

Legislation Text

File #: Resolution 28-2018, **Version:** 1

Agenda Date: 06/05/2018

Subject:

Resolution approving the quasi-judicial rules of procedure

Presented By: Steve Kemp, City Attorney

REQUESTED COUNCIL ACTION:

Does city council support a resolution approving quasi-judicial rules of procedure?

BACKGROUND:

City council and certain boards and commissions act in a quasi-judicial capacity. A quasi-judicial proceeding is conducted by an administrative or executive official that is similar to a court proceeding. As with other types of legal proceedings, it is important to have consistent rules in order to provide all of the parties with procedural due process. Because these proceedings are important as they adjudicate the rights of individuals, the city attorney's office has worked with various departments that have quasi-judicial boards to develop rules of procedure.

PRIOR ACTIONS OR DISCUSSIONS:

A study session was held April 10, 2018.

STAFF ANALYSIS:

The city attorney's office evaluated quasi-judicial proceedings in a number of localities in Colorado and also in other states. In nearly every state, some land use and administrative proceedings are quasi-judicial. It is important to recognize that while city council may be functioning similar to a court, council and board members are not judges and many of the parties are not represented by counsel. The proposed rules of procedure are designed to balance the requirements of due process and provide parties with guidance on how a hearing is conducted. By providing rules for quasi-judicial proceedings, all of the parties will be provided basic fairness in the hearing process. Also members of the public will be better informed about the process and how city council conducts these hearings.

The proposed rules of procedure have been a cooperative process working with various city departments as well as outside counsel, Kissinger & Fellman, P.C.

OPTIONS/ALTERNATIVES:

Option A. Do not adopt quasi-judicial rules of procedure.

Option B. Adopt the proposed quasi-judicial rules of procedure.

FISCAL IMPACTS:

None.

STAFF RECOMMENDATION:

Staff recommends city council adopt the proposed quasi-judicial rules of procedure.

PROPOSED MOTION:

I move to approve the resolution approving quasi-judicial rules of procedure.