



Legislation Text

File #: 21-078, **Version:** 1

A Resolution Repealing Resolution 42-13 And Any Previous Resolutions Adopting Other Amendments To Prior Editions Of The “City Of Colorado Springs Rules And Procedures Of City Council” And Adopting The “City Of Colorado Springs Rules And Procedures Of City Council” Effective March 9, 2021

Presenter:

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Summary:

City Council, Council Staff, City Attorney’s Office, and City Clerk have completed a comprehensive revision of the Rules and Procedures of City Council. The comprehensive revision was initiated to:

- Ensure consistent language, terminology, and formatting
- Update rules and procedures to mirror current Council practices
- Remove outdated and obsolete rules and procedures
- Address Council requested rule changes

Major revisions were made the to the following rules and procedures:

- Public Participation (2-7)
 - A one hour time limit is proposed for Citizens Discussion to allow for better agenda planning. The President and/or majority of Council has the discretion to extend the time. Topics in excess of an hour could indicate the need for a Special Meeting or Town Hall. Expounds upon reasons a citizen may be barred from a meeting and when law enforcement is engaged.
- City Council Recognitions (2-8)
 - Staff proposes using Resolutions for all meeting recognitions to create consistency with retirement and other department initiated recognitions. Reserving proclamations for outside of Council meetings. The current practice requires all recognitions (resolutions or proclamations) must have the support of five (5) Councilmembers to be placed on an agenda.
- Reconsideration of Vote (3-13.A.9)
 - Councilmembers must state reason for reconsideration and applicable facts.
- Boards, Commissions, and Committees (Part 5)

- Defines types (City Council Appointed, President's, Subcommittees, Appointments)
- Defines role and duties of Councilmember Liaison
- Establishes rules for re-appointments and alternates
- Establishes procedure for interviews
- Establishes procedure for annual reports and recertification
- Quasi-Judicial Ex Parte Communications (6-2.B)
 - “The City Council shall not solicit and shall endeavor to refrain from receiving information and evidence that is not included in the staff-provided materials provided in the record for quasi-judicial matters while such matter is pending before the City Council or any agency, Board, Commission or Committee thereof, except at the public hearing.”
 - “As an elected official, it is often impossible to avoid such contacts and exposure to information.”
 - “If City Council receives written individual information on quasi-judicial actions, a copy shall be made and/or provided for the rest of City Council.”
 - “Matters are "pending" when an application has been filed.”
 - “Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions after matters are pending are not considered ex parte contacts and are permitted.”
- Public Hearing Time Limits (6-2.C)
 - “Applicants and appellants will generally be limited to thirty (30) minutes per side during quasi-judicial hearings. Those offering testimony who are not applicants or appellants will generally be limited to three (3) minutes per person. Time limits may be modified at the discretion of the President. In appeals from decisions of subordinate boards and commissions and hearing officers, City Council reserves the right to limit the hearings on appeal to matters raised on appeal.”
- Waiver of Attorney-Client Privilege (7-2)
 - Establishes the process for City Council to waive attorney/client privilege for both non-time sensitive and time sensitive matters.
- Code of Conduct (7-7) & Decorum (7-8)
 - Established aspirational language for Councilmember behavior and actions at the dais.
 - Provides guidance Councilmembers interactions with each other, City Staff, and members of the public.

After receiving feedback from the Council at the Work Session on Monday, February 8th, 2021 the following revisions were made:

- Open or Closed Executive Session (2-6.C.3)
 - Disclosure of confidential information is addressed in the City Code of Ethics.
- Reconsideration of Vote (3-13.A.9)
 - All Councilmembers present for the motion shall be present for the reconsideration.
 - As practicable, efforts should be made to inform all involved parties prior to Council undertaking the reconsideration at the same meeting.
- Boards, Commissions, and Committees (5-1.D)
 - Councilmember Appointments on Boards, Committees, and Commissions - Councilmembers shall serve as voting members on City, regional, and intergovernmental Boards, Committees, and

Commissions as required by law. Such appointments to these Boards, Commissions, and Committees shall be assigned and ratified by the entire City Council.

- Quasi-Judicial Ex Parte Communications (6-2.C)
 - Individual site visits by Councilmembers may occur in conformance with the standards set forth above and should be disclosed before the public comments period is opened along with any impressions following such site visits.
- Decorum (7-8)
 - Removed "Councilmembers should give the appearance of active listening, by looking at the speaker and being aware of facial expressions."

The following revisions were made to accommodate electronic and/or telephonic meetings:

- Open or Closed Executive Session (2.6.A.3)
 - Prior to entering any Closed Executive Sessions, Councilmembers participating electronically and/or telephonically shall ensure that no other member of the public not authorized to participate in the Closed Executive Session is present or able to hear matter discussed as part of the Closed Executive Session.
- Public Participation (2-7.A)
 - City Council may allow members of the public to address the City Council electronically and/or telephonically.
- Attendance (3-2.D)
 - A Councilmember's presence at a City Council Meeting may be achieved electronically and/or telephonically with the approval of the President.
- Voting (3-6.C)
 - In the event the electronic voting technology becomes inoperative during any City Council meeting, the City Council meeting is at a location without electronic voting technology, or a Councilmember is participating electronically and/or telephonically, the City Clerk shall call the roll in alphabetical order with the same Councilmember being called first throughout the meeting.
- Boards, Commissions, and Committees (5-3)
 - Board, Commission, and Committee members presence at a meeting may be achieved electronically and/or telephonically with the approval of the Chair.
 - Board, Commission, and Committee members shall vacate the office in accordance with City Code Section 1.2.905.
- Electronic and/or Telephonic Quasi-Judicial Hearings (6-2.E)
 - Quasi-judicial hearings may be held in electronic and/or telephonic format as determined by the President. If during the course of the electronic and/or telephonic quasi-judicial hearing the City's means of conducting the hearing fails and results in the loss of either a quorum, of the City Council, the advisory board, commission, or committee, or presence of the appointed officer, licensing official, or hearing officer, or of the ability of the applicant or members of the public to participate, the hearing shall immediately be postponed until such time as the resumption of the electronic and/or telephonic means for conducting the hearing. Failure of electronic and/or telephonic capabilities of an applicant or member of the public shall not require immediate postponement of the quasi-judicial hearing.

Background:

The current Rules and Procedures of City Council were adopted by Resolution No. 42-13 and were amended by Resolution No. 8-14 (Procedures for Confirmation of Mayoral Appointees), Resolution No. 83-16 (Removal of Donations and Unspent Funds) and, Resolution No. 3-20 (Repeal of Part 6 - Land Acquisitions).

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

N/A

Proposed Motion:

Motion to approve A Resolution Repealing Resolution 42-13 And Any Previous Resolutions Adopting Other Amendments To Prior Editions Of The "City Of Colorado Springs Rules And Procedures Of City Council" And Adopting The "City Of Colorado Springs Rules And Procedures Of City Council" Effective March 9, 2021

N/A