

COUNCIL POLICIES

Adopted 8/31/09 by Resolution 2009-31 except as noted

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Council Policy #CP-1
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Council Policies in General

POLICY STATEMENT: The City Council of the City of Commerce City shall adopt council policies which shall be adopted and implemented as follows to ensure consistent adherence to identified policies and to attempt to resolve any necessary issues prior to a problem developing regarding the adopted policies:

- A. Council policies shall be adopted by a majority vote of the Council and shall be reduced to writing.
- B. Council policies may, by resolution, be amended, revised or repealed by a majority vote of the City Council voting at a duly-convened meeting of the Council.
- C. Any member of the Council may submit to the Council for consideration an amendment, revision or repeal to a council policy.
- D. The adoption of any policies is not intended to be all-inclusive, conveying all aspects of a particular policy, position or issue. The policies are intended to provide general direction on an identified policy, position and/or issue.
- E. The council policies will be inserted into one document referred to as the Council Policy Manual.

Council Policy # CP-2
Adopted 8 31/09 by Resolution 2009-31
Changes adopted 10/10/11 by Resolution 2011-47
Changes to Section D. adopted 1/6/14 by Resolution 2014-05

SUBJECT: Council Norms and Standards of Conduct

POLICY STATEMENT: It is expected that members of the Council will adhere to the norms and standards of conduct set forth in this Council Policy.

A. **GENERAL**

1. Council members will take positive action when necessary to keep the City of Commerce City a progressive, well-managed, innovative City.
2. Council members will provide leadership and participate in local, regional, state and federal programs and meetings.
3. Council members will look to boards, commissions and committees for independent advice.
4. Council members will obtain input from other community leaders in the decision-making process when appropriate.
5. In the decision-making process, Council members will include extensive citizen participation and will work on City programs and documents.
6. Council members will attend numerous meetings in addition to regular Council meetings.
7. Council members will emphasize training for staff, Council, and board and commission members.
8. Council members will inform the City Manager's Office when they will be absent from the City or unavailable as early as possible in order that the information will be made available to Council and staff.
9. Council members who decide to go to functions which require reservations will notify the City Manager's Office as early as possible. Commitments shall be honored. In the event a council member who committed cannot attend it is that council member's responsibility to find a City Council replacement. The City Manager's Office will attempt to assist where possible. Except in the event of extenuating circumstances approved by the City Manager, if a Council member does not attend without giving the City Manager's Office reasonable opportunity to fill the vacancy, the cost paid by the City for such event shall be charged personally to the Council member who failed to attend and the proceeds depositing into the general fund.

10. All Council members will get the same information from staff as much as possible, including citizen complaints, letters, events, background issues, research, etc.

11. Council members will each determine specific meeting packets they want to receive.

12. Council members will return unwanted reports and documents to staff for distributing to the public or for recycling and shredding (there is a need to eliminate unnecessary paper as much as possible).

13. Council members will take responsibility to create the Council vision and approve staff management outlines for budget, timelines and specific responsibility for accomplishment of City projects.

14. Council members will organize a strategic plan for major goals and direct the City Manager to have a project management plan that tracks projects and gives updates.

B. COUNCIL VALUES

1. Council and the City Manager are a team that will cooperate with each other in the conduct of City business.

2. No Council member, including the Mayor, without specific authorization from the Council, shall represent or give the perception he/she is representing the City (1) on issues that involve the general interests of the Council as a whole; (2) on issues that are matters of City policy, or (3) on issues in which the Council has been engaged or involved as an entire body.

3. Council members are achievement-oriented and value high energy, open mindedness, creativity and initiative.

4. Council members will have respect for each other.

5. Council members will be forthright and not deceptive in service for the City.

6. Council members value humor.

7. Council members will respect traditions but not be bound by them.

C. COUNCIL INTERACTION AND COMMUNICATION

1. Council members will initiate resolution of problems quickly and not let them fester or be prolonged. Furthermore, they shall resolve differences through direct interaction with each other and, if necessary, through the City Manager and/or the City Attorney.

2. Council members will not direct cheap shots at each other during public meetings, in the press, or any other place or time and will discuss issues in private without committing a violation of the Colorado Open Meetings Law or the Colorado Open Records Law.

3. Communications between Council members in duly convened meetings shall be formal and not casual since it is important to be aware of the impact on and perception of the public.

4. Council members will be flexible in standing in for each other except that for any board or commission meeting, no Council member is authorized to stand in for another Council member unless he/she is the appointed alternate.

5. Substantive Council/Manager items are to receive advance notice and public notification as required by the Colorado Open Meetings Law.

6. Each Council member will continually strive to provide new efficiencies in conducting Council business and adhering to Council policies and standards of conduct.

D. COUNCIL COMMITTEES

1. Committee areas belong to the whole Council; Council appointees are not seen as territorial. Three (3) members of Council will be appointed to each committee consistent with Council Policy #CP-3, but that does not exclude other Council members from participating.

2. Committees are responsible to keep full City Council informed. Other members of the Council are responsible for letting a committee know if they want more information or to give input on committee issues. There is a need to establish clear communication from and to all committees and Council.

3. Before a committee begins moving in a new direction not previously authorized by Council, the committee will get direction from the Council.

4. Committee reports will be made under Council Reports on Council agenda when appropriate.

5. Committee minutes will be sent on a regular basis to update other Council members on:

- a. Issues being presented.
- b. Options being considered.
- c. Progress.

6. City Council will give clear and focused direction as early as possible.

7. Two Council committees are proposed to be implemented in 2014 on a six-month trial basis: a Legislative Committee and Boards and Commissions Committee. The roles and responsibilities of each are as follows:

- a. Legislative Committee Role: Anticipate and proactively address federal, state and regional legislation/policies to protect the City home rule charter. Responsibilities include:
 - i. Help draft state and federal policy statements
 - ii. A member shall serve as the City representative on CML Policy Committee
 - iii. Review pending legislation, including pros/cons
 - iv. Confirm City positions against policy statement
 - v. Be available to testify to advance City positions
 - vi. Recommend new positions to City Council for consideration
- b. Boards and Commissions Committee Role: Review applications, conduct applicant interviews and make appointment recommendations. Responsibilities include:
 - i. Review applications for City boards and commissions
 - ii. Conduct applicant interviews
 - iii. Make appointment recommendations to full City Council
 - iv. Make process recommendations to full City Council

E. **COUNCIL INTERACTION AND COMMUNICATION WITH STAFF**

1. City Manager

- a. City Manager will limit assignment from an individual Council member to one hour for projects and other time-consuming projects will be referred to Council as a whole for direction.
- b. City Manager will schedule monthly individual meetings with each Council member.
- c. City Manager will arrange for conduct of a retreat in a project-management session to provide Council with options for City goals, timelines and specific project management needs prior to the adoption of City goals.
- d. Council members will establish annual City-wide goals to provide direction to the City Manager.
- e. Council will determine any specific measurable goals for the City Manager's performance that are different from the broad City goals.
- f. Council will conduct closed session reviews of City Manager and City Attorney as desired by City Council.
- g. Council members are always free to discuss issues and consult with the City Manager.

h. When a Council member is dissatisfied with a department, he/she shall always discuss it with the City Manager and not the department head.

i. Council will take all concerns about a department head to the City Manager only.

j. Critical information will be passed to all Council members by appropriate personnel.

k. Council members will provide ongoing feedback information and perceptions to the City Manager including some response to written communications from members of the public requesting feedback.

l. The City Manager or Deputy City Managers will handle issues that cross department boundaries.

m. Council will provide City Manager with an annual facilitated evaluation.

n. Council members will assist the City Manager in providing positive public relations information on a routine and regular basis.

2. Staff in General

a. Council members may talk with department heads if asking for information, assistance or follow up.

b. Council members will not make any requests of City staff for production of documents without conferring with the City Manager. Pursuant to Section 7.8 of the City Charter, Council members may make inquiry of City staff for information; however, any information request is acceptable only if it doesn't require more than one hour of department work.

c. Council members will always be informed by staff when an unusual event occurs that the public would be concerned about, i.e., anyone wounded by gunfire, area cordoned off by police or fire, etc.

d. Council members and staff members will not surprise each other in public; if there is an issue or a question a Council member has on an agenda item, that member will contact the City Manager and/or staff prior to the meeting.

3. City Attorney

a. City Attorney will work toward a common goal with the Council, City Manager and staff when and where appropriate.

b. City Attorney will regularly consult with Council on items of concern on an upcoming agenda at the earliest time possible.

c. City Attorney will track the agenda of Council and committees for needed input.

d. City Attorney will proactively inform and protect Council members from potential violations and conflicts.

e. City Attorney will actively provide a strategy for cost reductions and cost recovery of all fees including litigation and City projects under the responsibility of the City Attorney.

f. City Attorney will serve as the parliamentarian and sergeant-at-arms for the City Council.

F. COUNCIL OPTIONS FOR KEEPING INFORMED

1. Council members may read commission minutes in order to find out what is being considered by a committee.

2. Council members may read documents on planning-related items.

3. City Manager will discuss future agenda topics with Council members.

4. Council members will do their homework.

5. Council will make extensive use of staff reports and commission and board reports and minutes.

6. Subject to a need to maintain necessary confidentiality, each member of the City Council will report to all other Council members all meetings to be held with developers, builders and businesses and get their input and keep them advised of processes and negotiations and give information and detail after the fact. No agreements shall be reached with developers on behalf of the Council without Council approval.

G. MAYOR'S ROLE

1. While each Mayor is unique as a person, the performance of the role as Mayor is always subject to the requirements of the City Charter, ordinances and state and federal law.

2. The Mayor is the ceremonial head of the City to the extent authorized by the City Council, City Charter and state and federal law.

3. The Mayor will communicate regularly with the City Manager and keep Council members fully informed.

5. The Mayor will communicate with commission chairs.

6. The Mayor will discuss with Council, City Manager and City Attorney work and achievements.

7. The Mayor will caution Council members in chastising or criticizing staff in public.

8. Council and Mayor will stay positive at all times in the conduct of Council meetings.

9. Subject to a need to maintain necessary confidentiality, the Mayor will report to Council members all meetings to be held with developers, builders and businesses and get their input and keep them advised of processes and negotiations and give information and detail after the fact. No agreements shall be reached with developers on behalf of the Council without Council approval.

10. The Mayor will continually strive to provide new efficiencies in conducting Council business, adhering to Council policies and manage an effective business meeting.

H. **CITIZEN COMPLAINTS**

1. Council members will be informed of significant, urgent and repetitive citizen complaints received by City staff.

2. Council will refer citizen complaints to the City Manager or designee for resolution.

3. If a Council member wants action based on a citizen complaint, the Council member should go through the City Manager's Office or designee to ensure it gets into the tracking system.

I. **CITY COUNCIL MEETINGS (Also refer to CP# 16)**

1. **General**

a. City Manager, or his designee, is responsible for setting the agenda for City Council meetings. The Mayor and Council may provide input on issues, timelines and importance of various items in order to control lengthy meetings.

b. Public comment shall be allowed on all action items. The Mayor, Mayor Pro-Tem, any council member acting as mayor, or the parliamentarian shall limit public comment as necessary to avoid prolonged or repetitious discussion.

c. Council members will treat everyone with courtesy.

d. Corrections to minutes shall be passed to the City Clerk as soon as possible.

e. Each Council member shall share his/her views about an issue and may give the reason for his/her vote.

2. Consent Agenda

a. There shall be judicial use of the consent agenda such as routine City business, items previously approved in the budget, non-controversial ordinances on second reading, resolutions not requiring discussion and actions on administrative issues not requiring discussion.

b. Council members have the right to remove any item from a consent agenda.

c. If a Council member has a question on a consent agenda item, for their information only a Council member shall endeavor to ask staff ahead of time.

d. Staff will be prepared to report on every agenda item.

e. There shall be no discussion by Council members on consent agenda items. If a Council member desires discussion on a consent agenda item, the Council member must first ask that the item be removed from the consent agenda.

3. Public Comment

a. For quasi-judicial processes, the procedure will include: staff report, commission report, applicant report, questions from Council, public comment, any staff response, close of public hearing, Council discussion and action.

b. Once public comment in a public meeting is closed, further public input will not be allowed unless the public hearing is reopened by the Mayor or a majority of the Council or continued to a future meeting.

c. Applicant's comments will be limited to a reasonable time.

d. Everyone desiring to speak at a Council meeting shall first be recognized before speaking.

e. Except for quasi-judicial proceedings, public comment shall be limited to three (3) minutes for each person.

f. Total initial public comments shall be limited as determined by the Council in order to allow the completion of agenda business.

g. It is acceptable to ask questions of a speaker for clarification.

h. Each speaker will be thanked.

i. Council members will not respond to public comment except for quasi judicial processes (Council members will not express an opinion on the merits of a case during a quasi judicial hearing), but when a response is called for, the matter shall be referred to the City Manager for future response.

j. Council members shall endeavor not to make redundant comments.

4. Voting

a. Each Council member has the opportunity to speak after a motion is made and seconded.

b. Attempts will be made to get consensus on significant policy issues.

c. There will be a roll call vote on all ordinances and when requested by any member of the Council on other issues.

5. Staff Attendance at Council Meetings

a. Deputy City Managers will generally attend every meeting unless excused by the City Manager.

b. Department heads will attend meetings when they have an item scheduled.

c. Attendance by other staff, including department heads, at meetings shall be at the City Manager's discretion.

6. Executive Sessions

a. Council members will get written reports in advance of executive session items to the extent possible; these reports are to be turned in at the end of the meeting.

b. There shall be no violation of executive session confidentiality; Council members will not talk to affected or opposing parties or anyone else, including the press. (Also see #CP-14, B.4.)

c. There shall be no violation of the Colorado Open Meetings Law.

d. Confidentiality in the context of executive sessions relates to discussion of any non-public business items authorized under the Colorado Open Meetings Law.

e. The City Council may determine that a councilmember shall not receive confidential information or attend executive sessions on a particular topic if the City Council first determines that said Council member has a personal or financial conflict of interest in the subject matter of such confidential information and/or executive session. Prior to participating in the discussion on said subject matter, each Council member shall disclose to the entire City Council any personal or financial conflict of interest regarding such subject matter.

7. Special Meetings

Special meetings may be called by the Mayor or any three (3) Council members upon at least 24 hours written notice as required by Section 4.22 of the City Charter and the Colorado Open Meetings Law.

Council Policy #CP-3
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Boards and Commissions

POLICY STATEMENT: It is the policy of the Council to obtain quality representation on City boards and commissions, to encourage all members of the community to volunteer on boards and commissions and to establish guidelines to govern City boards and commissions.

A. **APPOINTMENT, REAPPOINTMENT AND VACANCIES**

1. **Appointment**

a. Citizens interested in serving on a board or commission shall submit an application to the City Clerk.

b. The City Clerk will submit the respective application materials to Council for their consideration.

c. All new candidates for any board or commission vacancy shall be subject to an interview process as required by Council.

d. Due to the nature of responsibilities of the City's various boards and commissions, applicants may be required to undergo background checks prior to appointment. The City Manager will review any background information on applicants and provide Council the information on the candidates. All background information is confidential and should only be used for the purposes above. No person with official access to this information shall utilize it for any other purpose nor share with any other individuals not authorized, including the applicant.

e. Applicants for City boards and commissions will be notified of the Council's decision made at a regularly scheduled council meeting.

f. Council members' or department directors' family members, as defined by the nepotism policy, shall not be allowed to fill a seat on a board or commission.

2. **Reappointment**

a. The City Clerk's Office is responsible for monitoring the terms of members of the various boards and commissions and will notify each member of his/her expiring term. If the member wishes to be reappointed, the member shall fill out an application and submit it to the City Clerk for Council consideration.

b. City staff will document past participation of each member who desires to be reappointed and submit the same to the Council along with the application by the member wishing reappointment.

c. All existing board or commission members and alternates can be subject to an interview process as required by Council.

d. Applicants for reappointment on boards and commissions will be notified of the Council's decision made at a regularly scheduled council meeting.

3. Criteria for appointment and reappointment

a. No conflicts.

b. Regular attendance (not missing more than two (2) meetings without a valid excuse).

c. Participation.

d. Preparation.

e. Support of community.

f. Respect for staff and public.

g. Working for community versus personal purposes.

h. Indication of a desire to promote and act in accord with established policies of the City and Council's vision for the City.

4. Vacancies

a. In addition to the provisions established by the City Charter and/or Municipal Code, a vacancy is identified by (1) newly-created seat on a board or commission, or (2) an expired term after a successor has been duly appointed.

b. Solicitations to fill vacancies may be in the form of (1) press releases to the local media, (2) posting a notice at the officially-designated posting locations, (3) City website, (4) City newsletter, and (5) cable television.

5. Needs of members

a. To know Council's vision; once board and commission members are seated, they will meet with Council members; they will receive orientation and training by staff.

- b. To understand their roles, authority and prohibitions.
- c. To know annual priorities of Council.
- d. To know the process and parameters within which to work, including citizen involvement.
- e. To know what to do when board or commission members and Council members disagree.
- f. Chairs and vice-chairs shall receive support training from staff.

B. TERMS OF OFFICE

- 1. Terms established
 - a. The length of the terms of office for boards and commissions is defined in the City Charter, the Municipal Code or by-laws.
 - b. The terms will begin and expire as determined by the City Council.

C. ROLES AND RESPONSIBILITIES

- 1. The roles and responsibilities for each board and commission are set by the City Charter, ordinance, enabling legislation or by Council.
- 2. In absence of other by-laws, meetings will be conducted using Robert's Rules of Order.

D. ORIENTATION, TRAINING AND DECISION MAKING – CITY BOARDS AND COMMISSIONS

- 1. All newly appointed members of City boards and commissions will be provided an orientation as to their roles and responsibilities as a member of that board or commission. This orientation shall be provided by the City department responsible for staffing said board or commission, and shall be provided as soon as possible following the new member's appointment.
- 2. On an annual basis, on-going training may be provided to all board and commission members.
- 3. As determined by the Council, the Council shall schedule a meeting(s) to meet with all board and commission members for the purpose of providing additional orientation to board and commission members on City issues impacting their responsibility, and to enhance communication and coordination of Council and board and commission activities and

responsibilities. The Council may call other meetings with any or all of the boards and commissions whenever deemed appropriate or necessary to provide additional training or to facilitate Council/board and commission communication.

4. City staff will make available, on a periodic basis, additional in-house and outside training that would enhance the ability of board and commission members to perform their roles and responsibilities. Board and commission members will be encouraged to participate in such training when it is made available. The City department staffing the respective board or commission will have primary responsibility to identify and make available this training.

5. Members of the City boards and commissions are expected to comply with Council adopted policies which may include policies related to conflict of interest, ethics, discrimination and sexual harassment. Board and commission members will be provided with a copy of these policies for their guidance.

6. Board and commission chairs shall meet as necessary with the Mayor and/or Council to provide feedback and to be kept informed.

7. If an issue arises during a board or commission meeting and the appointed Council member is unsure of the City's position, the Council member shall endeavor to delay a decision until the Council can be consulted. If a delay is not possible, the Council member shall endeavor to contact the City Manager or City Attorney and, in their absence, other staff, to confirm whether the City has adopted a position. If a position has been adopted, the Council member shall vote according to the position adopted by the City.

E. APPOINTMENT OF COUNCIL MEMBERS TO NON-CITY BOARDS AND COMMISSIONS

1. The City Council, at their reorganization meeting, shall designate Council members to serve at will on the various boards and commissions where Council appointment is in order, including the designation of alternates. Appointment of Council members to Council committees shall also be done during the reorganization meeting. The biennial reorganization meeting shall be held the second Monday following the regular municipal election in November unless otherwise determined by the City Council.

2. If the appointed Council member is not available or is not able to continue service for whatever reason on the board or commission to which the Council member was appointed, or if the City Council in its sole discretion desires to appoint a replacement, the City Council shall appoint a replacement from the Council.

3. If an issue arises during a board or commission meeting and the appointed Council member or seated alternate is unsure of the City's position, the Council member will diligently seek to learn of the City's position from the City Manager or City Attorney and, in their absence, from other staff, to confirm whether the City has adopted a position. If a position has been adopted, the Council member shall vote according to the position adopted by the City.

If no position has been adopted, the Council member shall exercise his/her best judgment to vote in a manner that best reflects the goals and visions of the City.

Council Policy #CP-4
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Committee Operating Procedures

POLICY STATEMENT: Sufficient notification and conduct of Council committee meetings will provide the opportunity for input to the committee by Council members and ensure effective operation of committee meetings in an attempt to resolve/address specific committee issues. The following operating procedures are intended to clarify the working relationships of staff with Council committees.

OPERATING PROCEDURES

1. Call and notification of meetings

The Chair and/or the City Manager or the City Manager's designee shall attempt to advise all committee members participating in a committee meeting at least five (5) days prior to the meeting. No meetings may be called with less than twenty-four (24) hours notice. Committee meetings shall be posted as required by law.

2. Committee meeting attendance

Upon proper notification of a committee meeting, committee members are expected to attend the scheduled meeting. If a committee member is unable to attend a meeting, every attempt should be made to advise the appropriate committee chair. The Mayor shall be an ex-officio member of all committees. Council members who are not appointed members of the committee may attend any and all committee meetings. Committee staff support shall consist of the City Manager and/or the City Manager's designee as deemed appropriate.

Committee meetings shall be open to the public except in cases where "executive session" (as defined by law) issues are discussed.

3. Agenda items

Topics discussed by the committee shall be issues which the Council will eventually be expected to consider at a formal Council meeting. Council committees shall not make any policy decisions on behalf of the Council. Committee actions shall consist of strategy sessions and discussion of issues to provide recommendations to Council. Agenda topics will be scheduled by the committee chair with appropriate input and consultation by appropriate City staff.

4. Dissemination of committee-related material and communication

All reports and/or written documentation generated by a committee for purposes of seeking formal or informal direction and/or determination of a policy issue shall be transmitted to all

members of the Council prior to any request for Council action to be taken on the item or topic of discussion.

Minutes, if provided, will be made available in conjunction with open records law.

Council members individually receiving invitations or requests for participation to speak about items under consideration by a committee, although not prohibited from accepting such invitations, shall, at a minimum, advise the appropriate chair of the nature of the meeting.

The City Manager and/or designee shall be responsible for directing the activities of staff concerning participation in meetings and working sessions and commenting on draft documents which are administrative, managerial, technical or informational in nature, as appropriate.

Council Policy #CP-5
Adopted 8/31/09 by Resolution 2009-31
Changes adopted 10/10/11 by Resolution 2011-48
Revised 3/21/16 by Resolution 2016-27

SUBJECT: Council policy regarding expenditures for authorized events and travel

POLICY STATEMENT: This policy is intended to formalize guidelines for incurring expenses and the payment of Council expenses for attendance at authorized events and City-related business except for expenses payable from Discretionary Funds as authorized in Council Policy #CP-19.

A. General guidelines

Any reasonable expense, as described in this Council Policy, incurred by the Council including the Mayor for attendance at authorized events and in the conduct of business on behalf of the City shall be paid by the City. In providing payment to Council for expenses incurred for attendance at authorized events and for City-related business and/or conferences, Council members are expected to participate to the greatest extent possible in that event to the benefit of the City.

Travel arrangements may be made by a City staff member designated by the City Manager for Council members only. If a Council member wishes to make his or her own travel arrangements, he or she can do so with the understanding that payment may be had only for the lowest airfare rate available where travel out of state is concerned.

B. Authorized events shall mean those events for training and travel budgeted in the City budget for attendance by members of the City Council which shall not exceed a total of \$7,000 per Council member per calendar year.

C. Authorization of expenses

Except for expenditure of Discretionary Funds which is governed by Council Policy #CP-19, all expenditures of City funds for authorized events and City-related business travel not provided for in the City budget shall require authorization by the City Council effective the 1st day of January, 2015.

D. Advance payments

Advance payment for previously approved trips shall not be paid except for extenuating circumstances approved in advance by the City Manager. The request for travel advances should be made to the City Manager's Office at least one week prior to taking the trip.

E. Payment

Payment shall be made for the travel expenses specified below and incurred by the Council member only. Alternate arrangements for personal use are not payable by the City. Receipts are required for any expense, including mileage, submitted for payment. (A mileage log for purposes of this policy constitutes a receipt.) In order to qualify for payment, a claim for payment of expenses, excluding mileage, must be filed within thirty (30) days of the date it was incurred except for extenuating circumstances approved by the City Manager. Claims for mileage must be filed within the month following the month when such mileage expense was incurred. All claims will be filed on forms provided by the City Manager.

1. **Air travel.** City staff shall use reasonable efforts to locate an economical non-stop coach airfare based on availability.

2. **Bus or rail – instead of air travel.** Payment is limited to cost of equivalent airfare.

3. **Private car – instead of air travel.** Payment is limited to cost of equivalent airfare. Council members are expected to comply with all applicable laws, and vehicles must be insured at all times.

4. **Auto rental.** Rental cars may be procured only if the use of such a vehicle provides the most economical means of transportation available to provide the necessary connections, and to accommodate meeting schedules. Payment is limited to actual cost for City business. Rental usage limited to Council member only.

5. **Parking – garage.** Payment is limited to actual cost.

6. **Private car – in state.** Payment is limited to calculation of mileage at current rate set by the Internal Revenue Service. A mileage log shall be used as proof of mileage.

7. **Taxi or shuttle.** Payment is limited to actual cost for travel to and from conference events and on City business only. Payment of a gratuity for a taxi shall not exceed 15% of the taxi fare.

8. **Lodging.** Payment is limited to actual reasonable occupancy rate for Council member for the minimum number of nights required to attend a City function. Reservations at hotels or motels are to be made well in advance of the conference or meeting dates. If attending a formal conference, lodging will normally be at the conference or headquarters, or hotel or comparable facility nearby. Payment of a gratuity for maid service shall not exceed \$2.00 per day.

9. **Meals – related to conventions, training, conferences and seminars.** Payment is limited to per diem based on federal guidelines. The per diem amount includes meal gratuities. For any meal paid for by others, the per diem paid to the Council member for such

meal shall be reimbursed by the Council member to the City. Payment of a meal gratuity for service shall not exceed 20% of the cost of the meal.

10. **Registration fees.** Payment is limited to the actual cost for the Council member only.

11. **Business meals.** Payment is limited to the reasonable cost to conduct City business at a business meeting at breakfast, lunch or dinner for promoting or benefiting the City. Payment includes reasonable gratuity not to exceed 20% of the cost of the meal unless there is a specific restaurant gratuity charge. Information required for payment shall include the name of the individual(s) present for the meeting and the nature or purpose of meeting. Meals with constituents are not payable by the City. The cost of alcoholic beverages will not be paid by the City.

12. **Other regularly scheduled meetings, banquets, ceremonial events, etc.** Payment shall be made for the actual cost for attendance by a Council member at (1) regularly scheduled dinner meetings budgeted in the City budget or authorized by the City Council; (2) awards or recognition banquets for boards and commissions on which the City has representation; (3) ceremonial events at which a Council member is authorized by City Council to represent the City; and (4) other meetings as authorized by the City Council where a Council member is required to attend to represent the City. Payment for costs incurred by a spouse or companion of a Council member attending an event authorized in this Council Policy with a Council member shall only be made for events in the Denver metropolitan area. The cost of alcoholic beverages will not be reimbursed.

Examples of awards or recognition banquets, ceremonial events or other meetings in this paragraph may include, but are not limited to: Metro North Chamber Banquet, DRCOG awards banquet, and ADCOG July and December meetings. Specific fund-raising events as designated by Council are also allowed.

In the event a Council member responds to an invitation to a function or activity paid for by the City that he/she will attend and then fails to do so without giving the City Manager's office reasonable opportunity to fill the vacancy, the cost will be charged personally to the absent Council member and the proceeds deposited into the general fund except in the event of extenuating circumstances approved by the City Manager.

13. **City-issued purchasing cards.** Only the Mayor, if requested by the Mayor, shall be issued a City purchase card in accordance with the City's employee purchasing card policy. Use of the card is restricted to City business.

14. **Prohibition of use of funds for campaign purposes.** In no event shall any City funds be expended for campaign purposes which would violate the Fair Campaign Practices Act or for attendance at a partisan political event.

Council Policy #CP-6
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Ordinances, resolutions and other issues on agenda

POLICY STATEMENT:

A. Prior to developing an ordinance or resolution for Council consideration, staff and/or Council members shall request, and receive, direction from the Council or City manager to prepare said ordinance and to place that ordinance on an agenda for Council consideration. The above-referenced action may be provided at a Council meeting, and/or through the City Manager. For future Council actions requiring an ordinance adoption generated by recommendation from a designated board or commission of the City, the ordinance shall generally be provided to the Council prior to placement on a Council agenda for action. Ordinances prepared for Council consideration shall be reviewed by the City Attorney prior to placement on the Council agenda.

B. Notwithstanding the above, presentation and adoption of ordinances by the Council shall adhere to provisions found in Chapter V of the City Charter.

C. In order to ensure effective representation on issues brought forward to the Council by an applicant other than City personnel, it is the policy of the Council to require presence of the applicant or a representative at the Council meeting when the issue is scheduled for Council consideration. If the applicant or representative is not present, then the Council will continue consideration of any action until a subsequent Council meeting when said applicant or representative can be present. A majority of the Council may decide to waive the attendance requirement.

Council Policy #CP-7
Adopted 8/31/09 by Resolution 2009-31
Amended 9/15/14 by Resolution 2014-96

SUBJECT: Procedure for naming of facilities

POLICY STATEMENT: It is the intent of Council to provide an organized and uniform process for naming of City facilities.

A. As used in this policy; "facility" refers to any City-owned building, facility, amenity or any portion of a building, facility or amenity; and/or any Parks, Recreation & Golf building, facility or amenity or any portion of any Parks, Recreation & Golf building, facility or amenity.

B. Parks, Recreation & Golf facilities or parts of a Parks, Recreation & Golf facility may be named for a community or a geographical area, a location, or in honor of any individual who has made a significant contribution to the field of parks, recreation & golf at either a local, state or national level or in recognition of a purpose or a cause.

C. All requests from citizens or other outside parties (other than an official City request) to name a facility or any part thereof must originate by written petition (on form provided) to the Council or may be initiated by City staff or the Council.

D. The Parks, Recreation & Golf Department by and through the Parks, Recreation & Golf Advisory Committee ("PRGAC") will serve to solicit, receive and review all requests. If the form of the request is approved, PRGAC will present a written recommendation to City Council for City Council consideration and approval. A single name recommendation will be presented when deemed appropriate by the Parks Recreation & Golf Advisory Committee and the Parks, Recreation & Golf Department. If denied, a letter of explanation shall be sent to the petitioner(s) and to the City Council.

E. For non-Parks, Recreation & Golf buildings, facilities or amenities, City Council may, at its discretion, authorize a separate committee to serve to make recommendation regarding naming of such non-Parks, Recreation & Golf building, facility or amenity.

F. As an alternative, the Parks, Recreation & Golf Department may conduct a naming contest and solicit, and receive naming suggestions. Successful naming suggestions will then follow the same process for review, recommendation and submission to City Council as when a petition is received. Such naming contests details may vary on a case by case basis for the building, facility or amenity to be named or re-named.

G. The following steps should be considered for the nominations of names for a public amenity. The PRGAC or other council-appointed committee must review and consider all names recommended prior to being submitted to the City Council for consideration and further action.

1. The PRGAC or other committee shall establish a time frame to solicit names for the public amenity.

2. Citizen(s) may pick up a petition form from the Parks, Recreation & Golf Administrative Office or from the City website at www.c3gov.com.

3. The petition shall specify the suggested name and the significance of the suggested

name via brief summary of why a city building, facility or other amenity should be considered for the name submitted (backed by research, if appropriate).

4. A minimum of 50 original signatures by Commerce City residents will be required. All signatures must be accompanied by a printed name and address of the signer and the date of signature.

5. The petition shall be returned to the Parks, Recreation & Golf Administrative Offices who shall verify signatures and/or addresses and then to the PRGAC or other council-appointed committee.

6. In naming a public amenity or parks, recreation and golf facility in honor of a person, the following shall be considered. The citizen shall be an outstanding or exceptional person who has been involved with the City of Commerce City, State of Colorado, or the United States. Someone who is or was instrumental in furthering the cause of a greater Commerce City through such means as leadership, youth services, cultural diversity, agriculture, history, civic responsibility, education, business promotion, or long-time resident. The person may be deceased or retired from active participation in City affairs.

H. Person(s) or organizations who donate property, or who donate a significant portion of the development costs for the total facility, shall receive special consideration. Names submitted must meet the requirements contained herein, and not primarily seek personal aggrandizement.

I. Names of facilities will not be duplicated within the City.

J. When a facility is named for an individual, a name plaque will be placed on the facility and describe the significance of the name and may list some or all of the achievements of the individual.

K. In the situation where a facility is renamed, the petition shall comply with the above guidelines and shall include clarification as to why the current facility name is obsolete or inappropriate.

L. At a duly-convened meeting, the City Council shall make the final decision regarding any facility name. In making a decision, the Council may, in its discretion, consider any public input as it deems appropriate.

Council Policy #CP-8
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Publication and posting of City legal and meeting notices

POLICY STATEMENT: It is the policy of the City of Commerce city to assure that all legal notices shall be posted and published as required by law.

- A. All City legal notices will be published in a general circulation newspaper as defined in City Charter Section 19.5, except in cases of emergencies and/or when the applicant pays the additional cost for a daily paper, then a daily paper may be used.
- B. City legal notices shall be posted at a minimum of six (6) public locations in conjunction with City Charter requirements as designated annually.
- C. Non-legal meeting notices, will be posted at the City's Civic Center and, when appropriate, may be posted on the City's website and at such other location where a meeting may be conducted.

Council Policy #CP-9
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Recruitment of City Manager

POLICY STATEMENT: This policy is to reduce the timeframe within which the City is without a City Manager and to expedite the hiring process for a City Manager.

Upon termination of the City Manager, or acceptance of the City Manager's resignation, or receipt of a letter of resignation by the City Manager, the Mayor shall schedule a meeting of the Council within five (5) business days to initiate procedures and to actively conduct a recruitment to replace the City Manager.

Council Policy #CP-10
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Return of City property – elected officials

POLICY STATEMENT: Elected City officials shall account for City property.

1. Immediately after leaving public office, outgoing City-elected officials shall return to the City any property provided by the City.
2. Any property received by a City elected official on behalf of the City shall be presented to the City Council by the duly elected official at a city council meeting as soon as reasonably possible after the property has been received.

Council Policy #CP-11
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Prior review of action items

POLICY STATEMENT: The objective of this policy is to establish a more efficient format for Council review and consideration of Council business that will enhance participation and understanding by all Council members and communication flow between staff, Council and committees.

A. Staff liaison to Council committees will be responsible to contact the committee chair to determine which committee-related agenda items will be placed on a Council agenda in lieu of a committee agenda.

B. Except in unusual or emergency circumstances, ordinances and resolutions fixing City policy will be reviewed at a duly-convened meeting of the Council prior to placement on a Council agenda for approval.

C. Items and associated background material to be included on a Council agenda or a committee agenda will be distributed in advance to all the Council or committee members, as applicable.

Council Policy #CP-12
Adopted 8/31/09 by Resolution 2009-31
Amended 7/6/15 by Resolution 2015-63

SUBJECT: Council use of Recreation Facilities, Buffalo Run Golf Course and park shelters

POLICY STATEMENT: The purpose of this policy is to formalize guidelines for use of the recreation Facilities, (defined as including indoor and outdoor centers and pools, but not park shelters and pool cabanas), Buffalo Run Golf Course and park shelters by Council members during and after their terms of office.

A. During the term of each Council member, the Council member, spouse and children of the Council member shall be granted a free membership to Recreation Facilities. "Children" shall be construed to include both natural born and adopted children and are dependents of the Council member, as determined under the federal Internal Revenue Code. The number of authorized free memberships shall be limited to allow the spouse and each of the dependent children a free membership to Recreation Facilities but, in the event there is a spouse and at least three dependent children who desire a free membership, no children of the Council member who are not dependents shall be allowed a free membership. In the event a Council member has a spouse and less than three dependent children who desire a free membership to Recreation Facilities, nondependent children of the Council member shall be authorized free membership to the extent the total number of free memberships for the spouse and all children shall not exceed four. If a Council member has no spouse, or has a spouse that does not desire a free membership, the Council member shall be authorized free memberships to the extent the total number of free memberships shall include all dependent children and if nondependent children are included, the total number of free memberships shall not exceed four. Council members shall submit the names of those persons to be included for free membership to the Director of Parks and Recreation for approval. Memberships do not include free access to special programs and services provided by the Parks, Recreation and Golf Department at a fee.

B. During a Council member's term, each Council member shall be provided an annual membership to utilize the Buffalo Run Golf Course. When a Council member is present, the Council member may bring three (3) other individuals as guests to utilize the Buffalo Run Golf Course facilities. Golf carts will be included in the privileges.

C. During a Council member's term, except for political purposes and except for holidays, each Council member shall be eligible for one (1) free park shelter use per year at City parks. Additional dates and holiday usage shall be subject to charge at resident fee rates.

D. Any Council member having served at least five (5) years on City Council shall be provided a lifetime membership for the Council member only to the Buffalo Run Golf Course for golf and to Recreation Facilities (excluding paid programs). The lifetime golf membership includes the Councilmember and a guest, plus a golf cart.

Council Policy #CP-13
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Parking at Civic Center

POLICY STATEMENT: This policy provides parking guidelines for the Mayor and Council members that will establish consistency for current and future Council members:

The Mayor and Council members shall park at the Civic Center in the designated Council parking area. The Mayor shall retain the designated parking position in the space nearest to the north entrance. The remaining Council members will park from south to north in the designated spaces starting with the Mayor Pro-Tem followed by at-large members who will park according to seniority, then Wards I, II, III and IV respectively.

Council Policy #CP-14
Adopted 8/31/09 by Resolution 2009-31
Paragraph G amended 2/3/14 by Resolution 2014-01

SUBJECT: Ethics Policy

POLICY STATEMENT: This purpose of this policy is to set forth standards adopted by Resolution 2006-30 that ensure any person in government service shall uphold and be ever conscious that public office is a public trust.

A. PUBLIC TRUST – BREACH OF FIDUCIARY DUTY.

1. Commerce City officials, including elected and appointed officials, hold their positions as a public trust and Commerce City residents have a right to expect that all City officials and staff will place loyalty to the Colorado Constitution, City Charter, laws and ethical principals above private interests; that Commerce City officials and staff shall not use public office for private gain; that officials and staff shall act impartially and not give preferential treatment to any private organization or individual; that government decisions and policy be made in the proper channels of the governmental structure; and that the public have confidence in the integrity of its government.

2. Upon its own motion, the City Council may hear and determine violations of this policy, and any violation shall be deemed misconduct in office and subject the City official to such penalties as are determined by the City Council, including reprimand or removal from office.

3. A Commerce City official, upon full disclosure of facts to the City Manager, may request an advisory opinion of the City Manager, with the advice of the City Attorney, regarding the application of this policy to the official.

B. CONFIDENTIALITY.

1. An elected official or employee shall not knowingly disclose information which he knows or reasonably should know is confidential information regardless of the source of the information unless directed to do so by the City Council or compelled to do so by operation of law. If an issue arises as to whether an item is confidential, the City Attorney shall be requested to furnish a legal opinion on the issue.

2. An elected official or employee shall not knowingly use or disclose any information gained in the course of or by reason of his or her official position and which has not been made public to advance his or her financial interests or to further the financial interests of any family member.

3. No elected official or employee shall communicate information concerning a matter subject to or pending litigation in which the City is a party, which could reasonably be interpreted as an admission of liability on behalf of the City or which a reasonable

person would interpret as being prejudicial to the interests of the City in the subject matter without prior authorization of the City Council unless compelled by legal authority.

4. Information discussed or to be discussed in executive session is confidential and must remain confidential and is not to be discussed outside the executive session except during and after discussion of the subject matter in an open Council meeting.

C. CONFLICT OF INTEREST.

1. No member of the Council shall be interested, directly or indirectly, in any contract, including purchases or sales, with the City except that such contract may be made by the City if the members of the Council in office at the time the vote is taken, having no such interest, shall unanimously determine that the best interests of the City shall be served by the making of such contract, and if either such contract is made after comparative prices are obtained, or if the members of the Council having no interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case.

2. For purposes of this Section, ownership by a member of the Council or his/her immediate family of securities or of any beneficial interest in securities of any corporations, shall not be deemed to create a prohibited interest under this Section, unless the aggregate amount of such securities or interest in such securities, so owned by such Councilmember and the members of his/her immediate family, shall amount to ten percent (10%) or more of any class of the securities of such corporation then outstanding.

3. No member of the City Council, Board, Council or Commission shall perform a governmental function, participate in the discussion of, or influence or attempt to influence or give the perception of attempting to influence any other member of City Council, Board, Council, Commission or employee, or otherwise participate in any final action, or vote to render any final decision or determination on any matter in relation to which the officer has a prohibited interest.

4. No member of the City Council, any City Board, Council or Commission shall acquire or hold an interest in any business or undertaking which the official has reason to believe may be directly and substantially affected to the official's economic benefit by official action of the City except as provided in this Section 4 and Section 5.

5. No member of the City Council shall personally solicit funds for any governmental, civic or charitable purpose from any person or entity engaged in property development or anticipated property development in the City or engage in business activities or anticipated business activities with the City unless authorized by official action of the City Council after full disclosure of the intended solicitation. Excepted from this provision are the following: (1) campaign contributions, (2) solicitations by other members of a Board, Council, Commission or other entity or by a Board, Council, Commission or other entity as a group where the City Council is a member.

D. DISCLOSURE OF CONFLICT.

1. An elected or appointed official of Commerce City who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.

2. All Council members and all appointed officials shall be excused from voting on any question in which such member has a financial interest, other than the common public interest, his own conduct is involved, or any other good cause is shown for his being excused from voting. The City Council, Board, Council or Commission, as applicable, by majority vote of those present, shall determine when a member shall be excused from voting. Should any member being present refuse to vote on any measure and not be excused from doing so, his vote shall be recorded in the affirmative.

E. COMPULSORY ATTENDANCE AND CONDUCT AT MEETINGS.

1. A majority of the members of the Council may, by vote, request the attendance of its members and other officers of the City at the next regular or special meeting of the Council. Any member of the Council or other officer who, when notified of such request for his attendance, fails to attend such meeting for reasons other than confining illness or absence from the City, or because said Councilmember is attending a meeting as a representative of the City, shall be deemed guilty of misconduct in office unless excused by the Council.

2. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

F. ACCEPTANCE OF GRATUITIES PROHIBITED.

1. It shall be a violation for any City elected or appointed officer or any City employee to accept gratuities, favors or gifts in connection with or relative to any contract or business of the City.

2. It shall be a violation for any City elected or appointed officer or any City employee to accept a gift or economic benefit which:

- a. Intends improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or
- b. Which he/she knows or which a reasonable person in his/her position should know under the circumstances is primarily for the purpose of rewarding him/her for official action he has taken.

3. Excepted from this provision are the following:

- a. Campaign contributions.

- b. A pecuniary award publicly presented in recognition of public service.
- c. Payment of or reimbursement for actual and necessary expenditures as authorized by the City Council for travel and subsistence for attendance at a meeting, convention or other gathering at which the City Councilperson is authorized to attend.
- d. Reimbursement to the elected official or appointed official and their spouses or significant companions for or acceptance of an opportunity to participate in a social function, meeting or event which is for a governmental purpose, public purpose or public benefit and which is not extraordinary when viewed in light of the customary practice of other elected officials similarly situated, provided that such reimbursement for expenses incurred on behalf of spouses or significant companions shall only be for such meetings, functions or events that take place in the State of Colorado.

G. ELECTED OFFICIALS NOT TO BE EMPLOYED AND RESTRICTION ON EMPLOYMENT OF FORMER ELECTED AND APPOINTED OFFICIALS.

1. No elected official shall be appointed to any City office with compensation or be employed by the City during that period of time while he is in office. Provided, however, this shall not be construed to prohibit reimbursement or payment of bona fide expenses incurred by an elective officer in performance of official duties or business on behalf of the City.

2. If any City Councilperson, including the Mayor, any member of a City Board, Council or Commission, or the City Manager or any department head employs or causes to be employed any member of the City Council, any member of a City Board, Council or Commission, or any employee of the City or agency of the City, the new employer shall file a statement under oath with the City Clerk within ten (10) days after such employment and the Council shall be so advised in writing. The statement shall specify the nature of employment, the name of the person to be paid thereunder and the amount of pay or consideration to be paid thereunder.

3. The following restrictions on City employment shall apply:

a. No City Council member, including the Mayor, or the City Manager shall, within one (1) year of the termination of his/her office or employment, obtain employment with the City.

b. No member of any City board, commission, authority or the Cultural Council shall continue to hold office upon obtaining employment with the City.

4. Notwithstanding the above, this Section G shall not in any way affect the compensation of the Mayor and City Council as provided in Section 4.6 of the City Charter for Commerce City.

H. ANTI-NEPOTISM.

1. The spouse of any elected official or of the City Manager or of any department head and the following relatives and their spouses of any elected official or his/her spouse or of the City Manager or of his/her spouse or of any department head or of his/her spouse are disqualified from holding any appointive office or from any City employment during the term for which said elective official was elected or during the tenure of office of the City Manager or department head, respectively: child, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, nephews and nieces. All relationships shall include those arising from adoption and those arising from marriage.

2. This section shall in no way disqualify such relatives or their spouses who are bona fide appointed officers or employees of the City at the time of the election (not re-election) of said elective official or the appointment of said City Manager or department head, respectively, or adoption of this Resolution.

I. EX-PARTE CONTACT.

When a governmental function requires a member of City Council to act in a quasi-judicial capacity, the member of City Council shall take reasonable precautions to avoid and prevent improper ex-parte communication with any party in interest or with their representative and refrain from any activity which could give the perception of an improper ex-parte communication with a party in interest or with the representative of any party in interest. Any member of City Council may seek an advisory opinion from the City Attorney concerning any ex-parte communication received pertaining to a matter the subject of which is or may become the subject of a quasi-judicial proceeding in which the officer may perform a governmental function. If any member of City Council receives ex-parte communications regarding a matter which is before the Council for quasi-judicial action the Councilmember shall disclose the communication as part of the hearing. After disclosure, the Councilmember may participate in the hearing and vote on any action unless the Council concludes that the communication may prevent him or her from participating and voting thereon in an unbiased manner. If the member of Council concludes that the ex-parte communication may prevent him or her from voting in an unbiased manner, he or she shall excuse himself or herself and shall not participate in the discussion or vote in the proceeding.

J. BEHAVIOR OF ELECTED OR APPOINTED OFFICIALS OF THE CITY OF COMMERCE CITY. In all official matters, elected and appointed officials of the City shall conduct themselves in a manner so as not to bring disrespect or disrepute to the office held or to the City. During sessions or meetings of the official Council, officials shall treat their fellow officials, the public and City employees with respect. Officials shall refrain from personal attacks on the public and their fellow officials and shall not attack the motives of their fellow officials.

Council Policy #CP-15
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Media contacts

POLICY STATEMENT: This policy is intended to facilitate proper responses by Council members to the media. It is not intended to direct, influence or impact the City Council's or individual council members ability to exercise free speech activities nor does it prohibit discussing policy issues or the decision-making process for policy development and adoption with the media. The following guidelines are suggested to assist elected officials and to enhance the city's ability to provide accurate and timely information to the media.

A. In working with various media outlets, far better information can be disseminated through a response that is well-thought out and allowed sufficient time to be developed. Council members will avoid offering "off-the-cuff" responses to the press.

B. Council members will not agree to "go off the record", "on background" or give statements "not for attribution."

C. Upon being contacted by a member of the media, except for campaign purposes, Council members will report to the City Manager or designee. Council members will request any necessary background information prior to responding. This process will allow for a better approach and thoroughness in presenting information to the press which, ultimately, will allow for more accurate reporting.

D. Any inquiry as to why an individual councilmember voted in a particular manner on a specific issue will be forwarded to the councilmember in question.

E. Inquiries regarding projects or items directly impacting a specific ward will be directed to the council representative from that ward as well as any at-large member who may have a particular interest or knowledge about the item.

F. Media responses from one councilmember will be shared with all council members and appropriate staff.

G. The City Manager is responsible to designate spokespersons for media inquiries. Each Council member who speaks with the media shall clarify that he/she is expressing his/her own opinion as an individual and not speaking on behalf of the Council unless he/she has been so authorized by vote of the Council.

Council Policy #CP-16
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Council meeting procedures (Also refer to #CP-2, Section I)

POLICY STATEMENT: This policy is intended to provide guidelines for the procedures to be followed for the conduct of Council meetings.

A. REGULAR MEETINGS – CITY CHARTER SECTION 4.21

The Council shall provide, by ordinance, for the time, place and number of regular Council meetings each month, provided the Council may, by motion or resolution, change the time and place of any particular regular or special meeting.

B. SPECIAL MEETINGS – CITY CHARTER SECTION 4.22

Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any three (3) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence or place of business, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

C. BUSINESS AT SPECIAL MEETINGS – CITY CHARTER SECTION 4.23

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the council present consent thereto and all the members absent file their written consent.

D. MEETINGS TO BE PUBLIC – EXCEPTION – CITY CHARTER SECTION 4.24

1. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

2. The Council may include study session items in the agenda for regular meetings and may hold such study sessions in addition to regular meetings as the Mayor or any three (3) members of Council may call.

3. Study session items may be included with regular meeting agendas.

4. Council may conduct executive sessions in compliance with the Colorado Open Meetings Law.

5. Notice for all meetings shall be given as required by the Colorado Open Meetings Law.

E. QUORUM – ADJOURNMENT OF MEETING – CITY CHARTER SECTION 4.25

A majority of the Council members in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Clerk may adjourn any meeting for not longer than one (1) week.

F. COUNCIL PROCEDURES

1. Order of Business. The order of business at all meetings of Council, as reflected by the printed agenda which shall be presented by the City Manager or his designee, shall be transacted in the order of the printed agenda unless City Council, by a vote of a majority of the members present, shall change the order.

2. Agenda. The order of business on the agenda shall be as follows except the City Manager, or his designee, may change the order at his/her discretion when the agenda is prepared if circumstances for a particular meeting justify a change in the order of business for the agenda. Furthermore, the City Council, at a duly-convened meeting, may change the order of business:

- a. Call to order
- b. Roll call
- c. Pledge of Allegiance
- d. Introduction of audience
- e. Presentations giving recognition and proclamations
- f. Citizen communication (limited to three minutes of presentation per citizen except for City Council questions)
- g. Amendments to agenda not requiring posting in advance under Colorado Open Meetings Law
- h. Approval of minutes
- i. Consent agenda (includes non-controversial ordinances on second reading, resolutions not requiring discussion, and actions on administrative issues not requiring discussion)
- j. Public hearings not associated with an ordinance or resolution
- k. Resolutions requiring discussion
- l. Ordinances on first reading
- m. Ordinances on second reading other than consent agenda ordinances
- n. Council Business (generally for topics involving questions by Council or for information gathering presentations to Council for items requiring Council action, other than for items otherwise placed on the agenda)
- o. City Manager and City Attorney reports
- p. Council reports (limited to reports by Council members regarding meetings and activities related to City Council business since the

previous Council meeting and limited to five (5) minutes each
unless extended by Council)

q. Adjournment

3. Citizen Communication. Each citizen communication shall be limited to issues or topics with a public purpose for which the City Council has responsibility, control or jurisdiction as determined by the Mayor and, in his absence, by the person having responsibility for the conduct of the meeting.

4. Consent agenda. Any Council member may choose to remove any item(s) from the consent agenda for individual consideration.

5. Minutes. Reading of the minutes of previous meetings shall be dispensed with unless requested by a Council member. The Mayor, or presiding officer, shall ask for additions and/or correction to the minutes and shall then call for a vote on the amendment(s) prior to calling for a vote for approval of the minutes.

6. Delivery of agenda.

a. On the Wednesday before each regular Council meeting, or as soon thereafter as possible, the City Clerk shall give the agenda to each Council member.

b. The agenda material shall consist of (1) matters to be discussed or debated by the Council by title, description and/or synopsis, (2) a copy in its latest form or edition of each ordinance, resolution, order or other written or printed document to be presented at the meeting, (3) a written memorandum on each item appearing on the agenda, which provides background information and analysis, submitted by the City staff including recommendations to City Council when applicable.

7. Posting of notice. At least 24 hours before each regular meeting, the City Clerk shall post a notice of the upcoming Council meeting in public places as determined by the Council.

8. Copies of agenda for public. The Friday before the meeting, the City Clerk will make available, at the Civic Center, a copy of the agenda for that meeting and a copy of all agenda materials.

Council Policy #CP-17
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Council contacts with administrative personnel

POLICY STATEMENT: This Council intends to adhere to the requirements of City Charter Section 7.6 regarding Council contacts with administrative personnel.

A. The City Charter (Section 7.6) provides that the Council shall not interfere nor dictate to the City Manager in the areas of employment decisions of City personnel. It further provides that, generally, except for inquiring, the City Council will direct their contacts through the City Manager and shall not give orders to any of the subordinates of the City Manager.

B. For reasons of practicality and coordination, requests for service, citizen complaints and requests for information will also, wherever possible, be directed to the City Manager's office for response and follow up.

Council Policy #CP-18
Adopted 8/31/09 by Resolution 2009-31

SUBJECT: Compensation for Commerce City election judges

POLICY STATEMENT: This Council recognizes the valuable contribution of the City by election judges. Therefore, the Council desires to establish a policy regarding compensation for the services of election judges.

The maximum amount allowed by Colorado statute shall be the rate of compensation payable for citizens serving as Commerce City election judges.

Council Policy #CP-19
Adopted 10/10/11 by Resolution 2011-43
Revised 3/21/16 by Resolution 2016-29

SUBJECT: Use of City discretionary funds by City Council for attendance at functions and activities

POLICY STATEMENT: The City Council recognizes the necessity for a policy regarding the use of City funds by members of the City Council for attendance at functions and activities if the use of City funds is not budgeted as part of the City budget.

The following policy shall be adhered to regarding the use of City funds as discretionary funds by members of the City Council for attendance at functions or activities not budgeted as part of the City budget:

- A. Each year an amount shall be allocated for use by each member of the City Council for attendance at functions and activities that are in addition to those functions and activities intended for attendance by members of the City Council authorized for payment in paragraph C below. Commencing the year 2015, the amount allocated for each individual member of the City Council is \$500 per calendar year and said amount shall remain in effect until changed by action of the City Council. Such funds allocated for attendance by individual members of the City Council has been and shall continue to be referred to as "Discretionary Funds".
- B. Expenditure of Discretionary Funds by members of the City Council for attendance at City functions and activities is only authorized if the function or activity is of benefit to the City of Commerce City, is in the public interest for the City of Commerce City or serves a public purpose. Examples of functions or activities deemed to be for the benefit of the City of Commerce City, in the public interest for the City of Commerce City or serves a public purpose include, but are not limited to, the following:
 - (1) Events, including council ward meetings and social events, that give the opportunity to promote, advertise or disclose the benefits, advantages, events and activities existing or taking place in the City of Commerce City.
 - (2) Events, including social events, where attendance enables development of relationships with others that have the potential of benefiting Commerce City in the future.
 - (3) Events, including education programs that involve opportunities for learning and improving, and functions and activities related to city government.
 - (4) Attendance as a member of a committee not otherwise budgeted as part of the City budget but which serves a governmental purpose related to the activities and functions of the City of Commerce City such as attendance as a member of a

Colorado Municipal League (CML) committee or National League of Cities (NLC) committee not otherwise budgeted.

The expenses of any city event or activity that are budgeted as part of the city budget, such as CML, NLC or certain committees of CML or NLC, are not considered expenses that must be paid from discretionary funds.

- C. Expenditure of Discretionary Funds shall not be required for any event authorized for payment from City funds pursuant to Council Policy #CP-5.
- D. The allocated Discretionary Funds for each calendar year shall not be accumulated from year to year but shall lapse at the end of each calendar year and become a part of the general fund and discretionary funds for a future calendar year shall not be expended or obligated in a prior calendar year.
- E. Approvals for Expenditure.
 - 1. When an expenditure involves less than \$100, the Council member shall consider the criteria set forth above to determine whether the expenditure is authorized from discretionary funds and, if so, the Council member shall then account for such expenditure as provided in subparagraph H below.
 - 2. When an expenditure involves \$100 or more but is not greater than \$350, the Council member shall inform the City Attorney that use of Discretionary Funds is anticipated for an upcoming function or activity and approval shall be obtained from the City Attorney. Notification by the City Attorney shall be given to the City Council at least every two weeks as to the approvals given for expenditure of Discretionary Funds
 - 3. When the expenditure involves more than \$350, the Council member shall inform the City Council at a duly-convened council meeting and approval shall be obtained from the City Council for such expenditure of Discretionary Funds.
- F. The Discretionary Funds of each Council member shall not be assigned, transferred or used for persons other than a Council member unless prior approval is given as provided in paragraph E above.
- G. In no event shall Discretionary Funds be expended for campaign purposes which would violate the Fair Campaign Practices Act or for attendance at a partisan political event.
- H. Each expenditure from the Discretionary Funds shall be accounted for on a City form and filed with the City Manager's Office within thirty (30) days after the expenditure is made. Reimbursement of the approved expenditure shall be made by the City. If any Council member desires an advance of funds from Discretionary Funds for any function to be attended and paid for pursuant to this Council Policy, a City form requesting the advancement shall be filed with the City Manager's Office at least seven days prior to expectation of payment.

- I. If a Council member responds for attendance to an event that is paid for from City funds and then does not attend without giving the City Manager's office reasonable opportunity to fill the vacancy, the cost paid by the City for such event shall be charged personally to the Council member who failed to attend and the proceeds deposited into the general fund except in the event of extenuating circumstances approved by the City Manager.

Council Policy #CP-20
Adopted 10/10/11 by Resolution 2011-44

SUBJECT: Citizen Communications

POLICY STATEMENT: The City Council recognizes the need to adopt a policy that sets forth a procedure that applies to citizen communications in the conduct of City Council meetings.

- A. Each agenda for regular meetings of the City Council shall contain an agenda item designated "Citizen Communications" in order to provide citizens an opportunity to address the City Council subject to the terms and conditions of this policy. No "Citizen Communications" will be allowed on study session items.
- B. A Public Comment Roster shall be made available prior to each regular meeting of the City Council and any citizen who wishes to address the City Council, either under Citizen Communications or with regard to any item on the agenda except a study session agenda item, must complete the Public Comment Roster and submit it to the City Clerk with the printed name, signature and address of the citizen wishing to speak along with a short description of the topic or subject that will be addressed. Citizens shall not be heard on study session items but shall wait to speak when the item is placed on an agenda as an action item. Agendas and the Public Comment Roster shall clearly state that citizens may not be heard on study session items. The requirement for signing the Public Comment Roster as to any specific item on the agenda may be waived by the Mayor or other Council member chairing the meeting if the number of citizens wishing to speak with regard to that specific item makes it impractical to require each of them to sign the Public Comment Roster.
- C. The agenda item "Citizen Communications" is not intended to be used as a platform to express personal or political philosophies or messages that have little or nothing to do with the business and affairs of the City of Commerce City.
- D. Although "Citizen Communications" should be acknowledged, neither the City Council nor the City staff shall be expected to respond immediately to matters raised in the "Citizen Communications". Unless the City Manager or the City Attorney has an answer readily available, City Council members will not attempt to reach a solution during "Citizen Communications" and will not engage in debate with citizens or other Council members during "Citizen Communications" but questions may be asked of citizens during "Citizen Communications" to aid in clarification and determining a proper course of action. Expressions of concern are appropriate. In order to avoid the risk of an inaccurate or inadequate response to a citizen concern, the members of the City Council shall refer questions raised during "Citizen Communications" only to the City Manager or the City Attorney for a timely response. Appropriate follow-up will be provided by way of agenda items or reports given by the City Manager at the conclusion of "Citizen Communications" at an upcoming meeting of the City Council.

- E. All speakers must stay on topic and are encouraged to state their points as briefly and clearly as possible. Redundancies and repetitive remarks should be avoided.
- F. Each speaker under “Citizen Communications” shall be limited to three (3) minutes with the right to extend the time for speaking to five (5) minutes with approval of the City Council. The time limit shall be monitored by a timer. Questions asked by the City Council and answers to such questions shall not be timed but **the Mayor or other Council member chairing the meeting, or the parliamentarian**, in his or her discretion, may limit further questions and discussion.
- G. All remarks shall be addressed to the City Council and no member of the City Council or City staff shall be requested or expected to engage in discussions or debate with any speaker.
- H. Personal attacks, whether directed toward members of the City Council, City staff or fellow citizens, including the speaker, are prohibited.
- I. The use of profanity or ethnic, racial or gender-oriented slurs or any disorderly conduct is prohibited.
- J. The Mayor, or other Councilmember chairing the meeting, has the authority to order any person to terminate his or her remarks if the time allotted to such person has expired or if the speaker has violated any of the foregoing rules.
- K. When the City Council is required to make a decision in a quasi-judicial proceeding, each member of the City Council is legally required to be impartial and in order that all quasi-judicial hearings will be conducted in a fair and impartial manner, no evidence outside a hearing may be considered by the City Council in arriving at its decision. Therefore, if any citizen wishes to speak regarding an issue that is pending or may, with a reasonable probability, be pending as determined by the Mayor or other Councilmember chairing the meeting or the parliamentarian, as an issue that may require a quasi-judicial hearing for determination by the City Council, the citizen may be advised to defer his or her remarks until the quasi-judicial hearing is held by the City Council.

Council Policy #CP-21
Adopted 10/10/11 by Resolution 2011-45

SUBJECT: Filling of City Council vacancy

POLICY STATEMENT: The filling of any vacancy on the City Council shall be accomplished in a manner that is fair to all applicants and legally correct in accordance with Section 4.5 of the City Charter. In this regard, the City Council intends that the process shall be conducted in an open and impartial manner that provides a fair result and best serves the citizens of Commerce City. Within the meaning of this Council Policy, all reference to councilmember shall include reference to mayor.

- A. Time Limits. In accord with Section 4.5 of the Charter of the City of Commerce City, in not less than ten days nor more than 30 days after a vacancy occurs on the City Council, the remaining City Council members shall appoint an eligible person, as defined in Section 4.4 of the Charter; to fill such vacancy to serve to the next organization meeting of the City.
- B. Advertising and Filling of Vacancy. When a vacancy occurs on the City Council, the vacancy shall be announced in a manner that is reasonably calculated to inform the interested citizenry. The announcement shall be made within 72 hours after the date the vacancy is declared. The announcement shall state that the office is vacant and that interested parties must submit a letter requesting appointment to the vacant office to the City Clerk at least 15 days prior to the date the City Council is required by the Charter to fill the vacancy. Such letter shall include the applicant's qualifications for appointment and the reasons why the applicant feels he/she would be a good councilmember for the City of Commerce City if appointed.
- C. Setting of Interviews and Posting of Notice. If there is more than one qualified candidate, the City Council shall conduct personal interviews of qualified applicants. Notice of such interviews shall be posted as meetings open to the public.
- D. Framing of Questions. Prior to the conduct of applicant interviews, each councilmember may submit a series of questions for use during the interviews. Prior to the interviews, City Council shall create a uniform set of questions to be asked each applicant.
- E. Conduct of Interviews. If interviews are conducted, each applicant shall be interviewed separately from all other applicants in a meeting open to the public. Each applicant shall be interviewed in a uniform manner by the City Council using, for each applicant, the agreed upon questions. During the course of each interview, each city councilmember shall assign points zero to ten to each question answered by each applicant, the scale being ten points awarded for a superior answer, zero points awarded for a failed answer and any number of points awarded on the scale zero to ten for answers given between a superior rating and a failed rating.

- F. Choice of Applicant. After all interviews have been completed, each councilmember shall then secretly compute the total number of points he/she has awarded to each applicant. The totals computed by each city councilmember shall be given to two members of the city staff appointed by the City Council who shall calculate the total number of points awarded to each applicant by all members of the City Council. The total number of points for all applicants shall then be made known to the city councilmembers. If no clear candidate is chosen on the first ballot, a subsequent vote shall be taken on the applicants who tied in the total number of points on the first ballot. The applicant with the most number of points who is eligible for appointment shall be appointed by the City Council to fill the council vacancy at the next regular meeting of the City Council. The total number of points awarded for all candidates as calculated by the two appointed members of the city staff shall then be made known to the public.

Council Policy #CP-22
Adopted 10/10/11 by Resolution 2011-46

SUBJECT: Procedure for conduct of quasi-judicial public hearings

POLICY STATEMENT: The conduct of quasi-judicial public hearings by the City Council shall be accomplished in a legal manner that is fair to all citizens. In this regard, the City Council intends that each quasi-judicial public hearing shall be conducted in an open and impartial manner that recognizes the concerns of all citizens having a legitimate interest in the proceeding and allows an opportunity for the City Council to give fair consideration to all issues presented at the public hearing.

- A. Public Hearing Definition. "Public hearing", within the meaning of this Council Policy, shall be that type of proceeding required by law to be conducted by the City Council as a "quasi-judicial proceeding".
- B. Registration by Participants. All persons desiring to speak before Council at a public hearing shall be required to register with the City Clerk, providing their names and addresses.
- C. Mayor to Chair Hearing. The public hearing shall be chaired by the Mayor or, in the absence of the Mayor, by the Mayor Pro-Tem and, in the absence of both the Mayor and the Mayor Pro-Tem, by a councilmember duly appointed by the City Council. (All reference in this policy to the Mayor shall include anyone acting in place of the Mayor.)
- D. Testimony. The public hearing shall be conducted so as to elicit relevant and competent evidence for the public hearing in a manner that provides a reasonable opportunity for all interested parties to express themselves as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing and is not redundant. The Mayor has the authority to limit testimony to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.
- E. Parliamentarian. The City Attorney shall serve as parliamentarian for the public hearing and shall advise the Mayor as to the admissibility of any evidence submitted for consideration at the public hearing.
- F. Oath of Witnesses. Upon request of any councilmember or person in interest, the witnesses shall be sworn under oath by the City Attorney. The credibility of evidence submitted by all witnesses shall be determined by the City Council and considered in reaching a decision at the conclusion of the public hearing.
- G. Authority to Ask Questions. Any person speaking may be questioned by a member of the City Council, the City Attorney, by members of City staff or by any person in interest. The Mayor shall determine whether or not a person qualifies in the public hearing as a person in interest.

H. Time Limit. When the number of persons wishing to speak may unduly prolong the public hearing, the Mayor may establish a time limit for each speaker.

I. Advice to Witnesses. The Mayor at the outset of the public hearing may wish to advise the public as follows:

1. "We welcome your comments and input. To ensure an efficient hearing, all persons are required to observe the following:
 - a. Each person desiring to speak must register with the City Clerk and give your name and address. When you are recognized to speak, please approach the podium and state your name.
 - b. All comments and testimony shall be made from the podium and no comments or testimony shall be presented from the audience. Comments and testimony are to be directed to the Mayor and City Council. Dialogue and inquiries from the person at the podium to members of staff or the seated audience is not permitted. Inquiries that require staff response will be referred to staff by the Mayor.
 - c. It is our desire to hear all relevant testimony on this topic in a timely manner and within an atmosphere of respect. Our procedures are designed to ensure that occurs. Thank you for your cooperation and we look forward to hearing your comments."

J. Testimony Directed Through the Mayor. All testimony in support or opposition or questions should be directed through the Mayor who will direct the appropriate person to respond.

K. Evidence for the Record. The record of proceedings shall include (i) a copy of the public notice; (ii) all application documents for the proposed project and (iii) copies of any other information and documents that are an appropriate part of the public hearing including staff reports and minutes from any committee or commission making recommendations to the City Council.

L. Public Hearings Should Generally Proceed as Follows:

1. A staff presentation or introduction of the issues as applicable.
 - a. Description and analysis.
 - b. Recommendation, if applicable.
 - c. Questions by Council and persons having an interest.
2. Applicant or petitioner presentation.
 - a. Questions by Council.
 - b. Questions by persons in interest.

3. Public Presentation.
 - a. Questions by Council.
 - b. Questions by persons in interest.
4. Applicant or petitioner rebuttal, if requested.
5. Discussion by applicant and public.
6. Hearing closed.
7. Council discussion.
8. Council decision.

M. Absence by Councilmember. If a member of the Council is absent for a public hearing, he/she shall not be eligible to vote on the case unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by Council because of the absence of a councilmember to enable him/her substantial time to review the record.

N. Voting. At the conclusion of the public hearing, the City Council may continue its decision to a fixed time and date or render an immediate decision. With the exception of a decision on a zoning issue, an ordinance may be passed on first reading by the affirmative vote of a majority of the members of the City Council present at the meeting at which the ordinance is introduced. With the exception of a zoning ordinance, an ordinance may be passed on second and final reading by the affirmative vote of not less than a majority of the members of the Council in office at the time the vote is taken. In the case of a zoning issue, a vote of not less than a majority of the members of the Council in office at the time the vote is taken shall be required to overrule the recommendations of the Planning Commission. In the event the Planning Commission makes no recommendation on a zoning issue, the issue may be approved by Council only upon the affirmative vote of not less than a majority of the members of the Council in office at the time the vote is taken.

O. Ex-Parte Discussion and Contacts. When a governmental function requires a member of City Council to act in a quasi-judicial capacity, the member of City Council shall take reasonable precautions to avoid and prevent improper ex-parte communication with any party in interest or with their representative and refrain from any activity which could give the perception of an improper ex-parte communication with a party in interest or with the representative of any party in interest. Any member of City Council may seek an advisory opinion from the City Attorney concerning any ex-parte communication received pertaining to a matter the subject of which is or may become the subject of a quasi-judicial proceeding in which the officer may perform a governmental function. If any member of City Council receives ex-parte communications regarding a matter which is before the Council for quasi-judicial action the Councilmember shall disclose the

communication as part of the hearing. After disclosure, the Councilmember may participate in the hearing and vote on any action unless the Council concludes that the communication may prevent him or her from participating and voting thereon in an unbiased manner. If the member of Council concludes that the ex-parte communication may prevent him or her from voting in an unbiased manner, he or she shall excuse himself or herself and shall not participate in the discussion or vote in the proceeding.

Council Policy #CP-23
Adopted July 16, 2012 by Resolution 2012-42

SUBJECT: City Council study sessions

POLICY STATEMENT: This policy is intended to provide guidelines for the procedures to be followed regarding study sessions of the City Council.

A. STUDY SESSIONS TO BE PUBLIC

1. All study sessions of the Council shall be open to the public.
2. Citizens shall not be heard on any item during a study session unless scheduled as a speaker at a study session.

B. STUDY SESSION AGENDAS

Items may be placed on a study session agenda by direction of the City Council, by the City Manager or by the City Manager's designee(s).

C. CONDUCT OF BUSINESS AT STUDY SESSIONS

1. No formal action shall be taken by the Council at a study session; however, staff may be given administrative direction by consensus of the Council (no formal motions or votes shall be taken).
2. No minutes shall be kept for study sessions.
3. The Mayor or, in his/her absence, the Mayor Pro-Tem shall preside over study sessions.
4. All business at study sessions shall be conducted in an orderly manner.

D. NOTICE OF STUDY SESSIONS

Notice of study sessions shall be given as required by the Open Meetings Law of the State of Colorado.