

Council Policy # CP-2
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Section D revised 9/18/23 by Resolution 2023-079

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 public 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 that 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 the Council member who failed to attend without securing a replacement and the proceeds depositing into the general fund.

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

11. 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).

12. 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.

13. 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. With the exception of the Legislative Committee that may include all Council members, beginning at the next organizational Council meeting (2023-2024), a total of(3) members of Council will be appointed to each committee consistent with Council Policy #CP-3, but that does not exclude other Council members who have not been appointed from participating in the discussion of and voting on committee business, if present. The terms of each respective council member appointed to a committee shall not exceed two (2) years, unless no other council member has volunteered or been appointed by the end of the relevant term.

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. City Council will give clear and focused direction as necessary.

6. Six standing Council committees are hereby authorized: a Legislative Committee, a Boards and Commissions Committee, Evaluation Committee, a Policy and Governance Committee, a Council Retreat Planning Committee, and a Council Orientation Committee. Additional ad hoc committees may be established by Council. 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. Establish board and commission member recruitment process
 - v. Work with staff liaison(s) to schedule meetings and interviews
 - iv. Make process recommendations to full City Council

- c. Evaluation Committee Role: Recommend processes for the evaluation of the City Manager, City Attorney, and Municipal Judge. Responsibilities include:
 - i. Recommend evaluation processes and plan evaluations for City Council appointees
 - ii. Help define Council goals and expectations for performance by the City Manager, City Attorney, and Municipal Judge

- d. Policy and Governance Committee Role: Review and recommend updates to Council policies and charter provisions and ordinances relating to the Council's organization, rules, and order of business as provided in Section 4.27 of the City Charter and other policy formation matters delegated to it by Council.

Responsibilities of the committee and its members include:

- i. Reviewing existing and proposed policies and recommending proposed policy changes (including potential ordinance and charter changes).
- ii. Educating councilmembers and the public about Council policies and goals, the role of Council and staff, and the division of authority between the Council and City Manager.
- iii. During council meetings, advocate for and encourage the use of proper procedure, focus on policy-level matters and city business, and civility, order, and decorum.
- iv. Attempting to mediate disputes between councilmembers in a manner that does not violate the Colorado Open Meetings Law.

The Policy and Governance Committee shall first address policies and standards including the following:

- i. Treatment, roles, and privileges of councilmembers, including:
 - (1) Expectations for equal treatment of councilmembers with regard to Council business;
 - (2) Definition of the role of the mayor and councilmembers as defined by the Charter;
 - (3) Meeting decorum and the role of councilmembers in meetings;
- ii. Appropriate formal and informal council interaction with the city manager, city attorney, municipal judge, and city staff;
- iii. Standards for focusing council on policy issues, including:
 - (1) Ensuring that Council-approved action items are consistent with the approved budget, do not interfere with the management of the City, and are consistent with the Council’s policy role;
 - (2) Ensuring that individual councilmember requests are in support of the Council’s role;
 - (3) Setting appropriate expectations for the use of City resources for individual councilmember requests or proposals and for involvement in individual issues;
- iv. Appropriate actions for referring complaints by the public regarding City or staff actions;
- v. Enforcement of Council policies, including procedures and penalties.
- e. Council Retreat Planning Committee Role: Coordinate with the City Manager and their designee(s) on the planning of annual City Council winter retreat.

Responsibilities include:

- i. Meet regularly with the City Manager or designees and relevant staff to discuss the planning, logistics, materials, and schedule of the annual winter retreat.
 - ii. Discuss, review, and recommend third party facilitators for the annual retreat, if desired, to the full City Council for approval.
 - iii. Provide input on retreat materials and exercises ahead of the winter retreat.
 - iv. Educating councilmembers and the public on the upcoming retreat purpose, goals, and schedule.
- f. Council Orientation Committee Role: Coordinate with the City Manager (or designees) and the City Attorney to establish programming and training to orient new councilmembers.

Responsibilities include:

- i. Working with the City Manager or designees and the City Attorney to establish a councilmember training program, which may include an introduction to the various administrative City departments, and a tutorial on the City's Charter, Code, Council Policies, available resources, and a list of internal City contacts.
- ii. Developing a program of instruction on City budgeting process, land use regulations, parliamentary procedure, and quasi-judicial hearings.

Coordinating with the City Manager's office to organize orientation events.

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 members are always free to discuss issues and consult with the City Manager, but should strive to ensure that consistent direction and goals are provided by the full Council.

f. When a Council member is dissatisfied with the performance of a department, he/she shall always discuss it with the City Manager and not the department head or staff.

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

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

i. 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.

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

k. 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 in a manner consistent with Section 7.6 of the City Charter.

b. Council members will not make any requests of City staff for production of documents without conferring with the City Manager. 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., when such information does not inhibit law enforcement functions or involve confidential information.

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 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.
4. The Mayor will communicate with commission chairs.
5. The Mayor will discuss with Council, City Manager and City Attorney work and achievements.
6. The Mayor will caution Council members in chastising or criticizing staff in public.
7. Council and Mayor will stay positive at all times in the conduct of Council meetings.
8. 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.
9. The Mayor will continually strive to provide new efficiencies in conducting Council business, adhering to Council policies and manage an effective business meeting.

H. **PUBLIC COMPLAINTS**

1. Council members will be informed of significant, urgent and repetitive public complaints received by City staff.
2. Council will refer public complaints to the City Manager or designee for resolution.
3. If a Council member wants action based on a public complaint, the Council member should go through the City Manager's Office or designee to ensure it gets into the tracking system, subject to the provisions of this policy for time-consuming projects.

I. **CITY COUNCIL MEETINGS (Also refer to CP# 16, #20, #22, & #23)**

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. In addition to the public comments provided by Section 4.24 of the City Charter, public comment shall be allowed on all ordinances and resolutions, subject to limitations for quasi-judicial proceedings and Council Policy #20. The Mayor, Mayor Pro-

Tem, any council member acting as mayor, or the parliamentarian may limit public comment as necessary to avoid prolonged or repetitious discussion.

c. Council members will treat everyone with courtesy.

d. 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 or separate public comment on consent agenda items. Public comment on consent agenda items may occur during PublicComment. 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. Please refer to #CP20 for all rules governing public comment during meetings.

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. All votes will comply with the City Charter.

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 & Confidential Material

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 or materials that are privileged or confidential. 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.