

ORDINANCE NO. 19

Series 2011

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE BY ELIMINATING THE POSITION OF TOWN COUNCIL LIAISON TO THE PLANNING COMMISSION; AUTHORIZING ONE MEMBER OF THE TOWN COUNCIL TO SERVE ON THE PLANNING COMMISSION; AND PROVIDING OTHER MATTERS RELATED TO THE TOWN COUNCIL MEMBER OF THE PLANNING COMMISSION

WHEREAS, Section 9.3 of the Breckenridge Town Charter provides that the Town Council may determine by ordinance whether one member of the Town Council is to serve as a member of the Town of Breckenridge Planning Commission; and

WHEREAS, Chapter 2 of Title 2 of the Breckenridge Town Code currently provides that one member of the Town Council is to serve as the Town Council's non-voting liaison to the Planning Commission; and

WHEREAS, the Town Council finds and determines that the position of Town Council liaison is no longer necessary, and that Chapter 2 of Title 2 of the Breckenridge Town Code should be amended to eliminate the position of Town Council liaison to the Planning Commission, and to allow the Town Council to appoint one of its members as a regular, voting member of the Planning Commission

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

Section 1. Section 2-2-2 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

2-2-2: MEMBERSHIP REQUIREMENTS, APPOINTMENT:

The planning commission shall consist of seven (7) members who are residents and electors of the town. Unless the town council decides otherwise, one member of the town council shall be a member of the planning commission.

Section 2. Section 2-2-3 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

2-2-3: TERM OF OFFICE:

The term of office for all non-council members of the planning commission shall be four (4) years, or until a successor takes office. Each term of office for the non-council members shall commence on November 1 of the year of appointment and shall end on October 31 of the final year of the term. The terms of office shall be staggered. The town council may appoint one of its members to serve on the planning commission as provided in Section 2-2-2-1. The term of the town council member on the planning commission shall commence on the second Tuesday of April in the year the appointment is made, and shall expire, subject to the right of the council to remove the town council representative as provided in section 2-2-5 of this chapter, on the second Tuesday of April the following year.

Section 3. Section 2-2-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2-2-5: REMOVAL:

After six (6) months of service, any noncouncil member of the planning commission may be removed by an affirmative vote by five (5) members of the town council; provided, however, that the council may not remove more than three (3) non town council members in any twelve (12) month period, except the council may remove additional noncouncil members upon a finding of misconduct in office.

If removed under this section, the planning commissioner shall be given written notice of such action within a three (3) day period. The removed planning commission member may appeal the council's decision in writing within five (5) days after said notice, and if appealed, the council shall set a hearing within fourteen (14) days of written notice of the appeal, at which time the issue shall be heard and a decision rendered.

The town council representative to the planning commission may be removed at any time by a majority vote of the entire council.

Section 4. Subsection 2-2-9(B) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

B. Notwithstanding the provisions of subsection A of this section, the town council member who serves on the planning commission shall only receive the compensation provided by section 1-7-1 of this code, and shall not receive the additional compensation provided by subsection A of this section.

Section 5. Section 2-2-10 of the Breckenridge Town Code, entitled "Town Council Liaison to the Planning Commission", is deleted.

Section 6. Subsection 9-1-18-5(A)(1) of the Breckenridge Town Code is amended by the addition of a new subsection (f), which shall read in its entirety as follows:

f. If a member of the town council participated in the planning commission decision, he or she shall abstain from the council's call up hearing and decision.

Section 7. Subsection 9-2-3-4(B) of the Breckenridge Town Code is amended by the addition of a new subsection (5), which shall read in its entirety as follows:

5. If a member of the town council participated in the planning commission decision, he or she shall abstain from the council's call up hearing and decision.

Section 8. 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 9. The term of office on the Town of Breckenridge Planning Commission held by Rodney Allen (expiring in 2014) will become vacant by virtue of Mr. Allen's resignation effective May 4, 2011. Mr. Allen's position on the Planning Commission may be filled by appointment of a member of the Town Council as provided in this ordinance, or by appointment of a non-Council member at the election of the Town Council. Nothing in this ordinance affects the terms of office of any current member of the Planning Commission, except the term of office of Rodney Allen.

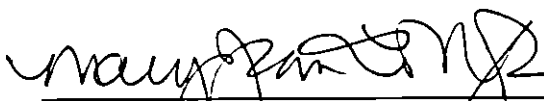
Section 10. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 9.3 of the Breckenridge Town Charter; (ii) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (iii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iv) Section 31-15-103, C.R.S. (concerning municipal police powers); (v) Section 31-15-401, C.R.S. (concerning municipal police powers); and (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution.


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 26th day of April, 2011. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of May, 2011, 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

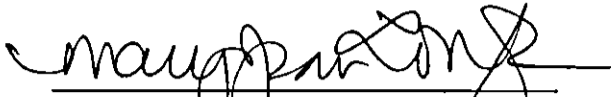
This Ordinance was published in full on the Town of Breckenridge website on April 28, April 29, April 30, May 1, and May 2.

The public hearing on this ordinance was held on May 10, 2011.

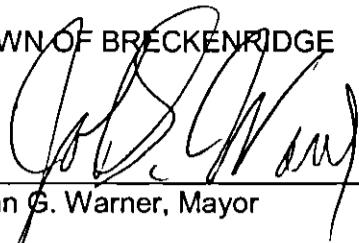
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of May, 2011. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Mary Jean Loufek, CMC, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

5/10/11
Date

This Ordinance was published on the Town of Breckenridge website on May 12, May 13, May 14, May 15, and May 16, 2011. This ordinance shall become effective on June 15, 2011.