



## **CITY OF TRINIDAD TRINIDAD, COLORADO**

The City Council will hold its regular Work Session on  
Tuesday, July 12, 2011 at 1:30 p.m.  
City Hall Council Chambers, Third Floor, City Hall

### **AGENDA**

1. Request to address City Council regarding Mt. Carmel Festivities – Colonel Louis Simpleman
2. Discussion and Public Forum regarding proposed Home Rule Charter Revisions – Tami Tanoue, CIRSA
3. Discussion regarding Building Code Effectiveness Grading Schedule Classification Results – Ed Gil de Rubio, City Manager
4. Discussion regarding LED Lighting for the City of Trinidad – Ed Gil de Rubio, City Manager
5. Discussion of other agenda items

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, SUBMITTING PROPOSED HOME RULE CHARTER REVISIONS REGARDING ELECTIONS, ELECTED OFFICIALS, CITY COUNCIL PROCEDURE, AND RELATED DEFINITIONS TO THE REGISTERED ELECTORS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 1, 2011

WHEREAS, in accordance with Article XX of the Constitution of the State of Colorado, the registered electors of the City of Trinidad adopted a Home Rule Charter on November 2, 1993, to reserve unto the citizens of Trinidad the right and power of self-government; and

WHEREAS, the City Council of the City of Trinidad has conducted a review of the City’s Home Rule Charter; and

WHEREAS, the City Council has determined that revisions to the Home Rule Charter should be submitted for consideration by the registered electors of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO:

Section 1. That the following proposed repeal and reenactment, with amendments, of Chapter III (“Elections”) of the Home Rule Charter for the City of Trinidad, Colorado, be submitted to the registered electors of the City at the regular municipal election to be held on Tuesday, November 1, 2011:

CHAPTER III

ELECTIONS

- 3.1 **Colorado Municipal Election Laws Adopted.** City elections shall be governed by the Colorado Municipal Election Code as contained in the State statutes, except as otherwise provided by this Charter or by ordinance. All regular and special elections shall be nonpartisan.
- 3.2 **Regular Elections.** A regular election shall be held in November of each odd-numbered year on the date established by the State statutes for the regular elections of statutory cities. The Mayor and each Council Person shall take office at the first regular meeting in January following their election.
- 3.3 **Special Elections.** A special election shall be called by a resolution adopted at least thirty (30) days prior to the election. The resolution calling a special election shall set forth the purpose of the election.
- 3.4 **Conduct of Elections.** The City Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of City elections. In any case where election procedure is in doubt, the City Clerk shall prescribe the procedure to be followed.

**3.5 Recall.**

(a) The Mayor or any Council Person may be recalled from office pursuant to the State statutes which establish procedures for the recall of municipal elected officers, except as otherwise provided in this Charter.

(b) A recall petition shall be signed by registered electors of the City. The signers shall number at least twenty-five percent (25%) of the ballots cast at the last preceding election. For the purpose of this section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.

(c) If the office held by the person sought to be recalled would otherwise be filled at a regular City election scheduled to be held within ninety (90) days after submission of the recall petition, the petition shall not be accepted and no recall election shall be held.

(d) If a regular City election is scheduled to be held within ninety (90) days after submission of the recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular City election.

(e) If a general statewide election is scheduled to be held within ninety (90) days after submission of the recall petition, the recall election shall be held at the same time as that statewide election.

(f) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected, unless the signers number at least fifty (50) percent of the entire vote cast for all the candidates for that particular office at the last preceding election at which the person sought to be recalled was elected to office.

**3.6 Initiative.**

(a) The registered electors of the City may initiate a proposed ordinance, pursuant to the initiative power reserved by Article V, Section 1(9) of the State Constitution, as to any legislative matter which is subject to said initiative power. Any initiated measure shall be in the form of an ordinance. The ordinance shall be initiated pursuant to the State statutes which establish procedures for a municipal initiative, except as otherwise provided in this Charter.

(b) An initiative petition shall be signed by registered electors of the City equal in number to at least fifteen percent (15%) of the total number of electors of the City registered to vote as of the date established by the State statutes for determining such percentage.

(c) The City Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.

(d) The City Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the City Clerk and the date of the signature.

**3.7 Referendum.**

(a) The registered electors may require an adopted ordinance to be referred to them at an election, pursuant to the referendum power reserved by Article V, Section 1(9) of the State Constitution, to the extent the ordinance constitutes a legislative matter which is subject to said referendum power. Such an ordinance shall be referred pursuant to the State statutes which establish procedures for a municipal referendum, except as otherwise provided in this Charter. The referendum power shall not apply to an emergency ordinance.

(b) A referendum petition shall be signed by registered electors of the City equal in number to at least ten percent (10%) of the total number of electors of the City registered to vote as of the date established by the State statutes for determining such percentage.

(c) The City Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.

**3.8 Prohibited Action by Council.**

(a) No initiated ordinance adopted by the registered electors of the City may be substantively amended or repealed by the Council during a period of one (1) year after the date of the election on the initiated ordinance, unless the amendment or repeal is approved by the affirmative vote of two-thirds (2/3) of the entire Council.

(b) No referred ordinance repealed by the registered electors of the City may be re-adopted by the Council during a period of one (1) year after the date of the election on the referred ordinance, unless the re-adoption is approved by the affirmative vote of two-thirds (2/3) of the entire Council.

**3.9 Withdrawal of Petition.** An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**3.10 Petition Forms to Be Provided.** The City Clerk shall provide, upon request, sample forms of initiative, referendum, and recall petitions which conform to the requirements of this Charter.

**3.11 Single-Subject Requirement — Initiated and Referred Measures.**

(a) No measure proposing an amendment to the ordinances of the city by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.

(b) The City Clerk shall approve for petition circulation measures proposing referred ordinances or initiated ordinances only when such measures contain a single subject.

(c) As used in this section, the single subject requirement means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous.

**Section 2.** That, in connection with the changes set forth in Section 1 above, Sections 5.18 and 5.19 of the Home Rule Charter for the City of Trinidad, Colorado, be repealed, for the reason that said sections are subsumed within the changes set forth in Section 1 above.

**Section 3.** That the following question is hereby adopted for submitting the changes set forth in Sections 1 and 2 above to the registered electors at said election:

Proposed Charter Amendment No. 1: **SHALL CHAPTER III OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, BE REPEALED AND REENACTED, WITH AMENDMENTS, TO CONFORM MUNICIPAL ELECTION PROCEDURES GENERALLY TO THE STATE STATUTES CONCERNING MUNICIPAL ELECTIONS, AND TO ADDRESS CERTAIN MATTERS NOT COVERED BY SAID STATE STATUTES, SUCH AS THE WITHDRAWAL OF A PETITION BY PETITIONERS, THE PROVISION OF PETITION FORMS TO PETITIONERS, AND A SINGLE-SUBJECT REQUIREMENT FOR INITIATED AND REFERRED MATTERS; AND SHALL CONFORMING AMENDMENTS BE MADE TO THE CHARTER IN CONNECTION THEREWITH; ALL AS SET FORTH IN ORDINANCE NO. \_\_\_\_\_?**

**Section 4.** That the following proposed amendments to Chapter IV (“Elected Officials”), Sections 5.3, 5.10, 5.11, 5.14, and 5.15 of Chapter V (“Council Procedure”), and Section 12.2 of Chapter XII (“General Provisions”) of the Home Rule Charter for the City of Trinidad, Colorado, be submitted to the registered electors of the City at said election:<sup>1</sup>

**CHAPTER IV**

**ELECTED OFFICIALS**

**4.1 ~~Elective Officers CITY COUNCIL.~~ THE CITY COUNCIL** of the City of Trinidad shall consist of one Mayor and six (6) Council Persons. ~~Any elected officer of the City of Trinidad may be recalled from office as previously specified.~~ THE CITY COUNCIL SHALL BE THE GOVERNING BODY OF THE CITY AND SHALL HAVE SUCH POWERS AS ARE POSSESSED BY THE CITY AND NOT CONFERRED BY THIS CHARTER ON OTHERS. ALL SUCH POWERS SHALL BE EXERCISED IN THE MANNER PRESCRIBED IN THIS CHARTER OR, IF NOT PROVIDED FOR HEREIN, IN SUCH MANNER AS SHALL BE PROVIDED BY ORDINANCE.

**4.2 ~~Qualifications of Elected Officers OFFICIALS (Mayor and City Council Persons).~~** (a) Each candidate for Council Person or Mayor when nominated and elected shall be ~~an eligible and~~ a registered elector of the City, a citizen of the United States for at least five (5) years and shall have been domiciled in the City for at least twelve (12) months immediately preceding the election.

(b) ~~Further, no~~ NO person shall be appointed to OR HIRED IN any City office, position, or employment for which compensation was increased or fixed by City Council while that person was a member thereof until one year from the date that person ceased to be a Council Person or Mayor.

<sup>1</sup> Capital letters indicate new material added to existing Charter language; dashes through words indicate deletions from existing Charter language.

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(c) No candidate for City Council or Mayor shall hold any other elective City office unless the term of such other elective office shall expire on or before the date on which such candidate would take office if elected. However, a person may simultaneously serve as a member of the City Council or Mayor, and as a member of a Home Rule Charter Commission of the City.

(d) Neither the Mayor nor any member of City Council PERSON may be a ~~salari~~ AN employee or officer of the City during his/her term of office.

(e) No person may serve as an elected official of the City for a continuous period of more than eight (8) years. Any person who has ~~held any elective office or offices for a continuous period of eight (8) years~~ SO SERVED shall thereafter become ineligible to serve ~~on City Council or as Mayor~~ AS AN ELECTED OFFICIAL for a period of four (4) years.

4.3 **Council PERSONS.** ~~There shall be a City Council of six (6) members who shall be elected at large from the entire City.~~ EACH COUNCIL PERSON SHALL BE ELECTED AT LARGE BY THE REGISTERED VOTERS. ~~The term of elective office for each~~ EACH Council Person shall be ELECTED FOR A TERM OF four (4) years, ~~and until his/her successor is elected and assumes office.~~ Council Persons may be elected for a maximum of two (2) consecutive terms and thereafter, shall become ineligible to serve ~~on City Council or as Mayor~~ for a period of four (4) years. Three (3) Council Persons shall be elected at one Regular Municipal Election and the other three (3) Council Persons shall be elected at the next succeeding Regular Municipal Election.

4.4 **Terms of Office.** ~~Those Council Persons serving or elected on the date of the final adoption of this Charter shall continue in office for the remainder of the respective terms to which they were elected.~~

~~In the Regular Municipal Election to be held in 1995, the three (3) candidates for City Council receiving the greatest number of votes shall be elected for four (4) year terms.~~

~~In the Regular Municipal Election to be held in 1997 and thereafter, the three (3) candidates for City Council receiving the greatest number of votes shall be elected for four (4) year terms.~~

4.5 **Powers of the Council.** ~~The elected Mayor and elected City Council shall be the governing and legislative body of the City. Council shall have all powers established by the Colorado Constitution under Home Rule and hereinafter provided in this Charter.~~

4.64 **Mayor.** The Mayor shall be elected at large by the registered voters of the ~~entire~~ City. The term of office for the Mayor shall be two (2) years. ~~The Mayor, if elected, may serve up to a maximum of four (4) consecutive elective terms. Thereafter, the Mayor shall become ineligible to serve as Mayor or on City Council for a period of four (4) years.~~ The Mayor shall preside at all meetings of the Council and shall have all of the powers, rights, and privileges of a Council member PERSON. The Mayor shall be recognized as the head of City government for all ceremonial and legal purposes, by the courts for serving civil process and by the government for purposes of military law.

~~The Mayor elected on the date of final adoption of this Charter shall continue in office for the remainder of the term to which he/she was elected.~~

- 4.75 **Mayor Pro-Tem.** The Mayor Pro-Tem shall be appointed by the City Council from its membership at the first regular meeting after January 1 following each regular City election. The term for Mayor Pro-Tem shall be two (2) years. The Mayor Pro-Tem shall not serve two (2) consecutive terms as Mayor Pro-Tem. In the absence of the Mayor, the Mayor Pro-Tem shall perform all duties and have all the powers of the Mayor AS WELL AS RETAINING ALL RIGHTS AND POWERS OF A COUNCIL PERSON. In the event of the absence of both the Mayor and the Mayor Pro-Tem, the Council shall appoint one other of its members to serve as Acting Mayor. The Acting Mayor, while serving, shall perform all the duties and have all the powers of the Mayor as well as retaining all ~~Council members~~ rights and powers OF A COUNCIL PERSON.

## CHAPTER V

### COUNCIL PROCEDURE

- 5.3 **Voting.** A roll call vote by “Yes” and “No” shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote on final reading of a majority of the entire Council for final adoption. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the Council shall vote on any question on which he/she has a substantial personal or financial interest, as determined by a majority of the Council, other than the common public interest, or on any question concerning his/her own conduct, and in said instances the member shall disclose this interest to the Council. Failure of any MEMBER OF THE Council ~~member~~ to comply as specified shall be considered misconduct in office. On all other questions each member present at the meeting shall vote unless excused by the unanimous consent of the remaining members. Any other abstention, or refusal to vote, or absenting one-self from the room during the call for question shall be ruled a “yes” vote, recorded as such, and considered misconduct in office.
- 5.10 **Special Meetings.** Special meetings shall be called by the Clerk upon written request of the Mayor or any two (2) ~~members of the~~ Council PERSONS with at least a twenty-four (24) hour written notice to each member of the Council, served personally or left at his/her usual place of residence. Notice of such meeting shall be posted in two (2) public places.
- 5.11 **Compensation.** ~~The members of the~~ Council PERSONS shall receive such compensation and the Mayor such additional compensation as the Council shall prescribe by ordinance, provided, however, that they shall neither increase nor decrease the compensation of any member during his/her term of office. The Mayor and Council Persons may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.
- 5.14 **Vacancies.** EACH Council ~~Persons~~ PERSON and the Mayor shall continue to hold office until his/her elected successor is duly qualified. ~~A Council seat or the Mayor's~~ THE office shall become vacant ~~whenever any officer~~ WHEN THE PERSON HOLDING THE SAME dies, becomes incapacitated, is judicially declared incompetent, resigns or ceases to be domiciled in the City, or is convicted of a felony. It shall be the duty of the Council to declare such a vacancy exists.

Within forty-five (45) days after a vacancy is declared the Council shall choose, by majority vote, a duly qualified person to fill such vacancy except as otherwise set forth in this Charter. He/she shall serve only until the next Regular Municipal Election at which time the Electors shall elect a

~~Council Person and/or Mayor~~ PERSON to succeed or serve the remainder of the unexpired term if applicable.

In the event City Council is unable to reach a decision as to a successor to fill an existent vacancy, a Special Election will be called, provided there will not be a Regular Municipal Election within ninety (90) days.

If three (3) or more vacancies exist simultaneously ON THE COUNCIL, the remaining ~~Council Persons~~ MEMBERS shall at the next regular meeting of the Council, call a Special Election to fill such vacancies, provided there will not be a Regular Municipal Election within ninety (90) days and provided that their successors have not previously been elected.

- 5.15 **Oath of Office.** Before entering upon the duties of his/her office, every ~~Council Person, the Mayor,~~ elected official. City Clerk, Police Chief, Fire Chief, City Manager, Judge and City Attorney shall take, subscribe before and file with the City Clerk an oath or affirmation that he/she will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the City and will faithfully perform the duties of the office.

## CHAPTER XII

### GENERAL PROVISIONS

- 12.2 **Definitions.** As used in this Charter the following words and phrases shall have the following meanings:

- (a) **Appropriation.** The authorized amount of funds set aside or allocated for expenditure during a specified time and for a specified purpose.
- (b) **Ballot.** Not limited to a piece of paper, but may include any mechanical OR ELECTRONIC means such as voting machines, through which a voter expresses and records his/her choice thereon.
- (c) **City.** The City of Trinidad, Colorado, a municipal corporation.
- (d) **Council.** The City Council of the City of Trinidad.
- (E) ELECTED OFFICIAL. THE MAYOR OR A COUNCIL PERSON.
- (e) (F) **Employee.** Any person in municipal service who is ~~not an officer~~ DESIGNATED AS AN EMPLOYEE IN THE PERSONNEL ENACTMENTS OF THE CITY.
- (f) (G) **Franchise.** A special privilege granted by the City permitting the continuing use of public property such as City streets.
- (g) (H) **May.** Construed as permissive.
- (h) ~~**Officer.** Any person who is elected to office or appointed by Council, including appointees to boards and commissions.~~

(i) Person. Is intended to have a broad definition not limited to such as is herein enumerated but to include at least the following: individual, corporation, association, political subdivision, state agency, singular or plural of each.

(j) Publication. Publication in any legal newspaper having a general circulation in the City.

(k) Public Utility. Public utility or public utility corporations shall mean any person, firm or corporation operating waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, CATV and other television distribution systems, and any other public utilities or works or ways, in whole or part for use of said City and the inhabitants thereof. It shall not include any person, firm or corporation owning or operating sidetracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines, and shall not include municipally-owned utilities.

~~(l) Qualified Taxpaying Elector. Any qualified elector who in the twelve (12) months last preceding the election at which the vote is offered shall have paid a property tax on property in the City of Trinidad.~~

~~(m) Qualified Elector. A resident of the City who is qualified to vote under the Constitution and Statutes of the State of Colorado.~~

(n) Regular Election. The municipal election held every two (2) years at which candidates for elective offices of the City are voted upon.

(o) Shall. Construed as mandatory.

(p) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legal procedure.

**Section 5.** That the following question is hereby adopted for submitting the changes set forth in Section 4 above to the registered electors at said election:

Proposed Charter Amendment No. 2: **SHALL CHAPTER IV, AND SECTIONS 5.3, 5.10, 5.11, 5.14, 5.15, AND SECTION 12.2 OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, BE AMENDED TO CLARIFY AND REVISE DEFINITIONS, DELETE OBSOLETE PROVISIONS AND DEFINITIONS, MAKE CONSISTENT USE OF DEFINED TERMS SUCH AS "OFFICIAL," "ELECTED OFFICIAL," AND "COUNCIL PERSONS," CLARIFY THAT THE MAYOR IS A MEMBER OF THE CITY COUNCIL, DELETE DUPLICATE LANGUAGE CONCERNING TERM LIMITATIONS FOR THE MAYOR, AND MAKE OTHER CLARIFYING AMENDMENTS; AND SHALL CONFORMING AMENDMENTS BE MADE TO THE CHARTER IN CONNECTION THEREWITH; ALL AS SET FORTH IN ORDINANCE NO. \_\_\_\_?**

**Section 6.** That the following proposed amendments to Section 4.2(c) of the Home Rule Charter for the City of Trinidad, Colorado, be submitted to the registered electors of the City at said election:

4.2. ~~Qualifications of Elected Officers~~ **OFFICIALS (Mayor and City Council Persons)**

~~(c) No candidate for City Council or Mayor shall hold any other elective City office unless the term of such other elective office shall expire on or before the date on which such candidate would take office if elected. However, a person may simultaneously serve as a member of the City Council or Mayor, and as a member of a Home Rule Charter Commission of the City. NO PERSON SHALL BE A CANDIDATE FOR MAYOR AND COUNCIL PERSON AT THE SAME ELECTION, OR HOLD BOTH POSITIONS SIMULTANEOUSLY.~~

**Section 7.** That the following question is hereby adopted for submitting the changes set forth in Section 6 above to the registered electors at said election:

Proposed Charter Amendment No. 3: **SHALL SECTION 4.2(C) OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, BE AMENDED TO REQUIRE THAT A COUNCIL PERSON RUNNING FOR MAYOR, OR A MAYOR RUNNING FOR COUNCIL PERSON, SHALL NOT BE REQUIRED TO RELINQUISH THE POSITION THAT THE PERSON CURRENTLY HOLDS, UNTIL AND UNLESS ACTUALLY ELECTED TO THE NEW POSITION; AND TO CLARIFY THAT A PERSON MAY NOT RUN FOR MAYOR AND COUNCIL PERSON AT THE SAME ELECTION; AND SHALL CONFORMING AMENDMENTS BE MADE TO THE CHARTER IN CONNECTION THEREWITH; ALL AS SET FORTH IN ORDINANCE NO. \_\_\_\_?**

**Section 8.** That the following proposed amendments to Section 4.2(e) of the Home Rule Charter for the City of Trinidad, Colorado, be submitted to the registered electors of the City at said election:

4.2 Qualifications of Elected Officers ~~OFFICIALS (Mayor and City Council Persons)~~

(e) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, NO ~~Ne~~ person may serve as an elected official of the City for a continuous period of more than eight (8) years. Any person who has ~~held any elective office or offices for a continuous period of eight (8) years~~ SO SERVED shall thereafter become ineligible to serve ~~on City Council or as Mayor~~ AS AN ELECTED OFFICIAL for a period of four (4) years. A PERIOD IN WHICH A PERSON WAS APPOINTED TO THE OFFICE FOR LESS THAN A FULL TERM OF OFFICE, OR WAS ELECTED TO A PERIOD THAT WAS LESS THAN A FULL TERM OF OFFICE, SHALL NOT BE INCLUDED IN THE LIMITATIONS OF THIS SUBSECTION. NO PERSON MAY BE APPOINTED MAYOR OR COUNCIL PERSON AFTER HE OR SHE HAS BEEN TERM LIMITED, UNLESS AT LEAST FOUR YEARS HAS PASSED SINCE LEAVING THE TERM LIMITED OFFICE.

**Section 9.** That the following question is hereby adopted for submitting the changes set forth in Section 8 above to the registered electors at said election: **SHALL SECTION 4.2(E) OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, BE AMENDED TO CLARIFY THAT THE PERIOD OF APPOINTMENT TO A PARTIAL TERM OF OFFICE, OR THE PERIOD OF ELECTION TO A PARTIAL TERM OF OFFICE, SHALL NOT BE INCLUDED IN THE TERM LIMITATIONS APPLICABLE TO THE MAYOR AND COUNCIL PERSONS; AND SHALL CONFORMING AMENDMENTS BE MADE TO THE CHARTER IN CONNECTION THEREWITH; ALL AS SET FORTH IN ORDINANCE NO. \_\_\_\_?**

**Section 10. Severability.** If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 11. Effective Date.** This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_; READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF TRINIDAD, COLORADO

\_\_\_\_\_  
JENNIE GARDUNO, Mayor

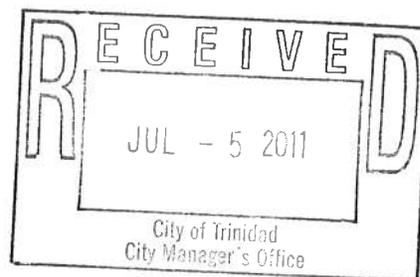
ATTEST:

By: \_\_\_\_\_  
AUDRA GARRETT, City Clerk

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111 NORTH CANAL STREET SUITE 950 CHICAGO, IL 60606-7270  
TEL: (312) 930-0070 (800) 444-4554 FAX: (312) 930-0017



June 28, 2011

Mr. Ed Gil De Rubio, City Manager  
City of Trinidad  
P.O. Box 880  
135 N. Animas  
Trinidad, CO 81082

RE: Building Code Effectiveness Grading Schedule Classification Results  
Trinidad, Las Animas County, CO

Dear Mr. Gil De Rubio:

We wish to thank you and Mr. Chris Kelley for the cooperation given to us during our recent Building Code Effectiveness Grading Schedule (BCEGS) survey. Insurance Services Office, Inc. (ISO) is the leading supplier of statistical data, underwriting information, and actuarial analysis to the property/casualty insurance industry in the United States. The BCEGS classifications are distributed by ISO for use by property/casualty insurers to assist in their insurance underwriting and premium development programs for residential and commercial properties. Insurers can use the BCEGS classification number to offer insurance premium discounts to eligible properties in Trinidad.

ISO has completed its analysis of the building codes adopted by your community and the effort put forth to enforce those codes. The resulting BCEGS Classification is a Class 9 for 1& 2 family residential property and a Class 9 for commercial and industrial property.

The new Classification is a regression from the former Class 4 for 1& 2 family residential property and a Class 4 for commercial and industrial property. The principal reasons contributing to this regression are:

- Some of the adopted codes do not represent the latest edition available.
- Change in staff and corresponding certifications since the last evaluation.
- Reduction in plan review staff levels since the last evaluation.
- Plan Review Checklist lacks structural detail for full credit.

A revised BCEGS classification would apply to new buildings receiving a Certificate of Occupancy during or after the calendar year in which the revision takes place.

Before we re-classify your community to reflect this change, we would like to know if Trinidad desires to develop a program to regain Class PL 4 and CL 4. If this letter is

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Mr. Ed Gil De Rubio  
City Manager  
June 28, 2011  
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acknowledged by July 28, 2011 advising us that this matter will be reviewed within the next three months we will postpone the implementation of the classification changes.

After review, if it is your decision to begin an improvement program to regain PL Class 4 and CL class 4, we will need to receive, by September 28, 2011 a list of the changes you intend to make. Additionally, we would appreciate your estimate of the amount of time which will be needed to complete each item. No re-classifying action will be taken if changes are implemented to regain the current classification within one year of the receipt of this letter.

We have attached a copy of our report which will provide you additional information about the classification process and how we evaluated various aspects of your community's building codes and their enforcement. We want to highlight the fact that the ISO Building Code Effectiveness Grading program is an advisory insurance underwriting information and rating tool. It is not intended to analyze all aspects of a comprehensive building code enforcement program. It is not for purposes of determining compliance with any state or local law nor is it for making loss prevention or loss safety recommendations.

If you have any questions about the classification that was developed, please let us know.

Sincerely,

Mr. Thomas A. Geibel  
BCEGS Building Code Department  
(800) 930-1677 Ext. 6208 FAX: (312) 930-0038

cc: Mr. Chris Kelley

enclosure

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ITEM #4 TO BE HANDED  
OUT AT TIME OF  
WORK SESSION

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