

ORDINANCE NO. 7

Series 2002

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE, AT THE REGULAR TOWN ELECTION TO BE HELD APRIL 2, 2002, SEVERAL AMENDMENTS TO THE TOWN CHARTER; SETTING FORTH THE BALLOT TITLES; 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 questions concerning the proposed amendments should be submitted to the registered electors of the Town at the regular municipal election to be held on April 2, 2002.

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

Section 1. The Town Charter of the Town of Breckenridge is hereby amended as follows:

A. Section 5.5 of the Charter of the Town of Breckenridge, entitled "Meetings To Be Public", is hereby amended so as to read in its entirety as follows:

Section 5.5 Meetings To Be Public

All meetings of the Town Council shall be open to the public as provided in the Colorado Open Meetings Law, Part 4 of Article 6 of Title 24, C.R.S., and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

B. Section 6.2 of the Charter of the Town of Breckenridge, entitled "Commencement of Proceedings; Petitioner's Committee; Affidavit", is hereby amended so as to read in its entirety as follows:

Section 6.2 Commencement of Proceedings; Petitioner's Committee; Affidavit

Any five (5) electors who are residents of the Town may commence initiative proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioner's committee. Any five (5) electors who are residents of the Town may commence referendum proceedings by filing with the Town Clerk, no later than ten (10) days after final adoption of the ordinance, an affidavit stating they will constitute the petitioner's committee. The affidavit shall provide that the committee shall be responsible for circulating the petition and filing it in proper form. Furthermore, the affidavit shall state the names and addresses of the committee members and specify the address to which all notices to the committee are to be sent. Finally, the affidavit shall set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioner's committee is filed, the clerk shall issue the appropriate petitioner blanks to the petitioners' committee.

C. Paragraph (b) of Section 6.3 of the Charter of the Town of Breckenridge, entitled "Petitions", is hereby amended so as to read in its entirety as follows:

(b) Form and Content. All pages of a petition shall be uniform in style and shall be filed as one instrument. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached

thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

D. Paragraph (d) of Section 6.3 of the Charter of the Town of Breckenridge, entitled "Petitions", is hereby amended so as to read in its entirety as follows:

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

E. Section 7.1 of the Charter of the Town of Breckenridge, entitled "Town Manager", is hereby amended so as to read in its entirety as follows:

Section 7.1 TOWN MANAGER:

The town manager shall be the chief executive and administrative officer of the town. The council, by a majority vote, shall appoint a town manager within six (6) months whenever a vacancy exists in such position. Such appointment shall be with or without definite term, as the council shall determine, and shall be at a salary to be fixed from time to time by the council. The manager shall be appointed without regard to any consideration other than his fitness, competency, training and experience in professional urban administration. At the time of his appointment, he need not be a resident of the town or state. No member of the council shall be appointed manager during the term for which he shall have been elected nor within one (1) year after the expiration of his term of office.

The council, at a regular or special meeting, may, upon the vote of the majority of the entire council, remove the town manager from office. Upon such termination the council may, in its discretion, provide termination pay.

F. Section 7.3 of the Charter of the Town of Breckenridge, entitled "Town Manager", is hereby amended by the addition of a new subparagraph (g.5), which shall read in its entirety as follows:

(g.5) Be responsible for contracting and purchasing, within the limits of the budget, all supplies, materials, equipment and services required by any department, officer or agency of the Town, and in such capacity the Town Manager shall serve as purchasing agent for the Town unless another person is designated by council upon the recommendation of the Town Manager.

G. Section 10.8 of the Charter of the Town of Breckenridge, entitled "Appropriations", is hereby amended so as to read in its entirety as follows:

Section 10.8 APPROPRIATIONS:

Adoption of the budget by council shall constitute appropriations of the amounts specified therein for expenditure from the funds indicated. The proceeds of any municipal borrowing authorized by Article XI of this Charter shall not be subject to any requirement of prior budgeting or appropriation as a condition to their expenditure. The amount necessary to repay any such municipal borrowing (including interest thereon) need not be budgeted or appropriated in full in the year in which the borrowing occurs; however, amounts necessary to pay debt service shall (except to the extent they may be payable from other legally available funds in the first year) be budgeted and appropriated on an annual basis, provided that no failure to budget and appropriate such annual debt service amounts shall affect the enforceability of any covenant of the town to make such payments. An appropriation for a capital expenditure shall continue in effect until the purpose for which the appropriation was made has been accomplished, or until the appropriation is abandoned or transferred.

Section 2. At the regular Town election to be held on Tuesday, April 2, 2002, there shall be submitted to the vote of the registered electors of the Town of Breckenridge the six (6) questions 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 questions submitted, which shall be in the following forms:

Question " _ "

"Shall Section 5.5 of the Breckenridge Town Charter be amended to make the meetings of the Town Council subject to the Colorado Open Meetings Law, Part 4 of Article 6 of Title 24, C.R.S.?"

Yes _____ No _____

Question " _ "

"Shall Section 6.2 of the Breckenridge Town Charter be amended to require that any person who desires to commence either initiative or referendum proceedings must be an elector who is a resident of the Town of Breckenridge?"

Yes _____ No _____

Question " _ "

"Shall Paragraphs (b) and (d) of Section 6.3 of the Breckenridge Town Charter be amended to delete the reference to Section 5.10(e) of the Charter?"

Yes _____ No _____

Question " _ "

"Shall Section 7.1 of the Breckenridge Town Charter be amended to provide that the term of appointment of the Town Manager shall be for a definite or an indefinite term as the Town Council shall determine?"

Yes _____ No _____

Question " _ "

"Shall Section 7.3 of the Breckenridge Town Charter be amended to authorize the Town Manager to serve as purchasing agent for the Town, and in such capacity to enter into contracts and to purchase, within the limits of the Town budget, all supplies, materials, equipment and services required by any department, officer or agency of the Town?"

Yes _____ No _____

Question " _ "

"Shall Section 10.8 of the Breckenridge Town Charter be amended to provide that an appropriation for a capital expenditure shall continue in effect until the purpose for which the appropriation was made has been accomplished, or until the appropriation is abandoned or transferred?"

Yes _____ No _____

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

Section 4. If a majority of all votes cast at the election shall be for a particular question, that particular 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 a particular question, that particular 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.

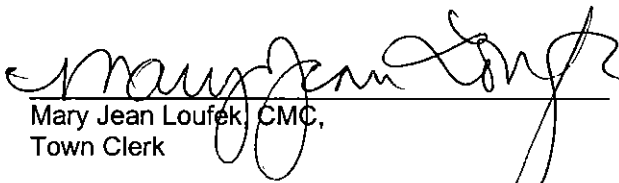
Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, 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.

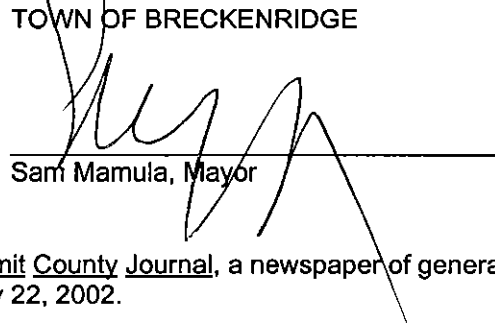
Section 8. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of February, 2002. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of February, 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

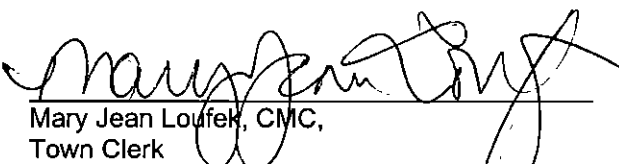
This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 22, 2002.

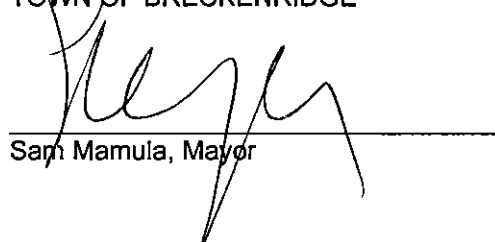
The public hearing on this ordinance was held on February 26, 2002.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL, this 26th day of February, 2002. A copy of this ordinance is available for inspection in the office of the Town Clerk.

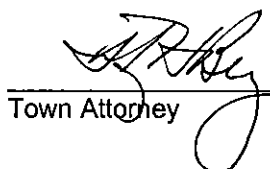
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM:


Town Attorney

2/26/02
Date

This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 8, 2002.