

ORDINANCE NO. 8

Series 2010

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE, AT THE REGULAR TOWN ELECTION TO BE HELD APRIL 6, 2010, PROPOSED AMENDMENTS TO THE BRECKENRIDGE TOWN CHARTER; SETTING FORTH THE BALLOT TITLE; AND PROVIDING OTHER DETAILS IN CONNECTION WITH THE SUBMISSION OF THE QUESTIONS TO THE ELECTORS

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

WHEREAS, Section 15.10 of the Charter provides that it 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 ballot questions concerning proposed amendments to the Charter should be submitted to the registered electors of the Town at the regular Town election to be held on April 6, 2010, all as more fully set forth hereafter.

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

Section 1. At the regular Town election to be held on April 6, 2010 there shall be submitted to the vote of the registered electors of the Town of Breckenridge the question of whether Article VI of the Breckenridge Town Charter, entitled "Initiative and Referendum", and Section 5.9 of the Breckenridge Town Charter, entitled "Forms of Ordinance", shall be amended so as to read in their entirety as follows:

A. Proposed amendment to Article VI of the Breckenridge Town Charter, entitled "Initiative and Referendum":

**ARTICLE VI
INITIATIVE AND REFERENDUM**

Section 6.1 GENERAL AUTHORITY:

(a) Initiative. The electors of the Town shall have the power to propose any legislative matter to the Council. Initiative petitions must be signed by registered electors equal in number to at least fifteen (15) percent of the total number of electors registered to vote at the last regular municipal election.

(b) Referendum. The electors of the Town shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, in accordance with the provisions of this Article. However, this power of referendum shall not extend to ordinances appropriating any revenues or calling a special election, emergency ordinances described in Section 5.11, or ordinances that authorize any municipal borrowing requiring an election pursuant to Article XI of this Charter. Referendum petitions must be signed by registered electors of the Town equal in number to at least ten (10) percent of the total number of electors registered to vote at the last municipal election.

Section 6.2 INITIATIVE AND REFERENDUM PROCEDURE: The procedures for exercising the initiative and referendum powers reserved to the Town's electors in Section 6.1(a) and Section 6.1(b) shall be as set forth in an ordinance adopted by the Town Council.

B. Proposed amendment to Article V, Section 5.9 of the Breckenridge Town Charter:

Section 5.9 FORMS OF ORDINANCE:

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: *BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO.* Except as otherwise provided in this article, all ordinance shall take effective thirty days after final publication. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not.

Section 2. At the regular Town election to be held on April 6, 2010 there shall be submitted to the vote of the registered electors of the Town of Breckenridge the question of whether the definition of "elector" set forth in Section 15.12 of the Breckenridge Town Charter shall be amended so as to read in its entirety as follows:

(d) Elector or Registered Elector. A person who has complied with the registration provisions of the Uniform Election Code of 1992 and who resides within the Town. If any provision of this Charter or the ordinances of the Town require the signing of any document by an elector, the person making the signature shall be deemed to be an elector if the person's name and address at the time of signing the document matches the name and address for the person on the registration document at the Summit County Clerk and Recorder's office, and as it appears on the master elector list on file with the Colorado Secretary of State.

Section 3. At the regular Town election to be held on April 6, 2010 there shall be submitted to the vote of the registered electors of the Town of Breckenridge the question of whether the definition of "publication" set forth in Section 15.12 of the Breckenridge Town Charter shall be amended effective so as to read in its entirety as follows:

(m) Publication. Posting on the Town's official website, unless a different method of publication is required by applicable law. The Council shall adopt an ordinance setting forth the requirements for publication by posting on the Town's official website.

Section 4. At the regular Town election to be held on April 6, 2010 the official ballot, including absentee ballots, shall state the substance of the questions to be voted upon and, as so stated, shall constitute the ballot title (including both the title 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 form:

Question "A"

Effective April 6, 2010, shall Article VI of the Breckenridge Town Charter, entitled "Initiative and Referendum", be amended to provide that the procedure for exercising the Town electors' reserved rights of initiative and referendum shall be as provided by ordinance adopted by the Town Council, except that the following provisions of the current Breckenridge Town Charter shall be preserved in such ordinance:

1. A petition signed by at least fifteen percent of the registered electors of the Town shall be required to initiate a legislative matter; and
2. A petition signed by at least ten percent of the registered electors of the Town shall be required to require a referendum on a Town ordinance?

Yes _____ No _____

Question "B"

Shall Section 5.9 of the Breckenridge Town Charter be amended to provide that non-emergency Town ordinances take effect thirty days after final passage and publication?

Yes _____ No _____

Question "C"

Effective April 6, 2010, shall the definition of "elector" set forth in Section 15.12 (d) of the Breckenridge Town Charter be amended to provide that an elector is a person: (i) who has complied with the registration provisions of the Uniform Election Code of 1992; (ii) who resides within the Town, and (iii) whose name and address at the time of signing a petition or other official Town document matches the name and address for the person on the registration document at the Summit County Clerk and Recorder's office, and as it appears on the master elector list on file with the Colorado Secretary of State?

Yes _____ No _____

Question "D"

Effective July 1, 2010, shall the definition of "publication" set forth in Section 15.12(m) of the Breckenridge Town Charter be amended to allow publication of Town laws and notices to be made by posting on the Town's official website, unless a different method of publication is required by applicable law?

Yes _____ No _____

Section 5. The Town Council finds and determines that each of the ballot questions set forth in Sections 1, 2, 3, and 4, above, fairly and accurately summarizes the proposed amendments to the Breckenridge Town Charter set forth in such Sections.

Section 6. 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 Breckenridge Town Charter shall be amended accordingly. 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 7. If Question "A", Question "B", Question "C", or any of such questions, as set forth in Section 4 of this ordinance shall pass at the election, the effective date of the applicable amendment to the Breckenridge Town Charter shall be April 6, 2010.

Section 8. If Question "D" as set forth in Section 4 of this ordinance shall pass at the election, the effective date of such amendment to the Breckenridge Town Charter shall be September 1, 2010.

Section 9. Within thirty days of the date of the adoption of this ordinance, the Town Clerk shall cause to be published notice of the election upon the proposed amendments to the Breckenridge Town Charter in accordance with the requirements of §31-2-210(4), C.R.S.

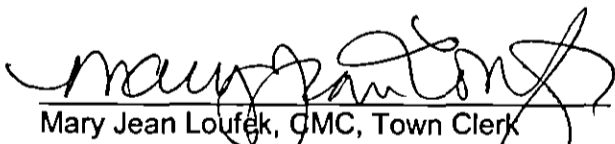
Section 10. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase of the ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid.

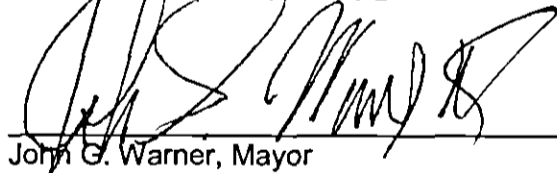
Section 11. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9th day of February, 2010. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of February, 2010, 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

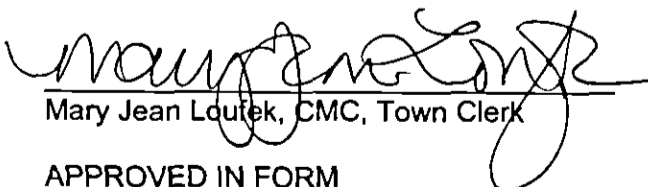

John G. Warner, Mayor

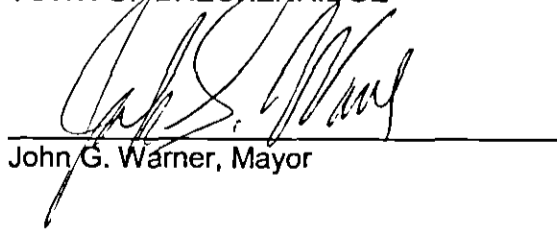
The public hearing on this ordinance was held on February 23, 2010.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 23rd day of February, 2010. This ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM

 2/23/10
Town Attorney Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on March 5, 2010.