

ORDINANCE NO. 20-\_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 02-24 (ORDINANCE ORGANIZING THE BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT) TO ALLOW CITY COUNCIL TO FILL VACANCIES ON THE BOARD OF DIRECTORS OF THE BRIARGATE BUSINESS IMPROVEMENT DISTRICT BY APPOINTMENT

WHEREAS, on or about February 12, 2002, the City Council of the City of Colorado Springs organized the Briargate Center Business Improvement District (the "District") by the adoption of Ordinance No. 02-24; and

WHEREAS, Ordinance No. 02-24 provides that pursuant to Section 31-25-1209(d)(1), C.R.S., the members of the Board of Directors of the District are to be elected by the eligible electors of the District; and

WHEREAS, neither Section 31-25-1209(d)(1), C.R.S., nor Ordinance No. 02-24 provides a mechanism to fill vacancies on the Board of Directors outside of an election; and

WHEREAS, on December 5, 2019 City Council adopted Resolution No. 139-19 in order to temporarily appoint Directors to the then vacant Board of the District; and

WHEREAS, By amending Ordinance No. 02-24, the process by which vacancies on the Board of Directors may be filled will be amended to ratify the City Council's prior action in adopting Resolution No. 139-19 and to provide clear authority for future temporary board appointments as may be needed; and

WHEREAS, City Council desires to amend Ordinance No. 02-24 to provide a process whereby City Council may when necessary fill vacancies on the District's Board of Directors to serve until the next regular special district election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. That Ordinance No. 02-24 is hereby amended to add the following to the end of Section 4 of Ordinance No. 02-24:

**In the event of a vacancy on the District's Board of Directors, City Council may fill such vacancy by appointing an elector of the District, by resolution, to serve as a member of the Board of Directors until the next regular special district election. Any such appointee is subject to the requirements of the Business Improvement District Act and must carry out the responsibilities required of the District's Board of Directors by the Business Improvement District Act and other applicable law. All prior acts of City Council to fill vacancies on the Board are hereby ratified.**

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

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