

POSTPONED – NO ACTION TAKEN

COUNCIL BILL NO. 3115

ORDINANCE NO. 1115

ORDINANCE

AN ORDINANCE AMENDING TITLE 2 OF THE MANITOU SPRINGS MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 2.21 ESTABLISHING A MINERAL SPRINGS ADVISORY BOARD

WHEREAS, the City of Manitou Springs Charter grants City Council the power and authority to create boards and commissions for advisory and fact-finding purposes by ordinance setting forth the powers and duties to be delegated; and

WHEREAS, the City has rights to several mineral springs in and around the City;

WHEREAS, the City recognizes the importance of preserving and developing mineral springs in and around the City; and

WHEREAS, the City desires to create an advisory board to review matters involving design, engineering, construction, preservation and maintenance of the mineral springs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Title II of the Manitou Springs Municipal Code is hereby amended by the addition of the following chapter:

Chapter 2.21 – Mineral Springs Advisory Board

2.21.010 – Mineral Springs Advisory Board

The City Council establishes an advisory board to be called the Mineral Springs Advisory Board. The purposes of the Board shall be to:

- A. Review and make recommendations to the City Council regarding potential studies of the mineral springs.
- B. To undertake and oversee any policies, programs or expenditures concerning the mineral springs as approved by the City Council.
- C. Review and make recommendations to City Council regarding engineering or improvements to the engineering related to the mineral springs.
- D. Review and make recommendations to the City Council regarding the preservation of the mineral springs.
- E. Review and make recommendations to the City Council regarding construction projects related to the mineral springs.

2.21.020 – Membership

- A. The Mineral Springs Advisory Board shall consist of _____ regular members appointed by the City Council. All members shall be qualified electors of the City.
- B. City Council may appoint not more than _____ alternate members of the Board. Alternate members may only vote when appointed by the Chairman of the Board to act on behalf of an absent voting member. Alternate members shall also be qualified electors of the City.
- C. A member of the City Council may also serve as liaison to the Board and shall be an ex-officio member of the Board.
- D. The City Council shall have sole discretion to appoint members. If the City Council fails to appoint a member, the seat shall remain vacant until a new appointment is made by the City Council.
- E. Members of the Board shall be appointed to serve _____ year terms. The first appointments shall be for staggered terms of one year (____ members), two years (____ members) and three years (____ members). Which appointee serves which term shall be determined by the Mayor. Terms shall run from (month) of any given year.
- F. Any members whose term expires may seek reappointment. Term limits shall not apply.

2.21.030 – Bylaws, rules and procedures

The Mineral Springs Advisory Board shall make its own bylaws, rules and procedures to govern its meetings, election of officers, and for the transactions of its regular business. Meetings of the Mineral Springs Advisory Board shall be open to the public and minutes shall be recorded with copies thereof provided to City Council after their approval.

2.21.040 – Powers and duties

- A. Make recommendations to the City Council regarding preservation and development of mineral springs in and around the City, including recommendations of potential studies to assist in this duty;
- B. Recommend to City Council the purchase or lease of property or water rights for the development of mineral springs, including provisions for funding such acquisitions;
- C. Investigate and report to City Council on the availability and use of various funding sources to fund the preservation and development of mineral springs;
- D. Hear citizen comments regarding mineral springs at its regular meetings;

- E. Work with third party organizations and citizens to develop proposals related to the preservation and development of mineral springs; and
- F. Assist the City Council in formulation of long-range plans for the preservation and development of mineral springs.

The Mineral Springs Advisory Board shall serve solely in an advisory role, and shall have no power to act on behalf of or legally bind the City of Manitou Springs.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect _____ days after passage of Ballot Issue No. _____.