

**A RESOLUTION AMENDING COUNCIL POLICIES RELATING TO MEETING
PROCEDURES AND COUNCIL CONDUCT AND TRAVEL**

NO. 2021-29

WHEREAS, the City Council of the City of Commerce City enacted certain policies pursuant to Section 4.27 of the City Charter, which provides that the City Council “shall determine its own organization, rules and order of business . . . ;”

WHEREAS, the City Council desires to amend Council Policies 2, 5, 14, 16, 19, 20, and 23 to clarify and amend the policies and standards set forth therein, pursuant to Section 4.27 of the City Charter;

WHEREAS, the City Council finds that these policies, as amended, are necessary and appropriate to promote the efficient and orderly conduct of municipal business, to ensure the validity of municipal proceedings, and to protect the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Council Policies 2, 5, 14, 16, 19, 20, and 23 are amended as set forth in Exhibit A to this resolution.

RESOLVED AND PASSED THIS 19TH DAY OF APRIL 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Red text indicates new or moved language; red strikethrough text indicates deletions.

Amendment to CP-2(A)

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, **preferably from the City Council first and then from executive staff, other staff, and community leaders or business owners.** 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 **the Council member's attendance** at such event shall be **repaid by** ~~charged personally to~~ the Council member who failed to attend **without securing a replacement** and the proceeds depositing into the general fund.

Amendment to CP-5

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.

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.

B. Participation. **Council members are expected to participate to the greatest extent possible in any function, event, conference, or trip sponsored by the city or at which the official's attendance or participation was paid for by the city. For conferences and similar events, Council members are expected to attend at least 75% of all seminars, workshops, or other events for which the member is registered at the City's cost. For business functions and trips, Council members are expected to participate in all scheduled events (unless noted as non-mandatory).**

C. Reporting Back. **Council members are expected to report on their participation in any functions under this policy during Council reports in any meeting or by submitting a written summary of activities and relevant information to the City Manager for distribution to the Council. Sensitive or confidential information should not be included.**

D. 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.

E. 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.

F. Reimbursement.

1. A Council member must promptly reimburse the city for any expenses paid by the city pursuant to subsections F(1-11) of this policy related to any function, event, conference, or trip, or part thereof, sponsored by the city or at which the official's attendance or participation was paid for by the city if: (1) the Council member registered for or responded to an invitation to attend and failed to attend without filling the vacancy with another Council member or, if appropriate, staff member, community leader, or business member; (2) the Council member failed to attend a significant portion of any function, event, conference, or trip; or (3) during the function, event, conference, or trip, the Council member conducted themselves in a manner that brings disrespect or disrepute to the office held or to the City, as determined by a majority vote of the City Council in office (excluding the councilmembers whose conduct is in question). Amounts reimbursed will be paid into the general fund. At the Council member's request, the City Council may, by a majority vote, determine the amount of expenses required to be reimbursed.
2. The City Manager may, upon a showing of extenuating circumstances, excuse the Council member from some or all of this reimbursement requirement in subsection (1), above, (except where ordered by the City Council) and shall report the exception to the City Council. Extenuating circumstances include unexpected job demands; illness or medical emergency of the Council member, family member, household member, or person for whom the Council member is a caregiver; cancellation of the event; or severe weather that makes travel impossible. In other cases, the City Council, by majority vote, may excuse the Council member from some or all of that reimbursement requirement if the failure to attend was due to unforeseeable events beyond the Council member's control or in the interests of fairness (except where ordered by the City Council).
3. A Council member must promptly reimburse the city for any expenses paid by the city in violation of subsections F(12-13) or for the cost of any alcoholic beverages. Amounts reimbursed will be paid into the general fund.

G. 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 submitted for payment. 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. 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 nonstop coach airfare based on availability.
2. **Bus or rail – instead of air travel.** Payment is limited to cost of equivalent airfare.
3. **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.
4. **Parking – garage.** Payment is limited to actual cost.
5. **Private car.** The Mayor shall receive a stipend of \$350.00 per month and each Council member shall receive a stipend of \$250.00 per month for all costs of the use of their private vehicles in the conduct of business on behalf of the City (excluding parking). Vehicles must be insured at all times. The Mayor and Council members are responsible for the tracking of mileage for individual tax purposes.
6. **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.
7. **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.
8. **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.
9. **Registration fees.** Payment is limited to the actual cost for the Council member only.
10. **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.
11. **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.~~

12. **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.
13. **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.

Amendment to CP-14(J)

J. BEHAVIOR OF ELECTED OR APPOINTED OFFICIALS OF THE CITY OF COMMERCE CITY.

In all official matters, ~~including at any time during a function, event, conference, or trip sponsored by the city or at which the official's attendance was paid for by the city,~~ 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.

Amendment to CP-16

SUBJECT: Council Meeting Procedures (Also refer to #CP-2, Section I; #CP-20)

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, including, but not limited to, #CP 20.~~

~~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. Debate and Speaking.

- a. Councilmembers must be recognized before speaking except to raise a procedural objection or point of order. Councilmembers should use the software function to request recognition but may speak or use other means to get the Mayor's attention.
- b. Councilmembers should ensure their microphone is unmuted and speak clearly and audibly.
- c. Councilmembers should ask the Mayor to request the speakers to repeat themselves if the speaker is not clearly heard.
- d. Council members may speak multiple times (unless debate is limited) but must wait until everyone who wishes to speak has done so.

3. Procedural Issues. Councilmembers and the City Attorney and City Clerk should be attentive to procedural issues, including the outcome of votes and clarification of the pending question. Councilmembers should address issues promptly by seeking recognition or, if necessary, speaking to get the Mayor's attention before business proceeds. Councilmembers should wait to be recognized before discussing the issue. For example, a Councilmember should immediately raise an issue if:

- a. They do not know what the current vote is about or don't believe a motion is accurately stated by the Mayor;
- b. They cannot hear a speaker; or
- c. They do not agree with the stated outcome of a vote or want to request a roll call vote.

4. Agenda. The order of business on the agenda generally 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. Unless the agenda is amended, Council should wait until administrative council business to make motions in response to Citizen Communication. 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. Presentations giving recognition and proclamations

- e. Citizen communication (See #CP 20 for rules governing Citizen communication)) (but it will not occur before the estimated time stated in the agenda unless approved by Council)
- f. Information gathering presentations.
- ~~g. Amendments to agenda not requiring posting in advance under Colorado Open Meetings Law (agenda may be amended at any time)~~
- h. Consent agenda (includes non-controversial ordinances on second reading, resolutions not requiring discussion, and actions on administrative issues not requiring discussion, including approval of minutes)
- i. Public hearings not associated with a pending ordinance or resolution (e.g., land use cases; metropolitan districts; fact-finding)
- i. Resolutions requiring discussion
- j. Ordinances on first reading
- k. Ordinances on second reading other than consent agenda ordinances
- l. Review of subcommittee recommendations
- m. 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)
- n. City Manager and City Attorney reports
- o. 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)
- p. Mayor's report
- q. Adjournment

5. Public Conduct during Meetings. The following conduct by members of the public will not be tolerated during meetings:

- a. Interrupting (including making any noise to prevent or muffle another person's speech) any speaker (including members of the public while they are speaking at the podium) without the leave of the presiding officer.
- b. Except in cases where necessary for items on the agenda and only when approved in advance of a meeting by the City Clerk, no structures may be erected by members of the public in City Council chambers or in any alternative location where such meetings may be held.
- c. No objects may be posted on any of the surfaces in City Council chambers or in any alternative location where meetings may be held, unless used during a presentation to Council and while at the podium.
- d. Under no circumstances may any signs or objects block the view of any member of the public of the dais or of any screens displaying materials

or presentations during meetings. No objects or signs may block the aisles or any areas of egress or ingress to and from the meeting location.

- e. Physically moving past the podium or onto the dais without invitation from the chair.

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

7. Minutes. Minutes shall be placed on the Consent Agenda for approval. Reading of the minutes of previous meetings shall be dispensed with unless requested by a Council member. Amendments to the minutes may be offered by removing the minutes from the Consent Agenda and voting on such amendments before voting on the approval of the minutes.

8. Delivery of agenda.

- a. On the Thursday before each regular Council meeting, or as soon thereafter as possible, the City Clerk shall give the agenda to each Council member.
- b. To the extent available at the time the agenda is published, 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.
- c. Any updates to the agenda will be specifically identified.

9. Posting of notice. At least 24 hours before each meeting, the City Clerk shall post a notice of the upcoming Council meeting in public places as determined by the Council. Council expects that regular and special meetings will be advertised through social media.

10. Copies of agenda for public. At least twenty-four (24) hours before the meeting, the City Clerk will make available, on the City's website, a copy of the agenda for that meeting and a copy of all agenda materials. The agenda may be updated with specifically identified items.

11. Council business. Except for emergency or unforeseen items, matters arising from public comment, or at the request of the City Manager or City Attorney, it is recommended that Councilmembers submit administrative council business items for a regular meeting with the endorsement of another Councilmember. For example, this includes requests that would require more than an hour of staff time, study session requests, requests for ordinances or resolutions, and other similar matters. Submissions must be received by the Tuesday preceding

the meeting on a form provided by the City Manager along with any supplemental materials.

12. Supplemental Council materials. Councilmembers may submit supplemental materials for any existing agenda item other than a quasi-judicial hearing or action of the City Council. Such materials must be received in acceptable electronic form by the City Clerk at least 8 hours before the meeting and will be included in a republished agenda. Such materials shall not include any confidential, privileged, copyrighted, or trademarked material or the intellectual property of any other person. The councilmember submitting the material is solely responsible for the content. Councilmembers are encouraged to use discretion and conscious of staff time when submitting additional materials. Without the unanimous consent of all Councilmembers present, Councilmembers will not display or cause staff to display any materials unless submitted in accordance with this section.

G. ELECTRONIC MEETINGS

1. Authorization. Where the City Council has authorized the conduct of electronic meetings, Council policies regarding the conduct of meetings shall apply to extent consistent with this section and applicable ordinances and resolutions. Ordinances authorizing electronic meetings shall control to the extent inconsistent with this section.

2. Public Comment. Public comment and testimony during electronic meetings is addressed in CP-20.

3. Council Conduct. Councilmembers are expected to treat electronic meetings with the same decorum as in-person meetings. Councilmembers should:

- a. Mute their microphones when not recognized to speak;
- b. Keep their video on at all times except during recesses or if the person leaves the meeting temporarily (**Councilmembers generally remain visible even when not speaking**);
- c. Request a recess if needed or announce that the Councilmember is leaving the meeting at any time;
- d. Ensure the appropriateness of their physical or virtual background;
- e. Participate from a private location free of distractions, if possible;
- f. Be conscious of facial expressions and body language;
- g. Avoid eating; and
- h. Dress in a respectful manner.

4. Screen Sharing. Without the unanimous consent of all Councilmembers present, Councilmembers will not share screens or otherwise display material unless submitted in accordance with this section. Screen sharing shall not be permitted during quasi-judicial hearings or while debating quasi-judicial matters, except to review unaltered record evidence.

Amendment to CP-19

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 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. ~~Discretionary Funds shall not be used to pay for any expenses required to be reimbursed under #CP-5.~~

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.~~

I. Reimbursement.

1. A Council member must promptly reimburse the city for any Discretionary Funds paid by the city pursuant to this policy related to any function, event, conference, or trip, or part thereof, sponsored by the city or at which the official's attendance or participation was paid for by the city if: (1) the Council member registered for or responded to an invitation to attend and failed to attend without filling the vacancy with another Council member or, if appropriate, staff member, community leader, or business owner; (2) the Council member failed to attend a significant portion of any function, event, conference, or trip; or (3) during the function, event, conference, or trip, the Council

- member conducted themselves in a manner that brings disrespect or disrepute to the office held or to the City, as determined by a majority vote of the City Council in office (excluding the councilmembers whose conduct is in question). Amounts reimbursed will be paid into the general fund. At the Council member's request, the City Council may, by a majority vote, determine the amount of Discretionary Funds required to be reimbursed.
2. The City Manager may, upon a showing of extenuating circumstances, excuse the Council member from some or all of this reimbursement requirement in subsection (1), above, (except where ordered by the City Council) and shall report the exception to the City Council. Extenuating circumstances include unexpected job demands; illness or medical emergency of the Council member, family member, household member, or person for whom the Council member is a caregiver; cancellation of the event; or severe weather that makes travel impossible. In other cases, the City Council, by majority vote, may excuse the Council member from some or all of that reimbursement requirement if the failure to attend was due to unforeseeable events beyond the Council member's control or in the interests of fairness (except where ordered by the City Council).
 3. A Council member must promptly reimburse the city for any Discretionary Funds paid by the city in violation of subsection G of this policy in violation or for the cost of any alcoholic beverages. Amounts reimbursed will be paid into the general fund.

Amendment to CP-20

SUBJECT: Public Comment During City Council Meetings (Also refer to #CP-2, Section I; #CP-16)

POLICY STATEMENT: The City Council desires to hear from members of the public on issues affecting City business. City Council recognizes the need to adopt a policy that sets forth a procedure that allows members of the public to express their comments and concerns regarding City business, while balancing the need to run orderly and efficient meetings. This policy is intended to establish such rules and regulations for providing the public with a reasonable opportunity to be heard as provided by Section 4.24 of the City Charter.

A. The public may comment only during the following periods: (1) "Citizen Communication" during regular City Council meetings; (2) on specific ordinances and resolutions during the time set aside for public comment on that item; and (3) public hearings at the appropriate time. **No other unscheduled speakers will be permitted without the unanimous consent of the City Council.** Public comment is not permitted during study sessions or special meetings, unless specifically stated on the **special meeting** agenda.

B. A Public Comment Roster shall be made available prior to each regular meeting of the City Council and any member of the public who wishes to address the City Council must complete the Public Comment Roster and submit it to the City Clerk with the printed name, signature and address of the person wishing to speak along with a short description of the topic or subject that will be addressed. Agendas and the Public Comment Roster shall clearly state

that members of the public 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 members of the public wishing to speak with regard to that specific item makes it impractical to require each of them to sign the Public Comment Roster.

C. During electronic regular and special meetings, there will be the opportunity for public comment at the meeting during citizen communication, where applicable, and/or for each agenda item. Unless modified by Council during any meeting, public comment (except for any quasi-judicial public hearing governed by separate procedures) will be consolidated under the Citizen Communication part of the meeting, but speakers may speak once during Citizen Communication and once per agenda item, as desired. Advance registration to speak will be required; the meeting agenda will identify the registration and submission deadline and include instructions for registration to speak or submission of written comments. No other unscheduled speakers will be permitted without the unanimous consent of the City Council.

D. All speakers are encouraged to state their points as briefly and clearly as possible. Repetitious remarks shall be avoided and the Mayor reserves the right to terminate redundant comments. 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.

E. 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 member of the public wishes to speak regarding an issue that is or may be set for a public hearing, or is an issue that may require a quasi-judicial hearing for determination by the City Council, the member of the public may be advised to defer his or her remarks until the quasi-judicial hearing is held by the City Council.

F. “Citizen Communication.” Each agenda for regular meetings of the City Council shall contain an item designated for “Citizen Communication” to provide members of the public an opportunity to address the City Council subject to the terms and conditions of this policy.

- a. Comments should be restricted to issues affecting City business and items within the purview of City Council to act.
- b. Each speaker 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 chair, in his or her discretion, may limit further questions and discussion.
- c. Speakers may not yield time to another speaker in order to increase the time available for an individual to speak.
- d. Each speaker may only approach the podium to speak once during the entirety of the “Citizen Communications” period.

- e. City Council members will not attempt to reach a solution to any issue presented during “Citizen Communication”, but questions may be asked of member of the public during “Citizen Communication” to aid in clarification and determining a proper course of action. Unless the agenda is amended, Council will wait until administrative council business to make motions in response to public comment. To avoid the risk of an inaccurate or inadequate response to a concern, City Council members shall refer questions raised during “Citizen Communication” 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 an upcoming meeting of the City Council.

G. Ordinances & Resolutions. The public may comment on ordinances and resolutions that are on the agenda for regular meetings that are not set for public hearings. After staff presentation on an agenda item, the Mayor will call upon any member of the public wishing to comment on the particular agenda item. These rules apply to any other public comment period that is not Citizen Communication or a public hearing. **During virtual meetings, any public comment pursuant to this subsection will occur during Citizen Communication Communications.**

- a. Comments should be restricted to the agenda item underconsideration.
- b. Each speaker 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 chair, in his or her discretion, may limit further questions and discussion. Speakers should not expect response.
- c. Speakers may not yield time to another speaker in order to increase the time available for an individual to speak.
- d. Each speaker may only approach the podium to speak once during the agenda item.

H. Public Comment during Public Hearings: Please see Council Policy # 22 for rules regarding procedures for quasi-judicial public hearings **and Resolution 2020-30, as amended, for rules regarding virtual quasi-judicial public hearings.**

- a. Public comments during hearings shall be limited to **three (3) minutes**, with the exception of presentations by City staff and testimony from applicant(s) and the applicant’s representatives.
- b. Speakers may not yield time to another speaker in order to increase the time available for an individual to speak.
- c. Each speaker may only approach the podium to speak once during the entirety of the public hearing.
- d. Council members shall not express an opinion on the merits of a case during a quasi-judicial hearing.

I. The chair of 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.

J. Rules of public conduct identified in CP-#16 apply to all public comment.

Amendment to CP-23

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. **The purpose of study sessions is to provide background information and develop consensus on policy issues.**

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

1. 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). **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.**
2. Councilmembers may submit supplemental materials for any study session agenda item. Such materials must be received in acceptable electronic form by the City Clerk at least 8 hours before the meeting and will be included in a republished agenda. Such materials shall not include any confidential, privileged, copyrighted, or trademarked material or the intellectual property of any other person. The councilmember submitting the material is solely responsible for the content. Councilmembers are encouraged to use discretion and conscious of staff time when submitting additional materials. Without the unanimous consent of all Councilmembers present, Councilmembers will not display or cause staff to display any materials unless submitted in accordance with this section.

C. CONDUCT OF BUSINESS AT STUDY SESSIONS

1. Study sessions generally will be conducted with the same formality as regular and special meetings, except formal procedural rules will not apply. No votes or formal action will occur.
2. During discussion, each Council member should request to be recognized by the chair before speaking. Council members may speak multiple times but should expect to wait until everyone who wishes to speak has done so.
3. Councilmembers will use study sessions to discuss policy options with the City Council and to receive input and information from City staff and other designated

speakers.

4. 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).
5. No minutes shall be kept for study sessions. A general summary of meeting topics and any consensus will be provided to the Council following the meeting.
6. The Mayor or, in his/her absence, the Mayor Pro-Tem shall preside over study sessions.
7. All business at study sessions shall be conducted in an orderly manner.

D. NOTICE OF STUDY SESSIONS

1. Posting of notice. At least 24 hours before each meeting, the City Clerk shall post a notice of the upcoming Council meeting in public places as determined by the Council.
2. Publicity. Council expects that study session agenda items will be advertised through social media.