

ORDINANCE NO. 1145

**AN ORDINANCE ESTABLISHING RULES REGARDING MEMBERSHIP IN THE
TOWN OF BERTHOUD PLANNING COMMISSION**

WHEREAS the Town of Berthoud Planning Commission was created by Resolution 4-11 on March 8, 2011, in compliance with Section 31-23-202 of the Colorado Revised Statutes ("Statutes");

WHEREAS Section 31-23-203(4) of the Statutes authorizes the governing body of a municipality to provide by ordinance for the size, membership, designation of alternate membership, terms of members, removal of members pursuant to section 31-23-203(3) of the Statutes, and filling of vacancies of the municipality's planning commission as such is described in section 31-23-202 of the Statutes; and

WHEREAS the Board of Trustees of the Town of Berthoud desires to exercise the authority granted by Section 31-23-203(4) of the Statutes;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. Membership rules for the Town of Berthoud Planning Commission set forth in Section 4.B(3) of Resolution 4-11, as well as any other provision found in any other resolution or ordinance that is in conflict with this Ordinance or that relates to the same subject matter, are repealed.

Section 2. The Town of Berthoud Planning Commission, which will be referred to herein as the "Commission," shall be composed of seven members.

Section 3. There shall be three ex officio members consisting of the Mayor or his or her designee from the members of the Board of Trustees, a member of the Board of Trustees selected by the Mayor, and a member of the Board of Trustees selected by the Board of Trustees. The balance of the membership, which will be referred to herein as the "Appointed Members," shall be appointed by the Board of Trustees but may not be members of the Board of Trustees.

Section 4. All members of the Commission shall be bona fide residents of the municipality and, if any member ceases to reside in such municipality, his membership on the Commission shall automatically terminate.

Section 5. All members of the commission shall serve without compensation. The Appointed Members shall hold no other municipal office.

Section 6. Except as otherwise set forth in this Ordinance, the terms of the members of the Commission shall be as set forth in this section. The terms of the ex officio members shall terminate at the end of the then-current term (at the time of appointment to the Commission) as Trustee or Mayor. Re-election to office as Trustee shall not constitute automatic reappointment to the Commission. The term of each of the Appointed Members shall be three years or until his or her successor takes office. Reappointment of both ex officio members and Appointed

Members to consecutive terms shall be permitted. Except as otherwise provided herein, a member may serve only two consecutive terms. If at the end of an expiring term there are no applicants for the position, then the member may be appointed for an additional term without regard to the number of consecutive terms previously served by such member.

Section 7. Any member of the Commission may be removed, after public hearings, by the Board of Trustees for inefficiency, neglect of duty, or malfeasance in office. The Board of Trustees shall file a written statement of reasons for such removal.

Section 8. Except as otherwise set forth in this Ordinance, vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the Mayor in the case of members designated or appointed by the Mayor and by the Board of Trustees in the case of members appointed by it.

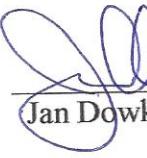
Section 9. At the time when this Ordinance takes effect, if any member of the Commission does not qualify for membership under this Ordinance, such member's membership is terminated. All positions on the Commission shall be subject to appointment or designation in accordance with section 3 of this Ordinance for a period of thirty (30) days after the date this Ordinance takes effect. Absent resignation, automatic termination of membership by operation of this section, or appointment of replacements within thirty (30) days as permitted by this section, all members of the Commission at the time when this Ordinance takes effect shall retain their memberships, which shall be deemed to have commenced on their actual, original commencement date.

Section 10. If one or more reasons are given below, then this ordinance shall take effect immediately upon its adoption because such immediate effectiveness is necessary to the immediate preservation of the public peace, health, or safety for such reasons; otherwise this ordinance shall take effect on October 26, 2012:

PASSED, ADOPTED, SIGNED AND APPROVED this the 25th day of September, 2012.

TOWN OF BERTHOUD

By:


Jan Dowker, Mayor Pro-Tem

ATTEST:

By: Mary K. Cowdin
Mary K. Cowdin, Town Clerk