

ADMINISTRATIVE RULES AND REGULATIONS CONCERNING THE PUBLICATION OF TOWN DOCUMENTS ON THE TOWN'S WEBSITE

1. **Effective Date.** These regulations are effective April 6, 2016.
2. **Authority.** These regulations are issued by the Town Clerk of the Town of Breckenridge pursuant to the authority granted by Section 1-22-3 of the Breckenridge Town Code.
3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge Town Code were followed in connection with the issuance of these regulations. Notice of the adoption of these regulations was given in accordance with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
4. **Conflict With Charter or Ordinance.** If there is a conflict between these regulations and the requirements of any governing law (as defined in Section 5, below), the governing law shall control.
5. **Definitions.** As used in these regulations the following terms have the following meanings:
 - A. “Charter” means the Breckenridge Town Charter, as amended from time to time.
 - B. “Governing law” means: (i) the United States Constitution; (ii) the Constitution of the State of Colorado; (iii) any state or federal statute, law, rule, or regulation; (iv) any Town ordinance, resolution, rule, or regulation; or (vi) the Charter.
 - C. “Publish on the Town’s website”, or similar language, means posting the document on the Town’s website so that it is available for public viewing and copying.
 - D. “Town website” means www.townofbreckenridge.com.
6. **Publication on Town Website – Generally.**
 - A. Unless a different manner of publication is required by governing law, the “publication” of a Town ordinance, notice, or other Town document required by governing law shall be made only by publishing the ordinance, notice, or other document on the Town’s website.
 - B. If a different manner of publication is required by governing law, including, but not limited to, publication of a Town document in a

newspaper, publication of such document shall be done in compliance with the requirements of the governing law. In such circumstance, the ordinance or document may also be posted on the Town's website in the discretion of the Town Clerk.

7. **Publication of Ordinances On Town Website.**

- A. Unless a different manner of publication is required governing law, all ordinances adopted by the Town Council of the Town of Breckenridge shall be published on the Town's website, and not in the newspaper. This rule applies to both publication of an ordinance after approval on first reading (as required by Section 5.10 (d) of the Charter) and to publication of an ordinance after final adoption (as required by Section 5.10 (f) of the Charter).
- B. When an ordinance is amended on second reading, the entire ordinance (and not just the amended section) shall be published on the Town's website.
- C. When an ordinance is published on the Town's website it shall include any exhibit that is part of the ordinance.
- D. Under normal circumstances publication of an ordinance on the Town's website shall commence within three (3) business days of the adoption of the ordinance. However, the Town Clerk's office shall strive to commence publication of adopted ordinances within one (1) business day after adoption. A delay in commencing publication of an ordinance on the Town's website shall not affect the validity of the publication so long as substantial compliance with the other requirements of these regulations is achieved.
- E. Publication of an emergency ordinance on the Town's website shall comply with Section 5.11 of the Charter.
- F. Publication of an ordinance on the Town's website shall be made for a minimum of five (5) consecutive days.
- G. In calculating the number of days an ordinance is posted on the Town's website, the first day the ordinance is posted shall not be counted, but the last day of the period of posting shall be counted. Notwithstanding the provisions of Section 1-3-5 of the Breckenridge Town Code, the publication of an ordinance on a Saturday, Sunday, or legal holiday shall be counted in calculating the number of days an ordinance is published on the Town's website.

- H. Publication of an ordinance on the Town’s website shall be complete on the last day the ordinance is posted on the website.
- I. The publication of an ordinance after approval on first reading (as required by Section 5.10 (d) of the Charter) shall be completed not less than four (4) days before the date of the public hearing/second reading of the ordinance.
- J. Each non-emergency ordinance shall contain substantially the language set forth on the attached **Exhibit “A”**.
- K. A non-emergency ordinance becomes effective thirty (30) days from the last date of publication on the Town’s website, unless a later effective date is stated in the ordinance. If a later effective date is stated in the ordinance, the effective date of the ordinance shall be the later date stated in the ordinance. Emergency ordinances become effective as provided in Section 5.11 of the Charter, and the date of the required publication of an emergency ordinance shall not affect the effective date of such ordinance.

8. **Publication of Town Resolutions on the Town’s Website**

- A. The Town Clerk shall publish any resolution adopted by the Town Council in accordance with the requirements of governing law.
- B. Although resolutions are typically not required to be published, it is in the public interest that all resolutions adopted by the Town Council be published on the Town’s website so that they are available for public viewing and copying.
- C. Resolutions that are not otherwise required by governing law to be published for any particular time period may be published on the Town’s website for a reasonable period of time as determined by the Town Clerk.
- D. When a resolution is published on the Town’s website it shall include any exhibit that is part of the ordinance.
- E. Resolutions supporting or opposing state-wide or local ballot issues or referred measures questions adopted by the Town Council pursuant to the Fair Campaign Practices Act (Article 45 of Title 1, C.R.S.) shall be published on the Town’s website in the same manner as other Town resolutions are posted. Such resolution shall be removed from the Town’s website after the election at which the ballot question or referred measure that is the subject of the resolution has been held.

- F. A Clerk's Certificate of Publication is not required for the publication of resolutions, except for resolutions required by governing law to be published, and resolutions supporting or opposing ballot questions adopted by the Town Council pursuant to the Fair Campaign Practices Act (Article 45 of Title 1, C.R.S.)

9. **Town Clerk's Certificate of Publication.**

- A. When publication of an ordinance, notice, or other Town document is completed in accordance with these regulations, the Town Clerk shall certify the publication of the ordinance, notice, or other Town document substantially in the form of the attached **Exhibit "B"**. The Clerk's Certificate of Publication shall be conclusive evidence of the required publication of the Town ordinance, notice or other Town document for all purposes.
- B. The Certificate of Publication shall be retained in the Town's records in accordance with the Colorado Municipal Records Retention Schedule.

10. **Technical Problems With Publication on the Town's Website.** In the event a technical problem with the Town's information technology systems that temporarily prevents the publication of a document on the Town's website, (such as the Town's server going down or no internet access being available on the Town's system for a period of time) publication shall commence or resume as soon as the technical problem is resolved, and the delay or interruption in the publication caused by the technical problem shall not be invalidate the publication of the document on the Town's website.

Dated: April 6, 2016

Helen Cospolich, Town Clerk
Town of Breckenridge, Colorado

EXHIBIT "A"

REQUIRED NON-EMERGENCY ORDINANCE CERTIFICATES
CONCERNING PUBLICATION ON TOWN'S WEBSITE

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this ____ day of _____, 20____. A Public Hearing shall be
held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
____ day of _____, 20____, at 7:30 P.M., or as soon thereafter as possible in the
Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

Town Clerk

Mayor

This Ordinance was published in full on the Town of Breckenridge website
www.townofbreckenridge.com on _____, _____, _____,
_____ and _____, ____.

The public hearing on this ordinance was held on _____, 20____.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL
ON THE TOWN'S WEBSITE www.townofbreckenridge.com this ____ day of _____,
20____. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Town Clerk

Mayor

APPROVED IN FORM

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website
www.townofbreckenridge.com on _____, _____, _____,
_____ and _____, 20____. This ordinance shall become effective on
_____, 20____.

*this form may be changed if appropriate

