

ORDINANCE

AN ORDINANCE AMENDING TITLE 2 “ADMINISTRATION AND PERSONNEL” OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING THE APPOINTMENT OF BOARD AND COMMISSION MEMBERS TO FILL VACANCIES.

- WHEREAS,** currently the Municipal Code specifies that appointees filling vacancies the City’s boards and commission may only be appointed for the remainder of the existing term; and
- WHEREAS,** there may be only a short time left on a term, which requires an appointee to apply for re-appointment soon after being initially appointed; and
- WHEREAS,** this has caused confusion and creates an additional burden on the part of board and commission members, City Staff and the City Council who must reprocess recent appointments; and
- WHEREAS,** the City Council finds the proposed amendments provide updated detail and clarity to the chapters below and streamline the procedure for vacancy appointments by providing for fulfillment of the current term, and the next regular term, if the current term has less than one year (12 months) remaining; and
- WHEREAS,** the City Council finds the proposed amendments are in the best interests of the City and therefore desires and directs adoption of the amendments.

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

Section 1: Chapter 2.16 establishing the **Park and Recreation Advisory Board** is hereby amended to read as follows:

2.16.040 – Members - Terms of office, AND APPOINTMENT.

- A. Members of the park and recreation advisory board SHALL BE APPOINTED BY CITY COUNCIL AND shall serve three year terms or/until a replacement member is appointed.
- B. VACANCIES SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM. IF THERE IS LESS THAN ONE YEAR REMAINING ON THE TERM, THE BOARD MEMBER SHALL BE APPOINTED TO FILL THE REMAINDER OF THAT TERM AND THE NEXT FULL TERM.
- C. ~~They~~ MEMBERS OF THE PARK AND REC ADVISORY BOARD shall serve without compensation.
- D. The initial terms of the members shall be as follows: Two members shall be appointed to a one year term, two members shall be appointed to a two year term and three members shall be appointed to a three year term. Thereafter, as the terms expire, all appointments shall be for a period of three years.

Section 2: Chapter 2.19 establishing the **Open Space Advisory Committee** is hereby amended to read as follows:

2.19.040 - Members—Term of office, APPOINTMENT and removal.

A. Voting members and alternates shall BE APPOINTED BY THE CITY COUNCIL AND serve three-year terms or until a replacement member is appointed.

B. VACANCIES SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM. IF THERE IS LESS THAN ONE YEAR REMAINING ON THE TERM, THE BOARD MEMBER SHALL BE APPOINTED TO FILL THE REMAINDER OF THAT TERM AND THE NEXT FULL TERM.

C. MEMBERS ~~They~~ shall serve without compensation.

D. The terms of the members starting March 5, 1999, shall be as follows: Two members shall be appointed to a one-year term, two members shall be appointed to a two-year term and three members shall be appointed to a three-year term. Thereafter, as the terms expire, all appointments shall be for a period of three years.

E. Members may be removed by the Council at any time, with or without cause.

Section 3: Chapter 2.20 establishing the **Planning Commission** is hereby amended to read as follows:

2.20.060 - Members—Vacancy filling.

~~Vacancies of the city planning commission shall be filled for the remainder of the unexpired term by the appointment of the city council.~~ VACANCIES OF THE CITY PLANNING COMMISSION SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM. IF THERE IS LESS THAN ONE YEAR REMAINING ON THE TERM, THE BOARD MEMBER SHALL BE APPOINTED TO FILL THE REMAINDER OF THAT TERM AND THE NEXT FULL TERM.

Section 4: Chapter 2.52 establishing the **Historic Preservation Commission** is hereby amended to read as follows:

2.52.020 - Membership.

A. The Commission shall consist of seven members, and up to three alternate members, who shall be residents and qualified electors of the City. No member of the City Council or spouse or family member of a Commission member or Councilperson, or City employee shall serve as a member of the Commission. Members of the Commission shall be appointed to serve three-year terms, commencing March 1st, in any given year.

B. The City shall appoint both professional and lay Commission members and alternates who have a demonstrated interest, knowledge or training in fields closely related to historic preservation such as history, architecture, landscape architecture, archeology, planning the building trades, real estate or law. At least three of the seven regular members should be professionals in preservation related disciplines such as architecture, architectural history, archaeology, history, American studies, American civilization, cultural geography or cultural anthropology. When professionals from the above disciplines are not represented in the Commission membership, the City shall seek additional expertise in the unrepresented area when considering National Register or Historic District nominations, or when any other actions are taken which may affect properties and which are normally evaluated by professionals in that discipline.

C. Alternate Commission members shall have voting powers only when sitting on the Commission for an absent member. Alternates shall sit on the Commission on a rotating basis when a regular Commission member or members is/are absent. The maximum number of alternates who may serve in place of regular members at a Commission meeting shall be two.

D. VACANCIES OF THE HISTORIC PRESERVATION COMMISSION SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM. IF THERE IS LESS THAN ONE YEAR REMAINING ON THE TERM, THE BOARD MEMBER SHALL BE APPOINTED TO FILL THE REMAINDER OF THAT TERM AND THE NEXT FULL TERM. ~~Members appointed to fill vacancies occurring on the Commission shall serve only for the unexpired term of the member replaced.~~

E. Vacancies on the Commission shall be filled by appointment by the City Council.

F. Commission members and alternates shall serve without compensation.

G. A Quorum shall be necessary for the transaction of business.

H. The roll shall be taken at each meeting and any member who misses three consecutive meetings without being excused shall be deemed removed from office and the City Council shall appoint a replacement member to fill the unexpired term. Any member may be removed by the City Council for cause, including, but not limited to, conviction of a felony crime or conflict of direct, financial interest.

Section 5: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining

any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and ordered published by City Council this 16th day of February, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the March 1, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: February 18, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published by City Council this 1st day of March, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: March 3, 2016 (in full)
City's Official Website and City Hall