

ORDINANCE NO. 24-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 104 (APPEALS) OF ARTICLE 13 (RELOCATION POLICY AND PROGRAM) OF CHAPTER 6 (NEIGHBORHOOD VITALITY/COMMUNITY HEALTH) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO RELOCATION APPLICATION APPEALS

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

Section 1. Section 104 (Appeals) of Article 13 (Relocation Policy and Program) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

6.13.104: APPEALS

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B. Final Administrative Appeal: An appellant aggrieved by the decision of the written determination resulting from an administrative appeal may **seek a final administrative** appeal ~~of that decision to a final administrative appeal panel (the "panel")~~ by filing a written notice of appeal with the Administrator of the City's real estate assets within ten (10) days of the date of mailing of the written determination resulting from the administrative appeal hearing. The City shall consider the written notice of appeal regardless of form.

1. The Administrator shall forward the notice to the **City Attorney** ~~panel~~ which shall set a hearing not less than thirty (30) nor more than sixty (60) days from the date of the appeal. The **City Attorney shall appoint a Hearing Officer per City Code section 1.2.409 to hear the appeal.** ~~panel shall consist of the Mayor, the Executive Director of Utilities and the Chief Executive Officer of MHS Enterprise, or their designees, none of whom~~ **The Hearing Officer** shall have had **no** ~~any~~ prior involvement in the relocation.

2. The appellant may, at the appellant's expense, be represented by legal counsel or another person at the final administrative appeal hearing.

3. The **Hearing Officer** ~~panel~~ shall review the relocation file, the justification and material presented at the administrative hearing and the resulting written determination. The **Hearing Officer** ~~panel~~, in its sole discretion, may receive additional information, documents or other material necessary to ensure a fair and full review of the appeal or to assist the **Hearing Officer** ~~panel~~ in determining whether the City failed to properly consider the application for assistance under

section 6.13.102 of this article, including, but not limited to, eligibility for, or the amount of, a required relocation payment. The final administrative appeal hearing shall be recorded and the appellant, at the appellant's option and expense, may request a transcript of the recorded hearing.

4. Within ten (10) days of the conclusion of the final appeal hearing, the **Hearing Officer** ~~panel~~ shall issue a final written determination on the appeal, including an explanation of the basis on which the decision was made, and provide a copy to the appellant. If the full relief requested is not granted, the written determination shall advise the appellant of the right to seek judicial review of the **Hearing Officer's** ~~panel's~~ decision.

\* \* \*

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 \_\_\_\_ day of \_\_\_\_\_, 2024.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

**Mayor's Action:**

- ☐ Approved on \_\_\_\_\_.
- ☐ Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
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.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk