

**MINUTES OF THE RULES & ORDINANCES COMMITTEE**  
**June 4, 2018**  
**East Conference Room**

**Present:** Councilmembers George, Litten & Rader

**Also:** Councilmember Bullock, Law Director Butler, one member of the public

**Call to Order:** 6:43 p.m.

**ORDINANCE NO. 38-17 - Enacting Chapter 123, Departments and Directors Established, of the Codified Ordinances of the City of Lakewood in order to codify the administrative departments and their directors' responsibilities within the City.**

Director Butler explained that the Second Amended Charter prescribed the City's departments. The Charter Review Commission recommended removing this section from the Charter and instead placing it in the Codified Ordinances so that Council has the power to determine which departments are necessary and to make changes as needed. Ordinance 38-17 takes the department structure set forth in the Second Amended Charter and codifies it in the ordinances.

The Committee discussed potential changes that Council may want to make at some point to the department structure.

In response to a Councilmember question Director Butler explained that the Ordinance does not change the relationship between Council and the Planning Commission which is laid out in the Third Amended Charter.

A motion was made and seconded to recommend adoption of Ordinance 38-17.  
All in favor. Motion adopted.

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**ORDINANCE NO. 39-17 - Amending various sections within the Codified Ordinances of the City of Lakewood in order to update the code to reflect the adoption of the Third Amended Charter.**

Director Butler explained that Ordinance 39-17 removes all references to the Second Amended Charter in the Codified Ordinances and replaces them with "Third Amended Charter."

The Committee discussed Sec. 101.09 which was changed to allow the Clerk to provide hard copies of the Code upon request only. This change was made to reflect that the majority of City Hall is referencing the digital version of the Code.

A motion was made and seconded to recommend adoption of Ordinance 39-17.  
All in favor. Motion adopted.

**ORDINANCE NO. 58-17 - Enacting Section 149.24, Activity of Officials and Employees Restricted, of the Codified Ordinances of the City of Lakewood in order to codify certain ethical requirements.**

Director Butler explained that the Second Amended Charter contained ethical provisions that the Charter Commission believed would be best to re-locate to the Codified Ordinances. All of the specific ethical provisions from the Second Amended Charter are included in Ordinance 58-17. Therefore all of the City's existing ethical provisions are still in effect but in a different location.

A motion was made and seconded to recommend adoption of Ordinance 58-17.  
All in favor. Motion adopted.

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**ORDINANCE NO. 29-18 – Enacting various sections of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to financial processes in the city**

Director Butler explained that the Second Amended Charter contained the City's financial processes. The Charter Review Commission determined that the Charter ought to contain only the most important of these and the rest be re-located into the Codified Ordinances. Ordinance 29-18 accomplishes this. Director Butler provided examples of financial processes that were kept in the Third Amended Charter and those that were taken out. None were discarded.

A motion was made and seconded to recommend adoption of Ordinance 29-18.  
All in favor. Motion adopted.

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**ORDINANCE NO. 26-18 – AN ORDINANCE amending Section 121.15, Duties of Clerk of Council, of the Codified Ordinances of the City of Lakewood in order to codify an obligation to verify training certificates found within the Third Amended Charter.**

Director Butler explained that Ordinance 26-18 adds the requirement that the Clerk of Council certify that new Councilmembers received their required training.

A motion was made and seconded to recommend adoption of Ordinance 26-18.  
All in favor. Motion adopted.

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**ORDINANCE NO. 24-18 - AN ORDINANCE enacting Section 131.03, Franchises, of the Codified Ordances of the City of Lakewood in order to codified certain provisions with respect to the grant of franchises in the city.**

Director Butler explained what a franchise is and stated that the City is no longer in the business of granting them. Cable operators were the last to receive franchises. Since then, the State took away cities' abilities to grant franchises. However, the Charter Review Commission decided that the City ought to not entirely abandon the franchise provisions just in case there is a reason to grant one in the future. Accordingly, the provisions from the Second Amended Charter about franchises were placed verbatim in Ordinance 24-18.

In response to a question by Councilmember Rader, Director Butler discussed how this issue interacts with municipal home rule authority.

A motion was made and seconded to recommend adoption of Ordinance 24-18.

All in favor. Motion adopted.

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**ORDINANCE NO. 20-18 - Enacting Chapter 141, Special Assessments, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions with respect to the special assessment process for public improvements.**

Director Butler explained that the concept of special assessment; that is, the City takes on the cost and contracting for public improvements to be later paid back by the property owners affected by those improvements. Recently, special assessments were used for erosion control projects at the Meridian and Winton Place. Special assessment is useful for large projects where the property owners would not have the same credit or leverage as the City to pay for a project all at once.

The Charter Review Commission determined that the special assessment provisions in the Second Amended Charter were too detailed for the Charter and ought to be re-located to the Codified Ordinances. Ordinance 20-18 accomplishes this recommendation.

Councilmember Litten mentioned that by moving this and other provisions from the Charter to the Ordinances that Council is able to more easily make changes to them in the future.

In response to a question by Councilmember Rader, Director Butler explained that in its final report, the Charter Commission made clear its expectation that these provisions flagged for removal from the Third Amended Charter be re-homed in the Codified Ordinances as is.

A motion was made and seconded to recommend adoption of Ordinance 20-18.

All in favor. Motion adopted.

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**ORDINANCE NO. 6-18 – Amending Section 1134.03, Procedures for Identification, Nomination and Designation of an HPD or HP, of the Codified Ordinances of the City of**

**Lakewood in order to adjust the voting requirements of the Planning Commission based upon its new composition under the Third Amended Charter.**

Director Butler explained that the Third Amended Charter reduced the membership of the Planning Commission from seven to five members. Section 1134.05 regarding nomination of historic properties and neighborhoods currently requires five members to vote in favor. The intent of that section is to require a super majority, not a unanimous vote. Accordingly, Ordinance 6-18 proposes to require a vote of four members

The Committee discussed why the Planning Commission membership was reduced and how that change was executed in practical terms.

A motion was made and seconded to recommend adoption of Ordinance 6-18.  
All in favor. Motion adopted.

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**ORDINANCE NO. 5-18 - Enacting Sections 131.01, Provisions, Alteration, Dedication and Vacation of Streets and 131.02, Board of Revision of Assessments, and amending Section 107.11, Notice of Public Hearing, of the Codified Ordinances of the City of Lakewood in order to codify certain provisions related to the establishment, naming and vacation of streets.**

Director Butler explained that Ordinance 5-18 removes provisions about the vacation of streets and the Board of Revision of Assessments from the Charter and instead places them into the Codified Ordinances. A substitute version corrects errors that were in the version originally introduced.

A motion was made and seconded to recommend adoption of Ordinance 5-18 as substituted.  
All in favor. Motion adopted.

Rules & Ordinances Committee adjourned at 7:30 p.m.