

Date: 2/09/2012
Subject: Ordinance on first reading repealing section 1-4-5 of the City Code relating to liability of officers

Passed/Failed: Passed on first reading

CITY OF LITTLETON, COLORADO

ORDINANCE NO. _____

Series of 2012

INTRODUCED BY COUNCILMEMBERS: Cernanec and Taylor

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, REPEALING SECTION 1-4-5 OF THE LITTLETON CITY CODE RELATING TO LIABILITY OF OFFICERS.

WHEREAS, liability of officers is governed by state and federal law;

WHEREAS, disciplinary issues of administrative staff are within the purview of the City Manager pursuant to City Charter, Article VII;

WHEREAS, this provision in the code could be interpreted as waiving governmental and qualified immunity defenses thereby exposing officers and the City to liability and damages.

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

Section 1: Section 1-4-5 of the City Code relating to liability of officers is hereby repealed.

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 7th day of February, 2012, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 21st day of February, 2012, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____ FOR and _____ AGAINST on the ____ day of _____, 2012 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

CITY CLERK

PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:

CITY ATTORNEY