

Boulder Revised Code Title 2 – Government Organization Appendix - Council Procedure

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COUNCIL PROCEDURE

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

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

I. - Presiding Officers: Mayor and Mayor Pro Tem

Council members shall be selected to serve as mayor and mayor pro tem. The mayor pro tem shall fulfill the position identified as "acting mayor" in Charter Section 15. All council members are equal; the mayor and mayor pro tem have no additional authority except as set forth in the City Charter, the City Code, or in these procedures. The mayor, or the mayor pro tem in the mayor's absence, shall serve as the chair of the council. 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 must vote on all matters not involving their personal financial interest or official conduct. 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.

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. Correspondence regarding matters on the council agenda shall be included in the council packet. Correspondence regarding matters on the council agenda received after the packet deadline shall be posted online.

(c) Open Comment. At the beginning of every regular council meeting, 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 have different procedures addressed in Chapter 1-3. These council procedures do not address procedures for quasi-judicial matters.

(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, which normally takes place in the manager's office on Monday mornings. In addition to the mayor and the council member designated as the acting mayor (generally referred to as 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 than 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. 7) 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. 8) The agenda committee also establishes check points for council input on important staff projects. 9) 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.

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. Tuesday Meetings. CAC shall not schedule council meetings on dates other than Tuesdays without polling all council members for their availability.

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 estimated time budget, CAC shall not 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. 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. A speaker shall begin by stating 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 his or her name or address, but should say whether or not he or she resides in the City of Boulder.

C. Sign up for speakers will be available via the internet, beginning at 6:00 p.m. on the day that the agenda for the meeting is made available. Online sign up shall end at 2:00 p.m. on the day preceding a meeting, even if the day preceding a meeting is a holiday. No later than 5:00 p.m. on the day prior to the meeting 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 fifteen individuals who will be invited to speak at the meeting. If more than fifteen people register to speak, the city clerk shall select fifteen names at random from among those who have registered. Prior to the opening of registration, the city clerk shall post the methodology to be used for randomization. In addition to those selected through the foregoing process, individuals may sign up to speak in person at council chambers beginning at 5:00 p.m. on the day of the meeting. Sign up shall close promptly at 6:00 p.m. Prior to open comment the presiding officer shall announce the names of five individuals selected at random to speak. If fewer than fifteen persons have registered online and there are more than five individuals who have signed up in person, the presiding officer may, if the meeting is scheduled to end no later than 10:30 p.m., add additional speakers to bring the total number of speakers to no more than twenty.

D. Any person selected to speak who requires an interpreter shall be invited to speak first. Any person wishing to use an electronic presentation as part of his or her comments shall provide the presentation to the city clerk no later than 2:00 p.m. on the day of the meeting.

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, in 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 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. The Council Agenda Committee may schedule second reading of ordinance in which there is no evidence of public interest on the consent agenda.

4. Call-Up Check-In. Call-ups (typically appeals to council) are considered during item 8, Matters from Mayor and Members of Council. During call-up check-in, council members are provided an opportunity, and are generally expected, to announce that they have questions or concerns with respect to a potential call-up. This advance warning, while not binding on any council member, would generally indicate those potential call-ups for which staff or interested parties should be present. Notwithstanding the failure of any council member to indicate questions or concerns, Council may still consider any potential call-up should a council member change their views during the meeting. 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. . A speaker shall begin by stating 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 his or her name or address, but should say whether or not 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 when the speakers are 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. An applicant may request additional time as reasonably required to present 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 Mayor and Members of Council, until after an opportunity for public comment, as provided in item 9, Comment on Motions Made Under Matters. Proposed decisions are announced by the mayor prior to item 9, Comment on Motions Made Under Matters, to allow for public testimony, council questions, staff response, council motion, consideration, and debate, and an informed final decision.

7. Matters from the City Attorney.

8. Matters from 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, consideration of call-ups, 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.

9. Comment on Motions Made Under Matters. Prior to council decisions on motions, an opportunity shall be given for public comment on such motions. The rules are the same as for public hearings, but with a fifteen-minute total time limit. This time may be extended at the mayor's discretion.

10. Decisions on Motions. Under this agenda item, the council makes final decisions on items discussed under items 6, Matters from the City Manager, 7, Matters from the City Attorney, and 8, Matters from Mayor and Members of Council.

11. Discussion Items. Discussion items are generally scheduled for study sessions rather than council meetings.

12. 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.

13. 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 10:00 p.m., and no later than at the end of the first item finished after 10:00 p.m. Generally, absent a deadline which the council cannot affect, no new substantial item will be addressed after 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 his or her 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. 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.
- 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 and mayor pro tem shall be selected in the following manner:

- a. On the second Tuesday in November, of every odd-numbered year, at 6:00 p.m. council members and council members elect shall gather in council chambers for the purpose of expressing interest in nomination for mayor and/or mayor pro tem for the new council. The mayor shall chair the meeting. Any council member with an unexpired term or council member elect may express his or her interest in serving as mayor or mayor pro tem. Any person expressing an interest shall make a speech regarding his or her qualifications for either or both positions. Each candidate shall make only one speech regardless of whether the council member is seeking either position or both positions. No speech shall exceed five minutes in length.
- b. The council meeting convened pursuant to Charter Section 9, on the third Tuesday in November of odd-numbered years, shall be chaired by the council member with the most consecutive years of service

on the council who did not express an interest in serving as mayor or mayor pro tem at the meeting on the second Tuesday in November. If there is more than one council member with the most consecutive years of service on council not seeking to be elected mayor or mayor pro tem, the city clerk shall place the names of each such council member in a container and select one who shall preside at the convening meeting.

- c. In the interest of transparency and public participation, after the new council members are sworn in pursuant to Section 9 of the Charter, the meeting convened at 10:00 a.m. on the third Tuesday in November shall be continued until 6:00 p.m. At that time, the council shall hold a public hearing on the selection of the mayor and mayor pro tem.
- d. The mayor pro tem shall serve for a period of one year. In even numbered years, council members interested in serving as mayor pro tem shall express interest and speak to their qualifications at the first meeting in November. In even numbered years, nominations and election for the mayor pro tem shall be held at the second meeting in November.
- e. Nominations. At the conclusion of public testimony, council will consider nominations for mayor and mayor pro tem. Any council member may nominate anyone that expressed an interest and made a speech at the second Tuesday in November, including himself or herself, for either position. Provided, however, that the requirement of prior expression of interest shall be waived for any council member whose election was not decided before the second Tuesday in November. Nominations for mayor and acting mayor (generally referred to as mayor pro tem) are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.
- f. 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.
- g. 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.
- h. 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.
- i. Impasse Process. In the event that neither of the two final candidates receives five votes on the first ballot on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives such a majority vote, the meeting shall be adjourned for a period not to exceed twenty-four hours, and new nominations and new ballots shall be taken. If no candidate receives five votes on the first ballot at the adjourned meeting on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives a majority vote on the second such ballot at the adjourned meeting, a flip of a coin shall be used to determine which of the two final candidates shall be declared elected as mayor or mayor pro tem.
- j. Appointment of Board Alternates. In the event that the Boulder Revised Code provides for the

appointment of temporary alternate board members, such members shall be appointed as follows: The most recently departed member of the board needing a temporary alternate, who is eligible and able to serve, shall be appointed. In the event that more than one member departed at the same time, alternates shall be chosen in reverse alphabetical order, with appointments alternating between the eligible and able former members who departed at the same time. In the event that the most recently departed member is not eligible or able to serve, the next previously departed member shall be chosen, applying the procedure above if there is more than one potential appointee. No person shall be eligible for a temporary alternate appointment if he or she was removed from the board by the council. A temporary alternate shall be appointed only when a member's absence either results in the lack of a quorum or may prevent the board from taking action. No person appointed as a temporary alternate shall serve at two consecutive meetings of the board to which he or she is appointed unless it is necessary to complete an agenda item that has been continued to another meeting.

- k. 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.
- l. 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.
- 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. 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. A summary list of the questions asked and direction given shall be prepared by staff and placed on the consent calendar for the next regular council meeting for council approval. 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 hearings set by city staff and boards and commissions. Any council member may attend such hearings and events, but council members may not testify at a board or commission hearing and may be disinvited from ceremonial events by the host. Council members are responsible for notifying the council office of hearings and events for which they are the liaison to the council.

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 Downtown Business Improvement District Board, the Rocky Flats Stewardship Council, the Commuting Solutions Committee, the Urban Drainage and Flood Control 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 Commission Coalition. Council members are expected to inform the council of their committee activities and to request advice on important policy issues.

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, Proclamations 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 mayor may issue a declaration for the action. Such declaration shall be forwarded to a binder kept for such purpose in the city council office but shall not be placed on the agenda unless the council determines at a meeting by majority vote of the council members present to call up the matter, in which case the action shall be revoked upon the passage of the call-up motion, pending further action by the council at its next regular meeting.
- 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 or proclamation, 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 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 in person, by audio and by video recordings, 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 interruption in a manner that can be heard and viewed by all in attendance 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 civility 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.

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 at a microphone and 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 by any means 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 be seated, 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, or possess any weapon or firearm while in the council chambers or meeting room unless the attendee possesses a valid permit meeting all of the requirements set forth in § 18-12-204, C.R.S.

5. To maintain the fire code occupancy limits and allow for safe exit, unless addressing the council or entering or leaving the council chambers or meeting room, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in the aisles, nor shall the doorways be blocked.

6. All persons in the council chambers or other meeting room, including, without limitation, council members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.

7. No person at any council meeting shall be in a state of intoxication caused by the person's use of alcohol or drugs.

8. Members of the public who wish to gather in the municipal building prior to a meeting shall make every effort to accommodate those with differing views. This shall include, not blocking entrances, pathways or stairways and being respectful at all times of those with opposing views. If individuals plan to gather for a meal or otherwise in the municipal building, such gatherings shall take place in the eastern end of the municipal building lobby so as not to require individuals with opposing views to pass through the gathering.

9. No sign shall be displayed in council chambers in a manner that blocks the view of another person or in a manner that would violate subsection 5 above.

c. Enforcement of Decorum. The mayor or other presiding officer of the council, with the assistance of the sergeant-at-arms, if any attending, shall be responsible for maintaining the order and decorum of meetings. The mayor or presiding officer may order removed from the council chambers, or other room in which a meeting of the council is occurring, any person who fails to observe these rules of decorum:

1. The mayor or presiding officer may interrupt any speaker who is violating these rules of decorum or disrupting a meeting.

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.

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. In addition, by vote of the council, any person removed from a meeting may be excluded from attendance at council meetings for thirty (30) days after such removal. A longer period of prohibition from attendance at council meetings may be determined by council by a vote, if the person has been removed from the council chambers or meeting room in the past twenty-four months for violation of these rules of decorum, or the council determines that the attendee's conduct was so severe as to necessitate a longer period of prohibition.

7. A person prohibited from attendance at council meetings 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.

8. 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.

9. If necessary for the safety of the council and public, the mayor or presiding officer may order the council chambers or meeting room cleared of all attendees. In such event, the meeting may continue only so long as the proceedings are televised or otherwise recorded so that the proceedings of the meeting are available to the public.

10. Any staff member may request that a police officer assess any person at a council meeting for intoxication. A police officer may also make such an assessment based on personal observation. If, in the officer's professional opinion, the officer has a reasonable suspicion that a person in attendance at a council meeting is intoxicated through the use of alcohol, the officer may exclude that person from further attendance at that meeting. A person excluded shall be readmitted if the person excluded submits to an alcohol breath test and produces a result below .05 blood alcohol level.

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 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;

9. During a council meeting, refrain from electronic communication regarding subjects considered at that meeting. Except that council members may receive electronic copies of materials from staff displayed on monitors or otherwise made available at the meeting. 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. Either the council or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.

XVII. - Procedure for Executive Sessions

a. At a regular or special public meeting, prior to holding an executive session, the council may by 2/3 vote of the members present elect to go into executive session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility. The motion may be for the executive session to be held immediately after the vote or at a specific time and place in the future.

b. Any executive session shall be recorded in its entirety. The recording for the executive session shall be separate from the recording of the meeting during which the executive session is being held. The City Manager or the City Attorney are the only persons authorized to make any audio or visual recording of an executive session.

c. The council shall take no final action during any executive session.

d. Only council members, attorneys and city staff or consultants necessary to provide information to council relating to legal advice, including negotiation strategy, with respect to Boulder's electric utility, shall attend an executive session. The council may, by a majority vote, exclude city consultants or staff members, other than the city manager or the city attorney, that it concludes are not necessary for an executive session.

e. All persons must attend any executive session in person. No one may participate remotely by conference call or other means.

f. During any executive session, the discussion shall be limited to obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility.

g. Any discussion during an executive session shall end immediately if any two council members express the opinion that the subject being discussed does not involve legal advice, including negotiation strategy, with respect to Boulder's electric utility.

h. The discussion shall not resume until all council members agree on the scope of the discussion.

i. Each council member has the affirmative duty to prevent any discussion during any executive session about any matter not necessary for the purpose of obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility, and to avoid and prevent any discussion of matters discussed during an executive session outside of an executive session.

- j. 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.
- k. 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.
- l. Council may, by unanimous vote, release all or part of a recording of an executive session.
- m. The minutes of the regular or special meeting during which an executive session is held shall include the motion and vote for the executive session and the start and stop time of the executive session.
- n. The city council intends that Section 9 of the Charter be interpreted and construed to be more restrictive than the provisions of the state Open Meetings Law, C.R.S., 24-6-401, et seq.
- o. By adopting these procedures, the city does not waive the attorney-client privilege for any of the legal advice provided to the council. In the event the electronic recording is released by unanimous vote of the council or by court order, nothing related to the legal advice provided during the executive session may be used in any other proceeding.
- p. No portion of the electronic recording of an executive session of a local public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the unanimous consent of the council, or as provided in C.R.S., 24-72-204(2)(d.5)(II)(C).