

1 ORDINANCE 8545

2 AN ORDINANCE AMENDING SECTIONS 2-1-2, "COUNCIL  
3 MEETINGS," 2-2.5-11, "LOCATION AND SPECIAL  
4 PROCEDURES FOR GOVERNING BODY MEETINGS AND  
5 DEPARTMENTS," AND 2-3-1, "GENERAL PROVISIONS,"  
6 B.R.C. 1981, ALLOWING FOR BOARDS, COMMISSIONS,  
7 AND CITY COUNCIL MEMBERS TO ATTEND MEETINGS  
8 VIRTUALLY OR IN-PERSON; AND SETTING FORTH  
9 RELATED DETAILS

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

12 Section 1. Section 2-1-2, "Council Meetings," B.R.C. 1981, is amended to read as  
13 follows:

14 The city council shall hold two regular meetings in each calendar month of each year on  
15 the first and third Thursdays of each month commencing at 6 p.m. in the city council chambers  
16 of the Municipal Building, 1777 Broadway, Boulder, Colorado.

17 The council may by motion prescribe a different date, time, or place for such regular  
18 meetings in any month, but no such motion affects the time, date, or place for regularly  
19 scheduled meetings of the council in any other month.

20 The city council or city manager may allow for meetings that permit simultaneous in-  
21 person and remote attendance, exclude, or limit the public from in-person attendance at  
22 meetings provided that the meeting is available to the public either by telephone, over the  
23 internet or on television and the city council or city manager provides a means for public  
24 participation. The city council or city manager's ability to exclude or limit the public from in-  
25 person attendance shall be limited to meetings where a public health or safety concern exists.

Individual members of the city council may either participate in-person or remotely in a  
meeting and if remotely, through telephonic or other remote means, provided that such means  
allow for the public to hear the city council member and for the city council member to hear  
both members of the public recognized to speak and other members of the city council.

Any member of city council participating remotely shall be deemed present for purposes  
of determining a quorum. Remote participation in any meeting in accordance with this section  
shall not be considered to be an absence or failure to attend for determining whether a vacancy  
has occurred.

1            Section 2. Section 2-2.5-11, “Location and Special Procedures for Governing Body  
2 Meetings and Departments,” B.R.C. 1981, is amended to read as follows

- 3 (a) Whenever a disaster emergency makes it imprudent or impossible to conduct the affairs  
4 of the city at regular locations, the governing body may meet at any place, inside or  
5 outside the city limits. Any temporary disaster emergency meeting location for the  
6 governing body shall continue until a new location is established or until the disaster  
7 emergency is terminated and the governing body is able to return to its normal location.
- 8 (b) Whenever a disaster emergency makes it imprudent or impossible to conduct the affairs  
9 of any department of the city at its regular location, such department may conduct its  
10 business at any place, inside or outside the city limits and may remain at a temporary  
11 location until the disaster emergency is declared ended or until the department is able to  
12 return to its normal location.
- 13 (c) Whenever a disaster emergency makes it imprudent or impossible for city council, or  
14 any city committee, board, or commission or other such body to meet at a previously  
15 scheduled date and time, such meeting shall be deemed to be postponed until a quorum  
16 of the city council, city committee, board, or commission or other such body is able to  
17 meet.
- 18 (d) Any official act or meeting that must ordinarily be performed at regular or specified  
19 locations shall be valid when performed at a temporary location pursuant to this section.
- 20 (e) To the extent that is consistent with the United States and Colorado constitutions, any  
21 time requirement, deadline, procedure, scheduled hearing, or other event in the  
22 municipal court may, upon a finding of good cause, be waived, altered, or rescheduled  
23 by the presiding municipal court judge during a declared disaster emergency.
- 24 (f) The provisions of this section shall apply to all executive, legislative, and judicial  
25 branches, and to all powers and functions conferred upon the city and its officers,  
employees, and authorized agents by the Constitution of the State of Colorado, Colorado  
Revised Statutes, the Boulder Revised Code, and the Charter of the City of Boulder.
- (g) In any disaster emergency resulting from a contagious disease or in the event that the  
Governor of Colorado has issued a statewide declaration of emergency because of a  
contagious disease, the following shall apply:
- (1) ~~Members of the city council may participate remotely in a council meeting or  
study session through telephonic or other remote means, provided that such  
means allow for the public to hear the council member and for the council  
member to hear both members of the public recognized to speak and other  
members of the council.~~
- (2) ~~Members of boards or commissions may participate remotely at meetings  
through telephonic or other remote means provided that such means allow for the~~

1 public to hear the board or commission member and for the board or commission  
2 member to hear both members of the public recognized to speak and other  
members of the board or commission.

3 ~~(3) The city council, city manager, boards and commissions may exclude or limit the~~  
4 ~~public from personal attendance at meetings provided that the meeting is~~  
5 ~~available to the public either by telephone, over the internet or on television and~~  
6 ~~the council, board or commission provides a means for public participation.~~

7 (14) The city manager may cancel any city council, city committee, board or  
8 commission meeting and any meeting by another such body prior to  
9 commencement of such meeting to preserve the public health, safety and  
10 welfare.

11 (25) Notwithstanding any provisions to the contrary in this code or any procedural  
12 rules, the city council, city manager, boards and commissions may continue  
13 consideration of any item on the published agenda of a city council, city  
14 committee, board or commission meeting. Continued agenda items that are  
15 concept plans or quasi-judicial in nature shall be rescheduled to a time when the  
16 city council or city manager finds that the city body and all interested parties will  
17 have adequate opportunity to participate in the consideration of the item. Any  
18 call-up consideration that would require an affirmative action of a city body and  
19 that was continued under the provisions of this section shall be tolled from the  
20 date of continuance to the date when the city body considers the call-up. No  
21 additional notice of any previously scheduled hearing before the city council, a  
22 board or commission shall be required provided that notice of a rescheduled  
23 hearing is provided as required by the Colorado Open Meetings Act.

24 (36) The city manager may waive, alter, reschedule any time requirement, deadline,  
25 procedure, scheduled hearing, or other event required for a contract, license or  
permit from the city.

(47) The city manager may alter any public hearing timing or other procedural  
requirement for a development application under this code if the manager finds  
the action necessary to protect the public health, safety, and welfare. When  
altering any such requirement, the manager shall consider the ability of all  
interested parties to have adequate opportunity to participate in the public  
hearing.

22 Section 3. Section 2-3-1, "General Provisions," B.R.C. 1981, is amended to read as  
23 follows:

24 (a) The city council:

- 1 (1) At a regular meeting before April shall appoint members to city boards and  
2 commissions, who are city residents not all of one gender identity;
- 3 (2) May remove any member by majority vote for conflict of interest violation, any  
4 other violation of applicable law, regulation, or policy, nonattendance to duty,  
5 failure to attend three consecutive regularly scheduled meetings without a leave  
6 of absence approved by a majority of the board or commission, or any other  
7 cause; and
- 8 (3) Shall fill any vacancy for the remainder of its term.

9 (b) Each city board or commission shall:

- 10 (1) Hold regular monthly meetings unless the board or commission adopts other  
11 rules of meeting frequency;
- 12 (2) Keep minutes of its meetings and records of its transactions, which are publicly  
13 available;
- 14 (3) Appoint a chair, vice-chair, and secretary (who may be a city employee);
- 15 (4) Conduct its meetings under the then current Robert’s Rules of Order, Newly  
16 Revised, unless the board or commission adopts other rules of meeting  
17 procedure;
- 18 (5) Hold all meetings open to the public, after full and timely notice of date, time,  
19 place, and subject matter of the meeting, and provide an opportunity for public  
20 comment at the meeting; ~~and~~
- 21 (6) Unless otherwise provided by law, conduct all quasi-judicial hearings under the  
22 procedures prescribed by Chapter 1-3, “Quasi-Judicial Hearings,” B.R.C. 1981-;
- 23 (7) Determine whether to hold meetings in-person, remotely, or meetings that permit  
24 simultaneous in-person and remote participation. Boards and commissions may  
25 exclude or limit the public from in-person attendance at meetings provided that  
the meeting is available to the public either by telephone, over the internet or on  
television, and the board or commission provides a means for public  
participation. The city board or commission’s ability to exclude or limit the  
public from in-person attendance shall be limited to meetings where a public  
health or safety concern exists; and
- 26 (8) Allow individual members of boards or commissions to attend meetings  
remotely through telephonic or other remote means provided that such means  
allow for the public to hear the board or commission member and for the board  
or commission member to hear both members of the public recognized to speak  
and other members of the board or commission. The term “attend” as used in  
this chapter means active participation either in person or remotely if allowed by

1 the respective board or commission rules of procedure.

2 (c) Unless otherwise provided by law, three members of each board constitute a quorum,  
3 and each board or commission shall act only on an affirmative vote of at least three  
4 members.

5 (d) Unless otherwise provided by law, each city board or commission is authorized to:

6 (1) Hold special meetings at any time upon the call of a quorum and after at least  
7 twenty-four hours' notice to members and as much public notice as is practicable  
8 under the circumstances;

9 (2) Administer oaths;

10 (3) Adopt rules interpreting its legislative duties under this code and establishing  
11 procedures in aid of its functions; and

12 (4) Issue subpoenas to require the presence of persons and the production of  
13 writings, papers, books, documents, records, or tangible things necessary to its  
14 proceedings.

15 (A) The secretary of the board or commission shall issue subpoenas upon  
16 written request therefor.

17 (B) Subpoenas shall be served in accordance with the provisions of Colorado  
18 Rules of Civil Procedure 45(c), except that no witness fees or mileage  
19 shall be paid.

20 (C) No person shall fail to obey a subpoena issued by the board or  
21 commission.

22 (e) Except as otherwise provided by law, all members of city boards and commissions shall  
23 serve without pay, shall serve until their successors take office, and shall not hold any  
24 other office in the city, but the secretary of any board or commission may be a city  
25 employee.

(f) If a member of a city board or commission is present at a meeting and refuses to vote,  
the member's vote shall be recorded in the affirmative. No member is excused from  
voting except on approving minutes of a meeting that the member did not attend or on a  
matter creating a conflict of interest under Chapter 2-7, "Code of Conduct," B.R.C.  
1981, or on consideration of such member's conduct in the business of the board or  
commission. The term "present" as used in this section means active participation either  
in-person, or remotely, if allowed by the respective board or commission rules of  
procedure.

(g) If a city board or commission listed in this chapter, or the city council, the Boulder  
Municipal Property Authority, or an advisory body to a general improvement district,

1 gives posted notice of a public meeting other than a notice required to be posted on  
2 affected property, in addition to any other place where such notice is posted, the notice  
3 shall be posted on the bulletin board in the first floor lobby of the municipal building  
4 located on the southwest corner of Broadway and Canyon. It shall not be necessary for  
5 any of these bodies to designate this place for posting annually. Except in cases of  
6 emergency meetings, such notice, if posted, shall be posted at least twenty-four hours in  
7 advance of the meeting. Notice posted pursuant to this subsection shall be full and  
8 timely notice, but no meeting shall be deemed not to have been preceded by full and  
9 timely notice merely because notice was not posted as allowed in this subsection so long  
10 as full and timely notice was given by some other means.

7 Section 4. The City Council finds this ordinance is necessary for the immediate  
8 preservation of public peace, health, safety, and property justifying the adoption of this  
9 ordinance as an emergency measure. The council declares this to be an emergency measure due  
10 to the need to have this ordinance effective upon adoption to ensure personal safety of each  
11 individual involved in council, boards and commissions meetings.

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

14 Section 6. The city council deems it appropriate that this ordinance be published by title  
15 only and orders that copies of this ordinance be made available in the office of the city clerk for  
16 public inspection and acquisition.  
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1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 4th day of August 2022.

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4 \_\_\_\_\_  
5 Aaron Brockett,  
6 Mayor

7 Attest:

8 \_\_\_\_\_  
9 City Clerk

10 READ ON SECOND READING, PASSED AND ADOPTED AS AN EMERGENCY  
11 MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT this 18th day August  
12 2022.

13  
14 \_\_\_\_\_  
15 Aaron Brockett,  
16 Mayor

17 Attest:

18 \_\_\_\_\_  
19 City Clerk