



DATE: November 9, 2018
TO: City and Legal Staff
FROM: City Attorney's Office
SUBJECT: Update to Code

The following ordinance passed on second presentation on 10/23/18 and became effective on 11/05/18. The ordinance is attached in its entirety:

ORDINANCE NO. 18-104

AN ORDINANCE AMENDING PART 9 (BOARDS AND COMMISSIONS) OF ARTICLE 2 (OFFICERS OF THE CITY) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL, AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO BOARDS AND COMMISSIONS

Kari L. Vollaire, CP
Program Coordinator

ORDINANCE NO. 18-104

AN ORDINANCE AMENDING PART 9 (BOARDS AND COMMISSIONS) OF ARTICLE 2 (OFFICERS OF THE CITY) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL, AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO BOARDS AND COMMISSIONS

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

Section 1. Section 901 (Appointment to Boards and Commissions) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.2.901: APPOINTMENT TO BOARDS AND COMMISSIONS:

A. ~~The~~ Council shall have authority to appoint and fix the terms of office of members of all boards and commissions of the City. All **Council-appointed** board or commission **member** terms shall be for a period of three (3) years unless Council specifically determines that a ~~lesser-different~~ term is desired by reason of special circumstances.

B. No person shall be appointed to a Council-appointed board or commission for more than two (2) consecutive terms.

C. Any person who has served for one-half (1/2) or more of a term to which some other person was appointed shall have completed one (1) term towards the maximum number of consecutive terms. Any person who is appointed for less than one-half (1/2) of an unexpired term may be appointed for the maximum number of consecutive terms. Notwithstanding any other provision of this Part, if Council has failed to appoint a member prior to the expiration of a term, the incumbent member may continue to serve for up to ninety (90) days past the expiration of their term or until Council appoints a new member, whichever period is shorter.

BD. This section shall not apply to terms of office set by the Charter, by vote of the City electorate, **by statute, by intergovernmental agreement** or by **other**

~~applicable general laws~~ which reserves the appointment authority from the Council.

~~GE.~~ Council shall establish procedures for the consideration of appointees, which may include interviews, as necessary. Such procedures shall be set forth in the City of Colorado Springs Rules and Procedures of City Council.

F. Unless otherwise permitted by the enabling ordinance of a Council-appointed board or commission, no person shall be appointed by Council to a board or commission unless they are a resident of the City of Colorado Springs. For boards or commissions that serve in a joint capacity with other governmental or private entities, Council shall appoint residents of the City of Colorado Springs to serve on its behalf.

Section 2. Section 902 (Alternates) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.2.902: ALTERNATES:

Council may appoint alternate members to its boards and commissions to gain experience by observing the board or commission. Alternates shall be appointed for a ~~definite~~ term set by Council and shall be subject to the same rules and responsibilities as regular members of the board or commission. Unless otherwise provided by ordinance, Alternates shall be permitted to ~~not~~:

A. Substitute in the absence of a regular member **when necessary to achieve or be counted toward a quorum.**

B. Vote in any matter ~~as an alternate~~ **in which they are needed to achieve a quorum.**

C. Participate in the discussion of the board, ~~committee~~ or commission in **matters that are not quasi-judicial in nature.**

D. Participate in any closed executive sessions, **subject to a non-disclosure agreement.**

Section 3. Section 903 (Rules of Procedure) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.2.903: RULES OF PROCEDURE:

Council-appointed boards, committees or commissions may promulgate rules of procedure for the conduct of ~~its~~ **their business and** meetings which must be consistent with the City of Colorado Springs rules and procedures of Council and shall be approved by City Council. **The chairperson of each Council-appointed board or commission shall be a resident of the City of Colorado Springs.**

Section 4. Section 904 (Member Responsibilities) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.2.904: MEMBER RESPONSIBILITIES:

Council-appointed members and alternates of boards and ~~committee or commissions members and alternates~~ shall comply with the provisions of City Charter section 9-10 and subsection 3-60(d), this Code, and the rules and procedures of Council **applicable to boards and commissions.**

Section 5. Section 905 (Vacation of Office) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.2.905: VACATION OF OFFICE:

Any member of any board or commission established by ordinance who **without good cause** is absent in any twelve (12) month period from twenty-five percent (25%) or more of the regularly scheduled meetings of the board or commission, ~~to~~

~~which the member is appointed, may shall automatically be dropped removed~~
by City Council as a member of that board or commission for the remainder of the term, and a new member **may shall** be appointed ~~forthwith~~ by the City Council to fill the vacancy. ~~No board or commission member shall be dropped who, in the opinion of the Council, has good cause for falling to be present at the meetings.~~

Section 6. Section 906 (Indemnification) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.2.906: INDEMNIFICATION:

All members of the boards and commissions, ~~or other bodies who are~~ appointed by the City Council ~~or administrative officers of the City,~~ are hereby indemnified and held harmless for acts or omissions occurring during the performance of their duties and within the scope of their appointment except where the act or omission is willful and wanton. Members of all boards and commissions and all others as appointed above shall have all immunities as provided for by the Colorado Governmental Immunity Act, as well as any other immunities as are established by law.

* * *

Section 7. A new Section 907 (Reports to Council) of Part 9 (Boards and Commissions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

1.2.907: REPORTS TO COUNCIL:

Council-appointed boards and commissions shall annually provide reports of their activities to Council or shall provide such reports as frequently as required by specific direction of Council.

Section 8. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 9. 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 9th day of October, 2018.


Finally passed: October 23rd, 2018



Council President

Mayor's Action:

- Approved on October 25, 2018.
- Disapproved on _____, based on the following objections:



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



3/10/18
TJF

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE AMENDING PART 9 (BOARDS AND COMMISSIONS) OF ARTICLE 2 (OFFICERS OF THE CITY) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL, AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO BOARDS AND COMMISSIONS" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 9th, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23rd day of October, 2018, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 25th day of October, 2018.


Sarah B. Johnson, City Clerk



1st Publication Date: October 12th, 2018

2nd Publication Date: October 31st, 2018

Effective Date: November 5th, 2018

Initial: SBJ
City Clerk

