



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
City Attorney	Nina P. Williams - City Attorney	February 15, 2022

### **ITEM**

Ordinance No. 2022-04, Concerning Boards and Commissions, Clarifying the Appointment Procedure for Members of Boards and Commissions, Updating Certain Provisions to Conform with Current Practice, and Repealing Obsolete Provisions.

### **BACKGROUND**

Boards, commissions, and the residents who comprise them provide essential support to City Council by recommending policies and administering various programs and powers, as directed by local ordinances. Salida has seven operational boards, each of which focuses on a different subject matter area and possesses a varying degree of advisory or decision-making authority.

In recent months, questions about the operation of these boards and commissions and the Salida Municipal Code (the "Code") provisions governing the same have been raised. For one, the Code's direction regarding the procedure City Council must follow to appoint or re-appoint members of boards and commissions is unclear. Separately, it was discovered that the accepted practices and procedures of certain boards and commissions do not conform with the ordinance establishing the same. Additionally, the provisions codifying the SteamPlant Commission, which has been formally disbanded and no longer meets, remain on the books in the Code.

In light of the foregoing concerns, staff prepared Ordinance No. 2022-04 to accomplish the following:

- Clarify that City Council must appoint or re-appoint all board and commission members (and alternates) upon the expiration of the member's term of office;
- Provide that the History Preservation Commission meets at least once quarterly (or more, if necessary), as opposed to once per month;
- Repeal all provisions relating to the SteamPlant Commission;
- To conform with current practice, clarify that the Parks, Recreation, Open Space, and Trails Advisory Board is composed of seven members, as opposed to five members with two alternates.
- To conform with the preference that there be five members of the Historic Preservation Commission, and no alternates.
  - Note that the alternate member appointed to the HPC on February 15, 2022 will serve their 3 year term, pursuant to the Code effective at the time of appointment. Upon the expiration of this 3 year term, or if the alternate member vacates their position before said expiration, there will be no more alternate members appointed to the HPC.
- To conform with current practice, specify the following powers and duties of the Public Art Commission:
  - Approve, approve with conditions, or deny public art projects, with any appeal of the same to be heard and decided by City Council;
  - Provide recommendations to City Council on various public art projects;
  - Manage and oversee public art projects approved by City Council in accordance with the City's adopted Public Art Policy;
  - Assist City Council in evaluating funding sources; and



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- Serve as a link between City Council, staff, and the community with respect to public art projects.

### **FISCAL NOTE**

There is no fiscal impact associated with Ordinance No. 2022-04.

### **STAFF RECOMMENDATION**

Staff recommends approval of Ordinance No. 2022-04.

### **SUGGESTED MOTION**

A City Councilmember should state, "I move to approve Ordinance 2022-04 on first reading, and schedule second reading and public hearing for March 1, 2022," followed by a second and a roll call vote.

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**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 04**  
**(Series of 2022)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,  
COLORADO AMENDING CHAPTER 2 OF THE SALIDA MUNICIPAL CODE,  
CONCERNING BOARDS AND COMMISSIONS, TO CLARIFY THE  
APPOINTMENT PROCEDURE FOR MEMBERS OF BOARDS AND  
COMMISSIONS, TO UPDATE CERTAIN PROVISIONS TO CONFORM WITH  
CURRENT PRACTICE, AND TO REPEAL OBSOLETE PROVISIONS**

**WHEREAS**, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the State of Colorado;

**WHEREAS**, pursuant to C.R.S. § 31-15-101, *et seq.* the City, by and through its City Council, possesses the authority to establish boards and commissions and to appoint members to the same in order to effectively administer various programs, operations, and powers;

**WHEREAS**, under such authority, the City Council has created various boards and commissions and has adopted regulations related to the appointment of members to the same, codified within Chapter 2, Article VII of the Salida Municipal Code (the “Code”);

**WHEREAS**, current provisions related to the procedure City Council must follow to appoint members of boards and commissions are unclear;

**WHEREAS**, upon review, it was discovered that the accepted and preferred practices and procedures of certain boards and commissions do not conform with the ordinance establishing the same;

**WHEREAS**, the SteamPlant Commission, a commission created to oversee the development and operation of the SteamPlant Event Center, was formally disbanded and no longer meets but the provisions creating the SteamPlant Commission remain codified; and

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 2 of the Code to clarify the appointment procedure for members of boards and commissions, to update provisions to conform with the accepted practices of certain boards and commissions, and to repeal obsolete provisions related to the SteamPlant Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE  
CITY OF SALIDA, COLORADO AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

**Section 2.** Section 2-7-10 of the Code, concerning the appointment of board and commission members, is hereby amended to read as follows:

**Sec. 2-7-10. - Appointment of board and commission members.**

All board and commission members and alternates shall be appointed by a majority of the City Council. Upon the expiration of the term of office of a member or alternate, the City Council shall either appoint a successor to the position or reappoint the member or alternate. Except as may be otherwise expressly provided herein, all board and commission members and alternates shall be residents of the City, ~~appointed by a majority of the City Council.~~

**Section 3.** Section 2-11-20(f) of the Code, concerning membership, organization, terms of the Historic Preservation Commission, is hereby amended to read as follows:

**Sec. 2-11-20. – Membership, organization, terms.**

(a) The Historic Preservation Commission shall consist of five (5) regular members ~~and two (2) alternate members~~ who shall be appointed by the Mayor, ~~the appointment of whom shall be confirmed by a majority of the City Council.~~ The members shall serve staggered three-year terms. Members must be residents and qualified electors of the County. A member may continue to serve on the Historic Preservation Commission until his or her successor is appointed and assumes office, and a member may be reappointed to serve successive terms without limitation.

~~(b) Upon establishment of the Historic Preservation Commission as herein provided, three (3) members shall serve an initial term of three (3) years and two (2) members shall serve an initial term of two (2) years and two (2) alternates shall serve a term of three (3) years.~~

~~(c) Alternate members to the Historic Preservation Commission may attend any Historic Preservation Commission meeting and shall have the right to participate in any matter before the Historic Preservation Commission, but shall not have the right to vote except as otherwise provided herein. An alternate member of the Historic Preservation Commission may be designated to vote on any matter before the Historic Preservation Commission in which such alternate member has participated. Such designation to be made by the Chairperson of the Historic Preservation Commission. Such designation of an alternate member to vote may occur only on the absence or other nonparticipation by a regular member of the Historic Preservation Commission. Such designation of an alternate member to vote shall be made on a case-by-case basis and shall not continue beyond those cases for which the designation has been made.~~

~~(d)~~ **(b)** The City Council shall endeavor to maintain a balance of interests and skills on the Historic Preservation Commission and shall strive to appoint persons with experience, training and/or knowledge in architecture, architectural history, historic preservation, the State and/or local history, landscape architecture, archeology, land use planning, design or engineering, or experience in the building trades. Not less than two (2) members shall be experienced and/or possess expertise in one (1) or more of the fields listed above.

~~(e)~~ **(c)** Not less than three (3) members must be present at a regular or special meeting to transact business, and all questions coming before the Historic Preservation.

~~(f)~~ **(d)** The Historic Preservation Commission shall ~~regularly schedule one (1) meeting per month~~ **meet at least quarterly and at other times deemed necessary** and shall adopt such rules of procedure as it deems necessary to conduct business. The Historic Preservation Commission shall also elect a Chairperson and Vice Chairperson from among its members by majority vote. Each member so elected shall serve a term of one (1) year per Section 2-7-60 of this Code.

**Section 4.** Chapter 2, Article XIII of the Code, concerning the SteamPlant Commission, is hereby repealed in its entirety.

**Section 5.** Section 2-14-20(a) of the Code, concerning membership and organization of the Parks, Recreation, Open Space and Trails Advisory Board, is hereby amended to read as follows:

**Sec. 2-14-20(a). – Membership, organization, terms.**

- (a) The Parks, Recreation, Open Space and Trails Advisory Board shall consist of seven (7) members, ~~including five (5) at large members appointed by the City Council, the Parks and Recreation Director, and the Public Works Director, and two (2) alternates appointed by the City Council.~~

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**Section 6.** Chapter 2, Article XVI of the Code, concerning the Public Art Commission, is hereby amended to read as follows:

**Sec. 2-16-20. - Purpose.**

The Public Art ~~Task Force~~ **Commission** is created to provide recommendations on public art to the City Council ~~of the City of Salida.~~

**Sec. 2-16-40. - Powers and duties.**

- ~~(a) The Public Art Commission shall be created to oversee public art projects and make recommendations to the City Council.~~ **have the following powers and duties:**

- (a) To approve, approve with conditions, or deny public art projects, with any appeal of the same to be heard and decided by the City Council;**
- (b) To provide recommendations to the City Council on the installation of public art projects in public spaces, public rights-of-way, and any other property owned or controlled by the City, including recommendations on the ongoing maintenance and safety of public art projects;**
- (c) To provide recommendations to the City Council on the installation of public art projects in conjunction with any land use or development decision to be authorized by the City;**
- (d) To review and make recommendations to the City Council on any artist-initiated public art project proposals;**

(e) To oversee and manage public art projects approved by the City Council in accordance with the City's adopted Public Art Policy;

(f) To assist the City Council in evaluating funding sources for public art projects; and

(g) To serve as a link between the City Council, City staff, and the community with respect to public art projects.

**Section 7.** *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 15th day of February, 2022, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this 15th day of February, 2022, and set for second reading and public hearing on the 1st day of March, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this 1st day of March, 2022.

City of Salida

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Mayor Dan Shore

ATTEST:

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City Clerk/Deputy City Clerk