

A RESOLUTION APPOINTING KENDRA L. CARBERRY AS CAREER SERVICE HEARING OFFICER FOR THE CITY OF COMMERCE CITY AND KATHIE B. GUCKENBERGER AS ALTERNATE CAREER SERVICE HEARING OFFICER

NO. 2023-139

WHEREAS, the City Council of the City of Commerce City ("City Council") is authorized by Section 2-4402(a) of the Commerce City Revised Municipal Code ("Code") "to appoint one (1) or more hearing officers to serve as the career service commission and hear employee appeals pursuant to Section 2-4402 of the Code;

WHEREAS, by Section 9.1 of the Commerce City Charter ("Charter") no member of the career service commission may hold any other appointed or elected office in the City or be employed by the City;

WHEREAS, Kendra L. Carberry and Kathie B. Guckenberger are not employed by the City, do not hold any appointed or elected office in the City, and possess the required legal experience and expertise to serve as the Career Service Hearing Officer and the Alternate Career Service Hearing Officer for the City; and

WHEREAS, the City Council desires appoint Kendra L. Carberry to serve as the City's Career Service Hearing Officer and Kathie B. Guckenberger to serve as the City's Alternate Career Service Hearing Officer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Appointments. The City Council hereby appoints Kendra L. Carberry to serve as the City's Career Service Hearing Officer and Kathie B. Guckenberger to serve as the City's Alternate Career Service Hearing Officer pursuant to Section 2-4402(a) the City Code and Section 9.1 of the City Charter to act as hearing officer in all matters brought under Section 2-4402 of the Code. All previous Career Service Hearing Officer appointments, including alternate appointments, inconsistent with this resolution are hereby rescinded and repealed.

SECTION 3. Authority. Ms. Carberry shall have all powers, duties, and responsibilities as provided in the City Charter and Code and as necessary to perform her duties as the career services commission. Ms. Carberry is authorized to issue procedural regulations for the conduct of hearings. Alternate Career Service Hearing Officers shall also have all the powers, duties, and responsibilities as provided in the City Charter and Code as necessary to perform their duties. However, all Alternate Career Service Hearing Officers shall consistently abide by and enforce all procedural regulations issued by the Career Service Hearing Officer.

SECTION 4. Agreement Authorized. The City Manager is hereby authorized to negotiate and finalize the details of separate agreements with Ms. Carberry and Ms. Guckenberger, including final pricing and payment terms, for the performance of services as provided by this resolution and the relevant sections of the City Code and Charter.

SECTION 5. Execution and Attestation. Upon successful finalization of the agreements and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the agreements on behalf of the City.

SECTION 6. Term. These appointments shall continue until revoked by the City Council or Ms. Carberry or Ms. Guckenberger resigns their appointment. These appointments shall be subject to revocation by the City Council at any time and for any reason.

RESOLVED AND PASSED THIS 4TH DAY OF DECEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk