



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 19, 2023**

**AGENDA TITLE**

Consideration of a motion to amend Council Rules of Procedures I. – Presiding Officers: Mayor and Mayor Pro Tem and IX. – Nominations and Elections revising the selection procedures and swearing in of City Council’s mayor and mayor pro tem due to the commencement of the direct election of the city’s mayor, as set forth in **Attachment A**

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Teresa Taylor Tate, City Attorney  
Erin Poe, Deputy City Attorney  
Elesha Johnson, City Clerk

**EXECUTIVE SUMMARY**

The Council Rules of Procedure Sections I titled “Presiding Officers: Mayor and Mayor Pro Tem” and IX titled “Nominations and Elections” provides a standard for the election of mayor and mayor pro tem.

Historically, the seats of mayor and mayor pro tem were selected by council members. With the passing of the ballot measure “Our Mayor, Our Choice” in 2020, starting with the November 7, 2023 election, the mayor will now be elected by the voters. This update to the Council Rules of Procedure eliminates the procedure of the election of the mayor by council.

At the 2022 election, a Charter amendment was passed by the voters to change the first business meeting of the new council from the “second Tuesday in November” to the “first business meeting in December.” This change alters the timeline a council member that is interested in running for the seat of mayor pro tem must submit their interest notification.

The attached proposed amendments to the Council Rules of Procedure Sections I. & IX. accomplish such goals.

## **STAFF RECOMMENDATION**

### **Suggested Motion Language**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to amend Council Rules of Procedures I. – Presiding Officers: Mayor and Mayor Pro Tem and IX. – Nominations and Elections revising the selection procedures and swearing in of City Council’s mayor and mayor pro tem due to the commencement of the direct election of the city’s mayor, as set forth in **Attachment A**

## **BACKGROUND**

See Executive Summary above.

### **Proposed Changes to the Council Rules of Procedure Sections I. – Presiding Officers: Mayor and Mayor Pro Tem:**

- clarify that the selection of mayor is not to be done by Council.

### **Proposed changes to the Mayor Pro Tem & IX. – Nominations and Elections:**

- clarify that the selection of mayor is not to be done by council.
- clarify the meeting when the election to select the mayor pro tem is to take place.
- identify the mayor pro tem term, conditions of publicly expressing interest, and nominations.

## **ATTACHMENT**

A – Proposed Amendments to Sections I. – Presiding Officers: Mayor and Mayor Pro Tem and IX. – Nominations and Elections

## Appendix: Council Procedure

Adopted:	February 21, 1982 (by Council motion only)
Effective:	January 1, 1983
Amended:	June 21, 1983
Adopted:	February 21, 1984
Amended:	September, 1984
Amended:	June, 1986
Amended:	March, 1988
Amended:	May, 1990
Amended:	May, 1992
Amended:	June, 1992
Amended:	February, 1994
Amended:	June, 1994
Amended:	February, 1996
Amended:	January, 1999
Amended:	March, 1999
Amended:	May, 2003
Amended:	July, 2003
Amended:	April, 2004
Amended:	November, 2007
Amended:	February, 2011
Amended:	January, 2012
Amended:	May, 2012
Amended:	September, 2012 (Effective January 1, 2013)
Amended:	February, 2013
Amended:	November, 2014
Amended:	February, 2017
Amended:	September 19, 2017
Amended:	March 20, 2018
Amended:	March 3, 2020
Amended:	April 21, 2020
Amended:	May 26, 2020
Amended:	June 16, 2020
Amended:	July 13, 2021
Amended:	June 7, 2022
Amended:	November 3, 2022
Amended:	March 16, 2023
Amended:	September 7, 2023
Amended:	October 19, 2023

## TITLE 2 - GOVERNMENT ORGANIZATION

## Appendix: - Council Procedure

## COUNCIL PROCEDURE

**COUNCIL PROCEDURE**

This procedure is intended to govern the actions of the city council in the general conduct of its business and to serve as a reference in settling parliamentary disputes. In handling routine business, the council may by general consent use a more informal procedure than that set forth in this procedure.

This procedure may be suspended at any time by vote of five council members or of two-thirds of the council members present, whichever is the greater.

**I. Presiding Officers: Mayor and Mayor Pro Tem.**

Council members shall be selected to serve as ~~mayor and~~ mayor pro tem. The mayor pro tem shall fulfill the position identified as "acting mayor" in Charter Section 15. All council members are equal; the mayor and mayor pro tem have no additional authority except as set forth in the City Charter, the City Code, or in these procedures. The mayor, or the mayor pro tem in the mayor's absence, shall serve as the chair of the council at all regular council meetings. The mayor or the mayor pro tem are responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the mayor and mayor pro tem retain all of the prerogatives of a duly elected council member: The mayor or mayor pro tem may make and second motions and take part in discussions and may vote on all matters not an interest prohibited pursuant to Section 2-7-2, B.R.C. 1981. In addition to chairing council meetings, the mayor is frequently called upon to perform certain ceremonial duties or to serve on intergovernmental committees. Whenever possible, the mayor shall attempt to share these responsibilities equitably among the other council members, including the mayor pro tem.

In the instance when both the mayor and mayor pro tem are not available to serve as the chair at a regular council meeting, the most recently retired mayor pro tem still serving on council shall serve as the chair for the meeting. If the retired mayor pro tem is also not available then the third council person who is then serving on the council agenda committee shall chair the meeting. If the business meeting is scheduled as an in-person meeting, whomever chairs the meeting must also participate in-person.

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**IX. Nominations and Elections.**

The ~~mayor and~~ mayor pro tem shall be selected in the following manner:

- a. Swearing in of newly elected mayor and council members. The newly elected mayor and new council members shall be sworn in pursuant to Section 9 of the Charter at the first business meeting in December. At that time, the council shall hold a public hearing on the selection of the ~~mayor and~~ mayor pro tem. ~~In odd-number years, after the first Tuesday in November, but no later than the second Tuesday in November, any council member with an unexpired term or council member elect may express his or her interest in serving as mayor or mayor pro tem. Any person expressing an interest shall post a Hotline message regarding his or her interest in and qualifications for either or both positions.~~
- b. Mayor pro tem. The mayor pro tem shall serve for a period of one year. No later than the first business meeting in December, any council member with an unexpired term or council member elect may express his or her interest in serving as acting mayor (generally referred to as mayor pro tem). Any

person expressing an interest shall post a Hotline message regarding his or her interest in and qualifications for the position. The council meeting convened pursuant to Charter Section 9, on the third Tuesday in November of odd-numbered years, shall be chaired by the council member with the most consecutive years of service on the council who did not express an interest in serving as mayor or mayor pro tem. If there is more than one council member with the most consecutive years of service on council not seeking to be elected mayor or mayor pro tem, the city clerk shall place the names of each such council member in a container and select one who shall preside at the convening meeting.

- c. Nominations. At the first business meeting in December, at the conclusion of public testimony, council will consider nominations for mayor pro tem. Any council member may nominate anyone that expressed an interest on Hotline or made a speech during the meeting including himself or herself. Nominations are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy. In the interest of transparency and public participation, after the new council members are sworn in pursuant to Section 9 of the Charter, the meeting convened at 10:00 a.m. on the third Tuesday in November shall be continued until 6:00 p.m. At that time, the council shall hold a public hearing on the selection of the mayor and mayor pro tem.
- d. ~~The mayor pro tem shall serve for a period of one year. In even numbered years, council members interested in serving as mayor pro tem shall express interest and speak to their qualifications at the first meeting in November. In even numbered years, nominations and election for the mayor pro tem shall be held at the second meeting in November.~~
- e. ~~Nominations. At the conclusion of public testimony, council will consider nominations for mayor and mayor pro tem. Any council member may nominate anyone that expressed an interest on Hotline in odd numbered years or made a speech at the first meeting in November of even numbered years, including himself or herself, for either position. Provided, however, that the requirement of prior expression of interest shall be waived for any council member whose election was not decided before the second meeting in November. Nominations for mayor and acting mayor (generally referred to as mayor pro tem) are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.~~
- fd. Order of Vote. A motion then is made and seconded to close the nominations and acted on as any motion. The voting is accomplished by raising of hands unless there is only one nomination and a unanimous vote for the candidate. The names shall be called in alphabetical order or reverse alphabetical order depending upon a flip of a coin by the clerk, who shall thereafter alternate the order for all further election ballots during the same meeting.
- ge. Ballots. If it is the desire of the council to use paper ballots rather than a voice vote, such a procedure is proper. However, since there is no provision for a secret vote, each ballot must be signed by the council member casting the vote.
- hf. Elimination Process. If any of the candidates nominated receives five votes on the first ballot, such person is declared elected. If none of the candidates receives five votes on the first ballot, the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. If this elimination would leave one candidate or less for the office, another vote is taken, and once again the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. In the event that one candidate or less is left for the office after the second vote, a flip of a coin shall be used in order to eliminate all but two candidates for the office.

- ig. Impasse Process. In the event that neither of the two final candidates receives five votes on the first ballot on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives such a majority vote, the meeting shall be adjourned for a period not to exceed twenty-four hours, and new nominations and new ballots shall be taken. If no candidate receives five votes on the first ballot at the adjourned meeting on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives a majority vote on the second such ballot at the adjourned meeting, a flip of a coin shall be used to determine which of the two final candidates shall be declared elected as ~~mayor or~~ mayor pro tem.
- jh. Appointment of Board Alternates. In the event that the Boulder Revised Code provides for the appointment of temporary alternate board members, such members shall be appointed as follows: The most recently departed member of the board needing a temporary alternate, who is eligible and able to serve, shall be appointed. In the event that more than one member departed at the same time, alternates shall be chosen in reverse alphabetical order, with appointments alternating between the eligible and able former members who departed at the same time. In the event that the most recently departed member is not eligible or able to serve, the next previously departed member shall be chosen, applying the procedure above if there is more than one potential appointee. No person shall be eligible for a temporary alternate appointment if he or she was removed from the board by the council. A temporary alternate shall be appointed only when a member's absence either results in the lack of a quorum or may prevent the board from taking action. No person appointed as a temporary alternate shall serve at two consecutive meetings of the board to which he or she is appointed unless it is necessary to complete an agenda item that has been continued to another meeting.
- ki. Boards and Commissions. Elections to fill positions on boards or commissions shall be conducted in the same manner. However, a majority of the council members present rather than a majority of the full council is sufficient to decide an election of this nature. Each board or commission vacancy shall be voted on separately.
- lj. Advertising of Vacancies After Partial Terms. Prior to advertising board and commission vacancies, when a person has already served on the board or commission and is seeking reappointment, council should make the decision of whether or not to advertise that particular vacancy.

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