



## Legislation Text

**File #:** 17-1367, **Version:** 1

### **A Resolution re-appointing a member to the Public Authority for Colorado Energy (“PACE”) Board of Directors for a new three-year term and appointing a member to complete the remaining term of a Director who resigned.**

**Presenter:**

Eric Tharp, Chief Energy Services Officer, Energy Supply  
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Summary:**

PACE has a three-member Board of Directors appointed by City Council. Carl Cruz’s term as Director will expire December 15,2017 and the Board has nominated Mr. Cruz for re-appointment to serve a three-year term. Another Director has resigned and the Board has nominated Scott Shewey to complete the remaining term expiring December 15,2019. City Council approval is required to appoint Directors.

**Previous Council Action:**

Date	Resolution	Action
01/24/17	05-17	Re-appointed a Board member retroactive to and effective 12/15/16
01/26/16	3-16	Re-appointed a Board member retroactive to and effective 12/15/15
01/13/15	1-15	Appointed a Board member to fill a vacated term and re-appointed a Board member retroactive to and effective 12/15/14
01/28/14	5-14	Re-appointed a Board member retroactive to and effective 12/15/13
01/22/13	5-13	Re-appointed a Board member retroactive to and effective 12/15/12
01/13/11	237-11	Re-appointed a Board member retroactive to and effective 12/15/12
02/08/11	19-11	Appointed a Board member to fill a vacated term and re-appointed a Board member retroactive to and effective 12/15/10
01/12/10	2-10	Re-appointed a Board member retroactive to and effective

12/15/09

12/09/08      235-08      Appointed two Board members and reappointed a Board member effective 12/15/08

10/23/07      07-165      Approved the creation of PACE, the Articles of Incorporation and Bylaws of PACE, appointed the Board of Directors of PACE, and ratified certain actions heretofore taken.

**Background:**

PACE has a three-member Board of Directors who serve staggered terms so that one Director's term expires every December 15th. The current Board of Directors consists of Eric Tharp (President), Carl Cruz (Vice President) and the Secretary/Treasurer's position, which is vacant. When vacancies occur on the PACE Board of Directors, whether because of the expiration of terms or the resignation or removal of a Director, the PACE Articles of Incorporation require that City Council act to appoint replacement Directors. PACE's organizational documents also provide that Board members continue to serve after expiration of the term until a replacement director is appointed, so that no gaps occur.

The PACE Board of Directors has nominated Carl Cruz to a new 3-year term as Vice President expiring December 15, 2020. The Board has also nominated Scott Shewey as Secretary/Treasurer to fill the remaining term expiring December 15, 2019.

**Financial Implications:**

PACE issued tax-exempt bonds to finance Colorado Springs Utilities' pre-paid natural gas purchase program. Stable governance is important to the success of PACE.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

PACE's Articles of Incorporation require a three-member Board of Directors. PACE could nominate alternative candidates for the Board of Directors for City Council's approval. This alternative would not be advantageous for Colorado Springs Utilities' Strategic Goals that this PACE Resolution supports.

**Proposed Motion:**

Move approval of proposed Resolution.

N/A