

City Council Hotline Guidelines

What is the Hotline?

The Council Hotline is an information resource for members of City Council. Council is not legally required to post all of its communications on the Hotline. However, the Hotline provides a way for council to exchange information among themselves or to request specific information from staff in a public venue. The intent of the Hotline is to provide members of council with a prompt reply to their questions regarding City policies or services (often in response to a resident inquiry).

How is the Hotline used for communication?

Council → Council **YES** (not intended to be used as an open meeting – see explanation below)

Council → Staff **YES**

Staff → Council **YES**

Council → Public **NO**

Public → Council **NO**

How does it work?

The Hotline is a semi-automated tracking database. City council or staff can generate messages via the hotline@bouldercolorado.gov e-mail address. Members of the public can subscribe to the Hotline but cannot reply to messages as they come from an automated list serv. There are currently 226 subscribers. At times, council may receive correspondence from a resident concerning a Hotline message but this typically comes in through the council@bouldercolorado.gov e-mail address.

Susan Kohl in the City Manager's Office is the Hotline administrator. When a Hotline is received, Susan simultaneously posts the message to the Web site and sends it to the public list serv. This is typically done **within 24 hours of receipt**. If the Hotline requires a response from staff, the administrator assigns the appropriate staff person to respond. Because many questions require at least some amount of research, responses are not always immediately available. The goal is to have a response to all Hotline inquiries within **five working days**. Hotline responses are forwarded back to the Hotline e-mail address so everyone can see the response to the incoming question.

Hotline inquiries are subject to the “rule of three and five”:

City Council members should use the Hotline for staff questions that can be answered quickly, with minimal (if any) research. Longer responses and new policy initiatives should be discussed at a meeting, pursuant to Section VIII A of the council procedure, which states:

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 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 (emphasis added).

If a Hotline request is submitted which requires, either by itself or in combination with other requests from the same council member or on the same topic, more than one hour to compose a response, that matter will be noted either at the time of the request (if that is a viable solution) or when the response is given, but the work will not be delayed. If a Hotline response is expected to take over three hours, staff will inform both the person requesting the response and the Council Agenda Committee as soon as possible, so that the matter can be placed on the City Council agenda for a nod of five. Of course, not all requests requiring more than 3 hours of staff work will be caught when they are made, as sometimes it is difficult to know how long a request will take to handle. However, staff will be encouraged to respond as soon as possible after receiving a Hotline, in order to give the City Council the ability to control the staff time spent on Hotline matters.

Hotlines are subject to Colorado Open Meetings Law:

Sometimes an exchange of e-mail messages can violate the Open Meetings Law.

The Open Meetings Law helps to facilitate open and transparent government. It requires that, “All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.” C.R.S.A. 24-6-402(2)(b). A meeting is defined as any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.” C.R.S.A 24-6-402(1)(b). **Communicating back and forth on e-mail, where “any public business is discussed” may be found to be an electronic meeting and may violate provisions of the Colorado Open Meetings Law.**

Hotlines are subject to the Colorado Open Records Act:

As with the Open Meetings Law, the purpose of the Open Records Act is to facilitate open and transparent government. The Act provides that, “All public records are open for inspection by any person at reasonable times,” unless otherwise provided by the Act itself, or other law. Although there are some exceptions relating to confidential matters, the statute specifically includes digitally stored data, such as electronic mail messages. Because the Hotline is used as an information tool about public business, messages are automatically posted and available to the public through the Web-based subscription. Use of the Hotline helps ensure that these communications are conveniently available for public inspection.

Examples of appropriate uses of Hotline:

- First Reading questions for upcoming agenda items
- General information requests in which the entire council may benefit from the staff response
- Requests for Council Agenda Committee (CAC) consideration or scheduling items
- To inform colleagues of issues that will be raised during an upcoming council meeting. See Council procedures, Section III. (N) Rules of Speaking, regarding **No Surprises** which states, “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.”

Things to Avoid:

- It is best to avoid back and forth discussion of policy issues (i.e. anything substantive that is best discussed in a council meeting setting).
- Research requests or anything that would require extensive staff work – these requests are best sent directly to the city manager or city attorney for consideration

Hotline Tips for Council:

- Try to draft your communication as one-way communication (i.e. not intended to bring a response from another council member.)
- Communication should include things that you want to discuss at a meeting – without adding the discussion itself. Think of it as creating an inventory of topics or issues to be discussed at the meeting.

- A good thing to keep in mind is that you should save your value judgments for the discussion at a public meeting. When value judgments are revealed to the group in an e-mail, it starts to have an appearance of an attempt to gather some type of consensus.
- Finally, keep an open mind with regard to the upcoming process. This is part of the underlying policy of both the Sunshine Laws and public hearings. The goal is to avoid any appearance that an issue has been pre-decided and to make sure that everyone who chooses to participate is heard.
- When you are replying to/commenting on a Hotline message, use the reply button and make sure that the box marked “include message received from sender” is checked so that Hotline “conversations” on a certain topic can be easily followed.
- If you have several questions for staff, please send one message per topic. In other words, if you have four transportation questions - that should be done in one e-mail message.
- Avoid jargon or abbreviations that aren’t well known - remember that you are communicating with a segment of the general public as well.
- Hotline is not intended for resident e-mail correspondence - only staff and council members.

Hotline Tips for Staff:

- Staff may respond directly to the Hotline@bouldercolorado.gov e-mail address OR they may forward it to Susan Kohl indicating that it is a Hotline response.
- Again, try to avoid jargon or abbreviations that aren’t well known – consider your audience.
- When you are responding to a Hotline, please ensure that your department director or appropriate deputy city manager has reviewed the response, particularly if it is relating to a controversial topic.

Hotline Contacts:

Hotline Administrator: Deputy City Clerk, Susan Kohl; 303-441-3008

Back-up Hotline Administrator: Assistant to the City Manager, Kara Mertz; 303-441-3153

Legal Questions? Contact the City Attorney’s Office at 303-441-3020