

ORDINANCE NO. 33

Series 2002

AN ORDINANCE DELEGATING TO THE TOWN CLERK THE AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE CLERK AND RECORDER OF SUMMIT COUNTY RELATED TO THE PROVISION OF ELECTION SERVICES

WHEREAS, from time to time it is necessary for the Town of Breckenridge to enter into intergovernmental agreements with the Clerk and Recorder of Summit County for the provision of election services related to Town elections; and

WHEREAS, Section 29-1-203(1), C.R.S., requires that such intergovernmental agreements must be approved by the Town Council "or other authority having the power to so approve"; and

WHEREAS, the Town Council has determined that the Town Clerk should be authorized and empowered to enter into election-related intergovernmental agreements on behalf of the Town of Breckenridge pursuant to Section 29-1-203(1), C.R.S., all as more fully provided in this Ordinance.

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

Section 1. As used in this Ordinance, the following words shall have the following meanings:

ELECTION-RELATED INTERGOVERNMENTAL AGREEMENT:

An intergovernmental agreement related to the provision of election-related services to or for the Town in connection with any regular or special Town election, or any coordinated election. An election-related intergovernmental agreement includes, but is not limited to, the intergovernmental agreement required by Section 1-7-116(2), C.R.S., with respect to coordinated elections.

Section 2. Pursuant to Section 29-1-203(1), C.R.S., the Town Clerk is hereby delegated the authority to enter into one or more binding election-related intergovernmental agreements with the Clerk and Recorder of Summit County. Once approved by the Town Clerk pursuant to this Ordinance, an election-related intergovernmental agreement shall be binding upon and shall inure to the benefit of the Town.

Section 3. In exercising the authority delegated under this Ordinance, the Town Clerk shall be guided by the following considerations:

A. The intergovernmental agreement may contain such provisions which are necessary or appropriate, in the judgment of the Town Clerk, for the proper conduct of the election which is the subject of the agreement.

B. The intergovernmental agreement shall provide a fair allocation of the responsibilities between the Clerk and Recorder of Summit County Clerk and the Town Clerk for the proper preparation and conduct of the election which is the subject of the agreement; and

C. The intergovernmental agreement shall provide for a reasonable sharing of the actual cost of the election which is the subject of the agreement as between Summit County and the Town. No intergovernmental agreement entered into by the Town Clerk pursuant to the authority granted by this Ordinance shall obligate the Town to share any portion of the usual costs of maintaining the office of the Summit County Clerk and Recorder, including but not limited to, overhead costs and personal services costs of permanent employees, except for such costs that are shown to be directly attributable to conducting the election which is the subject of the agreement.

Section 4. Nothing in this Ordinance shall prohibit the Town Clerk from seeking approval of a particular election-related intergovernmental agreement when, in the judgment of the Town Clerk, the proposed agreement involves a matter which should properly be determined by the Town Council.

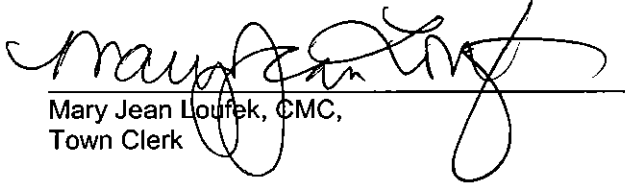
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 29-1-203(1), C.R.S., and the powers possessed by home rule municipalities in Colorado.

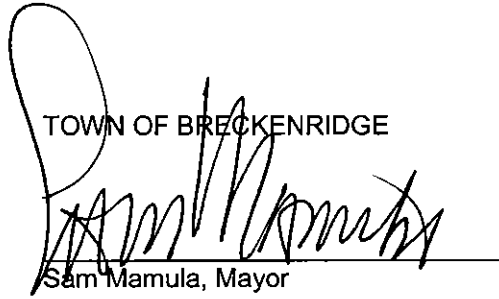
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 10th day of September, 2002. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of September, 2002, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

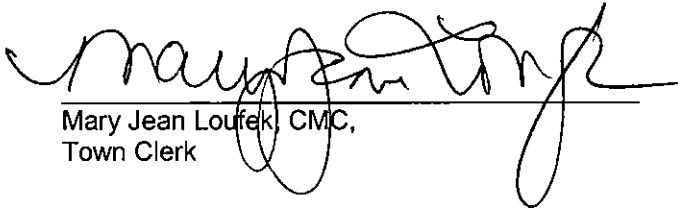
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 20, 2002.

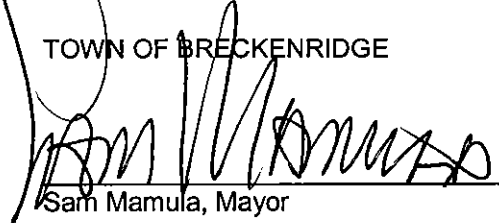
The public hearing on this ordinance was held on September 24, 2002.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 24th day of September, 2002. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

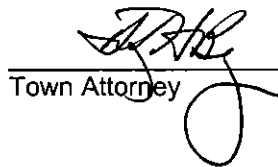
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM:


Town Attorney

9/24/02
Date

This Ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 4, 2002.