

City Council

Emergency Meeting

Agenda

Monday, March 16, 2020
City Hall
749 Main Street
7:00 PM

Residents are encouraged to watch the meeting from home on Comcast Channel 8 or on the webstream (LouisvilleCO.gov/government/meeting-videos) rather than attend in person. Public comments can be submitted to the Council at Council@LouisvilleCO.gov.

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Council requests that public comments be limited to 3 minutes. When several people wish to speak on the same position on a given item, Council requests they select a spokesperson to state that position.

4. REGULAR BUSINESS

A. RESOLUTION NO. 27, SERIES 2020 – A RESOLUTION PROVIDING FOR THE CONTINUATION OF A DECLARATION OF LOCAL DISASTER EMERGENCY IN AND FOR THE CITY OF LOUISVILLE

- Staff Presentation
- Public Comments (Please limit to three minutes each)
- Council Questions & Comments
- Action

Citizen Information

If you wish to speak at the City Council meeting, please fill out a sign-up card and present it to the City Clerk.

Persons with disabilities planning to attend the meeting who need sign language interpretation, assisted listening systems, Braille, taped material, or special transportation, should contact the City Manager's Office at 303 335-4533. A forty-eight-hour notice is requested.

City of Louisville
City Council 749 Main Street Louisville CO 80027
303.335.4536 (phone) 303.335.4550 (fax) www.LouisvilleCO.gov

- B. RESOLUTION NO. 26, SERIES 2020 – A RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE TO PROVIDE FOR ELECTRONIC MEETING PARTICIPATION**
- Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Action
- C. DISCUSSION/DIRECTION/ACTION – CITY COUNCIL MEETING SCHEDULE MARCH 31 – APRIL 30**
- Staff Presentation
 - Public Comments (Please limit to three minutes each)
 - Council Questions & Comments
 - Action
- 5. COUNCIL COMMENTS**
- 6. ADJOURN**

SUBJECT: RESOLUTION NO. 27, SERIES 2020 – A RESOLUTION PROVIDING FOR THE CONTINUATION OF THE DECLARATION OF LOCAL DISASTER EMERGENCY IN AND FOR THE CITY OF LOUISVILLE

DATE: MARCH 16, 2020 – EMERGENCY MEETING

PRESENTED BY: KATHLEEN KELLY, CITY ATTORNEY

SUMMARY:

Please see the attached resolution and declaration for discussion and approval at the Council meeting.

FISCAL IMPACT:

Unknown

RECOMMENDATION:

Approval of Resolution No. 27. Series 2020.

ATTACHMENT(S):

1. Resolution No. 27, Series 2020
2. Mayor’s Declaration of Local Disaster Emergency

STRATEGIC PLAN IMPACT:

<input checked="" type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**RESOLUTION NO. 27
SERIES 2020**

**A RESOLUTION PROVIDING FOR THE CONTINUATION OF THE DECLARATION
OF LOCAL DISASTER EMERGENCY IN AND FOR THE CITY OF LOUISVILLE**

WHEREAS, Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-801, *et seq.* authorizes the Mayor of the City of Louisville to declare that a disaster emergency has occurred or the threat of such event is imminent; and

WHEREAS, the Novel Coronavirus 2019 (COVID-19) Pandemic is causing widespread human and economic impacts to the City of Louisville; and

WHEREAS, on March 10, 2020, the Governor of the State of Colorado issued a Declaration of Statewide Emergency in response to COVID-19; and

WHEREAS, on March 14, 2020, the Chair of the Board of the Boulder County Commissioners, as principal executive officer of Boulder County, pursuant to § 24-33.5-709, C.R.S., declared a local disaster emergency in the unincorporated area of Boulder County, Colorado, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, resulting from the COVID-19 Pandemic requiring emergency action to avert danger or damage; and

WHEREAS, on March 15, 2020, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709 executed a Declaration of Local Disaster Emergency in and for the City of Louisville (the “Mayor’s Declaration”); and

WHEREAS, Section 2.32.010.D of the Louisville Municipal Code provides the Mayor’s Declaration shall not be continued or renewed for a period in excess of seven (7) days unless the City Council approves a longer duration; and

WHEREAS, the City Council finds the cost and magnitude of responding to and recovery from the impact of the COVID-19 Pandemic may be far in excess of the City’s available resources, and continuation of the Mayor’s Declaration will continue to assist and permit access to local emergency funds, Federal and State assistance, adjustments to policies, procedures, and ordinances to ensure the public’s health and welfare; and

WHEREAS, it is appropriate and in the interests of the public health and safety of the City and its residents to rapidly address community spread of COVID-19 and subsequent cascading impacts, such as economic distress, and to further protect the health and safety of the public by declaring an emergency in the City of Louisville by the City Council continuing the Mayor’s Declaration as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The City Council hereby finds and declares there to be a local disaster emergency in the City of Louisville, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, resulting from the COVID-19 Pandemic requiring emergency action to avert danger or damage, and that the Declaration of Local Disaster Emergency in and for the City of Louisville executed by the Mayor of the City of Louisville on March 15, 2020 shall be continued in effect until terminated by resolution of the City Council.

Section 2. The effect of this Resolution shall be to continue in effect the activation of the response and recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to further authorize the furnishing of aid and assistance under such plans, and for the Mayor, City Manager, and other appropriate City staff to exercise those functions and be vested with such authority as set forth in Section 2.32.010 of the Louisville Municipal Code and C.R.S. § 24-33.5-709.

Section 3. The City Manager shall forthwith:

A. Publish and disseminate information to the public regarding this Resolution and the continuation of the Declaration of Local Disaster Emergency in and for the City of Louisville authorized hereby, including but not limited to on the City’s website;

B. File a copy of this Resolution with the City Clerk;

C. File a copy of this Resolution with the Colorado Division of Emergency Management; and

C. Distribute a copy of this Resolution to the appropriate representatives of the news media

PASSED AND ADOPTED this 16th day of March, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

**DECLARATION OF LOCAL DISASTER EMERGENCY IN AND FOR
THE CITY OF LOUISVILLE**

WHEREAS, Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-801, *et seq.* authorizes the Mayor of the City of Louisville to declare that a disaster emergency has occurred or the threat of such event is imminent; and

WHEREAS, the Novel Coronavirus 2019 (COVID-19) Pandemic is causing widespread human and economic impacts to the City of Louisville; and

WHEREAS, on March 10, 2020, the Governor of the State of Colorado issued a Declaration of Statewide Emergency in response to COVID-19; and

WHEREAS, on March 14, 2020, the Chair of the Board of the Boulder County Commissioners, as principal executive officer of Boulder County, pursuant to § 24-33.5-709, C.R.S., declared a local disaster emergency in the unincorporated area of Boulder County, Colorado, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, resulting from the COVID-19 Pandemic requiring emergency action to avert danger or damage; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of the COVID-19 Pandemic may be far in excess of the City's available resources; and

WHEREAS, declaration of a local disaster emergency will assist and permit access to local emergency funds, Federal and State assistance, adjustments to policies, procedures, and ordinances to ensure the public's health and welfare; and

WHEREAS, it is appropriate and in the interests of the public health and safety of the City and its residents to rapidly address community spread of COVID-19 and subsequent cascading impacts, such as economic distress, and to further protect the health and safety of the public by declaring an emergency in the City of Louisville; and

WHEREAS, the Mayor of the City of Louisville, as principal executive officer of the City of Louisville, is authorized to unilaterally declare a local disaster pursuant to § 24-33.5-709, C.R.S. and Section 2.32.010 of the Louisville Municipal Code, and to activate the emergency management and operations plans and resolutions of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. There is hereby declared to be a local disaster emergency in the City of Louisville, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, resulting from the COVID-19 Pandemic requiring emergency action to avert danger or damage.

2. The effect of this Declaration shall be to activate the response and recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans, and for the Mayor, City Manager, and other appropriate City staff to exercise those functions and be vested with such authority as set forth in Section 2.32.010 of the Louisville Municipal Code and C.R.S. § 24-33.5-709.

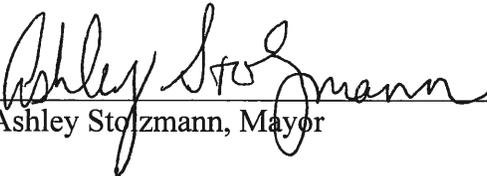
BE IT FURTHER RESOLVED that this Declaration shall be effective upon the date and time given below, and shall remain in effect for a period of seven days unless rescinded or extended by the Louisville City Council prior to expiration.

BE IT FURTHER RESOLVED that the City Manager shall forthwith:

1. Publish and disseminate information to the public, including but not limited to on the City's website;
2. File a copy of this Declaration of Local Disaster Emergency with the City Clerk;
3. File a copy of this Declaration of Local Disaster Emergency with the Colorado Division of Emergency Management; and
4. Distribute a copy of this Declaration of Local Disaster Emergency to the appropriate representatives of the news media.

SIGNED and made immediately effective this 15th day of March, 2020, at 11:30 am.

CITY OF LOUISVILLE



Ashley Stojzmann, Mayor

SUBJECT: RESOLUTION NO. 26, SERIES 2020 – A RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE TO PROVIDE FOR ELECTRONIC MEETING PARTICIPATION

DATE: MARCH 16, 2020 – EMERGENCY MEETING

PRESENTED BY: KATHLEEN KELLY, CITY ATTORNEY

SUMMARY:

In light of the rapidly changing recommendations from public health agencies designed to prevent transmission of the Coronavirus and protect vulnerable populations, the proposed revisions to the City Council Rules of Procedures shown in the attached redline would authorize regular or special City Council meetings to be conducted by electronic means.

FISCAL IMPACT:

None.

PROGRAM/SUB-PROGRAM IMPACT:

This amendment allows the Council to continue to meet efficiently and transparently in an emergency situation.

RECOMMENDATION:

Approval of resolution to allow Council meetings to be held by electronic means.

ATTACHMENT(S):

1. Resolution No. 26, Series 2020
2. City Council Rules of Procedure (redline)

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input checked="" type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**RESOLUTION NO. 26
SERIES 2020**

**A RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE TO
PROVIDE FOR ELECTRONIC MEETING PARTICIPATION**

WHEREAS, the City of Louisville is a home rule municipal corporation organized under and pursuant to Article XX of the Colorado Constitution and the Louisville Home Rule Charter; and

WHEREAS, the Louisville Home Rule Charter provides that the City Council may determine its own Rules of Procedure for meetings; and

WHEREAS, in order to efficiently and effectively complete City business facing the Council, all meetings must be conducted in an orderly and respectful manner; and

WHEREAS, the Rules of Procedure are intended to provide guidelines for the procedures to be followed for the conduct of Council meetings; and

WHEREAS, the Rules of Procedure are intended to help preserve order and decorum and assure public input; and

WHEREAS, the City Council wishes to make amendments to the Rules to allow for electronic meeting participation in certain cases, and

WHEREAS, City Council has reviewed the amended Rules of Procedure and finds the Rules should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO;

1. That the City Council does hereby approve the amended City Council Rules of Procedure accompanying this Resolution.

PASSED AND ADOPTED this 16th of March, 2020.

By: _____
Ashley Stolzmann, Mayor

Attest: _____
Meredyth Muth, City Clerk



CITY COUNCIL

RULES OF PROCEDURE

adopted ~~January~~ March 17 21, 2020
by Resolution No. ~~40~~__, Series 2020

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RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO

I. DEFINITIONS

“Charter” means the [Home Rule Charter of the City of Louisville, Colorado](#).

“Chair” means the Mayor or member of the Council who presides over a meeting, special meeting, executive session, or study session of the City Council, subject to Rule III I below.

“City” means the City of Louisville, Colorado.

“Code” means the Louisville Municipal Code.

“Council” or “City Council” means the body constituting the City Council of the City, consisting of six (6) Councilmembers and the Mayor.

“Councilmember” means each member of the City Council except the Mayor.

[“Electronic Participation” means attendance at a meeting by telephone or other electronic means.](#)

“Emergency” means a matter which could not have been reasonably anticipated or foreseen and on which immediate action is genuinely and urgently necessary for the preservation of the public health, safety, or welfare.

“Entire Council” means all of the seven (7) members of the City Council.

“Member of the Council” means the Mayor and each Councilmember.

“Rules” means the City Council Rules of Procedure.

II. AUTHORITY

The [Home Rule Charter of the City of Louisville](#) provides that the Council may determine its own rules of procedure for meetings. The following Rules shall be in effect upon their adoption by the Council until such time as they are amended or new Rules adopted.

In order to efficiently and effectively complete City business facing the Council, all meetings must be conducted in an orderly and respectful manner. These Rules are intended to provide guidelines for the procedures to be followed for the conduct of Council meetings and study sessions.

If any Rule, on its face or as applied, conflicts with applicable provisions of the Charter or ordinances, those provisions shall apply and that Rule shall not.

III. GENERAL RULES

- A. LOCATION: All [in-person](#) Council meetings shall take place in a public building that is accessible to members of the public, with or without reasonable accommodation in accordance with applicable law.
- B. OPEN TO THE PUBLIC: All meetings and study sessions, [including those conducted by Electronic Participation pursuant to Section IV.H.](#), shall be open to the public. The Council may conduct executive sessions in compliance with the Charter, Code, and applicable provisions of the Colorado Open Meetings Law.
- C. MEETING NOTICE: Notice for all meetings and study sessions shall be given as required by the Charter. At the first regular meeting of every year, the City Council shall designate the locations for posting of notices of its meetings.
- D. MINUTES: Minutes of each regular and special meeting shall be taken and retained permanently in the records of the City. A summary shall be prepared for each study session.
- E. QUORUM: A quorum is needed for the transaction of business at each regular and special meeting of the Council. A quorum shall be defined as a majority of the members of the Council holding office at the time of the meeting.
- F. ABSENCES: No member of the Council shall have more than six (6) absences from regular Council meetings during any period of twelve (12) consecutive calendar months. The date of the seventh (7th) absence shall be deemed to be the date on which the office was vacated.
- G. APPLICABILITY OF THE CODE OF ETHICS: Each member of the Council shall adhere to the Code of Ethics (Charter Section 5-6).
- H. DISCLOSURE OF INTEREST AND RECUSAL: Any member of the Council who has an interest in, or whose interest would be affected by, any proposed official action before the Council shall immediately and publicly disclose the nature and extent of the interest; shall not participate in any discussion or decision concerning the proposed action; shall not attempt to publicly or privately influence the City Council, any public body, or any employee in connection with the action; and shall leave the room

where the discussion or decision is taking place during the time the proposed action is being discussed and the decision is being made.

- I. CHAIR: The Chair is the member of Council who presides over a Council meeting and shall do so according to these Rules and applicable law. The Mayor serves as Chair of all Council meetings at which the Mayor is present. In the Mayor's absence, the Councilmember appointed as Mayor Pro Tem will serve as Chair. In the absence of both the Mayor and the Councilmember appointed as Mayor Pro Tem, then the Councilmember with the greatest seniority on Council, followed by alphabetical order, will serve as Chair.

IV. **MEETINGS**

- A. REGULAR MEETINGS: Council shall hold regular meetings twice each month. Regular meetings shall be conducted on the first and third Tuesday of the month, excluding holidays, and shall convene at 7:00 p.m. unless another day or time is set by prior approval of a majority of the Council. A regular meeting may be held on at least seventy-two (72) hours written notice.
- B. SPECIAL MEETINGS: A special meeting shall be called by the City Clerk on the request of any four (4) members of the Council, and shall be held on at least forty-eight (48) hours written notice. In addition to other means, a request for a special meeting may be effected by e-mailing such request to the City Clerk or by a motion approved a majority of the entire Council.
- C. EMERGENCY SPECIAL MEETINGS: An emergency special meeting shall be called by the City Clerk on the request of the City Manager or any four (4) members of the Council and shall be held on at least twenty-four (24) hours written notice to each member of the Council. In addition to other means, a request for an emergency special meeting may be effected by e-mailing or telephoning such request to the City Clerk. Each person requesting the meeting must have determined that the meeting is urgently necessary to take action on an unforeseen matter requiring immediate action; and the basis for the determination shall be stated in the notice of the meeting.

The Council shall not take action on any item of business at any special meeting unless the item to be acted on has been stated in the notice of the meeting; or the item to be acted on is reasonably related to the item which was stated in the notice of the meeting.

- D. STUDY SESSIONS: The purpose of study session meetings is to enable the Council to obtain information about and discuss matters of public

business in a less formal atmosphere. No preliminary or final policy decision, fiscal decision, rule, regulation, resolution, ordinance, action approving a contract, action calling for the payment of money, or other formal action shall be made or taken at any study session.

At any study session, any member of the public who in good faith believes that a study session is proceeding in violation of this section IV.D shall be entitled to submit a brief written objection to the Chair of the study session; the written objection shall specify the grounds for the objection. The Chair shall exercise discretion in determining whether the study session complies with this section, and shall conduct the study session in accordance with that determination.

Study sessions are generally held on the 2nd and 4th Tuesday of each month.

- E. EXECUTIVE SESSIONS: It is the policy of the City that the activities of City government should be conducted in public to the greatest extent feasible in order to assure public participation and enhance public accountability. The Council may hold an executive session only at a regular or special meeting and for the sole purpose of discussing topics approved by the Charter.

Adoption of any proposed policy, position, resolution, rule, regulation, or formal action, or informal or "straw" vote, shall not occur at any executive session.

Executive Session Procedure:

1. A request for an executive session may be made only by a member of the Council, the City Attorney or other attorney representing the City, the Municipal Judge, or the City Manager.
2. The request to go into an executive session shall be made in an open session at a regular or special meeting of the Council. The requesting party shall give as detailed and specific a statement as possible avoiding disclosure of any confidential matters, as to the topic or topics to be discussed and the reasons for requesting an executive session.
3. Immediately after a request to go into an executive session, and prior to any motion to go into executive session, the City Clerk shall read the statement concerning executive sessions required by the Code.

4. The executive session shall only be held upon an affirmative vote of two-thirds (2/3) of the entire Council. A separate vote shall be held on each topic requested to be considered in the executive session. Following the vote and immediately prior to retiring into the executive session, the Mayor (or the Councilmember appointed as Mayor Pro Tem, as the case may be) shall announce the topic or topics of the executive session.
 5. Immediately upon retiring into the executive session, the requesting party shall explain in detail the nature of the topic and the reasons for requesting the executive session. Those in attendance may then discuss the propriety of the executive session.
 6. Before any discussion on the merits of any topic in the executive session, the City Attorney or other attorney representing the City shall give an opinion as to the propriety of the executive session and shall provide guidelines as to the limitations that apply to the discussion.
 7. At any time, any participant may object to the continuation of the executive session. Upon the making of such objection, all discussion shall cease, and the Council shall reconvene in an open session for the purpose of determining the propriety of continuing the executive session. An affirmative vote of two-thirds (2/3) of the entire Council shall be required to continue the executive session.
 8. Upon completion of the executive session, the Council shall reconvene in an open session. The person who requested the executive session shall provide as detailed an explanation as allowed by law without disclosing any confidential matter or any matter which would adversely affect the City's interests, and shall announce what procedure, if any, will follow from the executive session.
 9. Discussions that occur in executive session shall be recorded, and access to the record shall be provided, in the manner and to the extent provided in the State statutes concerning open meetings and the State statutes concerning open records.
- F. RESCHEDULING: The Council may reschedule meetings for dates and times outside its regular meeting schedule to avoid holidays, elections, and other matters, to achieve a quorum, or to allow for additional time for a meeting. To reschedule such meetings, the Council first must provide notice and approve of the proposal to reschedule. Notice to reschedule a meeting may be given on any regular or special meeting agenda.

G. CANCELLATION: Any scheduled meeting may be cancelled by the Mayor with the consent of three (3) Councilmembers in the event unforeseen emergent conditions exist which make conduct of the meeting impractical (for example, in the case of power outage) or travel to the meeting unduly hazardous (for example, in the case of blizzard conditions). In the event of such cancellation, all agenda items for such meeting shall not abate but shall be deemed continued to next regular meeting of the Council.

H. ELECTRONIC PARTICIPATION: In the event meeting in person is not practical or prudent due to a health epidemic or pandemic or other state of emergency affecting the City, the City Manager or any four (4) members of the Council may determine a regular or special meeting shall be held by Electronic Participation.

1. At least twenty-four (24) hours written notice shall be provided to each Councilmember that the meeting will be held by Electronic Participation and the agenda for such meeting shall be revised to reflect it will be held by Electronic Participation.

2. The City Manager shall take reasonable and practical measures to ensure that:

a. Each such meeting is open to the public at all times, and information is provided to enable the public to Electronically Participate;

b. All Councilmembers can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;

c. All votes are conducted by roll call; and

d. Each such meeting provides City staff and the public a reasonable opportunity to be heard.

4.3. Any quasi-judicial matter scheduled for a meeting held by Electronic Participation shall be continued by motion of the Council to the date and time of the next regular or special meeting to be held in person. If the Council is unable to determine when the next in-person regular or special meeting will be held, quasi-judicial matters scheduled for a meeting held by Electronic Participation shall be vacated and new public notice will be provided when such quasi-judicial matters are rescheduled.

V. MAYOR AND MAYOR PRO TEM

- A. The Mayor shall preside over meetings of the Council when present and able to perform mayoral responsibilities. The Mayor shall have the same voting powers as any Councilmember.
- B. By the affirmative vote of a majority of the entire Council, a Councilmember shall be appointed as Mayor Pro Tem, for a two-year term, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

VI. MEETING PROCEDURE

A. PREAMBLE

- 1. A bedrock principle of a representative democracy is notice of impending governmental action and an opportunity for members of the public and their representatives to be heard. Principles of good government include deep respect for citizens; prudent stewardship of public resources, including the time of its citizens, staff members and elected officials; direction that is clear and decisive; and decision making that is reasonably consistent, equitable, flexible, and transparent.
- 2. Through the application of these Rules, Council intends to ensure that it balances the principles described in the previous section in a way that ensures robust debate and accountability of City government to its residents. To that end, these procedures are not meant to be employed for the purpose of unreasonable rigidity, surprise, suppression of competing views, or needless prolonging of action.

- B. CHAIR'S DISCRETION & RIGHT OF APPEAL Council intends that the Chair shall have reasonable discretion in the application of these procedures subject to section VII.A.

- C. ORDER OF BUSINESS AT REGULAR MEETINGS: The order of business at regular Council meetings shall be as follows; however, Council in its sole discretion may adjust such order to accommodate schedules or when otherwise deemed appropriate.

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA
4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA, OR ON THE CONSENT AGENDA
5. CONSENT AGENDA
6. COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA
7. CITY MANAGER'S REPORT
8. REGULAR BUSINESS
9. CITY ATTORNEY'S REPORT
10. COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS
11. ADJOURNMENT

D. CONSENT AGENDA: The Consent Agenda contains items considered routine and shall be approved, adopted, accepted, or otherwise acted upon, by motion of the Council and voice vote for approval of the Consent Agenda, unless the Mayor or a Councilmember specifically requests an item be considered under Regular Business. Items removed from the Consent Agenda and considered under Regular Business will be placed in the agenda order as determined by the Chair.

If the City Council fails to adopt a motion to approve the Consent Agenda, then each item will be added to the Regular Business agenda and considered individually.

E. PUBLIC COMMENTS: The following provisions apply to any section of the agenda where public comments are allowed.

1. All regular and special meetings of the Council shall be open to the public. Members of the public shall have a reasonable opportunity to be heard at each meeting. The Chair may permit public comment on any item at the time such item is being considered by the Council.
2. Regular meetings include specifically designated times for citizens to make public comment. Each speaker shall be limited to three (3) minutes.
3. The Chair may exercise discretion and permit multiple citizens to designate someone to speak for them and aggregate their three-minute limit time up to a maximum of six (6) minutes of speaking time for their designated spokesperson. Those pooling their time must be

physically present, identify themselves, and designate their spokesperson. A designated spokesperson may not speak for more than one group.

4. On any item with a second round of public comments, such as a second round of public comment on an ordinance, during such second round each speaker shall be limited to three (3) minutes and time may not be pooled.
5. The Chair shall enforce compliance with the time limits, and time shall be kept on a public comment clock. The public comment clock shall be controlled by the City Clerk.

F. **WRITTEN COMMUNICATIONS:** Interested parties, or their authorized representatives, may address the Council by submitting written communication concerning any matter on the Council agenda. Such a written communication may be submitted by electronic mail or by addressing the communication to the City Clerk who will distribute copies to the Council. The communication will be entered into the record without the necessity of reading. A copy of the communication shall be posted at the meeting for the public to review. Anonymous written communications will not be accepted into the record.

G. **ACTION:** The Council shall act only by ordinance, resolution, or motion. Each action shall be recorded in the minutes of the meeting. The Council may select the appropriate form for its action, except where a specific form is required by the Charter or the Code. The Council may take any of the following actions on an agenda item: approve, approve subject to conditions, disapprove or deny, continue to a date certain, adopt a motion to take no further action, remand a matter to a board or commission having jurisdiction, or such other action as is permitted by law.

H. **VOTING:**

1. Except where a greater number is required by the Charter (as summarized below), resolutions and motions require the affirmative vote of a majority of the members of the Council present.
2. Except where a greater number is required by the Charter (as summarized below), the final adoption of any ordinance shall require the affirmative vote of a majority of the entire Council.
3. The following items require the affirmative vote of a majority of the

entire Council for approval: The appointment of a Councilmember as Mayor pro tem; the appointment or removal of the City Manager, City Attorney or City Prosecutor; the appointment or removal of a board, commission, task force or committee member; and the adoption of a resolution to revise the boundaries of any City ward.

4. The following items require the affirmative vote of two-thirds (2/3) of the entire Council: The appointment or removal of the Presiding Municipal Judge or any deputy municipal judge; the adoption of an emergency ordinance; the holding of an executive session; the adoption of an ordinance submitting a proposed amendment to the City Charter to a vote of the registered electors of the City; and an ordinance placing open space into a less protected classification under the Charter.
 5. No member of the Council shall vote on any matter concerning the member's own conduct.
 6. Each member of the Council's vote on an ordinance or resolution shall be recorded in the minutes.
 7. Any member of the Council absent from a session of a quasi-judicial hearing of the Council shall not vote on the matter(s) that was the subject of such hearing, unless the member of the Council has first listened to or viewed the recording of the earlier session of the hearing from which the member of Council was absent.
 8. A member of the Council shall not attend or watch any quasi-judicial hearing of any lower tribunal of the City in which the lower tribunal considers any matter which may be submitted to Council through the hearing process or an appeal. If a member of the Council does attend or watch such a hearing, he or she shall recuse himself or herself from consideration of the matter if it comes before the Council.
- I. **ORDINANCE REQUIRED:** The following acts of the Council shall be by ordinance:
1. Authorizing the borrowing of money, imposing a new tax, increasing a tax rate, or approving a lease-purchase agreement;
 2. Approving any transfer of fee ownership in real property owned by the City;
 3. Approving any transfer of water rights owned by the City; or

4. Establishing any regulation for violation of which a fine, imprisonment, or both may be imposed.

J. ORDINANCES PROCEDURE:

1. Adoption Procedure – Non-Emergency Ordinances

- a) First Reading: The ordinance shall be introduced by title at a regular or special meeting of the Council. The Council shall vote to amend, adopt, or reject the ordinance, or take such other action as it deems appropriate. If the ordinance is adopted on first reading, it shall be published in full as required by the Charter.
- b) Second Reading: The ordinance shall be introduced by title at a second regular or special meeting of the Council, which shall be held not earlier than four (4) days after the first publication. The Council shall vote to amend, finally adopt, or reject the ordinance, or take such other action as it deems appropriate. Upon final adoption, the ordinance shall be published by title; however, if the ordinance is amended prior to final adoption, the amendment shall be published in full. If published by title, the ordinance shall contain a notice that copies of the full ordinance are available at City offices and on the City's website.

2. Adoption Procedure – Emergency Ordinances

- a) The Council may finally adopt an ordinance on an emergency basis without necessity of two readings and prior publication under circumstances constituting an emergency when expedited Council action is required.
- b) An emergency ordinance may be introduced and finally adopted at any regular or special meeting after only one (1) reading and need not be published before final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full.
- c) An emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the entire Council. The facts showing the emergency shall be specifically stated in the ordinance.

3. Public Hearing

- a) No ordinance shall be adopted without first holding at least one (1) public hearing on the ordinance.
- b) Except for an emergency ordinance, the public hearing shall be held at the meeting at which the ordinance is to be considered on second reading, and prior to Council action on second reading. The public hearing on an emergency ordinance shall be held at the meeting at which the emergency ordinance is to be considered.
- c) The Chair shall provide at least one (1) opportunity for public comments on the ordinance prior to the initial Council discussion of the ordinance. Therefore, if any member of the Council desires Council discussion of the ordinance at the time of first reading, the Chair shall afford an opportunity for public comments prior to Council discussion and action on first reading.
- d) The Chair shall provide at least one (1) additional opportunity for public comments on the ordinance following the initial Council discussion but before Council action on the ordinance.

VII. PARLIAMENTARY PROCEDURE

- A. POINTS OF ORDER: The Chair shall determine all points of order, subject to the rights of any member of the Council to appeal to the Council, in which case the point of order shall be resolved by vote of a majority of the members of Council present.
- B. RIGHT OF THE FLOOR: Any member of the Council desiring to speak shall be recognized by the Chair.
- C. CLOSE OF PUBLIC COMMENT PERIOD: The Chair shall close the public comment period of a public hearing. The public comment period shall stay closed during Council discussion unless the Chair determines the public comment period shall be reopened for the receipt of new information.
- D. MOTIONS: Motions may be made by any member of the Council, including the Chair, provided that before the Chair offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion.
- E. PROCEDURES FOR MOTIONS: The following is the general procedure for

making motions:

1. Before a motion can be considered or debated it must be seconded; however, no action taken shall be invalidated simply because a motion was not properly made, seconded or recorded.
 2. A member of the Council who wishes to make a motion should do so through a verbal request to the Chair.
 3. Once the motion has been made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and thereafter to any member of the Council recognized by the Chair.
 4. Once the matter has been discussed and the Chair calls for a vote, no further discussion will be allowed; provided, however, that members of the Council may be allowed to explain their votes.
- F. AMENDMENTS TO MOTIONS: Once a motion has been made and seconded, any member of the Council who did not make or second the motion may offer an amendment to the motion. If the members of the Council who made and seconded the motion accept the offered amendment, then the motion shall be considered amended without necessity of a separate motion on the “friendly amendment” and the Council may then vote on the motion, as amended. If such an offered “friendly amendment” is rejected by either of the members who made or seconded the motion, then a Council vote shall be taken on the proposed amendment. For sake of clarity, Council shall strive to ensure that no main motion shall be amended more than two (2) times, either by a friendly amendment or amendments adopted by Council vote.
- G. SUBSTITUTE MOTIONS: Any member of the Council shall have the right to make a substitute motion. Such a motion shall be offered only to substitute a new motion for the entirety of a pending motion. A substitute motion requires a second, may be amended in accordance with previous section, and shall take precedence over the pending motion. If the substitute motion is not seconded or is not adopted, then the Council shall proceed with consideration of the pending motion as if the substitute motion were never made.
- H. DISCUSSION: Speakers shall confine themselves to the question under discussion. All discussion must be germane to the agenda item.
- I. MOTION TO END DEBATE: Any member of the Council may make a

motion to end debate (also known as “calling the question”). If such a motion is made and seconded, the Chair shall immediately call for a vote on the motion. If the motion is not approved by 2/3 of the members of the Council present and voting, the Chair shall allow for debate to continue. If the motion is approved, the Chair shall call for a motion on the matter under consideration.

- J. ALL MEMBERS MAY SPEAK: Each member of the Council shall have the right to speak and ask questions prior to a vote.
- K. AFTER VOTING: Once a vote has been taken on a motion, there shall be no further discussion on that motion unless a motion to reconsider is properly made, seconded, and adopted.
- L. MOTION TO RECONSIDER: A motion to reconsider may only be made at the same meeting at which the motion to be reconsidered was made or at the next regular meeting of the Council. The motion must be made by a member of the Council on the prevailing side of the motion to be reconsidered. The required second on the motion need not be a member of Council from prevailing side. The motion is debatable but only for the reasons to explain or justify reconsideration and not for the purpose of debating the merits of the motion. An affirmative vote of 2/3 of the members of the Council present and voting is required for approval of the motion for reconsideration.
- M. TABLE: The Table of Common Motions set forth in Section XI of the Rules is adopted for Council's reference.

VIII. MEETING CIVILITY

- A. CIVILITY AMONG MEMBERS OF THE COUNCIL: The Chair shall preserve reasonable order and decorum and confine Council and members of the public to discussion of the questions under consideration.

The Chair shall preserve reasonable decorum and decide all questions of order, subject to appeal to the entire Council, in which case the point of order shall be resolved by a vote of the majority of the members of the Council present.

During Council meetings, members of the Council shall preserve reasonable order and decorum and shall not delay or interrupt the proceedings or refuse to obey the order of the Chair or the Rules. Every member of the Council desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the questions under debate. Once recognized, no member of the Council shall be

interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another member of the Council.

Members of the public desiring to address the Council on any item on the agenda shall be recognized by the Chair, state their names, and are requested to state their place of residence (by address or by city, town, or county of residence). Each member of the public shall speak in an audible tone for the record, and shall limit their remarks to the questions under discussion.

IX. TABLE OF COMMON MOTIONS

Type of Motion	Second needed?	Debatable?	Vote	Effect
Main	Yes	Yes	Dependent upon subject matter of motion (see "Voting" requirements, page 9)	Proposes a new idea or action
Amend	Yes	Yes	Majority of the members of the Council present and voting	Amends the language of pending main motion
Substitute	Yes	Yes	Majority of the members of the Council present and voting	Replaces pending main motion in its entirety
End Debate (call the question)	Yes	No	2/3 of the members of the Council present and voting	Ends debate on a matter
Continue matter to date certain	Yes	Yes	Majority of the members of the Council present and voting	Suspends consideration of matter until a later meeting date
Recess	Yes	No	Majority of the members of the Council present and voting	Postpones meeting for a period of time
Adjourn	Yes	Yes	Majority of the members of the Council present and voting	Ends meeting
Reconsider; motion must be made by member on prevailing side	Yes; by any member	Yes; but only as to reasons for reconsideration.	2/3 of the members of the Council present and voting	Reconsideration of previously-adopted motion; must be at same meeting or next regular meeting
Table	Yes	No	Majority of the members of the Council present and voting	Places main motion and all pending amendments aside temporarily with the intention of bringing them back at a later time for action
Postpone indefinitely	Yes	Yes	Majority of the members of the Council present and voting	Kills main motion being discussed

**SUBJECT: DISCUSSION/DIRECTION/ACTION – CITY COUNCIL MEETING
SCHEDULE MARCH 31 – APRIL 30**

DATE: MARCH 16, 2020 – EMERGENCY MEETING

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK
HEATHER BALSER, CITY MANAGER**

SUMMARY:

In light of current epidemic conditions, staff is recommending Council discuss options for rescheduling meetings over the next few weeks. While Council meetings are not generally large, they do bring a variety of people together. The Boulder County Health Department has begun recommending or requiring the cancellation of public gatherings that could include such meetings.

The Charter requires the City Council meet twice each month, but Council has some leeway on when those meeting are scheduled. Some options for consideration are:

- Leave the existing schedule for now and make adjustments as needed
- Cancel the meetings currently scheduled for March 31, April 7, and April 14 and have meetings on April 21 and 28. This would require the cancellation of both April Study Sessions. Staff would schedule in all pertinent items for those two meetings and spread out other items in May and June.
- Cancel the meetings currently scheduled for March 31, April 7, and April 14 and have meetings on April 28 and 29. This would require the cancellation of both April Study Sessions. Staff would schedule in all pertinent items for those two meetings and spread out some items in May and June.

A couple items of note:

- One public hearing has been noticed for April but it can be renoticed as necessary to accommodate a new schedule.
- Should meetings be held electronically with Councilmembers and the public phoning in to the meeting, public hearings would be continued from those meetings to a date when the meeting could be held in person so as to not affect due process for quasi-judicial items.

- Staff is already encouraging people to watch Council meetings from home on Channel 8 or the web stream and sending their comments via email prior to the meeting if possible.
- As the Health Department suggests/requires the cancelling of public meetings, staff could also cancel all Board and Commission meetings until such time as it is deemed acceptable to begin again.

FISCAL IMPACT:

None.

RECOMMENDATION:

Discussion and possible approval of new meeting dates.

ATTACHMENT(S):

None.

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	 Financial Stewardship & Asset Management	<input checked="" type="checkbox"/>	 Reliable Core Services
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner