

**TOWN OF FRASER
ORDINANCE NO. 490
Series 2023**

AN ORDINANCE AMENDING CHAPTER 2 ARTICLE 10 OF THE FRASER MUNICIPAL CODE REGARDING THE APPOINTMENT OF THE JOINT FACILITIES OVERSIGHT COMMITTEE

WHEREAS, in 2001 The Upper Fraser Valley Wastewater Treatment Agreement (the Joint Agreement) was entered into by and between the Fraser Sanitation District (FS), Winter Park West Water and Sanitation District (WPW) and Grand County Water and Sanitation District #1(GC),

WHEREAS, the purpose of the Joint Agreement is for FS, WPW and GC to cooperate in the joint construction, maintenance and operation of joint interceptor sewer lines and joint sewage treatment facilities(the Joint Facilities),

WHEREAS, the Joint Agreement created the Joint Facilities Oversight Committee (JFOC), a nine-member oversight committee comprised of three members of the Board of Directors of each District appointed by the respective District. The committee is not a separate political entity. Each member of the JFOC serves at the pleasure of the District which appoints such member. In addition to appointing members of the JFOC, each District also may appoint any member of its Board not appointed to the JFOC to act as an alternate at any meeting of the JFOC,

WHEREAS, the JFOC was established as an oversight committee to represent the three Districts generally for the purposes of construction, expanding, operating, managing and maintaining the Joint Facilities for the benefits of the Districts, and communicating with the Joint Facilities Manager.

WHEREAS, in 2009 the Fraser Sanitation District was dissolved. Pursuant to Town of Fraser Resolution No. 2009-11-03 and the Agreement to Continue Services entered into by and between the District and the Town of Fraser, the Town assumed all rights, obligations and duties of the District under the Joint Agreement.

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 (Administration) 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 Joint Facilities Oversight Committee Appointees

Sec. 2-10.10. Creation.

The Upper Fraser Valley Wastewater Treatment Agreement created the Joint Facilities Oversight Committee (JFOC). Pursuant to the Agreement, the Board of Trustees appoints three (3) Trustees to serve as its representatives on the JFOC..

Sec. 2.10.20. Members.

The Town of Fraser's appointees to the Joint Facilities Oversight Committee shall consist of three (3) members of the Board of Trustees selected by the Board of Trustees. The Board of Trustees also may appoint another Trustee, not appointed to the JFOC, to serve as an alternate.

Sec. 2.10.30. Terms.

Once appointed by the Board, the terms of the JFOC members shall correspond to their respective official tenure as members of the Board of Trustees. The terms of each of the appointed members shall continue until the second regular municipal election following the appointment or until his or her successor takes office. Selections or appointments to fill any vacancies caused by the expiration of a member's term shall be made within thirty (30) days following the regular municipal election at which the member's term expires

Sec. 2.10.40 Responsibilities.

The appointed members of the Joint Facilities Oversight Committee may perform all functions and exercise all rights and responsibilities of the JFOC as currently or hereinafter authorized by The Upper Fraser Valley Wastewater Treatment Agreement, all relevant current and future agreements, this Article, and future ordinances as adopted by the Board of Trustees.

Sec. 2.10.50 Resignation, Removal and Vacancy.

- (a) A Trustee appointed as a member of the JFOC may resign by providing written notice to the Mayor.**
- (b) A Trustee appointed as a member of the JFOC may be removed by resolution of the Board of Trustees for neglect of duty or malfeasance in office, or if such member has missed three (3) consecutive meetings of the JFOC or three (3) meetings of the JFOC in a fiscal year unless such absences shall be excused by the Board of Trustees. 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.**
- (c) Any vacancy resulting from the tender of resignation or removal by the Board of Trustees shall be filled by Trustees by appointment at a regular Board meeting.**

Sec 2.10.60 Compensation.

Appointees shall be compensated per Sec. 2.2.50 of the Municipal Code Compensation of Mayor and Trustees, as though a meeting of the JFOC were a meeting of Board of Trustees.

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 _____, 2023.

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