



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 20, 2024

AGENDA TITLE

Consideration of a motion to amend Council Rules of Procedure Sec. II. Communications with Council, Sec. IV. Council Meeting Agenda and Sec. XVI. Rules of Decorum.

PRESENTERS

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

EXECUTIVE SUMMARY

At its retreat in April 2024, council requested a number of changes to the Council Procedures to facilitate orderly meetings and to limit disruptions, in order to have efficient government operations. Those changes along with clean up changes are indicated with strikeouts and double underlines in **Attachment A**.

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 Procedure Sec. II. Communications with Council, Sec. IV. Council Meeting Agenda and Sec. XVI. Rules of Decorum.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** -None
- **Environmental** -None
- **Social** -None

OTHER IMPACTS

- **Fiscal** -None
- **Staff time** -None

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None.

BOARD AND COMMISSION FEEDBACK

None.

PUBLIC FEEDBACK

None.

BACKGROUND

At its retreat in April 2024, council requested a number of changes to the Council Procedures to facilitate orderly meetings and to limit disruptions, in order to have efficient government operations. Council also discussed all proposed amendments during the study session held June 13, 2024. Those changes, along with clean up from the separation of the library and removing gendered language, are also contained in **Attachment A**.

ANALYSIS

Amendments to the Council Rules of Procedure Sec. IV. Council Meeting Agenda and Sec. XVI. Rules of Decorum are intended to limit disruptions, in order to facilitate orderly meetings and have efficient government operations. Changes include, but are not limited to, limiting the podium to one person; providing for a rule that limits speakers from speaking at successive meetings if more than 20 people are signed up for open comment; prohibiting affixing items to city property; prohibition on standing in the aisles; limiting sign size; and limiting noise. The amendments also codify the ability to remove all persons from council chambers and to move to a virtual meeting in the event of disruption that interrupts the council meeting. Finally, clean up changes contained in Sec. II. Communications with Council include correcting typos and grammar, removing a reference to a city library and removing gendered language throughout all sections.

NEXT STEPS

Council may adopt the proposed changes to the Council Rules of Procedure or not.

ATTACHMENTS

Attachment A – Redlined version Proposed Amendments to Council Rules of Procedure

Attachment B – Clean version Proposed Amendments to Council Rules of Procedure

TITLE 2 - GOVERNMENT ORGANIZATION
Appendix: Council Procedure

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
Amended:	June 20, 2024

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 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.

II. Communication with Council.

It is very important for the council to hear the views of members of the public. There are several ways in which a person can participate.

- (a) City phone numbers and email addresses are provided to reach all council members.
- (b) Electronic means of communication with and from council members as a group is provided through Hotline and Council Correspondence on the city's website. The Hotline is an electronic means for council members to ask questions of staff and convey information to the public that is posted in a manner that is available to the public on the city's website. Staff responses to Hotline questions of council members are posted on Hotline in order to be available to the public. The city's website contains a Council Correspondence email which directs the comment of the person to each council member and many staff members. The city manager's office directs questions from Council Correspondence to the appropriate staff member for response. ~~Computers are available at city libraries for those who may not be able to view the City's website from other locations.~~ All correspondence to Council is published online.

- (c) Open Comment. At the beginning of every regular council meeting, up to forty-five minutes are set aside for open comment. During that time, twenty randomly selected members of the public are invited to express their views on any issue, except those set for public hearing later in the meeting.
- (d) Public Hearings. Public hearings are held to seek input on a particular ordinance or policy decision. These hearings provide an organized forum to address a particular subject. Statements made during a public hearing become part of the record for council's decision on the issue. Quasi-judicial hearings shall be conducted pursuant to Chapter 1-3, "Quasi-Judicial Hearings, B.R.C. 1981. Provided, however, witnesses shall not be required to testify under oath.
- (e) Comment on Motions Made Under Matters. The council will consider motions arising from matters raised by the mayor, members of council, the city manager, or the city attorney. No vote will be taken on these motions until the public has been given an opportunity to comment.

III. Agenda.

- a. Notice. The agenda is generally distributed to council members no later than the Thursday preceding the council meetings, whether regular, special, or continued meetings. Items will generally not be added, but may be added or deleted by the agenda committee or by a majority of council. Whenever practicable, notice shall be given of all agenda items by publication of the title or a general description thereof in the Boulder Daily Camera on the weekend preceding the council meeting. However, failure to give such notice shall not invalidate any action taken by the council, and such provision shall not apply at all to items adopted by emergency.
- b. Council Agenda Committee (CAC). Items are placed on the agenda by the staff, with the approval of the members of an agenda committee in attendance at a meeting called by the mayor to review the agenda. In addition to the mayor and the mayor pro tem, the council designates a third council member for six to seven weeks at a time (depending on the council meeting cycle) to serve on the agenda committee. A sign-up list is circulated to council members. Replacements are solicited from all remaining council members whenever an agenda committee member cannot attend a meeting. If more council members wish to attend ~~then~~ there are vacancies, the mayor makes the appointment. Meetings of the agenda committee are open to the public and the press/media, but are not advertised. No more than four council members may attend an agenda committee meeting at any time. "Drop-ins" should notify the mayor in advance whenever possible. Presence of staff members at agenda committee meetings is subject to the discretion of the city manager.
- c. Agenda Review. The agenda committee holds an agenda review to review the successes and the difficulties of the council in dealing with agenda items during the preceding calendar quarter and to schedule agenda items for the next calendar quarter, when such items are known in advance. Council members who wish to have the entire council address an agenda issue should identify the issue and ask the agenda committee to schedule a discussion under Matters.
- d. CAC Mission. Representing the views of the entire city council, the agenda committee: 1) sets the agenda for council meetings and study sessions; 2) comments on written agenda materials to assure that all reasonable questions anticipated from the public and any member of the council are answered; 3) acts as a sounding board for staff; 4) informs the city council and staff of emerging issues; 5) requests that staff supply information to the council concerning emerging issues; and 6) discusses correspondence and email to the mayor and the city council and responses to open comment. The agenda committee assigns the responsibility for drafting and signing such responses. But individual council members may respond as well, at their discretion. The agenda committee determines when boards and commissions should be requested to address the council concerning their deliberations, and when matters should be referred back to a board or commission before council action is scheduled. Generally, it is expected that boards and commissions with an adopted mission statement that includes a certain area of concern will be asked to advise council about any agenda item dealing with that area of concern. The agenda committee also establishes check points for

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(Supp. No. 159, Update 2)

council input on important staff projects. Agenda committee minutes are made available to the council by email. Approved draft agendas and the council calendar for the upcoming meeting agendas are attached to the minutes.

e. CAC Ground Rules.

1. No Decisions. The agenda committee should not make a "decision" on anything except for specific decisions relating to the council agenda and assignment of correspondence for a response. If a scheduling item is controversial, the CAC shall bring the matter to the entire council.
2. No References. Agenda committee members should avoid reference to the meeting in debate, as by statements such as: "This was discussed in the agenda committee meeting," or "We dealt with that question in the agenda committee meeting." Above all, there should be no reference to any "decision" having been made by the agenda committee.
3. CAC Communications with Council. If, as a result of an agenda committee meeting, the committee determines that it is necessary to contact the remaining council members to convey information or to obtain advice about proposed staff action, staff should contact each available council member. Council members, including agenda committee members, generally should not be involved in such communications. But this does not restrict any council member from contacting other council members and conveying any information or requesting any advice or action. Agenda committee members and other council members may communicate with other council members about any matter, but such process should not substitute for staff action as set forth above, and is subject to the "open meeting" requirements of state law (§ 24-6-402(2)(d)(III), C.R.S.).
4. CAC to Focus on Council Concerns Rather Than Personal Point of View. It is not appropriate for agenda committee members to use the agenda committee meeting to advance their own political agendas or points of view. This is conceded to be difficult to avoid, especially when three council members are discussing an upcoming decision, but it is essential.
5. CAC Not to Indicate Council Support. Prior to approval by the council, the agenda committee and staff are prohibited from indicating any city commitment to city sponsorship or support of an event or to city support for a development proposal.
6. Questions to CAC. Council members are urged to send questions, comments, and suggestions to the staff or to members of the agenda committee prior to its meeting. The agenda committee will endeavor to discuss all such questions, comments, and suggestions at its meeting.
7. Postponement of Issues. It is acceptable for members of the city council to ask for postponement of issues to accommodate a brief absence, when the rescheduling will not inconvenience other council members and the individual council member has a significant interest in the particular issue being decided. However, no council member has a right to require such a change, and the decision of the CAC is generally treated as final, although the council is, as always, the final decision maker.
8. No Rule of Three. Meetings of the CAC shall not be used to indicate a "rule of three" for information/research requests. See Section X, Research and Study Sessions, Subsection A, Information/Research Requests/Rule of Three.
9. Thursday Meetings. CAC shall not schedule council meetings on dates other than Thursdays without polling all council members for their availability. CAC shall not schedule meetings on the fifth Thursday of any month without the prior consent of council.
10. Consent Items, Urgent Items, Time Budget, and Order of Agenda. The CAC designates potential consent items, so that they can be dealt with in a summary fashion. The CAC also designates urgent items, for which delay is not possible or inadvisable, so that the council can deal with such items prior to adjournment. The CAC sets the order of the agenda and sets a time budget for each item. Based on the

Created: 2024-06-07 14:20:13 [EST]

(Supp. No. 159, Update 2)

estimated time budget, CAC shall make every effort not to schedule any meeting with an expected adjournment time after 10:30 p.m.

IV. Council Meeting Agenda.

a. Council meetings shall be conducted as follows:

1. Call to Order and Roll Call. Meetings are generally called to order at 6 p.m. sharp.
2. Open Comment.
 - A. Time for open comment on any subject not scheduled for public hearing is provided for at each regular business meeting of the council. Up to forty-five minutes is provided at the beginning of the meeting at the conclusion of the COVID-19 briefing and response. Speaking shall be limited as set forth in subsection (C) below. During open comment, an individual speaker can speak for up to two minutes.
 - B. Only one person is permitted at the podium at a time, unless a speaker brings one companion for physical, linguistic, or moral support.
 - C. A speaker shall begin by stating their name and may state their connection to Boulder such as neighborhood, residency, employment, school or business ownership. his or her name and address. If a speaker believes that providing such information would put the speaker at risk, the speaker need not state their disclose his or her name or address, but should say whether or not he or she resides in the City of Boulder.
 - ~~DC.~~ The sign-up form for speakers will be available via the internet, beginning at 8:00 a.m. on the Friday after the day that the agenda for the meeting is made available (Thursday). Speakers will designate in the form if they wish to speak "in-person" or "virtually". Online sign up shall end at 2:00 p.m. on the Wednesday preceding a meeting, even if the day is a holiday. No later than 5:00 p.m. on the day prior to the meeting (Wednesday) or noon on the day of the meeting, if the day prior to the meeting is a city holiday, the city clerk shall post on the internet a list of no more than twenty individuals who will be invited to speak at the meeting. If more than twenty people register to speak, the city clerk shall select twenty names at random from among those who have registered. The clerk shall exclude speakers who spoke during open comment at the meeting immediately preceding the current meeting unless less than twenty people have registered to speak. In that situation, the clerk will randomly select from the group of speakers who spoke at the prior meeting during open comment to fill the remaining slots. A person is prohibited from speaking during open comment two meetings in a row.
 - ~~ED.~~ Any person selected to speak who requires ana city-provided interpreter shall be invited to speak first. Any person wishing to use an electronic presentation as part of thierhis or her comments shall provide the presentation to the city clerk no later than 2:00 p.m. on the day of the meeting. The presentation will be provided to members of council to review. No presentation will be shown during a council meeting.
 - ~~FE.~~ At the conclusion of Open Comment, the presiding officer may ask city staff for any response to matters raised during Open Comment. At the conclusion of the staff response, any council member may ask that the original speaker be recalled to reply to the staff response. Such comment shall be limited to one minute.
3. Consent Agenda. Including generally, but not strictly limited to:
 - A. Minutes. Minutes of previous meetings are approved as made available beforehand, and as corrected by the city clerk, in response to council suggestions, inaat the discretion of the clerk.

This procedure should not be used to alter remarks to express a more considered point of view. Such remarks should be made under item 8, Matters from the Mayor and Members of Council. A motion to approve the minutes is deemed to include such corrections, as well as any corrections made at the meeting.

- B. First Readings. Although generally calendared as part of the consent agenda, the city manager may request that a particular first reading be scheduled early on the agenda when staff/council interaction on the item is important on first reading. See Section V, Procedure in Handling Ordinances, Resolutions and Important Motions, Subsection C, First Reading.
- C. Second Readings. Second Readings shall generally be scheduled for a public hearing. The Council Agenda Committee may schedule second reading of ordinance on consent only for the following:
 - 1. The Quarterly Supplement codifying previously adopted ordinances.
 - 2. Ordinances for which the council has previously held a public hearing.
 - 3. Other ordinances that are routine in nature, which do not elicit public interest and to which no council member objects.
- 4. Call-Up Check-In. Call-ups (typically appeals to council) are considered during item 4. If the decision about whether to exercise the council's call-up authority is a matter of substantial public interest, the agenda committee shall schedule a public hearing for consideration of the potential call-up. Call-ups scheduled for public hearing shall not be considered as part of a call-up check-in.
- 5. Public Hearings. Expected substantial public comment items are generally placed first on the agenda, in the order of public interest in the item, as anticipated by the council agenda committee, but critical short items may be placed first when deemed appropriate by the agenda committee. Items from the city manager, city attorney, or mayor and members of council which are of substantial public interest are placed in this section of the agenda, in the order of public interest. Provided however, that CAC may place matters of significant public interest at the beginning of the meeting before open comment. CAC shall not schedule more than two substantive public hearings at any council meeting. The sign-up form for speakers will be available via the internet, beginning at 8:00 a.m. on the Friday after the day that the agenda for the meeting is made available (Thursday). Speakers will designate in the form if they wish to speak "in-person" or "virtually". Online sign-up shall end at 2:00 p.m. on the Wednesday preceding a meeting, even if the day is a holiday. A speaker shall begin by stating ~~their~~his or her name and address. If a speaker believes that providing such information would put the speaker at risk, the speaker need not disclose ~~their~~his or her name or address but should say whether or not ~~they~~he or she resides in the City of Boulder. During a public hearing an individual speaker can speak for up to three minutes. However, a speaker's time may be limited to two minutes if more than fifteen people have signed up to speak. Three or more people can pool their time so one speaker can speak for five minutes, if all of the people pooling time have signed up to speak when the spokesperson is called to speak and are in the council chambers or present virtually when the speaker is called. The five minutes of pooled time can be reduced to four minutes by the presiding officer if the time for individuals has been reduced to two minutes. Speakers will need to designate on the form if they are pooling with 2 other speakers and indicate who the primary speaker will be and provide the names of the individuals they are pooling with. An applicant may request additional time as reasonably required to present ~~their~~his or her case. In response, the mayor may designate a longer time period for applicants, generally not to exceed fifteen minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support for applicant's positions should come from individual witnesses. Board or commission members, whose board or commission acted on a matter and who have been designated to speak by the board or commission, will be allowed to speak during staff presentation or at the beginning of the public hearing. A board or

commission may designate a person who voted with the majority or a person who voted with the minority or one speaker from each side.

6. Matters from the City Manager. No final decision may be made under this item, or item 7, Matters from the City Attorney, or 8, Matters from the Mayor and Members of Council. All decisions shall be made either after a public hearing or on the consent agenda. Matters items are for informational purposes only. No actionable items shall be raised under Matters.
7. Matters from the City Attorney.
8. Matters from the Mayor and Members of Council. At this point, any council member may place before the council matters which are not included in the formal agenda. This item is generally limited to responses to open comment, appointments to boards and commissions, sharing of information, and requests for advice concerning matters pending before other bodies, requests for staff work, and requests for scheduling future agenda items. Matters requiring a formal council vote, such as motions to sponsor an event or to allocate funds, are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item. If a council member wishes to reconsider a prior council decision, the council member shall request that the Council Agenda Committee schedule a discussion under item 8. Prior council decisions shall be reconsidered only after a material change in law or fact. A material change in law or fact means a change that if having occurred before the prior council decision would have made it unlikely that a majority of council would have supported the prior decision. If five or more council members support reconsidering a prior decision, the Council Agenda Committee shall be directed to schedule substantive consideration at a later meeting. No discussion of revisiting a prior decision shall exceed fifteen minutes.
9. Debrief. Council will have a brief discussion of no more than five minutes for council members to discuss issues regarding that evening's meeting. The discussion is intended to identify issues to be addressed by the Council Agenda Committee or by the council at a future meeting. This time should not be used to revisit arguments raised earlier in the meeting. The intent is to improve council's process by identifying issues concerning process, scheduling, and meeting implementation while fresh in council members' minds to allow for later discussion and resolution.
10. Adjournment. The council's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 9:00 p.m., and no later than at the end of the first item finished after 9:00 p.m. Generally, absent a deadline which the council cannot affect, no new substantial item will be addressed after 10:30 p.m. At the 9:00 p.m. agenda check council will make a realistic assessment of the items remaining on the agenda. Council will table and ask the Council Agenda Committee to reschedule any item that council members reasonably believe will prevent adjournment by 10:30 p.m. The Debrief is not a substantial item. No new item shall be introduced after 10:30 p.m. unless a majority of the council members in attendance at that time agree. All council meetings shall be adjourned at or before 11:00 p.m., unless the meeting is extended by a vote of two-thirds of the council members present. Council shall attempt to schedule any matter not heard before adjournment as the first item at the next study session. If necessary, the council shall schedule a special meeting to coincide with the scheduled study session. It is assumed that council will reschedule items previously scheduled for the study session to accommodate any newly added items.

V. Rules of Speaking.

- a. Mayor Directs Meeting. To obtain the floor, a council member or staff member addresses the mayor.
- b. Assignment of Floor. To assign the floor, the mayor recognizes by calling out the council member's name. Only one council member may have the floor at a time. A council member shall not speak while another has the floor, except to make a point of order. The mayor generally next recognizes the council member who first

asks for the floor after it has been relinquished. The mayor may, in ~~this or her~~ their sole discretion, temporarily suspend the rules of speaking in order to permit a direct colloquy between council members with respect to an issue or motion properly before the council. All council members and staff members are requested to direct their remarks to the council action under consideration.

- c. Outline of Decisions. The staff and the mayor should attempt to focus discussion of agenda items in accordance with the materials, which should contain a proposed outline of decisions.
- d. Minimize Debates Prior to Public Hearings. Council members should minimize debate prior to public hearings and use the period prior to public hearings to ask questions for clarification rather than to lecture, give speeches, score debating points, or ask rhetorical questions. The mayor may intervene to avoid extended debate prior to public hearings.
- e. Minimize Debates After Decisions. Council members should minimize debate after decisions and move on to the next item.
- f. Motions to Table. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of council discussion prior to making a non-debatable motion.
- g. Early Warning Process. Council members should give early warning to the mayor and the city manager whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and council response can be prepared.
- h. Rotation of Questions. Questions are rotated so that, to the extent practicable, different council members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
- i. Mayor May Intervene. The mayor may intervene in council debate in order to solicit a motion after five to ten minutes of debate, seek to wrap-up discussion when debate seems to be proceeding longer than warranted, determine whether council wishes to postpone council action when more information or staff work appears warranted to facilitate a council decision, and ask council to group follow-up questions by topic.
- j. No Surprises. Council members will make every effort not to surprise each other by bringing up something new at a meeting, and rather will give notice of their intention to do so as soon as practical before the meeting.

VI. Procedure in Handling Motions.

- a. Making a Motion. A council member, after obtaining the floor, makes a motion. (If long or involved, it should be in writing.) The council member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other council members. Having made a motion, a council member may neither speak against it nor vote against it.
- b. Seconding a Motion. Another council member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The seconder does not, however, have to favor the motion in order to second it, and may both speak and vote against it. If there is no second, the mayor shall not recognize the motion.
- c. Stating the Motion. The mayor states the motion and asks for discussion.
- d. Debate. General debate and discussion follow, if desired. Council members, the city manager, the city attorney or the city clerk, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion because...", "I am opposed to this because...", etc. Remarks should be addressed to the mayor.

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(Supp. No. 159, Update 2)

- e. Question. The mayor restates the motion and puts the question. Negative as well as affirmative votes are taken.
 - 1. If the mayor is in doubt of the result of a voice vote, the mayor may call for raising of hands or a roll call vote.
 - 2. If any council member is in doubt of the result of a voice vote, the council member may obtain a vote by raising of hands or by roll call by calling for it (without need to be recognized by the mayor).
 - 3. In case of a tie vote, the motion is lost.
- f. Result. The mayor announces the result. The motion is not completed until the result is announced.

VII. Procedure in Handling Ordinances, Resolutions and Important Motions.

- a. Two Readings. All ordinances require at least two readings, because the city charter requires ten days' advance publication in final form. The agenda committee may require similar publication of complex or important motions and resolutions, in order to assure informed public participation.
- b. Notice. All documents delivered to council members' residences or electronically prior to any meeting shall be deemed to have been received and read, unless a council member indicates to the contrary during consideration of the matter. In the event that a council member has not received and read the document in question, the mayor shall determine an appropriate course of action, which may consist of an explanation of the substance of the document by a person familiar with its contents, or a recess. Abstentions are not permitted by the city charter under these circumstances.
- c. First Reading. On first reading, the clerk reads the title or the general description of the item set forth on the agenda, and the council has an opportunity to ask questions of the staff. Whenever practicable, council members ask first reading questions in writing or by email to "Hotline" in advance of the meeting no later than 5:00 p.m. on the Sunday preceding the meeting. Any remaining questions are asked at the meeting. The deadline for first reading questions is noon on the day following the meeting. Complex questions are subject to the "rule of five" for information and research requests set forth in Section X, Research and Study Sessions, Subsection A, Information/Research Requests/Rule of Three. The mayor then requests an appropriate motion. However phrased, an affirmative motion is construed as one to order the item published. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by proposal of amendments, if any, restates the question if necessary, and puts the question to a vote. After the conclusion of the vote, the mayor declares the item to have been ordered published or to have been rejected for publication. Publication does not constitute substantive approval of an item.
- d. Second Reading. On second reading, the clerk reads the title, or the general description of the item set forth on the agenda, followed by the staff presentation, and then the council has an opportunity to ask questions of the staff. Thereafter, the mayor opens a public hearing and supervises the public hearing. If any council member wishes, questions may be asked of persons testifying. Council may consider a response to public testimony at the meeting, and the agenda committee may consider a response the following week, but the normal response is in the council members' actions on the agenda. The mayor then requests an appropriate motion. The motion should be one to adopt the ordinance, and, however phrased, an affirmative motion shall be so construed. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by discussion by the council, the city manager and the city attorney and dialogue with staff in response to questions raised by the council, followed by debate, proposal of amendments, if any, and consideration thereof in the form of motions. After debate, the mayor restates the question and requests that the clerk conduct a roll call vote. After the conclusion of the roll call vote, the mayor declares the ordinance adopted or defeated.

- e. Resolutions. Resolutions are handled in the same manner as the second reading of an ordinance, except that the vote need not be by roll call.
- f. Emergencies. Ordinances may be passed by emergency on first or second reading, upon appropriate findings of urgency and need. In the event of passage by emergency on first reading, the first reading is handled in the same manner as the second reading of an ordinance, and the second reading is omitted. Council should endeavor to limit emergency ordinances to the quarterly supplement, matters in which there is a deadline, and matters affecting life, health or safety.
- g. Amendments. Non-emergency ordinances which are amended in substance rather than in form on second reading are republished in the same form originally published (either in full or by title only), as amended, and voted on again at a third reading, without further staff presentation or public hearing. The council retains the discretion to set a public hearing on third reading by majority vote. The same procedure applies to later substantive amendments as well.

VIII. Voting.

Voting ultimately decides all questions. The council may use any one of the following ways of voting:

- a. Voice Vote. All in favor say "aye," and all opposed say "no." The mayor rules on whether the "ayes" or the "nos" predominate, and the question is so decided.
- b. Raising of Hands. All in favor raise their hands, and then all opposed raise their hands. The mayor decides which side predominates and notes dissents for the record.
- c. Roll Call. The clerk calls the roll of the council members, and each member present votes "aye" or "no" as each name is called. The roll is called in alphabetical order, with the following special provision: On the first roll call vote the clerk shall begin with the first name on the list; on the second vote, the clerk shall begin with the second and end with the first; and so on, continuing thus to rotate the order. This rotation shall continue from meeting to meeting.

IX. Nominations and Elections.

The 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 pro tem.
- 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 ~~their~~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 ~~their~~his or her interest in and qualifications for the position.
- 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 ~~themselves~~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 ~~their~~his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.
- d. 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.
- e. 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.
 - f. 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.
 - g. 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 pro tem.
 - h. 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 they were ~~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 they are ~~he or she is~~ appointed unless it is necessary to complete an agenda item that has been continued to another meeting.
 - i. 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.
 - j. 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.

X. Research and Study Sessions.

- a. Information/Research Requests/Rule of Three. Requests for information should be directed to "Hotline," or, if a public request is not appropriate, directly to the city manager or the city attorney. Requests for a briefing should be directed to the city manager or the city attorney. A single council member may require the city manager or the city attorney to provide available information at any time or to answer any question concerning an agenda item. The concurrence of three council members is required to assign a matter for research by staff. For staff to spend more time than the city manager or the city attorney considers reasonable in light of other staff time commitments, the concurrence of five council members is required. In such case, the manager or attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the manager or attorney proposes. In any case, a vote shall be taken at a council meeting, but work may proceed in an emergency pending such vote. The council shall be informed of any such emergency work. Requests for information relating to an agenda item should be made sufficiently in advance to allow staff time to assemble the requested information. Requests for information relating to a quasi-judicial matter before the council are permitted provided that staff shall inform the applicant of the request and shall provide the applicant with a copy of any response.
- b. Budget Rule. A matter shall be placed before the council for decision during the deliberation of the budget by a vote equal to or greater than the number of council members remaining at the meeting after deduction of the majority thereof.
- c. Study Sessions. The chair of each study session shall be selected through rotation of council members who have expressed an interest in chairing study sessions. The Mayor and Mayor Pro Tem may be included in the rotation. The order of the rotation shall follow generally the rotation of members at the Council Agenda Committee, with the Mayor or Mayor Pro Tem presiding when a member is not available, has not expressed an intent to chair a study session or the member agrees to defer to the Mayor or Mayor Pro Tem. Materials for study sessions generally will be made available to the council and the public at least ten days before the date of the study session. Notice will be given as for other council meetings. Written comments received by staff prior to noon on the Thursday preceding study sessions will be forwarded to all council members that evening. Testimony of persons other than staff or consultants or subject-matter experts designated by the city manager is not permitted at study sessions unless a majority of the council members present votes to suspend this rule. The council will give direction to staff at study sessions for the presentation of action items at future regular council meetings. Full summaries of study sessions shall be placed on a later council agenda for approval, including the direction given, any remaining issues and any staff reaction or proposed work plan in response to the study session.

XI. Procedure in Handling Major Capital Improvement Projects.

Major capital improvement projects shall be handled, to the extent practicable, in accordance with the City Plans and Projects Handbook, dated November 2007. Failure to follow any aspect of such processes shall not be grounds for any challenge to any city project. Prior to a development review decision by the planning board or approval of the community and environmental assessment process by an advisory board, the council may determine by motion to review the project prior to the decision on the concept review or community and environmental assessment process. If so, the manager will schedule a public hearing and consideration of a motion directing staff concerning: 1) the goals and objectives of the program which will be served by the project, and 2) the conceptual design of the project. For those projects requiring development review, the council will deal only indirectly with the factors which may ultimately be entailed in a development review application under Chapter 9-4, "Land Development Review," B.R.C. 1981, in recognition that it may later be called upon to adjudicate such questions on a call-up of a planning board decision.

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(Supp. No. 159, Update 2)

XII. Council Calendar.

The city publishes a calendar of meetings set by city staff and boards and commissions. Any council member may attend such meetings and events, but council members may not publicly speak at a board or commission meeting unless give prior permission by council to speak on behalf of council as a whole and may be disinvited from ceremonial events by the host.

XIII. Council Member Appointments.

The council may appoint council members to serve on ad hoc and ongoing intergovernmental committees, such as the Colorado Municipal League Policy Committee, the Denver Regional Council of Governments, the National League of Cities, or the Boulder County Consortium of Cities. Council members may be appointed for staff activities on an ad hoc basis. Appointments shall be made at council meetings, after notice to the council that the appointment will be considered as part of the agenda of the meeting. The mayor appoints one of the members to the Housing Authority and one to the Urban Renewal Authority, in conformity with state law, but council is notified at a council meeting of each such appointment, and the Urban Renewal Authority appointment is subject to council ratification. The council appoints one of its members to the board of directors of the Boulder Museum of Contemporary Art, the Boulder Convention and Visitors Bureau, the Colorado Chautauqua Association, the Downtown Business Improvement District Board, the Rocky Flats Stewardship Council, the Commuting Solutions Committee, the Mile High Flood District, the Boulder County Resource Conservation Advisory Board, and the board of directors of the Dairy Arts Center. The mayor will serve on the Metro Mayor's Caucus and the US 36 Mayors and Commissioners Coalition. Council members are expected to inform the council of their committee activities and to request advice on important policy issues.

Council may appoint alternates for (intergovernmental) committees as council deems necessary. The alternate shall serve in place of the council appointee as requested by the council appointee and when the person is not able to participate. Appointments shall be made using the same process noted above.

XIV. Parliamentary Procedure.

Except as otherwise provided herein or as advised by the city attorney, all matters of procedure are governed by the then current Robert's Rules of Order Newly Revised.

XV. Declarations and Resolutions.

- a. Mayor to Screen. All matters proposed for council or mayoral action which commemorate a period of time or commend the actions of a person or a group or endorse a position or an idea not directly related to the affairs of the city shall be screened by the mayor.
- b. Mayoral Declarations. If a group with substantial local support requests such action, and the mayor determines that there is no substantial political issue concerning such action, the proposed declaration shall be included in the agenda for the Council Agenda Committee. Any council member who would prefer that the declaration be issued by the entire council, read out loud at a council meeting or discussed by the entire council shall inform the Council Agenda Committee. Depending on the specific request the Committee can decide to issue the declaration from the entire council (not just the Mayor), schedule a time for reading at a future council meeting or schedule consideration of whether to issue, amend, or deny the declaration at a future council meeting. If no council member seeks full council consideration, the Mayor may sign the declaration. All signed declarations shall be posted on the city's website.
- c. Council Resolutions. In extraordinary circumstances, if the group supporting the action determines that it wishes council action rather than a mayoral declaration, and the action otherwise meets the criteria set forth

above, the mayor may, if the mayor considers such action appropriate in light of the importance of the action and the additional business on the council agenda, place a resolution on the agenda for council action.

- d. Resolutions. Resolutions are appropriate for legislative concerns, including, without limitation, conveyances of positions or ideas to other legislative and administrative bodies. But all legislative actions must be by ordinance.
- e. Political Questions. In the event that a substantial political issue is determined to be presented by a proposed declaration, the mayor shall not act or place the matter on the agenda, but instead will inform the group supporting the action that the matter will be placed on the agenda only if a majority of the council members present at a meeting of the council so directs. The burden shall be on such group to present the issue to the council. The mayor may request council advice at any time concerning proposed mayoral or council action.
- f. Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.
- g. Fund-Raising. Publicity for fund-raising efforts and community events will be deemed inappropriate for council action, although major efforts and events may be commemorated if the majority of the council members present at a meeting of the council so directs.

XVI. Rules of Decorum.

- a. Council Intent for Rules of Decorum. The city's business is conducted at city council meetings by the elected officials of the city. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions and other informal council meetings, although the council may permit public participation and provide reasonable time and manner restrictions. ~~†~~The public is encouraged to express comments in writing or other communication prior to those meetings. In order for the council to conduct its business in a manner completely open to the public by video, rules of decorum are necessary. Historically, council meetings have lasted numerous hours which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:
 - 1. Provide a safe and secure setting for council and the public to attend to the city's business.
 - 2. Enable council to conduct its deliberative process without disruption~~interruption~~ in a manner that can be heard and viewed by all viewing and recorded for the simultaneous or later viewing by the public.
 - 3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of council meetings.
 - 4. Facilitate transparency in the conduct of council meetings so that all persons have the opportunity to observe and hear all of the council discussion and votes.
 - 5. State specific rules so that all may know the rules in advance and be subject to the same rules.
 - 6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.
 - 7. Develop an atmosphere of productive civic discourse that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
 - 8. Balance the need for the council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.

9. Facilitate council meetings as business meetings, therefore public comments should relate to the business of the city and, as such, be addressed to the council as a whole, which conducts the business of the city.
 10. Adopt these rules of decorum as the standard for conduct of meetings of the city council and staff of the city.
 11. Protect city property from damage.
- b. Rules of Decorum for the Public. During all times a meeting of the city council is being conducted, the following rules shall apply:
1. Prior to addressing council, a person shall sign-up providing information for the council record.
 2. All remarks to the council shall be only after the speaker is acknowledged by the presiding officer.
 3. While in attendance at a council meeting, no attendee shall disrupt, disturb, or otherwise impede the orderly conduct of any council meeting in a manner that obstructs the business of the meeting. This includes any means, including but not limited to, ~~by any means including~~ speech that creates an actual disruption or conversation with other audience members that interferes with the council members ability to hear and focus on the business or other audience members ability to hear the proceedings ~~and in a manner that obstructs the business of the meeting.~~ Disorderly conduct also includes failing to obey any lawful order of the presiding officer to leave the meeting room or refrain from addressing the council.
 4. No attendee shall make threats or other forms of intimidation against any person in the council chambers or meeting room.
 5. All persons participating in a council meeting, including, without limitation, council members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.
 6. No person participating in any council meeting shall be in a state of intoxication caused by the person's use of alcohol or drugs.
 7. All remarks shall be limited to matters related to the business of the city. Obscenity, racial, national origin, gender, sexual orientation, or religious epithets, and other epithets, and other disruptive speech and behavior are prohibited.
 8. Only one person shall be at the podium during public comment or public hearings unless a companion is needed for physical, linguistic, or moral support.
 9. No one shall stand in the aisles in violation of the fire code or in a way that obstructs the vision or audio of other audience members.
 10. No signs or flags shall be permitted in council chambers except for one sign held by a person measuring no more than 11x17 inches which is held no higher than the person's face.
 11. No items shall be affixed to or propped against any surface in the council chambers except for laying a sign down against a person's own chair legs, without the permission of the city manager.
 12. Clapping, snapping, shouts, lights, lasers, noisemaking devices and the like shall be considered disruptive and are prohibited except for following a declaration or as invited by the mayor or chairperson to celebrate special events such as a retirement.
- c. Enforcement of Decorum. The mayor or other presiding officer of the council, with the assistance of city staff shall be responsible for maintaining the order and decorum of meetings. The mayor or presiding officer may order that any person who fails to observe these rules of decorum be muted

and/or removed from the meeting, may call a recess, and may order all persons to leave council chambers:

1. The mayor or presiding officer may interrupt any speaker who is violating these rules of decorum if they are causing an actual disruption.
 2. The mayor or presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules of decorum, but such verbal warning shall not be required as a condition of removing an offender from the council chambers or meeting room, or taking a recess, ordering attendees to vacate the chambers, or moving to a virtual meeting.
 3. These enforcement provisions are in addition to the authority held by the sergeant-at-arms or any other peace officer in attendance, to maintain order pursuant to the officer's lawful authority.
 4. Any person removed from the council chambers or meeting room shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon the motion adopted by a majority vote of the council.
 5. Any person who has been removed from a meeting may be charged with violation of the applicable provision of the Boulder Revised Code.
 6. A person removed from a council meeting may request a hearing to dispute prohibition under the provisions of Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, if the appeal is filed with the manager within ten days of the date of prohibition. The hearing will be before a hearing officer that is appointed by the city manager. The scope of the hearing will be limited to the following: (1) whether there was a prior removal in the past twenty-four months, and (2) the nature and extent of the behavior resulting in the suspension. The hearing officer will forward a recommendation to the council to affirm the sanction, modify the sanction, or to remove the sanction to the city council for its consideration at a subsequent meeting of the council.
 7. In addition to any other authority of the mayor or presiding officer, the presiding officer may call a recess during which time the members of the council shall leave the meeting room.
 8. In addition to any other authority of the mayor or presiding officer, the presiding officer may make or entertain a motion to move the meeting to a virtual forum.
- d. Rules of Decorum for Council. Members of the council shall attempt to balance the right of the public to know positions of the elected and appointed officials and rationale for decisions with the need for balanced discussion and timely adjournment of the meeting. In order to realize this balance, members shall endeavor to:
1. Articulate questions, opinions, comments and reasons for votes succinctly;
 2. Exercise self-discipline by avoiding repeating statements of others, being verbose in expressing opinions or straying off the topic;
 3. Allow the presiding officer to manage the meeting and call on members before speaking;
 4. Support the presiding officer in enforcement of these rules;
 5. Permit other members an opportunity to speak once on an issue before speaking a second time on the same issue;
 6. Focus on the issue being discussed rather than disagreement of ideas by using "I" statements and avoiding personal attacks or assuming motives of another;
 7. Consider the adopted council goals, staff work plans and limited resources when making requests for delay or additional information;

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(Supp. No. 159, Update 2)

8. Acknowledge that new topics raised during a meeting by a member of the public or of the council may not have the benefit of all of the necessary background information, may not be presented from a balanced perspective, and decisions in such situations are more often emotionally driven. New topics raised during a meeting are most often best resolved by deferring the decision to the city manager or to a future agenda with direction to staff to provide background materials before the matter is considered at a future meeting. If council desires to take up a matter raised during a meeting, the request should be made and additional information requested under "Matters from the Mayor and Members of Council" portion of the agenda.
- e. Interpretation of Rules. These rules are intended to support the intent of the council set forth above. These rules are not to be used to limit public participation or council debate, but to enable the effective functioning of the council. These rules are not intended to restrict an individual's right to constitutionally protected speech. Either the council or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.

XVII. Record Retention for Executive Sessions.

Between November 5, 2014, and December 31, 2017, the city council was authorized to conduct executive sessions for the purpose of obtaining and receiving legal advice, including negotiation strategy regarding the creation of a municipal electric utility. The following rules shall remain in effect to govern retention and disclosure.

- a. Any recording of an executive session shall be maintained in a secure place within the city and may not be accessed by anyone, other than the City Manager or City Attorney, their authorized delegate or a Member of the City Council, except upon order of a court of competent jurisdiction.
- b. Any recording of an executive session shall be maintained until December 31, 2022, unless litigation relating to matters discussed is initiated or pending during that time in which case the recording shall be maintained until the conclusion of the litigation. The council shall be required to approve the destruction of any such recording of an executive session.
- c. Council may, by unanimous vote, release all or part of a recording of an executive session.

TITLE 2 - GOVERNMENT ORGANIZATION
Appendix: Council Procedure

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
Amended:	June 20, 2024

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 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.

II. Communication with Council.

It is very important for the council to hear the views of members of the public. There are several ways in which a person can participate.

- (a) City phone numbers and email addresses are provided to reach all council members.
- (b) Electronic means of communication with and from council members as a group is provided through Hotline and Council Correspondence on the city's website. The Hotline is an electronic means for council members to ask questions of staff and convey information to the public that is posted in a manner that is available to the public on the city's website. Staff responses to Hotline questions of council members are posted on Hotline in order to be available to the public. The city's website contains a Council Correspondence email which directs the comment of the person to each council member and many staff members. The city manager's office directs questions from Council Correspondence to the appropriate staff member for response. All correspondence to Council is published online.

- (c) Open Comment. At the beginning of every regular council meeting, up to forty-five minutes are set aside for open comment. During that time, twenty randomly selected members of the public are invited to express their views on any issue, except those set for public hearing later in the meeting.
- (d) Public Hearings. Public hearings are held to seek input on a particular ordinance or policy decision. These hearings provide an organized forum to address a particular subject. Statements made during a public hearing become part of the record for council's decision on the issue. Quasi-judicial hearings shall be conducted pursuant to Chapter 1-3, "Quasi-Judicial Hearings, B.R.C. 1981. Provided, however, witnesses shall not be required to testify under oath.
- (e) Comment on Motions Made Under Matters. The council will consider motions arising from matters raised by the mayor, members of council, the city manager, or the city attorney. No vote will be taken on these motions until the public has been given an opportunity to comment.

III. Agenda.

- a. Notice. The agenda is generally distributed to council members no later than the Thursday preceding the council meetings, whether regular, special, or continued meetings. Items will generally not be added, but may be added or deleted by the agenda committee or by a majority of council. Whenever practicable, notice shall be given of all agenda items by publication of the title or a general description thereof in the Boulder Daily Camera on the weekend preceding the council meeting. However, failure to give such notice shall not invalidate any action taken by the council, and such provision shall not apply at all to items adopted by emergency.
- b. Council Agenda Committee (CAC). Items are placed on the agenda by the staff, with the approval of the members of an agenda committee in attendance at a meeting called by the mayor to review the agenda. In addition to the mayor and the mayor pro tem, the council designates a third council member for six to seven weeks at a time (depending on the council meeting cycle) to serve on the agenda committee. A sign-up list is circulated to council members. Replacements are solicited from all remaining council members whenever an agenda committee member cannot attend a meeting. If more council members wish to attend then there are vacancies, the mayor makes the appointment. Meetings of the agenda committee are open to the public and the press/media but are not advertised. No more than four council members may attend an agenda committee meeting at any time. "Drop-ins" should notify the mayor in advance whenever possible. Presence of staff members at agenda committee meetings is subject to the discretion of the city manager.
- c. Agenda Review. The agenda committee holds an agenda review to review the successes and the difficulties of the council in dealing with agenda items during the preceding calendar quarter and to schedule agenda items for the next calendar quarter, when such items are known in advance. Council members who wish to have the entire council address an agenda issue should identify the issue and ask the agenda committee to schedule a discussion under Matters.
- d. CAC Mission. Representing the views of the entire city council, the agenda committee: 1) sets the agenda for council meetings and study sessions; 2) comments on written agenda materials to assure that all reasonable questions anticipated from the public and any member of the council are answered; 3) acts as a sounding board for staff; 4) informs the city council and staff of emerging issues; 5) requests that staff supply information to the council concerning emerging issues; and 6) discusses correspondence and email to the mayor and the city council and responses to open comment. The agenda committee assigns the responsibility for drafting and signing such responses. But individual council members may respond as well, at their discretion. The agenda committee determines when boards and commissions should be requested to address the council concerning their deliberations, and when matters should be referred back to a board or commission before council action is scheduled. Generally, it is expected that boards and commissions with an adopted mission statement that includes a certain area of concern will be asked to advise council about any agenda item dealing with that area of concern. The agenda committee also establishes check points for

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(Supp. No. 159, Update 2)

council input on important staff projects. Agenda committee minutes are made available to the council by email. Approved draft agendas and the council calendar for the upcoming meeting agendas are attached to the minutes.

e. CAC Ground Rules.

1. No Decisions. The agenda committee should not make a "decision" on anything except for specific decisions relating to the council agenda and assignment of correspondence for a response. If a scheduling item is controversial, the CAC shall bring the matter to the entire council.
2. No References. Agenda committee members should avoid reference to the meeting in debate, as by statements such as: "This was discussed in the agenda committee meeting," or "We dealt with that question in the agenda committee meeting." Above all, there should be no reference to any "decision" having been made by the agenda committee.
3. CAC Communications with Council. If, as a result of an agenda committee meeting, the committee determines that it is necessary to contact the remaining council members to convey information or to obtain advice about proposed staff action, staff should contact each available council member. Council members, including agenda committee members, generally should not be involved in such communications. But this does not restrict any council member from contacting other council members and conveying any information or requesting any advice or action. Agenda committee members and other council members may communicate with other council members about any matter, but such process should not substitute for staff action as set forth above, and is subject to the "open meeting" requirements of state law (§ 24-6-402(2)(d)(III), C.R.S.).
4. CAC to Focus on Council Concerns Rather Than Personal Point of View. It is not appropriate for agenda committee members to use the agenda committee meeting to advance their own political agendas or points of view. This is conceded to be difficult to avoid, especially when three council members are discussing an upcoming decision, but it is essential.
5. CAC Not to Indicate Council Support. Prior to approval by the council, the agenda committee and staff are prohibited from indicating any city commitment to city sponsorship or support of an event or to city support for a development proposal.
6. Questions to CAC. Council members are urged to send questions, comments, and suggestions to the staff or to members of the agenda committee prior to its meeting. The agenda committee will endeavor to discuss all such questions, comments, and suggestions at its meeting.
7. Postponement of Issues. It is acceptable for members of the city council to ask for postponement of issues to accommodate a brief absence, when the rescheduling will not inconvenience other council members and the individual council member has a significant interest in the particular issue being decided. However, no council member has a right to require such a change, and the decision of the CAC is generally treated as final, although the council is, as always, the final decision maker.
8. No Rule of Three. Meetings of the CAC shall not be used to indicate a "rule of three" for information/research requests. See Section X, Research and Study Sessions, Subsection A, Information/Research Requests/Rule of Three.
9. Thursday Meetings. CAC shall not schedule council meetings on dates other than Thursdays without polling all council members for their availability. CAC shall not schedule meetings on the fifth Thursday of any month without the prior consent of council.
10. Consent Items, Urgent Items, Time Budget, and Order of Agenda. The CAC designates potential consent items, so that they can be dealt with in a summary fashion. The CAC also designates urgent items, for which delay is not possible or inadvisable, so that the council can deal with such items prior to adjournment. The CAC sets the order of the agenda and sets a time budget for each item. Based on the

Created: 2024-06-07 14:20:13 [EST]

(Supp. No. 159, Update 2)

estimated time budget, CAC shall make every effort not to schedule any meeting with an expected adjournment time after 10:30 p.m.

IV. Council Meeting Agenda.

a. Council meetings shall be conducted as follows:

1. Call to Order and Roll Call. Meetings are generally called to order at 6 p.m. sharp.
2. Open Comment.
 - A. Time for open comment on any subject not scheduled for public hearing is provided for at each regular business meeting of the council. Up to forty-five minutes is provided at the beginning of the meeting at the conclusion of the COVID-19 briefing and response. Speaking shall be limited as set forth in subsection (C) below. During open comment, an individual speaker can speak for up to two minutes.
 - B. Only one person is permitted at the podium at a time, unless a speaker brings one companion for physical, linguistic, or moral support.
 - C. A speaker shall begin by stating their name and may state their connection to Boulder such as neighborhood, residency, employment, school or business ownership. If a speaker believes that providing such information would put the speaker at risk, the speaker need not state their name.
 - D. The sign-up form for speakers will be available via the internet, beginning at 8:00 a.m. on the Friday after the day that the agenda for the meeting is made available (Thursday). Speakers will designate in the form if they wish to speak "in-person" or "virtually". Online sign up shall end at 2:00 p.m. on the Wednesday preceding a meeting, even if the day is a holiday. No later than 5:00 p.m. on the day prior to the meeting (Wednesday) or noon on the day of the meeting, if the day prior to the meeting is a city holiday, the city clerk shall post on the internet a list of no more than twenty individuals who will be invited to speak at the meeting. If more than twenty people register to speak, the city clerk shall select twenty names at random from among those who have registered. The clerk shall exclude speakers who spoke during open comment at the meeting immediately preceding the current meeting unless less than twenty people have registered to speak. In that situation, the clerk will randomly select from the group of speakers who spoke at the prior meeting during open comment to fill the remaining slots.
 - E. Any person selected to speak who requires a city-provided interpreter shall be invited to speak first. Any person wishing to use an electronic presentation as part of their comments shall provide the presentation to the city clerk no later than 2:00 p.m. on the day of the meeting. The presentation will be provided to members of council to review. No presentation will be shown during a council meeting.
 - F. At the conclusion of Open Comment, the presiding officer may ask city staff for any response to matters raised during Open Comment. At the conclusion of the staff response, any council member may ask that the original speaker be recalled to reply to the staff response. Such comment shall be limited to one minute.
3. Consent Agenda. Including generally, but not strictly limited to:
 - A. Minutes. Minutes of previous meetings are approved as made available beforehand, and as corrected by the city clerk, in response to council suggestions, at the discretion of the clerk. This procedure should not be used to alter remarks to express a more considered point of view. Such remarks should be made under item 8, Matters from the Mayor and Members of Council. A

Created: 2024-06-07 14:20:13 [EST]

(Supp. No. 159, Update 2)

motion to approve the minutes is deemed to include such corrections, as well as any corrections made at the meeting.

- B. First Readings. Although generally calendared as part of the consent agenda, the city manager may request that a particular first reading be scheduled early on the agenda when staff/council interaction on the item is important on first reading. See Section V, Procedure in Handling Ordinances, Resolutions and Important Motions, Subsection C, First Reading.
- C. Second Readings. Second Readings shall generally be scheduled for a public hearing. The Council Agenda Committee may schedule second reading of ordinance on consent only for the following:
 - 1. The Quarterly Supplement codifying previously adopted ordinances.
 - 2. Ordinances for which the council has previously held a public hearing.
 - 3. Other ordinances that are routine in nature, which do not elicit public interest and to which no council member objects.
- 4. Call-Up Check-In. Call-ups (typically appeals to council) are considered during item 4. If the decision about whether to exercise the council's call-up authority is a matter of substantial public interest, the agenda committee shall schedule a public hearing for consideration of the potential call-up. Call-ups scheduled for public hearing shall not be considered as part of a call-up check-in.
- 5. Public Hearings. Expected substantial public comment items are generally placed first on the agenda, in the order of public interest in the item, as anticipated by the council agenda committee, but critical short items may be placed first when deemed appropriate by the agenda committee. Items from the city manager, city attorney, or mayor and members of council which are of substantial public interest are placed in this section of the agenda, in the order of public interest. Provided however, that CAC may place matters of significant public interest at the beginning of the meeting before open comment. CAC shall not schedule more than two substantive public hearings at any council meeting. The signup form for speakers will be available via the internet, beginning at 8:00 a.m. on the Friday after the day that the agenda for the meeting is made available (Thursday). Speakers will designate in the form if they wish to speak "in-person" or "virtually". Online sign-up shall end at 2:00 p.m. on the Wednesday preceding a meeting, even if the day is a holiday. A speaker shall begin by stating their name and address. If a speaker believes that providing such information would put the speaker at risk, the speaker need not disclose their name or address but should say whether or not they reside in the City of Boulder. During a public hearing an individual speaker can speak for up to three minutes. However, a speaker's time may be limited to two minutes if more than fifteen people have signed up to speak. Three or more people can pool their time so one speaker can speak for five minutes, if all of the people pooling time have signed up to speak when the spokesperson is called to speak and are in the council chambers or present virtually when the speaker is called. The five minutes of pooled time can be reduced to four minutes by the presiding officer if the time for individuals has been reduced to two minutes. Speakers will need to designate on the form if they are pooling with 2 other speakers and indicate who the primary speaker will be and provide the names of the individuals they are pooling with. An applicant may request additional time as reasonably required to present their case. In response, the mayor may designate a longer time period for applicants, generally not to exceed fifteen minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support for applicant's positions should come from individual witnesses. Board or commission members, whose board or commission acted on a matter and who have been designated to speak by the board or commission, will be allowed to speak during staff presentation or at the beginning of the public hearing. A board or commission may designate a person who voted with the majority or a person who voted with the minority or one speaker from each side.
- 6. Matters from the City Manager. No final decision may be made under this item, or item 7, Matters from the City Attorney, or 8, Matters from the Mayor and Members of Council. All decisions shall be

Created: 2024-06-07 14:20:13 [EST]

(Supp. No. 159, Update 2)

made either after a public hearing or on the consent agenda. Matters items are for informational purposes only. No actionable items shall be raised under Matters.

7. Matters from the City Attorney.
8. Matters from the Mayor and Members of Council. At this point, any council member may place before the council matters which are not included in the formal agenda. This item is generally limited to responses to open comment, appointments to boards and commissions, sharing of information, and requests for advice concerning matters pending before other bodies, requests for staff work, and requests for scheduling future agenda items. Matters requiring a formal council vote, such as motions to sponsor an event or to allocate funds, are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item. If a council member wishes to reconsider a prior council decision, the council member shall request that the Council Agenda Committee schedule a discussion under item 8. Prior council decisions shall be reconsidered only after a material change in law or fact. A material change in law or fact means a change that if having occurred before the prior council decision would have made it unlikely that a majority of council would have supported the prior decision. If five or more council members support reconsidering a prior decision, the Council Agenda Committee shall be directed to schedule substantive consideration at a later meeting. No discussion of revisiting a prior decision shall exceed fifteen minutes.
9. Debrief. Council will have a brief discussion of no more than five minutes for council members to discuss issues regarding that evening's meeting. The discussion is intended to identify issues to be addressed by the Council Agenda Committee or by the council at a future meeting. This time should not be used to revisit arguments raised earlier in the meeting. The intent is to improve council's process by identifying issues concerning process, scheduling, and meeting implementation while fresh in council members' minds to allow for later discussion and resolution.
10. Adjournment. The council's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 9:00 p.m., and no later than at the end of the first item finished after 9:00 p.m. Generally, absent a deadline which the council cannot affect, no new substantial item will be addressed after 10:30 p.m. At the 9:00 p.m. agenda check council will make a realistic assessment of the items remaining on the agenda. Council will table and ask the Council Agenda Committee to reschedule any item that council members reasonably believe will prevent adjournment by 10:30 p.m. The Debrief is not a substantial item. No new item shall be introduced after 10:30 p.m. unless a majority of the council members in attendance at that time agree. All council meetings shall be adjourned at or before 11:00 p.m., unless the meeting is extended by a vote of two-thirds of the council members present. Council shall attempt to schedule any matter not heard before adjournment as the first item at the next study session. If necessary, the council shall schedule a special meeting to coincide with the scheduled study session. It is assumed that council will reschedule items previously scheduled for the study session to accommodate any newly added items.

V. Rules of Speaking.

- a. Mayor Directs Meeting. To obtain the floor, a council member or staff member addresses the mayor.
- b. Assignment of Floor. To assign the floor, the mayor recognizes by calling out the council member's name. Only one council member may have the floor at a time. A council member shall not speak while another has the floor, except to make a point of order. The mayor generally next recognizes the council member who first asks for the floor after it has been relinquished. The mayor may, in their sole discretion, temporarily suspend the rules of speaking in order to permit a direct colloquy between council members with respect to an issue or motion properly before the council. All council members and staff members are requested to direct their remarks to the council action under consideration.

- c. Outline of Decisions. The staff and the mayor should attempt to focus discussion of agenda items in accordance with the materials, which should contain a proposed outline of decisions.
- d. Minimize Debates Prior to Public Hearings. Council members should minimize debate prior to public hearings and use the period prior to public hearings to ask questions for clarification rather than to lecture, give speeches, score debating points, or ask rhetorical questions. The mayor may intervene to avoid extended debate prior to public hearings.
- e. Minimize Debates After Decisions. Council members should minimize debate after decisions and move on to the next item.
- f. Motions to Table. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of council discussion prior to making a non-debatable motion.
- g. Early Warning Process. Council members should give early warning to the mayor and the city manager whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and council response can be prepared.
- h. Rotation of Questions. Questions are rotated so that, to the extent practicable, different council members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
- i. Mayor May Intervene. The mayor may intervene in council debate in order to solicit a motion after five to ten minutes of debate, seek to wrap-up discussion when debate seems to be proceeding longer than warranted, determine whether council wishes to postpone council action when more information or staff work appears warranted to facilitate a council decision, and ask council to group follow-up questions by topic.
- j. No Surprises. Council members will make every effort not to surprise each other by bringing up something new at a meeting, and rather will give notice of their intention to do so as soon as practical before the meeting.

VI. Procedure in Handling Motions.

- a. Making a Motion. A council member, after obtaining the floor, makes a motion. (If long or involved, it should be in writing.) The council member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other council members. Having made a motion, a council member may neither speak against it nor vote against it.
- b. Seconding a Motion. Another council member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The seconder does not, however, have to favor the motion in order to second it, and may both speak and vote against it. If there is no second, the mayor shall not recognize the motion.
- c. Stating the Motion. The mayor states the motion and asks for discussion.
- d. Debate. General debate and discussion follow, if desired. Council members, the city manager, the city attorney or the city clerk, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion because...", "I am opposed to this because...", etc. Remarks should be addressed to the mayor.
- e. Question. The mayor restates the motion and puts the question. Negative as well as affirmative votes are taken.

1. If the mayor is in doubt of the result of a voice vote, the mayor may call for raising of hands or a roll call vote.
2. If any council member is in doubt of the result of a voice vote, the council member may obtain a vote by raising of hands or by roll call by calling for it (without need to be recognized by the mayor).
3. In case of a tie vote, the motion is lost.
- f. Result. The mayor announces the result. The motion is not completed until the result is announced.

VII. Procedure in Handling Ordinances, Resolutions and Important Motions.

- a. Two Readings. All ordinances require at least two readings, because the city charter requires ten days' advance publication in final form. The agenda committee may require similar publication of complex or important motions and resolutions, in order to assure informed public participation.
- b. Notice. All documents delivered to council members' residences or electronically prior to any meeting shall be deemed to have been received and read, unless a council member indicates to the contrary during consideration of the matter. In the event that a council member has not received and read the document in question, the mayor shall determine an appropriate course of action, which may consist of an explanation of the substance of the document by a person familiar with its contents, or a recess. Abstentions are not permitted by the city charter under these circumstances.
- c. First Reading. On first reading, the clerk reads the title or the general description of the item set forth on the agenda, and the council has an opportunity to ask questions of the staff. Whenever practicable, council members ask first reading questions in writing or by email to "Hotline" in advance of the meeting no later than 5:00 p.m. on the Sunday preceding the meeting. Any remaining questions are asked at the meeting. The deadline for first reading questions is noon on the day following the meeting. Complex questions are subject to the "rule of five" for information and research requests set forth in Section X, Research and Study Sessions, Subsection A, Information/Research Requests/Rule of Three. The mayor then requests an appropriate motion. However phrased, an affirmative motion is construed as one to order the item published. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by proposal of amendments, if any, restates the question if necessary, and puts the question to a vote. After the conclusion of the vote, the mayor declares the item to have been ordered published or to have been rejected for publication. Publication does not constitute substantive approval of an item.
- d. Second Reading. On second reading, the clerk reads the title, or the general description of the item set forth on the agenda, followed by the staff presentation, and then the council has an opportunity to ask questions of the staff. Thereafter, the mayor opens a public hearing and supervises the public hearing. If any council member wishes, questions may be asked of persons testifying. Council may consider a response to public testimony at the meeting, and the agenda committee may consider a response the following week, but the normal response is in the council members' actions on the agenda. The mayor then requests an appropriate motion. The motion should be one to adopt the ordinance, and, however phrased, an affirmative motion shall be so construed. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by discussion by the council, the city manager and the city attorney and dialogue with staff in response to questions raised by the council, followed by debate, proposal of amendments, if any, and consideration thereof in the form of motions. After debate, the mayor restates the question and requests that the clerk conduct a roll call vote. After the conclusion of the roll call vote, the mayor declares the ordinance adopted or defeated.
- e. Resolutions. Resolutions are handled in the same manner as the second reading of an ordinance, except that the vote need not be by roll call.

- f. Emergencies. Ordinances may be passed by emergency on first or second reading, upon appropriate findings of urgency and need. In the event of passage by emergency on first reading, the first reading is handled in the same manner as the second reading of an ordinance, and the second reading is omitted. Council should endeavor to limit emergency ordinances to the quarterly supplement, matters in which there is a deadline, and matters affecting life, health or safety.
- g. Amendments. Non-emergency ordinances which are amended in substance rather than in form on second reading are republished in the same form originally published (either in full or by title only), as amended, and voted on again at a third reading, without further staff presentation or public hearing. The council retains the discretion to set a public hearing on third reading by majority vote. The same procedure applies to later substantive amendments as well.

VIII. Voting.

Voting ultimately decides all questions. The council may use any one of the following ways of voting:

- a. Voice Vote. All in favor say "aye," and all opposed say "no." The mayor rules on whether the "ayes" or the "nos" predominate, and the question is so decided.
- b. Raising of Hands. All in favor raise their hands, and then all opposed raise their hands. The mayor decides which side predominates and notes dissents for the record.
- c. Roll Call. The clerk calls the roll of the council members, and each member present votes "aye" or "no" as each name is called. The roll is called in alphabetical order, with the following special provision: On the first roll call vote the clerk shall begin with the first name on the list; on the second vote, the clerk shall begin with the second and end with the first; and so on, continuing thus to rotate the order. This rotation shall continue from meeting to meeting.

IX. Nominations and Elections.

The 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 pro tem.
- 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 their interest in serving as acting mayor (generally referred to as mayor pro tem). Any person expressing an interest shall post a Hotline message regarding their interest in and qualifications for the position.
- 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 themselves. 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 their name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.
- d. 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.

- e. 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.
- f. 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.
- g. 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 pro tem.
- h. 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 they were 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 they are appointed unless it is necessary to complete an agenda item that has been continued to another meeting.
- i. 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.
- j. 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.

X. Research and Study Sessions.

- a. Information/Research Requests/Rule of Three. Requests for information should be directed to "Hotline," or, if a public request is not appropriate, directly to the city manager or the city attorney. Requests for a briefing should be directed to the city manager or the city attorney. A single council

member may require the city manager or the city attorney to provide available information at any time or to answer any question concerning an agenda item. The concurrence of three council members is required to assign a matter for research by staff. For staff to spend more time than the city manager or the city attorney considers reasonable in light of other staff time commitments, the concurrence of five council members is required. In such case, the manager or attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the manager or attorney proposes. In any case, a vote shall be taken at a council meeting, but work may proceed in an emergency pending such vote. The council shall be informed of any such emergency work. Requests for information relating to an agenda item should be made sufficiently in advance to allow staff time to assemble the requested information. Requests for information relating to a quasi-judicial matter before the council are permitted provided that staff shall inform the applicant of the request and shall provide the applicant with a copy of any response.

- b. Budget Rule. A matter shall be placed before the council for decision during the deliberation of the budget by a vote equal to or greater than the number of council members remaining at the meeting after deduction of the majority thereof.
- c. Study Sessions. The chair of each study session shall be selected through rotation of council members who have expressed an interest in chairing study sessions. The Mayor and Mayor Pro Tem may be included in the rotation. The order of the rotation shall follow generally the rotation of members at the Council Agenda Committee, with the Mayor or Mayor Pro Tem presiding when a member is not available, has not expressed an intent to chair a study session or the member agrees to defer to the Mayor or Mayor Pro Tem. Materials for study sessions generally will be made available to the council and the public at least ten days before the date of the study session. Notice will be given as for other council meetings. Written comments received by staff prior to noon on the Thursday preceding study sessions will be forwarded to all council members that evening. Testimony of persons other than staff or consultants or subject-matter experts designated by the city manager is not permitted at study sessions unless a majority of the council members present votes to suspend this rule. The council will give direction to staff at study sessions for the presentation of action items at future regular council meetings. Full summaries of study sessions shall be placed on a later council agenda for approval, including the direction given, any remaining issues and any staff reaction or proposed work plan in response to the study session.

XI. Procedure in Handling Major Capital Improvement Projects.

Major capital improvement projects shall be handled, to the extent practicable, in accordance with the City Plans and Projects Handbook, dated November 2007. Failure to follow any aspect of such processes shall not be grounds for any challenge to any city project. Prior to a development review decision by the planning board or approval of the community and environmental assessment process by an advisory board, the council may determine by motion to review the project prior to the decision on the concept review or community and environmental assessment process. If so, the manager will schedule a public hearing and consideration of a motion directing staff concerning: 1) the goals and objectives of the program which will be served by the project, and 2) the conceptual design of the project. For those projects requiring development review, the council will deal only indirectly with the factors which may ultimately be entailed in a development review application under Chapter 9-4, "Land Development Review," B.R.C. 1981, in recognition that it may later be called upon to adjudicate such questions on a call-up of a planning board decision.

XII. Council Calendar.

The city publishes a calendar of meetings set by city staff and boards and commissions. Any council member may attend such meetings and events, but council members may not publicly speak at a board or commission

meeting unless give prior permission by council to speak on behalf of council as a whole and may be disinvited from ceremonial events by the host.

XIII. Council Member Appointments.

The council may appoint council members to serve on ad hoc and ongoing intergovernmental committees, such as the Colorado Municipal League Policy Committee, the Denver Regional Council of Governments, the National League of Cities, or the Boulder County Consortium of Cities. Council members may be appointed for staff activities on an ad hoc basis. Appointments shall be made at council meetings, after notice to the council that the appointment will be considered as part of the agenda of the meeting. The mayor appoints one of the members to the Housing Authority and one to the Urban Renewal Authority, in conformity with state law, but council is notified at a council meeting of each such appointment, and the Urban Renewal Authority appointment is subject to council ratification. The council appoints one of its members to the board of directors of the Boulder Museum of Contemporary Art, the Boulder Convention and Visitors Bureau, the Colorado Chautauqua Association, the Downtown Business Improvement District Board, the Rocky Flats Stewardship Council, the Commuting Solutions Committee, the Mile High Flood District, the Boulder County Resource Conservation Advisory Board, and the board of directors of the Dairy Arts Center. The mayor will serve on the Metro Mayor's Caucus and the US 36 Mayors and Commissioners Coalition. Council members are expected to inform the council of their committee activities and to request advice on important policy issues.

Council may appoint alternates for (intergovernmental) committees as council deems necessary. The alternate shall serve in place of the council appointee as requested by the council appointee and when the person is not able to participate. Appointments shall be made using the same process noted above.

XIV. Parliamentary Procedure.

Except as otherwise provided herein or as advised by the city attorney, all matters of procedure are governed by the then current Robert's Rules of Order Newly Revised.

XV. Declarations and Resolutions.

- a. Mayor to Screen. All matters proposed for council or mayoral action which commemorate a period of time or commend the actions of a person or a group or endorse a position or an idea not directly related to the affairs of the city shall be screened by the mayor.
- b. Mayoral Declarations. If a group with substantial local support requests such action, and the mayor determines that there is no substantial political issue concerning such action, the proposed declaration shall be included in the agenda for the Council Agenda Committee. Any council member who would prefer that the declaration be issued by the entire council, read out loud at a council meeting or discussed by the entire council shall inform the Council Agenda Committee. Depending on the specific request the Committee can decide to issue the declaration from the entire council (not just the Mayor), schedule a time for reading at a future council meeting or schedule consideration of whether to issue, amend, or deny the declaration at a future council meeting. If no council member seeks full council consideration, the Mayor may sign the declaration. All signed declarations shall be posted on the city's website.
- c. Council Resolutions. In extraordinary circumstances, if the group supporting the action determines that it wishes council action rather than a mayoral declaration, and the action otherwise meets the criteria set forth above, the mayor may, if the mayor considers such action appropriate in light of the importance of the action and the additional business on the council agenda, place a resolution on the agenda for council action.

- d. Resolutions. Resolutions are appropriate for legislative concerns, including, without limitation, conveyances of positions or ideas to other legislative and administrative bodies. But all legislative actions must be by ordinance.
- e. Political Questions. In the event that a substantial political issue is determined to be presented by a proposed declaration, the mayor shall not act or place the matter on the agenda, but instead will inform the group supporting the action that the matter will be placed on the agenda only if a majority of the council members present at a meeting of the council so directs. The burden shall be on such group to present the issue to the council. The mayor may request council advice at any time concerning proposed mayoral or council action.
- f. Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.
- g. Fund-Raising. Publicity for fund-raising efforts and community events will be deemed inappropriate for council action, although major efforts and events may be commemorated if the majority of the council members present at a meeting of the council so directs.

XVI. Rules of Decorum.

- a. Council Intent for Rules of Decorum. The city's business is conducted at city council meetings by the elected officials of the city. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions and other informal council meetings, although the council may permit public participation and provide reasonable time and manner restrictions. The public is encouraged to express comments in writing or other communication prior to those meetings. In order for the council to conduct its business in a manner completely open to the public by video, rules of decorum are necessary. Historically, council meetings have lasted numerous hours which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:
 - 1. Provide a safe and secure setting for council and the public to attend to the city's business.
 - 2. Enable council to conduct its deliberative process without disruption in a manner that can be heard and viewed by all viewing and recorded for the simultaneous or later viewing by the public.
 - 3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of council meetings.
 - 4. Facilitate transparency in the conduct of council meetings so that all persons have the opportunity to observe and hear all of the council discussion and votes.
 - 5. State specific rules so that all may know the rules in advance and be subject to the same rules.
 - 6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.
 - 7. Develop an atmosphere of productive civic discourse that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
 - 8. Balance the need for the council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.

9. Facilitate council meetings as business meetings, therefore public comments should relate to the business of the city and, as such, be addressed to the council as a whole, which conducts the business of the city.
 10. Adopt these rules of decorum as the standard for conduct of meetings of the city council and staff of the city.
 11. Protect city property from damage.
- b. Rules of Decorum for the Public. During all times a meeting of the city council is being conducted, the following rules shall apply:
1. Prior to addressing council, a person shall sign-up providing information for the council record.
 2. All remarks to the council shall be only after the speaker is acknowledged by the presiding officer.
 3. While in attendance at a council meeting, no attendee shall disrupt, disturb, or otherwise impede the orderly conduct of any council meeting in a manner that obstructs the business of the meeting. This includes any means, including but not limited to, speech that creates an actual disruption or conversation with other audience members that interferes with the council members ability to hear and focus on the business or other audience members ability to hear the proceedings. Disorderly conduct also includes failing to obey any lawful order of the presiding officer to leave the meeting room or refrain from addressing the council.
 4. No attendee shall make threats or other forms of intimidation against any person in the council chambers or meeting room.
 5. All persons participating in a council meeting, including, without limitation, council members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.
 6. No person participating in any council meeting shall be in a state of intoxication caused by the person's use of alcohol or drugs.
 7. All remarks shall be limited to matters related to the business of the city. Obscenity, racial, national origin, gender, sexual orientation, or religious epithets, and other epithets, and other disruptive speech and behavior are prohibited.
 8. Only one person shall be at the podium during public comment or public hearings unless a companion is needed for physical, linguistic, or moral support.
 9. No one shall stand in the aisles in violation of the fire code or in a way that obstructs the vision or audio of other audience members.
 10. No signs or flags shall be permitted in council chambers except for one sign held by a person measuring no more than 11x17 inches which is held no higher than the person's face.
 11. No items shall be affixed to or propped against any surface in the council chambers except for laying a sign down against a person's own chair legs, without the permission of the city manager.
 12. Clapping, snapping, shouts, lights, lasers, noisemaking devices and the like shall be considered disruptive and are prohibited except for following a declaration or as invited by the mayor or chairperson to celebrate special events such as a retirement.
- c. Enforcement of Decorum. The mayor or other presiding officer of the council, with the assistance of city staff shall be responsible for maintaining the order and decorum of meetings. The mayor or presiding officer may order that any person who fails to observe these rules of decorum be muted and/or removed from the meeting, may call a recess, and may order all persons to leave council chambers:

1. The mayor or presiding officer may interrupt any speaker who is violating these rules of decorum if they are causing an actual disruption.
 2. The mayor or presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules of decorum, but such verbal warning shall not be required as a condition of removing an offender from the council chambers or meeting room, or taking a recess, ordering attendees to vacate the chambers, or moving to a virtual meeting.
 3. These enforcement provisions are in addition to the authority held by the sergeant-at-arms or any other peace officer in attendance, to maintain order pursuant to the officer's lawful authority.
 4. Any person removed from the council chambers or meeting room shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon the motion adopted by a majority vote of the council.
 5. Any person who has been removed from a meeting may be charged with violation of the applicable provision of the Boulder Revised Code.
 6. A person removed from a council meeting may request a hearing to dispute prohibition under the provisions of Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, if the appeal is filed with the manager within ten days of the date of prohibition. The hearing will be before a hearing officer that is appointed by the city manager. The scope of the hearing will be limited to the following: (1) whether there was a prior removal in the past twenty-four months, and (2) the nature and extent of the behavior resulting in the suspension. The hearing officer will forward a recommendation to the council to affirm the sanction, modify the sanction, or to remove the sanction to the city council for its consideration at a subsequent meeting of the council.
 7. In addition to any other authority of the mayor or presiding officer, the presiding officer may call a recess during which time the members of the council shall leave the meeting room.
 8. In addition to any other authority of the mayor or presiding officer, the presiding officer may make or entertain a motion to move the meeting to a virtual forum.
- d. Rules of Decorum for Council. Members of the council shall attempt to balance the right of the public to know positions of the elected and appointed officials and rationale for decisions with the need for balanced discussion and timely adjournment of the meeting. In order to realize this balance, members shall endeavor to:
1. Articulate questions, opinions, comments and reasons for votes succinctly;
 2. Exercise self-discipline by avoiding repeating statements of others, being verbose in expressing opinions or straying off the topic;
 3. Allow the presiding officer to manage the meeting and call on members before speaking;
 4. Support the presiding officer in enforcement of these rules;
 5. Permit other members an opportunity to speak once on an issue before speaking a second time on the same issue;
 6. Focus on the issue being discussed rather than disagreement of ideas by using "I" statements and avoiding personal attacks or assuming motives of another;
 7. Consider the adopted council goals, staff work plans and limited resources when making requests for delay or additional information;
 8. Acknowledge that new topics raised during a meeting by a member of the public or of the council may not have the benefit of all of the necessary background information, may not be presented from a balanced perspective, and decisions in such situations are more often emotionally driven. New topics

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(Supp. No. 159, Update 2)

raised during a meeting are most often best resolved by deferring the decision to the city manager or to a future agenda with direction to staff to provide background materials before the matter is considered at a future meeting. If council desires to take up a matter raised during a meeting, the request should be made and additional information requested under "Matters from the Mayor and Members of Council" portion of the agenda.

- e. Interpretation of Rules. These rules are intended to support the intent of the council set forth above. These rules are not to be used to limit public participation or council debate, but to enable the effective functioning of the council. These rules are not intended to restrict an individual's right to constitutionally protected speech. Either the council or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.

XVII. Record Retention for Executive Sessions.

Between November 5, 2014, and December 31, 2017, the city council was authorized to conduct executive sessions for the purpose of obtaining and receiving legal advice, including negotiation strategy regarding the creation of a municipal electric utility. The following rules shall remain in effect to govern retention and disclosure.

- a. Any recording of an executive session shall be maintained in a secure place within the city and may not be accessed by anyone, other than the City Manager or City Attorney, their authorized delegate or a Member of the City Council, except upon order of a court of competent jurisdiction.
- b. Any recording of an executive session shall be maintained until December 31, 2022, unless litigation relating to matters discussed is initiated or pending during that time in which case the recording shall be maintained until the conclusion of the litigation. The council shall be required to approve the destruction of any such recording of an executive session.
- c. Council may, by unanimous vote, release all or part of a recording of an executive session.