



INFORMAL AGENDA ITEM

COUNCIL MEETING DATE: February 27, 2012

TO: President and Members of City Council

FROM: Aimee Cox, City Council Liaison

Subject Title: Duties and Responsibilities of Mayor and Council

The City Attorney has provided Council a summary matrix of duties and responsibilities of the Mayor and the Council as set forth in the Charter, as amended by the adoption of the Council-Mayor form of government. The City Attorney has also provided an opinion of the City Attorney's Office discussing the role of Council and the Mayor in appropriations and use of appropriated funds under the Charter. Both subjects will be open for questions and discussion.

At Council's direction, the presentation at the Informal Meeting will be preceded by a study session with City Council and the City Attorney from 11:30am-12:30pm on Monday, February 27, 2012 at City Hall in the Pikes Peak Room. This meeting has been posted as an open meeting.

**City of Colorado Springs
Council-Mayor Summary of Responsibilities and Authority under
Municipal Charter and City Code¹**

Responsibility	Council Authority	Mayor Authority
Governmental Function	City Council is vested with all legislative powers of the City and its enterprises. <i>Charter Article III.</i>	The Mayor is vested with all executive and administrative powers of the municipal government. <i>Charter Articles III and IV.</i> The Mayor shall enforce the laws of the City and shall require the faithful performance of the duties of municipal employees. <i>City Code § 1.2.301(A).</i>
Personnel Policies and Policy-making generally	<p>The Council approves all general policies related to legislative City functions and provides recommendations to the Mayor on administrative policies. Council also approves all Personnel Policies and Purchasing Rules (<i>Charter §3-10(f), City Code §1.4.102(A)</i>), Board and Commission rules and regulations (<i>City Code §1.2.903</i>), the Real Estate Manual (<i>City Code §7.7.1807</i>) and various other policies and procedures as required by City Code (i.e., <i>City Code §4.2.101(B)</i>).</p> <p>Council must complete within 90 days of 2010 voter approval of Charter, its review and approval of personnel policies and procedures and purchasing and contracting rules and regulations. <i>Charter § 15-10(c).</i></p> <p>The City retains the sole right to modify, suspend, interpret or cancel in whole or in part the provisions of any policies and procedures at any time, and for any reason, with or without notice. <i>City Code § 1.4.102(C).</i></p>	<p>The Mayor approves and promulgates all administrative regulations and policies pertaining to the functions of the municipal government. <i>Charter § 4-40 and City Code § 1.2.314.</i></p> <p>The Mayor may choose to establish supplemental administrative procedures related to the Real Estate Manual so long as they do not supersede or substitute its terms. <i>City Code § 7.7.1807(D).</i></p> <p>The Mayor or the Mayor's designee shall submit proposed changes to the personnel policies and procedures in writing to all City Council Members. <i>City Code § 1.4.102(B).</i></p>

¹ This matrix is primarily focused on the division of responsibilities between the Mayor and the City Council related to the City's municipal government and does not include oversight of the Memorial Health System or Colorado Springs Utilities enterprises.

Responsibility	Council Authority	Mayor Authority
Legislation	Council may act at legislative sessions by ordinance, resolution or motion. <i>City Code § 1.2.108(A)</i> . Council may override Mayoral veto by affirmative vote of six (6) members. <i>City Code § 1.2.108(C)(3)</i>	Mayor shall have the power to review and approve or disapprove by veto ordinances finally passed on second reading by Council, subject to certain limitations enumerated in <i>City Code § 1.2.108(B)</i> . See also, <i>Charter § 3-70(e)</i> and <i>City Code § 1.2.108(C)(2)</i> (veto procedures).
Budget, Appropriation and Finance	Reviews and approves the municipal government's operating budget, appropriates funds in accord with the budget, and sets the necessary tax levy. <i>Charter § 7-30</i> . Council also provides a system for the collection, custody and disbursement of all public monies. <i>Charter § 7-20(a)</i> .	Under <i>Charter § 4-40(i)</i> , the Mayor prepares and presents the City's annual budget to Council and presents appropriations and tax levy recommendations to Council. The Mayor has line item veto authority over appropriation ordinances subject to Council override (<i>Charter § 3-40(c)</i>), direct control over the revenues of the City (<i>Charter § 7-20(a)</i>), and is required to submit financial reports to Council and the public (<i>Charter § 4-40(b)</i>).
Contracts	Approves Intergovernmental Agreements (<i>C.R.S. § 29-2- 203</i>) and annexation agreements (<i>C.R.S. § 31-12- 101 et seq. and City Code § 7.6.203</i>), and appropriates funding for other administrative and executive contracts.	Executes all legal instruments (deeds, etc.) and contracts on behalf of the City. <i>Charter §4-10 and City Code § 1.2.313(A)</i> . It is the Mayor's duty to ensure that all City contracts are procured in compliance with law, and faithfully kept and fully performed. <i>Charter § 4-10, City Code § 1.2.313(C)</i> .
Land Use and Planning	Authority for approval/rejection of all legislative items and quasi-judicial land use items that are appealed from Planning Commission decisions. Council is also the authority that approves any amendments to Chapter 7 of the City Code, and has authority to annex property. <i>C.R.S. § 31-12-101, et seq.</i>	Supervises the City's Land Use Review Division and offers recommendations to Council related to amendments to Chapter 7 of the City Code. Under <i>Charter § 3-70</i> , the Mayor may disapprove by veto any Chapter 7 ordinance passed by Council, subject to Council override. The Mayor may not disapprove by veto any quasi-judicial ordinance approved by Council. <i>City Code § 1.2.108(B)(3)(a)</i> .

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Monitoring and Accountability	Provides feedback and recommendations to the Mayor and City staff related to city services. Council "shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary." <i>Charter § 3-160.</i>	Supervises City staff and reports to Council regarding City service provisions. In addition, Mayor has power to investigate and examine or inquire into the affairs or operations of any department, division, agency or office of municipal operations and enterprises. <i>City Code § 1.2.310.</i> In addition, the Mayor shall have charge and supervision over all accounts and records of the City, and all boards or groups required to keep or make accounts, and may inspect or examine such records in accordance with law. <i>City Code § 1.2.308.</i>
Salary and Benefits	Council approves all municipal employee salaries and benefits through the budget and appropriation process. <i>City Code § 1.4.202(B).</i> Certain officers' salaries are required to be set by ordinance: City Attorney and assistants (<i>Charter §§ 13-80 and 13-90</i>), City Auditor and assistants (<i>Charter § 3-10(c)</i> and <i>City Code § 1.2.701</i>) and the Utilities Executive Director (<i>City Code § 1.2.801</i>). Council also reviews and approves all personnel policies for City employees (<i>Charter § 3-10(f)</i>).	The Mayor provides recommendations to Council related to salaries and benefits. <i>City Code § 1.4.202(A).</i> Where appropriate due to a change in conditions or changes in duties and responsibilities during the fiscal year, the Mayor may designate new classifications and appropriate pay grades for new jobs. <i>City Code § 1.4.202(B).</i> The Mayor or the Mayor's designee shall submit proposed changes to the personnel policies and procedures in writing to all City Council Members. <i>City Code § 1.4.102(B).</i>
Staffing	Council appoints the City Auditor (<i>Charter § 3-10(e)</i>), and the Utilities Director (<i>Charter § 6-10</i>). Council also reviews and approves all personnel policies for City employees (<i>Charter § 3-10(f)</i>). By ordinance, Council may establish department, divisions, offices, or agencies in addition to those created by the Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by the Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other." <i>Charter § 5-10.</i>	The Mayor shall appoint and suspend or remove any City government employee. <i>Charter § 4-10(c)</i> , <i>City Code § 1.2.304</i> . Mayor will appoint a Chief of Staff. <i>Charter § 4-40(e)</i> . Mayor, subject to approval by a majority of Council, shall appoint the City Clerk, City Attorney, Municipal Judges, Chief Financial Officer/Controller/Treasurer, Police Chief, Fire Chief, department heads providing oversight over public works, parks, community development, and the municipal airport, and any other function as set forth in the City Code. <i>Charter § 4-40(f)</i> .

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		<p>Like Council, Mayor may “establish departments, divisions, offices or agencies, in addition to those created by the Charter, necessary for the efficient administration of the municipal government and to prescribe the functions of all departments, divisions, offices and agencies...” <i>City Code § 1.2.312</i>. All departments, divisions, offices, and agencies shall be under the direction and supervision of the Mayor...” <i>City Charter §§ 4-40 (d) and 5-20</i>.</p>
Communications	<p>Council shall maintain a strategic plan which prioritizes goals for the Council and establishes measurable outcomes. Council shall provide the plan to the Mayor for consideration in development of the municipal budget. <i>Charter § 3-10 (c)</i>.</p> <p>Council shall prepare annually a public “Report to the Citizens.” <i>Charter § 3-10(d)</i>.</p>	<p>Responsible for daily communications with the citizens, media and Council. The Mayor shall also, under <i>Charter § 4-40(b)</i>, “maintain and submit to the citizens a strategic plan that prioritizes goals for the City and establishes measurable outcomes... [and] provide for an annual ‘State of the City’ report to the citizens on progress in meeting the strategic plan.”</p> <p>In addition, Mayor must prepare for Council a complete report on the finances and administrative activities of the City at the end of each fiscal year, and any other reports Council may require. <i>Charter § 4-40(b)(2),(3)</i>.</p>
Economic Vitality and Development	<p>Council is to prepare a Strategic Plan specific to Council that may include goals and strategies related to economic vitality and economic development. <i>Charter § 3-10(c)</i>. Council also approves economic development agreements and makes specific findings of a “public purpose.” <i>Colo. Const. Art. XI, § 2</i>.</p>	<p>The Mayor prepares the City's Strategic Plan that may include goals and strategies related to economic vitality and economic development. <i>Charter § 4-40(b)</i>. Mayor is also responsible for the administration and implementation of economic development agreements.</p>
Enterprises	<p>Utilities: Council acts as the Utilities Board for the City's Colorado Springs Utilities enterprise. <i>Charter § 6-40</i>.</p> <p>Health: City Council has oversight responsibility for the City's Memorial Health System enterprise which was referred to the voters in 1949 and is codified at <i>City Code § 13.1.104</i>.</p> <p>Airport: Council appoints 7-member Municipal Airport Advisory Commission,</p>	<p>As municipal enterprises, the Mayor has direct administrative responsibility for the airport, cemeteries, golf courses, parking, Pikes Peak-America's Mountain, Development Review and Stormwater enterprises. <i>See, generally, City Code Chapter 14</i>.</p>

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	which acts as advisor to Mayor, Council and Planning Commission. <i>City Code § 14.1.102.</i>	The Mayor shall serve as a non-voting, <i>ex officio</i> member of the Utilities Board. <i>Charter § 4-40(j).</i>
Risk Management	Council approves budget and appropriations for risk management and claims management activities. Council authorizes settlement of claims and litigation in accord with <i>City Code §§ 1.5.503 and 1.5.506.</i>	Mayor is responsible for budget and appropriations recommendations for risk management and claims management activities. Mayor has the responsibility to ensure that all contracts and agreements are faithfully kept and fully performed. <i>Charter § 4-10.</i> Mayor reviews and makes recommendations on legal representation and settlement of certain claims and litigation in accord with <i>City Code §§ 1.5.503, 1.5.504 and 1.5.506.</i>
Asset Management	Real property acquisition and disposal is subject to the Real Estate Manual, which must be approved by Council. <i>City Code § 7.7.1807.</i>	<p>The Mayor is authorized to establish an equipment pool (the "pool"), for City construction and automotive equipment, and to transfer and place in the pool construction, automotive and other equipment, as the Mayor deems proper through budgetary procedures, directives or other appropriate means. Equipment shall remain in the pool unless the Mayor withdraws, sells or otherwise disposes of the property. The dominion, assignment and control of the equipment in the pool, including its use, maintenance and replacement shall be vested in the Mayor or the Manager. <i>City Code § 3.2.101-102.</i></p> <p>In addition, the Mayor may choose to establish supplemental administrative procedures related to the Real Estate Manual so long as they do not conflict with, supersede or substitute its terms. <i>City Code § 7.7.1807(D).</i></p>

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Program Development	To the extent a program pertains to legislative functions, Council would have authority to establish and to approve budget and appropriations to support the program if recommended by the Mayor.	The Mayor authorizes or establishes programs conducted by administrative or executive departments, and recommends budget and appropriations to support the programs to City Council.
Boards and Commissions	Council has the authority to create boards and commissions, appoint and remove members of boards and commissions, and alter the powers and responsibilities of existing boards and commissions. Charter § 9-10 and City Code § 1.2.901. Council also approves all rules of procedure governing the conduct of meetings of boards and commissions. City Code § 1.2.903.	The Mayor shall have the power to designate committees necessary for the proper consideration of executive or administrative problems. <i>City Code § 1.2.307.</i>