

ORDINANCE NO. 28

Series 2002

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE, AT A SPECIAL TOWN ELECTION TO BE HELD NOVEMBER 5, 2002, AN AMENDMENT TO THE TOWN CHARTER AUTHORIZING THE TOWN COUNCIL TO DETERMINE BY SEPARATE ORDINANCE WHETHER A TOWN COUNCIL MEMBER SHALL SERVE ON THE PLANNING COMMISSION AND, IF SO, THE LENGTH OF THE TERM OF APPOINTMENT OF SUCH OFFICE; SETTING FORTH THE BALLOT TITLE; AND PROVIDING OTHER DETAILS IN CONNECTION WITH THE SUBMISSION OF THE QUESTION TO THE ELECTORS

WHEREAS, the Charter of the Town of Breckenridge, Colorado was approved by the electors of the Town on April 1, 1980; and

WHEREAS, Section 15.10 of the Charter provides that the Charter may be amended at any time in the manner provided by the Colorado Constitution; and

WHEREAS, Article XX, Section 9, of the Colorado Constitution provides that the General Assembly is to establish procedures for amending home rule charters; and

WHEREAS, §31-2-210, C.R.S., which is part of "The Municipal Home Rule Act of 1971", provides that proceedings to amend a municipal home rule charter may be initiated by the adoption of an ordinance by the governing body of the municipality submitting the proposed amendment to a vote of the registered electors of the municipality; and

WHEREAS, Article XX, Section 9, of the Colorado Constitution further provides that no amendment to a home rule charter shall become effective until approved by a majority of the registered electors of such municipality voting thereon; and

WHEREAS, the Town Council finds and determines that the Charter of the Town of Breckenridge should be amended as hereafter provided, and that a question concerning the proposed amendment should be submitted to the registered electors of the Town at a special Town election to be called and held on November 5, 2002.

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

Section 1. Section 9.3 the Charter of the Town of Breckenridge, entitled "Planning Commission" is hereby amended so as to read in its entirety as follows:

Section 9.3 PLANNING COMMISSION:

There shall be established a seven (7) member planning commission appointed by the council. Members of the planning commission shall be residents of the Town of Breckenridge and electors. One member of the Town Council may be appointed to serve on the Planning Commission if authorized by ordinance.

The terms of appointment to the planning commission shall be for four (4) years on an overlapping basis. However, if a member of the Town Council is appointed to serve on the planning commission., the term of appointment for such office shall be fixed by ordinance.

Section 2. A special Town election is hereby called for Tuesday, November 5, 2002. At the special election there shall be submitted to the vote of the registered electors of the Town of Breckenridge the question herein authorized. At said election the official ballot, including absentee ballots, shall state the substance of the question to be voted upon and as so stated shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

Question " _ "

Shall Section 9.3 of the Breckenridge Town Charter be amended to provide that the Town Council may determine from time to time by ordinance whether a Town Council member shall serve on the Planning Commission and, if so, the length of the term of such office?

Yes _____ No _____

Section 3. The Town Council finds and determines that each of the ballot question set forth in Section 2, above, fairly and accurately summarizes the proposed Charter amendment set forth in Section 1 of this Ordinance.

Section 4. If a majority of all votes cast at the election shall be for the question, the question shall be deemed passed, and the Charter of the Town of Breckenridge shall be amended accordingly.

Section 5. If a majority of all the votes cast at the election shall be against the question, the question shall be deemed to have been defeated.

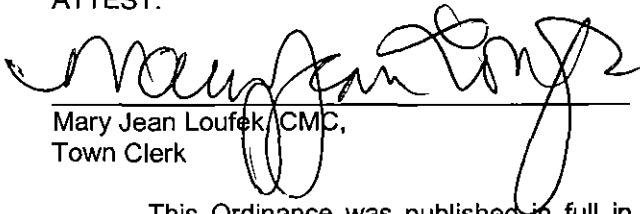
Section 6. Within thirty (30) days of the date of the adoption of this Ordinance, the Town Clerk shall cause to be published notice of an election upon the Charter amendments in accordance with the requirements of §31-2-210(4), C.R.S.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid.

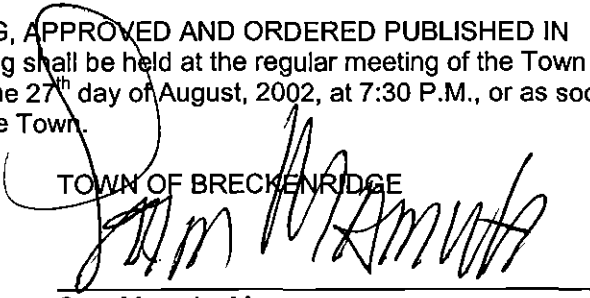
Section 8. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of August, 2002. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of August, 2002, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE

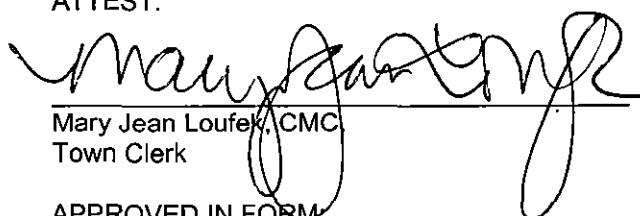

Sam Mamula, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 23, 2002.

The public hearing on this ordinance was held on August 27, 2002.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of August, 2002. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


Mary Jean Loufek, CMC
Town Clerk

TOWN OF BRECKENRIDGE


Sam Mamula, Mayor

APPROVED IN FORM:


Town Attorney

8/27/02
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 6, 2002.