

PROPOSED AMENDMENT TO RULE II – SEC. 4
October 13, 2003 – DRAFT

Deletions noted by strikethrough
Additions noted by double underline and bold

RULE II
ORGANIZATION

Section 4. Powers, Duties and Purposes of the Commission.²

These powers, duties and the purposes shall be:

~~A. Rule making. The Commission shall approve, modify, reject or approve as modified, rules and amendments thereto, prepared by the Commission, or as recommended by the Executive Director, for carrying out Charter duties of the Commission. The provisions of Colorado Revised Statutes, 24-4-103(1),(2),(3),(4),(5), and (6) of the Colorado Administrative Procedure Act effective as of January 1, 1986 shall apply to the Commission in the exercise of its rule-making authority. Rules and amendments thereto, shall not be adopted at the same meeting at which they are proposed, and no final action shall be taken on any rule or amendment in less than seven (7) days after its proposal and after a public hearing has been held. No rule shall become effective until twenty (20) days after publication in one of the City's official newspapers. Copies of all rules shall be available to each member and department having the right to employ any person in the classified service, and printed copies of such rules and amendments thereto, shall be prepared for public distribution. Judicial review of any rules adopted shall be pursuant to the Colorado Rules of Civil Procedure.~~

(Amended March 26, 1987; March 27, 1998; October 27, 2000)

A. Rule-Making. The Commission shall **have the power to make, amend, or repeal any rule consistent with its rule-making process and its Charter-mandated duties, powers and responsibilities. The Commission's rule-making process shall be as provided below:**

1. The initiation of the Commission's formal rule-making process shall require Commission approval.

2. Prior to taking any final action on a proposed rule or rule change the Commission shall:

(a) Request and obtain a ruling from the office of the City Attorney on the legality of the proposed rule;

- (b) Publish a notice of proposed rule-making and post the full text of the proposed rule;
 - (c) Hold a public hearing on the proposed rule, and hold the hearing no sooner than 21 days following the publishing of notice.
- 3. The publishing of a notice of proposed rule-making shall include:
 - (a) Posting the notice at the office of the Commission.
 - (b) Forwarding the notice to the administration of departments in the Classified service, with a request for posting throughout the department.
 - (c) Forwarding the notice to the Manager of Safety, to the collective bargaining agent(s) for members of the Classified Service, and to interested parties.
- 4. Any notice of rule-making shall include the following information:
 - (a) The date, time, place, purpose and subject of the rule-making public hearing;
 - (b) A summary of the proposed rule or amendments to an existing rule;
 - (c) Information on the posting and the availability of the full text of the proposed rule;
 - (d) Any requirements and deadlines for submitting a request to present oral comment at the public hearing, to include any limitations on such participation; and
 - (e) Any requirements and deadlines for submitting written comment prior to or at the time of public hearing.
- 5. Concurrent with the publishing of the notice of rule-making, the complete text of any proposed rule shall be:
 - (a) Posted at the Commission office;
 - (b) Posted on the Commission's web-site;
 - (c) Forwarded to the administration of departments in the Classified Service; forwarded to the Manager of Safety, forwarded to the collective bargaining agent(s) for members of the Classified Service, and made available for public inspection.
- 6. Amendments made to a proposed rule subsequent to a public hearing shall be posted for a minimum of five (5) days prior to final adoption and will not require any additional public hearing.

- 7. Final adoption of a rule shall be effected by the dating and signing of a notice of adoption by the Commission, or at such later date as may be stated in the notice of adoption.**
- 8. Current rules and amendments thereto shall be made available without charge to members of the Classified Service upon request, to the departments in the Classified Service, and to the Manager of Safety. Current rules and amendments thereto shall be made available for public inspection. The Commission may charge the public a reasonable fee for printed copies of the rules.**
- 9. The Commission shall maintain a list of persons identified as interested parties for purposes of notification.**

² Several sub-sections were re-lettered on 10-27-00 due to the adoption of a new sub-section C titled *Equal employment opportunity and non-discrimination*, which incorporated language previously in sub-section B, titled *Purpose*.