

ORDINANCE NO. 12

SERIES 2017

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 2, ARTICLE 8 OF THE CRESTED BUTTE MUNICIPAL CODE TO EXPAND THE CREATIVE DISTRICT COMMISSION MEMBERSHIP AND INCLUDING REQUIREMENTS RELATED THERETO

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Chapter 2, Article 8 of the Crested Butte Municipal Code (the "**Code**") contains membership requirements for the Crested Butte Creative District Commission (the "**Commission**");

WHEREAS, on March 19, 2017, the Town Council received a request from the members of the Commission to expand its membership to include two additional at-large members each with three-year appointed terms; and

WHEREAS, the Town Council finds that the expansion of the Commission's membership will, in addition to providing additional input for appropriate guidelines for the placement of works of art within Crested Butte, lead to the further development of public arts and culture in Crested Butte that will mutually benefit the business and cultural environment of Crested Butte and the surrounding communities, and expanding the membership of the Commission is therefore in the best interest of the environment and the health, safety and general welfare of the residents and visitors of Crested Butte, thus necessitating the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Section 2-8-40 of the Code. Section 2-8-40 of the Code is hereby deleted in its entirety and replaced with the following new Section that shall read as follows:

"Sec. 2-8-40. Members; Term.

(1) The Town Council shall appoint the voting members of the CBCD Commission. The CBCD Commission shall be comprised of nine voting members. The Commission shall be comprised of four members that represent the arts and creative sector, and five members that represent the community at large.

(2) In addition to the nine voting members, the CBCD Commission shall include two ex-officio members. The Town Council shall appoint one of the Council Members as an ex-officio member and liaison to the CBCD Commission. The Town Council member shall only vote in the event of a tie vote of the other CBCD Commission members. The other ex-officio member shall be the Town Manager or her designee. The Town Manager or her designee shall not have voting power.

(3) Members shall serve without compensation, except for those expenses incurred in connection with the work of the CBCD Commission as approved by the Town Manager or his designee.

(4) Terms of the members shall be three years and shall be staggered so that one third (1/3) of the members shall be appointed each year, provided that the initial appointments in 2016 (1st year of operation) shall be two members for a one-year term, two members for a two-year term and three members for a three-year term. New additional members appointed as of June 1, 2017 shall have three-year terms commencing on the date of appointment by the Town Council. In the event of death, resignation or removal of any member, his or her successor shall be appointed for the duration of the unexpired term.”

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 1st DAY OF May, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 15th DAY OF May, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

