



**CITY OF BOULDER  
CITY COUNCIL ITEM ADDENDUM**

**MEETING DATE: October 20, 2022**

**AGENDA ITEM**

Item 3J Consideration of a motion to amend the Council Rules of Procedure Section XVI. Rules of Decorum *and Section IX. Nominations and Elections.*

**PAGE NUMBERS**

Agenda memo page 1, 2 and 3.  
Council Rules of Procedure Page 10 Section IX Nominations and Elections subsection e.  
Council Rules of Procedure Page 14 Section XVI Rules of Decorum subsection a.1.

**DESCRIPTION**

Additional changes are needed to the council rules of procedure to reflect the change of council meeting from Tuesday to Thursday. Changes were made to Section IX. The agenda title and motion language were also updated to reflect the same. More information can be found in the Agenda Memo.

The original proposed amendments to the Council Rules of Procedure Section XVI Rules of Decorum are still located on page 16.

**ATTACHMENTS**

- A – Updated agenda memo
- B – Page 10 and 14 Council Rules of Procedures



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2022**

**AGENDA TITLE**

Consideration of a motion to amend the Council Rules of Procedure Section XVI. Rules of Decorum and Section IX. Nominations and Elections.

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Teresa Taylor Tate, City Attorney

**EXECUTIVE SUMMARY**

Attached you will find some minor proposed revisions to the Council Procedure to address issues raised during the July 14, 2022, council process change discussion. The City Attorney determined that these suggestions best fit under the Council Procedure section on decorum rather than under the Code of Conduct. The Council Procedure section on decorum already captures the idea of speaking about subjects rather than people, but staff proposes an edit to apply the rule beyond formal council meetings.

Similarly, an added provision would require members to speak about colleagues and issues with accuracy and truthfulness in all forums. These minor changes reflect the will of Council as expressed on July 14, 2022.

In addition, Section IX. Nominations and Elections has proposed amendments in subsection e. The two proposed changes in this subsection are in response to the move from Tuesday to Thursday council meetings. In two places, the word “Tuesday” has been

replaced with “meeting”. These changes will update the process for 2022, which follows the even-year process in the rules.

Depending on the election outcome of Ballot Question 2E - Change Regular Municipal Election to Even Years, the City Attorney may propose additional edits to the Council Rules of Procedure.

### **STAFF RECOMMENDATION**

#### **Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to amend the Council Rules of Procedure Section XVI. Rules of Decorum and Section IX. Nominations and Elections.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic** – No additional economic impact.
- **Environmental** – No additional environmental impact
- **Social** – No additional social impact.

### **OTHER IMPACTS**

- **Fiscal** – None
- **Staff time** – This change can be accomplished in the usual course of staff business.

### **BACKGROUND**

The proposed amendments in Section XVI address issues raised during the July 14, 2022, council process change discussion.

### **ANALYSIS**

Council may choose to:

Adopt the amendments as proposed; or  
Modify the amendments proposed; or  
Make no change to the existing Council Procedure Rules of Decorum.

The proposed amendments to Section IX. Nominations and Elections are an administrative clean-up item related to the council meeting changing from Tuesdays to Thursdays that went into effect on July 14, 2022.

**ATTACHMENT**

A – Proposed Amendments to Council Rules of Procedure

discretion to set a public hearing on third reading by majority vote. The same procedure applies to later substantive amendments as well.

### **VIII. Voting.**

Voting ultimately decides all questions. The council may use any one of the following ways of voting:

- a. Voice Vote. All in favor say "aye," and all opposed say "no." The mayor rules on whether the "ayes" or the "nos" predominate, and the question is so decided.
- b. Raising of Hands. All in favor raise their hands, and then all opposed raise their hands. The mayor decides which side predominates and notes dissents for the record.
- c. Roll Call. The clerk calls the roll of the council members, and each member present votes "aye" or "no" as each name is called. The roll is called in alphabetical order, with the following special provision: On the first roll call vote the clerk shall begin with the first name on the list; on the second vote, the clerk shall begin with the second and end with the first; and so on, continuing thus to rotate the order. This rotation shall continue from meeting to meeting.

### **IX. Nominations and Elections.**

The mayor and mayor pro tem shall be selected in the following manner:

- a. In odd-number years, after the first Tuesday in November, but no later than the second Tuesday in November, any council member with an unexpired term or council member elect may express his or her interest in serving as mayor or mayor pro tem. Any person expressing an interest shall post a Hotline message regarding his or her interest in and qualifications for either or both positions.
- b. The council meeting convened pursuant to Charter Section 9, on the third Tuesday in November of odd-numbered years, shall be chaired by the council member with the most consecutive years of service on the council who did not express an interest in serving as mayor or mayor pro tem. If there is more than one council member with the most consecutive years of service on council not seeking to be elected mayor or mayor pro tem, the city clerk shall place the names of each such council member in a container and select one who shall preside at the convening meeting.
- c. In the interest of transparency and public participation, after the new council members are sworn in pursuant to Section 9 of the Charter, the meeting convened at 10:00 a.m. on the third Tuesday in November shall be continued until 6:00 p.m. At that time, the council shall hold a public hearing on the selection of the mayor and mayor pro tem.
- d. The mayor pro tem shall serve for a period of one year. In even numbered years, council members interested in serving as mayor pro tem shall express interest and speak to their qualifications at the first meeting in November. In even numbered years, nominations and election for the mayor pro tem shall be held at the second meeting in November.
- e. Nominations. At the conclusion of public testimony, council will consider nominations for mayor and mayor pro tem. Any council member may nominate anyone that expressed an interest on Hotline in odd numbered years or made a speech at the first ~~meeting Tuesday~~ meeting in November of even numbered years, including himself or herself, for either position. Provided, however, that the requirement of prior expression of interest shall be waived for any council member whose election was not decided before the second ~~Tuesday meeting~~ meeting in November. Nominations for mayor and acting mayor (generally referred to as mayor pro tem) are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.

- d. Resolutions. Resolutions are appropriate for legislative concerns, including, without limitation, conveyances of positions or ideas to other legislative and administrative bodies. But all legislative actions must be by ordinance.
- e. Political Questions. In the event that a substantial political issue is determined to be presented by a proposed declaration, the mayor shall not act or place the matter on the agenda, but instead will inform the group supporting the action that the matter will be placed on the agenda only if a majority of the council members present at a meeting of the council so directs. The burden shall be on such group to present the issue to the council. The mayor may request council advice at any time concerning proposed mayoral or council action.
- f. Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.
- g. Fund-Raising. Publicity for fund-raising efforts and community events will be deemed inappropriate for council action, although major efforts and events may be commemorated if the majority of the council members present at a meeting of the council so directs.

## **XVI. Rules of Decorum.**

- a. Council Intent for Rules of Decorum. The city's business is conducted at city council meetings by the elected officials of the city. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions and other informal council meetings, although the public is encouraged to express comments in writing or other communication prior to those meetings. In order for the council to conduct its business in a manner completely open to the public by video, rules of decorum are necessary. Historically, council meetings have lasted numerous hours which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:
  - 1. Provide a safe and secure setting for council and the public to attend to the city's business.
  - 2. Enable council to conduct its deliberative process without interruption in a manner that can be heard and viewed by all viewing and recorded for the simultaneous or later viewing by the public.
  - 3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of council meetings.
  - 4. Facilitate transparency in the conduct of council meetings so that all persons have the opportunity to observe and hear all of the council discussion and votes.
  - 5. State specific rules so that all may know the rules in advance and be subject to the same rules.
  - 6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.
  - 7. Develop an atmosphere of productive civic discourse that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
  - 8. Balance the need for the council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.
  - 9. Facilitate council meetings as business meetings, therefore public comments should relate to the business of the city and, as such, be addressed to the council as a whole, which conducts the business of the city.