

CITY OF WOODLAND PARK, COLORADO

RESOLUTION NO. 863, SERIES 2020

A RESOLUTION REVISING THE CITY COUNCIL RULES OF PROCEDURE.

Whereas, § 31-4-209, C.R.S. gives the City Council of each municipality the power to determine its own rules, procedure, and order of business; and

Whereas, § 3.7 of the Woodland Park Charter states that the Council shall determine the rules of procedure governing meetings; and

Whereas, from time to time, the City Council amends its Rules of Procedure by Resolution; and

Whereas, the City Council desires to amend its Rules of Procedure so that it may more effectively and efficiently conduct the business affairs of the City Council.

NOW, THEREFORE, be it resolved by the City Council of the City of Woodland Park:

Section 1. Adopting Rules of Procedure. The City Council's Rules of Procedure ("Rules") are hereby adopted in their entirety to read as set forth in Exhibit A, attached hereto (any additions are shown in CAPITALIZED UNDERLINED; while any deletions are shown in ~~striketrough~~). All previous versions of the City Council's Rules of Procedure adopted by Resolution, if in conflict with these Rules, are hereby superseded and repealed.

This resolution was adopted at a regular meeting of the City Council of the City of Woodland Park, Colorado held on the 07 day of May 2020.

Val Carr, Mayor

ATTEST:

City Clerk

**WOODLAND PARK CITY COUNCIL
COUNCIL RULES OF PROCEDURE**

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*Adopted by Resolution No. 830, Series 2018 on August 2, 2018
Amended by the Woodland Park City Council on 7 May, 2020*

Section 1. Purpose and Effect. These Rules of Procedure ("Rules") constitute the official rules of procedure for the Woodland Park City Council and are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules do not grant rights or privileges to members of the public or third parties.

These Rules shall be periodically reviewed as needed, but at least every [Posted] five years; therefore, the Rules shall be reviewed in the month of January of every year ending in zero (0) or five (5), or as soon thereafter as practicable and may be reviewed any other time that Council shall choose to review them.

These Rules do not supersede the provisions of the Home Rule Charter of the City of Woodland Park, Colorado, ("Charter") but are only intended to supplement the provisions of the Charter and Woodland Park Municipal Code ("Code").

References herein to "he" or "his" are not intended to be gender specific and instead shall be read as "he or she" and "hers or his".

Section 2. Parliamentary Authority. In all decisions arising from points of order, the Council may consult the most current edition of Robert's Rules of Order Newly Revised (currently the 11th edition), a copy of which is maintained in the office of the Woodland Park City Clerk ("Clerk"). Any reference to Robert's Rules of Order in these rules means the most current edition of Robert's Rules of Order. A majority of a quorum of Councilmembers present at a meeting may waive any rule.

Section 3. Duties of Officers.

a. **Presiding Officers.**

The Mayor shall be the presiding officer of the Council. He shall preside at meetings of the Council, and shall have the same right to speak and vote therein as any member. (Charter § 3.2)

The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as Mayor, shall retain all powers granted herein to Councilmen. (Charter § 3.3)

b. **Presiding Officer's Duties.** It will be the duty of the Presiding Officer to:

- i. Call the meeting to order.

- ii. Keep the meeting to its order of business.
 - iii. Control discussion in an orderly manner.
 - 1. Give every Councilmember who wishes an opportunity to speak when individually recognized by the Presiding Officer.
 - 2. Allow city staff participation when recognized by the Presiding Officer.
 - 3. Permit audience participation at the appropriate times.
 - 4. Require all speakers to identify themselves by name and current municipality of residence for the record, and at the speaker's option, his or her street address, speak to the question and observe the rules of order.
 - iv. Request that the City Clerk state each motion before it is discussed and before it is voted upon.
 - v. Put motions to a vote and City Clerk announce the outcome.
 - vi. Confirm that a Councilmember's request of staff is agreeable to a majority of Council present. The City Manager shall first consider a request requiring extensive staff effort or study. On any request, staff may seek clear direction from a majority of the Council.
 - vii. Allow any Councilmember to request a roll call vote.
- c. **Presiding Officer-Question of Order.** The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member. A majority vote of Council present in favor of an appeal may overrule the Presiding Officer's ruling.

A speaker is out of order when speaking of matters foreign to the issue.

On questions that are debatable, the minority has the undeniable right to deliberate.

- d. **ATTENDANCE.** In the event an member of Council is unable to attend and meeting of the Council, such member is requested to make a reasonable effort to so advise the City Clerk, City Manager, or Mayor in advance of the meeting. In the event a Councilmember is not in attendance at a meeting, such absence shall be considered excused, unless any Councilmember objects to the excusal of such

absence.

- i. In the event of objection, the City Council shall determine by majority vote whether the absence is excused or unexcused.
- ii. In the event a Council member is absent for three (3) regular meetings in a two-year term, any absence thereafter shall be considered unexcused unless the City Council has previously approved the extended absences.
- iii. When a member's absence from a meeting is declared unexcused by the City Council, at the next succeeding regular meeting attended by the unexcused member, the member may explain the reason for the subject absence and request that the City Council for reconsideration. Such reconsideration may occur upon the concurrence of a majority of the councilmembers present.
- iv. If a member accrues more than three (3) unexcused absences within a two-year term may subject a Councilmember to disciplinary action by a majority vote of the rest of the Council. If a member accrues more than four (4) unexcused absences or eight (8) total absences within a two-year term the Council may declare the seat vacant.
- v. If any Councilmember is absent for three successive meetings, without prior approval by the Council in advance of such, and fails to attend the fourth meeting, the seat shall be declared vacant.

Except in the event of a personal need or emergency, no member may leave the meeting while a meeting is in progress without the request and permission of the Mayor. In such event, the Mayor may delay Council action, or proceed without the absent member(s) unless the matter before Council is quasi-judicial.

Section 4. Meeting Provisions. All Council Meetings shall comply with the requirements of the Colorado Open Meetings Law, § 24-6-401 and § 24-6-402, C.R.S. (All regular, special and emergency meetings of the Council shall be open to the public and citizens shall have an opportunity to be heard under such rules and regulations as the Council may prescribe. (Charter § 3.11)).

- a. **Quorum.** A majority of the members of the Council including the Mayor in office at the time shall constitute a quorum for the transaction of business at all Council meetings. A quorum shall be present at all regular, special and emergency meetings before any formal or legally binding action shall be taken by the Council. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date. In the absence of all members, the Clerk may adjourn any meeting for not longer than one (1) week. (Charter § 3.12).

- b. **Seating Arrangement.** The Mayor shall sit at the center of the Council dais, and the Mayor Pro Tem shall sit at the right hand of the Mayor. The City Attorney shall sit at the left hand of the Presiding Officer, to readily assist in consultations for order of the meeting. The remaining Councilmembers shall be seated to the right of the Mayor Pro Tem in descending alphabetical order by last name.
- c. **Forms of Address.** For regular meetings and other formal settings, every effort should be attempted to address the Mayor as "Mr., Madam or Ms. Mayor" or "Mayor (surname)." For regular meetings and other formal settings, every effort should be attempted to address the Mayor Pro Tem and Councilmembers as "Mr., Madam or Ms. (surname)" or "Councilmember (surname)." For study sessions and other informal settings, the Mayor may be addressed as "Mr., Madam, or Ms. Mayor" or "Mayor (surname)," and the Mayor Pro Tem and Councilmembers may be addressed by their first names.
- d. **Dissents and Protests.** Any Councilmember shall have the right to express dissent from any ordinance or resolution of the Council and have the reason entered in the minutes, if requested by the dissenting Councilmember.
- e. **Voting.** The votes during all Council Meetings and Committee balloting shall be transacted as follows:
- i. Unless otherwise provided for by Charter, ordinance, or resolution, all votes shall be by a roll call vote taken by the Clerk, except that at the request of the City Clerk or any Councilmember, either a voice vote or show of hands vote may be taken by the Clerk, and the City Council may, in voting upon appointments to Council, (Boards and Commissions, vote by paper ballot and may vote for any one of the candidates for appointment. The paper ballot shall have the name of the Council Person casting the vote upon it and at the conclusion of the vote, the paper ballots shall be collected and given to the City Clerk who shall read the vote cast by each Council Person into the record. Each candidate receiving a majority of present Council Members votes shall be appointed to the Board or Commission. (Charter § 7.14)). (In all roll call votes during a meeting, the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one (1) position alphabetically in each successive roll call vote. (Charter § 7.3 (c)).

On any matter upon which a tie vote is recorded, the matter shall be considered automatically postponed to a subsequent meeting. (Any member refusing to vote, except when not so required by this Charter, shall be considered delinquent in his duties and an affirmative vote shall be cast and recorded in his name. (Charter § 7.3 (a), last sentence)).

In the event the Mayor or any Councilmember, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, said Mayor or Councilmember shall declare such interest. If the Mayor or any Councilmember fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest. ((b) Neither the Mayor nor any member of the Council shall vote on any question in which he has a conflict of interest, other than the common public interest, or on any question concerning his own conduct. (Charter § 3.14))

A vote by "Yes" or "No" shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the minutes of the Council proceedings. (Every member, when present, must *vote* upon ordinances, resolutions and motions, except a member shall be excused from *voting* on any question in which he has a conflict of interest or on any question concerning his own conduct. Each member of the Council who is present shall *vote* when his name is called, unless excused by the unanimous consent of the remaining members present. Any member refusing to *vote*, except when not so required by this Charter, shall be considered delinquent in his duties and an affirmative *vote* shall be cast and recorded in his name. (Charter § 7.3 (a)).

(The "Yes" and "No" votes upon all ordinances, resolutions and motions shall be entered upon the minutes, except that where the *vote* is unanimous it shall only be necessary to state that the *vote* was unanimous. (Charter § 7.3 (b)).

Debate. The Presiding Officer should offer the maker of the motion the opportunity to speak first during discussion on the motion. Individual Councilmembers, after recognition by the Presiding Officer, may each speak.

- ii. Where electronic voting mechanisms are utilized, the final vote will be held privately by the Clerk until all members have finalized their vote electronically, after which the individual Councilmember votes will be announced and posted publicly.

f. **General Meeting Decorum.**

- i. While the Council is in session, the members must preserve order and decorum. A member should not by conversation or otherwise (a) delay or interrupt the proceedings; (b) disrupt any member while speaking or the peace of the Council; or (c) refuse to obey the orders of the Council or the Presiding Officer, except as otherwise provided in these rules.
- ii. Persons may address the City Council regarding any action of the City Council, individual Councilmember, or individual staff member. However, they shall direct their remarks to the entire City Council and shall exercise proper respect and decorum. A person (or persons) disrupting a Council meeting shall be asked by the Presiding Officer to cease the disruptive behavior. The Presiding Officer, in the event of any disturbance or disorderly conduct in Council Chambers, shall have the power to order the same to be cleared and shall have authority to appoint a member of the Police Department as a temporary sergeant at arms for the purpose of preserving order in and near the Council Chambers.

g. **Confidentiality.**

- i. Councilmembers shall keep confidential all written materials and verbal information provided to them during executive sessions. Confidentiality also covers information provided to Councilmembers outside of executive sessions when the information is exempt from disclosure under law.

A decision to breach confidentiality, or to waive a privilege, such as the attorney-client privilege, shall only be made by the Council acting as a whole, whenever the confidentiality requirement or the privilege applies to the city as a whole or to the Council as a whole. Any Councilmember who individually breaches such confidentiality, or who purports to waive such a privilege will be considered to be acting outside the performance of the councilor's authority. Further, the intentional dissemination of confidential information received in executive session, whether oral or written, shall constitute misconduct of office.

- ii. Following an executive session, the designated City staff representative handling the issue shall manage the contact with any other party. Any Councilmember having any contact or discussion shall make full disclosure to the City Manager and/or the Council in a timely manner.

h. **Comfort Recesses.**

- i. Regular comfort breaks shall be taken at 2 hour intervals for a minimum of 10 minutes each, starting from the initial Council Meeting time. This initial time shall include any Executive, Special, or Work/Study Sessions that are before the regular meeting schedule.
- ii. A mandatory 15 minute break shall occur prior to any Council Meeting, commonly taken at 6:45 PM for nourishment or other comfort necessities.

i. **Seating and other arrangements.**

- i. Council chambers shall consist of general public seating arranged in a manner to maximize the seating and allow for comfortable spacing. At no time shall more persons occupy chambers that are permitted by the fire code or other applicable regulation.
- ii. The city staff who sit at the dais are the City Manager, City Attorney, City Clerk, and the designated sergeant-at-arms (Chief of Police or their law enforcement designee) and other presenting staff when additional seating is available. Remaining staff shall sit at a staff table.

- iii. Council may designate a staff table to allow room for additional staff presenting to place their materials and limit the use thereof to staff only.
- iv. Council may designate a press table to be utilized by credentialed members of the press including, for example, newspaper and radio staff and reporters.

Section 5. Council Meetings, Occurrence, Notice Provisions, and Minutes.

- a. **Regular Meetings.** Regular Meetings are held the first and third Thursdays of the month at 7:00 p.m., except that Council meetings times may be adjusted to accommodate holding executive session(s) prior to the order of business.
- b. **Special Meetings.** Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any two (2) members of the Council, on not less than twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence or place of business, and written notice posted in not less than three (3) public places. (Charter § 3.8 (a)). (No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. (Charter § 3.8 (b)). For purposes of the noticing of special meetings, an e-mail, and a text message, followed by an acknowledgement, shall be considered a written notice.
- c. **Work or Study Sessions.** References to “Work Sessions” for the purpose of these procedures are equally applied to “Study Sessions”. The Council, at its sole discretion, may schedule and hold Work or Study Sessions as it deems necessary. Work or Study Sessions are informal meetings for the purpose of review or discussion of certain topics: i.e. programs, projects, or issues; the upcoming Regular Business Meeting preliminary agenda; forthcoming programs and future Council agenda items; progress on current programs or projects. The City Manager may request to provide other information they feel is appropriate for consideration for a Work Session. Work or Study Sessions are intended to provide information or to develop policy consensus, and are not generally used for final actions.
- d. **Executive Sessions.** The Council may meet in executive session only under those circumstances allowable by the laws of the State of Colorado; provided, however, that no formal or legally binding action by the Council for the City shall be taken at any such executive session. (Charter § 3.11 (a)).

The Council may hold executive sessions from which the public may be excluded, for those purposes allowable by the laws of the State of Colorado.

- e. **Public Notice.** The City shall comply with the provisions of § 24-6-402, C.R.S. to provide notice of Council meetings.
- f. **Minutes.** The City Clerk shall prepare action minutes for all regular and special meetings. Action minutes will minimally include the following items:
 - i. Place of the meeting;
 - ii. Time the meeting started and ended;
 - iii. Which members of Council were present and, if relevant, any absences;
 - iv. The fact that a quorum was present;
 - v. Text of all main motions taken up by the Council and their disposition (passed, failed, referred to a committee, postponed, etc.);
 - vi. Any points of order that were made and their resolution; and
 - vii. Any other notations required under Charter, Code, or these Rules; and
 - viii. If Council went into executive session, the time of entering and the time of leaving such session. (See “Mastering Council Meetings” by Ann G. McFarlane)
- g. **Recordings.** At a minimum, the City Clerk shall audio record all regular, special, and work session meetings in an archival media form. Video recordings that include audio are an acceptable alternative for documenting the meeting/session. For purpose of retention, work sessions shall comply with the statute retention requirements of regular meetings.
 - i. All recordings shall be retained by the City Clerk in accordance with existing statute requirements.
 - ii. All recordings shall be available for public records requests in compliance with existing statutes.
 - iii. When digital recordings are available, endeavor to have them available on the city web site as soon as possible.

Section 6. Council Meeting Agenda and Order of Business.

- a. **Order of Business for Regular Business Meetings.** The typical order of business for each Regular Business Meeting shall be as follows:
 - i. Call to Order
 - ii. Roll Call
 - iii. Pledge of Allegiance
 - iv. Ceremonies, Presentations, and Appointments
 - v. Approval of Agenda Order & Content (Additions, Deletions or Corrections to Agenda)
 - vi. Consent Calendar (Public Comment May Be Heard)
 - vii. Public Comment on Items Not On the Agenda.
 - viii. Unfinished Business (Including Public Hearings)

- ix. Ordinances on Initial Posting (Public Comment May Be Heard)
- x. Public Hearings (Public Comment May Be Heard)
- xi. New Business (Public Comment May Be Heard)
- xii. REPORTS:
Reports should be confined to Public Service Announcements, Liaison reports, and other community based announcements or presentations. No personal or ad hominem attacks or election campaigning shall be allowed.
 - 1. Mayor's Report
 - 2. Council Reports
 - 3. City Attorney's Report
 - 4. City Manager's Report(s)
- xiii. Executive Session (if necessary). (Executive Sessions may also be held first or prior to the order of business).
- xiv. Adjournment

This Order of Business may be changed from time to time upon majority vote or consensus of the City Council.

The agenda of a Special Meeting shall generally follow the same format as that provided for Regular Business meetings.

- b. **Order of Business for Work or Study Sessions.** The order of business for each Work or Study Session shall be flexible to better accommodate discussion and time sensitive issues and may be changed upon majority approval of the Council. The typical agenda order will be as follows:

- i. Call to Order
- ii. Roll Call
- iii. Pledge of Allegiance (optional)
- iv. Approval of Agenda Order & Content (Additions, Deletions or Corrections to Agenda)
- v. Study Session Items for Discussion or Review
- vi. Public Comments
- vii. Adjournment

- c. **Precedence of Motions.**

Motions are to be phrased in an affirmative grammatical manner; and avoidance of any "double negative" type grammar in motions is encouraged.

A Councilmember may withdraw his/her motion at any time before it is put to a vote.

When any motion is upon the floor and the question is under debate, no motions shall be received but the following, and they shall generally have precedence in the following order, to wit:

Not debatable

- To adjourn.
- To call for the previous question.
- To postpone to a date certain.

Debatable

- To postpone a legislative matter indefinitely.
- To recess for a definite time.
- To refer.
- To amend.
- To amend the motion to amend.
- To lay on the table.

- d. **Council Agenda**. No item shall be voted upon which is not on the agenda as approved by the Council at the meeting, except that Council may vote to hold an executive session that is not on the agenda as approved by the Council at the meeting.
- e. **Consent Calendar**. The items on the consent calendar include those that: (a) have been previously discussed by the Council; (b) can be reviewed by the Council without further explanation based on the information delivered to the Council by the administration; or (c) are so routine or technical in nature that passage is likely.

The motion to adopt the consent calendar shall be non-debatable and have the effect of moving to adopt all items on the consent calendar. Since adoption of any item on the consent calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the consent calendar. Therefore, under the item "Approval of Agenda Order & Content," the Presiding Officer should inquire if any Councilmember wishes an item to be withdrawn from the consent calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future Council meeting.

Under the item "Consent Calendar," the Presiding Officer should inquire if any

Councilmember wishes to record a "no" vote. If a Councilmember wishes to record a "no" vote without withdrawing the item from the consent calendar, the Councilmember may do so by identifying the agenda item number and stating that intention at the time the Presiding Officer inquires whether any items are to be withdrawn from the consent calendar. The City Clerk records any "no" vote for any remaining Consent Calendar item(s), noting which item(s) have a specific "no" vote registered by dissenting Councilmember(s) along with the dissenting Councilmember name. The Consent Calendar adoption motion vote shall include the voting of all Councilmembers, dissenting to individual items or not.

f. **Public Comments.**

- i. **Oral and Written Comments.** Any citizen or his or her designated spokesperson may speak under public comments for no more than five minutes, unless this rule is suspended by the Council. A speaker may read written comments they have authored themselves. In the case of a disability prohibiting a written comment speaker from speaking, they may designate a citizen spokesperson to execute the reading of their comments. Suspension of the five minute rule will require agreement by the majority of the Council present. A citizen or his/her designees may speak once per public comment period. If a citizen or his/her designee appearing before the Council has used five minutes, that person, after all those who have signed up to speak have done so, may continue to address the Council if Council votes to suspend the rule.

All other written comments shall be handed to council, but no other written comments or correspondence shall be read into the record.

The Presiding Officer shall have the discretion to address any issue raised by a citizen during public comments, refer the matter to the staff, or a future study session for discussions and/or thank the citizen for his or her comments. Councilmembers may ask citizens clarification questions, during **Public Comment.**

The Council may more informally take public comments at a study session, when appropriate and practical.

- ii. **Identification of Speakers.** Persons testifying shall identify themselves for the record by name and municipality of residence, and at the person's option, his or her street address. If representing an organization, the speaker shall also identify the location of the organization.
- iii. **Instructions for Speakers.** Instructions for speakers will be affixed to the podium. The Presiding Officer will advise speakers that their comments are being recorded and are a matter of public record.

- iv. **Addressing Council Outside of a Public Hearing or Public Comments.** No person may address the Council while it is in session without the recognition of the Presiding Officer.
- v. **Time restrictions.** Public comment should not exceed thirty (30) minutes, but may be extended by the majority of City Council. Persons signed up to speak may not share, pass, or designate their time to another speaker.
- g. **Reports of the Mayor and Councilmembers.** Reports of the Mayor and Councilmembers shall be directly related to City business. Such reports may include, but are not limited to: request for future agenda items; report on events or meetings of outside municipal boards or groups to which a Council member has been assigned or appointed; announce community-wide events; introduce citizen concerns or inquiries about City services; or to make simple information requests that can be easily answered by City staff at the City Council Meeting or by later communication. Council should endeavor to give City Staff advance notice of any staff requests made during these Reports, when possible.

The Mayor and Councilmembers shall not use this portion of the Meeting to make political statements; to rebut, respond to, or refute actions previously taken by the City Council; or to comment about or respond to the actions or comments of a fellow Councilmember.

Section 7. Agenda Preparation. The Council's agenda for meetings belongs to the Council whose purpose is to conduct the business of the City for the benefit of the citizens. In order for the Council to have sufficient advance knowledge of and preparation time for the upcoming agenda, the following procedure shall be followed for generating a future agenda for any Regular Council meeting:

- a. The City Clerk, under direction of the City Manager, will maintain an informal, draft, preliminary agenda for the next several regular Council meetings that includes dates and anticipated agenda items for said meetings. The preliminary agenda shall also include pending agenda items that have not been scheduled. This preliminary agenda shall be provided to Council on a weekly basis for review, information, comment, and to allow modifications to be made by Council.
- b. An item for a Council meeting may be placed or modified on the informal, preliminary agenda list, via email request to the City Manager and City Clerk, by any of the following methods:
 - i. A majority vote of the Council at a prior meeting.
 - ii. Council consensus at a prior meeting.
 - iii. By the Mayor and any other Councilmember

- iv. By any two Councilmembers. The names of the requester Councilmembers shall be set forth on the agenda.
- v. By the City Manager or City Clerk or City Attorney, and one Councilmember or Mayor

Agenda items will be scheduled, as determined by the Mayor or Mayor Pro-tem in the absence of the Mayor, in consultation with the City Manager.

- c. Agenda items that are continued from one meeting to another will be placed on an available future meeting agenda based upon workloads, priorities, and other scheduling considerations, as determined by the Mayor or Mayor Pro-tem in the absence of the Mayor, in consultation with the City Manager.
- d. Regular meeting agendas shall become finalized at the Mayor's meeting 8 days before the regular meeting with the Mayor, Mayor Pro-tem, City Manager, City Clerk, and City Attorney. The agenda will then be provided to City Council who will review and provide any additional comments within 24 hours after which the Mayor or Mayor Pro-tem in the absence of the Mayor and City Clerk shall finalize the agenda and packet which should be available at city hall by 5:00 p.m. at least 6 days before the next Council meeting or delivered electronically to Councilmembers.
- e. Special meeting agendas shall become finalized by the Mayor or Mayor Pro-tem in the absence of the Mayor and consensus of Council and posted as soon as practicable, and in compliance with Colorado law, before the meeting.
- f. In the event of emergency or time sensitive matters, any agenda may be amended with concurrence of at least two Councilmembers or the Mayor and a Councilmember and posted as soon as possible in compliance with Colorado law. Matters that can practically be held at a later date should be placed upon the preliminary agenda for later scheduling to ensure proper due diligence.
- g. **Public Requests for Presentations and Proclamations.** It is the policy of the City to only consider requests to allow presentations or to make proclamations for events, issues, or causes that directly affect Woodland Park residents, businesses, and organizations. The City Council will only consider requests that are timely and have potential relevance to a majority of Woodland Park's residents, businesses, and organizations. Each of these items has a five (5) minute time limit. Presentations, ceremonies, and proclamations shall be limited to three (3) agenda items per meeting unless approved by two Councilmembers in advance per the process described above.

Section 8. Conducting Public Hearings.

- a. **Rules for conducting Public Hearings.** Generally, and except where the Code specifies different procedures, the following rules of procedure will apply to public hearings (and public comment on items on the agenda for which the Council accepts public comment). However, these rules may be altered, amended, or revised upon consensus of the City Council.
1. Presiding Officer shall declare the public hearing open and ask for Councilmembers to disclose any ex parte communications or conflict of interest that may result in recusals.
 2. Staff's review of the Staff Report with project description, findings and recommendation.
 3. Applicant's presentation and justification for their request. (Note: The applicant may present first followed by the staff report, if preferred.)
 4. Presiding Officer shall recognize questions from the Council to the applicant and staff, as needed, during the presentations.
 5. Presiding Officer shall open the Public Comment portion of the hearing.
 6. Presiding Officer shall close the Public Comment portion of the hearing.
 7. The applicant may then present rebuttal evidence and additional information to further clarify any questions that may have been raised by the public.
 8. Presiding Officer may recognize any final questions from the Council and conclude the evidentiary portion of the hearing.
 9. Upon closure of the evidentiary portion of the hearing, the Presiding Officer encourages deliberations on the findings of the application.
 10. Presiding Officer encourages a Motion and second to the Motion.
 11. Presiding Officer requests any further discussion on the Motion.
 12. Motion is voted upon, making a determination on the request.
- b. **Rules for conducting Quasi-Judicial Hearings.** The following additional rules shall be observed during any Council quasi-judicial public hearing:
- i. Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial matter is on the agenda, the City Attorney, or the City Clerk, in the absence of the City Attorney, shall inform the public what the Charter and Code permit as to public comments on quasi-judicial matters. If comments are provided in writing, such written comments must be filed with the Clerk no later than 1:00 p.m. of the Wednesday preceding the hearing. No material submitted later than that time will be considered by the Council unless permitted by the Presiding Officer.
 - ii. The Presiding Officer shall declare the public hearing open, and ask councilmembers to disclose ex parte oral or written communications.

Section 9. City Council Committees.

- a. To help the City Council complete its work and to make City Council Meetings more efficient, the Council may form Committees to gather information; consider project/program options; or other duties as may be assigned by the City Council. Any such Committee shall only be authorized to investigate and evaluate those matters referred to it by the City Council.
- b. Each Councilmember shall be notified when a Council Committee meets and shall receive a copy of the Meeting Agenda. After a Council Committee has met, the Committee Chair shall report the Committee's activities to the entire Council at the next Regular Meeting; or the assigned staff support employee shall prepare a written summary of the Committee's activities for distribution to the entire Council.
- c. The following basic rules shall apply to City Council Committees:
 - i. **Ad Hoc Committee Assignments.** Ad hoc committees of not more than three Councilmembers may be appointed by the Presiding Officer, with the concurrence of the Council, from time to time as the need arises. The Presiding Officer, with the concurrence of the Council, shall also appoint the chair of any such ad hoc committees. Example: Vehicle Usage Review Committee (VURC).

The City Manager may be an ex-officio member of any and all such committee(s).

- ii. **Standing Committee Assignments.** If standing committees are formed, their members shall be appointed by the Presiding Officer, with the concurrence of the Council. The Presiding Officer, with the concurrence of the Council, shall also appoint the chair of such standing committees.
- iii. **Committee Meetings Open to Public.** All meetings of committees designated pursuant to this Section shall comply with the requirements of the Open Meetings Law §24-6-401 and §24-6-402, C.R.S..

Section 10. Additional Items.

- a. **Decorum - General.** Councilmembers are strongly encouraged to exercise principles of general decorum in all aspects of their official City conduct, including but not limited to public statements, press releases, media interviews and written correspondence constituting a public record. For purposes of this subsection, "general decorum" shall mean politeness, courtesy, professionalism, and avoidance of personal insults, ridicule, bullying, slanderous remarks and ad

hominem attacks with respect to other City officials, employees, and fellow Councilmembers.

- b. **Electronic Devices**. Councilmembers may use computers, electronic tablets, smart phones, personal digital assistants and similar devices, whether personal or City-issued, to access data during council meetings in a manner that is not distracting to others or disruptive to the meeting. Councilmembers shall not communicate using telephonic, text messaging, video chat/streaming, or any form of social media during a council meeting. During quasi-judicial matters, Council members shall not make or receive personal, private phone calls, text messages, or emails while at the Council dais. Outside quasi-judicial matters, Councilmembers should keep personal communication to a minimum for urgent family or personal communications and not use electronic means to avoid the open discussion of public business. Councilmembers shall not communicate in any electronic format with another Councilmember during a council meeting.

- c. **Social media**. This policy applies to any pre-existing or proposed social media tools including but not limited to: social media websites, blog, microblogging, discussion forums, photo and video sharing websites, wiki, and virtual worlds used to conduct official city business including matters effecting the City Council's policy making functions consisting of the discussion or undertaking of a rule, regulation, ordinance, or formal action of the City Council or the exercise of functions required or authorized by law or involving the receipt or expenditure of public funds
 - i. Officials must not reveal any confidential or privileged information about the city, its constituents, its employees, or its contractors.
 - ii. Officials should be honest and accurate to the best of their ability when posting information or news, and should correct any mistakes, misstatements and/or factual errors in content upon discovery and in a timely manner. Officials should not post or share information known to be false, intentionally misleading.
 - iii. Unless the official has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the City Council, a board or committee, the city administration, or any city department.
 - iv. Officials are expressly prohibited from using personal or professional social media to engage in any activity or conduct that violates federal, state, or local law. as such, officials are prohibited from deleting posts and related comments regarding any city-related matters and are prohibited from convening and discussing substantive issues online to avoid violation of

Colorado open records act and Colorado sunshine law.

- v. Officials are strongly encouraged to separate personal social media accounts from professional social media accounts so that city-related matters and all public records generated from those posts are easily archived and not intermingled with personal posts not related to city matters.
 - vi. Officials are strongly encouraged to consider the potential impact of social media statements prior to posting. The city strives to be professional in its operations and processes.
 - vii. Officials are prohibited from deleting comments that do not violate stated posting restrictions from Woodland Park city residents or blocking said residents on official social media websites, blog, microblogging, discussion forums, photo and video sharing websites, wiki, and virtual worlds. Officials may not violate the free speech rights of members of the public by removing comment based on the viewpoint or opinion expressed.
- d. **Conduct outside of meetings.** Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper decorum in the City of Woodland Park. Honesty and respect for the dignity of each Councilmember and community member should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.
- i. Councilmembers should not make promises or guarantees on behalf of the city, staff, other city boards, committees or commissions, or the City Council.
 - ii. Councilmembers should not make personal comments, attacks, or derogatory remarks about other Councilmembers. While it can be acceptable to publically disagree about an issue, it is unacceptable to make derogatory remarks about others, their opinions and actions.
 - iii. When appearing in a non-official representation capacity before another governmental agency or organization the Councilmember shall clearly state that the statement is their own. Councilmembers should be cautious that even when they represent their own opinions, it still may reflect upon the city. Councilmembers may relate official actions and positions taken by the City Council.
- e. **Conduct with city staff.** Per the City Charter, the City of Woodland Park is a Council-Manager form of government which requires separation of certain

responsibilities. Governance of the city relies upon the cooperative efforts of elected officials, who set policy, and city staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- i. Councilmembers should treat all staff as professionals and practice clear and honest communication that respects the abilities, experience, and dignity of each staff member. Unprofessional or abrasive conduct to staff is not acceptable. If an employee behaves unprofessionally towards Council or the public, Councilmembers should inform the City Manager or City Attorney directly and immediately, in some form of confidential communication.
- ii. Information requests should be handled through the City Manager, City Attorney, or Municipal Judge as appropriate unless these direct reports have provided additional guidelines and directions for staff interactions. Requests for follow-up or directions to staff should be made only through the City Manager or City Attorney. When in doubt about if it is appropriate to have contact with staff, Councilmembers should ask the City Manager or City Attorney.
- iii. Unless the charter or ordinances require, or if expressly invited to participate, Councilmembers should avoid being involved in administrative functions. Councilmembers should not attempt to influence city staff on the making of appointments, awarding of contracts, selection of city consultants, processing of development applications or granting of licenses or permits.
- iv. Council should avoid being involved in employment issues. Councilmembers should not express concerns or criticize the performance of any city employee(s) in a public forum or in a public manner. If a Councilmember has concern with an employee, the Councilmember should report the same in private communication to the City Manager or City Attorney. Councilmembers should report contact with city employees to the City Manager or City Attorney as appropriate.
- v. Councilmembers should not solicit political support from staff in any form including financial contributions, display of posters or lawn signs, name on support lists, etc. City staff may, as private citizens with constitutional rights, support political candidates but all such activities shall be done away from the work place and on private time.

- vi. The City Manager and City staff should likewise treat all Council members as professionals and practice clear and honest communication that respects the abilities, experience, and dignity of each Council member. Unprofessional or abrasive conduct by staff toward Council is not acceptable. The City Manager should immediately take corrective action if an employee behaves unprofessionally towards Council or the public.

Section 11. Sanctions.

- a. City Council acting by majority, may impose sanctions on fellow Councilmembers; including reprimand, or public censure, pursuant to the following:
 - i. Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council. Serious infractions of the city charter, city ordinances, the code of ethics, or these rules of procedures, could lead to sanctions as deemed appropriate by the council.
 - ii. Councilmembers should first point out infractions to the offending Councilmember(s). If the offences continue, the matter should then be referred to the Mayor in private. If the Mayor is the offender, then the Councilmember should refer the matter to the Mayor Pro-tem.
 - iii. It is the responsibility of the Mayor (or Mayor Pro-tem if appropriate) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the allegations may be brought to a public meeting at the request of at least two (2) Councilmembers. Any sanction shall be by super majority (2/3 or greater) vote of the Council.
 - iv. If the alleged violation occurred outside the direct observation of the Mayor or Councilmembers, the matter should be referred to the Mayor. The Mayor, or the majority of Council, may request the matter be referred to a third party investigator to determine if a violation occurred.