

ARTICLE V¹

EXECUTIVE AND ADMINISTRATIVE SERVICE

SECTION 41: COMMISSIONS

The Mayor shall appoint, subject to the confirmation of the Council, members of all commissions, established pursuant to this section, except the members of the Commission on Police Practices and the Ethics Commission, whose appointment and service are governed by Sections 41.2 and 41.3 of this Charter. Whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make such appointment. The commissioners shall be limited to two (2) full consecutive terms, with one (1) term intervening before they become eligible for reappointment; and this provision shall apply to anyone who has served two (2) full consecutive terms by January 1972. The terms of commissioners may extend beyond the elective term of the appointing Mayor. The Mayor shall fill, subject to the confirmation of the Council, any vacancy and such appointment shall be for the unexpired term of the office being filled. The City Council may remove a member of the Civil Service Commission for cause by vote of two-thirds (2/3) of the members of the Council. However, before the Council may remove a member of the Civil Service Commission, written charges shall be made against the commission member and an opportunity afforded for public hearing before the Council upon such charges. The City Council may remove members of all other commissions established pursuant to this section for cause by vote of a majority of the members of the Council.

¹ This draft, dated April 30, 2024, is an updated version from the City Attorney that will be provided to the City Council's Rules Committee for consideration at its June meeting.

(a) Funds Commission. This Commission shall have supervision and control over all trust, perpetuity, and investment funds of the City and such pension funds as shall be placed in its custody, and shall administer them subject to the laws of the State and ordinances of the Council. The membership of this Commission shall be appointed by the Mayor and confirmed by the Council and shall be one bank official and, two unclassified citizens, ~~and the City Attorney and City Treasurer,~~ ~~ex-officio~~. They shall serve without compensation for terms of four (4) years and until their successors are elected and qualified. Notwithstanding any other provision of this section, appointments shall be made so that not more than one (1) term of office shall expire in any year.

(b) Civil Service Commission. There shall be a Civil Service Commission consisting of five members who shall be electors of the City. Not more than three members of the Commission shall be of the same sex. The Mayor, with the approval of the Council, shall appoint the members of the Commission. The members of the Commission shall be appointed to serve for five years and until their successors have been appointed and qualified. Notwithstanding any other provision of this section, appointments shall be made so that not more than one (1) term of office shall expire in any year. The Mayor, with the approval of the Council, shall fill any vacancy.

Members of the Civil Service Commission shall not hold any other office in City Government.

(c) City Planning Commission. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties

as are prescribed by such laws. The duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of four years and until their successors are elected and appointed and qualified.

Notwithstanding any other provisions of this section, appointments to this Commission shall be made so that not more than three (3) members are appointed in any one year. To accomplish this, initial appointments to this Commission, after the effective date of this amendment, shall be made so as to provide that the terms of office of two (2) members shall be for four (4) years; two (2) members for three (3) years; two (2) members for two years; and one (1) member for one (1) year.

~~(d) Ethics Commission. For so long as an Ethics Commission remains established by ordinance of the Council, the Executive Director of the Commission shall be appointed by the Commission, subject to confirmation by the Council, and shall thereafter serve at the direction and pleasure of the Commission. The Commission may, in accordance with complaint and investigation procedures approved by ordinance of the Council, subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by~~

~~subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers. The Ethics Commission shall be authorized to retain its own legal counsel, independent of the City Attorney, for legal support and guidance in carrying out its responsibilities and duties.~~

SECTION 41.3: ETHICS COMMISSION

The Ethics Commission is an independent body that monitors, administers, and enforces the City's governmental ethics laws, proposes new governmental ethics law reforms, conducts investigations, refers violations to appropriate government and law enforcement agencies, audits disclosure statements, and advises and educates City officials and the public about governmental ethics laws. The City Council may, by ordinance, mandate additional duties and discretionary powers consistent with this section and applicable state and federal law.

The Commission shall consist of seven members who are appointed and removed by procedures approved by ordinance of the Council. Members of the Commission must possess the independence, experience, and technical expertise necessary to carry out the duties of the Commission. Members of the Commission shall serve for terms of four years and until their successors have been appointed and qualified. Members of the Commission are limited to two full consecutive terms, with at least one term intervening before they become eligible for reappointment.

The Commission shall appoint an Executive Director who shall serve at the direction and pleasure of the Commission. The Executive Director is the appointing authority for all City personnel authorized in the department through the normal annual budget and appropriation process of the City. The Executive Director, who shall act in accordance with policies and regulations adopted by the Ethics Commission and with applicable law, is authorized to initiate investigations and complaints. The Executive Director may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers.

The Commission shall be authorized to retain its own legal counsel, independent of the City Attorney, for legal support and guidance in carrying out its responsibilities and duties, and to retain special counsel to handle complex cases within its jurisdiction. City Council shall allocate funds sufficient for the Commission to carry out the responsibilities described herein. The Executive Director may refer a matter and divulge evidence of possible unlawful conduct discovered during an investigation to another governmental or law enforcement agency for appropriate action at any time.