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B. Council policies may, by resolution, be amended, revised or repealed by a majority vote of the City Council voting at a duly-convened meeting of the Council.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
Section D revised 1/6/14 by Resolution 2014-05
Section D further revised 8/4/14 by Resolution 2014-82
Changes adopted 9/16/19 by Resolution 2019-103
Section D1 revised 1/6/20 by Resolution 2020-03
Section D7 revised 8/17/20 by Resolution 2020-64
Section A9 revised 4/19/21 by Resolution 2021-29
Section F-1, 2 revised 6/20/22 by Resolution 2022-66
Section D revised 9/18/23 by Resolution 2023-79

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 organization 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

vi. 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;

ijii. 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 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.
iii. 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 Public Comment. 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.

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. The conduct of these City Council appointees is a matter of public integrity and as such is a matter of public importance. In this regard, City Council intents that complaints relative to the conduct of board and commission members be handled in a manner that is reflective of the values of the City. The handling of such complaints must occur in a fair and impartial manner while also protecting volunteer board and commission members from frivolous complaints that improperly exhaust public resources for otherwise improper purposes. The goal of this policy is to balance these interests.

A. APPOINTMENT, REAPPOINTMENT AND VACANCIES

1. Appointment

a. Members of the public 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 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 public 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. The terms of each respective council member appointed to a board or commission shall not exceed two (2) years plus the time necessary to reach the next council organizational meeting (if applicable), unless no other council member has volunteered by the end of the relevant term, is qualified to serve on such board or commission, or has been appointed to the respective commission within two months following a vacancy, as long as such process is consistent with Charter and City Code. This term limitation does not apply if the City Charter, Code or other law or regulation requires a particular council member or the Mayor to be appointed to such board or commission.

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, intheir 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.

F. COMPLAINT SUBMISSION AND INVESTIGATIVE PROCESS

1. *Complaints.*

a. For any apparent violation by a non-councilmember[1], board or commission member of City Charter, the Commerce City Revised Municipal Code, Council Policies or any other applicable law or policy ("City Law"), the City may initiate an investigation or impose penalties under this section based on a verified complaint. Any member of the public, board or commission members, or City staff must follow this procedure for bringing any complaint regarding a board or commission member to the City's attention. Council members are encouraged to use this procedure, but are not required to do so.

b. In some circumstances, such as a complaint involving allegations of harassment, anonymous complaints may be submitted. However, the complaint must include a statement providing a reasonable basis for requesting anonymity.

c. Verified complaints of an alleged violation of City Law shall be submitted to the City Manager's Office. The City Manager or designee shall determine whether the complaint meets the requirements of this policy. If the complaint is determined to meet the requirements of this policy, the City Manager shall promptly forward the complaint to the entire Council, the City Manager, and the City Attorney including a designation of confidentiality and a copy of this policy. If the complaint is determined to not meet the requirements of this policy, the City Manager or designee shall return the complaint to the complainant, if known, with an explanation of the requirements of this policy.

d. To meet the requirements of this policy, complaints must:

i. Be verified;
ii. With the exception of circumstances warranting anonymity, include the complainant's name and contact information;
iii. Identify the individual alleged to have violated policy;
iv. Provide specific and sufficient factual detail to identify a policy that is at issue and the specific conduct alleged to have occurred that was in violation of the policy;
v. Claims and suspicions unsupported by sufficient factual allegations shall be insufficient to meet the requirements of this policy.

[1] Councilmembers are subject to the process outlined in CP#26.

e. Except in circumstances when the law prohibits sharing a complaint or when allegations concern minors or individuals whose identity the City has a legal basis to protect, the complaint will be shared with the subject of the complaint.

f. Retaliation of any kind against a person who in good faith files a complaint, participates in an investigation, or is a witness in any investigation is strictly prohibited.

2. *Investigation and Resolution*

a. The City Manager or designee is authorized to conduct an investigation of all complaints and to determine if a third party or outside investigator will be used to conduct the investigation.

b. Following an investigation, any report containing conclusions concerning whether or not any law, regulation, policy, or other standard was violated will be immediately forwarded to City Council.

c. If immediate suspension of any board or commission member is legally required, the City Manager is authorized to request the subject member to refrain from attending any relevant board or commission meeting until otherwise directed by Council; otherwise, only Council as a whole may suspend a board or commission member at a regular or special meeting. The City Manager will have the authority to recommend and carry out an alternative method to address the board or commission member's behavior, such as training.

d. The City Manager may place a resolution for removal of the board or commission member on the consent agenda for an upcoming Council meeting. Prior to any such action, the subject of the investigation will be apprised of the grounds for any removal and have an opportunity to appear at the Council meeting during which the resolution for removal is presented and to provide comment on the same.

e. Pursuant to City Charter Section 11.1(4), board and commission members serve at the pleasure of Council and may be removed with or without cause for any reason by a majority vote of the entire council. Council may choose to disregard or waive this policy, and take any action with respect to any board or commission member's appointment that is authorized by Charter or Code, including removal. If any of the steps outlined in this policy are not followed, that will not affect the propriety of Council's action with respect to any otherwise authorized action taken with respect to a board or commission member.

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
Revised 12/5/16 by Resolution 2016-138
Revised 8/7/17 by Resolution 2017-85
Revised 4/19/21 by Resolution 2021-29

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-relatedbusiness 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.

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 that 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 to 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 (F12-13) 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 non-stop 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; (2) 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.

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.

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 the public 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. Members of the public may pick up a petition form from the Parks, Recreation & GolfAdministrative 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 person 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
Sections A and B revised by
Resolution 2023-109 on 9/18/23

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 as defined in City Charter Section 19.5.

B. City legal notices shall be posted in public locations, which includes the City website, 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 maybe conducted.

Council Policy #CP-9
Adopted 8/31/09 by Resolution 2009-31
Changes adopted 9/16/19 by Resolution 2019-103

SUBJECT: Recruitment and Evaluation of City Manager, City Attorney, and Municipal Judge

POLICY STATEMENT: This policy is to expedite the hiring process for a City Manager, City Attorney, and Municipal Judge and to establish a framework for evaluation of those officials.

A. Recruitment.

1. When there is or will be a vacancy in the position of City Manager, City Attorney, or Municipal Judge (from resignation, termination, or any other reason), the Mayor shall schedule a special meeting of the Council within five (5) business days to initiate the recruitment of a qualified replacement or request such action at an earlier regular meeting.

2. The City Council shall act promptly to appoint a qualified person to serve in an acting or interim capacity.

B. Evaluation.

1. Council as a whole will determine any specific measurable goals for performance that are different from the broad City goals.

2. Council will use evaluations to provide meaningful feedback and to set clear and consistent expectations for the City Manager, City Attorney, and Municipal Judge, in addition to evaluating and discussing the employment of these positions. Council generally should rely on established council goals and policy direction, established performance goals, and legal standards for performance.

3. Council shall provide the City Manager with an initial annual evaluation, usually in April or May, and an annual facilitated evaluation, usually in October or November.

4. Council shall provide the City Attorney and Municipal Judge with annual evaluations, usually in October or November.

5. Council may conduct additional discussions of the performance of the City Manager, City Attorney, or Municipal Judge at any time and may do so in executive session in compliance with the Open Meetings Law.

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
Amended 11/6/17 by Resolution 2017-120

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, Buffalo Run Golf Course and park shelters by Council members during and after their terms of office.

A. Recreation Facilities. During a Council member's term, each Council member plus up to four (4) family members shall be granted a free individual membership to Recreation Facilities (indoor and outdoor recreation centers and pools). Any Council member having served at least five (5) years on City Council shall be provided a lifetime membership Recreation Facilities for the Council member and his or her then-current spouse. Family members may include spouse, children, parents, and grandchildren. Council members shall submit the namesof those persons to be included for free membership to the Director of Parks and Recreation for approval and modification.

B. Buffalo Run Golf Course. During a Council member's term, each Council member and his or her spouse shall be provided an annual membership to utilize the Buffalo Run Golf Course. Any Council member having served at least five (5) years on City Council shall be provided a lifetime membership to the Buffalo Run Golf Course and to Recreation Facilities for the Council member and his or her then-current spouse. The golf membership includes one (1) foursome (including the Councilmember or spouse and up to three (3) guests, not to exceed four (3) people) plus two (2) golf carts. Either the Council member or spouse must be present and participating to use the membership.

C. Park Shelters. During a Council member's term, except for political purposes and except on 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. Limitations. Use of the Buffalo Run Golf Course may be subject to limitations during peak hours and tournaments at the Golf Manager's discretion. Memberships provided underthis policy do not include park shelters, pool cabanas, or any special programs and services provided for a fee.

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
Paragraph J revised 4/19/21 by Resolution 2021-29

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 governmentalstructure; 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 isconfidential and must remain confidential and is not to be discussed outside the executivesession 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 securitiesof 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 toany 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 actionhe 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 incurredon 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 paidthereunder 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 theirspouses 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 whichthe 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, 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.

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
Changes adopted 9/16/19 by Resolution 2019-103
Revised 4/19/21 by Resolution 2021-29
Revised 8/16/21 by Resolution 2021-59

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. 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. Councilmembers 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 do not 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 Public Comment. 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. Public Comment (See #CP 20 for rules governing Public Comment) (but it will not occur before the estimated time stated in the agenda unless approved by Council)
f. Noticed Council Business
g. Information gathering presentations
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)
j. Resolutions requiring discussion
k. Ordinances on first reading
l. Ordinances on second reading other than consent agenda ordinances
m. Review of subcommittee recommendations
n. Administrative Business (generally for topics involving questions by Council, 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. Mayor's report
r. 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. Noticed 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. To be included as "Noticed Council Business," 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 the extent consistent with this section and applicable ordinances and resolution. 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 (**Councilmembersgenerally 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.

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, public 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 persons 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
Revised 4/19/21 by Resolution 2021-29

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. 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 that 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. Reimbursement.

1. A Councilmember 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 Councilmember registered for or responded to an invitation to attend and failed to attend without filling the vacancy with another Councilmember or, if appropriate, staff member, community leader, or business owner; (2) the Councilmember failed to attend a significant portion of any function, event, conference, or trip; or (3) during the function, event, conference, or trip, the Councilmember 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 Councilmember'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 Councilmember from some or all of this reimbursement require 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 Councilmember, family member, household member, or person for whom the Councilmember 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 Councilmember from some or all of that reimbursement requirement if the failure to attend was due to unforeseeable events beyond the Councilmember's control or in the interests of fairness (except where ordered by the City Council).

3. A Councilmember 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.

Council Policy #CP-20
Adopted 10/10/11 by Resolution 2011-44
Changes adopted 9/16/19 by Resolution 2019-103
Revised 4/19/21 by Resolution 2021-29

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) "Public Comment"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 Public Comment, 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 Public Comment part of the meeting, but speakers may speak once during Public Comment 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. "Public Comment." Each agenda for regular meetings of the City Council shall contain an item designated for "Public Comment" 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 timefor 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 "Public Comment" period.
e. City Council members will not attempt to reach a solution to any issue presented during "Public Comment", but questions may be asked of member of the public during 'Public Comment" 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 "Public Comment" 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 CityCouncil.

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 Public Comment or a public hearing. During virtual meetings, any public comment pursuant to this subsection will occur during Public Comment.

a. Comments should be restricted to the agenda item under consideration.
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.

Council Policy #CP-21
Adopted 10/10/11 by Resolution 2011-45
Amended 8/6/18 by Resolution 2018-61
Amended 4/1/19 by Resolution 2019-39

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 public of Commerce City. Within the meaning of this Council Policy, all references to "councilmember" shall include the mayor.

A. Time Limits. In accord with Section 4.5 of the Charter, 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 Application. When a vacancy occurs on the City Council, the vacancy shall be advertised in a manner that is reasonably calculated to inform the interested public, within the available time. The advertisement shall be made within 48 hours after the date the vacancy is declared by the City Council. The advertisement shall state that the office is vacant and that interested parties must submit an application requesting appointment to the vacant office to the City Clerk within 7 days of the vacancy unless Council establishes a different deadline at thetime of the vacancy or extends the deadline.

   The application must include: (1) a statement confirming the applicant's eligibility for appointment (Charter, Section 4.4); (2) a resume; and (3) a brief letter (1-2 pages) explaining why the applicant feels he/she would be a good councilmember for the City of Commerce City if appointed and answering such questions as the City Council determines to include in the application. .

C. Interviews. Appointment shall generally be made on the basis of written submissions. If the City Council determines to conduct personal interviews of qualified applicants, the City Council shall conduct such interviews in public meetings using a uniform set of questions approved by the City Council. No additional questions will be asked without the consent of the City Council. A time limit may be established by the City Council.

D. Appointment. By motion, the City Council shall, during a regular or special meeting, conduct a vote to select an appointee in a manner that identifies the person voting and that person's vote. The appointment of the Mayor shall be conducted by secret ballot; the Clerk shall collect and tally ballots for Mayor and read aloud the number of votes

received for each applicant receiving a vote.

In either case, successive rounds of voting shall continue until an eligible person receives a majority of votes (of the city councilmembers in office at the time of the vote) for appointment unless the City Council approves an alternative method of selection. If an alternate method of selection is used, the City Council shall consider the appointment by motion after selection.

E. Failure to Appoint. If the City Council fails to appoint an eligible person within the time provided by the City Charter, the City Council shall consider whether to call for a special election under the laws of the State of Colorado. If the City Council declines to call for a special election, or if a special election cannot be conducted, then the vacancy shall remain until the next regular municipal election unless otherwise filled.

F. Modification. At any time during the vacancy, by vote of a majority of the City Council present, the City Council may modify this procedure to determine the appointment of an eligible person, consistent with the City Charter. The City Council may, without limitation:

a. Conduct run-off votes among applicants who receive a minimum number of votes in any round of voting;
b. Appoint any eligible person who is willing to serve even if that person did not submit an application;
c. Allow for presentations to the City Council by applicants;
d. Schedule informal receptions open to the public;
e. Establish a nominating committee consisting of city councilmembers or members of the public to provide a non-binding recommendation for appointment;
f. Select an alternate method of selection to resolve ties, such as a coin flip or drawing of lots; or
g. Conduct ranked voting in which each city councilmember rates their top 3 applicants in order (with 3 being the highest score) and the applicant receiving the highest score is selected.

Council Policy #CP-22
Adopted 10/10/11 by Resolution 2011-46
Changes adopted 9/16/19 by Resolution 2019-103

SUBJECT: Procedure for quasi-judicial hearings (Also refer to #CP-20.)

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 members of the public. 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 members of the public 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", for the purposes of this Council Policy only, shall be that type of proceeding required by law to be conducted by the City Council as a "quasi-judicial proceeding," including without limitation any hearing held pursuant to the Land Development Code. Hearings on annexations and metropolitan districts generally shall follow this procedure. The City conducts other types of hearings to gather public input on issues or pending ordinances or resolutions, some of which are required by City Code or City Charter. This Policy does not concern such hearings.

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. Registration may be made orally at the time of speaking.

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. 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, allpersons 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."

I. 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.

J. 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 recommendationsto the City Council. Presentations, written submissions, and documentary evidence will be included in the record unless an objection is made.

K. 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.

L. 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.

M. 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. Voting shall be in accordance with the City Charter.

   a. 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; and 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.
   b. In the case of a zoning issue, pursuant to the City Charter, Section 10.11(b)(5):
      i. 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.
      ii. 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.

N. 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 couldgive the perception of an improper ex-parte communication with a party in interest orwith 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 before the hearing begins or as soon thereafter as the Councilmember is able and shall indicate, for the record, whether he or she is able to participate in unbiased manner and rely solely on the evidence presented at 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, shall not participate in the discussion or vote in the proceeding and shall remove himself or herself from the Council chamber during the proceeding.

Council Policy #CP-23
Adopted July 16, 2012 by Resolution 2012-42
Revised 4/19/21 by Resolution 2021-29

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. Members of the public shall not be heard on any item during a study session unless scheduled as aspeaker 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 session 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 session 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 Councilmember should request to be recognized by the chair before speaking. Councilmembers 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 session.

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 posta 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.

Council Policy #CP-24
Adopted by Resolution
2021-95

SUBJECT: Council Social Media Activity

POLICY STATEMENT: This policy provides guidelines and rules for the use of social media by councilmembers in their official capacity as individual members of the Council. This policy is intended to protect the rights of the public, to ensure compliance with existing law, and to protect the City and councilmembers from liability. This policy is not intended to restrict the rights of individual councilmembers from expressing their view or interacting with constituents.

A. DEFINITIONS

Account: A councilmember's presence on social media either in his or her official capacity as a councilmember, whether by designation or based upon use. A social media account for personal use may be subject to this policy and the limitations expressed in it based on the nature of the use.

Personally identifiable information: Information that can be used to distinguish or trace an individual's identity, such as date and place of birth, personal addresses or telephone numbers, Social Security number, driver's license number, or records that contain genetic, medical, or psychological data or information. Personally identifiable information also includes personal financial information and other information maintained because of the employer-employee relationship, pursuant to Section 24-72-202, C.R.S. For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Posting: placing content on an account or any social media site in a councilmember's official capacity. Posting does not include personal use of social media that does not make use of their City e-mail address, position, title, or official capacity, City branding, and which does not involve excessive discussion of the business or affairs of the City.

B. INDIVIDUAL RESPONSIBILITY FOR SOCIAL MEDIA ACTIVITY

1. Councilmember are not expected or required to use social media. Councilmembers may engage freely in official or personal use of social media, but personal use should not involve excessive discussion of City business.

2. If a councilmember chooses to use social media using their official title or to discuss the business or affairs of the City, members of the Council are solely responsible for such use. Any such use of social media communication, that is not operated, maintained or used in compliance with this policy shall be considered outside of the councilmember's official capacity and the City shall bear no responsibility for what transpires on or because of those accounts, including without

limitation noresponsibility to defend or indemnify a councilmember.

3. The City does not create, operate, or maintain accounts for the use of councilmembers. Staff may assist by providing generic content and assisting with design or branding standards.

C. GENERAL STANDARDS FOR SOCIAL MEDIA USE

I. *Decorum.* Councilmembers shall comply with generally-applicable Council Policies when using social media.

2. *Restricted Content.* Councilmembers shall not post any of the following:

- Posts discriminating or promoting discrimination on the basis of race, creed, color, age, religion, sex, marital status, sexual orientation, national origin, weight, height or genetic information;
- Degrading or obscene language or comments;
- Defamatory, libelous, offensive, or demeaning material, or engaging m a combative exchange;
- Sexual content or links to sexual content;
- Comments on legal proceedings or ongoing investigations or items that may bethe subject of such in the future, except with the written permission of the City Manager and City Attorney's Office;
- Harassing statements;
- Solicitations of commerce except as part of City-sponsored events or the promotion of businesses in the City;
- Conduct or encouragement of illegal activity;
- Confidential, proprietary information or non-public information;
- Information that may tend to put at risk the safety and security of the public or public systems;
- Comments supporting or opposing political campaigns or ballot questions, except for reporting resolutions approved by the City Council;
- Personal identifying information of any person without their consent; and
- Threatening comments about or related to anyone.

3. *Terms of Use.* All accounts are subject to the Terms of Use (Exhibit A). Accounts should include the Terms of Use in a place visible to the public or a link to the Terms of Use (or this policy).

4. *Disclaimers.* Councilmembers are encouraged to use a disclaimers when posting, such as, "The posts on this account are my own and do not necessarily represent the positions or opinions of the City of Commerce City or its City Council."

5. *No expectation of privacy.* Councilmember accounts and posts may be open to public inspection in accordance with the Colorado Open Records Law. Councilmembers do not have an expectation of privacy concerning any accounts or any posts made in an official capacity.

D. LEGAL STANDARDS FOR SOCIAL MEDIA USE

I. *Intellectual property*. Councilmembers are solely responsible for the use of material that is copyrighted or trademarked by third parties.

2. *First Amendment protection.* Councilmembers shall not knowingly restrict any account or posts in such a way as to restrict any person's ability to view or post comments on the account based in any way upon the viewpoint of that person's speech.

   a. Councilmember accounts shall be visible to the general public, except when to full public posting is not possible through a particular platform.

   b. Councilmembers will not knowingly "block" or otherwise restrict access of any individual or group from viewing the account or responding to any post, except as such restrictions apply to all members of the public. Where an account is used to moderate or lead an exclusive group, the councilmember controlling the account will not knowingly "block" or otherwise restrict access of any individual or group from such group, except as such restrictions apply to all members of the public, and will not knowingly restrict posting abilities or delete posts, comments, or responses involving the discussion of public business or cause anyone else to do so, except as provided in subsection (c), below.

   c. If the councilmember allows any person to post, comment, or respond to any post on the account or post by the councilmember, the councilmember will not knowingly delete any posts, comments or responses except to the extent that:

      1. A post violates the Terms of Use (if posted or linked);

      ii. The councilmember preserves a copy of the post and notifies the commenter, to the extent possible, that the posting was removed.

3. *Open Meetings Law Compliance.* Councilmembers should not knowingly comment on any post where more than one other councilmember has posted regarding any business of the City.

4. *Quasi-judicial proceedings.* Councilmembers should use caution when using social media to the extent that a quasi-judicial matter could be involved and should refer to applicable Council Policies.

5. *Retention.* Councilmembers will not delete posts or messages on accounts except in accordance with the applicable retention schedule.

EXHIBIT A TO CP-24
CITY OF COMMERCE CITY COUNCIL
SOCIAL MEDIA TERMS OF USE

This account is owned and maintained by Commerce City councilmember identified in the account. The purpose of this account is to discuss matters of public interest in and to the Commerce City as identified and raised by the councilmember for discussion. This is a forum limited to the specific topics identified and raised by the councilmember.

1. The posts and content posted by the councilmember on this account are those of the councilmember and do not necessarily represent the positions or opinions of the Commerce City, its City Council, or any of its officers, employees, and agents ("City"). The councilmember is solely responsible for this account.
2. Neither the councilmember nor City accept responsibility based on the actions of others in connection with this account or for creating or using this account. Comments and content posted by any other person are the views of the author and do not reflect the positions or opinions of the councilmember or the City.
3. Individual complaints, concerns, or service requests are best addressed by asking Commerce City directly at www.c3gov.com/living-in/ask-c3. Your request or question may be a public record and subject to disclosure. Public records requests are not received through this account.
4. To protect your privacy and the privacy of others, do not include sensitive personally identifiable information, such as social security numbers or personal contact information.
5. Posts and comments to this site may be removed in a viewpoint neutral manner under the terms of the Council Social Media Activity policy and as allowed by law.
6. The councilmember reserves the right to discontinue this account or to restrict access or ability to comment in a generally applicable manner at any time.
7. Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion by the councilmember of certain topics, including, but not limited to litigation, pending investigations, land use matters, personnel issues, and other topics through various media including social media. Comments and posting by councilmembers may be limited by the provisions of the Colorado Open Meetings Law.
8. Following or "friending" persons or organizations or liking posts is not an endorsement by the councilmember or the City and is only intended as a means of communication.
9. External links:
    a. Any references or links to a specific entity, product, service or organization posted by individuals on this account should not be considered an endorsement by the councilmember or the City.
    b. The views and opinions of authors expressed on websites linked from this account do not necessarily state or reflect the opinion of the councilmember or the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the councilmember or the City.
    c. Neither the councilmember nor the City are responsible for content that appears on external links. Neither the councilmember nor the City are responsible for or guarantee the

authenticity, accuracy, appropriateness or security of any link, external website or its content.

10. Terms of Use:
    a. I am submitting content voluntarily and on my own behalf.
    b. The content I post reflects my own original thoughts or work.
    c. I understand that the councilmember and the City have the right to re-post and share any content, photos or videos that I submit on this account.
    d. I understand that any content I provide may be considered a "public record" under Colorado law.
    e. I understand and agree that this account is not the proper vehicles for making requests for public information or public records under state law and any such requests mustbe made to the appropriate custodian of the records.
    f. I understand and agree that my and others' comments are subject to archiving and disclosure and are not private.
    g. I understand and agree that my comments and others' comments are subject to removal in whole or in part from this site if my or their comments contain:
        - comments not directly on the topic raised for discussion by the councilmember's initial post or their subsequent comments and obviously related to Commerce City business;
        - obscene, indecent, or profane language, or pornographic images;
        - direct threats;
        - content that promotes discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, ethnicity, age, disability, or gender identity;
        - the solicitation, promotion or endorsement of specific commercial services, productsor entities;
        - links to any site or content posted by automatic software programs (i.e."bots");
        - the promotion or encouragement of illegal activity;
        - personally identifiable information or sensitive personal information that if released violates federal or state law;
        - information that compromises the public safety or security of the public or security systems;
        - information that directly interferes or compromises ongoing investigations, public safety tactics, or the safety of public safety officers;
        - confidential information; or
        - appear to violate the intellectual property right of the City or a third party underfederal or state law.

11. Waiver of Liability. I, for myself, successors, heirs, and assigns, release and hold harmless Commerce City, including its officers and employees, from any and all actions, claims,liabilities and damages of whatever kind and nature arising out of or in connection with my use of this account, including without limitation any of the foregoing related defamation, invasion of privacy, false light, breach of contract, procurement violations,and violations of due process.

Council Policy #CP-25
Adopted 04/03/23 by Resolution 2023-34

SUBJECT: City Council Conduct and Discipline

POLICY STATEMENT: The conduct of City Council members is a matter of public integrity and as such is a matter of public importance. In this regard, the City Council intends that complaints relative to the conduct of City Council members be handled in a manner that is reflective of the values of the City. The handling of such complaints must occur in a fair and impartial manner to preserve the public trust while also protecting elected officials from frivolous complaints that improperly exhaust public resource for otherwise improper purposes. The goal of this policy is to balance these interests while insuring public integrity.

A. Application of Policy and Receipt of Complaints.

1. *Application*.

   a. For purposes of interpreting and understanding this policy, it is recognized that mandatory policies require a council member to take a certain action and a prohibitory policy prohibits a council member from taking an action; policies that are suggestive or guidelines are not mandatory or prohibitory.

   b. The City Council shall determine whether a policy is mandatory or prohibitory.

2. *Violations.* This policy shall be applicable to violations as set forth in the City Charter, the Commerce City Revised Municipal Code, and the Council Policies. See Exhibit A, summarizing violations.

3. *Process.* The process contained herein is supplemented by that contained in Exhibit B.

4. *Complaints.*

   a. For any apparent violation of mandatory or prohibitory council policies by a councilmember, the city council may initiate an investigation or impose penalties under this section based on a verified complaint.

   b. Verified complaints of an alleged violation of mandatory or prohibitory council policies by a councilmember or other appointed official may be initiated by any person, including a councilmember, and shall be submitted to the city clerk. The city clerk shall forward the complaint to the city manager, who shall determine whether the complaint meets the requirements of this policy. If the complaint is determined to meet the requirements of this policy, the city manager shall promptly forward the complaint to the entire council, the city manager, and the city attorney including a designation of confidentiality and a copy of this policy. If the complaint is determined to not meet the requirements of this policy, the city clerk shall return the complaint to the complainant, if known, with an explanation of the requirements of this policy.

   c. To meet the requirements of this policy, complaints must:

      a. Be verified;

b. Include the complainants name and contact information;
c. Identify the individual alleged to have violated policy;
d. Provide specific and sufficient factual detail to identify a policy that is at issue and the specific conduct alleged to have occurred that was in violation of the policy;
e. Claims and suspicions unsupported by sufficient factual allegations shall be insufficient to meet the requirements of this policy.

d. No action may be taken on any complaint that is filed later than one month after the discovery of facts supporting an allegation that a violation occurred.

e. Unless specified as punishable as provided in this section, these policies as they apply to the conduct of councilmembers are intended as guides to conduct and a failure of a councilmember to abide by these policies shall not be punishable except a caution, reprimand, or censure.

B. Mediation. When a violation of council policy occurs that involves a dispute between councilmembers, the councilmembers involved will discuss or mediate the matter in good faith before a neutral person. The councilmembers may agree to rely on the city manager, city attorney, a council committee, or, if requested by either councilmember, a third party not employed by the city. Failure of either councilmember to participate in the mediation may result in the imposition of penalties under this section. All mediations must comply with the Colorado Open Meetings Law. The mediation must occur before the council initiates any investigation or imposes penalties under this section, unless the mediation does not occur due to non-participation.

C. Investigation. For any apparent violation of mandatory or prohibitory council policies by a councilmember, the city council may review the allegations and make such investigation or determinations as it deems appropriate. If recommended by the city attorney, the city council shall appoint special counsel to investigate and present any violation to the council for decision to avoid any conflict of interest, appearance of impropriety, or any violation of a rule of professional responsibility. Otherwise, the city attorney shall conduct the investigation. The city council may, in its discretion, authorize the subject of the alleged violation to retain special counsel, at the city's cost.

D. Finding of Violation & Penalties. In addition to any other penalty provided for a violation of any other provision of the charter, this code, or any other applicable law, any councilmember found to have violated mandatory or prohibitory council policies by a two thirds majority of the city council members present at the time the vote is taken (excluding councilmembers whose conduct is in question, if applicable) is subject to the following penalties:

1. Any combination of the following, as solely determined by a majority of the city council members present at the time the vote is taken (excluding councilmembers whose conduct is in question, if applicable):

a. Official admonition, reprimand, mandated training, or censure;

b. Termination of any appointment to any subcommittee, board, or external body;

c. An invitation to resign from the city council; and

d. In addition to any other available penalty, any councilmember who is found to have disclosed or used confidential information in violation of the City Charter, City Revised Municipal Code, any other applicable law, or Council Policies may be prevented from receiving confidential information, including participating in executive sessions, concerning the same or similar subject or of the same or similar type.

2. Any combination of the following, as solely determined by a majority of the city council members present at the time the vote is taken (excluding councilmembers whose conduct is in question, if applicable):

   a. Any of the penalties identified in subsection (e)(1), above;

   b. Termination, restriction, or suspension of any privileges or support provided to councilmembers relating to any of the following: use of city facilities; travel and attendance at events and conferences; use of discretionary funds; and staff support and contact;

   c. Deduction from the councilmember's stipend of costs expended by the city that the councilmember was required, but failed, to reimburse; and

   d. Any other penalty otherwise deemed appropriate by the city council.

3. For purposes of this policy, a councilmember's conduct will be deemed to be in question if the question is: (a) to determine a violation by that councilmember; (b) to determine a penalty to be imposed against that councilmember; or (c) similar to an alleged violation or penalty pending or decided concurrently against a councilmember arising out of the same underlying event.

4. No penalty imposed under this section shall remove a councilmember from office or restrict a councilmember's ability to vote or participate in any council meeting, except where required by the Charter, to avoid voting on a matter in which the member has a prohibited interest, or to enforce express penalties authorized by this policy.

Exhibit A
to Council Policy #CP-25

This Exhibit A contains a non-exhaustive identification and listing of actions that constitute violations of the Code of Conduct. It is presumed that violations of any of these provisions would result in use of the process and potentially penalties under the ethics code. The items herein are subject to change and revision consistent with amendment that may occur to the City Charter, the Commerce City Revised Municipal Code, and City Council Policies. This document is intended as a summary and the wording herein does not supersede or control that found in the City Charter, the Commerce City Revised Municipal Code, and City Council Policies.

A. Misuse of confidential information
    1. Personal use (to further "interest")
    2. Disclosure to unauthorized persons
    3. Receipt of (if person has a known "conflict of interest")

B. Violation of the Charter or Code

    A Charter violation, if prosecuted criminally and convicted may be grounds for removal from office/employment and disqualification from future city office/employment. See Charter § 19.11.

C. Direct official action with a "conflict of interest" (personally or by influencing others; Includes Charter § 4.27

D. Failing to disclose a "conflict of interest" or ex parte communication

E. Behavior in official matters bringing disrespect/disrepute to office or city

F. Failure to reimburse when required by law or policy

G. Using city resources for personal gain/advantage

H. Interfering with investigations/prosecutions

I. Representation of city/council
    1. without permission or disclaimer
    2. in appointed roles (e.g. boards)

J. Requiring city officials to make political contributions or statements

K. Appearing before council/board/court for another person

L. Representing/assisting others in litigation against the city

M. No employment of board members

N. Limit on future employment or prior employer for 6 months on matters involved in

O. No voting on own conduct (see Charter § 4.27(c)) (including violation or penalty)

P. No interest in contracts (Charter 4.19)

Q. Nepotism standards (not a standard of conduct subject to penalty)

No relative of a councilmember, a council employee, or any department head, or the city attorney, shall, during such city official's term or appointment, become an employee of the city or be appointed to any board. Seasonal employment that does not exceed 950 hours in a calendar year shall be exempt from this section. No effect on existing employees.
See also Charter § 4.20

R. No soliciting/accepting gifts or things of value directly or indirectly
   1. if would tend to influence improperly or is for purpose of reward for official action (presumed if was given by or for a person with matters pending before the official)
   2. EXCEPTIONS (may still create conflict of interest or result in disqualification but not a separate violation):
      a. Under $75, as may be amended by the IEC (non-monetary, unsolicited, occasional)
      b. From a relative
      c. Gift or perishable or nonpermanent value (unsolicited, non-monetary, occasional; e.g., food, flowers, tickets if in connection with assigned city duties)
      d. Items available to all city employees or general public
      e. Gifts from other cities during visit
      f. Gifts provided by the City of Commerce City
      g. Campaign contributions (if properly reported)
      h. City payment for travel, registration, etc.
      i. Social functions or meetings "not extraordinary in light of" the official's position
      j. Payment for speeches, etc. if paid as honoraria
      k. Nonpecuniary awards for public service given by a nonprofit
      l. Salary or other compensation/incentive from employment
      m. Discounts or incentives generally available to government officials
      n. Gratuities (for tipped employees)
      o. Donations to the city or charities (with proper recordkeeping and only if soliciting person doesn't keep the gift or receive a monetary benefit)

Exhibit B
to Council Policy #CP-25

1. Complaints must have specific information and be signed under penalty of perjury
    a. Considered confidential to the extent allowed by law
    b. Must be retained per retention schedule and may be disclosed
    c. False complaints are a misdemeanor
2. Complaint filed with city clerk within 30 days of discovery of conduct and reviewed
    a. City clerk conducts initial review
        i. If it appears to meet requirements, sent to a "magistrate". Magistrate must be a neutral municipal judge or attorney on a rotating list funded through a lawful appropriation
        ii. If it is obviously defective, clerk can reject it
        iii. City clerk notifies council, city manager and city attorney of referral or rejection but doesn't provide the complaint
    b. Magistrate review to determine if requirements are met, or is frivolous, or if presents plausible allegations
        i. If satisfied, forwards a summary to the entire council through the clerk with a written finding as to sufficiency of allegations (But doesn't provide the complaint)
        ii. If not satisfied, rejects the complaint and notifies council, manager, and attorney (but doesn't provide the complaint)
        iii. If allegations could be a criminal violation, referred directly to law enforcement (even if not meeting minimum requirements)
3. Council investigation and review
    a. Council considers the magistrate's referral in public and may investigate it or assign a 3rd party investigator
    b. All are expected to cooperate
    c. Investigator provides a confidential report to council, with a public summary. (Investigator also required to notify law enforcement if conduct may be criminal.)
    d. If the investigation finds a violation is more likely than not:

i. Council conducts a hearing or

ii. Assigns to a magistrate to conduct the hearing (if there aren't enough councilmembers eligible to vote)

e. If the investigation determines that a violation is not more likely than not, complaint dismissed

4. Hearing

a. Quasi-judicial with adequate notice of violations

b. Special counsel assigned to prosecute

c. Special counsel may be assigned to defend at city's cost if council consents

d. City must establish violation by clear and convincing evidence

e. Council then determines if violation occurred by a vote of two-thirds (2/3) of those present

5. Sanctions

a. Council would determine a sanction by a vote of a majority of those present

b. Expressly states no removal (though removal can occur by declaring a vacancy under the charter in some circumstances)

c. Severity depends on willfulness, intent or knowledge, overall impact, mitigating factors, limited discretion; incorporates escalating discipline for repeat offenses

i. Discipline to consider state of mind

1. Unintentional/oversight

2. Negligent

3. Intentional (or repeat unintentional or negligent)

ii. Impact to consider

1. Financial impact (cost)

2. Impact to image of City

3. Impact to image of City Council

4. Impact to image of City Staff

5. Impact on constituents

6. Actual harm or damages

7. Criminal

8. Mitigating factors (apology, other)

9. Aggravating factors (failure to participate in process; obstructive)

iii. Discipline imposed (punishment intended to fit the severity of violation; discipline is not required to occur on a stepped basis)

1. Verbal admonition

2. Written reprimand (published with minutes)

3. Mandated training (may include cultural responsiveness and trauma sensitivity to cultural impacts)

4. Censure (Resolution of City Council)

5. Board/Committee assignments modified (including removal)

6. Fine

7. Invitation to resign from City Council

Council Policy #CP-26

Adopted 3/20/2023 by Resolution 2023-35

(See also #CP-16 Part G)

SUBJECT: Electronic Meeting Procedures

POLICY STATEMENT: During the COVID-19 emergency, the City Council learned that conducting meetings with electronic participation provides an effective and efficient mechanism to conduct public business including taking formal action consistent with the Charter and the Open Meetings Law, C.R.S. §§ 24-6-401, *et seq.* City Council recognizes the need to adopt a policy that sets forth procedures for conducting electronic meetings. Council desires to permit all public bodies of the City to conduct public meetings through electronic means in a manner that retains public access and so long as such electronic participation is available. This policy should be interpreted in conjunction with Council Policies #20 and #22.

A. Definitions. The following definitions apply to the terms used in this policy:

"Board member" shall mean all members of a board or commission of the City or City related entity (e.g., general improvement districts).

"Body" means the City Council or City board or commission.

"Councilmember" shall mean the Mayor or a member of the City Council.

"Electronic means" shall have the meaning ascribed in Section 2-2001 of the CCRMC, as amended.

"Electronic participation" or "electronically participate" shall mean participating in a meeting through electronic means.

"In-person" shall mean being physically present at the designated meeting location.

"Meeting" shall mean a regular or special meeting of a body or emergency meeting of City Council that is required to be an "open meeting" under the Colorado Open Meetings Law, C.R.S. §§ 24-4-401, *et seq.*

B. All Councilmembers, Board members, the City Manager, City Clerk, City Attorney, City staff, applicants, consultants, contractors, and the public shall be allowed to attend and participate electronically in City meetings so long as electronic participation is made available for that meeting.

C. Electronic participation shall constitute actual attendance for purposes of establishing a quorum of a body for the meeting and for action on all matters at such meeting. If any Councilmember or Board member electronically participating in a meeting is disconnected or delayed, the relevant body may elect to proceed with the meeting provided a quorum remains present.

D. Any person's electronic participation must not cause interference in the meeting; e.g., where the telephone or electronic connection is repeatedly lost, or the quality of the connection is unduly noisy. The Mayor or chair has discretion to determine whether to request the person causing such interference to disconnect from the meeting. A person requested to disconnect from a meeting may reconnect so long as the new connection does not continue to cause interference with the meeting. If such interference continues, the person may be asked to permanently disconnect from the meeting.

E. Voting shall be conducted in a manner consistent with the City Charter and the Colorado Open Meetings Law, C.R.S. §§ 24-4-401 *et seq.* Except for unanimous votes or where concealing the identity of the vote is permitted by law, voting by electronic participants shall be conducted as a rollcall vote.

F. All electronic regular meetings, special meetings, and study sessions of the City Council conducted with electronic participation shall be recorded.

G. Executive sessions may be conducted by electronic means if held in accordance with the Colorado Open Meetings Law and City policies applicable to such meetings. Confidentiality of executive sessions shall be maintained. Any Councilmember or Board member electronically participating must affirm to the body that they are in a secure and confidential location where no other persons can hear the content of the executive session and such person shall not record or transmit the executive session.