



Legislation Text

File #: 18-0483, **Version:** 2

Ordinance No. 18-102 amending Section 315 (Delegation of Authority During Temporary or Short Term Absences) of Part 3 (Powers and Duties of the Mayor) 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 the delegation of Mayoral appointment authority for temporary replacement members on the Title Board

Presenter:

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

Summary:

During the pre-petition process for elections, the Initiative Review Committee reviews and provides final drafts of initiative proposals. Upon proposing a final draft, the Title Board is required to convene within ten (10) business days to fix a petition title. The Title Board consists of the City Clerk, City Attorney and the Presiding Judge of the Municipal Court. In cases in which a Title Board member is not permitted to serve, the Mayor has appointment authority for temporary replacement members. The proposed change to City Code § 1.2.315 (E) provides for a prohibition of the Mayor's ability to delegate to a member of the administrative staff the authority to appoint temporary replacement Title Board members. This City Code amendment requires that the Mayor make the appointment. This proposal also removes the Mayor's inability to appoint a member of staff to act in the Mayor's capacity at Board of Directors meetings for Colorado Springs Utilities.

Previous Council Action:

On August 22, 2018, the City Council passed an emergency ordinance amending City Code § 5.1.407 which authorizes the Mayor to appoint temporary replacement members to the Title Board in cases of an inability for any member to serve on a specific matter. At that special meeting, Councilmember Knight requested an amendment to City Code § 1.2.315 related to delegation authority for the Mayor in cases of temporary Title Board member appointments.

Background:

The City Title Board is empowered through City Code § 5.1.407 and consists of the City Clerk, City Attorney and the Presiding Judge of the Municipal Court. The Title Board is a part of the municipal pre-petition process for initiated measures and is required to convene within ten (10) business days of receipt of a final draft initiative submitted by the Initiative Review Committee. The Title Board shall "fix a proper and fair petition title, if applicable, at a public meeting to be held at the hour determined by the Title Board. Immediately after it is fixed the City Clerk shall deliver the designated title to the Petition Committee."

In cases of conflicts of interests or other circumstances in which a Title Board member may not serve, City Code § 5.1.407 allows for temporary replacement members to be appointed by the Mayor. Due to the importance of the election process, City Council has requested that City staff amend City Code § 1.2.315 to include appointment of temporary replacement Title Board members as a duty that the Mayor may not delegate to another member of the Mayor's staff upon short term absences.

City Code § 1.2.315, titled "Delegation of Authority During Temporary or Short Term Absences" currently reads:

"During temporary or short term absences from the City during which the Mayor is unable to perform the duties of the office, and subject to the provisions of the City Charter and this section, the Mayor may delegate the Mayor's administrative and executive authority to a Mayoral appointee. The following duties, powers and authority of the Office of Mayor shall not be delegated during a temporary or short term absence:

- A. The Mayor's authority to approve or disapprove ordinances pursuant to Charter subsection 3-70 (e).
- B. The Mayor's authority to execute legal instruments including deeds and easements, except to the extent Council has delegated that authority to another officer or staff member by resolution in accord with the "Procedure Manual for the Acquisition and Disposition of Real Property Interests".
- C. The Mayor's authority to take command of the police and govern the City by proclamation in times of public danger or emergency, except to the extent this authority has been delegated to an elective officer by ordinance.
- D. The Mayor's duty to prepare and submit any report to the citizens or Council as required by Charter.
- E. The Mayor's ex officio and nonvoting membership on the Board of Directors for the Utilities."

The proposed change to City Code § 1.2.315 (E) allows the Mayor to appoint a member of the administrative staff to act in the Mayor's capacity at Board of Directors meetings for Colorado Springs Utilities and replaces that limitation with one regarding delegation of appointment authority for temporary replacement Title Board members.

If the proposed ordinance passes, the Mayor will no longer have the ability to delegate appointment authority for temporary replacement Title Board members in the case of the Mayor's temporary or short term absence.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

City Council could decide not to adopt the ordinance.

Proposed Motion:

Move to adopt an ordinance amending Section 315 (Delegation of Authority During Temporary or Short Term Absences) of Part 3 (Powers and Duties of the Mayor) 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 the delegation of Mayoral appointment authority for temporary replacement members on the Title Board.

An ordinance amending the Mayor's authority to delegate appointment of temporary replacement members on the Title Board during temporary or short term absences.