



# City of Englewood

## City Council Policies

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## I. ESTABLISHMENT OF CITY COUNCIL POLICY AND PROCEDURE

- A. **Establishment.** The City Council shall adopt a Policy Manual. Adoption of Council policy shall be by Motion in public session and shall thereafter be included in a Council Policy Manual.
- B. **Amendment.** These rules may be amended or new rules adopted by majority vote of all members of the City Council. It is preferred that any such amendment(s) shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda of the City Council. Any change to Council Policy shall be accomplished in the same fashion as a new policy.
- C. **Suspension of Rules.** Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended, amended, or changed at any meeting of the City Council by a majority vote of all members of the City Council. The vote on any such suspension shall be taken by ayes and nays and entered in the record.

*Resolution No. 48, Series of 1990*

## II. OFFICERS AND EMPLOYEES

### A. The Presiding Officer.

#### 1. Mayor.

- a. Charter § 24. After each general municipal election, the City Council shall elect from their own number a Mayor who will be the presiding officer entitled to vote. The Mayor shall have no veto power and shall serve at the will of the City Council. The Mayor shall be recognized as head of the City Government for all ceremonial purposes and shall execute and authenticate legal instruments requiring their signature as such official.
- b. Term. A Mayor shall serve for two years unless removed by action of a majority of the City Council.
- c. Election Procedure. The presiding officer of the City Council shall be the Mayor who shall be elected by majority vote of the members of the City Council. Generally, such election shall take place at the swearing-in and seating of a newly-elected Council after each general municipal election, or following an action to remove the Mayor, or after a Mayor should resign from such position, or as needed.
- d. Duties and Authority.
  - 1) Rules of Procedure and Decorum. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the City Council. The presiding officer shall conduct the meetings in conformance with the adopted Rules of Procedure.
  - 2) Duties. The Mayor shall call every meeting of the City Council to order. The Mayor shall, in conformance with the adopted Rules of Procedure, state every question coming before the City Council, announce the decision of the City Council on all subjects, and decide all questions of order, subject to the adopted Rules of Procedure.
  - 3) Appointments by the Mayor. Except when otherwise provided by State law, nominations to boards/commissions/committees shall be by general consensus of the body. An action to approve and accept such nomination by regular motion or resolution shall be placed on the agenda for the next regular meeting and approved

by majority vote of the body present. The effective date of such appointment shall be as provided by law, or as determined by action of the City Council.

- 4) Voting. The Mayor shall vote on all questions, their name being called last in roll-call votes.
  - 5) Communications. The Mayor shall supply copies of all mailings/communications sent on behalf of the City or City Council to the City Council for informational purposes and comment prior to mailing or publicizing such mailings/communications. The City Manager or Mayor or City Council may designate staff to compose or prepare letters sent on behalf of the City over the mayor's signature.
2. Mayor Pro Tem.
- a. Election. The Mayor Pro Tem shall be elected by the members of the City Council at the swearing-in and seating of a newly-elected Council after each general municipal election, or as needed.
  - b. Authority. The Mayor Pro Tem shall serve as Mayor during the absence or disability of the Mayor and, in case of a vacancy in the office of the Mayor, pending a selection of a new Mayor.
  - c. Duties. While serving in the capacity of Mayor, the Mayor Pro Tem shall have all powers of the Mayor, including signing all ordinances and contracts approved at any meeting over which the Mayor Pro Tem did preside.
3. Temporary Chairperson. In the absence of the Mayor and Mayor Pro Tem, the City Clerk or Deputy City Clerk shall call the City Council to order, whereupon a temporary chairperson shall be elected by the members of the City Council. Such temporary chairperson shall serve as presiding officer of the City Council until the arrival of the Mayor or the Mayor Pro Tem, at which time the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the City Council. When necessary, the temporary chairperson shall serve until the election of a new Mayor and Mayor Pro Tem.

## **B. Officers and Employees to Attend City Council Meetings.**

1. City Manager. The City Manager, or the Manager's designated representative, shall attend all meetings of the City Council posted in accordance with the Colorado Open Meetings Law, unless excused by the City Council. The Manager shall carry out all duties as set forth by Charter, and within the established job description. The Manager may make recommendations to the City Council upon any matter requiring action of the City Council, and may take part in discussions on all matters concerning the welfare of the City.
2. City Attorney. The City Attorney, or the Attorney's designated representative, shall attend all meetings of the City Council posted in accordance with the Colorado Open Meetings Law, except the City Attorney may be excused by the City Council from study sessions where no official business of the City is anticipated to occur, including meetings with elected State or Federal representatives, interviews for volunteer positions, and similar meetings. The City Attorney is the legal representative of the City, and advises the City Council and City Officials in matters related to their official duties and powers.
3. City Clerk. The City Clerk is the clerk of the City Council. The City Clerk, or the Clerk's designee, shall attend all meetings of the City Council, unless excused by the City Council. The City Clerk shall be responsible for providing agenda packets to members of the City Council, provide draft minutes to the members of the City Council the Thursday before such minutes are to be approved, assisting the Mayor with monitoring parliamentary matters, taking and announcing the vote upon all actions of the City Council, keeping the minutes of the meeting, and such other and further duties in the meeting as may be ordered by the Mayor, City Manager or City Council.

4. Department Directors/Employees. Department directors, city officers, or any employee of the City, when requested by the City Manager, shall attend any regular or special meeting, or study session, and confer with the City Council on matters relating to the business of the City. In conformance with Charter §32, officers and employees reporting to the City Manager shall not interact with the presiding officer, unless the presiding officer or the City Manager specifically authorizes direct interaction.

### III. MEETINGS

- A. **Order of Business.** The agenda of the City Council shall be as follows except where otherwise decided by a majority vote of City Council members present at said meeting:

1. Call to order.
2. Pledge of Allegiance.
3. Roll Call.
4. Consideration of minutes of previous session.
5. Recognition of Scheduled Public Comment.
6. Recognition of Unscheduled-Public Comment
7. Communications Proclamations and Appointments.
8. Consent Agenda items.
9. Public Hearing items.
10. Ordinances, Resolutions and Motions.
11. General Discussion: (*the order of the following at discretion of Mayor*)
  - a. Mayor's Choice.
  - b. Council Member's Choice.
12. City Manager's report.
13. City Attorney's report (*if requested by City Attorney*).
14. Adjournment

- B. **Meetings - open to public.** All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed, or at which any formal action may be taken are declared to be public meetings open to the public.

1. "Meeting" means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication. *See* C.R.S. 24-6-402.
2. "Local public body" means any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.
3. Regular Meeting. Regular meetings of the City Council shall be held as established by EMC § 1-5-2-1.
4. Special meetings. Special meetings of the City Council may be called in the manner and at the time provided for by Bob's Rules of Order, the rules of procedure of the City Council, and applicable Municipal Code.
  - a. Authority to Convene. The Mayor shall call special meetings of the City Council whenever in the Mayor's opinion the public business may require it, or at the express written request of any three (3) members of the City Council.
  - b. Notice. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor or City Manager shall be served upon each member of the City Council, either in person, or by both telephone and e-mail, or by notice left at their

place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted except such as is stated in the notice. Members of the City Council may notify the City Clerk of their preferred method of notice. Notice of a special City Council meeting may be announced by the Mayor at any regular City Council meeting and when so announced, a written notice shall not be required. Notice of a special City Council meeting, whether written or oral, shall be served upon each Council Member at least twenty-four (24) hours before the special meeting is to be held; except that any Council Member may waive this notice requirement for themselves and if, after diligent effort is made to give notice of any such meeting to all members of the City Council, notice of the same cannot be given due to an inability to locate any member, a majority of the City Council may waive notice of a special City Council meeting in writing or by affirmative vote at the special meeting and such waiver shall be specifically noted in the minutes of the meeting. Notice may be waived by the entire membership of the City Council in any case.

5. Executive Session. The City Council may call an executive session in conformance with C.R.S. 24-6-402.

C. **Distribution of Agenda and Agenda Packets.** On the Thursday preceding a regular City Council meeting, or at such other day as the City Manager shall determine, the City Manager will make available to each Council Member an agenda showing the order of business and indicating the public hearings to be anticipated as a result of previous action of the City Council, planning or other commissions. Also listed will be ordinances for first or second reading, petitions previously presented to the Clerk's office and a list of the reports of special committees, the City Manager or City Attorney. The City Clerk shall make agenda packets available to members of the City Council in electronic format by 5:00 p.m. on the Thursday prior to any scheduled meeting of the City Council. Upon request by any Council Member, printed materials will be made available at the same time, or as soon thereafter as practicable.

1. Rita Rule – All Council Members shall receive the same information at the same time in the Council Packet.

D. **Minutes of the Meeting.** Minutes of the meeting shall be action minutes. In conformance with the adopted Rules of Procedure, the Clerk may be directed by the Mayor to enter a synopsis in the minutes of the discussion on any question coming regularly before the City Council. A City Council Member may request, through the presiding officer, the privilege of having an abstract of their statement on any subject under consideration by the City Council entered in the minutes.

E. **Roll Call.** Before proceeding with the business of the City Council, the City Clerk, or their designee, shall call the roll of the members, and the names of those present shall be entered in the minutes. The time at which any member joins or leaves a meeting after it has convened shall also be noted within the minutes.

F. **Quorum.** Pursuant to City Charter, five (5) members of the City Council shall constitute a quorum at any regular or special meeting of the City Council. In the absence of a quorum, the presiding officer may, or at the instance of any three (3) members present, shall, compel the attendance of absent members.

G. **Summary of Minutes.** At each meeting it shall be asked by the presiding officer if there are objections or are corrections to be made to the summary of minutes of the preceding meeting as published. If there are no objections, the summary of minutes shall be approved.



- H. **Consent Agenda.** The consent agenda is a tool used to streamline City Council meeting procedures by collecting and grouping routine, noncontroversial topics into a single agenda item that can be discussed and passed with a single motion and vote.
- I. **Ordinances, Resolution, and Motions.** The City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances, all other procedures may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject, except in case of repealing ordinances, and the ordinances making appropriations shall be confined to the subject of appropriations.
1. Preliminary Matters.
    - a. Sponsorship. All ordinances and resolutions shall be introduced to the City Council in printed or written form, either electronically or hard copy.
    - b. Attorney Review. All proposed ordinances shall be reviewed by the City Attorney's Office and bear the certification of the City Attorney that such document is in correct form.
    - c. City Manager. The City Manager shall attach to each proposed ordinance a brief digest of the provision thereof and where it is proposed to amend an existing ordinance (if applicable). Said digest shall indicate the change sought to be made and shall also show the name of the department or party at whose request the proposed ordinance was prepared.
  2. Ordinances. Ordinances are used primarily for legislative actions. In addition, by City Charter, certain agreements and certain budgetary matters must be approved by ordinance.
    - a. First reading. At first reading a proposed ordinance is referred to as a "Council Bill." At second and subsequent readings it is referred to as a "bill for an ordinance."
    - b. Introduction. A Council Bill may be introduced at any regular meeting, or by petition of the people as provided by the City Charter.
    - c. Sponsor. If a Council Member has requested a Council Bill for an ordinance that person's name should appear on the ordinance as the sponsor of the Council Bill.
    - d. Action. At the first reading, the Council Bill will have a previously assigned Council Bill number on the document. After a Council Bill is presented to the City Council, it becomes an official document which must be acted upon through approval, failure to approve, tabling, etc.
    - e. Amendment. After introduction and prior to voting upon approval of the Council Bill, the Council Bill may be amended by majority vote of the City Council. A motion must be made to amend the ordinance with the specifics of the amendment identified and stated in the motion.
    - f. Voting. Every ordinance shall require an affirmative vote of the majority of all members of the City Council for approval, even when all members of the City Council are not present at such meeting.
    - g. Motion Form. Ordinances are always dealt with in the positive, therefore the action is always a "motion to approve." The motion is never made to disapprove.
    - h. Publication. Upon approval, the Council Bill as adopted shall be published in full on the City's official website, and staff may publish by title at other locations, including in the City's legal newspaper. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the Council Bill was adopted.
    - i. Public Hearing. The City Council may set a day and hour at which the City Council, or a committee of the City Council, shall hold an administrative public hearing thereon.

- 1) Kells Rule - Second reading of an ordinance shall not be heard on the same evening as a public hearing.
- j. Bill for Ordinance. A bill for an ordinance shall be presented for approval at one additional meeting of the City Council, which meeting must be held no earlier than seven days after publication of the Council Bill.
- k. Second Consideration. Publication dates and notice requirements may dictate that a bill for an ordinance not come back at the next meeting of City Council.
- l. Second Reading Procedure. Generally, the bill for an ordinance is presented for second reading under the Consent Agenda. All items previously approved may be approved in a batch, or they may be removed from the Consent Agenda. Ordinances approved under the Consent Agenda are automatically assigned a number by the City Attorney's Office and/or City Clerk and are not individually read by title.
- m. Consent Agenda Removal. Removal from the consent agenda does not require a motion or vote. Those items removed are considered, individually, after all other consent agenda items have been approved. The procedure for acting upon items removed from the consent agenda should be to deal with the items in the same order as they appear on the agenda, each to be debated and voted upon separately.
- n. Voting After Consent Agenda Removal. Any bill for an ordinance removed from the consent agenda is procedurally acted upon in the same manner as the initial approval procedure.
- o. Amendment on Second Reading. The City Council may amend a bill for an ordinance. Approving an amended bill for an ordinance requires the amended bill be treated the same as a Council Bill, requiring re-publication and an additional consideration by the City Council as a bill for an ordinance.
- p. Approval Twice. Each ordinance of the City must be presented to the City Council and approved in the same form twice, regardless of the number of times a bill for ordinance is amended.
- q. Second Publication. After the second action to approve, an ordinance shall again be published, by reference or in full at the discretion of the City Council, and such publication shall be made by publishing on the City's official website or by publication in the newspaper designated by the City Council as the City's official newspaper, or both. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the ordinance was adopted.
- r. Summary Publication. Any publication by reference shall contain a summary of the subject matter of the ordinance and a notice that copies of the ordinance are available at the office of the City Clerk.
- s. Referendum. The referendum period shall apply to all ordinances passed by the City Council, except ordinances making the tax levy, the annual appropriation ordinance, or the ordering of improvements initiated by petition and to be paid for in whole or part by special assessments.
- t. Effective Date. Except in cases of a filed referendum, all ordinances shall take effect thirty days after publication following final passage.
3. Emergency Ordinances. Emergency ordinances necessary for the immediate preservation of public property, health, peace or safety, must be approved in accordance with City Charter § 41.
4. Resolutions. Resolutions are used for formal approval of non-legislative measures. A resolution is passed upon approval by a majority of the quorum present at the meeting.
5. Motions. Motions are the most common form of official action by the City Council. Motions shall be carried out in conformance with Bob's Rules of Order as adopted by the City Council and in

conformance with Charter § 27. Unless otherwise dictated by applicable law or procedure, a motion is passed upon approval by a majority of the quorum present at the meeting.

**J. Addressing the City Council, EMC § 1-5-2-9.**

1. Verbal Communications. Formal verbal communications to the City Council as a body are allowed only at those times provided in the Agenda of a regular meeting, including public comment and public hearings. Interested parties may address the City Council by verbal communications on any matter concerning the City's business. Speakers should not expect an immediate response. Issues raised may be referred to City staff for follow-up and reported back to the City Council.
  - a. Public comment on a meeting Agenda is limited to no more than three minutes per person, and no more than 90 minutes total. The speaker clock shall begin immediately when the individual begins speaking, unless the presiding officer directs otherwise. Speakers shall be given an opportunity to speak in the order they signed up to speak, except that anyone speaking at public comment in the preceding 90 days shall be placed on the bottom of the speaker list.
  - b. Signing up for Public Comment. Any person may sign up for public comment starting the day after the prior Regular Meeting until Wednesday at 5:00 p.m. prior to the next Regular Meeting, by advising the City Manager (or their designee). Those that wish to speak also may sign up in person immediately prior to the start of a Regular Meeting.
  - c. Electronic materials, such as a presentation, photos, or video, may be presented or shown by a speaker during public comment, if provided to the City Clerk's designee prior to 5 p.m. on Thursday before the meeting.

Note: The time available for public comment may be limited to assure the matters included in the agenda, upon which the public has been notified action is to be considered, are completed.
  - d. No speaker may yield their allotted time to another speaker, or speak more than once during a meeting's public comment. No public comment shall be given on any matter scheduled for a public hearing on the same agenda; if the speaker does address the subject of a public hearing during public comment regardless, then the speaker may not also speak during the public hearing.
2. Written Communications. Interested parties, or those that wished to speak at public comment but the comment period expired before they were recognized, may address the City Council by written communication at any time, by sending such written communication to the City Clerk (or their designee), or delivering directly to City Council members either electronically or in hard copy.
3. Off-agenda Topics. In conformance with Open Meetings Law, City Council members shall not respond to community comments upon topics not noted in the agenda. During that portion of the agenda called "Council Member's Choice" any member of the City Council may 1) request staff research such matter and provide such research to the City Council in the form of a "Council Request," 2) make a motion to bring any unscheduled matter introduced during public comment to a future study session for study, or 3) make a motion to bring any unscheduled matter to a regular meeting for a defined action. Following approval of the motion by a majority vote, the matter shall be scheduled for a future meeting.
4. Manner of Addressing the City Council.
  - a. No person may address City Council or otherwise interrupt a meeting unless and until recognized by the presiding officer.
  - b. Each person addressing the City Council shall first give to the City Manager's designee their first name and last name, and to ensure the proper staff or Council Member is assigned to resolve the issue raised when necessary, the speaker's Englewood residential address or street intersection nearest the address, or the name of a city other than Englewood where the speaker resides. No one shall be recognized to speak during public comment if they

refuse to provide this information to the City Manager's designee prior to public comment on the City Council agenda. If the speaker indicates a safety concern, the City Manager's designee shall treat residential address information with confidentiality, if authorized by Englewood Municipal Code and other applicable law.

- c. If a member of the City Council asks clarifying questions of the speaker, no person other than the City Council member and the speaker shall be permitted to enter into the discussion, either directly or through invitation of a member of the City Council, without the permission of the presiding officer.
- d. Presenters may provide City Council Members with hardcopies of presentation materials, handouts, or other written materials by providing such materials to the City Clerk in advance of the meeting or just before they address City Council. Nothing else may be given to City Council by a public comment speaker.
- e. While City Council has no obligation to respond to questions asked during public comment, a Council Member may respond by making a request to staff during Council Member's choice as described above, as the designated responding Council Member after the close of all public comment, or if recognized and authorized by the presiding officer.
- f. While the First Amendment rights of all speakers are recognized and respected, and the City does not regulate any content of public comment, all speakers shall respect the public nature of the forum, and the purpose of the forum to conduct the business of the City, by conveying their message to the City Council in language that avoids profanity and expletives.
- g. No speaker shall use fighting words or commit any acts that violate the law, such as making or conveying threats of violence or harm, committing disorderly conduct, or attempting to influence a public servant in violation of CRS § 18-8-306.
- h. In order to ensure that all City Council meetings are conducted democratically and effectively, and so that City Council and all members of the public have a full, fair, and equal opportunity to be heard, no person shall take any action to disrupt a meeting, and shall not boo, clap, yell, speak off-mic, or speak in response to or during a speaker's comments without being recognized by the presiding officer.
- i. The presiding officer shall advise any person of a violation of these rules; despite the foregoing, any person interrupting a meeting may be given a verbal warning where practicable, and may be removed from the meeting and/or prosecuted for violations of law without warning.

## **K. Public Hearings.**

1. **Speakers.** All persons desiring to be heard on a particular issue at a public hearing before the City Council shall sign up in advance of the public hearing. They shall provide their names, addresses, and indicate whether they are speaking for or against an issue, or are neutral. Each person on the list will be called to the podium (or recognized virtually), and before speaking will attest/swear to the truthfulness of the testimony presented. Speakers at public hearings are limited to the presentation of testimony, or other evidence, upon the pending matter, and may not question others in the room, call others to testify, or cede their time to other speakers.
2. **Time Limits.** The standard time limit allotted to each speaker shall be three (3) minutes, but the presiding officer, with approval of a majority of the City Council, may modify the length of time to be allotted to all speakers heard upon any subject.
3. **Rebuttal.** Following the presentations of all speakers, the petitioner, if any, will be given time for rebuttal. Following the rebuttal of the petitioner, the presiding officer will declare the hearing closed. After the public hearing is closed the matter is remanded to the City Council for consideration.

4. City Council Requests. If any City Council Member wishes more information from any individual who spoke at the hearing, they may direct questions only through the presiding officer, to the individual and the response solicited from the speaker by the presiding officer will be limited to the answer of the question as stated.
5. Quasi-Judicial Hearings. Quasi-judicial hearings shall be conducted in strict conformance with the standards set forth within the Englewood Municipal Code provisions authorizing such quasi-judicial hearing, and E.M.C. 1-10-2-7. All other public hearings are administrative in nature and shall be conducted in conformance with Title 1, Chapter 10 of the Englewood Municipal Code. After opening a quasi-judicial public hearing, the presiding officer shall state into the record, “Council members use electronic devices to access the materials relevant to the public hearing before us. Except for the sole purpose of obtaining attorney advice to ensure legal compliance, is a violation of this Council’s policy for these devices to be used for texting, e-mailing, internet research, or other communications during quasi-judicial public hearings.”

#### **L. Voting.**

1. Calling the Vote. After conclusion of discussion upon a matter, or after a matter has been “called”, the presiding officer shall call for a vote. Votes shall be indicated verbally or through operation of voting lights or other electronic system that individually records the vote of each Council Member. Votes shall be “Aye” or “Nay”. The City Clerk, or designee, shall read into the permanent record the "Aye" and "Nay" votes, and shall indicate whether a measure has passed or failed.
2. Abstention. Abstentions shall be in conformance with Bob’s Rules of Order, as may be modified by ordinance from time to time.

#### **M. Cameras/Recording.**

To eliminate distractions, tripping hazards, and ensure unobstructed views of Council meetings, study sessions, and other meetings/presentations, except as provided below, all privately-owned cameras and video recorders used during a public meeting shall be located only at the rear of the meeting room in the City-designated camera area behind public seating areas, so that cameras do not block the view of any meeting attendee or interfere with the meeting during recording, set-up, or removal. To protect public safety, no cameras, tripods, or crews may be permitted in any exit path, pathway, or aisle, and cords may not be run across any pathway, aisles, or exits. Despite the foregoing, still photos with or without flash may be taken outside of the alcove immediately after a Council Appointment, Proclamation, or Recognition, until the next agenda item is called.

#### **N. Cancellation/Rescheduling of Meetings.**

Scheduled study sessions or special meetings may be cancelled by announcement during any meeting or study session of City Council, or by notice by any appropriate means to all City Council Members and posting notice of cancellation on the City’s website. Rescheduling or cancellation of a Regular Meeting shall be accomplished by Resolution, unless consideration of a Resolution by City Council is not feasible, in which case it may be accomplished by any other means described herein.

### **IV. RULES OF DECORUM**

- A. **General**. While the City Council is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay nor interrupt the proceedings, nor the peace of the City Council, nor disturb any member while speaking, nor refuse to obey the orders of the City Council or its presiding officer.

1. Seating Arrangement. City Council members shall occupy their respective assigned seats in the City Council Chamber, or any forum at which the City Council shall convene as a body. Assignments will be made by the presiding officer. Any two or more members may exchange seats by joining in a written notice to the presiding officer to that effect. Such notice should be received by the presiding officer a minimum of twenty-four hours prior to the scheduled meeting. The seat exchange shall remain in effect until the presiding officer receives appropriate written notice of a further seat exchange. In recognition of the need to make internet viewing of City meetings more standardized for the public, the presiding officer may request consensus approval of a request for seat exchange if more than one seat exchange is requested by any one member during a calendar year.
2. Personal Privilege. The right of a member to address the City Council on a question of personal privilege shall be limited to cases in which their integrity, character, or motives are assailed, questioned, or impugned.
3. Excusal During Meeting. No member may leave the City Council Chamber while in regular session without permission from the presiding officer. If the presiding officer leaves the City Council Chamber during a regular session the Mayor Pro Tem shall assume the role of presiding officer until the Mayor's return.
4. Obtaining the Floor/Recognition by Chairperson. Every member desiring to speak shall address the chairperson and, upon recognition by the presiding officer, shall confine themselves to the question under debate. The member shall hold the floor without interruption until the member cedes the floor back to the presiding officer. The member shall cede the floor to the presiding officer immediately upon direction of the presiding officer in conformance with Bob's Rules of Order. A member who fails to abide by the directive of the presiding officer shall be deemed to have ceded the floor, and the presiding officer may recognize another speaker.
5. Interruptions. A member once recognized shall not be interrupted when speaking except in conformance with Bob's Rules of Order. If a member, while speaking, is called to order for a violation of these rules, they shall cease speaking until the question of order is determined. The member may resume speaking upon the direction of the presiding officer. Other than to make a privileged motion, no member of the City Council shall interrupt another member of the City Council while such member holds the floor. If a member of the City Council is interrupted inappropriately while such member holds the floor, the member shall request that the presiding officer enforce the rules of decorum.
6. Dissents and Protests. Any member shall have the right to express dissent from, or protest against, any ordinance or resolution of the City Council and may have the reason therefore entered in the minutes. Such dissent or protest must be in respectful language and presented to the City Council not later than the next regular meeting following the date of passage of the ordinance or resolution in question.

## **B. Study Session Policy.**

1. Provide Material in Advance. Material on new information must be received before study session to allow discussion in an educated fashion. No information presented without backup material can be presented. No decision will be made until all members have had an opportunity to review the information.
2. Council and Citizen Requests. Requests for information from City Council members or written response to a citizen's concern must go through the City Manager's Office. Requests for information made by a City Council member to staff should result in information provided to all of members of the City Council.
3. Council Communications. During Council communications, City Council members may request a status update as to a matter previously acted upon by the City Council. City Council members also may request a matter be placed back upon a future agenda as a result of new information becoming



available. To place such a matter on a future agenda, the City Council must assent by consensus to proceed.

4. Direction by Consensus. During a study session, consent by consensus may be used by the City Council to clarify direction to the City Manager or City Attorney, or to establish procedural matters, such as placing matters upon future agendas. Additionally, efforts to arrive at a consensus position for the purpose of developing subsequent legislative action shall be permitted. Agreeing by consensus to place a matter upon a future agenda, or guide the actions of City staff in crafting future legislation, does not bind any member of the body to vote in favor of such measure when it is brought before the body for formal action. A consensus agreement is merely a procedural step for allowing the body to formally consider a matter.
5. Garrett Rule- A matter is not to be considered at a study session and at the formal City Council meeting on the same evening. This is to allow the City Council time to consider all information presented at the study session and to contemplate that information.
6. Woodward Rule- To allow full consideration of matters coming from boards and commissions, matters will not be presented at a study session until the minutes have been approved and submitted to the City Council.

### C. Public Meeting Policy.

1. Agenda Materials.
  - a. Burns Rule – Information shall not be handed out at the meeting but rather shall be distributed through the City Council Packet.
  - b. Presentation of last-minute information should be avoided whenever possible. New information related to an emergency situation should be made available to the City Council but may be disregarded by the City Council upon a majority vote.
  - c. The City Manager or the City Clerk shall provide all information associated with any issue upon the agenda to the City Council in an equal and timely fashion.
2. Consent Agenda Protocols. Members should notify the City Council through the City Manager (or their designee) prior to a public session when they plan to remove an item from the consent agenda. Members should contact the City Manager (or their designee) prior to the meeting whenever possible regarding questions upon matters placed on a consent agenda on first reading. Whenever possible, the City Manager will forward all notices of intent to pull a matter from the consent agenda, and responses to requests for information concerning consent agenda items, to all City Council members by 3:00 p.m. on the day of a meeting.
3. Debate Decorum. Debate occurs between and among City Council members, but should be limited to making a point or stating a position. Redundancy, grandstanding, and personal attacks will be addressed by the chairperson as being out of order or inappropriate. The City Council may appoint a “Sergeant at Arms” to provide a friendly reminder of exceeding a reasonable time limit.
4. Be Gracious and Respectful at all Times. It is the responsibility of each City Council member to display common courtesies at all times. Respect differences of opinions and perspectives. For example: avoid interruptions, avoid personalizing the issue, avoid grandstanding, avoid argumentative behavior including repetitive restatements of a position, and avoid filibustering.
5. Remain Silent. Do not speak without being recognized by the chairperson.
6. Interpersonal Behavior. Focus on the issue, not on the member presenting the issue. Treat each other and each person coming before the City Council with respect.
7. Be attentive. Listen and understand before judging and making a commitment. Give a speaker your entire attention. Shuffling papers, looking at phones, finding reasons to never make eye contact with the speaker telegraphs to the speaker and all members of the audience that you have already decided the matter and are disinterested in new information.
8. Take time to negotiate. As a seven-member board, things work best through consensus or compromise. Work together as a team on issues as they relate to what’s best for the City as a whole.

9. Personality Conflicts. Personal problems or concerns with individual City Council members should be discussed directly with that individual outside of an open meeting, and not aired in a public forum.
10. Use of Electronic Devices during Public Meetings. City Council members use electronic devices to access the materials relevant to the public meeting. It is a violation of the City Council's policy for these devices to be used for texting, e-mailing, or other communications during public meetings, except communications with the City Attorney and/or the City Attorney's designee regarding matters that arise during the meeting to ensure legal compliance. Communications received during open meetings may be subject to the Colorado Open Records Act.

*[Resolution No. 44, Series of 1991]*

## V. CITY COUNCIL DISCRETIONARY FUNDS AND BENEFITS POLICY

- A. **Allocation**. Discretionary funds in the sum of \$1000.00 shall be allocated for each City Council Member per annum. Those funds not used in any calendar year shall revert to the general fund. In addition, if authorized by the City's employee health insurance policy, the Mayor, Mayor Pro Tem, and City Council members shall be entitled to receive City employee health insurance coverage on the same terms as other employees of the City.
- B. **Limitation on Out of State Travel**. It is the intention of the City Council that discretionary funds be used in the metropolitan area surrounding the City of Englewood. Because the City funds one out-of-state conference per year for City Council members (see below), discretionary funds shall not be used for additional out-of-state expenses unless approved by the City Council. An application for use of discretionary funds for an out-of-state trip may be applied for after the fact, but if the City Council disapproves of the expenditure the City Council Member must return discretionary funds used during the trip.
- C. **Publications**. Discretionary funds may be used for the purchase of books, publications, newspapers, or materials directly related to the responsibilities of the City Council. Materials purchased with discretionary funds are not personal property, and shall be made available to other City Council members on request. Materials (tapes, publications, etc.) obtained at a conference or purchased with discretionary funds shall be made available to all City Council members and City staff on request.
- D. **Membership Dues**. Individual memberships to an organization (service clubs, etc.) may be paid from discretionary funds, provided the City Council member states the City-related purpose for the membership.
- E. **Meals**. Discretionary funds may be used for meals that are directly related to the responsibilities of the City Council. Expenditures for alcoholic beverages shall only be as part of a meal as opposed to separate expenditure. Where it is necessary as a part of the establishment's policy to have separate tickets for food and beverage purchases, compliance shall be satisfied so long as noted on the receipts by the City Council Member.
- F. **Computer Supplies/Technology**. Discretionary funds may be used to purchase a tablet computer, laptop computer, printer ink, or other technical equipment to be used for City business. The computer equipment provided to each City Council Member for use at City Council meetings, and regular member business, shall be a standard expense of the City and not associated with City discretionary funds. Upon leaving the City Council, members shall have the right to purchase the personal computer equipment they utilized as City Council Member. Other technology expenses, including cellular



telephone reimbursement, are permitted. All cellular telephone numbers paid for with City funds shall be made available to the public.

- G. **City Issued Credit Cards and Receipts.** All expenditures made by City Council members should be by P-card. Receipts for expenditures shall be submitted to the City Manager's Office within one week of incurring such expenditure. The City Manager's Office will upload the receipts into the Purchasing Card system. Expenditures without a correlating receipt will not be paid.
- H. **Reimbursements.** Occasionally an expenditure may not be made through P-card. For example, cash purchase of parking at a parking meter, or purchase at places that do not accept the card. Requests for reimbursement require a receipt submitted within one week of the expenditure, and completion of an expenditure form. Such expenditure form shall be uploaded into the City's online finance reporting system.
- I. **Fair Campaign Practices Act.** Discretionary funds shall not be used in a manner that would violate the Fair Campaign Practices Act or any other law.
- J. **Charitable Contributions.** Discretionary Funds shall not be used for individual charitable contributions as such contributions are made by the City Council as a body.
- K. **Constituency Communications.** A member may utilize discretionary funds to communicate with constituents, including but not limited to: mail, e-mail, faxes, newspaper inserts, posters, flyers, banners, signs, telephone conference calls, videoconferencing, automated telephone calls, audio and video messaging, advertisements, public service announcements and handouts, and "coffee" with a constituent(s). If using discretionary funds, these communications should seek to improve citizen outreach and engagement, by soliciting input, encouraging citizen participation, and generally providing accurate information regarding issues, events, legislation, and policies of the City of Englewood.
  - 2. 1. Use of discretionary funds must comply with the Fair Campaign Practices Act, including its limitations on expenditure of public funds regarding ballot questions. City Council Member mailings/communications in direct response to mail/communications from constituents and other stakeholders may be requested from the City Manager's Office one week in advance of when the response is expected, with postage and printing provided from the requesting member's discretionary funds.
- L. **Blackout Period.** No discretionary funds shall be used in association with constituency communications in the ninety (90) days prior to any election date upon which individuals are running for a seat upon the City Council.
- M. **Postage Costs for Mass Mailings.** City Council members may use their discretionary funds to pay the postage associated with a mass mailing. A mass mailing is an unsolicited mailing initiated by a member to their constituency totaling 25 or more pieces of substantially identical content, whether such mail pieces are deposited to USPS as single pieces or in bulk, or at the same time (single drop) or different times (cumulative) over the course of a single budget year. The term "mass mailing" and "mass communication" do not apply to mailings/communications in direct response to mail/communications from persons to whom the matter is transmitted, i.e., a solicited response.
  - 1. Submission to City Manager. A copy of the document to be mass mailed must be submitted to the City Manager (or their designee) for inclusion in the City Council packet for informational purposes at least two weeks prior to the date of intended mailing. At such City Council meeting prior to the mailing, the City Council may by majority vote direct the City Manager to deny use of discretionary

funds to pay the costs of the proposed mailing if such mailing is in violation of any law. Any City Council Member commenting on such mailing at a public meeting will do so in strict compliance with the Rules of Decorum provided in Section IV of this policy manual.

2. **Mail Statement.** Any mail distributed using discretionary funds will contain be clearly marked "Mass Mail Statement", and shall include the following statement: "This mailing was prepared, published, and mailed at taxpayer expense." The statement must appear on page one of a document or on the address side of the envelope or mailing panel/label; must be prominently displayed; and not be printed in smaller than a 7-point typeface.

- N. **Holiday Greetings.** Discretionary funds shall not be used to send any card expressing holiday greetings from a member, although, in an otherwise official mailing, a member may make an *incidental* holiday greeting. For example, in the salutation or signature in an official mailing, the member could say "happy holidays" or some other appropriate brief greeting. Holiday colors and illustrations and are not considered incidental. No birthday, anniversary, wedding, birth, retirement, or condolence messages may be sent by an individual member using discretionary funds.
- O. **Pre-stamped Envelopes.** Members are not permitted to send a stamped envelope paid for by discretionary funds to a constituent, including as part of a request to return anything from a constituent to such member.

## VI. TRAVEL POLICY

- A. **Approval.** Each City Council Member shall formally request approval of all City-related travel thirty (30) days prior to attendance. If a City Council Member fails to request approval by this deadline, the member may request late approval by the City Council; any travel not approved will be at the personal expense of the member.
- B. **Documentation.** The formal request shall include a summary explaining the nature of their participation, how it will benefit or affect the City, and anticipated costs. The member shall provide documentation and receipts to the City Manager reconciling expenditures within thirty (30) days after their return from an event.
- C. **Fiscal Responsibility.** Members shall make a diligent effort to be fiscally prudent in their expenditures by purchasing lowest available air fare, securing economy hotel accommodations, and implementing other cost saving measures whenever possible.
- D. **Reconciliation of Prior Travel.** City Council Members will not be allowed to travel for the City until their previous travel expenses have been reconciled.
- E. **Monitoring Policy.** The City Council shall continually monitor travel expenditures throughout the year.
- F. **Out of State Travel.** A City Council Member may attend only one (1) out-of-state conference per year at the City's expense, unless approved by a super-majority vote of five (5) City Council members.
- G. **Repayment of Expenses to City.** Any City Council Member who cannot travel after expenses have already been paid may be asked to repay all or a portion of these expenses. Repayment may be withheld from such member's salary, if directed by a super-majority vote of the City Council.

*Resolution No. 48, Series of 2014 was amended to reflect changes in Council Travel Policy publications.*

## VII. COMMUNICATIONS POLICY

- A. **Private E-mail Service.** Members of the City Council are strongly discouraged from using private e-mail services to conduct City business. Private e-mail services utilized to conduct the business of the City shall be subject to Colorado Open Records Act. The City will not make public on its website(s) the private e-mail address of any member of the City Council.
- B. **Official Custodian.** The City Clerk's Office is the official custodian of records held by the City and may request copies of e-mails sent or received through private e-mail accounts in association with the business of the City. In accordance with C.R.S. 24-72-202(2), "official custodian" means and includes any officer or employee of . . . any local government-financed entity, who is responsible for the maintenance, care, and keeping of public records, regardless of whether the records are in their actual personal custody and control.
- C. **CORA Statement.** All City Council members shall include a statement at the bottom of all outgoing e-mail messages in the following form, unless otherwise required by CORA or applicable law:

*Under the Colorado Open Records Act (CORA) all e-mails to and from City Council are subject to public disclosure, with limited exceptions. To promote transparency, e-mails are available for review upon request. E-mails which contain "private" in the subject line of the e-mail will not be automatically available to the public, however, the City of Englewood can't guarantee that e-mail to or from Council marked "private" will remain private under CORA.*

### D. E-mail Communications.

1. E-mail deliberation between three or more elected officials concerning public business and/or pending legislation are declared to be a public meeting under the Colorado Open Meetings Law and are prohibited.
  - a. Chain communications are prohibited, i.e. deliberative communication between an elected official and another member of the body, upon the same matter as was previously communicated upon in a deliberative manner with a different member of the City Council.
  - b. City Council members shall not "reply all" to any communication received by such City Council member that was also sent to two or more other members of the City Council.
  - c. City Council members shall not copy and paste a communication received from another City Council member regarding a matter of City business and distribute such communication to another member(s) of the City Council.
2. The following e-mail communications from or to an elected official or officials are permitted:
  - a. Communication or deliberation from or to the City Manager, the City Attorney, or community members.
  - b. Deliberation between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.
  - c. Communication between elected officials that does not include deliberation related to pending legislation or other public business.

- d. “Deliberation” means the discussion and/or exchange of viewpoints and opinions on a subject. It specifically does not include the distribution, but not discussion, of information.

**E. Retention Policies Applicable to E-mail Communications.**

1. E-mail communications of elected officials may be considered public records under the Colorado Open Records Act. The City’s Records Retention Schedule applies to e-mail communications in the same manner as other records.
2. Certain types of correspondence are expressly not a public record, including that which is a “work product,” as well as correspondence that is “without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds”. Examples include drafts and worksheets, desk notes, copies of materials circulated for informational “read-only” purposes, and other records with preliminary or short-term informational value. These e-mails should be deleted as soon as they are read and are no longer useful.
3. Correspondence of elected officials designated as a public record fall into one of two categories:
  - a. Enduring Long-Term Value: Documentation or correspondence with enduring and long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the municipality or the community; and other similar records and documentation. The retention period for these records is permanent.
  - b. Routine Value: Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, information or statistical value. Includes routine communications sent and received, communications containing duplicates of information that is filed elsewhere, routine requests for information, transmittal documents, etc. The retention period for these records is two years.

**F. E-mail Management Policy.** In order to ensure that the e-mails of elected officials are properly managed, the following e-mail management policy should be followed:

1. All e-mails sent to or from an elected officials’ e-mail account will be automatically archived.
2. Archived e-mails will be managed according to the City’s retention policy by the City Clerk.
3. Original e-mails in the elected officials’ e-mail accounts may be saved or deleted as the elected official finds most useful.

## **VIII. COUNCIL VACANCIES**

- A. **Resignation of a City Council Seat.** An individual may choose to resign a seat on the Englewood City Council. As the Englewood City Charter does not establish procedures for resignation of a City Council seat, resignations shall be addressed by the remaining members of the City Council and staff in accordance with this policy.
- B. **Vacancies.** Certain situations mandate vacating a City Council seat. City Charter § 23 prohibits members of the City Council from dual office holding. City Charter § 28 provides that an elective office shall become vacant whenever any officer becomes incapacitated, or if a City Council Member shall remove from or become a non-resident of the district from which elected during the term of their office.

- C. **Vacancy created by Mayor.** If the City Council Member serving as Mayor resigns from the City Council or creates a vacancy by reason of becoming a non-resident of the district from which elected, a vacancy in the City Council position is created and a separate vacancy is created in the Office of Mayor. The remaining City Council members shall elect a new Mayor at any time from the point that the vacancy occurs in conformance with the Englewood City Charter. The City Council may wait until the new City Council Member is installed before electing a new Mayor. If that should occur, then the Mayor Pro Tem will fulfill the functions of the Mayor until a new Mayor is elected.
- D. **Date of mandatory vacation of office.** A seat must be vacated at the same time as the cause for the vacancy occurs. For example, if a City Council Member is elected to another office, merely qualifying to take the second office does not constitute a vacation of the first office. Vacancy in the first office occurs only upon actual assumption of the duties of second office or resignation from the first office.
- E. **Procedure for Selecting a Successor.**
1. In case of a vacancy, the remaining City Council members shall choose, by majority vote and within thirty days after such vacancy occurs, a duly qualified person to fill such vacancy.
  2. At the direction of a majority of the City Council, the City Manager shall advertise the vacancy and make available an application for City Council Member appointment. Such application shall be made available on-line, or may be requested at the Office of the City Clerk. Copies may be mailed to interested applicants if such applicant provides a stamped and self-addressed envelope to the City Clerk.
  3. The City Council shall call a special meeting to interview all candidates no less than one week before the regular City Council meeting where the appointment is scheduled to occur. The interviews shall be open to the public but the public shall not participate in the interview process. The interviews shall be recorded, archived, and retained in the same manner as other City Council special meetings. There shall be no verbatim minutes taken of the interviews.
  4. If the City Council does not fill the vacancy by appointment within thirty (30) days after the vacancy occurs as required by the City Charter, it shall order an election, subject to the municipal election code, as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular election has commenced. *See C.R.S. 31-4-108.*
- F. **Term of Successor.** The successor shall serve until their successor is elected for the remainder of the term at the next ensuing general municipal election and such individual has been duly qualified.
- G. **Multiple vacancies.** If three or more vacancies exist in the City Council simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.

## IX. ELECTRONIC PARTICIPATION

- A. **Purpose.** The purpose of this Policy is to specify the circumstances under which a member of the City Council, any member of a City board, commission or committee (collectively “board”), City staff, and the public may participate in regular and special meetings, quasi-judicial proceedings, and executive sessions by telephone, online conferencing methods, video conferencing, or other electronic means (“electronic participation”). With advancements in communication and videoconference equipment and capabilities, electronic meeting participation has become wide-spread within many local governments. However, electronic participation has inherent limitations because electronic participation is subject to internet bandwidth limitations, technological difficulties, and may preclude an elected or appointed member from viewing documentary information presented during meetings,

from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing nonverbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation or testimony. In addition, electronic participation during executive sessions prevents the City from ensuring compliance with state law regarding confidentiality of matters discussed. The City Council finds that these limitations inherent in electronic participation may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process.

**B. Statement of Policy.** Members of the City Council, appointed member of a board, City staff, and the public may electronically participate in meetings of the City Council or City board only in accordance with this Policy. Electronic participation shall be made available and shall be limited as follows:

1. Except as required by applicable law, electronic participation at regular meetings is intended to be an infrequent or occasional substitution for physical attendance by members of the City Council, members of a board, the City Manager, the City Attorney, City board staff liaisons, and the City Clerk. Electronic participation encourages participation in City government by citizens, and therefore members of the public and City staff members (except those specifically described above, whose in-person attendance is preferred) may electronically participate in all City Council meetings open to the public.
2. The preferred method of electronic participation is through videoconference with the camera on but microphone muted, except when the participant is actually speaking. This allows the participant to hear, speak, and see presentations during the meeting.
3. Electronic participation must permit clear, uninterrupted, and two-way communication. The City Council or a City board may discontinue the use of electronic participation by one or more participants during a meeting where the participation results in delays or interference in the meeting process; e.g., where the connection is repeatedly lost, the quality of the connection is unduly noisy, or the participant is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.
4. Despite the foregoing, a majority of voting members may designate meetings where no action will be taken (such as study sessions) to be held electronically rather than in person.

**C. Procedures.** To arrange to participate electronically, a participant shall:

1. Complete the City on-line form for electronic participation or contact the City Clerk or City staff liaison to arrange for electronic participation and receive electronic participation directions, which may include call-in instructions, a link to participate by videoconference, or otherwise. All City Council members or City board members shall endeavor to advise the City Clerk or staff liaison of their intent to participate electronically, along with the reason for the in-person absence, at the earliest possible time and not less than three (3) business days prior to the requested participation.
2. Log in and/or call in at the designated time, pursuant to directions received from the City Clerk or City staff liaison.

**D. Quorum.** Electronic participation shall constitute actual attendance for purposes of establishing a quorum or for any other purpose, even during quasi-judicial proceedings. Despite the foregoing, a majority of an appointed board or City Council must be physically present and in-person at every meeting where action will be taken, unless the presiding chairperson calls an electronic participation meeting at which a majority of a quorum of City Council or the board present declares an in-person meeting is not feasible due to emergency (such as a public health crisis, weather, natural disaster, or other similar circumstance) (hereafter an “approved fully-electronic meeting”).

- E. **Chairperson.** The chairperson of all meetings shall be a person physically present at the meeting where action will be taken, except at a meeting called to consider whether to approve a fully-electronic meeting and at an approved fully-electronic meeting.
- F. **Executive Session.** No one may electronically participate in executive session, except at an approved fully-electronic meeting. Any City Council or board member that was unable to attend an executive session may review the audio recording at the City Clerk's Office, within 90 days of the executive session. If executive session is held during an approved fully-electronic meeting, to ensure the confidentiality of matters presented, each City Council or board Member electronically participating shall verbally confirm that no third party is in the member's presence, such that they could see and/or hear the contents of the executive session.

## X. PERSONNEL

- A. **Annual Evaluation of City Officers.** The City Council shall evaluate the performance of the City Manager and City Attorney at least annually, or as otherwise required by contract. The annual (and any additional) performance evaluation shall provide the City officer with information to allow such officer to act in conformance with the goals and expectations of the City Council.
  - 1. Annual Wage Adjustment. The City Manager and City Attorney shall receive an annual wage adjustment as set by formal action of the City Council.
  - 2. Timeline/Procedure. The job performance of the City Manager and City Attorney, officers of the City, are typically evaluated annually in accordance with the terms of their employment contracts. The City Council will participate in a review of each officer and will be afforded the opportunity to provide comments and feedback on performance and process. The Human Resources Director may assist the City Council as requested. If the information is compiled in written format, the applicable officer will be given a copy of the written review and will meet in executive session with the City Council to go over the review, discuss any points of concern and develop performance measures/job directives for the subsequent year.
  - 3. Additional evaluations. City Council may schedule additional evaluations or performance reviews of the City Manager and/or City Attorney to, among other things, provide guidance and feedback on performance, goals, and projects.
  - 4. Meeting with City Officers. At least one time per year, the City Council will meet with the City Attorney in executive session for attorney client privilege. The City Attorney shall present an annual report of activities and legal services rendered by the City Attorney's office and any outside legal counsel.
- B. **Municipal Court Judge/ Municipal Court Budgetary Review.** The Municipal Court Judge of the City of Englewood, as an elected official, shall meet annually with the City Council to discuss budgetary matters for the municipal court. The Municipal Court Judge, in coordination with the City Manager and the Human Resources Department, shall conduct an annual salary survey of similar highest-ranking judge of courts of comparable operations located within the Denver metropolitan area. The Municipal Court Judge shall provide the list of comparables to the City Manager and Human Resources for completion of the survey. The City Council shall annually determine the appropriate compensation for the Municipal Court Judge by resolution after consideration of the annual survey but prior to the end of the calendar year. The Municipal Court Judge shall be invited to participate in any such discussions which shall take place in open session.

## XI. AGENDA SETTING

- A. **Mayor/Manager Meeting.** The Mayor and Mayor Pro Tem shall meet with the City Manager weekly, or as often as shall be necessary, to set the agenda for regular meetings, special meetings, and study sessions.
- B. **City Manager: Authority to Set Agenda Items.** The City Manager through the course of managing city business and under direction of the City Council puts forth agenda items that ensure the efficient and uninterrupted services that residents expect and depend upon.
- C. **City Council Members: Authority to Set Agenda Items.** City Council members may submit requests for agenda items during their Council Communication at the end of any regular meeting or study session of the body. If a consensus of members agree that such matter should be placed upon an upcoming agenda, the matter will be scheduled for an appropriate City Council meeting within thirty days of the date of the request or within a reasonable time thereafter, if thirty days is not practicable for complex matters. If the body does not reach consensus to place such matter on an upcoming agenda, the requesting member may either choose not to pursue such request or may submit a written request to the City Clerk. The written request shall provide at a minimum a description of the request, the goal or objective that the request aims to fulfill, and a self-assessment as to the urgency of the matter. The City Clerk shall provide such request to the City Manager who will provide such request to the Mayor and Mayor Pro Tem to schedule such matter accordingly.

**D. Proclamations.**

- 1. Requesting a Proclamation. Proclamations may be requested by: City Council members; individual community members; community organizations; City staff; and/or regional/national organizations.
- 2. Pre-Approved Proclamations. At or prior to the beginning of each calendar year, City Council will hold a study session to review proposed proclamations for the current year and will, based on past proclamations, by consensus create a list of priority proclamations City Council anticipates will be approved in the coming year. These pre-approved proclamations will be on the designated meeting agenda, and unless at least four City Council members voice an objection when the proclamation is presented, the proclamation will be read into the record without additional City Council action.
- 3. Process to Request Other Proclamations. For proclamations other than pre-approved proclamations, eligible parties may submit a proclamation request through an electronic proclamation request form. For those without access to a computer/the internet, requests may be submitted in writing to the City Clerk's Office. Requests must include: contact name; address; city, state, and zip code; phone number; e-mail address; proclamation title; name of individual who will present the proclamation; date to be printed on the proclamation; and proclamation text, including whereas statements and therefore statements.
  - i. Proclamation Timeframe. Proclamation requests should be submitted at least three weeks before the start of the day/week/month being recognized. Every attempt will be made to ensure that proclamations are issued just before or at the very beginning of the time period being recognized.
  - ii. Reasons for a Proclamation. Proclamations should be utilized to meaningfully celebrate persons, groups, and events with specific intended actions. They may be requested for the following reasons: recognition of a local event; to honor persons or groups who impact the City of Englewood; regionally, state-wide, or nationally recognized events or activities with local interest; to bring public attention to an issue or opportunity important for the community overall; and/or to declare a policy stance as a City.



- iii. Proclamation Review Process. The review process will include:
  1. Proclamation requests pursuant to this policy may be made throughout the year;
  2. Requests will be received and reviewed by the City Clerk's Office to ensure (through a checklist) that all requirements of this policy are met;
  3. If policy requirements are met, the draft proclamation will be sent to the City Council for feedback and concerns to be expressed during Council Members' Choice the week before inclusion on the City Council Agenda; and
  4. If there is no consensus when discussed during Council Members' Choice, the proposed proclamation will not move forward. If there is a consensus, the proclamation will be placed on the next agenda of the City Council regular meeting, and treated as a pre-approved proclamation for purposes of reading into the record pursuant to the provisions above.

## **XII. ADMONITION AND CENSURE OF COUNCIL MEMBERS**

**A. Policy of Legal Compliance.** City Council members shall abide by federal and state law, City ordinances, and City policies, including Colorado Constitution Article XXIX Ethics in Government, C.R.S. § 24-18-109 Rules of conduct for local government officials and employees, and Englewood Municipal Code Title 1, Chapter 11 Code of Ethics. Violations of such law or policy undermine the public trust, and the effectiveness of City Council as a whole. Depending on the circumstances of alleged violations of law or policy, the Council may initiate an investigation of allegations prior to the filing of a request for any of the actions described in this policy. Nothing in this policy, however, shall preclude individual Council Members from making public statements regarding such alleged conduct or taking other actions authorized by law.

This policy is not intended to replace, delay or otherwise impede any concurrent investigation from any other body or agency. Therefore, at any point during any of the processes described in this policy, the Council (or any member thereof) may refer the matter for investigation to the Englewood Police Department, Arapahoe County District Attorney, the Colorado Independent Ethics Commission, and/or other appropriate agency. Such a referral does not impact any action the Council may undertake under this policy.

**B. Authorized Actions by City Council.** While City Council has broad discretion in deciding actions it may choose to take in response to violations of law or policy, this policy provides definitions and procedures related to two types of action: admonition and censure. This policy does not limit or otherwise affect any other potential City Council action.

1. Admonition. An admonition is typically directed to all members of City Council, reminding them that a particular action or type of behavior is in violation of law or City policy or is otherwise inappropriate for a member of City Council, and that, if it occurs or is found to have occurred, could make a member subject to censure or other further action. An admonition may or may not be issued in response to a particular alleged action or actions.

An admonition may be issued by City Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearing to determine whether the allegation is true. An admonition also may criticize a specific Council Member's conduct. The right to criticize is protected by the First Amendment, and therefore an admonition may be made individually by a Council Member during Council Member's Choice, or formally issued by City Council if approved by motion as a scheduled agenda item.

While an admonition generally is verbal and memorialized only in the minutes of a meeting, an admonition may be in writing and included in the meeting record.

2. Public Censure. Censure, specifically authorized by EMC 1-11-9(B), is an official reprimand or condemnation made by City Council in response to specified conduct by one of its own members. Censure is disciplinary in nature, and requires the formal adoption of a Resolution setting forth the Council Member's alleged violations of law and/or policies. A Resolution of Censure may require a Member to recuse themselves from a vote in which they are found to have a personal/private conflict of interest.

Censure may require an investigation and/or public hearing pursuant EMC 1-10-2-7 prior to issuance, and must protect the due process rights of the Council Member. In order to protect Council Members from unfounded allegations and/or defamatory claims/actions, upon direction of four or more Council Members, allegations may be investigated administratively to determine probable cause prior to inclusion on a Council agenda.

If a formal censure action is placed on a Council agenda, the City Clerk shall provide notice of the action to the subject Council Member. The notice shall describe the specific allegation(s) upon which the proposed censure is based. Upon request by the subject Council Member, City Council shall schedule a quasi-judicial hearing to receive evidence and weigh testimony prior to consideration of a Resolution of Censure. The subject Council Member has a conflict of interest, and therefore can only participate as the subject of the quasi-judicial hearing and proposed Resolution, and not as a fact-finding Council Member in the hearing, deliberation, or Resolution issuance. Censure carries no fine or suspension of the rights of the Council Member as an elected official but a censure is a punitive action that serves as a public notice of wrongdoing.

### **XIII. GRANT APPLICATIONS POLICY**

City staff has a long and successful history of applying for, and obtaining, grant awards to fund City operations and special projects. Applying for a grant, and then refusing to accept a grant award however, may impair the City's ability to obtain similar grant awards in the future. Therefore, unless an annual grant that the City has, in multiple prior years applied for and received, City Council considers and evaluates the following grant applications prior to submission: an application that binds the City to take future action/spend its own funds if the grant is awarded; grants in excess of \$125,000; grants likely to be contentious or controversial within the community or among City Council members; if the failure to accept a grant award would likely negatively affect the success of a future grant application; grants that require City Council approval prior to application; or any other application requested for prior review and approval by City staff.