



Legislation Text

File #: 18-0484, **Version:** 2

Ordinance No. 18-104 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, and associated ordinance and rules amendments pertaining to Council-appointed boards and commissions

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney
Don Knight, City Councilmember

Summary:

As part of an ongoing code scrub effort, City Council has requested a variety of changes to appointment authority and tenure of Council-appointed boards and commissions. The amendments to the Code generally include: a maximum of two (2) consecutive terms on a board or commission; a specific reference to what constitutes a full term when an appointment is abandoned; temporary service; qualifications for board and commission service; City residency requirements for most board and commission members and chairpersons; expanded duties for alternate members; a requirement for good cause for vacation of a term; and a requirement for each board and commission to submit an annual report to City Council. In addition to the board and commission section of the City Code, this overall process will require additional board-specific Code and ordinance amendments. Councilmember Knight has requested a discussion among Council to provide direction to City staff regarding which changes to implement.

Previous Council Action:

City Council has adopted many previous City Code provisions and adopting ordinances related to boards and commissions.

Background:

From 2016 through 2018, the City Council has undertaken an effort to revise Chapter 1 of the City Code related to the administration, personnel and finance of the City. The purpose of this Code-revision is to update the provisions regarding Council-appointed boards and commissions. There are dozens of boards and commissions that report to the City Council. This Code revision generally does not apply to other boards and commissions that have been established through Intergovernmental Agreements, other contracts, state statutes, or boards that have been formed under the authority of the Colorado Non-Profit Corporation Act.

The relevant code amendments are City Code §§ 1.2.901 through 1.2.907. The revision to § 1.2.901 provides for a maximum of two (2) consecutive terms for a member of any Council-appointed board or commission. There is also a specific reference stating that any person who has served for one-half

(1/2) or more of a term is deemed to have served a full term towards the two (2) consecutive term maximum. If a new member has replaced a prior member for less than one-half (1/2) of a term, that member is permitted to serve two (2) additional consecutive terms. Additionally, there is a provision regarding holdover appointments for members who have not been replaced prior to the end of their term. This period for temporary service shall be limited to ninety (90) days.

The amendment to § 1.2.901 also requires City residency for appointment to a Council-appointed board or commission unless specifically permitted by the enabling ordinance of the board or commission. The residency requirement includes any members appointed by Council to a board that serves with other governmental or private appointments.

As part of an amendment to § 1.2.902, there are expanded duties for alternate members of Council-appointed boards and commission. Currently, by City Code alternates may only observe meetings and may not count towards a quorum, participate in board discussion or executive sessions, or vote. Under this proposal, alternate members will have the ability to count towards a quorum when one is not present, and also vote on matters when serving on behalf of a regular member. Additionally, alternates are permitted to, subject to a nondisclosure agreement, sit in executive sessions, and also participate in board discussion on items that are not quasi-judicial in nature. A change to § 1.2.904 clarifies that all Charter requirements and the City Council's rule of procedure apply to alternate members.

An amendment to § 1.2.903 requires that all members elected as a board or commission chair are residents of the City.

The amendment to § 1.2.905 clarifies that members may be removed when they have not been present without good cause for twenty-five percent (25%) of the meetings within a twelve (12) month period. Currently, absence for twenty-five percent (25%) or more of a board's meetings is grounds for immediate dismissal, regardless of reason.

§ 1.2.906 is a cleanup change of the current language with no operational affect. Finally, § 1.2.907 requires that each board and commission submit to Council a report of activities on an annual basis.

To achieve the above listed changes, multiple separate ordinance revisions and rules changes for specific boards and commissions must occur. The following list demonstrates the changes that have been identified so far:

1. Colorado Avenue Gateway Special Improvement Maintenance District Advisory Committee (change both term limits (currently "subsequent terms") and term length (currently one (1) year) (ORD # 88-208))
2. Norwood Special Improvement Maintenance District Advisory Committee (change the term length (currently two (2) years) (ORD #s 81-167 and 07-37))
3. Old Colorado City Security and Maintenance District Advisory Committee (ORD #s 79-241; 08-182) (change ORD # 08-182 which sets three (3) terms as the limit)
4. Platte Avenue SIMD (ORD # 89-14) (change the term length - currently one (1) year)

5. Woodstone Special Improvement Maintenance District (ORD #s 86-90 and 00-110) (change the term length - currently two (2) years)

6. Stetson Hills Special Improvement Maintenance District (ORD #s 83-163; 00-26) (change term length - currently two (2) years)

The following codified board ordinance will require a City Code amendment:

City Planning Commission codified enabling ordinance to eliminate non-City residents at § 7.6.101 (will also require City Planning Commission review).

Some other requested changes are for the LART Committee to permit non-residents who are business owners within the City limits serve (will require a Code change) and also non-residents to serve on the Airport Advisory Commission (will not require a Code change-already permitted).

Additionally, depending on Council direction, the “City of Colorado Springs City Council Rules of Procedure,” specifically Rule 5, will need amendments to accommodate changes to alternate member duties, absences of board members, allowance of immediate appointment of alternates when a regular member has vacated their seat, and the handling of interviews for candidates and re-appointments for members who are in good standing at the end of a first (1st) term.

City staff is prepared to draft the additional Code, ordinance and rules amendments upon Council direction.

UPDATE: Following input from City Council during its work session on this item, staff made several amendments to section 1.2.901 of the proposal. These amendments are included in the current draft and depicted in a redline version which is attached.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

City Councilmembers have discussed board and commission process changes through meetings with City staff and at Council lunch sessions prior to formal Council meetings.

Alternatives:

City Council could decide not to adopt the ordinances and associated changes to its Rules of Procedure.

Proposed Motion:

Move to adopt 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 Council-appointed boards and commissions.

An ordinance amending appointment, term lengths, residency requirements, alternate duties, and

absences related to Council-appointed boards and commissions.