

**TOWN OF FRASER
ORDINANCE NO. 485
Series 2021**

AN ORDINANCE AMENDING CHAPTER 2 ARTICLE 10 OF THE FRASER MUNICIPAL CODE
REGARDING THE WATER AND WASTEWATER COMMITTEE

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO, THAT:

PART 1: AMENDMENT OF MUNICIPAL CODE.

Chapter 2 (Water and Wastewater Committee), Article 10 of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") is hereby amended as follows [Note: additions are shown in **bold underlined** print; deletions are shown as ~~strikethrough~~ print]:

ARTICLE 10 - Water and Wastewater **Advisory** Committee

Sec. 2-10-10. - Creation.

There is hereby created a Water and Wastewater **Advisory** Committee for the Town composed of ~~seven (7)~~ **five (5)** members who may perform all functions currently or hereinafter authorized by this Article and future ordinances adopted by the Board of Trustees.

Sec. 2-10-20. - Members.

The Water and Wastewater **Advisory** Committee shall consist of ~~four (4)~~ **two (2)** ex officio members who shall be ~~the Mayor and three (3)~~ members of the Board of Trustees selected by the Board of Trustees. The balance of the Water and Wastewater **Advisory** Committee shall consist of three (3) members appointed by the Board of Trustees. All members of the Water and Wastewater **Advisory** Committee may be compensated as established by resolution of the Board of Trustees.

Sec. 2-10-30. - Terms.

The terms of the ex officio members shall correspond to their respective official tenure. The terms of each of the appointed members shall be two (2) years, or until his or her successor takes office. Terms of the appointed members shall be concurrent with the two-year municipal election cycle.

Sec. 2-10-40. - Eligibility.

All members of the Water and Wastewater **Advisory** Committee shall be bona fide residents of the Town, own property within the Town or have at least ten-percent ownership interest in a business that owns property within the Town. If any member ceases to meet these eligibility requirements, his or her membership on the Water and Wastewater **Advisory**

Committee shall immediately terminate.

Sec. 2-10-50. - Removal from Water and Wastewater Committee.

Members, other than a member currently serving on the Board of Trustees, may be removed by resolution of the Board of Trustees for inefficiency, neglect of duty or malfeasance in office, or if such member has missed three (3) consecutive meetings or three (3) meetings in a fiscal year unless such absences shall be excused by the Committee. The Mayor or the Board of Trustees, as the case may be, shall file a written statement of reasons for such removal for consideration by the Board of Trustees. Due to the nature of matters that may be considered by the Water and Wastewater **Advisory** Committee, members are expected to serve with discretion and shall be required to enter into confidentiality agreements with the Town.

Sec. 2-10-60. - Chairperson.

The Water and Wastewater **Advisory** Committee shall elect a Chairperson from among the members. The term of the Chairperson shall be one (1) year, with eligibility for reelection.

Sec. 2-10-70. - Expenditures and employees.

The Water and Wastewater **Advisory** Committee is not authorized to hire any employees or expend any Town funds. The Town Manager will assign staff and make other resources available as he or she deems appropriate.

Sec. 2-10-80. - Responsibilities.

- (a) The Water and Wastewater **Advisory** Committee shall act in an advisory capacity to the Board of Trustees as requested by the Board of Trustees and/or the Town Manager.
- (b) The Water and Wastewater **Advisory** Committee is authorized to explore matters related to water and wastewater and make recommendations to the Board of Trustees and/or the Town Manager.
- (c) The Water and Wastewater **Advisory** Committee shall hold at least one (1) regular meeting quarterly. A quorum is not required in order to hold a meeting. **Meetings will be held the second Tuesday of January, April, July, and October beginning at 9:00 AM at the Fraser Town Hall.**

Sec. 2-10-90. - Appeals.

- (a) The Water and Wastewater **Advisory** Committee shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official or Town staff charged with the administration or enforcement of

any provision of Chapter 13 (Municipal Utilities), Article 2 (Water System) and Article 4 (Sanitary Sewer System), except for any decision or determination made by the Board of Trustees pursuant to said Articles, which action shall be final.

- (b) Notice of such appeal shall be in writing, specifying the grounds thereof, which shall be filed with the administrative officer or official from whom the appeal is taken within ten (10) days after the issuance of the order, decision or other action that is the subject of the appeal. Failure to file a notice of appeal within the prescribed time shall constitute a waiver of the right to appeal.
- (c) Upon receipt of the notice of appeal, the officer or official from whom the appeal is taken shall transmit to the Town Clerk all documents constituting the record upon which the action appealed from was taken and the Town Clerk shall provide the same to the Committee.
- (d) The Committee shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties. Upon hearing, any party may appear in person or by agent or attorney. The Water and Wastewater **Advisory** Committee may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer or official from whom the appeal is taken, subject, however, to the vote requirements specified in Subsection (e) below.
- (e) The concurring vote of ~~four (4)~~ **three (3)** members of the Water and Wastewater **Advisory** Committee shall be required to overturn or modify decisions made by any Town official or staff upon appeal to the Committee.
- (f) The Water and Wastewater **Advisory** Committee shall render its decision on an appeal within a reasonable time, which decision shall be made or confirmed in writing and delivered or mailed to each party to the appeal.

Sec. 2-10-100. - Appeals from Water and Wastewater **Advisory** Committee.

Every decision of the Water and Wastewater **Advisory** Committee shall be subject to review by certiorari by the District Court and as provided by law. Such appeal shall be filed not later than thirty (30) days from the final action taken by the Water and Wastewater **Advisory** Committee. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Town.

Sec. 2-10-110. - Fees; rules.

- (a) All appeals to the Water and Wastewater **Advisory** Committee shall be accompanied by payment of a fee as set forth in Appendix A to this Code for each

separate appeal submitted. Said fee shall not be refunded, notwithstanding that the applicant has withdrawn such appeal or that the same is denied by the Water and Wastewater **Advisory** Committee.

- (b) The Water and Wastewater **Advisory** Committee is given the authority to adopt any rules necessary to transact the Committee's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of the applicable state statutes and this Code and, provided further, that such rules and any amendments thereto must be approved by the Board of Trustees before taking effect.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 5: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS _____ DAY OF _____, 2021.

Votes in favor: _____
Votes opposed: _____
Votes abstained: _____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

(S E A L)

ATTEST: _____
Antoinette McVeigh, Town Clerk

Published in the *Middle Park Times* on _____.