

ORDINANCE NO. 25 - 46

An ORDINANCE AMENDING SECTION 301 (CRIMINAL ACTIONS) OF PART 3 (DEFENSE OF EMPLOYEES) OF ARTICLE 4 (CITY EMPLOYEES) CHAPTER 1 (ADMINISTRATIVE, PERSONNEL AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CRIMINAL DEFENSE

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

Section 1. Section 301 (Criminal Actions) of Part 3 (Defense of Employees) of Article 4 (City Employees) of Chapter 1 (Administrative, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

1.4.301: CRIMINAL ACTIONS:

A. ~~Defense Provided:~~ Whenever a criminal action has been brought against any City employee **for any act or omission arising out of and in the course and scope of the employee's duties**, including ~~Municipal employees and employees of Colorado Springs Utilities and the municipal MHS Enterprises~~, or the employee has been involved in an incident which is being investigated by a law enforcement agency with a view toward the filing of criminal charges or the submission of the facts surrounding the incident to a grand jury for review, ~~and the employee requests in writing without delay that the employee's cost of defense, including and/or fine, reasonable counsel fees, and/or expenses, for the employee shall be borne by the employee. City, that cost, including reasonable counsel fees and expenses, shall be borne by the City if the City Council first finds and determines that:~~

- ~~1. The act or omission arose out of and in the course of the employee's duties;~~
- ~~2. The employee was acting in good faith and without malice; and~~
- ~~3. The cost of defending the employee serves the interest of the City.~~

B. ~~Committee Investigation:~~ To assist the City Council in making this finding and determination, ~~a committee consisting of the City Attorney, the Risk Manager and the head of the employee's department, division, office, enterprise or agency (or the Mayor or the Chief Executive Officer of Utilities, as appropriate if the employee charged is a department, division, office, enterprise or agency Director or Manager) shall investigate the criminal charge and shall make a recommendation to the City Council whether the above criteria for paying the costs of defending the employee are met.~~

C. ~~Conviction; Recovery Of Costs:~~ If the criminal action results in a final conviction, ~~no costs shall be paid by the City and any costs advanced to the employee shall be repaid~~

~~to the City. City Council may pay the costs of defense and/or fine where the City Council finds that the employee met the criteria in subsection A of this section.~~

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 25<sup>th</sup> day of March 2025.

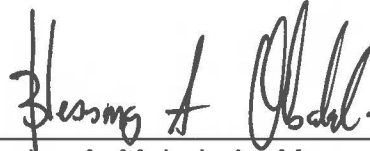
**Finally passed:** April 8, 2025

  
\_\_\_\_\_  
Randy Helms, Council President

**Mayor's Action:**

- ☒ Approved on APR 10 2025.
- ☐ Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Blessing A. Mobolade, 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.

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



CAO: MS  
COS: \_\_\_\_\_

I HEREBY CERTIFY that the foregoing ordinance entitled **"AN ORDINANCE AMENDING SECTION 301 (CRIMINAL ACTIONS) OF PART 3 (DEFENSE OF EMPLOYEES) OF ARTICLE 4 (CITY EMPLOYEES) CHAPTER 1 (ADMINISTRATIVE, PERSONNEL AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CRIMINAL DEFENSE"** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on **March 25, 2025**; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the **8<sup>th</sup> day of April 2025**, and that the same was published by title and in summary or in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, **8<sup>th</sup> day of April 2025**.

  
Sarah B. Johnson, City Clerk

1<sup>st</sup> Publication Date: **March 28, 2025**

2<sup>nd</sup> Publication Date: **April 16, 2025**

Effective Date: **April 21, 2025**

Initial:   
City Clerk

