-5: DUTIES AND RESPONSIBILITIES: The Commission shall have the following duties and responsibilities:

(1) Formulate and recommend to the Town Council for adoption an Open Space Plan. The Plan shall provide a general guide for the expenditure of funds by the Town Council from the Town's Open Space Fund, and shall be fully integrated with all open space-related Town programs and policies, such as the Town Master Plan, Trails Master Plan and the Recreation Master Plan. The Plan shall include, without limitation, policies and guidelines which:

(a) Establish the goals and objectives of a Town program for the acquisition, maintenance, protection and preservation of open space.

(b) Define the types of open space to be acquired or protected by the Town using funds from the Town's Open Space Fund, which may include open space and historical and recreational properties and interests.

(c) Identify the criteria to be used by the Town Council to select specific parcels for acquisition or other protection using funds from the Town's Open Space Fund.

(d) Provide a process for the Commission and the public to provide input and recommendations to the Town Council concerning specific protective actions which the Town should take related to open space.

(2) Periodically recommend revisions to the Open Space Plan as and when requested by the Town Council.

(3) Advise the Town Council on all matters related to the implementation of the Open Space Plan, including, without limitation:

(a) Open Space Fund expenditures;

(b) Identification of specific parcels to be acquired or otherwise protected under the Town's Open Space Plan; and

(c) Suggested maintenance, stewardship and improvement proposals for properties to be acquired or otherwise protected under the Town's Open Space Plan.

(4) Continuously coordinate its efforts with other organizations and entities whose missions include the protection and stewardship of open space.

(5) Perform such other and further duties and responsibilities with respect to the Town's Open Space Acquisition Program as may, from time to time, be delegated by the Town Council, or which are provided for by Town ordinance.

(6) Nothing in this Chapter shall alter or abridge in any way the final authority of the Town Council to determine how to implement and operate the Town's Open Space Plan. Such authority shall include, without limitation, the final authority to determine which parcels of land are to be acquired or otherwise protected using funds from the Town's Open Space Fund.

2-4-6: OPERATION: The Commission shall elect a chair and a vice-chair from its members, together with such other officers as the Commission shall deem appropriate, and shall fix the term of such offices. The Commission shall keep an electronic record of its meetings and shall further keep written minutes thereof as required by the Colorado Open Meetings law. Four (4) members of the Commission shall constitute a quorum for the transaction of business.

2-4-7: MEETINGS: The Commission shall meet at Town Hall, or such other location within the Town as the Commission shall determine. The Commission shall meet on such dates as

the Commission may determine. All meetings of the Commission shall be subject to the same open meeting laws and requirements as are applicable to the meetings of the Town Council.

2-4-8: RULES AND REGULATIONS: The Commission shall adopt rules and regulations governing its operation; provided, however, that no such rule or regulation, or any amendment thereto, shall become effective until such rule, regulation or amendment has been approved by the Town Council.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

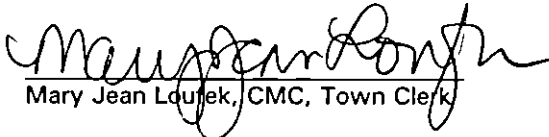
Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 4. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 28th day of January, 1997. A Public hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of February 1997, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Ldufek, CMC, Town Clerk


Stephen C. West, Mayor

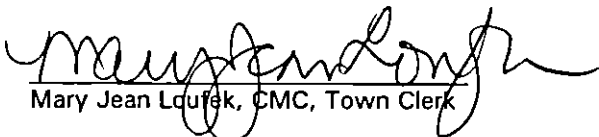
This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 5, 1997.

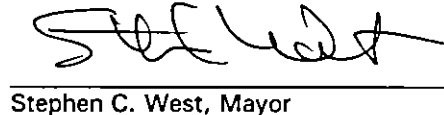
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 11th day of February, 1997.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Ldufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney 2/11/97
Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 19, 1997.