



Legislation Text

File #: Ordinance 44-2017, **Version:** 3

Agenda Date: 01/16/2018

Subject:

An ordinance on second reading amending Title 1, Chapter 9, Sections 1-9-1 and 1-9-2 of the Littleton City Code

Presented By: Steve Kemp, City Attorney

POLICY QUESTION:

Does city council support adopting an ordinance on first reading amending Title 1, Chapter 9, Sections 1-9-1 and 1-9-2 of the Littleton City Code?

BACKGROUND:

Currently in the City Code there are two administrative provisions that date back prior to the 1971 code adoption. These provisions provide:

1. That fees and charges due to the city are to paid in lawful money of the United States (1-9-1).
2. That council members may act as policemen without pay under the supervision of the Chief of Police (1-9-2).

As set forth in the staff analysis, these provisions are outdated and in the case of Section 1-9-2 are preempted by state statute and unenforceable. In accordance with Council direction, as this ordinance is a minor change to the City Code, it is being brought directly to the council for first read.

STAFF ANALYSIS:

Section 1-9-1 of the city code dates back to a time where fees and charges were primarily done in cash. Modern methods of payment such as:

1. Automated check handling (ACH)
2. Electronic funds transfer (EFT)
3. Credit or debit cards
4. Check, cashier's check or money order
5. Wire transfer or direct account to account transfers

These types of modern methods were not readily available when this code section was originally adopted. In today's economy, most payments occur electronically. This code amendment updates the code to modern practices. Additionally, some individuals will pay fees and charges in small coins. This allows the Finance Director to regulate such practices.

Section 1-9-2 permits members of the City Council to act as policeman under the supervision of the Chief of Police for no compensation. However, in 1992, the state adopted a comprehensive plan for the certification and training of peace officers. This provision directly conflicts with the comprehensive plan and is unenforceable. For that reason, it should be repealed from the city code.

OPTIONS/ALTERNATIVES:

- A. That the Mayor and council adopt on first reading an ordinance amending Title 1, Chapter 9 of the Littleton City Code and setting the matter for a public hearing and second reading.
- B. That the Mayor and council reject adopting on first reading an ordinance amending Title 1, Chapter 9 of the Littleton City Code

FISCAL IMPACTS:

None

STAFF RECOMMENDATION:

That the Mayor and council adopt on first reading an ordinance amending Title 1, Chapter 9 of the Littleton City Code and setting the matter for a public hearing and second reading

PROPOSED MOTION:

I move to approve the ordinance amending Title 1, Chapter 9, Sections 1-9-1 and 1-9-2 of the Littleton City Code.