

ORDINANCE

AN ORDINANCE AMENDING TITLE 2 OF THE CITY OF MANITOU SPRINGS MUNICIPAL CODE REGARDING THE ADMINISTRATION OF BOARDS AND COMMISSIONS

WHEREAS, the City desires to update its municipal code to make more efficient its processes regarding boards and commissions;

WHEREAS, having adopted the Manitou Springs Climate Action Plan on June 17, 2008, the City Council finds and determines that the impacts of climate change affect many aspects of the watershed and local government and, therefore, climate change and its effects should be considered by the City's boards and commissions when determining policies and legislation that best serve the health, safety and welfare of the citizens of the City;

WHEREAS, having adopted the Plan Manitou in July 2017 as the City's Comprehensive Plan, the City Council finds and determines that this document should also guide recommendations of the City's boards and commissions when considering policies and legislation that best serve the health, safety and welfare of the citizens of the City; and

WHEREAS, the amendments set forth herein will allow for clearer delineation of powers, duties, and authority and greater consistency regarding boards and commissions.

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

Section 1: Title 2 of the Manitou Springs Municipal Code is hereby amended by the addition of a new Chapter 2.09 "Boards and Commissions" to read as follows:

CHAPTER 2.09 – BOARDS AND COMMISSIONS

2.09.010 – Creation

Pursuant to the authority conferred by state statutes and the City Charter, there is hereby created a park and recreation advisory board, an open space advisory committee, a planning commission, a transportation and parking board, a historic preservation commission, and a housing advisory board which shall hereinafter for the purposes of this title be referred to as "boards and commissions" or "board or commission." The park and recreation advisory board, open space advisory committee, housing advisory board, and transportation and parking board shall act in a purely advisory role to City Council; whereas, the other boards and commissions may carry out duties imposed by statute or this Code.

2.09.020 – Applicability

The provisions of this title shall apply to all boards, committees, and commissions except when specified otherwise in the section specifically addressing each individual board, committee, or commission.

2.09.030 – Definitions

"Board" means a City Council appointed group advisory in nature that has no authority to act on behalf of or legally bind the City.

"Commission" means a City Council appointed group possessing limited quasi-judicial decision-making power that otherwise is only advisory in nature and has no authority to act on behalf of or legally bind the City.

"Committee" means a City Council appointed group advisory in nature that has no authority to act on behalf of or legally bind the City.

2.09.040 – Members and Alternates; Appointments and Requirements

- A. All members of any board or commission shall be residents of the City and shall be appointed by City Council. In making appointments, City Council shall strive to select members representative of all community demographic and stakeholder groups. If any member ceases to reside in the City, membership shall immediately terminate. All boards and commissions shall consist of seven voting members. No member of the City Council and no City employee shall serve as a member of a board or commission. A person shall serve on no more than a total of two boards or commissions, and may only serve as an officer on one board or commission at a time.
- B. The City Council may appoint alternate members to any board or commission, not to exceed three alternate members. Alternates are invited and requested to attend all meetings of the board or commission, but are not required to do so. Alternate members may take part in the discussion of any matter that comes before a board or commission, except for quasi-judicial matters, in which they may not participate unless they have been appointed in the place of an absent member. An alternate member may not vote on any matter unless designated to do so by the chairperson of the board or commission, in place of an absent member.

2.09.050 – Terms of Office and Appointment

Appointments to all boards and commissions shall be made by the City Council for four (4) year terms unless a greater or lesser term is established by the Council. Members shall serve without compensation. The initial terms of any membership shall be as follows: Two members shall be appointed to a one-year term, two members shall be appointed to a two-year term, two members shall be appointed to a three-year term and one member shall be appointed to a four-year

term. Thereafter, as the terms expire, all appointments shall be for a period of four years. Any members whose term expires may seek reappointment. Term limits shall not apply. For boards and commissions in existence as of January 9, 2018, existing terms of all members no longer in an initial term of office for the seat they hold, shall be extended to four years.

2.09.060 – Quasi-judicial Hearings

In any quasi-judicial or public hearing held before any commission, all evidence and testimony shall be presented publicly. The commission may use its expertise, technical competence, and specialized knowledge in evaluating evidence presented to it and shall have the power to weigh any evidence accordingly.

2.09.070 – Officer Positions

Each board and commission shall appoint a chair, vice-chair, and secretary (who may be a City employee) annually and shall operate in accordance with its rules of procedure as set forth by the Council. If deemed necessary by the board or commission, a treasurer may be appointed.

2.09.080 – Rules of Procedure

Each board and commission shall hold all meetings open to the public, after posting full and timely notice of date, time, place, and subject matter of the meeting at the City’s designated posting locations, and provide an opportunity for public comment at the meeting. Full and timely notice shall be deemed to be notice at least forty-eight (48) hours prior to the date and time of the meeting. All boards and commissions shall meet regularly at least once each month, except when a quorum is not available, or there is no business to address. Each board and commission's secretary shall keep minutes of its meetings and records of its transactions, which are to be made publicly available. Additional meetings may be called by the chairperson of the board, any four board members or the city administrator on at least forty-eight (48) hours' written notice. The Chair will have final authority to establish the agenda, but will collaborate with other members and staff in developing the agenda. A majority of the appointed non-vacant seats shall constitute a quorum.

2.09.090 – Authority

- A. Boards and commissions shall exercise their authority and shall be accountable in alignment with the Plan Manitou, as it may be amended from time to time, with the City Council’s goals as set by City Council, and with other City Council adopted rules or regulations. Unless otherwise provided by law, no board or commission, and no member of any board or commission shall have authority to act on behalf of the City, including without limitation approving contracts, negotiating deals, spending or

allocating City funds, and negotiating transactions involving real or personal property. City boards and commissions may, however, represent the interests of the City of Manitou Springs without legally binding the City to any position or action.

- B. Each board and commission shall develop an annual plan for its area of focus, which reflects City priorities established through City Council's annual goals. Each board and commission may develop and present for City Council approval standard operating procedures to guide their processes and operations. In collaboration with City staff, each board and commission shall submit an annual budget to City Council, which furthers the accomplishment of that plan. Once funding has been approved through the budgeting process, each board and commission may offer recommendations to the City staff on the expenditure of those funds.
- C. No board or commission and no member of any board or commission shall have the authority to direct any City employee or to make operational decisions for the City.

2.09.100 – Recommendations to Council

Each board and commission shall deliver recommendations to the City Council concerning its budget provisions and other matters within its purview from time to time as directed by the Council, or as initiated by the board and commission. City Council may provide direction to boards, committees, and commissions regarding specific matters upon which the City Council desires boards and commissions to investigate and provide recommendations. Boards and commissions shall follow such direction and provide their recommendations to City Council via the means directed by the City Council.

2.09.110 – Removal

- A. Grounds for removal. The City Council, by majority vote of members in attendance, may remove any member for a conflict of interest violation, any other violation of applicable law, regulation, or policy, nonattendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by a majority of the board or commission, or any other good cause. Council shall fill any vacancy for the remainder of the vacated position's term. If there is less than one year remaining on the term, a person may, but need not, be appointed to fill the remainder of that term and the next full term.
- B. Good cause. For purposes of this Section, "good cause" shall include without limitation, conviction of a crime other than a minor traffic or similar minor offense, any activity the City Council determines is contrary to the City's best interests or reflects negatively on the City's image and reputation, such as rude behavior, harassment, or threats directed towards

City employees, the public, contractors, consultants, or other individuals, or acting beyond the scope of his or her authority. To constitute good cause, such activity need not occur when the individual is acting in his or her capacity as a member of a board or commission.

- C. Procedure. The following procedure shall be followed to remove a member of a board or commission:
1. A petition for removal shall be delivered to the City Clerk's Office. A petition for removal shall state in writing the basis for removing a member, and may only be delivered by one or more City Council members (including the Mayor).
 2. Upon receipt of a petition for removal, the City Council shall meet in public session to discuss whether the petition sets forth sufficient grounds to consider removal. No additional evidence or third-party testimony shall be accepted during this meeting.
 3. If the City Council determines that sufficient grounds exists to consider a removal, a hearing shall be scheduled, and notice shall be delivered to the affected board or commission member setting forth the grounds for removal, the location, date, and time of the hearing, and informing the subject member that he or she may present evidence and testimony in response to the petition.
 4. At the hearing, testimony and evidence concerning the grounds for removal may be presented by the City Council member(s) who filed the petition for removal. The affected member may present testimony and evidence. Strict rules of evidence need not be followed, as the matter is administrative in nature. No Council member shall recuse him or herself from the decision-making process because he or she filed the petition for removal.
 5. At the conclusion of the hearing, the City Council shall render a decision, which shall be reduced to writing and approved at a subsequent City Council meeting.

2.09.120 – Staff

The City Administrator shall assign City personnel to assist boards and commissions with budget proposals or any other duties as is necessary for the boards or commissions to adequately perform their functions.

2.09.130 – Sub-committees

From time to time, each board or commission may establish temporary or standing sub-committees. No action may be taken by the subcommittee without authorization by the full board or commission. All subcommittee

recommendations must be submitted to the appropriate board, or commission prior to being presented to City Council.

2.09.140 – Remote participation.

Members of any board or commission may participate in meetings remotely, and any remote participation shall be pursuant to rules and regulations adopted by the City Council, as may be amended.

Section 2: Chapter 2.16 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 2.16 – PARK AND RECREATION ADVISORY BOARD

2.16.010 – Power and duties.

The Park and Recreation Advisory Board advises City Council how to protect and maintain the natural and built environment of City parks using the best practices that support a resilient and sustainable system that is welcoming, clean, and safe. In addition, the Board shall have the following powers and duties:

- A. Research and provide to City Council information regarding local needs for recreation programming, park and recreation assets, and urban forestry.
- B. Inform the public about recreation programs and interacts with the city administrator and other city staff, School District No. 14, the El Paso Park and Recreation District, and the Colorado Springs Park and Recreation department as directed by City Council to further its duties.
- C. Recommend priorities for parks, recreation facilities and equipment.
- D. Foster innovative ideas, continue to develop park plans, and participate in policy development for City parks.
- E. Communicate and collaborate among PARAB, City Council, the community, and other advisory boards or commissions.
- F. Advocate for responsible staffing for parks and recreation, continue to be good stewards of parks, and continue to promote good stewardship of the parks.
- G. Offer recommendations to City Council on how to protect, maintain, and enhance the City’s park and forestry assets.
- H. Research and recommend to City Council a set of standard operating procedures concerning management and expansion of the City’s park and forestry assets,; and from time to time, to propose modifications to the same.

- I. Research and identify specific grant opportunities for park and forestry-related programs and notify City Council of the same.
- J. Take direction from City Council and provide City Council advice on any park and forestry question addressed to the Board by Council.
- K. Make recommendations to City Council concerning the budget provisions for park and forestry assets and maintenance expansion.
- L. Hear citizen comments concerning the Board's areas of focus at its regular meetings.
- M. The Board may have the responsibility to recommend expenditures from certain City funds.

Section 3: Chapter 2.19 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 2.19 – OPEN SPACE ADVISORY COMMITTEE

2.19.010 – Power and duties.

The Open Space Advisory Committee shall make recommendations to City Council for planning, maintenance, management, and stewardship of the City’s open spaces and trail system. In addition, the Committee shall have the following powers and duties:

- A. Provide guidance to City Council on how to implement City documents relevant to open space and trails.
- B. Develop and update an open space plan for review and approval by City Council, which plan includes:
 - 1. Criteria for selecting lands in and around the City for designation as open space. The criteria shall include but not be limited to: visibility from all parts of the City, recreational potential, wildlife habitat and development issues;
 - 2. Priorities for acquiring lands that meet the selected criteria to include availability and price; and
 - 3. Acquisition strategies for the selected lands including but not limited to, use of the revenues from the open space special revenue funds as matching funds for public and private grants to acquire open space, new parks and trails; purchasing the selected lands outright; purchasing the development rights to said lands.

- C. Review lands currently under City ownership and recommend them to the City Council for inclusion or non-inclusion in the open space zone.
- D. Develop a management or stewardship plan for each open space parcel or bundle of parcels for consideration by City Council. Such plans shall include without limitation a fire mitigation plan and provisions to address illegal transient camping.
- E. Review potential acquisitions or donations of lands to the City and recommend them to the City Council for inclusion or non-inclusion in the open space zone.
- F. Review open space zone designation requests from owners of open lands in and around the City and recommend them to the City Council for inclusion or non-inclusion in the open space zone.
- G. Develop a trail system plan that includes criteria to prioritize and build new trails; funding strategies and budgets for building new trails and maintaining existing trails; and plans for establishing legal rights of way on trails.
- H. Provide advice and make presentations to the City Council, or boards or commissions of the City on open space and related question as requested.
- I. Make recommendation to the City Council on budget issues concerning the implementation of the open space plan and other open space budget issues as requested.
- J. Recommend to City Council new policies for adoption pertaining to trails and open space.
- K. Collaborate with adjoining jurisdictions on trails and open space as directed by City Council.
- L. Develop an evaluation process to measure progress in achieving the open space and trails plans.
- M. Make recommendations to City Council regarding planning for signage on open space properties and trails.
- N. Provide a liaison to regional trails and open space organizations as appropriate.
- O. Work with friends groups and volunteer projects that operate in any fashion on City open space and trails properties.

- P. Provide an ex-officio liaison with the Parks and Recreation Advisory Board.
- Q. Hear citizen comments concerning the Committee's areas of focus at its regular meetings.
- R. Make presentations to the City Council on progress toward achieving the objectives of the committee as requested.
- S. Make recommendations to City Council on platting and replatting actions regarding land dedications and fees in lieu of land dedications.

Section 4: Chapter 2.20 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 2.20 – PLANNING COMMISSION

2.20.010 - Powers and duties.

The planning commission shall have the power and the duty to formulate and approve a master plan for the city and to make careful and comprehensive surveys and studies of present and future growth of the city with due regard to its relation to neighboring territories. The plans shall be made with the general purpose of guiding and accomplishing a coordinated, well-adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote the health, safety, morals, order, and economy in the process of development; including among other things adequate provision for traffic, beautification, promotion of safety from fire and other dangers, adequate provision of light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditures of public funds and the adequate provision of public utilities and other public requirements. The planning commission shall review all proposed subdivisions, proposed zoning and such other matters related to planning as deemed advisable. The decisions of the planning commission shall be purely advisory in nature to city council, except for those specific items for which council determines the planning commission shall have approval authority. In these specific instances, if the action taken by the planning commission is unfavorable, the applicant may appeal the same to the city council. A request that city council hear an appeal must be made within ten days of the planning commission decision. The city council may amend or alter the master plan, but only after the planning commission has had the opportunity to comment upon the proposed amendment. Any changes to the zoning regulations or zoning map shall be incorporated into the master plan via an amendment to the master plan.

2.20.020 - Staff.

The planning director or his designee shall attend meetings of the planning commission, serving as the staff advisor to the planning commission. The planning director or his designee shall be responsible for keeping a record of the proceedings of the planning commission. Such other staff assistance and professional and technical services as necessary will be provided within the appropriations made by the city council. The city attorney shall serve as legal advisor to the planning commission, but shall not be required to attend meetings except when requested to do so by the city administrator.

Section 5: Chapter 2.24 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 2.24 – TRANSPORTATION AND PARKING BOARD

2.24.010 – Power and duties

The Transportation and Parking Board shall review and make recommendations to the City Council regarding undertaking and adopting parking management studies and strategic planning. In addition, the Board shall have the following powers and duties:

- A. Review and make recommendations to City Council concerning a parking professional or contractor to manage the City's parking assets, to recommend the adoption of policies to maximize the effective utilization of these assets, and to be accountable to the City Council.
- B. Review and make recommendations to the City Council concerning the acquisition, funding, construction and operation of transportation and parking facilities within the City, including surface parking and proposals for future parking lots and structures.
- C. Recommend and track policies, programs and expenditures concerning transportation and parking as approved by the City Council.
- D. Advise City Council on multi-modal access, facilities and programs, including bicycle, pedestrian and transit transportation, within the City, and recommend strategies for implementation of transportation programs operated by or on behalf of the City.
- E. Make recommendations to the City Council on parking management functions, parking fees, parking enforcement procedures, installation of pay to park devices, internet-based parking applications, and provisions for parking permits within the City.

F. Recommend to the City Council the purchase or lease of interests in property for parking and transportation purposes within or without the City, including provisions for funding such acquisitions.

G. Investigate and report to Council on use of various federal, state, local or private sources of funding as may be available to fund parking and transportation services, enforcement, expansion or construction of parking and transportation facilities.

H. Review the parking requirements in the City's development codes and make recommendations to the City Council concerning such requirements.

I. Hear citizen comments concerning the Board's areas of focus at its regular meetings.

J. Recommend to City Council how to inform the public about parking and transportation facilities and services through use of, without limitation, a transportation and parking website, maps and signage, and public information announcements.

K. Recommend to City Council ways to provide and promote parking and transportation alternatives within the City.

L. Develop and recommend to City Council long-range plans for parking and transportation, including a capital improvement plan for parking and transportation facilities.

Section 6: Chapter 2.50 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 2.50 – HOUSING ADVISORY BOARD

2.50.010 - Powers and Duties

The Housing Advisory Board shall have the following powers and duties:

A. The recommendations of the Housing Advisory Board shall be based on the goals, policies, objectives, and actions of Plan Manitou, as adopted and amended. Should a recommendation be made that does not have a basis in Plan Manitou, the Board shall note this and outline why such recommendation is being made.

B. Assist with implementation of the established action items related to housing in the *Housing and Neighborhoods* and *Land Use and Built Environment* elements in Plan Manitou and monitor/report on the City's housing-related goals

as outlined in Plan Manitou, or as may be amended or adopted in any subsequent plans relating to housing quality or affordability.

- C. Recommend a minimum standard for housing habitability in the City.
- D. Recommend definitions of affordable, workforce, senior, transitional, or other housing types for the City.
- E. Recommend programs and methods to increase the availability and diversity of affordable rental and homeownership housing for the City's low- and moderate-income citizens.
- F. Research and identify issues with safe, sustainable and habitable housing and make recommendations to the City Council regarding solutions and programs addressing those issues.
- G. Make recommendations to City Council regarding budget needs and financial impacts of facilitation of and addressing long-term needs of housing quality and affordability.
- H. Encourage upgrades that improve safety, sustainability, resiliency, energy efficiency, durability, quality and long-term affordability in existing housing stock.
- I. Develop strategies to improve housing conditions in aging and historic neighborhoods in coordination with the City's Historic Preservation goals.
- J. Review, evaluate and make recommendations to the governing boards, commissions, agencies, and/or staff regarding zoning, subdivision, housing code, and building code amendments and financial incentives to encourage desired upgrades in housing quality and affordability.
- K. Facilitate community education, involvement, and outreach related to the federal Fair Housing Act, City building codes, City housing codes, and maintaining safe and affordable housing.
- L. Research and secure funding, grants and donations for projects and programs, as approved by the City Council, to increase the safety and quality of housing and the availability of affordable housing.
- M. Identify and work with local, regional and state partners to collaboratively address housing quality and affordability needs as identified by Plan Manitou and any additional research.

Section 7: Chapter 2.52 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 2.52 – HISTORIC PRESERVATION COMMISSION

2.52.010 – Powers and duties.

The Historic Preservation Commission shall have the following powers and duties:

- A. Review and approve, conditionally approve or deny alterations to existing resources or new construction in the Historic District through the Material Change of Appearance Certification process, hereinafter referred to as MCAC.
- B. Review and make recommendations to the City Council regarding demolition of certain resources within the Historic District.
- C. Review and make recommendations to the City Council regarding designation of Historic Districts.
- D. Implement public awareness and incentive programs to promote Historic Preservation.
- E. Make recommendations to the City Council regarding the Historic Preservation element(s) of the City's Vision Plan.
- F. Take steps to encourage or bring about preservation of resources.
- G. As directed by City Council, review and comment on land use, housing, redevelopment and other types of planning and programs undertaken by an agency of the City, the county or state as they relate to the resources of the City.
- H. Recommend to the City Council the purchase of fee, or less than fee, interests in property for the purposes of Historic Preservation.
- I. Investigate and report to the City Council on the use of various federal, state, local or private funding sources and mechanisms available to promote Historic Preservation.
- J. Promote the Preservation and historic character of resources in Historic Districts.
- K. Participate in, promote and conduct public information, educational and interpretive programs pertaining to resources.
- L. Make recommendations to the City Council on the designation of resources and Historic Districts in accordance with this Chapter.

- M. Establish and maintain a list of resources within any Historic District. The Commission shall also publicize and periodically update the Resources Inventory.
- N. Make recommendations to the City Council on the Demolition of Resources, as provided for in Chapter 17.04.
- O. Each Commission member shall attend meetings and, in preparation for such, shall visit sites, read the provided materials, and take whatever actions necessary to become familiar with the issues (absent ex parte contacts).
- P. Prepare and recommend for City Council approval Design Guidelines for the review of applications for Material Changes of Appearance.
- Q. Render advice and guidance, upon the request of the property owner or occupant, on new construction or the restoration, alteration, landscaping or maintenance of any property either outside Historic District boundaries or withdrawn from participation in a Historic District.
- R. Perform any other functions requested by the City Council.

2.52.020 – Membership.

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 of Historic District nominations, or when any other actions are taken which may affect properties and which are normally evaluated by professionals in that discipline.

2.52.030 - Staff.

The Planning Staff shall perform the following duties on behalf of the Historic Preservation Commission:

- A. Administer the City's historic preservation office.
- B. Conduct citywide surveys and updates to help maintain the Resource Inventory.

- C. Consult with other City departments regarding Design Guidelines and resource surveys performed in conjunction with proposed projects.
- D. Serve as Secretary to the Commission.
- E. Maintain the City's records regarding the withdrawal status of properties within the Historic District.
- F. Render advice and guidance on new construction or the restoration, alteration, landscaping or maintenance of any Resource.
- G. Make recommendations to the Historic Preservation Commission, Planning Commission and City Council regarding proposed projects involving structures in a Historic District.
- H. Determine the completeness of applications.
- I. Perform such other functions as provided for in Section 2.52.010 and Chapter 17 or any other applicable law.

Section 8: 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 9: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 19th day of December, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the January 2, 2018, 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: December 21, 2017 (in full)
City's Official Website and City Hall