

## **ORDINANCE NO. 1219**

### **AN ORDINANCE AMENDING THE FORT MORGAN MUNICIPAL CODE CONCERNING THE COMPOSITION OF THE HISTORIC PRESERVATION BOARD.**

**WHEREAS**, the City of Fort Morgan previously created a Historic Preservation Board which advises City Council on matters related to preservation and recognition of historic sites within the City; and,

**WHEREAS**, there are several persons who have expressed an interest in participating on the Historic Preservation Board; and,

**WHEREAS**, inconsistencies between the Fort Morgan Municipal Code and the Historic Preservation Board bylaws concerning the number of persons who can serve on the Board have been identified; and,

**WHEREAS**, the Historic Preservation Board has recommended that the Fort Morgan City Council adjust the Municipal Code to allow between five and nine members to be appointed to the Historic Preservation Board and also amend the bylaws accordingly to ensure harmonization and clarification for quorum and board size; and,

**WHEREAS**, a copy of the proposed bylaws has been attached to this ordinance as Exhibit A; and,

**WHEREAS**, updating the Fort Morgan Municipal Code and updating the Historic Preservation Board bylaws require action by the Fort Morgan City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO**, as follows:

SECTION 1. The Fort Morgan Municipal Code Chapter 2, Article 9 is hereby amended as reflected below:

#### **Sec. 2-9-10. - Historic Preservation Board established.**

There is hereby created a Historic Preservation Board, referred to herein as the "Board," which shall have principal responsibility for matters of historical preservation of historic sites and districts within the municipal boundaries of the City.

(1) Membership. The Board shall consist of AT LEAST five (5) members BUT NOT MORE THAN NINE (9) MEMBERS providing a balanced, community-wide representation. Members shall reside, or own real property, within the corporate

limits of the City. Efforts will be made to appoint at least two (2) members who are experienced in the fields of history, architecture or planning. No more than one (1) member may reside outside of the City. The City Manager OR HIS OR HER DESIGNEE shall serve as the technical consultant to the Board.

(2) Appointments and terms of office; vacancies; removals. Members of the Board shall be appointed by City Council and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original members shall serve as follows:

- a. One (1) appointee shall serve a one-year term;
- b. Two (2) appointees shall serve two-year terms; and
- c. Two (2) appointees shall serve three-year terms.

A member shall serve until a successor is appointed. Members may be appointed to serve successive terms without limitations. Appointments to fill vacancies on the Board shall also be made by the City Council. All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties. The City Council may remove a member of the Board for neglect of duty or malfeasance in office or for other good cause or without cause in its discretion.

(3) Quorum and voting. A quorum for the Board shall consist of A MAJORITY OF THEN APPOINTED MEMBERS~~three (3) members~~. A quorum is necessary for the Board to hold a public hearing or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

**SECTION 2.** The Fort Morgan Historic Preservation Board bylaws are hereby amended as reflected in the attached Exhibit A.

**SECTION 3.** If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.


**SECTION 4.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 5.** The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

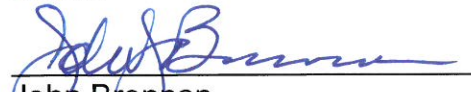
**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED** on the 21st day of August, 2018.



THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

  
By: Ronald Shaver  
Mayor

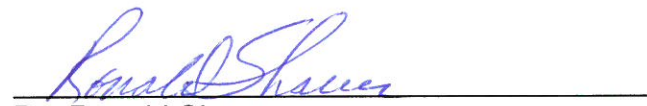
Attest:

  
John Brennan  
City Clerk


PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 4th day of September, 2018.



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

  
By: Ronald Shaver  
Mayor

Attest:


  
John Brennan  
City Clerk

STATE OF COLORADO                   )  
COUNTY OF MORGAN               )ss.  
CITY OF FORT MORGAN             )

**CERTIFICATE**

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1219** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan,

Colorado, on the 21st day of August, 2018. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 24th day of August, 2018, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 4th day of September, 2018. Within five (5) days after its final passage, said **Ordinance No. 1219** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



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John Brennan  
City Clerk