

***City Council  
Legal Review Committee  
Meeting Agenda***

**March 31, 2016  
City Hall – City Manager’s Office  
749 Main Street  
4:00 pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Public Comments on Items Not on the Agenda**  
(Council requests that public comments be limited to 3 minutes.)
- 5. Approval of December 17, 2015 Minutes**
- 6. 501c3 Organizations Affiliated with the City**
- 7. Procurement of Bond Counsel Services**
- 8. Lawsuit Settlements/Litigation Updates**
- 9. Next Meeting Date and Potential Discussion Items**
- 10. Adjourn**

# ***City Council Legal Review Committee***

## ***Meeting Minutes***

**December 17, 2015  
City Hall  
749 Main Street  
4:00 PM**

**Call to Order** – Chairperson Leh called the meeting to order at 4:05 PM.

**Roll Call:** The following members were present:

**Committee Members:** *Jeff Lipton, City Council  
Chris Leh, City Council  
Sue Loo, City Council*

**Absent:** *None*

**Staff Present:** *Malcolm Fleming, City Manager  
Sam Light, City Attorney  
Meredyth Muth, Public Relations Manager*

### **APPROVAL OF AGENDA**

The agenda was approved as presented.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None

### **APPROVAL OF MINUTES FROM SEPTEMBER 17, 2015**

The minutes were approved by all members as presented.

### **MUNICIPAL COURT APPOINTMENT INTERVIEWS**

Member Lipton noted the Legal Review Committee was holding interviews this year as a way of making the appointment process a bit more formal. It is a chance for the Committee to learn a bit more about the appointees and be able to say the Committee met and discussed the workings of the court with the Judge and Prosecuting Attorney before making recommendations for appointment.

#### **A. PROSECUTING ATTORNEY COLLETTE CRIBARI**

Members interviewed Collette Cribari. Cribari noted that the court of often the only time many residents have interactions with their municipality and she strives to make sure they have a good experience.

Cribari gave some highlights from the past year including updating the model traffic code and working with Judge Joss on the Minors in Possession program.

Leh asked if the new legalization of marijuana has affected the Minors in Possession numbers. Cribari said there hadn't been a big increase.

Lipton asked what are the major types of issues the court is dealing with. Cribari said mostly it is traffic and Minors in Possession, with some code enforcement issues, such as weeds.

Light asked if there had been any concerns with the Licensing Authority. Cribari said no.

Lipton asked if there were any things the City should be doing differently to support the court. Cribari answered no.

#### **B. JUDGE BRUCE JOSS**

Members interviewed Judge Bruce Joss. Joss stated that things are going well in the court and Linda Lebeck (Court Coordinator) is doing a great job. He noted the Minors in Possession program has been working well and gotten good results.

Lipton asked if there are any changes the Judge would like to see in the court. Joss noted he would like security for all court days not just the arraignment days.

Leh asked if there were any trends in the Court the Council should know about. Joss noted most of what they are handling now is traffic issues.

Light asked if the Judge anticipated an increased need for associate judges in 2016. Joss replied it is hard to anticipate, but probably not.

#### **ASSOCIATE JUDGE NEEDS FOR 2016**

Judge Joss had previously submitted three names of people he asked be appointed for Associate Judge for 2016.

Leh noted there doesn't seem to be a problem with holding court with only two associate judges. Court was never canceled in 2015 because there was no judge available. Leh recommended Jeffrey Cahn and David Thrower be appointed.

Loo and Lipton concurred.

**DRAFT POLICY FOR 501c3 ORGANIZATIONS AFFILIATED WITH THE CITY**

Members discussed concerns about the 501c3s associated with the City including using City money or the perception of using City funds for advocacy, liability concerns as the City's liability protection does not extend to the 501s, and reputational liability for the City because if something bad were to happen the City would likely be tarnished even if there was no City involvement.

Loo asked if the 501s really need that designation to fund raise. Muth stated the City can accept funds for the 501s and the City can give receipts to donors for tax purposes. That option has been given some of the 501s but they have chosen not to go that route. Some of the 501s use their status to apply for grants that are only given to such entities. The LCC in particular was formed as a 501 to apply for SCFD funding.

In looking at the draft policy, Loo stated she wanted a complete ban on advocacy from the 501s rather than just advocacy with City funds.

Leh noted that if liability is the only concern, the City can simply require them each have insurance.

Light noted that what will be needed a clear scope of work for each City board and how that scope of work for the members of the board differs from the 501 scope of work.

Staff will bring back additional information at the March meeting.

**LAWSUIT SETTLEMENTS/LITIGATION UPDATES**

None

**NEXT MEETING DATE AND POTENTIAL DISCUSSION ITEMS**

The next meeting will be March 17 at 4 PM. At this time the only item scheduled is the draft policy for 501c3s affiliated with the City

**ADJOURN**

The meeting adjourned at 5:55 PM.

**SUBJECT: 501c3 ORGANIZATIONS AFFILIATED WITH THE CITY**

**DATE: DECEMBER 17, 2015**

**PRESENTED BY: MEREDYTH MUTH, PUBLIC RELATIONS MANAGER**

**SUMMARY:**

In the past few months, the Legal Review Committee has discussed the role of, and liability issues related to, the five 501c3 nonprofit organizations affiliated with the City. All parties agree the different 501c3s do good work for the City and offer great support for City programs and facilities, however there is concern related to liability issues that may arise and how to differentiate between an outside fund raising group acting independently and the City itself. Based on the discussion at the December Legal Review Committee meeting, staff prepared the following to show the duties of each City board versus the duties of their respective 501c3, non-profit affiliates.

**Library Board of Trustees**

- Serves as advisors in the review and development of policies for the Louisville Public Library
- Develops, reviews, and updates the Library's Strategic Plan
- Liaises with City Council on matters relating to the Library
- Promotes use of the Library within the community
- Develops and performs outreach activities (Little Libraries, Back-to-School nights, connecting with nonusers, etc.)

**Library Foundation**

(not a City-appointed board)

- Raises funding for library programs, materials, and other items not in the City's budget (e.g. the aquarium, puppet space, etc.)
- One member of the LBOT sits on the Foundation
- Raised approximately \$25,000 in 2015

**Historical Commission**

- Advises the City Council on matters relating to the development and use of the Louisville Historical Museum
- Promotes public awareness of the history of Louisville and its surrounding community
- Establishes criteria for the collection, preservation and display of historical artifacts, documents and structures by the Museum
- Works with Museum staff on such issues as deciding which items to accept into the Museum's permanent collection and establishing the Museum mission statement and Master Plan
- Serves as a sounding board for City departments and local organizations on matters relating to local history

**History Foundation**

(not a City-appointed board)

- Raising funds for new museum building
- Once building is complete it is assumed they will raise funds for museum programs, events, materials, etc.
- Up to two members of the Historical Commission can also sit on the History Foundation
- Raised approximately \$27,000 in 2015

**Seniors of Louisville 501c3**

(not a City appointed board)

- Advises City Council and Senior Center staff on matters related to the senior population
- Hosts on the annual Heat Relief dinner
- Raises funds for Senior programs
- Raises funds for seniors to help pay heating bills, for energy assistance, and for senior special needs/requests (medical devices, etc.)
- Raised approximately \$12,700 in 2015

**Parks & Public Landscaping  
Advisory Board**

- Provides recommendations for parks, programs, and facilities;
- Reviews plans for parks and public landscapes maintenance, development, and redevelopment;
- Makes recommendations on the capital and operating budget as it relates to parks and public landscape maintenance;
- Advises the City on best practices related to parks and landscaping;
- Promotes and educates the public regarding healthy horticultural and forestry practices in public and private landscapes;
- Gives comments on city landscape master plans, landscape ordinances and other appropriate landscape documents;

**Friends of the Arboretum**

- Raises funds for development of the Arboretum and related programs
- Currently one member of the Parks Board also sits on the Arboretum 501, but it is not likely a requirement to have one
- Raised less than \$100 in 2015

**Cultural Council**

- Advises the City Council on arts and cultural related matters
- Plans and executes various cultural events
- Applies for grants and funding opportunities
- Awards grants to support the arts and other cultural activities
- Membership and name of the City board and the 501 coincide
- Raised approximately \$17,000 in 2015, \$10,000 of which was from the City. Also has approximately \$16,000 saved to put towards the sculpture garden.
- There is no real distinction of duties between the City board and the 501 although the membership has begun to discuss this and looks for some direction on this from the City Council. Staff has identified a few ways duties could be split but those ideas have yet to be discussed with the LCC members.

***Draft Policy***

The draft policy below is revised slightly from the December version and adds a statement of purpose. Once the legal committee is comfortable with a draft, staff will circulate it with the five 501s affiliated with the City for their input.

**Requirements for 501c3, Nonprofit Organizations  
Affiliated with City Programming or Facilities**

A nonprofit, 501c3 organization formed specifically to raise funds for City facilities or programs, or created in association with an official City board or facility, shall abide by the following rules.

1. The 501c3 shall carry, at its own cost, liability insurance covering the actions of its directors and program participants in the amount of not less than \$1,000,000. Such policy will list the City of Louisville as an additional insured party and a Certificate of Insurance shall be given to the City annually.
2. The 501c3 shall prepare a clear scope of work identifying the duties of the directors of the 501c3 as separate from the duties of City board members. All directors shall understand the difference in their roles as 501c3 directors and City board members.
3. The 501c3 shall provide the City with an annual financial report and yearly tax returns. Once in the City's possession, those documents may be made public under a Colorado Open Records Act Request.
4. No City funds shall be used by the 501c3 for advocacy purposes.  
(Alternatively: The 501c3 shall not engage in advocacy for or against any issue.)
5. City staff time, the use of City facilities, and the use of City resources by the 501c3 will be limited to what is approved by the City Manager or his designee.
6. The 501c3 shall have a nondiscrimination policy.

***Statement of Purpose***

The City of Louisville places the above requirements on non-profit organizations affiliated with the City to promote transparency in the use of City funds and facilities, to reduce legal liability that could arise for both the City and the non-profit, and to regulate the use of City staff time for activities not related to their specific jobs.

**SUBJECT: 501c3 ORGANIZATIONS AFFILIATED WITH THE CITY**

**DATE: MARCH 31, 2016**

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**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Discussion.

**ATTACHMENT(S):**

1. None

**SUBJECT:           PROCUREMENT OF BOND COUNSEL SERVICES**

**DATE:               MARCH 31, 2016**

**PRESENTED BY:   MEREDYTH MUTH, PUBLIC RELATIONS MANAGER**

**SUMMARY:**

At the meeting on March 31 Deputy City Manager Balser and City Attorney Light will discuss the City's process for hiring bond counsel.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Discussion.

**ATTACHMENT(S):**

1. None