

ORDINANCE NO. 4

Series 2023

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP ON PERMANENT BOARDS AND COMMISSIONS.

WHEREAS, the Town desires to provide a broader opportunity for community members working in the Town of Breckenridge and those living within the Upper Blue Basin to participate on the Town advisory boards including Breckenridge Social Equity Advisory Commission, Breckenridge Childcare Advisory Commission and Breckenridge Events Committee; and,

WHEREAS, there is a rational basis for amending the Charter, section 9.5, to broaden the opportunity for appointment to permanent boards and commissions to include, not only residents and electors of the Town, but also non-residents who are working within the Town of Breckenridge municipal boundaries or living in the Upper Blue Basin; and,

WHEREAS, the proposed amendment to section 9.5 of the Charter will not alter or amend the requirements for existing boards and/or commissions established in the Charter.

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

Section 1. There is hereby submitted to the registered electors of the Town of Breckenridge for their approval or rejection at a regular municipal election to be held on April 2, 2024, a proposed amendment to the Charter of the Town of Breckenridge, as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following sections of the Charter of the Town of Breckenridge are amended to read as follows:

Section 9.2

COMPOSITION OF BOARDS AND COMMISSIONS:

The following shall apply to the composition of all existing permanent boards and commissions and those created by this charter or subsequently by ordinance:

- (a) Neither the mayor nor any town employees shall serve on any such board or commission.
- (b) No board or commission shall have more than one council member appointed to serve on such board or commission.
- (c) Terms and conditions of appointment to such boards and commissions shall be determined by ordinance, except as ~~provided in section 9.3 regarding the planning commission~~ otherwise provided in this charter.

Section 9.5 RIGHT TO ESTABLISH:

In addition to those boards and commissions heretofore created by ordinance or this charter, council shall have the power and authority to create boards and commissions, including advisory and appeal boards. All permanent boards and commissions, including advisory and

appeal boards, shall be created by ordinance, which shall set forth the number of members, the eligibility of members, and the powers and duties delegated to such boards and commissions. ~~Members shall be residents and electors of the town.~~ Initial appointments by the council to any board or commission shall specify the term of office of its members in order to achieve overlapping tenure. All members shall be subject to removal by the council. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure and its meetings shall be open to the public. Any board or commission created under this article which is not required by statute or this charter may be abolished by the council.

Section 2. The ballot shall contain the following title and submission clause:

REFERRED QUESTION 2

Shall sections 9.2 and 9.5 of the Charter of the Town of Breckenridge be amended to remove the requirement that appointees to permanent boards and commissions be electors and residents thereby allowing Council to create criteria for appointment by ordinance?

Section 3. The proper officials of the Town of Breckenridge as charged with duties relating to the election shall, before the election, issue such calls, make such certifications and publications, give such notices, make such appointments, and do all such other acts and things in connection with the submission of this Charter amendment to the registered electors of the Town of Breckenridge at the election as are required by the Constitution and laws of the State of Colorado and the Charter and ordinances of the Town of Breckenridge.

Section 4. The ballots cast at such election shall be canvassed and the results ascertained, determined, and certified in accordance with the requirements of the Constitution and laws of the State of Colorado and the Charter and ordinances of the Town of Breckenridge.

Section 5. If any section, paragraph, clause, or other portion of this ordinance is held to be invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall not be affected.

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 12th day of December, 2023.

This ordinance was published in full on the Town of Breckenridge website on December 14, December 15, December 16, December 17 and December 18, 2023.

A public hearing on this ordinance was held on January 9, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 9th day of January, 2024. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on January 11, January 12, January 13, January 14 and January 15, 2024. This ordinance shall become effective on February 14, 2024.