

Title

Pursuant to City Code § 1.4.105 (Candidates for Election), Colorado Springs Utilities Employee Request for City Council Consent to Run for Ellicott School District 22 Board of Education and, If Elected, Request to Waive the Requirement to Terminate Employment

Presenter:

Tracy Lessig, City Attorney's Office

Summary:

Pursuant to City Code § 1.4.105 (Candidates for Election), Colorado Springs Utilities employee Michael Ferguson is requesting consent from City Council to run for Ellicott School District 22 Board of Education. He is also requesting waiver of the requirement to terminate employment if he is elected to the position. Ellicott School District 22 is within the service area of Colorado Springs Utilities. City Council can revoke its consent to run and, if he is elected, waiver of the requirement to terminate employment if Mr. Ferguson fails to comply with any City Charter provision, City Code provision, Colorado Springs Utilities policy or procedure, or any other applicable law or regulation regarding campaigning while on duty or use of City/Utilities resources.

Background:

In February of 2021, City Code § 1.4.105 (Candidates for Election) was amended to address when City employees (including Utilities employees) must terminate employment if they run for elected office. The ordinance requires City/Utilities employees to terminate employment with the City/Utilities upon filing a candidate nomination petition for any elective office of the City. The ordinance also requires City/Utilities employees to terminate employment upon filing a statement of candidacy or a candidate affidavit for any elective office of the Federal Government, the State of Colorado, the County of El Paso, the City or any school district lying wholly or partly within the City limits or within the service area of the Utilities unless the Mayor or a majority of City Council, as appropriate, give consent. In addition, the ordinance requires City/Utilities employees elected or appointed to any elective office of the Federal Government, the State of Colorado, the County of El Paso, or any school district lying wholly or partly within the City limits or within the service area of the Utilities to terminate employment with the City/Utilities upon acceptance of such elective office unless this requirement is waived by the Mayor or a majority of City Council, as appropriate.

Previous Council Action:

City Code § 1.4.105 (Candidates for Election) was amended in February of 2021.

Financial Implications:

N/A

Staff Recommendation:

Colorado Springs Utilities recommends that City Council give consent to Mr. Ferguson to run for Ellicott School District 22 and, if he is elected, waive the requirement that he terminate employment. It is the opinion of Colorado Springs Utilities leadership that Mr. Ferguson's position as an Operations Supervisor with Colorado Springs Utilities does not constitute an inherent conflict with holding office on the Ellicott School District 22 Board of Education. Colorado Springs Utilities also recommends City Council reserve the authority to revoke its consent to run and, if he is elected, waiver of the requirement to terminate employment if Mr. Ferguson violates any City Charter provision, City Code provision, Colorado Springs Utilities

policy or procedure, or any other applicable law or regulation regarding campaigning while on duty or use of City/Utilities resources.

Stakeholder Process:

N/A

Alternatives:

City Council could decline to give Mr. Ferguson consent to run for Ellicott School District 22 Board of Education and decline to waive the requirement he terminate employment with Colorado Springs Utilities if elected to the position.

Proposed Motion:

Motion to give Michael Ferguson consent to run for Ellicott School District 22 Board of Education and, if he is elected to the position, to waive the requirement he terminate employment with Colorado Springs Utilities, with the understanding that City Council may revoke its consent to run or, if he is elected, waiver of the requirement to terminate employment if Mr. Ferguson violates any City Charter provision, City Code provision, Colorado Springs Utilities policy or procedure, or any other applicable law or regulation regarding campaigning while on duty or use of City/Utilities resources.