



COUNCIL AGENDA ITEM
MEETING DATE: August 3, 2021

TO: City Council

FROM: Sandra Llanes, Interim City Attorney
Kathleen Haddock, Senior Counsel

DATE: August 2, 2021

AGENDA

ITEM: **Item 4C - Charter Amendment Ballot Measures o-8477 and o-8478**

A correction to Section 2 of the recitals in Ordinance 8478 is as follows:

“At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section ~~7~~ 9 of the city Charter pertaining to appointments to council committees and removal of provisions that expired on December 31, 2017 ~~compensation for Council members.~~” This amendment to the Charter shall be effective for any council member serving on January 1, 2022, and thereafter. The material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines.

ATTACHMENT:

Corrected Ordinance 8478 is attached hereto.

ORDINANCE 8478

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2021, THE QUESTION OF AMENDING SECTION 9 OF THE BOULDER HOME RULE CHARTER, RELATING TO COUNCIL MEETINGS, BY REMOVING PROVISIONS THAT EXPIRED ON DECEMBER 31, 2017; EXPLICITLY ALLOWING COUNCIL TO APPOINT COUNCIL COMMITTEES GENERALLY CONTAINING TWO COUNCILMEMBERS AND IN NO EVENT A NUMBER EQUAL TO OR EXCEEDING A QUORUM OF COUNCIL; ALLOWING COUNCILMEMBERS NOT APPOINTED TO THE COMMITTEE TO ATTEND BUT NOT PARTICIPATE IN COUNCIL COMMITTEE MEETINGS; REQUIRING COUNCIL TO APPOINT A RECRUITMENT COMMITTEE FOR THE THREE COUNCIL APPOINTMENTS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A general municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 2, 2021.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section 9 of the city Charter pertaining to appointments to council committees and removal of provisions that expired on December 31, 2017. This amendment to the Charter shall be effective for any council member serving on January 1, 2022, and thereafter. The material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines.

Sec. 9. – Meetings of Council.

At 10:00 a.m. on the third Tuesday in November following each general municipal election, the council shall meet at the usual place of holding meetings, at which time the newly elected council members shall take office. Thereafter the council shall meet at such

1 times as may be prescribed by ordinance or resolution and shall meet in regular session at
2 least once in each calendar month. The mayor, acting mayor, or any five council members
3 may call special meetings upon at least twelve hours' written notice to each council
member, served personally on each, or left at each member's place of residence.

4 All meetings of the council or committees thereof shall be public. ~~However, the council
5 may meet in executive session exclusively for the purpose of obtaining and discussing legal
6 advice, including negotiation strategy, with respect to Boulder's electric utility.~~

7 ~~All executive sessions shall be conducted according to state law. The following additional
8 special procedural rules shall apply to every executive session:~~

9 ~~No final action may be taken in an executive session.~~

10 ~~An executive session shall be initiated only by a 2/3 vote of those council members present
11 at a council meeting.~~

12 ~~All executive sessions shall be recorded in their entirety.~~

13 ~~Any recording of an executive session shall be released to the public only upon a
14 unanimous vote of the city council or as otherwise provided by state law.~~

15 ~~Any executive session shall be part of a public meeting with the public being excluded only
16 from that portion of the meeting strictly necessary for the purpose of obtaining and
17 discussing legal advice, including negotiation strategy.~~

18 ~~Each council member shall have an affirmative duty to prevent any discussion of any
19 subject other than those strictly necessary for the purpose of obtaining and discussing legal
20 advice, including negotiation strategy. If during any executive session, any two council
21 members express the opinion that the subject being discussed is not strictly necessary for
22 the purpose of obtaining and discussing legal advice, including negotiation strategy, the
23 discussion shall cease immediately. At such time, council shall either end the executive
24 session or return to a discussion necessary for the purpose of obtaining and discussing legal
25 advice, including negotiation strategy.~~

26 ~~This provision is adopted because of the unique and complex circumstances related to the
27 potential creation of a municipal electrical utility. The adoption of this provision is not
28 intended to establish a precedent for executive sessions for any other purpose.~~

~~The authority to hold executive sessions shall expire on December 31, 2017.~~

~~The council shall cause to be kept a complete journal of its proceedings and, except with
reference to the journal of executive sessions, any citizen shall have access to the same at
all reasonable times.~~

1 The council shall have the authority to appoint council committees. Such committees shall
2 generally consist of no more than two council members and in no event shall be equal or
3 greater than a quorum of council. Other council members may attend any council
4 committee meeting to observe but shall not participate.

5 The council shall ~~may~~ appoint a committee of not more than two council members and any
6 number of non-council members to screen applications for city manager, city attorney, and
7 municipal court judge, to evaluate the performance of the persons occupying such
8 positions, and to consider recommending disciplinary actions relating to such persons.
9 Such committee may conduct its business in private, provided that the council as a whole
10 takes action to determine finalists at a public meeting, to determine compensation at a
11 public meeting, and to take disciplinary action at a public meeting.

12 Section 3. The official ballot shall contain the following ballot title, which shall also
13 be the designation and submission clause for the measure:

14 Ballot Question No. ____

15 Shall Section 9, "Meetings of Council," of the Boulder City
16 Charter be amended pursuant to Ordinance No.8478 to (a) remove
17 provisions that expired in December 2017, (b) explicitly allow
18 council to appoint council committees that generally contain no
19 more than two councilmembers and in no event equal or exceed a
20 quorum of council and allow councilmembers not appointed to the
21 committee to attend, but not participate in council committee
22 meeting, and (c) require council to appoint a recruitment
23 committee of no more than two members for each of the three
24 council appointments?

25 For the measure ____ Against the measure ____

26 Section 4. If a majority of all the votes cast at the election on the measure submitted
27 are for the measure, the measure shall be deemed to have passed and the charter shall be amended
28 as provided in this ordinance.

29 Section 5. This ordinance is necessary to protect the public health, safety, and welfare
30 of the residents of the city, and covers matters of local concern.

1 Section 6. The City Council deems it appropriate that this ordinance be published by
2 title only and orders that copies of this ordinance be made available in the office of the city clerk
3 for public inspection and acquisition.
4

5 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
6 TITLE ONLY this 20th day of July 2021.
7

8
9 _____
Sam Weaver, Mayor

10 Attest:
11

12 _____
Elesha Johnson, City Clerk
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14 READ ON SECOND READING, PASSED, AND ADOPTED, this 3rd day of August
15 2021.
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18 _____
Sam Weaver, Mayor

19 Attest:
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21 _____
Elesha Johnson, City Clerk
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