

BRECKENRIDGE HOME RULE CHARTER

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BRECKENRIDGE TOWN CHARTER

ARTICLE I NAME – BOUNDARIES

The municipal corporation heretofore existing as a Town in the County of Summit, State of Colorado, historically known as Fort Meribeh or Fort Mary B., Breckenridge, and the Kingdom of Breckenridge, shall remain and continue as a body politic and corporate and under this Charter shall be known as "Town of Breckenridge" (hereinafter "Town") with boundaries the same as presently established until changed in a manner authorized by law.

ARTICLE III MUNICIPAL POWERS

Section 2.1 RIGHTS AND LIABILITIES:

By the name of the Town of Breckenridge, the municipal corporation shall have perpetual succession, shall own, possess, and hold all property, real and personal heretofore owned, possessed and held by the Town of Breckenridge and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said Town of Breckenridge; may, by the name of the Town of Breckenridge, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure.

Section 2.2 POWERS:

The Town shall have all the power of local self-government and home rule and all power possible for a town to have under the Constitution of the State of Colorado. The Town shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the Town.

Section 2.3 PRESENT ORDINANCES:

All ordinances of the Town of Breckenridge in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provisions of this Charter or shall be amended or repealed by ordinances enacted under the authority of this Charter.

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Section 2.4 FORM OF GOVERNMENT:

The municipal government provided by this Charter shall be known as "Council-Manager Government". Pursuant to the Charter provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers of the Town shall be vested in an elective Mayor and elective Council, hereinafter referred to as "the Council". The Council shall determine policies, enact local legislation, adopt budgets and appoint the Town Manager. The Town Manager shall execute the laws and administer the Town government. All powers of the Town shall be exercised in the manner prescribed by this Charter. If the manner be not so prescribed, then they shall be exercised as may be prescribed by ordinance or resolution, or by other applicable law.

ARTICLE III ELECTIONS

Section 3.1 COLORADO MUNICIPAL ELECTION LAWS ADOPTED:

Town elections shall be governed by the Colorado Municipal Election Laws as now existing or hereafter amended or modified, except as otherwise provided by this Charter, or by ordinance hereafter enacted.

Section 3.2 NON-PARTISAN ELECTIONS:

All special and regular elections shall be non-partisan. No candidate for any municipal office shall run under any party label.

Section 3.3 MUNICIPAL ELECTIONS:

A regular municipal election shall be held on the first Tuesday in April, 1982, and biennially thereafter. Any special municipal election may be called by resolution or ordinance of the council at least thirty two (32) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. Polling places for all municipal elections shall be open from 7 a.m. to 7 p.m. on election day.

Section 3.4 ELECTION PRECINCTS:

The Town shall constitute one voting precinct. Provided that the council may, by resolution or ordinance, for the convenience of voters, establish additional precincts forty five (45) days or more prior to any election. The precincts so established by ordinance shall remain for subsequent elections until otherwise provided by ordinance.

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Section 3.5 ELECTION COMMISSION:

An Election Commission is hereby created, consisting of the town clerk and two electors of the town. Neither of the two electors during their term of office shall be town officers or employees or candidates or nominees for elective town office. These two electors shall be appointed by the council in May following a regular town election, for a term of two (2) years and shall serve without compensation.

The town clerk shall be chairman. The Election Commission shall have charge of all activities and duties required of it by statute and this Charter relating to the conduct of elections in the town. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

The commission shall provide procedures to establish proof of residency qualification where residency is in question. Upon a showing for good cause, the Election Commission may require proof of residency by any person registered to vote or attempting to register to vote in the Town of Breckenridge. Said person shall not be qualified to vote in any municipal election until the Election Commission is satisfied that he has presented sufficient proof of residency as required by statute or ordinance adopted pursuant to this Charter.

The Election Commission shall provide for ballots and sample ballots, voting machines or electronic voting equipment for determination of the winner by lot in the event of a tie vote, for canvass of returns and for the issuance of appropriate certificates.

Section 3.6 RECALL:

Any elected officer of the town may be recalled at any time after six (6) months in office by the electors entitled to vote for a successor of such incumbent as provided for in Article XXI of the State of Colorado Constitution. Consistent with the Constitution and this Charter, the council may provide by ordinance for further recall procedures.

ARTICLE IV COUNCIL

Section 4.1 THE COUNCIL:

The Town shall be governed by a council of six (6) councilmen and one mayor. All council men and the mayor shall be nominated and elected at large from the entire Town. The Town Council may, however, by Ordinance, provide that the Council in whole or in part shall be elected from wards so long as said wards are equally apportioned.

Section 4.2 TERMS OF OFFICE:

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The terms of office for councilmen shall be four years as hereinafter provided. The Council as constituted on the effective date of this Charter shall continue as follows:

(a) The Councilmen previously elected shall continue throughout their elected terms;

(b) In the regular municipal election to be held in 1980, the three candidates receiving the highest number of votes shall be elected for four year terms.

(c) In the regular municipal election to be held in 1982 and thereafter the three candidates receiving the highest number of votes shall be elected for four-year terms.

Section 4.3 MAYOR:

The mayor shall be elected at large from the entire Town for a term of four years. In the regular municipal election to be held in April, 1984, and every four (4) years thereafter, the Mayoral candidate receiving the highest number of votes shall be elected mayor.

The mayor shall preside at meetings of the council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or by ordinance or other applicable law. He shall have all of the powers, rights and privileges of a council member including the right to vote. He shall be recognized as the head of the town government for all ceremonial and legal purposes and he shall execute and authenticate legal instruments requiring his signature as such official.

Section 4.4 MAYOR PRO TEM:

The mayor pro tem shall be elected by a majority vote of the council at the first organization meeting after the election and shall serve at the pleasure of the council for a two-year term.

In the absence or disability of the mayor, the mayor pro tem shall perform all duties and have all powers of the mayor. In the event of a vacancy in the office of mayor pro tem, the council shall choose his successor.

Section 4.5 POWERS OF COUNCIL:

The council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town and shall adopt such laws, ordinances and resolutions as it shall deem proper.

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Section 4.6 QUALIFICATIONS:

Each councilman and the mayor when nominated and elected shall be an elector of the Town, a citizen of the United States, and shall have resided in the Town, or any territory thereafter annexed, for one (1) year immediately preceding such election.

No councilman nor the mayor shall be a salaried employee of the Town during his term of office. The council shall be the judge of the election and qualifications of its own members.

Section 4.7 COMPENSATION:

The members of the council shall receive such compensation and the mayor such additional compensation as the council shall prescribe by ordinance, provided, however, that they shall neither increase nor decrease the compensation of any member during his term of office. The mayor and councilmen may, upon order of the council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

Section 4.8 VACANCIES:

(a) A councilman or the mayor shall continue to hold his office until his successor is duly qualified.

(b) A council seat or the mayor's office shall become vacant whenever he is recalled, dies, becomes incapacitated, resigns, refuses to serve, is convicted of a felony, or ceases to be a resident of the Town or ward, if elected by ward. A council seat or the mayor's office shall further become vacant upon failure to attend three (3) consecutive regular council meetings unless council for good cause votes to retain him.

(c) Within sixty (60) days after a vacancy occurs, the remaining members of the Council shall choose, by majority vote, a duly qualified person to fill such vacancy. He shall serve only until the next regular municipal election at which time the electors shall elect a Councilman to serve the remainder of the unexpired term. The Councilman candidates receiving the fourth, fifth and sixth highest number of votes, depending on the number of vacancies to be filled, shall serve the remainder of any unexpired terms. If three (3) or more vacancies exist simultaneously, the remaining councilmembers shall, at the next regular meeting of the Council, call a special election to fill such vacancies, there will not be a regular municipal election within ninety (90) days and provided that their successors have not previously been elected. (Ord. 5, Series 1992, Election 4-7-92)

(d) If a vacancy occurs in the office of Mayor, the council shall call a special election within sixty (60) days to elect a new mayor, unless said vacancy

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occurs within ninety (90) days of the next regular municipal election. The person elected mayor shall serve in that office until the next regular municipal election.

Section 4.9 OATH OF OFFICE:

Before entering upon the duties of his office, every councilman, the Mayor, Town Clerk, Police Chief, Town Manager, Judge and Town Attorney shall take, subscribe before and file with the Town Clerk an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the Town and will faithfully perform the duties of the office.

ARTICLE V COUNCIL PROCEDURE

Section 5.1 REGULAR MEETINGS:

The Council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of the Council; provided, however, that the Council, by majority consent, may dispense with the holding of the second regular meeting in the month of December in any year. The Council shall determine the rules of procedure governing meetings. The first meeting following each regular municipal election shall be the organizational meeting. (Ord. 5, Series 1992, Election 4-7-92)

Section 5.2 SPECIAL MEETINGS:

Special meetings shall be called by the Town clerk on the written request of the Mayor, Town Manager or of any two members of the council, on at least 24 hours notice communicated to each member of the council. A special meeting, however, may be held on shorter notice if all members of the council are present or have waived notice thereof in writing. Notice of such meeting shall be posted in two public places.

Section 5.3 BUSINESS AT SPECIAL MEETINGS:

No business shall be conducted at a special meeting of the Council unless the same has been stated in the notice of such meeting; except that any business which may lawfully come before a regular meeting of the Council may be transacted at a special meeting if all members of the Council present consent thereto and all the members absent file their written consent, either before or after such special meeting. Any ordinance approved or adopted at such meeting shall require five (5) affirmative votes. (Ord. 5, Series 1992, Election 4-7-1992)

Section 5.4 QUORUM; ADJOURNMENT OF MEETING:

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, and a quorum shall

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be required to be present for the Council to take any action. Councilmembers disqualified from acting upon a particular matter due to a conflict of interest shall not be counted in determining whether a quorum exists with respect to that matter. In the absence of a quorum, a lesser number may continue any matter to the next regular meeting of the Council or adjourn any meeting to a later date or time. In the absence of all members, the Town Clerk may adjourn any meeting for not longer than one (1) week. In the event any meeting is adjourned to a later date, the Clerk shall prepare and cause to be delivered to each member of the Council timely written notice setting forth the date and hour to which such meeting has been adjourned. (Ord. 5, Series 1992, Election 4-7-1992)

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. (Ord. 7, Series 2002, Election 4-2-2002)

Section 5.6 COUNCIL ACTS:

The council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances. All other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every ordinance and resolution as hereafter adopted shall be numbered and recorded in the official records of the town.

Section 5.7 VOTING:

The vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the council proceedings. Every ordinance shall require the affirmative vote of the majority of the entire council for final adoption. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the council shall vote on any question on which he has a substantial personal or financial interest, as determined by a majority of the Council, other than the common public interest, or on any question concerning his own conduct, and in said instances the member shall disclose this interest to the council. On all other questions each member who is present shall vote when his name is called. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

Section 5.8 ACTION BY ORDINANCE REQUIRED:

In addition to such acts of the council as are required by other provisions of this charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden

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upon or limiting the use of private property, shall be by ordinance. Provided, however, this section shall not apply to the budget adoption. All ordinances shall be confined to one subject except repealing ordinances.

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 ordinances shall take effect five (5) days after publication following final passage. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not.

Section 5.10 PROCEDURE:

Except for emergency ordinances, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular meeting of the council by any member thereof.

(b) The ordinance shall be read in full or, in cases where copies of the ordinance are available to the council and to those persons in attendance at said council meeting, said ordinance may be read by title only.

(c) After the first reading of the ordinance, the same shall be approved or rejected by a vote of the council.

(d) If the ordinance is approved on first reading, it shall be published in full unless otherwise provided herein. The council shall set a day, hour and place at which council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.

(e) The ordinance shall be introduced at council a second time, at a regular or special meeting not earlier than four (4) days after first publication, for final adoption, rejection or other action as may be taken by vote of the council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final adoption by vote of the council.

(f) Except as otherwise provided herein, upon final adoption of an ordinance, it shall be published either by title or in full as the council may determine. If an ordinance is amended prior to final adoption, only the amended section need be published in full.

(g) Whenever an ordinance shall be published by reference or by title, the publication shall contain a notice to the public that copies of the proposed ordinance are available at the office of the town clerk. The publication of any

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ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

Section 5.11 EMERGENCY ORDINANCES:

Emergency ordinances for the preservation of public property, health, welfare, peace or safety, shall require five (5) affirmative votes. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any town-owned utility shall be passed as an emergency measure. An ordinance authorizing a municipal borrowing in accordance with Article XI of this Charter which merely provides for the levying of a tax or which makes covenants with respect to the levy or imposition of a tax to secure the repayment of such a borrowing shall not be deemed an ordinance levying taxes within the meaning of the preceding sentence. An emergency ordinance shall require a passage at one (1) meeting of the council. However, neither a public hearing nor a first publication as provided in Section 5.10 shall be required. An emergency ordinance shall take effect upon final adoption. One publication shall be required within ten (10) days after adoption, or as soon thereafter as possible.

Section 5.12 CODIFICATION:

The council shall cause the ordinances to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 5.13.

Section 5.13 CODES:

Standard codes, promulgated by the Federal Government, the State of Colorado or by any agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted with or without amendment by reference thereto in an enacting ordinance and without reading or publishing such codes in full. Such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes described therein. The enactment of ordinances adopting any said code or codes shall be as provided in Section 5.10 herein. The publication thereof shall advise that copies and amendments are available for inspection at the office of the Town Clerk. Any penalty clause in said codes may be adopted only if set forth in full in the adopting ordinance, and the same shall be published along with the adopting ordinance or the title thereof.

Section 5.14 DISPOSITION OF ORDINANCES:

A true copy of every ordinance, as adopted by council shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signature of the mayor, or mayor pro tem, the town clerk and by the certificate of publication. A true copy of every ordinance, as adopted by

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the vote of the electors of the town, shall be separately numbered and recorded commencing with People's Ordinance No. 1.

Section 5.15 PUBLIC RECORDS:

All public records of the Town of Breckenridge shall be open for inspection by any person at reasonable times in accordance with applicable law.

ARTICLE VI INITIATIVE AND REFERENDUM

Section 6.1 GENERAL AUTHORITY:

(a) Initiative. The electors of the Town shall have the power to propose any ordinance to the Council. In the event Council fails to adopt the proposed ordinance without any change in substance, such ordinance shall be submitted to the electors at a Town election for their acceptance or rejection. (Ord. 5, Series 1992, Election 4-7-1992)

(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, ordinances necessary for the immediate preservation of public peace, health or safety, or ordinances which authorize any municipal borrowing requiring an election pursuant to Article XI of this Charter. (Ord. 5, Series 1992, Election 4-7-1992)

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.

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Promptly after the affidavit of the petitioner's committee is filed, the clerk shall issue the appropriate petitioner blanks to the petitioners' committee. (Ord. 7, Series 2002, Election 4-2-2002)

Section 6.3 PETITIONS:

(a) Number of Signatures. Initiative petitions must be signed by electors of the town in number to at least fifteen (15) percent of the total number of electors registered to vote at the last regular municipal election. Referendum petitions must be signed by 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 regular municipal election.

(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. (Ord. 7, Series 2002, Election 4-2-2002)

(c) Affidavit of Circulator. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating the following: that he personally circulated the petition; the number of signatures thereon; that all signatures were affixed in his presence; that he believes them to be genuine signatures of the persons whose names they purport to be; and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(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. (Ord. 7, Series 2002, Election 4-2-2002)

Section 6.4 PROCEDURE AFTER FILING:

(a) Certificate of Clerk. Amendment. Within ten (10) days after the petition is filed, the town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the details of its defects and promptly send a copy of the certificate to the petitioner's committee by certified mail. A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a written notice of intention to amend it with the clerk within two (2) days after receiving the copy of his certificate, and files a supplementary petition upon additional forms within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 6.3. Within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by certified mail as in the case of an original petition. If a petition or amended

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petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council. The certificate shall be a final determination as to the sufficiency of the petition.

(b) Council Review. If a petition has been certified insufficient and the petitioner's committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a written request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The council's determination shall be final as to the sufficiency of the petition.

Section 6.5 REFERENDUM PETITIONS; SUSPENSION OF EFFECT:

When a referendum petition is filed with the Town clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The Council repeals the ordinance, or
4. Certification of a favorable vote of the electors on the ordinance.
(Ord. 5, Series 1992, Election 4-7-92)

Section 6.6 ACTION ON PETITIONS:

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner approved in Article V or reconsider the referred ordinance by voting its repeal. The council shall have power to change the detailed language of any proposed initiative ordinance and to affix the title thereto, so long as the general character of the measure will not be substantially altered. Repeal of any referred ordinance may be effected only by five (5) votes of the entire council.

(b) Submission to Voters. The vote of the electors on a proposed initiative or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election. The council may at its discretion provide for a special election at an earlier date within the above-prescribed period. Copies of the proposed initiative or referred ordinance shall be made available to the public

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within a reasonable time before the election and also at the polls at the time of the election.

(c) **Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of the town. Withdrawal shall be effected by filing with the clerk a request for withdrawal signed by a majority of the petitioners' committee. With the consent of the majority of the council and upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 6.7 SUBMISSION BY COUNCIL:

The council on its own motion shall have the power to submit at a regular or special election any proposed ordinance or any question to a vote of the electors.

Section 6.8 RESULTS OF ELECTION:

(a) **Initiative.** If a majority of the electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) **Referendum.** If a majority of the electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(c) An ordinance adopted by the electorate may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted. An ordinance repealed by the electorate may not be re-enacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted or amended or repealed at any time by appropriate referendum or initiative procedure in accordance with the provisions of this article, or, if submitted to the electors by the council on its own motion.

ARTICLE VII TOWN ADMINISTRATION

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

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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. (Ord. 7, Series 2002, Election 4-2-2002)

Section 7.2 ACTING TOWN MANAGER:

To perform his duties during his temporary absence or disability, the town manager, with the concurrence of council, shall designate by letter filed with the town clerk, a qualified administrative town employee who shall serve as acting manager. In the event of the failure of the manager to make such a designation, the council may appoint a qualified town employee to perform the duties of the manager. Such acting town manager shall, while he is in such office, have all responsibilities, duties, functions and authority of the town manager. No member of the council shall be appointed acting town manager during the term for which he shall have been elected nor within one (1) year thereafter.

Section 7.3 POWERS AND DUTIES OF MANAGER:

The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town placed in his charge, and to that end he shall have the power and duties and be required to:

(a) Be responsible for the enforcement of the laws and ordinances of the Town;

(b) Hire, discipline, transfer and remove Town employees consistent with their status as at-will employees of the Town;

(c) Make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform;

(d) Cause a proposed budget to be prepared annually and submitted to the Council and be responsible for the administration of the budget after its adoption;

(e) Prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the Town for the

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preceding year and, upon request of the Council, make written or verbal reports at any time concerning the affairs of the Town under his supervision;

(f) Keep the Council advised of the financial condition and future needs of the Town and make such recommendations to the Council for adoption as he may deem necessary or expedient;

(g) Exercise supervision and control over all executive and administrative departments, and recommend to the Council any proposal he thinks advisable to establish, consolidate or abolish administrative departments;

(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. (Ord. 7, Series 2002, Election 4-2-2002)

(h) Be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to council for such action and proceedings as may be necessary to enforce the same;

(i) Attend council meetings and participate in discussions with the council in an advisory capacity;

(j) Establish a system of accounting and auditing for the town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the town;

(k) Provide for engineering, architectural, maintenance and construction services required by the town;

(l) Perform other such duties as may be prescribed by this charter or by ordinance or by other applicable law or required of him by council which are not inconsistent with this charter. (Ord. 5, Series 1992, Election 4-7-1992)

Section 7.4 RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE:

Neither the council, its members, the mayor, nor any council committee shall dictate the appointment to or removal of any person from office by the town manager except as otherwise provided in this charter or in any way interfere with the town manager or other town officer to prevent him from exercising his judgment in the appointment, employment or discharge of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members, the mayor and any council committee shall deal with the administrative service solely through the town manager and neither the council, its members, the

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mayor, nor any council committee thereof shall give orders to any of the subordinates of the town manager.

Section 7.5 TOWN CLERK:

The town manager shall appoint a town clerk, who shall be custodian of the town seal and who shall keep a journal of council proceedings and record in full all ordinances, motions and resolutions. The town clerk shall have power to administer oaths and take acknowledgements under seal of the town, and shall perform such other duties as required by this charter or the manager.

Section 7.6 DEPARTMENTS CREATED:

The administrative functions of the town shall be performed by the departments existing at the time this charter is adopted and such other departments as may be hereafter established by ordinance. The council may, by ordinance, consolidate or abolish any of the said departments, whether set forth by this charter or created by ordinance.

Section 7.7 BONDING OF EMPLOYEES:

The town council and town manager may require from such officers and employees as they determine, a bond, at the expense of the town, with proper penalty and surety, for the care and disposition of municipal funds in their hands and the faithful discharge of the duties of their offices. (Ord. 5, Series 1992, Election 4-7-1992)

ARTICLE VIII LEGAL AND JUDICIARY

Section 8.1 TOWN ATTORNEY:

The council shall appoint a town attorney to serve at the pleasure of the council. He shall be an attorney-at-law admitted to practice in Colorado. The town attorney shall be the legal representative of the town and he shall advise the council and town officials in matters relating to their official powers and duties and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the town attorney such assistants as council may deem necessary, and may upon his own motion or upon request of the town attorney in special cases employ special counsel to serve under the direction of the town council. Council shall establish compensation for the town attorney, his assistants and special counsel.

Section 8.2 JUDICIARY:

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(a) Presiding Municipal Judge. There shall be a municipal court vested with jurisdiction of all cases arising under the ordinances of the town and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge, appointed by the council for a specified term of two (2) years. The council may, when his appointment for term of office expires, re-appoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the council for the remainder of the unexpired term. (Ord. 8, Series 2006, Election 4-4-2006)

(b) Deputy Judges. Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge when called upon to act by the municipal judge or council. In the event that more than one municipal judge is appointed, the council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall serve at the pleasure of the council.

(c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the council, which shall not be increased or decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as council may determine.

(d) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the council for cause if:

1. He is found guilty of a felony or any other crime involving moral turpitude; or
 2. He has willfully or persistently failed to perform his duties;
- or
3. He has a disability which interferes with the performance of his duties which is, or is likely to become, of permanent character.

ARTICLE IX BOARDS AND COMMISSIONS

Section 9.1 EXISTING BOARDS AND COMMISSIONS:

All existing boards and commissions shall continue as established by ordinance, except as otherwise provided in this Charter.

Section 9.2 COMPOSITION OF BOARDS AND COMMISSIONS:

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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.

Section 9.3 PLANNING COMMISSION:

There shall be established a seven (7) member planning commission appointed by the council. Members of the planning commission shall be residents of the Town of Breckenridge and electors. One member of the Town Council may be appointed to serve on the Planning Commission if authorized by ordinance.

The terms of appointment to the planning commission shall be for four (4) years on an overlapping basis. However, if a member of the Town Council is appointed to serve on the planning commission, the term of appointment for such office shall be fixed by ordinance. (Ord. 28, Series 2002, Election 11-5-2002)

Section 9.4 VACANCY:

Whenever a vacancy occurs on any board or commission, the council shall cause public notice of such vacancy to be made and encourage qualified volunteers to seek appointment to such board or commission. The council shall then make the appointment to fill such vacancy.

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, 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

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commission created under this article which is not required by statute or this Charter may be abolished by the council.

ARTICLE X
TOWN FINANCES

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Section 10.1 FISCAL YEAR:

The fiscal year of the town shall commence on the first day of January or on such date each year as shall be fixed by the council.

Section 10.2 PROVISION FOR TAX SYSTEM:

The council may by ordinance provide a system for the assessment, levy and collection of all town taxes, not inconsistent with this Charter.

Section 10.3 BUDGET:

The town manager shall annually prepare and submit to the council a budget and accompanying message. The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear, general summary of its contents and shall be so arranged as to show comparative figures for income and expenditures of the preceding fiscal year.

Section 10.4 CAPITAL PROGRAM:

(a) Submission. The manager, with such assistance as he may desire or the council may direct, shall prepare and submit to the council a long-range capital program, two (2) weeks prior to the submission of his recommended budget.

(b) Contents. The capital program shall include:

1. A clear general summary of its contents.
2. A list of all capital improvements which are proposed to be undertaken during the following fiscal years, with appropriate supporting information as to the necessity for the improvement.
3. Cost estimates, method of financing and recommended schedules for each such improvement.
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

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Section 10.5 BUDGET HEARING:

A public hearing on the proposed budget and proposed capital program shall be held by the council no later than forty five (45) days prior to the close of the fiscal year. Notice of the time and place of such hearing shall be published one (1) time at least seven (7) days prior to the hearing.

Section 10.6 COUNCIL AMENDMENTS:

After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit.

Section 10.7 COUNCIL ADOPTION:

The council shall adopt the budget by resolution on or before the final day of the fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts the budget for the ensuing fiscal year.

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. (Ord. 7, Series 2002, Election 4-2-2002)

Section 10.9 PROPERTY TAX LEVY:

Council shall cause the property tax to be certified to the county for collection as required by law.

Section 10.10 PUBLIC RECORDS:

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Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public in the municipal building.

Section 10.11 CONTINGENCIES:

The budget may include an item for contingencies. Except in those cases where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the express approval of the council, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 10.12 AMENDMENTS AFTER ADOPTION:

(a) Supplemental Appropriations. If, during the fiscal year, the Town Manager certifies there are available for appropriation revenues in excess of those estimated in the budget or revenues not previously appropriated, the Council by Resolution following a public hearing may make supplemental appropriations for the year up to the amount of such excess or unappropriated revenues. (Ord. 5, Series 1992, Election 4-7-1992)

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of Section 5.11. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of emergency notes as provided in Article XI of this Charter.

(c) Reduction of Appropriations. If, at any time during the fiscal year, it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of deficit, any remedial action taken by him and his recommendation as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

(d) Transfer of Appropriations. Any time during the fiscal year, the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request of the manager, the council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, agency or object to another.

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(e) Limitation – Effective Date. No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations, emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 10.13 INDEPENDENT AUDIT:

An independent audit shall be made of all Town accounts at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants selected by the Town Manager. The audit shall be completed within four (4) months of the close of the fiscal year. Copies of such audit shall be made available for public inspection at the municipal building. (Ord. 5, Series 1992, Election 4-7-1992)

ARTICLE XI MUNICIPAL BORROWING

Section 11.1 FORMS OF BORROWING:

The town may borrow money and issue the following securities to evidence such borrowing:

- (a) Short-term Notes;
- (b) Emergency Notes;
- (c) Anticipation Warrants;
- (d) General Obligation Bonds;
- (e) Revenue Bonds;
- (f) Industrial Development Revenue Bonds;
- (g) Special Assessment Bonds;
- (h) Refunding Bonds;
- (i) Lease-Purchase or Installment-Purchase Agreements;
- (j) Other obligations authorized to cities and towns by Colorado

Statute.

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Each type of obligation shall be issued by council in the name of the town pursuant to an ordinance and may be issued without an election except as otherwise provided in this Article XI. The council may in its discretion adopt an ordinance not inconsistent with the provisions of this Article XI specifying the terms, conditions and other details upon which any such type of obligation may be issued.

Section 11.2 SHORT-TERM NOTES:

Short-term notes may be secured in any manner determined by the council, including by a pledge of the full faith and credit and the general taxing power of the town. Short-term notes shall mature and become payable within twelve (12) months of their date of issue.

Section 11.3 EMERGENCY NOTES:

Emergency notes may be issued upon the circumstances specified in Section 10.12(b) of this Charter and may be secured in any manner determined by council, including by a pledge of the full faith and credit and the general taxing power of the town. Emergency notes may be renewed from time to time as the needs of the town require; however, emergency notes and any renewed notes shall mature and be paid no later than the last day of the fiscal year next succeeding the year in which the emergency appropriation was made.

Section 11.4 ANTICIPATION WARRANTS:

Anticipation warrants shall be issued in anticipation of and shall assign taxes or revenues which have been levied or imposed by the town. Taxes which may be assigned to pay anticipation warrants include, but shall not be limited to, ad valorem taxes constructively received by the town and excise taxes. Anticipation warrants shall mature within such period as may be determined by council.

Section 11.5 GENERAL OBLIGATION BONDS:

Except for obligations authorized in Sections 11.2, 11.3, 11.4 and 11.10 of this Charter, or as provided in this Section below, no bonds or other obligations to which the full faith and credit of the town is pledged or which are payable in whole or in part from the proceeds of general property taxes shall be issued until the question of their issuance shall be submitted to a vote of the qualified electors of the town at a regular or special election and approved by a majority of those voting thereon. Such election shall be called pursuant to a resolution or ordinance, which shall include:

1. The bond question to be submitted.
2. The amount of the total valuation for assessment of the taxable property within the town as shown by the last assessment thereof.

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3. The amount of the town's total general obligation bonded indebtedness outstanding and unrefunded as of the date of the resolution or ordinance and the amount thereof, assuming the issuance of the proposed bonds.

General obligation bonds of the town issued for the purpose of constructing, improving or extending any municipal utility system (as defined in Section 15.12(h) of this Charter) or for acquiring water and the rights thereto may be issued under this Section without an election.

Section 11.6 REVENUE BONDS:

Revenue bonds issued for the purpose of purchasing, equipping, constructing, condemning or otherwise acquiring, extending or improving any municipal utility system or other income-producing project may be made payable solely from the net revenues derived from the operation of such system or project. Any two or more of such systems or projects may be combined, operated and maintained jointly, in which case such revenue bonds shall be made payable out of the net revenue derived from the operation of the joint enterprise. Neither a failure of the town historically to have maintained a special fund for any such existing municipal utility system or other income-producing project nor a previous commingling of revenues derived from the operation thereof with the general fund of the town shall prevent a pledge of such revenues for the payment of revenue bonds issued pursuant to this Section, provided that such a special fund is created prior to or contemporaneously with the issuance of such revenue bonds and thereafter maintained separate and apart from the general fund.

Revenue bonds issued for any public purpose of the town (including those specified in the preceding paragraph) may be made payable solely from the proceeds of any tax, other than a general ad valorem tax, imposed by the town or the State of Colorado or any agency thereof. Neither a failure of the town historically to have maintained special funds into which the proceeds of such existing taxes are deposited nor a previous commingling of such tax proceeds with the general fund of the town shall prevent a pledge of such revenues for the payment of revenue bonds issued pursuant to this Section, provided that such special funds are created prior to or contemporaneously with the issuance of such revenue bonds and thereafter maintained separated and apart from the general fund.

Nothing herein shall be construed so as to prevent the issuance of revenue bonds pursuant to this Section for any of the purposes specified in the first paragraph of this Section which are payable from both system or project revenues and the proceeds of the taxes herein specified. Revenue bonds issued pursuant to this Section may also be secured by a pledge of the full faith and credit of the town or of general property taxes; however, except for such bonds issued for the purpose of constructing, extending or improving any municipal utility system (as defined in Section 15.12(h) of this Charter), no such bonds shall be issued until the question of their issuance shall be approved at an election held as required by

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Section 11.5 of this Charter. Revenue bonds issued pursuant to this Section may also be secured by a pledge of governmental grants received or to be received from the United States of America or any agency thereof or from the State of Colorado or any agency thereof or by a pledge of such grant receipts together with any other revenues or taxes as herein provided.

Section 11.7 INDUSTRIAL DEVELOPMENT REVENUE BONDS:

Industrial development revenue bonds may be issued as provided by Colorado Statute.

Section 11.8 SPECIAL ASSESSMENT BONDS:

The town shall have the power to create local improvement districts and to assess the cost of the construction or installation of special or local improvements of every character against benefited property within such districts in the town:

(a) By order of Council, subject to protest by the owners of property scheduled to bear a majority of the assessment burden under the method of apportioning assessments as proposed by council.

(b) On a petition by the owners of a majority of the land area of the proposed district.

In either event, a public hearing shall be held at which all interested parties may appear and be heard. Right to protest and notice of public hearing shall be given as provided by council by ordinance. Such improvements shall confer special benefits to the real property within said district and general benefits to the town at large. The council shall have the power by ordinance without an election to prescribe the method of making such improvements including the costs incidental thereto.

Where all outstanding bonds of a local improvement district have been paid and any monies remain to the credit of the district, they shall be transferred to a special surplus and deficiency fund. Whenever there is a deficiency in any local improvement district fund to meet the payment of outstanding bonds and interest due thereon, the deficiency shall be paid out of said surplus and deficiency fund. Whenever a local improvement district has paid and cancelled three-fourths of its bonds issued, and for any reason the remaining assessments are not paid in time to pay the remaining bonds of the district and the interest due thereon, and there are not sufficient monies in the special surplus and deficiency fund, then the town shall pay said bonds when due and the interest due thereon, and reimburse itself by collecting the unpaid assessments due said district.

In consideration of general benefits conferred on the town at large from the construction or installation of improvements in local improvement districts, the council may levy annual taxes on all taxable property within the town at a rate to be

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determined by council, to be disbursed as determined by the council for the purpose of paying for such benefits, for the payment of any assessment levied against the town itself in connection with bonds issued for local improvement districts, or for the purpose of advancing monies to maintain current payments of interest and principal of bonds issued for any local improvement district hereinafter created. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein, provided that in lieu of such tax levies, the council may annually transfer to such special fund any available monies of the town, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited. No assessment by the town of its own property, pursuant to this Section shall be considered or held to create an indebtedness of the town or to require an election; however, if the Council elects to issue limited tax bonds secured by a pledge of the tax levy authorized in this Section for the purpose of providing funds to pay any such assessment or the costs of any improvement conferring general benefits on the town at large, it shall do so only after the question of the issuance of such limited tax bonds has been approved at an election held in accordance with Section 11.5 of this Charter.

Section 11.9 REFUNDING BONDS:

General obligation refunding bonds and refunding revenue bonds may be issued as provided by Colorado statute.

Section 11.10 LEASE-PURCHASE AND INSTALLMENT-PURCHASE AGREEMENTS:

The council may enter into lease-purchase and installment-purchase agreements as a means of acquiring any real or personal property for public purposes. The council may pledge the full faith and credit and the general taxing power of the town to the payment of its obligations under any such agreement and may enter into such covenants regarding the rights of the lessor-vendor in the property upon default as the council may deem necessary or appropriate.

Section 11.11 LIMITATIONS:

Taking into consideration the provisions of Section 11.5 of this Charter, which require an election and disclosure of the current assessed valuation and outstanding general obligation bonded indebtedness of the town prior to the issuance of general obligation bonds, there shall be no limitation on the amount of bonds or other securities the town may issue except as may be stated in the documents pertaining thereto. All bonds or other securities issued pursuant to the provisions of this Charter shall be sold at public or private sale to the best advantage of the town at, above or below par. Bonds may contain provisions for redemption prior to maturity with or without the payment of a premium. The maximum premium payable on prior redemption of any general obligation bonds

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may, but need not, be specified in the bond question approved by the qualified electors.

ARTICLE XII TAXATION

Section 12.1 AUTHORITY TO LEVY TAXES:

The council may by ordinance, levy and collect taxes for municipal purposes which may include but shall not be limited to: general ad valorem property taxes, and excise taxes (such as sales taxes, use taxes, bed taxes, occupation taxes and real estate transfer taxes).

No sales tax, use tax, bed tax or income tax shall be levied after the adoption of this Charter until such tax shall have been approved by a majority of the qualified electors voting at a regular or special election.

For purposes of this Charter, the term "sales tax" shall mean a tax on the sale of tangible personal property at retail or the furnishing of services.

ARTICLE XIII PUBLIC UTILITIES AND FRANCHISES

Section 13.1 GENERAL POWERS:

The town shall have and exercise with regard to all utilities and franchises all municipal powers including, without limitation, all powers now existing and which may be hereafter provided by the Constitution and the statutes. The right of the town to construct, purchase or condemn any public utility, work or way, is expressly reserved. Except as otherwise provided by Constitution or this Charter, all powers concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the council.

Section 13.2 WATER RIGHTS:

The town shall have the power to buy, sell, exchange, lease, own and control water rights. (Ord. 5, Series 1992, Election 4-7-92)

Section 13.3 UTILITY RATES AND SERVICE AREAS:

The council shall by ordinance establish rates for services provided by municipality-owned utilities. All newly-annexed territory shall be served by municipal utilities within a reasonable period of time after annexation. If the council desires to extend the municipal utilities beyond town boundaries, it shall do so by ordinance.

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Section 13.4 GRANTING OF FRANCHISES:

No franchise shall be granted that exceeds twenty (20) years.

Section 13.5 FRANCHISE REVIEW:

Each franchise granted under the provisions of this Charter shall include a section specifying a periodic review of said franchise.

Section 13.6 FRANCHISE RECORDS:

The council shall cause to be kept in the office of the town clerk an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record, a complete history of all such franchises, shall include a comprehensive and convenient reference to all actions at law affecting the same and copies of all annual reports and such other matter of information and public interest as the council may from time to time require.

Section 13.7 EXISTING FRANCHISES:

All franchises ordinances of the town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

ARTICLE XIV TRANSITION PERIOD

Section 14.1 EFFECTIVE DATE OF CHARTER:

This Charter shall become effective immediately upon voter approval except that those provisions of Article X relating to the preparation and submission of the budget and capital program shall become effective for the 1981 annual budget, and those provisions in Article IV relating to the election of councilmen shall become effective at the first regular election scheduled under this Charter to be held in April, 1982.

Section 14.2 PRIOR TOWN LEGISLATION:

All bylaws, ordinances, resolutions, rules, and regulations of the town which are not inconsistent with this Charter and which are in force and effect at the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

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Section 14.3 PRESENT ELECTED OFFICIALS TO CONTINUE IN OFFICE:

The present town council and mayor in office at the time of the adoption of this Charter shall continue at their present salaries, to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices.

Section 14.4 CONTINUATION OF PRESENT BOARDS AND COMMISSIONS:

All boards and commissions in existence at the time of adoption of this Charter shall continue to function under the provisions of this Charter.

Section 14.5 ~~CONTINUATION~~ OF APPOINTED OFFICERS AND

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the town shall continue in that town office or employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body, shall hold such position only at such pleasure regardless of the term for which originally appointed.

Section 14.6 SAVING CLAUSE:

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town of Breckenridge and individuals, corporations or public agencies.

ARTICLE XV MISCELLANEOUS PROVISIONS

Section 15.1 RESERVATION OF POWER:

The power to supersede any law of this state now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the town, acting by charter or ordinance, subject only to restrictions of Article XX of the State Constitution and subsequent amendments to the Charter and by ordinance.

Section 15.2 ~~LIABILITY~~ LIABILITY OF TOWN: (Rep. by Ord. 5, Series 1992, Election

Section 15.3 SALE OR ENCUMBRANCE OF PROPERTY:

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Council may not sell, exchange or dispose of public utilities or permanent public buildings or real property except by ordinance or a majority vote of the electors at the option of the council. Council may not mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the council.

Section 15.4 LEASE ON PROPERTY:

The council may lease, for such time as council shall determine, any real or personal property to or from any person, firm or corporation, public and private, governmental or otherwise.

Section 15.5 CO-OPERATIVE CONTRACTS:

The council may by resolution enter into contracts or agreements with other governmental units, special districts, or persons for those purposes as provided in Articles XI and XIV of the Constitution.

Section 15.6 BEQUESTS, GIFTS AND DONATIONS:

Council, on behalf of the town, may receive or refuse bequests, gifts, and donations of all kinds of property in fee simple, whether encumbered or not, or in lease hold, or in trust for public, charitable or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Section 15.7 EMERGENCY POWERS:

In case of riot, insurrection, or extraordinary emergency, the Mayor, or in his absence, the Town Manager, shall assume the authority to execute any action necessary for the protection of life and property. Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor, or in his absence, the Town Manager, shall convene the Council who may take such action as it deems necessary. In the event it becomes necessary, the line of succession provided in Section 15.8 shall be followed. (Ord. 5, Series 1992, Election 4-7-92)

Section 15.8 CONTINUITY OF GOVERNMENT:

The Council shall have the power to provide for continuity of government of the Town of Breckenridge in the event of natural or enemy caused disaster. Such power shall be employed in a manner in which will preserve representative government in the Town of Breckenridge and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the mayor and the mayor pro tem and shall then

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revert to the councilmen by order of seniority, and thereafter, through an orderly line of succession of the administrative department heads, commencing with the town manager.

Section 15.9 SEVERABILITY OF CHARTER PROVISIONS:

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end, this Charter is declared to be severable.

Section 15.10 CHARTER AMENDMENTS:

This Charter may be amended at any time in the manner provided by the Constitution. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 15.11 INTERPRETATIONS:

Except as otherwise specifically provided or indicated by the contents hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 15.12 DEFINITIONS:

As used in this Charter the following words and phrases shall have the following meaning:

(a) Appropriation. The authorized amount of monies set aside for expenditures during a specified time for a specific purpose.

(b) Constitution. The Constitution of the State of Colorado.

(c) Council. The Town council of the Town of Breckenridge, including the mayor, unless provided otherwise.

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(d) Elector. A person registered to vote under the Constitution and Statutes of the State of Colorado. (Ord. 5, Series 1992, Election 4-7-92)

(e) Employee. A person employed by the Town of Breckenridge.

(f) Franchise. An irrevocable privilege granted by the Town permitting a specified use of public property for a specified length of time.

(g) Manager. The Town manager of the Town of Breckenridge appointed pursuant to Section 7.1.

(h) Municipal Utility System. Any heat, power, or light systems, communication system, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise granted by the Town.

(i) Officer. Any person elected to office or appointed by council, including appointees to boards and commissions.

(j) Ordinance. A permanent regulation adopted by legislative action of the town council pursuant to the procedures set forth in Section 5.10 of this Charter.

(k) Permanent Board or Commission. A board or commission intended by council to be a part of the permanent governmental structure of the Town of Breckenridge as established by ordinance.

(l) Post. Posting in at least two (2) public places within the town as designated by the council.

(m) Publication. Publishing in a newspaper of general circulation in the Town.

(n) Public Utility. Any person, firm or corporation operating heat, power, or light systems, communication system, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise granted by the Town.

(o) Regular Municipal Election. A municipal election held every two years at which candidates for elective offices of the Town are voted upon in accordance with this Charter.

(p) Resolution. Expression of administrative or ministerial acts of council without any required form or procedure as distinguished from legislative acts embodied in town ordinances.

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(q) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.

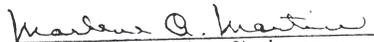
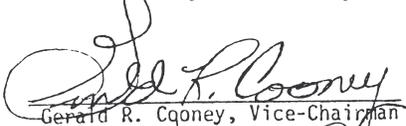
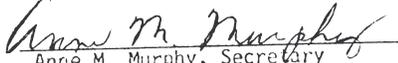
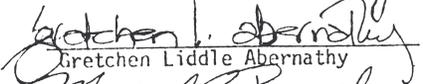
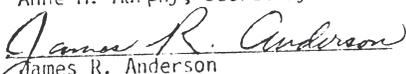
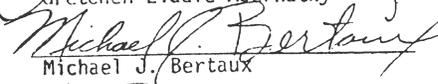
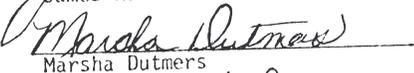
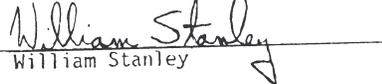
(r) Town. Town of Breckenridge, Colorado, a municipal corporation.

TOWN OF BRECKENRIDGE, COLORADO

CHARTER COMMISSION
CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Breckenridge Home Rule Charter Commission, duly elected by the people of Breckenridge, Colorado, at a special election held on November 27, 1979, under the Authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Breckenridge, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Commission on the 20th day of February, 1980, for submission to the people of Breckenridge at a regular municipal election to be held April 1, 1980.

Done in triplicate at Breckenridge, Colorado, this 20th day of February, 1980.

 Marlene A. Martin, Chairwoman	 Gerard R. Cooney, Vice-Chairman
 Anne M. Murphy, Secretary	 Gretchen Liddle Abernathy
 James R. Anderson	 Michael J. Bertaux
 Marsha Dutmers	 S. L. Bunny Hamill
 William Stanley	

STAFF

John R. Mehaffy, Town Attorney

Richard L. Levensgood, Town Administrator

Suzanne Jack, Administrative Assistant