

ORDINANCE NO. 2416
INTRODUCED BY: Green

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING ARTICLE 2 OF THE BRIGHTON MUNICIPAL CODE RELATING TO
BOARDS AND COMMISSIONS

WHEREAS, on July 26, 2022, City Council discussed in a Study Session the various boards and commissions to which Council Members are appointed and the authority for each Board and Commission; and

WHEREAS, certain Boards and Commissions are created by the City Council and are advisory to the City Council, and at the July 26, 2022 meeting it was recommended that the appointed City Council member to City Boards and Commissions not vote on an advisory board or commission; and

WHEREAS, the Board of Appeals has not had anyone apply to be on it in some time making it non-existent, and when an appeal needs to be heard, it would be more efficient to engage a hearing officer engaged to hear such appeals; and

WHEREAS, the Park and Recreation Advisory Board has identified appointments that are not being filled or that are too specific to find individuals willing to serve so removing restrictions will allow more persons who are interested and willing to serve to apply to be on the board; and

WHEREAS, the City of Brighton is a home rule municipality and may create its own boards and commissions and is not bound to those identified in state statutes, so the limitation previously found in the Brighton Municipal Code is not necessary and should be removed; and

WHEREAS, City Council supports modifications to the Brighton Municipal Code to more accurately reflect best or actual practices, to exercise its home rule authority, and to update sections of the Code associated with boards and commissions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 2-8-20 is hereby amended as follows:

Boards, commissions, and authorities designated.

The Council may, by ordinance, establish, consolidate, or abolish any City board, commission, or authority, except the Planning Commission and Board of Adjustment may not be abolished. The boards, commissions and authorities of the City shall include:

- (1) Planning Commission;
- (2) Board of Adjustment;
- (3) Parks and Recreation Advisory Board;
- (4) Brighton Historic Preservation Commission;
- (5) Brighton Youth Commission;
- (6) Brighton Housing Authority;
- (7) Brighton Urban Renewal Authority;
- (8) Lodging Tax Advisory Committee

Section 2. Section 2-8-25(b) is hereby amended to read as follows:

(b) The terms of office of appointed members of the Planning Commission/Board of Adjustment and the Parks and Recreation Advisory Board shall be limited to two (2) terms, which shall include the term of office which the member was previously appointed and is serving on June 23, 2009. Except as may be otherwise determined by the City Council, no person may be appointed to serve a succeeding term on the board, commission, or authority from which that person has been term limited. The term limits herein stated shall not apply to the appointment to an unexpired term of no more than one-half (½) of the full term of office. Nothing herein shall be deemed to limit the number of terms that the City Historian may serve.

Section 3. Section 2-32-40 is hereby amended to read as follows:

The Parks and Recreation Advisory Board shall be composed of eleven (11) voting members and one (1) City Council liaison, all of whom shall reside in the City, except the School District 27-J Representative, and shall be appointed as follows:

- (1) Four (4) at-large members appointed by the Mayor with approval of the City Council;
- (2) One (1) member from each ward appointed by the Mayor with approval of the City Council;
- (3) One City Council Member, who shall not be a voting member but rather a liaison between the Board and the City Council, and a second City Council member may be appointed as an alternate;
- (4) One (1) Representative of the School District 27-J;
- (5) Two (2) youth members shall represent the community at large and shall be appointed by the Mayor with the approval of the City Council;
- (6) Two (2) members from Paragraphs (1), (2) and/or (5) above shall have a special interest in and be dedicated to advancing bicycling within the Brighton community for appointment by the Parks and Recreation Advisory Board to the Bike Brighton Sub-Committee of the Parks and Recreation Advisory Board.
- (7) Two (2) alternates, not from the same ward, recommended by members of the City Council, appointed by the Mayor with approval of the City Council.

Section 4. Section 2-66-10 shall be amended with the addition of subsection (h) as follows:

(h) The Mayor with approval of the City Council may appoint a City Council member to attend Historic Preservation Commission meetings as a non-voting liaison.

Section 5. Section 3-40-170(d) shall be amended as follows:

- (d) Membership. The Lodging Tax Advisory Committee shall be composed of seven (7) voting members and one (1) City Council liaison, who shall be appointed as follows:
- (1) All members and alternates shall be recommended by the City Council and appointed by the Mayor with approval of the City Council;
 - (2) Two (2) members shall be representatives of lodging providers located within the corporate limits of the City;
 - (3) Two (2) members from the Board of Directors of the Brighton Economic Development Corporation;
 - (4) One (1) nonvoting representative from the City Council appointed by the Mayor with the approval of City Council, and a City Council member alternate may also be appointed;
 - (5) Two (2) members from the Brighton Cultural Arts Commission;
 - (6) One at-large resident of the City of Brighton;
 - (7) The City Manager, nonvoting ex officio; and
 - (8) Two (2) alternates who are residents of the City.

Section 6. Section 15-2-110 shall be amended as follows:

Sec. 15-2-110 Appeals.

- (a) Hearing Officer. A hearing officer matters pertaining to building shall be appointed when there is a right to an appeal with regards to the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code. The hearing officer may consult experts in the following fields before making a final determination: architecture, building construction, structural engineering, mechanical and plumbing engineering, mechanical contractor, electrical engineer, or fire protection.
- (b) Hearing. After the filing of an appeal, the hearing date shall not be more than sixty (60) days from the date the appeal was filed with the Building Official, which hearing date may be extended for good cause shown.
- (c) Appeals.
 - (1) Basis of Appeal. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, then the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official. Such appeal shall be in writing and shall be submitted to the Building Official within thirty (30) days of the action causing the appeal.
 - (2) Decision of the Hearing Officer. The Hearing Officer, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Hearing Officer shall be in writing. Every decision shall be

filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the appellant. The Hearing Officer shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Hearing Officer, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Hearing Officer.

- (3) Final Decision. All decisions made by the Hearing Officer are final and may not be further appealed except to a court of law.
- (4) Limitations of authority. The Hearing Officer shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Hearing Officer be empowered to waive requirements of this Code.

Section 7. All sections, subsections, and definitions not expressly amended or modified herein remain in full force and effect.

Section 8. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 21ST DAY OF MARCH 2023.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 4TH DAY OF APRIL 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney