

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.

CONDUCT OF COUNCIL MEETINGS

I. Presiding Officer: Mayor

The mayor, as chair of the council, is responsible for conducting its 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 retains all of the prerogatives of a duly elected council member: The mayor may make and second motions and take part in discussions and must vote on all matters not involving the mayor's personal financial interest or the mayor's official conduct.

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.

1. City phone numbers and e-mail addresses are provided to reach all council members.
2. 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 e-mail 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. In addition, printed versions of the Hotline and Council Correspondence postings are kept in chronological order and available for public viewing at the city's Central Records office.
3. Open Comment. At the beginning of every formal council meeting, 45 minutes are set aside for open comment. During the time, members of the public are invited to express their views on any issue, except those set for public hearing later in the meeting. Members of the public who wish to comment on call up items listed under Agenda Item 8 will be added to Open Comment if they have signed up before 5:45 pm.
4. 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.
5. 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 printed 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 with the consent of the mayor. 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 assistant to the mayor (generally referred to as the deputy mayor), 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, from alternating ends of the council table each time it is circulated, until all time blocks are filled for that time period. 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. Quarterly Agenda Review. At least once a quarter, 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. The agenda committee reports on its agenda review to the council as a whole.

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, faxes, and e-mail to the mayor and the city council and responses to open comment. The agenda committee assigns the responsibility for drafting and signing such responses. Responses are placed in a binder in the council office, so that council members can be assured that the public's concerns have been addressed. 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 on the morning following the day of the agenda committee meeting whenever possible, by e-mail, fax, or delivery, as requested by each council member. Recommendations and information are segregated in the minutes. The approved draft agenda is attached.

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 and other council members may use a telephone (or e-mail or fax) tree to 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.), concerning the use of e-mail, which requires use of the hotline for any communication involving more than two council members.

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 VIII, 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 the entire council for their availability.

F. 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. Although consent items are separately listed on the agenda, the mayor asks for any objection from the city council, and, hearing none, requests a motion to approve the consent agenda. 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.

IV. Council Meeting Agenda

Council meetings shall be conducted as follows:

1. Call To Order And Roll Call. Meetings are generally called to order at 6:00 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 45 minutes is provided at the beginning of the meeting. If all of the speakers that want to speak to the council on any topic not scheduled for public hearing cannot speak during that time, additional open comment time is on the council’s agenda later in the business meeting, after the items with public hearings have been heard. During open comment, an individual speaker can speak for up to 3 minutes. However, a speaker’s time may be limited to 2 minutes if more than 15 people have signed up to speak. Three or more people can pool their time so one speaker can speak for 5 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 5 minutes of pooled time can be reduced to 4 minutes by the presiding officer if the time for individuals has been reduced to 2 minutes.

b. Speakers shall begin by stating their name and address. If a speaker believes that providing such information would impair his or her ability to speak to the council, the speaker may disclose as much information as he or she is comfortable with providing.

The following subsection will be effective for any meetings held through March 31, 2011:

c. Speakers will be called on a first come, first served basis, with speaker sign up commencing at 5:00 p.m. in Council Chambers.

The following subsection will be effective for any meetings held after March 31, 2011:

c. Sign up for speakers will be available via the internet as soon as the agenda for the meeting is made available. Individuals may sign up to speak in person at council chambers beginning at 5:00 p.m. on the day of the meeting. All speakers who have signed up prior to 5:45 p.m. on the day of the meeting will be included in a speakers' pool. Speaking slots will be assigned at random from the speakers' pool regardless of the time at which the speaker signed up. Speakers signing up after 5:45 p.m. will be heard after those in the speakers' pool.

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.

4. Call-Up Check-In. Call-ups (typically appeals to council) are considered during item 8, Matters From Mayor And Members Of The 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.

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. Speaking rules are the same as for Open Comment. 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 Mayor And Members Of Council, until after an opportunity for open 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 Open Comment, but with a fifteen-minute total time limit. This time may be extended at the mayor's discretion.

10. Decisions On Motions. 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. 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. 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.

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, since 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 e-mail 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 VIII, 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

A. Nominations. Nominations for mayor and acting mayor (generally referred to as deputy mayor) 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.

B. 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.

C. 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.

D. 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.

E. 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 deputy mayor.

F. 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.

G. 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. Summaries of study sessions are placed on the 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 council office maintains and sends at least weekly to council members a calendar of hearings set by city staff and boards and commissions and events at which the mayor or any council member will have a ceremonial or a substantive role. 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 CU/City Oversight Group, 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 US 36 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 Center for the Arts. 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 Robert's Rules Of Order Newly Revised (2000).

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 Proclamations And 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 proclamation or 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 complete a sign-up card 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 CRS 18-12-204.
5. In order 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.

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-of-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 24 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 ten minute 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.

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.