

**Town of Basalt  
Ordinance No. 17  
Series of 2018**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, AMENDING CHAPTER 2, ARTICLE IX - VICTIMS AND WITNESSES  
ASSISTANCE LAW ENFORCEMENT BOARD AND SECTION 2-139(5) - IMPOSITION  
OF COURT COSTS, PROVIDING FOR THE DISBURSEMENT OF FUNDS RECEIVED  
THROUGH SAID SURCHARGE OF THE BASALT MUNICIPAL CODE**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to the Home Rule Charter for the Town of Basalt and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code;

B. C.R.S. 24-4.2-109 expressly provides that municipalities such as the Town of Basalt may enact ordinances to provide funds for law enforcement agencies and victims and witnesses assistance programs as hereinafter provided;

C. On June 12, 2001, the Town of Basalt, Colorado, approved Ordinance Number 12, Series 2001 adopting Article IX to Chapter 2 of the Town of Basalt Municipal Code which established a Victims and Witnesses Assistance and Law Enforcement Board ("VALE");

D. The Town wishes to amend the VALE Code to better serve victims and witnesses of crime in Basalt; and

E. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code as provided herein and is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Basalt, Colorado as follows:

1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Chapter 2, Article IX – Victims and Witnesses Assistance and Law Enforcement Board. Chapter 2, Article IX of the Basalt Municipal Code is hereby amended to read as follows, with additions shown in **bold, underlined text** and ~~strike-through language~~ deleted:

**ARTICLE IX – VICTIMS AND WITNESSES ASSISTANCE AND LAW  
ENFORCEMENT BOARD**

**Sec. 2-361. - Creation; composition.**

(a) Creation. There is hereby created and established the Town of Basalt's Victims and Witnesses Assistance and Law Enforcement Board, hereinafter referred to as the "VALE Board:" or the "Board."

(b) Composition. Such Board shall consist of five (5) members to be appointed by the Town Council, two (2) of whom shall be citizens at large, two (2) of whom will be incumbent Councilors, and the Chief of Police.

**Sec. 2-362. - Powers; duties and functions.**

(a) The Board shall designate one (1) of its members as chairman, shall establish bylaws and rules of procedure and order, and shall hold meetings as it might deem necessary.

(b) A surcharge of a percentage of the fine imposed for violation of all municipal ordinances, including ordinance violations under the Model Traffic Code, is hereby levied on each Municipal Court action resulting in a conviction, plea of guilty or no contest, or in a deferred judgment and sentence, which municipal ordinance violation is charged pursuant to the Town ordinances. The percentage surcharge shall be in a percentage approved by the Town Council pursuant to Section 2-381 et seq. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge levied shall be computed based upon the original fine, regardless of whether a portion of said fine has been suspended. Said surcharges shall be paid to the Town by the Defendant, and the Town shall deposit the money so received in the fund hereinafter created.

(c) The Victims and Witnesses Assistance and Law Enforcement Fund, hereinafter referred to as the "Fund," consists of all monies paid as a surcharge as provided in Subsection (b) above and any monetary donations received by the Police Department for victims and witnesses assistance and/or support of law enforcement. All monies deposited in the Fund shall be deposited in an interest-bearing account, and all interest earned by monies in the Fund shall be credited to the Fund. The Town Manager, by and through the Finance Director, shall be responsible for establishing a separate fund for purposes of accounting for the revenues and expenditures. All monies received by donation shall be deposited in the Fund with a specific line item and separately tracked from monies paid as a surcharge as provided in Subsection (b) above. At the conclusion of each fiscal year, all monies remaining in the Fund shall remain in the fund for allocation as hereinafter set forth.

(d) ~~During the initial three (3) months of the Fund's existence, no money shall be allocated from such fund except for Board expenses. After said Fund is in existence, t~~ The Board shall disburse monies from the Fund paid as a surcharge as provided in Subsection (b) above in the following manner and order:

(1) First, to the payment of all reasonable and necessary expenses and costs incurred by the Board in the performance of its duties, including, but not limited to, professional fees, office supplies and meeting expenses.

(2) Second, not less than ~~thirty five~~ninety percent (~~35~~90%) of the monies remaining in the fund after the deduction of reasonable expenses and costs shall be allocated for the purchase of victims and witnesses services and reimbursements, as hereinafter set forth. ~~No funds shall be paid except in those specific instances where a formal summons and complaint has been filed by the Police Department in the Municipal Court.~~

(3) Third, any remaining monies may be allocated to the Police Department for the support of law enforcement, following purposes, including, but not limited to, purchase of equipment, training programs and additional personnel. Such funds shall not be used by the Police Department for defraying the costs of routine and ongoing operation expenses. No disbursement of more than two thousand dollars (\$2,000.00) within this category of expenditures shall be made without the approval of the Town Council following a written recommendation by the Board.

**(e) The Board shall disburse monies from the Fund received as a donation for: victims and witnesses assistance purposes, support of law enforcement, and related purposes in the Town of Basalt or Roaring Fork Valley. Such funds shall not be disbursed to the Police Department for defraying the costs of routine and ongoing operation expenses. No disbursement of more than two thousand dollars (\$2,000.00) shall be made without the approval of the Town Council following a written recommendation by the Board**

(e) Disbursement of funds by the Board on behalf of victims and witnesses assistance services may be used for the following purposes:

(1) Provision of services for early crisis intervention.

(2) Provision of telephone lines for victims and witnesses assistance.

~~(3) Referral of victims to appropriate social service and victim compensation programs and assistance in filling out forms for compensation.~~

~~(4) Assistance programs for victims and their families.~~

~~(5) Education of victims and witnesses about the operation of the criminal justice system.~~

~~(64)~~ Assistance in prompt return of the victims' property.

~~(7)~~ Notification to the victim of the progress of the investigation, the defendant's arrest, subsequent bail determinations and the status of the case.

~~(8)~~ Intercession with the employers or creditors of victims or witnesses.

~~(95)~~ Assistance to **victims and witnesses** the elderly and to persons with disabilities in arranging transportation to and from court.

~~(106)~~ Provision of translator services.

~~(11)~~ Coordination of efforts to assure that victims have a secure place to wait before testifying.

~~(12)~~ Provision of counseling or assistance during court appearances when appropriate.

~~(137)~~ Protection from threats of harm and other forms of intimidation, **including assistance with applications for protective orders.**

~~(148)~~ Special advocate services.

**(9) Recovery for damage to any property not covered by insurance.**

(fg) The Board is authorized to accept and evaluate all applications for disbursement of funds, whether emanating from victims, witnesses or law enforcement agencies. Applications for disbursement shall be made upon forms prescribed by the Board, and made available by the Municipal Court and the Police Department. The Board shall establish its own criteria for evaluating applications for disbursement, and nothing herein contained shall obligate the Board to make disbursement of any funds available to it. Upon a finding by the Board that a disbursement shall be made from the Fund, the Board shall submit a written request for payment to the Finance Department, which shall then remit payment in accordance with the request.

(gh) The Board is required to submit minutes of its meetings to the Town Council at the next regular Town Council meeting following the Board's **approval of the minutes** meeting.

3. **Section 2-139 – Imposition of Court Costs.** Section 2-139(5) of the Basalt Municipal Code is of the Town Code is hereby amended to read as follows, with additions shown in **bold, underlined text** and strike-through language deleted:

**Sec. 2-139. - Imposition of Court costs.**

The Municipal Judge is empowered, in his or her discretion, to assess the following costs against any defendant who is found guilty of violating any provision of this Code or any of the ordinances of the Town or against any defendant who is granted deferred prosecution or deferred sentence:

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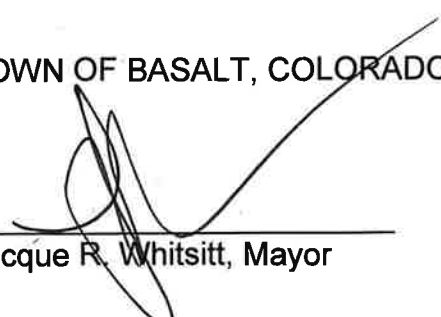
- (5) VALE surcharge. Victims and Witnesses Assistance. A surcharge equal to a percentage of the fine imposed for violation of municipal ordinances, including violations under the Model Traffic Code, in the amount of twenty-five percent (25%) shall be charged. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge levied shall be computed based upon the original fine, regardless of whether a portion of said fine has been suspended. Said surcharge shall be paid to the Clerk of the Court by the Defendant, and said Clerk shall deposit the money so received in the Victims and Witnesses Assistance Fund. Disbursement of funds shall be in accordance with the guidelines set forth in Section 2-362(d).
4. If any section, part, subpart, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each section, part, subpart, sentence, clause or phrase thereof regardless of the fact that any one or more sections, parts, subparts, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING AND SECOND READING TO BE HELD ON October 23, 2018 by a vote of 7 to 0 on October 9, 2018.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on October 23, 2018.

TOWN OF BASALT, COLORADO

By:

  
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Jacquie R. Whitsitt, Mayor

Attest:

By: *Pamela K Schilling*  
Pamela Schilling, Town Clerk



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