

WILLIAMSON & HAYASHI, LLC
ATTORNEYS AT LAW
1650 38TH STREET
SUITE 103 WEST
BOULDER, COLORADO 80301

DAVID S. WILLIAMSON
WILLIAM P. HAYASHI
MARY LYNN BENHAM

Telephone: 303-443-3100
Fax: 303-443-7835

MEMORANDUM

TO: Mayor and City Council

FROM: Mary Lynn Benham

DATE: Thursday, October 30, 2008

RE: **Ordinance Amending Restrictions on Members of Boards, Commissions, and Authorities in Golden Municipal Code.**

Attached you will find an ordinance amending several sections of the Golden Municipal Code pertaining to restrictions on members of City boards, commissions and authorities holding more than one position. I believe this ordinance is scheduled for discussion at the study session on November 6, and for first reading on November 13.

Generally, this ordinance amends the Code to clear up inconsistencies between the positions that may be held by members of various boards, commissions and authorities. This ordinance will prohibit members of the Campaign Election Board, Community Sustainability Advisory Board, Liquor License Authority, Planning Commission, Parks and Recreation Advisory Board, Historic Preservation Board, and Economic Development Commission from holding any other municipal office or position on any other standing board, commission or authority, but will allow members of these various boards, commissions and authorities to serve on temporary committees, task forces or similar ad hoc groups.

Specifically with respect to the Economic Development Commission (EDC), Section 7 of the ordinance includes alternative language that allows the Golden Urban Renewal Authority (GURA) to select one of its members to serve on the EDC. The alternative sentence reads:

The foregoing notwithstanding, one commissioner on the Golden Urban Renewal Authority may serve on the Economic Development Commission, if selected by the Golden Urban Renewal Authority.

Should Council decide against allowing a member of GURA to serve on the EDC, this sentence may be stricken from the final draft of the ordinance. Note that the Colorado statute authorizing urban renewal authorities permits one member of an urban renewal authority to hold one other municipal office, so there would be no conflict with state law if Council decides to permit a GURA member to serve on the EDC.

cc: Management Team

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN AMENDING CHAPTERS 1.05, 2.50, 4.84, 18.16, 18.54, 18.58 AND 18.62 OF THE GOLDEN MUNICIPAL CODE PERTAINING TO MEMBERS OF CITY BOARDS, COMMISSIONS AND AUTHORITIES.

WHEREAS, the Golden Municipal Code places various restrictions on persons holding more than one position on the City of Golden's boards, commissions and authorities; and

WHEREAS, some of the restrictions on members of certain boards, commissions and authorities are inconsistent with the restrictions on members of other boards, commissions and authorities; and

WHEREAS, the City Council of the City of Golden desires to remedy these inconsistencies by amending the Code to provide that persons appointed to permanent boards, commissions or authorities may only serve on one board, commission or authority, unless expressly permitted to do so.

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

Section 1. Subsection 1.05.120(a) of Chapter 1.05, "Local Campaign Finance – Reporting Requirements," of the Golden Municipal Code is repealed and reenacted to read as follows:

(a) ~~In March 2005, Council shall appoint a Campaign Election Board, which shall consist of three City residents who are registered electors, for the following initial terms: one for a two year term and two for a four year term each. All subsequent appointments shall be for four year terms. The terms of the members of the Board shall commence on March 1 and shall be for a period of four years or until their successor takes office, with at least one term expiring every second year.~~ Council shall designate the Chair of the Board. Term limits shall not apply to this Board. In the appointment process Council shall strive to appoint a former member of City Council to serve as chair of such Board. Each member shall serve without compensation. Members of the Board shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the Board may serve on other temporary committees, task forces, or similar ad hoc groups.

Section 2. Section 2.50.010 of Chapter 2.50, "Community Sustainability Advisory Board," of the Golden Municipal Code is repealed and reenacted to read as follows:

2.50.010 Creation and Appointment. There is created a Community Sustainability Advisory Board for the City, which board shall be comprised of seven members, each of whom shall be a resident of the City. The seven members shall be appointed by the Mayor, with approval of a majority of the City Council. All members shall serve without compensation. Members of the Board shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the Board may serve on other temporary committees, task forces, or similar ad hoc groups.

Section 3. Subsection 4.84.010(a)(5) of Chapter 4.84 "Liquor and Beer Licensing," of the Golden Municipal Code is repealed and reenacted to read as follows:

(5) Members shall not hold any other city municipal office, appointment or position or position on a standing municipal board, commission or authority, except that members of the Liquor License Authority may serve on other temporary committees, task forces, or similar ad hoc groups. Additionally, members shall not have any financial interest in the operation of any business holding a license pursuant to C.R.S. 12-46-101 et seq., ~~and~~ or C.R.S. 12-47-101 et seq.

Section 4. Section 18.16.010 of Chapter 18.16 "Planning Commission" of the Golden Municipal Code is repealed and reenacted to read as follows:

18.16.010 Creation, appointment, terms. There is created a city planning commission for the City of Golden which commission shall be comprised of seven members each of whom shall be a resident of the city. The seven members of the commission shall be appointed by the mayor of the city, the appointment of whom shall be confirmed by a majority of the council. All members of the commission shall serve without compensation, unless the council shall by resolution establish a compensation, and shall not hold any other municipal office, or position on a standing municipal board, commission or authority, except that one of the members may be a member of the board of adjustment members of the Planning Commission may serve on other temporary committees, task forces, or similar ad hoc groups.

Section 5. Section 18.54.010 of Chapter 18.54, "Parks and Recreation Advisory Board," of the Golden Municipal Code is repealed and reenacted to read as follows:

18.54.010 Creation, appointment, terms. There is created a parks and recreation advisory board for the city, which board shall be comprised of seven members, and one alternate, each of whom shall be a resident of the city. The seven members and alternate of the board shall be appointed by the mayor of the city, the appointment of whom shall be confirmed by the majority of the council. All members of the board shall serve without compensation, unless the council shall by resolution establish a compensation, and shall not hold any other municipal office, or position on a standing municipal board, commission or authority, except that members of the Parks and Recreation Advisory Board may serve on other temporary committees, task forces, or similar ad hoc groups. ~~except that one of the members may be a member of the planning commission.~~ The terms of the members of the board shall commence on March 1 and shall be for a period of four years or until their successor takes office, with four terms expiring every second year. ~~The terms of the three appointees to end in 1988 shall be extended to 1989, and the terms of the four appointees to end in 1989 shall be extended to 1991.~~

Section 6. Subsection 18.58.050(1) of Chapter 18.58, "Historic Preservation," of the Golden Municipal Code is repealed and reenacted to read as follows:

18.58.050 Historic Preservation Board. (1) Creation of the Board. For the purpose of making effective the provisions of this chapter, there is created a Historic Preservation Board for the city. The Board shall be comprised of seven members, and one alternate, each of whom shall be a resident of the city. The members of the Board shall be recommended by the Mayor, and appointed by a majority of the City Council. All Board members are to have a demonstrated interest in historic preservation, and it is encouraged that membership for the Board include professionals such as architects, urban planners, educators, historians, engineers, attorneys or real estate agents. Members of the Historic Preservation Board shall not hold any other municipal

office or position on a standing municipal board, commission or authority, except that members of the Board may serve on other temporary committees, task forces or similar ad hoc groups. The Board members shall be appointed for staggered terms of four years.

The Board will choose by a majority vote a chairman and vice chairman. The Board shall hold regularly scheduled meetings upon notification to members of the Board. The Board shall have the power to prescribe rules of procedure which must conform to the requirements in this chapter, and which must be approved by the City Council before becoming effective. The Board shall keep minutes and records of all proceedings, including the number of votes for and against each question and the record for the vote of each member.

Section 7. Section 18.62.010 of Chapter 18.62 “Economic Development Commission,” of the Golden Municipal Code is repealed and reenacted to read as follows:

18.62.010 Creation, appointment, terms. There is created an economic development commission for the City, which commission shall be comprised of eight members, each of whom shall be a resident of the City, property owner within the City, be employed within the City, or own a business within the City. The members of the commission shall be made up of a combination of members selected by representative groups, and members appointed by the mayor of the City. ~~By a date certain set by Council,~~ One member each of the commissioners will be selected by the Golden Urban Renewal Authority, Chamber of Commerce Visitors and Convention Council, and Chamber of Commerce retail committees, the appointment of whom shall be confirmed by the majority of Council. In addition to ~~the aforementioned these~~ three (3) members, five (5) members shall be appointed by the Mayor, the appointment of whom shall be confirmed by a majority of the Council~~selected from applications submitted to City Council~~, based upon the qualifications in section 18.62.015 below. ~~These applicants shall apply according to the procedure established by the Council for boards and commissions, and shall be appointed by the mayor, said appointments to be confirmed by a majority of the Council.~~ All members shall serve without compensation, unless the Council shall, by resolution, establish compensation, and shall not hold any ~~elected other municipal office, or position on a standing municipal board, commission or authority, except that members of the Economic Development Commission may serve on other temporary committees, task forces, or similar ad hoc groups.~~ The foregoing notwithstanding, one commissioner on the Golden Urban Renewal Authority may serve on the Economic Development Commission, if selected by the Golden Urban Renewal Authority. ~~The terms of the initial commission members shall be effective upon the date of the appointment and shall be for a period of four years for four (4) of the commissioners, and two years for the remaining four (4) commissioners. Thereafter,~~ ~~†~~The terms of the members of the board shall commence on September 1, and shall be for a period of four years or until their successors take office, with four terms expiring every second year.

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. The repeal or modification of any provision of the Municipal Code of the City of Golden 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 10. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

PASSED AND APPROVED on first reading the _____ day of _____, 2008, and ordered published.

PASSED AND APPROVED on second reading the _____ day of _____ 2008 and ordered published.

Jacob Smith, Mayor

ATTEST:

Susan Brooks, MMC, City Clerk

APPROVED AS TO FORM:

David S. Williamson
City Attorney

Published:

