

COUNCIL PROCEDURES AND RULES OF ORDER

BROOMFIELD CITY COUNCIL

CITY OF BROOMFIELD, COLORADO

Effective as of August 10, 2021

Adopted April 12, 1976
(Resolution 5-76)

Amended October 28, 2008
(Resolution 2008-197)

Amended April 13, 1982
(Article III, 3.11)

Amended June 10, 2014
(Resolution 2014-85)

Amended December 10, 1985
(Resolution 175-85)

Amended December 11, 2018
(Resolution 2018-219)

Amended April 11, 1989
(Resolution 17-89)

Amended March 17, 2020
(Resolution 2020-108)

Amended March 26, 1991
(Resolution 39-91)

Amended May 5, 2020
(Resolution 2020-128)

Amended June 29, 1993
(By Motion)

Amended June 22, 2021
(Resolution 2021-92)

Amended January 28, 1997
(Resolution 21-97)

Amended August 10, 2021
(Resolution 2021-135)

COUNCIL PROCEDURES

I. CITY CHARTER

These Council Procedures are established in accordance with the Charter for the City of Broomfield ("Charter").

II. COUNCIL MEETINGS

2.1 Presiding Officer

As provided in the Charter, the Mayor or the Mayor Pro-Tem shall be the presiding officer at Council meetings. If both the Mayor and Mayor Pro-Tem are absent from a meeting of Council, the City and County Clerk shall call the meeting to order and call roll. The majority of Councilmembers present shall then elect a Temporary Chairman who shall be the presiding officer.

2.2. Regular Meetings

The Council shall meet on the second and fourth Tuesday of each month at 6:00 p.m. in the Council Chambers at the Municipal Building. The Mayor and/or a Councilmember(s) may attend regular meetings electronically as provided for in Section VII. The Council may reschedule regular meetings, upon a majority vote of the entire Council. With the consent of a majority of the entire Council at a regular meeting, study session, or by email, and with full and timely notice to the public, individual Council meetings may be scheduled for an early start to begin at 5:00 p.m.

2.3 Special Meetings

Special meetings of the Council may be called in accordance with sections 5.2 and 5.3 of the Charter. The Mayor and/or a Councilmember(s) may attend special meetings electronically as provided for in Section VII.

2.4 Study Sessions

Study sessions may be called by the Mayor at any time or by the majority vote of the Councilmembers present at any regular Council meeting or Special meeting. The City and County Manager may schedule study sessions upon notice to Council. The City and County Clerk shall use diligent effort to give advance notice to each Councilmember of the time and purpose of the meeting, provided that notice will not be necessary for a study session called at a Council meeting at which a quorum is present. The Mayor and/or a Councilmember(s) may attend special meetings electronically as provided for in Section VII.

2.5 City and County Clerk - Minutes

(A) The City and County Clerk, or the Clerk's designee, shall attend and shall keep the minutes of each regular or special meeting of the Council in accordance with the Charter.

(B) On or before the Friday preceding each regular meeting of the Council, the City and County Clerk shall cause to be delivered to each Councilmember a copy of the minutes of the preceding regular and/or special meeting.

(C) Minutes will not be read if each Councilmember has been provided with a copy of the minutes in advance of the meeting at which they are to be approved.

(D) Minutes shall be signed by the Presiding Officer and by the Clerk of the meeting for which the minutes are approved.

2.6 Order of Business – Agenda – Regular Meetings

(A) The order of business for regular meetings of the Council will generally be:

- (1) Roll Call
- (2) Pledge of Allegiance
- (3) Review and Approval of Agenda
- (4) Petitions and Communications – ordinarily should be limited to 5 minutes
- (5) Councilmember Reports
- (6) Citizens' Comments
- (7) Consent Agenda
- (8) Board of Social Services
- (9) Board of Health
- (10) Broomfield Housing Authority
- (11) Council Business
- (12) Attorney's Report
- (13) Manager's Report
- (14) Legislative Update
- (15) Broomfield Urban Renewal Authority
- (16) Arista Local Improvement District Board
- (17) Special Reports
- (18) Councilmember and Mayor Requests for Future Action
- (19) Adjournment

(B) The Presiding Officer may vary from the order of business if the majority of Councilmembers present approve varying the order of business. This would be expected to be done upon the Review and Approval of Agenda.

(C) Preceding each regular meeting of the Council, the City and County Manager shall prepare a written Agenda showing the order of business. The City and County Clerk shall cause the Agenda to be delivered to the Mayor and to each Councilmember on or before 5:00

p.m. one week in advance of the meeting, and shall post the Agenda in accordance with the Colorado Open Meetings Act.

(D) During Council's consideration of any matter, Councilmembers should refrain from speaking more than twice on a matter, and should not speak a second time until all Councilmembers have had an opportunity to speak once. The Presiding Officer may speak once and last on a matter.

(1) When possible, Councilmember comments/communications should be limited to five minutes per individual, per item.

(2) If Councilmembers are given an opportunity to speak for a second time on an item, they should limit their comments/communication to two minutes.

(E) With regard to requests from Councilmembers and the Mayor for future action, requests should be submitted to the Mayor, Councilmembers, and City and County Manager's office by noon the Wednesday before the meeting, so that appropriate public notice can be posted, as required by law.

(F) On all matters before Council during a regular meeting, and special meeting, including those items subject to the Public Hearing provisions of these Procedures, members of the public may be allowed to speak, subject to reasonable time limits imposed by the Presiding Officer. Public comment will be taken subsequent to the presentation of the item for Council's consideration by the City Administration, but prior to Council's debate of the question. Any person speaking or presenting any information to the Council may be questioned by the Council and the City Administration.

III. PARLIAMENTARY PROCEDURE

3.1 Parliamentary Authority

Robert's Rules of Order, Revised shall be the parliamentary authority for all meetings of the Council and the rules contained therein shall govern the procedures utilized at such meetings where not inconsistent with the Charter or these Procedures.

3.2 Voting

Every Councilmember present, when a question is put, shall vote either "Yes," or "No," unless excused from voting in accordance with Section 5.5(c) or Section 6.3 of the Charter.

3.3 Amendments to Resolutions and Ordinances

Councilmembers are strongly encouraged to distribute any proposed amendments or the concept of a proposed amendment to Council and staff as far in advance as possible.

A Councilmember intending to introduce an amendment to a proposed resolution or ordinance must send a notification about the amendment by email to all members of Council, with a copy to the City Manager and the City Attorney, no later than 12:00 p.m. (noon) on the day prior to the day of any Council meeting where the resolution or ordinance is scheduled for a vote (including second reading and reconsiderations).

Councilmembers are encouraged to distribute specific amendment language, but this is not required to meet the requirements of this section.

An amendment distributed by the deadline stated in this section requires a motion and a second for introduction. An amendment that is not distributed by the deadline stated in this section may only be introduced by a two-thirds vote of the Councilmembers present at the meeting. If an amendment is not introduced because it failed to get the two-thirds vote required for introduction, the Councilmember is permitted to attempt to reintroduce the amendment at a future meeting, if applicable, in accordance with this section. All other matters related to amendment shall follow the procedures set forth in Robert's Rules of Order.

This section does not apply to items on the agenda of a special meeting called with less than a week's notice to Council.

3.4 Reconsideration

After the decision on any question, any Councilmember who voted with the prevailing side may move for a reconsideration of any action at the same or at the next succeeding regular meeting; provided, however, that an action of the Council authorizing or relating to any contract may be reconsidered at any time prior to the final execution thereof. A motion to reconsider may be seconded by any Councilmember and shall require a majority vote of the Councilmembers in office for adoption. After a motion to reconsider has been once voted on and lost, it shall not be introduced again except by unanimous consent of the Council.

3.5 Recess - During Meeting

The Presiding Officer may, at any point in the Agenda, declare a recess for a specified time.

3.6 Time of Adjournment

All Council meetings (including regular meetings, special meetings, study sessions, and executive sessions) shall be adjourned by 11:00 pm and no new agenda item shall be introduced after 10:30 pm. Any agenda items that haven't been addressed or that are still under discussion at 11:00 pm shall be continued to the next regularly scheduled meeting. Notwithstanding the above, prior to adjournment a majority of Councilmembers present may vote to extend the time for a current discussion or to address additional agenda items.

IV. PUBLIC HEARING - PROCEDURES

Effective August 10, 2021

Public hearings will be conducted in accordance with the following procedures:

- (A) The Presiding Officer will:
 - (1) Declare the public hearing open;
 - (2) Announce the public hearing procedures;
 - (3) With the consent of Council, establish reasonable time limits for the hearing and reasonable time allocations therein;
 - (4) Ask for an introductory presentation by the City Administration, if appropriate;
 - (5) Ask for the petitioner's or applicant's presentation, if appropriate;
 - (6) Ask for the presentation of those members of the public who would like to be heard.

(B) Each side of an issue will be given an opportunity to be heard and to present their case.

(C) Any person speaking or presenting any information at the hearing may be questioned by the Council and by the City Administration.

(D) Following questions from Councilmembers, the Presiding Officer will declare the public hearing closed and the matter will be remanded to the Council for consideration

V.
ADDRESSING THE COUNCIL

Each person addressing the Council shall give his or her name and neighborhood or city of residence for the record, shall state the subject he or she wishes to address, and shall limit the address to a reasonable time. The Presiding Officer, with the general consent of Council, may limit the time of any and all addresses.

VI.
ELECTIONS/ALTERNATES

6.1 Elections

Elections to fill vacancies on Council, to fill the position of Mayor Pro-Tem and to fill positions on Boards and Commissions shall be by secret ballot. The City and County Clerk will count the votes, and the Presiding Officer will announce the results. If none of the candidates receives the

required number of votes to be elected on the first ballot, the candidate receiving the fewest votes will be dropped as a candidate unless the elimination of such name (or names in the cases of a tie vote) would leave only one candidate for the office. This process will continue until one candidate receives the required number of votes to be elected. If nominations are closed with no more candidates being nominated than there are positions to be filled, the candidates(s) so nominated shall thereby be appointed and no balloting shall be required. The City and County Clerk shall maintain a record of the vote for Boards and Commissions appointments.

6.2 Alternates

(A) When a regular citizen member of a Board or Commission resigns or is removed prior to the end of his or her term, the alternate member, if any, shall automatically fill the vacancy for the remainder of the regular citizen member's term. The alternate position shall remain vacant until such time as the Council elects to fill the vacancy, usually in March of the year in which the resignation or removal occurred.

(B) For those Boards and Commissions for which an alternate member has been appointed by the City Council, the alternate member shall serve in the place of a regular citizen member at a Board or Commission meeting when such regular citizen member is absent from the meeting.

VII. ELECTRONIC PARTICIPATION RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS

7.1 Purpose

These rules specify the circumstances under which the Mayor and City Council members may participate in regular and special meetings by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). The Mayor or any Councilmember may participate in a meeting of the City Council electronically only in accordance with these rules.

7.2 Emergency Situations for Full Remote Meeting

(A) If a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the City Council because meeting in-person is not practical or prudent due to a health, weather or other emergency affecting the City, meetings may be conducted by telephone, webinar, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held electronically if all of the following conditions are met:

(1) The City Manager or the Mayor determines that meeting in person is not practical or prudent, because of a health, weather or other emergency affecting the City;

(2) The Mayor and 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;

(3) If the regular meeting location is available, members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the emergency;

(4) All votes are conducted by roll call;

(5) Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection;

(6) To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that the Mayor and Councilmembers may participate virtually, and the right of the public to monitor the meeting from another location; and

(7) Members of the public shall be allowed to submit written comments and may be allowed to be heard virtually if feasible, subject to reasonable limits imposed by the Presiding Officer.

7.3 Individual Electronic Participation by the Mayor or a Councilmember.

(A) Electronic Participation by the Mayor and/or a Councilmember shall be allowed at a portion or the entirety of a regular meeting, special meeting, study session, and/or executive session. The Rules applicable to individual electronic participation will be reviewed no later than August 10, 2022 to determine if they should remain in these Rules. To arrange Electronic Participation, the Mayor or a Council member shall:

(1) Contact the Mayor (or, if the Mayor, the Mayor Pro Tem), City Manager, or City Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. The Mayor and Councilmembers shall endeavor to advise the city of their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation unless due to illness or personal emergency.

(2) The City and the Mayor/Councilmember attending electronically shall initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the City Clerk shall make one attempt to re-initiate the connection. If the connection fails, then the Mayor/Council member attending electronically will be listed as "absent" that portion of the meeting.

7.4 Conditions for Electronic Participation at Meetings

(A) The Mayor/Councilmember attending electronically is in a physical location with

good connectivity (telephone or internet) that is free from distractions.

(B) Video conferencing should be utilized as the first tool for Electronic Participation, with a telephone connection as a back-up.

(C) When using video conferencing for Electronic Participation, the camera should be turned on, especially during Council comments and votes.

(D) If the Mayor is participating in a meeting by electronic means and the Mayor Pro Tem is participating in person, the Mayor Pro Tem shall preside over the meeting. If both the Mayor and the Mayor Pro Tem are absent or participating by electronic means, then the Council will select a temporary chairman to preside over the meeting pursuant to Section 2.1 of these Rules.

(E) The Mayor/Councilmember participating in an executive session electronically shall have a secure telephone or electronic connection, and certify that they are the only person in the room and that no other person has access to the executive session.

(F) If any member of Council is appearing at a meeting electronically, all votes are conducted by roll call.

7.5. Public, if feasible to be heard virtually.

Members of the public who wish to comment virtually and who do not wish to present photos, maps or other materials shall be allowed to do so in the manner provided on the agenda published for the meeting.

7.6 Quasi-Judicial Hearings by Virtual Participation.

(A) If the City decides to allow for a full virtual hearing of a quasi-judicial matter during an emergency situation, the City will advise the applicant of such circumstances and present the applicant with two options for proceeding with the application. The applicant shall authorize the City, in writing, to proceed with one of the following options.

(1) Conduct the public hearing under this policy with accommodations made for virtual public participation and waive any legal challenge to the hearing being conducted virtually; or

(2) Suspend scheduling of the applicant's public hearings until such time as the local or statewide emergency is lifted and the Council schedules a regular meeting at which a quorum will be physically present.

(B) The City shall hold a full virtual quasi-judicial hearings only if all parties presenting to the Council or involved in the proceeding are able to participate virtually and members of the public are able to be heard virtually. Written evidence and comments shall also be accepted and made part of the record.

(C) Virtual Participation at in-person quasi-judicial hearings by the Mayor or a Councilmember(s) is permitted, consistent with these Rules.

7.7 Effect of Virtual Participation.

The Mayor/Councilmember who participates in a meeting electronically consistent with these Rules shall be considered “present” at the meeting for purposes of establishing a quorum and entitled to vote on matters coming before the Council.

VIII. RULES FOR THE CONDUCT OF COUNCIL

8.1 Be Prepared - Prepare for meetings. Ask questions before meetings to achieve clarity and if additional information is necessary, ask as early as possible to allow for questions to be addressed during the presentation.

8.2 Keep an Open Mind - Leave personal agendas out to achieve the best outcome for Broomfield and make non-partisan decisions. Do not intentionally surprise fellow Councilmembers or staff during meetings.

8.3 Deliberate on the Issues - Speak to the merits of the issue and refrain from attacking or questioning a person’s motives.

8.4 Be Respectful - Treat fellow Councilmembers, staff and all persons appearing before the Council with respect.

8.5 Make Fair Council Decisions - Give unbiased consideration to all issues. Once a decision is made, support the work of the body. Do not undermine that decision.

8.6 Social and Traditional Media - When making public statements, it is appropriate for Councilmembers to use social media to explain their position. However, Councilmembers should refrain from using social media to undermine the body by criticizing other Councilmembers and staff for their position or votes on matters before Council.

8.7 Staff Direction - Except for the purpose of inquiry, the council, its members, the mayor and any council committee shall deal with the administrative service solely through the city manager and neither the council, its members, the mayor, nor any council committee thereof shall give orders to any of the subordinates of the city manager.

IX.
PROCEDURES FOR REVIEW OF STATE LEGISLATION

9.1 Prior to each year's State Legislative Session:

(A) The City Council will meet to determine legislative principles and areas of focus (ex: Transportation, Oil & Gas, Taxation).

(B) City Council and staff will work with regional lobbyist organizations to guide partner created legislation on areas of focus.

(C) City Council and staff will continue to build partnerships with local state house delegation, regional lobbyist organizations and local governments.

9.2 During the State Legislative Session:

(A) City Council will partner with regional lobbyist organizations to take positions on legislation.

(B) Staff or our lobbyist will create bi-weekly emails to Council which includes:

(1) Legislation to watch (within our focus areas).

(2) Upcoming Committee Meetings.

(C) Staff or our lobbyist will discuss legislation at monthly Study Sessions, informal in-depth meetings as necessary, and when City Council requests to consider a position on specific legislation.

(D) Staff, Councilmember(s), or our lobbyist will lobby for or against any piece of legislation that is aligned with Council's priorities in partnership with our lobbyist organizations.

9.3 Council's Process for taking positions on legislation:

(A) During regular Council meetings, items listed in Section 14 of the agenda can be discussed.

(B) Via email, the Mayor and/or any councilmember can request a piece of legislation or ballot initiatives be considered for Council's support or opposition.

(1) Requests should be submitted to the City Manager and include the Mayor and all Councilmembers by noon the Wednesday prior to the meeting, in order to meet the agenda schedule.

(2) At a meeting, a two thirds majority of the members of the entire Council may direct a position of support, or opposition.

9.4 A position directs staff to:

- (A) Contact the Broomfield State Delegation to alert them of position.
- (B) Engage with the bill sponsor to discuss position and lobby to ensure the best outcome for Broomfield.
- (C) Notify the public and media.
- (D) Coordinate with Council to testify at committee meetings and craft talking points.

X.
AMENDMENTS

These Rules of Procedure may be amended by a two-thirds vote of the Councilmembers in office.

Adopted the 11th day of April, 1989 and last amended on the 10th of August, 2021.



Dan C. Costello

Mayor

ATTEST:

Erika Delaney Lew

City and County Clerk

APPROVED AS TO FORM:

Nancy Rodgers

City and County Attorney