

ORDINANCE

AN ORDINANCE ADDING A NEW CHAPTER 2.10 OF THE CITY OF MANITOU SPRINGS MUNICIPAL CODE CONCERNING TASK FORCES AND WORKING GROUPS

WHEREAS, there are multiple informal citizen groups (commonly referred to as “task forces” or “working groups”) in the City that are interested in issues that affect the City but that are not official bodies of the City and that are not officially affiliated with the City;

WHEREAS, from time-to-time the City may allocate funding, staff time, or other resources to these unofficial task forces or “working groups”;

WHEREAS, from time-to-time, representatives of these task forces or working groups may engage with the City Council or staff by providing reports, presentations, or offering advice or opinions on matters that affect the City;

WHEREAS, in some cases, members of City Council, City staff, or formally constituted City boards, commissions, or committees may be active or passive members of these task forces or working groups, either in an official or an individual capacity;

WHEREAS, because these task forces and working groups are not formed via an ordinance approved by the City Council pursuant to Chapter 2.10 of the City of Manitou Springs Municipal Code, their legal status and whether they are official bodies of the City subject to the legal requirements of such bodies (such as the Colorado Open Meetings Law, Open Records Act, and ethics laws) may be unclear;

WHEREAS, the City Council desires to establish how the City may form an official local public body of the City that is subject to the legal requirements for such bodies; and

WHEREAS, the City Council desires to clarify that any citizen group, regardless of its title, that is not formed by the City Council as set forth in this Ordinance, shall not constitute an official body of the City.

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

Section 1. A new Chapter 2.10 is hereby added to the City of Manitou Springs Municipal Code to read as follows:

CHAPTER 2.10 – OFFICIAL CITY TASK FORCES AND WORKING GROUPS

2.10.010 – Creation.

- A. The city council may, from time to time, create official city task forces or working groups that shall serve to address issues involving the city. The sole means to create an official city task force or working group shall be via a resolution enacted by the city council, which sets forth the purpose, membership, and duration of the task force or working group. A group of individuals involved in addressing city issues that is not formed pursuant to the provisions of this Chapter shall not constitute an official city task force or working group, regardless of whether the city provides funding, staffing, or other city resources to such group and regardless of what name such group selects for itself.
- B. The purpose of this Chapter is to clearly define when a group of individuals constitutes an official body of the city, subject to the requirements of the city's charter, code, and other city rules, regulations, policies, and procedures and to state law, such as the Colorado Open Meetings Law (C.R.S. § 24-6-401, *et seq.*) and Open Records Act (C.R.S. § 24-72-401, *et seq.*), the Colorado Code of Ethics (C.R.S. § 24-18-101, *et seq.*), and other state laws applicable to official bodies of municipalities.

2.10.020 - Applicability.

The provisions of this Chapter shall apply to official city task forces or working groups established pursuant to this Chapter and shall serve to distinguish official city task forces and working groups from unofficial groups not formed by or affiliated with the city.

2.10.030 - Definitions.

"Task force" or "working group" means a group of individuals appointed by the city council pursuant to the provisions of this Chapter, which is advisory in nature, and which has no authority to act on behalf of or legally bind the city.

2.10.040 – Formation.

- A. A task force or working group may only be formed by resolution of the city council, which sets forth the purpose, membership, and duration of existence of the task force or working group (the duration shall include specific dates for when the existence of the task force or working group commences and terminates).
- B. Any group of individuals, regardless of representations or title, not formed pursuant to the provisions of this Chapter 2.10 shall not constitute an official city task force or working group and shall not be deemed to be a body of or affiliated in any way with the city.

2.10.050 – Members; appointments and requirements.

In the resolution establishing the task force or working group, the city council shall specify membership rules, which may include requirements related to eligibility (such as residency and expertise), governance, terms of office, officer positions, and similar matters.

2.10.060 - Rules of procedure.

- A. Each task force or working group 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 at least twenty-four hours prior to the date and time of the meeting.
- B. All task forces and working groups shall meet as directed by the city council except when a quorum is not available or there is no business to address. Minutes shall be kept of all meetings and records shall be kept of all transactions, which are to be made publicly available by posting on the city webpage. Minutes and records shall be forwarded to the city as directed by the city council. A majority of the appointed non-vacant seats shall constitute a quorum.

2.10.070 - Authority.

- A. No task force or working group or any member thereof shall have authority to act on behalf of the city, including without limitation approving contracts, negotiating deals, spending or allocating city funds, or negotiating transactions involving real or personal property.
- B. No task force or working group and no member of any task force or working group shall have the authority to direct any city employee or to make operational decisions for the city.

2.10.080 - Recommendations to council.

Task forces and working groups shall deliver information and recommendations to the city as directed by the city council. Periodically, as deemed appropriate by the city council, the city council may provide direction to task forces and working groups regarding specific matters upon which the city council desires them to investigate and provide recommendations.

2.10.090 - Removal.

- A. Grounds for Removal. The city council, by majority vote of members in attendance, may remove any member of a task force or working group 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 task force

or working group, or any other good cause. The city council shall fill any vacancy.

- 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 task force or working group.
- C. Procedure. The following procedure shall be followed to remove a member of a task force or working group:
 - 1. A request for removal shall be delivered to the city clerk's office. A request 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). The city council may request input from the pertinent task force or working group prior to considering removal of a member.
 - 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 task force or working group 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 make a decision, which shall be reduced to writing and approved at a subsequent city council meeting.

2.10.100 - Staff liaison.

The city administrator may assign city personnel to assist task forces and working groups with budget proposals or any other duties as is necessary for them to adequately perform their functions.

2.10.111 - Remote participation.

Members of any task forces and working groups 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. 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 3. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 4. This Ordinance shall take effect five days after publication following final passage.

Passed on first reading and ordered published this 6th day of June, 2023.

City Clerk, Judy Morgan

A Public Hearing on this ordinance will be held at the _____, 20__, 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: _____, 20__ . (by title or in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this ____ day of _____, 20__.

Mayor, John Graham

Attest: _____
City Clerk, Judy Morgan

Published: _____, 20__ _____ (by title or in full)
City's Official Website and City Hall