



## Legislation Text

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**File #:** 24-282, **Version:** 1

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Pursuant to City Code § 1.4.105 (Candidates for Election), Colorado Springs Utilities Employee Request for City Council Consent to Run for Colorado House of Representatives District 46 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 Kimberly Swearingen is requesting consent from City Council to run for Colorado House of Representatives District 46. She is also requesting a waiver of the requirement to terminate employment if she is elected to the position. City Council can revoke its consent to run and, if she is elected, waiver of the requirement to terminate employment if Ms. Swearingen 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 employees to terminate employment with the City upon filing a candidate nomination petition for any elective office of the City. The ordinance also requires City 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 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 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

**City Council Appointed Board/Commission/Committee Recommendation:**

Colorado Springs Utilities recommends that City Council give consent to Ms. Swearingen to run for

Colorado House of Representatives District 46 and, if she is elected, waive the requirement that she terminate employment. It is the opinion of Colorado Springs Utilities leadership that Ms. Swearingen's position as an Engineer IV with Colorado Springs Utilities does not constitute an inherent conflict with holding office as Colorado House of Representatives District 46. Colorado Springs Utilities also recommends City Council reserve the authority to revoke its consent to run and, if she is elected, waiver of the requirement to terminate employment if Ms. Swearingen 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 Ms. Swearingen consent to run for Colorado House of Representatives District 46 and decline to waive the requirement she terminate employment with Colorado Springs Utilities if elected to the position.

**Proposed Motion:**

Motion to give Kimberly Swearingen consent to run for Colorado House of Representatives District 46 and, if she is elected to the position, to waive the requirement she terminate employment with Colorado Springs Utilities, with the understanding that City Council may revoke its consent to run or, if she is elected, waiver of the requirement to terminate employment if Ms. Swearingen 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.

N/A