

**CITY OF COLORADO SPRINGS**

**RULES AND PROCEDURES**

**OF THE**

**LODGERS AND AUTOMOBILE RENTAL TAX**

**CITIZENS' ADVISORY COMMITTEE**

Approved and adopted by City Council by

Resolution No. \_\_\_\_\_ - \_\_\_\_\_ Effective \_\_\_\_\_

**PART 1**  
**PURPOSE AND APPLICABILITY**

**RULE 1-1. PURPOSE OF THESE RULES AND PROCEDURES**

These Rules and Procedures are promulgated pursuant to City Code § 1.2.903 for the conduct of meetings of the Committee.

**RULE 1-2. AUTHORITY**

The Lodgers and Automobile Rental Tax (“LART”) Citizens’ Advisory Committee (“Committee”) was approved by the Colorado Springs City Council (“Council”) by Ordinance No. 78-245 and codified in City Code at § 2.9.110.

**RULE 1-3. PURPOSE OF THE COMMITTEE**

The purpose of the Committee is to make recommendations to Council concerning the expenditures of the LART fund. City Code § 2.9.110. To this end the Committee shall:

- A. Develop a program for determining the allocation recommendation for the LART fund not expended on the visitor promotion organization referenced in § 2.9.111 of the City Code.
- B. Monitor the quality of visitor promotion activities receiving LART funds and provide feedback to Council on such activities.
- C. Work with Council staff to obtain information and reports necessary to implement LART-related Council policy priorities.

**RULE 1-4. APPLICABILITY**

In addition to any other rules or laws which may be applicable, these Rules and Procedures apply to all meetings and operations of the Committee.

**RULE 1-5. RULES AND PROCEDURES OF CITY COUNCIL**

These Rules and Procedures shall be consistent with the City of Colorado Springs Rules and Procedures of City Council. If any part of these Rules and Procedures are in conflict or inconsistent with the Rules and Procedures of City Council, the Rules and Procedures of City Council shall control.

**RULE 1-6. AMENDMENT**

These Rules and Procedures may be amended or suspended, and new rules may be adopted, by a majority vote of the Committee members. Any such amendments, suspensions, and adoptions of new rules shall become effective upon Council approval.

**RULE 1-7. POWERS**

- A. The Committee is generally advisory in nature to assist Council and staff by preparing recommendations for Council decision. Committee members may not speak or act for Council except when formally given such authority for specific purposes.
- B. The Committee shall not have the power to employ any person for, or on behalf of, the City, or incur any expense, unless specifically authorized by Council.
- C. The Committee cannot exercise authority over staff without specific authority from the Council.

**PART 2  
MEMBERS**

**RULE 2-1. MEMBERS**

Members of the Committee shall be appointed by Council in accordance with Resolution Nos. 254-80 and 137-18, copies of which are attached hereto as Exhibit 1, and shall serve without compensation. In addition, two members of Council shall serve as non-voting *ex-officio* members of the Committee. Members shall not serve with a member of their household or immediate family or with a member that is their employer or employee.

**RULE 2-2. GUESTS**

The members of the Committee may, by majority, invite non-voting members of the public who have subject matter expertise or who represent industries or businesses related to LART's purpose to regularly attend and participate in meetings of the Committee.

**RULE 2-3. MEMBER TERM LENGTH**

Members of the Committee shall serve for three-year terms; provided however, that if an appointed member is no longer employed in the industry for which that member was appointed as a representative such member's term shall terminate at the time that the member's employment in that industry ends. Council may appoint a replacement to serve out the unexpired term for such member.

**PART 3  
MEETINGS**

**RULE 3-1. ANNUAL MEETING**

An annual meeting of the Committee shall be held in January of each year for the purpose of officer elections.

**RULE 3-2. ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY**

The Chair, if not designated by Council, shall be elected as provided in this Rule 3-2. At the annual meeting, the Committee shall elect a Chair (if none is currently serving), a Vice-Chair, and a Secretary by a majority vote of the entire Committee. Candidates for each office shall be nominated by the members present, separately, before the election for each office. No second to a nomination shall be required. Committee members representing the entities who are under multi-year LART funding contracts with the City of Colorado Springs shall not be eligible to serve in these positions. In the event there are more than two (2) candidates nominated for an office and no individual receives a majority vote of the entire Committee, the candidate receiving the least number of votes shall withdraw until one (1) candidate receives a majority vote of the entire Committee. Each elected officer shall serve for a term of one (1) year, or until his or her replacement is duly-elected (or appointed).

**RULE 3-3. CONDUCT OF CHAIR AND VICE CHAIR**

A. The Chair shall preside at all meetings of the Committee. The Chair shall preserve decorum and decide all questions of procedure and order. The Chair shall also set the agenda, appoint committees, coordinate activities and serve as the official spokesperson to the media.

B. In case of the Chair's absence or inability to act, the Vice-Chair shall act as temporary chair until the Chair appears.

C. If both the Chair and Vice-Chair are absent or unable to act, the Committee shall elect a Chair pro-tempore to act until the Chair or Vice-Chair appears.

**RULE 3-4. VACANCY**

A vacancy in the office of the Chair shall be filled automatically by the Vice-Chair and a new Vice-Chair shall be elected at the next regular meeting of the Committee. A vacancy in the office of the Vice-Chair or the Secretary shall be filled at the next regular meeting of the Committee by election in accord with Rule 3-2 above. The member filling the vacancy shall serve until the next annual meeting or, in the case of the Chair, if Council appoints a replacement Chair until such replacement is appointed.

**RULE 3-5. DUTIES OF THE SECRETARY**

The Secretary will be responsible for the Minutes of each regularly-scheduled meeting, all correspondence, recording attendance, recording votes on any Committee action, and notifying members as to their status of membership. Minutes are to be submitted to the member of Council's staff assigned to assist the Committee ("Council Staffer") two weeks prior to the next regular meeting to allow timely circulation to members.

**RULE 3-6. REGULAR MEETINGS**

A. The regular meetings of the Committee shall be held monthly on such a recurrent day and time established by a majority vote of the Committee and as posted in accordance with Rule 3-10 below. Any change to the established schedule shall require written advance notice, in

reasonable time, from the Chair to the Committee.

B. Any regular meeting may be adjourned and reconvened at a time and place by a majority vote of the members present.

### **RULE 3-7. SPECIAL MEETINGS**

Special meetings may be called at such a time and place as stated in the notice of a meeting. The Chair may, upon the written request of three (3) Committee members, call a special meeting of the Committee, by giving written notice to each of the Committee members at least twenty-four (24) hours prior to the meeting. The notice shall state the date, time, place, and purpose for which the meeting is called. Such notice shall be served personally, by e-mail, or by leaving the same at the usual place of business or residence of the Committee member.

### **RULE 3-8. WORK SESSIONS**

The Chair may from time to time call work sessions for the purpose of receiving information or training, hearing presentations, and discussing information. No official or formal action may be taken at work sessions other than to give direction to the efforts of City staff.

### **RULE 3-9. SUBCOMMITTEES**

There shall be no standing committees of the Committee. The Chair may, from time to time, create subcommittees of one or more members for special duties, examinations, investigations and inquiries of interest to or to assist in the study of items before the Committee. Any subcommittee so appointed shall serve until the matter is disposed of by the Committee, unless sooner dismissed by the Chair. The Chair shall appoint all such subcommittee members and a subcommittee chairperson from among the members. No member shall serve on more than two (2) subcommittees simultaneously or as a chair of more than one (1) subcommittee. No subcommittee shall have the power to commit the Committee to the endorsement of any plan, program or request without the approval of the Committee. The Chair and Vice-Chair shall automatically become *ex-officio* members of any subcommittee created under this Rule.

### **RULE 3-10. MEETINGS OPEN TO THE PUBLIC**

All meetings shall be open to the public in accord with the Colorado Open Meetings Law as it applies to the Committee under § 3-60(d) of the City Charter except for executive sessions to receive legal advice or discuss matters required to be kept confidential by law, personnel matters, matters subject to negotiations, or other permitted purposes. No formal actions may be taken at any closed executive session. Agendas shall be posted on the City website monthly. Public comments must be directed to the subject under consideration. The Chair shall rule on the germaneness of public comments. Abusive, personal, impertinent, irrelevant, slanderous or profane remarks, or loud, threatening, personal or abusive language shall not be allowed.

### **RULE 3-11. AGENDA**

A. The Chair, with the assistance of Council Staffer, shall prepare the agenda for all Committee meetings. The agenda shall include all items to be presented to the Committee for action.

B. Whenever possible, the Council Staffer shall submit to the Committee, in advance of the meeting, a meeting or agenda packet containing a copy of the agenda and all facts necessary for the Committee to properly study the items and make recommendations thereon. To this end, the Council Staffer may give a recommendation on the items under consideration.

C. All matters to appear on a regular meeting agenda shall be filed with the Council Staffer not later than ten (10) days prior to the meeting. Matters not filed in accordance herewith shall not be considered, but shall be held over until the next regular meeting, unless leave for immediate consideration is granted by a majority vote of the members present at the meeting. This Rule does not preclude the Chair from submitting other matters considered to be of an emergency nature.

#### **RULE 3-12. REQUESTS FOR POSTPONEMENT**

A. If a proponent of an agenda item requests postponement of the item prior to the meeting, the Chair shall have discretion to continue or postpone the item to the next regular meeting.

B. If a proponent of an agenda item requests postponement of the item after the meeting has been called to order, the Committee shall consider the request when the item is called and take such action as it deems fit by a majority vote of the members present.

C. The Council Staffer or City Attorney may ask for postponement of any item at any time to provide additional time for additional review or information.

D. Any item that is postponed shall be postponed to the next regular meeting or other definite date.

#### **RULE 3-13. EXHIBITS TO THE COMMITTEE**

All parties who wish to submit exhibits to the Committee for the purpose of inclusion in the record shall submit the original of such exhibit and eight (8) copies or and/or one (1) electronic copy thereof to the Council Staffer who shall mark such exhibit and distribute the same to the Committee. Exceptions to this Rule shall be granted by the Council Staff for those exhibits, which may be displayed so that all of the members can simultaneously observe the same.

### **PART 4** **PROCEDURES**

#### **RULE 4-1. QUORUM**

A simple majority of the Committee shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, no action shall be taken.

## **RULE 4-2. ATTENDANCE**

A. Attendance by Committee members at scheduled meetings is vital for the Committee to perform its functions in accord with the City Code. Members are expected to attend meetings and stay in attendance during each meeting. No member may be excused from attending without the permission of the Chair or without good and valid reasons. If a member fails to attend three (3) consecutive scheduled meetings of the Committee without being excused by the Chair, the member shall be dropped from the Committee. Any member who misses more than twenty-five percent (25%) of the meetings in any twelve (12)-month period may be dropped from the Committee. Members will be notified of their excessive absences and will be given the option of resignation or defense. If Council determines that such member has good cause for failing to be present at the meetings the member shall be allowed to remain on the Committee.

### **B. Procedure for Excusal.**

A member who is unable to attend a scheduled meeting (whether regular, special, or other type) shall contact the Chair no later than 12:00 p.m. the day of the meeting and request to be excluded from the meeting. The member shall state the reason for the absence. Failure to comply with this Rule, except in cases of emergency, shall result in an unexcused absence.

The Chair shall inform the Committee during the call to order of the member's request to be excused. The member shall be considered excused unless a Committee member calls for a vote on excusal.

## **RULE 4-3. PROCEDURE**

The Chair shall run preserve decorum and decide all questions of procedure and order, subject to appeal to the Committee.

## **RULE 4-4. VOTING**

A. The Committee shall act only by motion. Every Committee member present when a question is put forth shall vote thereon unless it would constitute a conflict of interest under the City Charter or City Code of Ethics. Any member of the Committee who has a personal or private interest in any item proposed or pending before the Committee shall disclose such interest to the Committee at the meeting, shall recuse himself or herself and not vote on the item; and shall refrain from attempting to influence the decisions of the other members of the Committee in voting on the item..

B. Whenever a vote is taken, each Committee member present shall vote "yes", "no" or "abstain" (in the case of a conflict of interest). In case of a tie vote on any proposal, the proposal shall be considered lost/failed.

C. Since these rules are designed for the protection of the minority, they need not be strictly enforced by the Chair. When there appears to be no opposition to a matter, the formality of voting can be avoided by a member's requesting unanimous (or general) consent to a proposal or by the Chair's asking if there is any objection to a proposal, and if there is none, announcing the result as "unanimous consent" to the matter.

**PART 5**  
**CODE OF ETHICS**

**RULE 5-1. COVERED PERSONS**

The City of Colorado Springs Code of Ethics, codified in Article 3 of Chapter 1 of the City Code applies to all Council-appointed committees. The City of Colorado Springs exists for the purpose of serving the community through its businesses, operations and services. The City of Colorado Springs shall conduct its businesses, operations and services in accord with the law and the highest standards of business practices and ethics. The City of Colorado Springs is committed to complete honesty, utmost integrity, fair dealing and ethical behavior as the basis of its businesses, operation and services to the community. Public service is a public trust. All Committee members are subject to the City of Colorado Springs Code of Ethics and as such should employ independent objective judgment in performing their duties and should assure that businesses, operations and services are conducted openly to safeguard public confidence in the integrity of the City by avoiding any conduct creating the appearance of impropriety.

**RULE 5-2. ANNUAL ETHICS EDUCATION**

As provided in City Code § 1.3.107 all members of the Committee shall receive ethics training using the City of Colorado Springs Code of Ethics on an annual basis.

**EXHIBIT 1**

**City Council Resolutions 254-80 and 137-18**