

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER HUTCHINSON**  
**COUNCIL BILL NO. 25**  
**ORDINANCE NO. 1777**  
**Series 2023**

**TITLE: AN ORDINANCE AMENDING SECTIONS 2-53 AND 2-55 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING MEMBERSHIP OF BOARDS AND COMMISSIONS**

**WHEREAS**, the City of Wheat Ridge (the “City”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-15-201, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the appointment, term of office, removal, powers, duties, and compensation of all officers; and

**WHEREAS**, the Council is authorized by the home rule charter to create boards and commissions and to provide for the membership thereof; and

**WHEREAS**, the Council finds it necessary to amend Code Sections 2-53 and 2-55 to better clarify procedures concerning board and commission membership.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 2-53(b) of the Code is amended to read as follows:

All boards and commissions shall consist of eight (8) regular members, unless a different number is provided by ordinance, to be appointed by a majority vote of the members of the city council. IN THE CASE OF THE BOARD OF ADJUSTMENT, THE BOARD SHALL ALSO INCLUDE FOUR (4) ALTERNATE MEMBERS. Regular members of all boards and commissions shall have equal voting strength ~~ON~~ of their respective board or commission, and shall be authorized to attend, participate in, and vote at their respective board or commission meetings. The attendance of a majority of the members of the board or commission shall constitute a quorum for the transaction of business at each meeting of such boards and commissions, and, except as provided herein in subsection (d), the affirmative vote of a simple majority of the members present shall be required to adopt any motion or make or ratify any decision of the board or commission.

**Section 2.** Section 2-53(c) of the Code is amended to read as follows:

(c) Members of boards and commissions shall serve terms of three (3) years, and such members may be reappointed to serve ONE additional three-year

terms of office EXCEPT FOR MEMBERS OF THE ELECTION COMMISSION, WHO MAY BE REAPPOINTED TO SERVE TWO (2) ADDITIONAL TWO-YEAR TERMS. NO BOARD OR COMMISSION MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT IF THEY HAVE PREVIOUSLY BEEN APPOINTED TO TWO (2) CONSECUTIVE THREE (3) YEAR TERMS EXCEPT FOR MEMBERS OF THE ELECTION COMMISSION WHO WILL NOT BE ELIGIBLE FOR REAPPOINTMENT IF THEY HAVE PREVIOUSLY BEEN APPOINTED TO THREE (3) CONSECUTIVE TWO (2) YEAR TERMS. TERMS ARE CONSIDERED CONSECUTIVE UNLESS SEPERATED BY AT LEAST ONE (1) THREE (3) YEAR TERM OR, IN THE CASE OF THE ELECTION COMMISSION, AT LEAST (1) TWO (2) YEAR TERM. TERM LIMITED MEMBERS MAY BE APPOINTED TO SERVE ADDITIONAL TERMS IN THE ABSENCE OF OTHER QUALIFIED APPLICANTS. NOT WITHSTANDING AND INDEPENDENT OF THE REQUIREMENTS OF SECTION 2-53(E), THE COUNCIL MAY APPOINT A QUALIFIED APPLICANT TO REPLACE A TERM LIMITED BOARD MEMBER SERVING AN ADDITIONAL TERM AT ANY TIME. AN APPOINTMENT MADE TO FILL A VACANCY DURING A TERM, SHALL NOT BE CONSIDERED A FULL TERM WHEN THE APPOINTMENT OCCURS MORE THAN HALFWAY THROUGH THE APPOINTED TERM. All appointments to all boards and commissions shall be made to achieve APPROXIMATELY equal representation from each council district to each board or commission. WHERE THIS CODE PROVIDES FOR AN AT-LARGE MEMBER OR MEMBERS OF A BOARD OR COMMISSION, THE APPOINTMENT OF SUCH MEMBERS SHALL BE MADE BY THE MAYOR. If, after reasonable advertisement, no applications are received from residents within the relevant council district for a vacancy on any board or commission, the council may appoint any otherwise qualified resident. Upon the vacation or expiration of an out-of-district member's initial term, the council shall not reappoint said member unless no qualified in-district residents have applied for that seat on the board or commission. Except as provided herein and in subsection (e) hereof, all members of boards or commissions presently serving shall be entitled to complete the terms for which they were appointed and shall be subject to reappointment at the discretion of the city council.

**Section 3.** Section 2-53(e) of the Code is amended to read as follows:

Any board or commission member may resign THEIR his term of office at will. Any board or commission member may be removed from office by the city council, after a public hearing before the council, by majority vote, AT THE COUNCIL'S DISCRETION. A MEMBER MAY ALSO BE REMOVED BY THE COUNCIL FOR VIOLATION OF A COUNCIL ADOPTED CODE OF ETHICS ~~for reasons of inefficiency, neglect of duty, malfeasance in office, or violation of established rules and procedure.~~ Any time a member of a board or commission ACCRUES ~~is absent from more than~~ TWO UNEXCUSED ABSENCES FROM ~~twenty five (25) percent of the~~ meetings held by the board or commission within any THREE HUNDRED AND SIXTY-FIVE (365) DAY PERIOD, such member shall automatically cease to be a member of the board or commission, unless

absences are determined as excused absences and are voted upon by a majority of remaining members of the board or commission. ANY BOARD OR COMMISSION MEMBER WHO IS UNABLE TO ATTEND A MEETING SHALL NOTIFY THE CHAIRPERSON AND STAFF LIAISON AT LEAST SEVEN (7) DAYS IN ADVANCE OF SAID MEETING, EXCEPT FOR IN THE CASE OF AN ILLNESS, EMERGENCY, OR FORCE MAJEURE. ALL OTHER UNNOTIFIED ABSENCES SHALL BE CONSIDERED UNEXCUSED. ~~Excused absences could include illness, death in the family or emergencies.~~ In addition, any time a member of a board or commission is absent a sufficient number of times to cause the chairman of the board or commission to believe that such absences are impairing the proper functioning of the board or commission, the chairman of the board or commission shall notify the city council, which shall hold a hearing to determine if such member shall be removed for neglect of duty. A board or commission member who is not a resident within THEIR ~~his~~ represented district, as permitted by section 2-53(c), may be removed and the vacancy thereby created, filled only in the event one of the foregoing conditions applies. Other than as permitted by section 2-53(c), any board or commission member who shall change THEIR ~~his~~ personal residence to an address outside the city or the district he represents shall cease to be a member of the board or commission, and THEIR ~~his~~ seat shall automatically be deemed vacated as of the date on which he ceased to be a resident of the city or of the district. Vacancies on any board or commission, whether resulting from resignation, removal by the council or other cause, may be filled by a new appointment by the city council. Such an appointment shall be for that portion of time remaining in the term which the new member has been appointed to fill.

**Section 4.** Section 2-55(a) of the Code is amended to read as follows:

(a) *Membership.* Members of the cultural commission shall be appointed and serve in accordance with section 2-53, except that the cultural commission shall consist of nine (9) members: two (2) members shall be appointed from each council district, and one (1) member shall be appointed by the MAYOR ~~city manager~~, to serve at large.

**Section 5.** **Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6.** **Effective Date.** This Ordinance shall take effect March 1, 2024.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 25<sup>th</sup> day of September 2023, ordered published by title and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration

on final passage set for October 9, 2023, at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 9th day of October 2023.

SIGNED by the Mayor on this 11th day of October 2023.



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Bud Starker, Mayor

ATTEST:



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Stephen Kirkpatrick, City Clerk

Approved as to Form



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Gerald E. Dahl, City Attorney

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