

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB30

ORDINANCE NUMBER: 2018-30

**TITLE: AN ORDINANCE REPEALING AND REENACTING THE CITY OF
 BLACK HAWK GUIDELINES FOR RESTORATION AND
 PRESERVATION PROJECTS**

WHEREAS, Colo. Const. Art. XVIII, § 9(5)(b) provides that the City of Black Hawk may expend monies from their twenty percent (20%) of the state historical fund for the "preservation and restoration" of the City of Black Hawk (the "Twenty Percent");

WHEREAS, the City previously adopted Ordinance No. 2003-09, legislatively determining guidelines from the Twenty Percent;

WHEREAS, the City of Black Hawk, along with the Cities of Central and Cripple Creek, were the subject of a performance audit conducted by the Colorado Office of the State Auditor (the "Performance Audit");

WHEREAS, the Performance Audit addressed the expenditures of all three (3) cities that receive a portion of the Twenty Percent, and the Performance Audit found that even using a narrow meaning of the term historic preservation, that only five percent (5%) of the expenditures of the City of Black Hawk were outside the common narrow meaning of the term historic preservation;

WHEREAS, based on information learned in the Performance Audit, and based on the City's experience in administering the Twenty Percent over twenty-five (25) years, the City desires to update the types of projects located within the City of Black Hawk that qualify as being for the "preservation and restoration" of the City of Black Hawk; and

WHEREAS, the City Council of the City of Black Hawk desires to set forth the updated guidelines of the types of projects for which expenditure of the Twenty Percent is authorized, which are generally described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "City Preservation and Restoration Projects").

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK:

Section 1. Funds received by the City of Black Hawk from the Twenty Percent as described herein shall only be used for the City Preservation and Restoration Projects as described in **Exhibit A**.

Section 2. Ordinance No. Ordinance No. 2003-09 is hereby repealed.

Section 3. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 14th day of November, 2018.


David D. Spellman, Mayor

ATTEST:

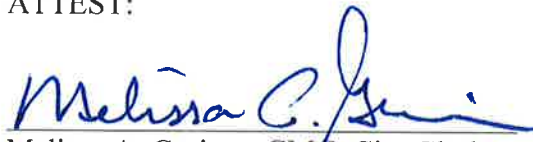

Melissa A. Greiner, CMC, City Clerk



EXHIBIT A
(Ordinance No. 18-30)

1. Mountain City Project, including the necessary support infrastructure such as parking facilities.
2. Preservation and restoration of City-owned rock walls.
3. All Public Utility Restoration and Preservation Projects, including, but not limited to, the undergrounding of service facilities, water line replacements, water facility replacements, and pedestrian lighting.
4. Street Restoration Projects, including, but not limited to, improvement of existing street and sidewalk infrastructure such as paving and, where necessary, widening, and the restoration of bridges.
5. All Public Drainage Infrastructure Projects, in order to preserve historic structures within the City.
6. Renovation and restoration of the Black Hawk City Hall and other existing municipal facilities.
7. Restoration of the City cemetery.
8. Creation and maintenance of facilities that support the preservation and restoration of the City of Black Hawk, including, but not limited to, the development of museums and heritage tourism in support of the preservation and restoration of the City.
9. Implementation of the City of Black Hawk Public Open Space and Heritage Master Plan, and the City's Comprehensive Plan, as amended, including land acquisition.
10. Creation, maintenance, preservation and restoration of publicly owned and governmental facilities that are central to the City of Black Hawk's heritage and culture, including land acquisition to obtain necessary facilities.
11. Creation, maintenance, preservation and restoration of community oriented facilities that are central to the City of Black Hawk's heritage and culture, including land acquisition to obtain necessary facilities.