



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: January 10, 2022

TO: President Lawrence W. Atencio and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Trevor Gloss, Assistant City Attorney
SUBJECT: AN ORDINANCE RESCINDING ORDINANCE NO. 10020 AND THE ASSOCIATED 2021 COOPERATIVE AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, THE PUEBLO ZOOLOGICAL SOCIETY, A COLORADO NONPROFIT CORPORATION AND THE COLORADO DEPARTMENT OF CORRECTIONS, AN AGENCY OF THE STATE OF COLORADO, FOR LANDSCAPING SERVICES AT THE PUEBLO ZOO

SUMMARY:

Attached is an Ordinance rescinding Ordinance No. 10020, originally passed on October 12, 2021, which approved a Cooperative Agreement with the Pueblo Zoological Society ("Society") and the State of Colorado Department of Corrections ("CDOC") for landscaping services at the Pueblo Zoo.

PREVIOUS COUNCIL ACTION:

In November of 2020, the City entered into a Cooperative Agreement with the Society and CDOC ("2020 Agreement") which provided the Pueblo Zoo with free labor for landscaping. The 2020 Agreement was approved via Ordinance No. 9818, passed on November 23, 2020, and is a fully executed document.

In August of 2021, the CDOC contacted the City and stated that it was requiring a new Cooperative Agreement because its form agreement had changed. The City attempted to negotiate certain terms of the proposed agreement, but CDOC would not entertain any changes and eventually the City agreed to proceed with the approval process for the new agreement ("2021 Agreement"). The 2021 Agreement was approved by Ordinance No. 10020, passed on October 12, 2021. However, only the City and the Society have signed the 2021 Agreement. CDOC did not sign the 2021 Agreement - the very agreement which CDOC insisted that the City and the Society execute.

BACKGROUND:

CDOC has provided free offender labor for Zoo landscaping projects for many years. Supervised offenders provide landscaping services to assist the Society in maintaining the landscaping at the Pueblo Zoo which is located on 25 acres of City owned property. With its limited budget, the Society relies heavily on these free service hours to keep up with the landscaping needs at the Zoo. Without CDOC's help, the maintenance of landscaping and the general appearance of the Zoo grounds would deteriorate.

Recently, CDOC contacted the City and Society, stating that the 2021 Agreement is not and was never needed and that the parties should continue to be governed by the 2020 Agreement. The City welcomed this decision given its dissatisfaction with some of the terms of the 2021 Agreement.

The attached Ordinance rescinds Ordinance No. 10020 and the associated 2021 Agreement.

FINANCIAL IMPLICATIONS:

Not applicable to this Ordinance.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If this Ordinance is not approved, there will be two (2) outstanding ordinances and cooperative agreements approved by City Council and signed by the Mayor which are in conflict. Staff recommends cancelling the 2021 ordinance and agreement which CDOC recently disavowed.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE RESCINDING ORDINANCE NO. 10020 AND THE ASSOCIATED 2021 COOPERATIVE AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, THE PUEBLO ZOOLOGICAL SOCIETY, A COLORADO NONPROFIT CORPORATION AND THE COLORADO DEPARTMENT OF CORRECTIONS, AN AGENCY OF THE STATE OF COLORADO, FOR LANDSCAPING SERVICES AT THE PUEBLO ZOO

WHEREAS, the Pueblo Zoological Society, a Colorado nonprofit corporation (“Society”) and the City of Pueblo, a Colorado municipal corporation (“City”) and the State of Colorado through its Department of Corrections (“CDOC”) entered into a Cooperative Agreement for the provision of landscaping services at the Pueblo Zoo (“2020 Agreement”), which was approved by Ordinance No. 9818 on November 2, 2020; and

WHEREAS, in August, 2021, CDOC presented the Society and the City with a second Cooperative Agreement for the provision of landscaping services at the Pueblo Zoo (“2021 Agreement”) which was approved by Ordinance No. 10021 on October 12, 2021; and

WHEREAS, CDOC did not sign the 2021 Agreement and has recently taken the position that it is not operative; and

WHEREAS, it is now appropriate to rescind Ordinance No. 10020 and the associated 2021 Agreement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

Ordinance No. 10020, originally passed on October 12, 2021, and the associated State of Colorado Offender Labor Intergovernmental Agreement by and between the City of Pueblo, a Municipal Corporation, the Pueblo Zoological Society, a Colorado Nonprofit Corporation, and the State of Colorado acting by and through its Department of Corrections, relating to landscaping services at the Pueblo Zoo, shall be and hereby is rescinded.

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance to implement the policies and procedures described therein.

SECTION 3.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk

