

CITY OF CENTRAL, COLORADO
NOTICE OF A SPECIAL MEETING of the CITY COUNCIL to be held on
Tuesday, April 14, 2015 @ 7:30 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

The City Council meeting packets are prepared several days prior to the meetings and available for public inspection at City Hall during normal business hours the Monday prior to the meeting. This information is reviewed and studied by the City Council members, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. Agendas are posted on the City's website, the City Hall bulletin board and at the Post Office the Friday prior to the Council meeting.

7:30pm Council Meeting

1. Call to Order.
2. Roll Call.

Mayor	Ron Engels
Mayor ProTem	Kathy Heider
Council members	Shirley Voorhies
	Glo Gaines
	Judy Laratta
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.
6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

Regular Bill lists of March 5, 12, 19, 26, April 2, 9; and
City Council minutes: March 3 & 18, 2015.

PUBLIC FORUM/AUDIENCE PARTICIPATION – *(public comment on items on the agenda not including Public Hearing items):* the City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the City Council. Your comments should be limited to **three (3) minutes per speaker**. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the City Manager for follow-up. Thank you.

ACTION ITEMS: NEW BUSINESS –

7. Ordinance No. 15-01: An ordinance of the City Council of the City of Central amending and restating the City of Central City Council Rules of Procedure. (McAskin)
8. Resolution No. 15-09: A resolution of the City Council of the City of Central approving an intergovernmental agreement between the City of Central, the City of Black Hawk, and the Timberline Fire Protection District regarding the use of certain equipment, specifically an air and light trailer. (Allen)

REPORTS –

9. Staff updates –

COUNCIL COMMENTS - limited to 5 minutes each member.

PUBLIC FORUM/AUDIENCE PARTICIPATION – for non-action items not Action or Public Hearing items on this agenda (same rules apply as outlined in the earlier Public Forum section).

ADJOURN. Next Council meeting April 21, 2015.

Posted 4/10/15

PLEASE TURN OFF CELL PHONES

Please call Reba Bechtel, City Clerk at 303-582-5251 at least 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting.

**CITY OF CENTRAL
CASH ON HAND
4/10/2015**

Total Beginning ENB Cash on Hand 02/26/15 **549.61**

Deposits to ENB

Wires Out ENB

Cleared Checks

3/19/2015 549.61

<less previously approved & outstanding> 288.13

Total ENB Cash on Hand 4/8/2015 **261.48**

Total COB Cash on Hand 2-26-2015 **235,568.18**

Deposits to COB 128,060.72

Wires Out COB 63,710.43

Cleared Checks (102,230.55)

4/8/2015 325,108.78

<less previously approved & outstanding> (175,543.94)

Device Fees Received

Total COB Cash on Hand 4/8/2015 **149,564.84**

Total Beginning Colotrust Cash on Hand 2/26/2015 **680,874.92**

Wires into Account

Wires out of Account

Total Colotrust Cash on Hand 4/8/2015 **682,458.89**

TOTAL CASH ON HAND 4/8/2015 **832,285.21**

CASH FLOW
CHECK LISTING

4/10/2015

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
4/11/15	5751191995	4/3/15	129589	Clear Creek Supply	Hose Repair	2.89	
3/25/15	42083	4/3/15	129590	Exquisite Enterprises	Nameplates for Council	60.17	
4/3/15	Apr12015	4/3/15	129591	Gilpin Ambulance	Ambulance Service April	13,631.25	
3/30/15	328453	4/3/15	129592	Napa Auto Parts	Brake Rotor, V-belt, Trans Belt	261.03	
3/19/15	102458001	4/3/15	129593	Office Stuff	Coffee and DVDs	57.58	
3/26/15	032615	4/3/15	129594	Xcel Energy	Electricity	93.35	
3/22/15	032215	4/3/15	129595	Purchase Power	Postage	606.89	
3/25/15	325607	4/3/15	129596	Stevinson Chevrolet	Repair Ignition	307.80	
3/16/15	031615J	4/3/15	129597	Century Link	303-582-5253	52.46	
3/31/15	21503234	4/3/15	129598	Utility Notification	Line Locates	8.58	
3/11/15	3234218	4/3/15	129599	Galls	Twill Cap, Wool Cap, Mesh Cap	25.92	
3/11/15	41178	4/3/15	129600	Med-Tech Resources	Extrication Gloves	51.82	
3/19/15	Apr12015	4/3/15	129601	VSP	Vision Insurance	285.72	
3/27/15	3045101	4/3/15	129602	International Code Council	Membership for Allen	135.00	
4/1/15	10619	4/3/15	129603	Allen Technology	Monthly Maintenance	3,420.00	
4/1/15	60155	4/3/15	129604	One Way Inc	Residential Trash	5,000.00	
3/20/15	15133	4/3/15	129605	QDS Communications	Breakway Chest Pack	55.38	
4/3/15	128443	4/3/15	129606	Air-O-Pure Portables	Restroom at Reservoir	95.00	
4/1/15	2418	4/3/15	129607	Prospectors Run HOA	April Snow Removal	800.00	
3/24/15	5034637	4/3/15	129608	Rocky Mtn Power Generation	Repair Generator, Annual Maintenance	2,297.82	
3/26/15	032615	4/3/15	129609	USA Communications	Internet for PW and City Hall	600.90	
3/13/15	D360458	4/3/15	129610	Acctest Mountain States	Water Testing	140.00	
3/22/15	501107401	4/3/15	129611	Modular Space	PW Office	136.60	
4/1/15	2670114937	4/3/15	129612	Waste Management	Dumpster Rental	116.56	
3/21/15	032115	4/3/15	129613	Liberty National	Life Insurance	450.59	
3/23/15	32610	4/3/15	129614	Alperstein & Covell PC	Water Legal Counsel	3,000.00	
4/6/15	331	4/3/15	129617	Economic Strategies	Work for January, February and March	1,999.97	
4/8/15	2NDQTR15D	4/8/15	129622	BH & CC Sanitation District	Sewer Bill	576.00	
3/29/15	032915	4/8/15	129623	Home Depot	Tools, Bottled Water, Gloves	690.09	
4/1/15	040115B	4/8/15	129624	Xcel Energy	Electricity	4,864.79	
4/2/15	40T15	4/8/15	129625	Roberts Water Technologies Inc	Quad Ring Seal, Bearing	222.12	
3/20/15	3280617	4/8/15	129626	Galls Incorporated	Antenna for Police Department	2,450.51	
4/3/15	372730	4/8/15	129627	Pitney Bowes	Scale Lease	32.25	
3/11/15	15229523	4/8/15	129628	Landmark Community Newspapers	Job Advertisement for Public Works Director	497.66	
4/2/15	150401	4/8/15	129629	Gilpin County Historical Society	Employee for Washington Hall	1,679.34	
4/8/15	598964	4/8/15	129630	AFLAC Insurance	Supplemental Insurance	286.50	
4/3/15	4947	4/8/15	129631	Ausmus Law Firm	April Prosecution	600.00	
4/1/15	5034716	4/8/15	129632	Rocky Mountain Power Generation	Repair Generator	997.42	
4/1/15	040115	4/8/15	129633	T and D Car Wash	PD Carwashes	120.00	
3/31/15	136206	4/8/15	129634	Morning Star Elevator	Service to City Hall and Wash Hall	841.00	
3/31/15	39678	4/8/15	129635	Pro Corn	Pre Employment Test Adame	34.00	
4/1/15	2675934937	4/8/15	129636	Waste Management	Dumpster Rental	1,278.37	

CASH FLOW
CHECK LISTING

4/10/2015

Outstanding through ENB
Outstanding through COB

288.13
175,543.94

Total Issued:	175,832.07
Approved & Sent Checks:	126,968.74
Pending Approval:	48,863.33
Total Pending Approval 4/8/2015	48,863.33

**CITY OF CENTRAL
CITY COUNCIL MEETING
March 3, 2015**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:05 p.m., in City Hall on March 3, 2015.

ROLL CALL

Present: Mayor Engels
Mayor Pro Tem Heider
Alderman Voorhies
Alderman Gaines
Alderman Laratta

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
Public Services Director Griffith
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved with an amendment to remove agenda item #8.

CONFLICTS OF INTEREST

Mayor Engels stated he will recuse himself for the first agenda item under executive session.

CONSENT AGENDA

Alderman Gaines moved to approve the consent agenda containing the regular bill lists of February 5, 12, 19 and 26; and the City Council minutes for the meeting on February 3, 2015. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

ACTION ITEMS: NEW BUSINESS

Resolution No. 15-06: *A resolution of the City Council of the City of Central, Colorado approving and adopting the City of Central Interim Community Economic Development Strategic Plan and sunsetting said plan approval and adoption on December 31, 2016.*

City Manager Miera explained that the proposed resolution requests approval and adoption of an Interim Community Economic Development Strategic Plan that will sunset on December 31, 2016.

The City is currently in the process of updating its Comprehensive Development Plan which was last updated in 2003. However, due to a recent application submitted to DOLA for financial assistance for said update work (CDBG-DR Grant), the process of moving the update forward has been paused until a decision on our application is made. So, in the interim, it was determined that the City could benefit from adopting a strategic plan that addresses issues relating to community and economic development, especially given that the current version of the Comprehensive Plan does not adequately address that subject matter with respect to specific topics. And, until such time as the updated Comprehensive Plan is completed, which will include a more extensive approach to the issue, an interim strategic plan could better position the City to participate in more immediate community and economic development opportunities.

Therefore, in recognizing that the City is determined to minimize any further delay in updating the Comprehensive Plan, it was decided that the adoption of the Interim Strategic Plan should contain a sunset clause that ensures its interim status and encourages continued progress toward the completion of the updated Comprehensive Plan, including the more extensive version of the related element.

Alderman Gaines moved to approve Resolution No. 15-06: A resolution of the City Council of the City of Central, Colorado approving and adopting the City of Central Interim Community Economic Development Strategic Plan and sunsetting said plan approval and adoption on December 31, 2016. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Resolution No. 15-07: A resolution of the City Council of the City of Central establishing certain financial procedures specific to authorized check signatories.

Finance Director Adame reviewed Resolution 15-07 which establishes the elected officials and employees that are authorized to sign checks as well as those authorized as a signatory on bank accounts for the City. As the City recently hired a new Finance Director; the former Finance Director Shannon Flowers is no longer an authorized signatory on bank accounts. As such Resolution 15-07 designates Abigail R. Adame, Finance Director and Whitney Blake, Deputy Finance Director as authorized signatories on bank accounts and as employees authorized to sign checks issued by the City. Mayor Pro-tem Kathryn Heider is also designated as an authorized signatory on bank accounts via this resolution. She replaces former Mayor Pro-tem Robert E. Spain. Since it is also necessary at times for City employees to use credit or debit cards in order to make purchases or reservations, Resolution 15-07 recognizes that in these cases, only one (1) authorized signature will be required and lists the City employees who are authorized to have and use a City credit or debit card for such purchases.

Alderman Gaines moved to approve Resolution No. 15-07: A resolution of the City Council of the City of Central establishing certain financial procedures specific to authorized check signatories as amended. Mayor Pro Tem Heider seconded, and without discussion, the motion carried unanimously.

STAFF UPDATES

City Manager Miera referred to the staff reports in the packet.

Alderman Gaines asked for a status on the roof of the Knights of Pythias building. City Manager Miera explained that Fire Chief Allen and the Building Official from Colorado Code investigated the roof collapse which lead to requirements of the property owner to secure the area and get a structural engineer to provide an evaluation for stabilization.

Alderman Gaines asked Fire Chief Allen to congratulate on behalf of the City, the firefighters that received service awards.

Mayor Engels noted the resignation from Public Works Director Griffith and thanked him for all work he has done for the City. Mayor Pro Tem Heider added her thanks to Director Griffith and stated that his knowledge will be missed. Alderman Voorhies wished Director Griffith good luck in his next position. City Manager Miera explained that Public Works Director Griffith will continue under contract to support the City.

COUNCIL COMMENTS

Alderman Laratta asked about the shuttle service being combined with Black Hawk.

City Manager Miera gave information from his staff report:

Parkway Signage – The archway sign options will be brought back to Council to make a decision on the design and language proposed since the City owns the sign with financing managed through the BID. Other proposed signs off 1-70 have to meet CDOT regulations before they can be considered. Staff is working with JVA on signage on Nevada to determine ROW.

Shuttle Service – Staff has not had dialogue with Black Hawk since discussions in 2014 but staff will move that forward.

Street Lighting – The BID will work on a pilot project trial near Johnny Z's and then will bring it back for consideration.

Mainstreet Traffic Flow – Staff is working with JVA to review previous studies and put together costs to make the change for perhaps a trial basis.

PUBLICFORUM/AUDIENCEPARTICIPATION

Sharon Cate, 311 Casey, commended Officer Bergham, Fire Chief Allen, and volunteer fireman Royce McLain and Cody Allen for their assistance and professionalism with her recent traffic accident.

Jack Hidahl, 206 E 3rd, encouraged Council and the BID to discuss important topics without interruption and approved of the Council decision to take comment at the end of a work session if time allows. Mr. Hidahl also offered that signage is rarely functional or productive and cautioned that a change to the archway sign as proposed would diminish the City and not bring additional revenue to the casinos and he cautioned against electronic signs and also had concern for the retaining wall sign that was proposed. He added that utilizing the existing electronic sign and staffing a kiosk at the store would be better use of signage.

Council consensus to staff would be to work with Shannon Keel, General Manager for the Reserve Casino Hotel and the BID to do something less invasive on the slope and rather than add additional electronic signage at the bottom of the parkway to approach the owners of the property at the gateway business for use of the existing sign.

EXECUTIVE SESSION

At 7:47 p.m., Alderman Gaines moved to go into Executive Session pursuant to C.R.S. 24-6-402(4)(f)(I) regarding personnel matters and C.R.S. 24-6-402(4)(b) for the purpose of conferring with the City Attorney on specific legal questions regarding City operations and organizational structure, and to reconvene the Council meeting at the conclusion of the executive session for the purpose of taking any action deemed necessary, and to adjourn the March 3, 2015 regular Council meeting. Mayor

Pro Tem Heider seconded, and without discussion, the motion carried unanimously.

The next Council meeting is scheduled for April 7, 2015 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk

**CITY OF CENTRAL
CITY COUNCIL MEETING
MARCH 18, 2015**

CALL TO ORDER.

A special meeting of the City Council for the City of Central was called to order by Mayor Engels at 6:00 p.m., in City Hall on March 18, 2015.

ROLL CALL

Present: Mayor Engels
Mayor Pro Tem Heider
Alderman Voorhies
Alderman Gaines
Alderman Laratta

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Police Chief Krelle

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved with a change to the title of Resolution No. 15-08.

CONFLICTS OF INTEREST

No Council Member disclosed a conflict regarding any item on the agenda.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

ACTION ITEMS: NEW BUSINESS

Resolution No. 15-08: *A resolution of the City Council of the City of Central, Colorado selecting a design concept for the updated Central City Parkway archway sign and authorizing the City Manager to execute Agreements as necessary to facilitate the successful installation of the updated archway sign.*

Shannon Keel, General Manager for Reserve Casino Hotel, thanked Council for their time to hold this Special Council meeting. Ms. Keel presented the sign options and offered that at the Colorado Women's Chamber of Commerce conference she had attended, the message was "You can't grow without change". The proposed sign packet comes from collaboration of several individuals.

City Manager Miera gave a brief review of the process for this presentation. Parkway signage was first presented at the February 17, 2015 work session with the CCBID and included a change to the existing archway sign, a proposed new LED sign and a proposed hillside sign. The archway sign is

owned by the City and is considered a traffic control sign. If the City agrees on a design then the City can have a direct agreement with the Reserve or work through the CCBID.

Mayor Engels clarified that the Reserve has been driving this project so staff here may as well work directly with the Reserve Ms. Keel added that the CCBID is behind this process and that the Reserve is taking the role of driver for this to move forward. Also, there could be some modification once YESCO has had a chance to engineer the weight and size. They are willing to make changes to be in agreement with the City. They will save the current lettering and if there does not prove to be any benefit in 1-2 years it can be changed.

Ms. Keel explained that yellow on black is the most visible from a distance and adding the *Historic* to Central City is something that sets us apart from Black Hawk. The Tributary at 243(formerly Kermit) has 10-30 people a day who stop and ask for directions to the casinos which indicates we need to provide direction.

Alderman Gaines moved to approve Resolution No. 15-08: A resolution of the City Council of the City of Central, Colorado selecting a design concept for the updated Central City Parkway archway sign and authorizing the City Manager to execute Agreements as necessary to facilitate the successful installation of the updated archway sign as amended. Alderman Laratta seconded. In discussion, Mayor Pro Tem Heider stated the sign *Casino Parkway* reinforces that this is a road to Black Hawk as the wording *Historic Central City* fades out and all you see is *Casino Parkway*. Alderman Gaines that through collaboration with the Reserve Casino Hotel, the word *Historic* was added and they have assured the City that this can be temporary and changed again. Alderman Gaines also pointed out that the City can use other signage to promote history. Mayor Engels offered that this is the first, simplest and most affordable step in the plan for branding for Central City which will include all other attractions in our City with the casinos being the backbone of our revenue it makes sense that this is comes as the first step so thank you to Ms. Keel. Alderman Laratta agreed with Mayor Engels that if the vehicles are bypassing us as they drive through, it is our problem and we need to make some additional changes such as the *Do Not Enter* sign. Alderman Voorhies agreed with Mayor Pro Tem Heider that the *Historic Central City* is not as visible as we would like and also agrees that this may be a first step. Mayor Engels added that if the engineering reports allow for larger lettering then so much better. When Mayor Engels called the question, the motion carried 4 votes to 1 with Mayor Pro Tem Heider voting no.

STAFF UPDATES

City Manager Miera gave information from his staff report:

Knights of Pythias – timeline has been given to the property owner

Main Street Traffic Direction Project – staff is working with JVA to review previous studies and put together costs for perhaps a trial basis

CEDA – has filed articles of dissolution

Pit Rally – dates are July 17 8am-noon & July 18 8am-5pm for parkway closures

Arch sign on Nevada – YESCO is working to provide cost estimates for a *Welcome to Historic Central City* archway sign on Nevada

Gilpin County/Black Hawk Lawsuit – 4:04p.m. today, Denver District Court issued a dismissal for the lawsuit filed by Gilpin County and Black Hawk against the State, Teller County, Cripple Creek and Central City

Finance Department – Clifton Larson Allen is a CPA firm and could look at our Caselle conversion and other possible cost saving measures

COUNCIL COMMENTS

Alderman Voorhies expressed her enthusiasm for the possibilities to use the Belvidere as a community building.

Alderman Gaines thanked City Manager Miera for arranging the sit down with the County Commissioners as it was very productive.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Ren Goltra, property owner, asked about the distance of visibility for the proposed archway sign and suggested that there could be radio streaming of information on the parkway. Mr. Goltra also added that the change for the Belvidere is good for the City but noted the same property owner is behind on the taxes for his Main Street properties and encouraged the City to find a way to get them back on the market or into use.

David Josselyn, 344 E 1st High, described that when he first looked at the picture of the proposed archway sign he read it "Historic Central City Casino Parkway" rather than "Casino Parkway" it is "Central City Casino Parkway" and it can be changed if is not effective.

At 6:59 p.m., Mayor Engels adjourned the meeting.
The next Council meeting is scheduled for April 7, 2015 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk



AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: April 9, 2015

ITEM: Ordinance 15-01 Amending and Restating the City Council Rules of Procedure

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Ordinance No. 15-01 proposes minor revisions to the City Council Rules of Procedure (the "Rules").

The minor revisions to the Rules set forth in Ordinance 15-01 are being proposed by the City in order to clarify meeting procedures in the event that both the Mayor and Mayor Pro Tem are absent from a Council meeting.

The City Council is being asked to consider Ordinance 15-01 on first reading on April 14, 2015. This topic was discussed at the April 14, 2015 work session.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 15-01 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on Tuesday, April 21, 2015.

- III. **FISCAL IMPACTS:** None.

- IV. **BACKGROUND INFORMATION:** The minor revisions to the Rules addressed in Ordinance 15-01 include the following:

- Clarifying change in Rule 1 to delete reference to work sessions being held on the second and fourth Thursdays of each month, as that does not comport with current practice.
- Insertion of new Rule 5 (Roles and Responsibilities of the Mayor Pro Tem) and new Rule 6 (Temporary Chair).
- Renumbering the balance of the current Rules to account for the insertion of new Rule 5 and Rule 6.

A copy of Ordinance 15-01 is attached to this Council Communication Form. A copy of the new proposed Rules, including the changes summarized above, is attached as **Exhibit A** to the Ordinance. I have also attached a "redline" copy of the Rules, highlighting the proposed revisions to the Rules, to this Council Communication Form.

V. LEGAL ISSUES:

Section 5.12 of the Home Rule Charter authorizes the City Council to set rules for the governance of its meetings and the conduct of its members by ordinance.

The Rules were previously adopted by Ordinance 11-17 dated December 20, 2011.

As set forth in the Rules, the City Council may amend the Rules by majority vote of all members of City Council.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. SUMMARY AND ALTERNATIVES: City Council has the following options:

- (1) Adopt Ordinance No. 15-01 on first reading, as may or may not be amended;
- (2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading;
or
- (3) Reject or deny the Ordinance.

Attachments:

- Ordinance 15-01 (for first reading)
- Redline of City Council Rules of Procedure

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING AND RESTATING THE CITY OF CENTRAL
CITY COUNCIL RULES OF PROCEDURE**

WHEREAS, in accordance with Section 5.12 of the City of Central Home Rule Charter, the City Council is authorized to set rules for the governance of its meetings and the conduct of its members by ordinance; and

WHEREAS, the City of Central City Council (“City Council”) previously adopted Rules of Procedure (“Rules”) to govern the conduct of City Council members by Ordinance 11-17 dated December 20, 2011; and

WHEREAS, as set forth in the Rules, City Council may amend the Rules by majority vote of all members of City Council; and

WHEREAS, the City Council desires to amend the Rules to clarify meeting procedures in the event that both the Mayor and the Mayor Pro Tem are absent from a Council meeting; and

WHEREAS, the City Council has considered this minor amendment to the Rules at a work session; and

WHEREAS, the City Council wishes to amend and restate its existing rules of procedure as set forth herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. The amended and restated City Council Rules of Procedure, attached hereto as **Exhibit A**, are hereby adopted.

Section 2. In accordance with Section 2-4-90 of the Central City Municipal Code, the City Clerk is hereby authorized and directed to retain on file the attached Rules of Procedure as the City of Central City Council Rules of Procedure.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or

inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

Exhibit A
City Council Rules of Procedure

**City of Central
City Council Rules of Procedure**

Purpose and Declaration of Policy

These Rules of Procedure are established to make public meetings and the process of governance run more smoothly. Governance of the City relies on the cooperative efforts of the members of the Council, who set policy, and the City Manager, who implements and administers those policies. The citizens of Central City have granted all policy making and legislative power in the City Council which shall act as a body. Except by City Council delegation, no member of the City Council has any authority to exercise the power of his or her office except as set forth in the Home Rule Charter ("Charter") and Municipal Code.

Rule 1 Meetings:

The Council shall meet regularly at least once each month. Council has set the meetings for the first and third Tuesday of each month at the City Hall at the hour of 7:00 p.m. (Section 5.1, Article V of the Charter). The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each Regular Meeting. Any Council member may move that an Agenda item be removed from consideration and such removal shall require an affirmative vote of the quorum present. Items to be placed on the Agenda must be introduced by a Council member or staff through a Council Work Session or Study Session with the exception of:

- Routine business;
- Consent Agenda items; or
- Matters requiring immediate Council action such as contracts for emergency repair.

Any meeting of the City Council at a time other than on the first or third Tuesday of each month shall be considered a Special Meeting of the City Council and may be called or scheduled by the Mayor, the City Manager or any two members of the Council in accordance with the requirements of the (Section 5.2) Charter.

Work sessions are usually held on the second and fourth Thursdays of each month at the hour of 6:00 p.m., or immediately preceding a regular meeting, or as may otherwise be scheduled by the consensus of the majority of the City Council. The purpose of each work session shall be to hear, study and discuss matters that are to be expected to be presented for action at a Regular Meeting and to schedule such matters for formal action. Work sessions are considered meetings and shall be open to the public. The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each work session. Members of the public may address the Council about matters on the agenda that are scheduled for discussion during a work session. No business shall be transacted and no formal action may be taken at a work session. However, the Council may provide the City Manager with directions concerning agenda related items.

Commented [mm1]: Daniel: recommending this change as Council is not presently meeting on Thursdays in work session

Executive Sessions may be convened upon motion and the affirmative vote of two-thirds of the quorum present. An Executive Session may only be held at a Regular or Special Meeting and in accordance with the provisions of C.R.S. § 24-6-402. The topics for discussion in the Executive Session shall be announced to the public, including a specific citation to the provision of C.R.S. § 24-6-402(4) authorizing the Council to meet in an Executive Session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized. Except for determining its position in matters

subject to negotiations, developing strategy for negotiations and instructing negotiators, no formal action shall be taken in an Executive Session to adopt a proposed policy, position, resolution, rule, regulation, or ordinance. Performance Reviews of the City Manager may be conducted by the Council as a personnel matter in Executive Session unless the City Manager requests that the performance review take place in open session. The attendance of the City Manager may be required. Executive Sessions shall not be open to the public. At the conclusion of the Executive Session, the Council may return to the open meeting and may act on any matter as is deemed appropriate or adjourn the Meeting. The confidentiality of the matters discussed in Executive Session shall be preserved by all persons present.

Rule 2 Consent Agenda:

The Consent Agenda allows the Council to approve several items of routine business with one vote. The Council shall determine those items to be included as consent items on the Agenda for any Regular Meeting. After the Consent Agenda is read, all of the consent items shall be voted on as a group. If the vote to approve the consent items is not unanimous when they are voted on as a group, each item shall be voted on separately. Prior to accepting the motion for adoption of the consent items, the Mayor shall ask the members of the Council if they wish to discuss any of the consent items. If a Council member requests discussion or requests that any item(s) be removed from the consent items, such item(s) shall be acted upon after consideration of the remaining consent items by the Council. The individual items will then be considered for adoption.

Consent Agenda items may include, but are not limited to:

- Approval of the Minutes of prior meetings;
- Receipt and referral of applications and scheduling of public hearings;
- Approval of Liquor License Renewals, if no violations have been noted;
- Approval of payment of the monthly bills; and/or
- Approval of appointments to Boards and Commissions.

The consent items will be listed as separate items on the Agenda for the Regular Meeting with an explanation for the general public in substantially the form as follows:

"All matters listed under Item _____, Consent Agenda, are considered to be routine business matters by the Council and will be enacted with a single motion and a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately."

Rule 3 Conduct of Meetings:

Each Council member has equal powers in acting as a member of the Council.

A majority of the members of the Council in office shall constitute a quorum to do business (Section 5.4, Article V, Charter).

Voting on motions shall be by "aye" and "no", shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of Council proceedings. Each member of the Council shall activate either a "yes" vote or a "no" vote from his or her seat and the votes shall be announced by the City Clerk and entered upon the minutes of the meeting.

Application to be excused from voting shall be made before the matter is discussed on the agenda. After the member has briefly stated the reason for his or her request to be excused and made a motion to be excused, the decision on recusal shall be made by consensus of Council.

In case of a tie vote on any motion or resolution, the motion or resolution shall be considered lost. In the event an applicant or proponent is present for the matter in question, the Mayor shall ask such individual whether because an even number of Council members are present, the applicant or proponent wishes to continue the matter until all members of the Council are present. The decision of the applicant or proponent shall be determinative. In the event the applicant or proponent is not present, the members of the Council present shall decide whether to proceed on the item despite the presence of an even number of members.

Public Hearing Procedures

A. General. Public hearings are required for all ordinances under consideration by City Council. In addition, public hearings may be required by state law or pursuant to the Central City Municipal Code. Public hearings shall be conducted in general accordance with the procedures set forth in this Section. Deviations from these procedures that do not affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or in any way nullify the hearing or the Council's decision.

B. Procedures. The Mayor shall conduct the hearing in general conformance with the following procedures, which may be varied when circumstances warrant:

1. Open the public hearing and read the title of the item into the record.
2. Explain public hearing procedures.
3. Establish, when determined to be necessary, reasonable time limits for the hearing and reasonable time allocations to be established therein. As a general proposition, a 3 minute time limit shall be the customary and appropriate time limit for individuals and a 5 minute time limit shall be the customary and appropriate time limit for persons representing groups or organizations. An applicant whose property rights are the subject of the public hearing shall not be subject to time limitations provided that the applicant avoids redundant and duplicative testimony or presentation of evidence .
4. Ask for an introductory presentation of the application by the City Staff.
5. Ask for the applicant's presentation (if any).
6. Provide opportunity for testimony by those who are present.
7. Provide applicant with an opportunity to present rebuttal testimony and evidence.
8. Allow, throughout public testimony portion of hearing, Council members the opportunity to ask questions of the applicant, staff and members of public.
9. Following questions from Council members, the Mayor will declare the public testimony portion of the hearing closed and the case will be remanded to the Council for consideration.
10. Upon the closure of the public testimony portion of the hearing, the Council will avoid additional questioning of any hearing participant except as may be found

necessary by the Mayor to clarify a factual question or resolve a factual matter of dispute between members of the Council. No additional, unsolicited testimony shall be entertained or accepted by the Council. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event of reopening of the public testimony portion of the hearing, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.

11. The Mayor shall ask for discussion or a motion from the Council. Upon proper motion and second, the Mayor may ask for further discussion on the motion. Any Council or staff member may be recognized for comments on the motion. After all discussion has occurred, the vote of Council members shall be taken.

C. Quasi-Judicial Hearings. The nature of public hearings on land use and liquor license applications before the Council is considered quasi-judicial. Council members are required to consider only such evidence and testimony that is presented during the public hearing. Consequently, Council members cannot consider evidence outside of the confines of the public hearing, and should not engage in conversations or communications about any land use or liquor license application with an applicant, members of the public or other Council members before the public hearing or during any recess from the public hearing. The purpose of this restriction is to afford applicants due process of law in terms of a fair and unbiased process and to allow the Council to make an impartial and objective decision.

D. Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Rule 4 Roles and Responsibilities of Mayor:

The Mayor of the City of Central:

- Shall preside at all meetings of the Council.
- Shall maintain order, decorum, and the fair and equitable treatment of all speakers at meetings.
- Shall keep discussion and questions focused on specific agenda items under consideration and make parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as an advisory parliamentarian.

Rule 5 Roles and Responsibilities of Mayor Pro Tem:

In accordance with Section 3.5(b) of the Charter, and on an annual basis at the first regular Council meeting in the month of January, the Council shall appoint one of its own members to serve as Mayor Pro Tem. In the event of a temporary absence of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

Rule 6 Temporary Chair:

In the event of the absence or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any regular or special meeting of Council, the City Manager or City Clerk shall call such meeting to order and shall call the roll. Council shall then proceed to elect, by a majority vote of the quorum present, a Temporary Chairperson of the meeting. The Temporary

Chair will serve as the Presiding Officer for the meeting and shall perform the duties of the Mayor set forth in Rule 4 above.

The Temporary Chair shall serve as Presiding Officer until the arrival of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon the conclusion of the agenda item or other business then before the Council.

Commented [mm2]: New language added; balance of changes in document consist solely of renumbering the sections to reflect that these two sections have been added.

Rule 7 Responsibilities of All Members of the Council:

A. General Council Responsibilities and Conduct should be:

1. Treat each other with equal respect.
2. Make sure that informational materials provided to one member will be provided to all members of the Council so that all have equal access to the same informational materials.
3. Make no promises or commitments on behalf of the Council or the City, either overtly or implicitly.
4. Support the formal actions of the Council, and the official position of the City, even if the member voted in the minority.
5. Formal Council communications are approved through consensus of Council and signed by the Mayor or by the City Manager, as directed by Council.
6. Unless directed to do so by the Council or unless compelled to do so by operation of law, not knowingly disclose information which he or she knows or reasonably should know is confidential information, regardless of the source of the information.
7. Not knowingly use or disclose any confidential information gained in the course of or by reason of his or her official position and which has not been made public in order to advance his or her financial interests or to further the financial interests of any family member.
8. Serve as a model of leadership and civility to the community.
9. Seek to inspire public confidence in Central City government by demonstrating honesty and integrity in every action and statement.
10. Work together for the good of the City of Central.
11. Take credit for work done.
12. Acknowledge credit to people for work done.
13. Admit mistakes. Don't hide or run away from responsibility.
14. Act responsibly and hold yourself accountable.

B. Council Responsibilities and Conduct During Meetings. During Regular or Special Meetings, Council members should:

1. Prepare in advance and be familiar with issues on the Agenda in order to participate in any meeting of the Council.

2. Stay focused and act efficiently during public meetings by honoring the efforts by the Mayor to focus discussion on current Agenda items.
3. Agree to disagree without getting personal.

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.
4. Look for Council agreements before disagreement and differences.
5. No personal attacks - no negative comments about each other.
6. Once a decision is made, move on to the next issue.
7. Listen before judging or reacting.
8. Speak to each other, not to the audience.
9. Speak for yourself, don't speak for others.
10. Base decision on your best judgment.
11. Communicate ideas.
12. Refer to one another formally during public meetings as Mayor, Mayor Pro Tem, Aldermen, or Council member followed by the individual's last name.
13. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
14. Honor the role of the Mayor in maintaining order. It is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reasoning, following procedures outlined in parliamentary procedure.
15. Avoid personal comments that could offend other Council members. If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Mayor will maintain control of this discussion.
16. Demonstrate effective problem-solving approaches.

17. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
18. Listen actively. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.
19. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
20. Council members should not engage in any personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
21. Follow parliamentary procedure in conducting public meetings. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.
22. If a Council member is representing another organization whose position is different from the City, the Council member shall recuse him or herself from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and declare on record their particular involvement.

C. Council Responsibilities and Conduct in Other Settings. Outside of Council meetings, Council members should:

1. Show the same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
2. Be aware that written notes, voicemail messages, and electronic mail (e-mail) can be deemed public records under the Colorado Open Meetings Law and therefore subject to public disclosure. Council members should always consider that many forms of communication can be easily forwarded or distributed to individuals who are not the intended recipients. Even private conversations can be repeated in public.
3. Council members hold the public trust of the residents of Central City and should be held to the highest standard of integrity and accountability.
4. In communications with constituents, public bodies, and others, Council members should disclose whether they are representing the City Council or their own personal interests.
5. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or

her statement reflects personal opinion or is the official stance of the City; and 2) whether this is the majority or minority opinion of the Council.

6. If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
7. Written correspondence also should be equally clear about representation.
8. City letterhead may be used when the Council member is representing the City and the City's official position. A copy of the official correspondence should be given to the City Manager to be copied to the entire Council and filed as part of the permanent public record.
9. City letterhead should not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the personal viewpoint of the Council member.

D. Council Interaction with Boards and Commissions.

1. Council members should not attend City Board or Commission meetings at which a decision or pending application that could be appealed to City Council is under consideration, except in the case where a Council member is the applicant or represents the applicant.
2. Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the entire City Council.
3. Limit professional contact with Board and Commission members to questions of clarification.
4. It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact the City Manager to request clarification of a position taken by the Board or Commission.
5. Remember that Boards and Commissions serve the community, not individual Council members. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

6. Be respectful of diverse opinions. A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.
7. Keep political support away from public forums. Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their unofficial capacity as a Council member.

E. Council Conduct with the Media.

1. The Mayor is the designated representative of the Council to present and speak on any official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.
2. The best advice for dealing with the media is to never go "off the record". Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media. Words that are not said cannot be quoted.

F. Council Interaction with City Staff.

1. Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
2. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.
3. Questions of City staff and/or requests for additional background information should be directed only to the City Manager. Requests for information should be made directly to the City Manager in written form.
4. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.
5. Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
6. Never publicly criticize an individual employee because such statements could expose the City as well as the individual Council members to potential liability.

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

7. Do not get involved in administrative functions.
8. Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
9. Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
10. Limit requests for staff support. Routine secretarial support will be provided to all Council members. All mail for Council members is opened by the City Clerk, unless other arrangements are requested by a Council member.
11. Requests for additional staff support - even in high priority or emergency situations - should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
12. Requests from Council for work requiring a substantive amount of staff time shall be made in a public meeting with consensus of Council.
13. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Rule 68 Attendance:

Governance of the City requires that all of the elected or appointed members of the Council attend all Regular Meetings of the Council in order to fulfill each member's obligation to the citizens of the City to fully participate in the process of government. The Council must have a quorum to do business. Each member of the Council has an obligation to his or her fellow members to be informed and attend the Regular Meetings of the Council. As a courtesy and when time permits, a member shall notify the Mayor or the City Manager that he or she will not be able to attend a Meeting. The Council may determine whether an absence is excused or unexcused based upon the information provided by the Mayor or City Manager. Unless otherwise determined by a vote of the Council, each absence shall be noted as "excused" by the Clerk in the Minutes. Any member of the Council shall have the right at the meeting at which the absence occurs to move for a determination that the absence is "unexcused". If such a motion is seconded, a roll call vote shall be taken and if a majority votes in favor of the motion, the absence shall be noted by the Clerk as "unexcused" in the Minutes. Repeated failures to attend Regular Meetings of the Council may be cause for censure by the Council.

More than three (3) consecutive absences of a member from Council meetings shall require Council review. If a member of the Council is found to have violated the provisions of this Rule

because of the number of excused or unexcused absences, or both, the Council may sanction such member in accordance with Rule 79.

Rule 79 Compliance and Enforcement:

The Council may sanction any member whose conduct does not comply with these Rules of Procedure. Sanctions may include but are not limited to a written or verbal reprimand, formal written censure, or removal from a Council-appointed position or membership on any board or commission.

If a violation of these Rules of Procedure is alleged to have occurred, it shall be reported to the Mayor, or to the Mayor Pro Tem of the Council if the member alleged to be in violation is the Mayor. If deemed necessary by the remaining balance of Council, by majority vote, the City Manager may be directed to cause an investigation to be conducted of the allegation(s) and to cause to be prepared a written report of such findings to the Council and to the City Attorney. The City Attorney may make a recommendation to Council concerning the alleged violation. The member shall have the opportunity to respond to the allegation during a public meeting or in writing to other members of the Council. Thereafter, if there is a reasonable basis to believe a violation has occurred, the matter may be placed on the Agenda for discussion at a Regular Meeting. Advance written notice to the Council member of the date of the meeting shall be provided not less than ten (10) days prior to such meeting.

At the Regular Meeting, the Council shall review the investigative report and the findings and the recommendation of the City Attorney, if any, concerning the alleged violations(s). The member shall have the opportunity to rebut the allegation(s) through his or her own statement, the testimony of other witnesses and by the presentation of documentary evidence. The member may be represented by legal counsel of his or her choice and at his or her own expense. Upon motion made, seconded and passed by a majority vote of the other members of the Council, a member may be sanctioned as herein provided. If the motion fails or a motion is passed stating that there has been no violation of these Rules of Procedure, then the member shall be deemed not to have been in violation of these Rules.

A violation of these Rules of Procedure shall not be considered a basis for challenging the validity of a Council decision or determination.

The City Clerk shall provide a copy of these Rules of Procedure to any person who may request a petition of nomination for a position on the Council.

Rule 810 Amendments:

These Rules of Procedure may be amended or new rules adopted by a majority vote of all members of the Council. Any such amendment shall be submitted in writing at a work session or a Meeting preceding formal action. The proposed amendment(s) shall then be placed on the next Agenda in ordinance form for consideration by Council.

APPENDIX A - GUIDELINES FOR SELF-EVALUATION OF CONDUCT

Proper conduct IS...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner
- Adhering to majority decisions

Proper conduct IS NOT...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner
- Interfering with staff

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights, or good will of others? What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for? Do I exhibit the same conduct in my private life as I do in my public life? Can I take legitimate pride

in the way I conduct myself and the example I set? Do I listen and understand the views of others?

- Do I question and confront different points of view in a constructive manner? Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

City of Central City Council Rules of Procedure

Purpose and Declaration of Policy

These Rules of Procedure are established to make public meetings and the process of governance run more smoothly. Governance of the City relies on the cooperative efforts of the members of the Council, who set policy, and the City Manager, who implements and administers those policies. The citizens of Central City have granted all policy making and legislative power in the City Council which shall act as a body. Except by City Council delegation, no member of the City Council has any authority to exercise the power of his or her office except as set forth in the Home Rule Charter ("Charter") and Municipal Code.

Rule 1 Meetings:

The Council shall meet regularly at least once each month. Council has set the meetings for the first and third Tuesday of each month at the City Hall at the hour of 7:00 p.m. (Section 5.1, Article V of the Charter). The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each Regular Meeting. Any Council member may move that an Agenda item be removed from consideration and such removal shall require an affirmative vote of the quorum present. Items to be placed on the Agenda must be introduced by a Council member or staff through a Council Work Session or Study Session with the exception of:

- Routine business;
- Consent Agenda items; or
- Matters requiring immediate Council action such as contracts for emergency repair.

Any meeting of the City Council at a time other than on the first or third Tuesday of each month shall be considered a Special Meeting of the City Council and may be called or scheduled by the Mayor, the City Manager or any two members of the Council in accordance with the requirements of the (Section 5.2) Charter.

Work sessions are usually held immediately preceding a regular meeting, or as may otherwise be scheduled by the consensus of the majority of the City Council. The purpose of each work session shall be to hear, study and discuss matters that are to be expected to be presented for action at a Regular Meeting and to schedule such matters for formal action. Work sessions are considered meetings and shall be open to the public. The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each work session. Members of the public may address the Council about matters on the agenda that are scheduled for discussion during a work session. No business shall be transacted and no formal action may be taken at a work session. However, the Council may provide the City Manager with directions concerning agenda related items.

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- Approval of the Minutes of prior meetings;
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- Approval of payment of the monthly bills; and/or
- Approval of appointments to Boards and Commissions.

The consent items will be listed as separate items on the Agenda for the Regular Meeting with an explanation for the general public in substantially the form as follows:

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Each Council member has equal powers in acting as a member of the Council.

A majority of the members of the Council in office shall constitute a quorum to do business (Section 5.4, Article V, Charter).

Voting on motions shall be by "aye" and "no", shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of Council proceedings. Each member of the Council shall activate either a "yes" vote or a "no" vote from his or her seat and the votes shall be announced by the City Clerk and entered upon the minutes of the meeting.

Application to be excused from voting shall be made before the matter is discussed on the agenda. After the member has briefly stated the reason for his or her request to be excused and made a motion to be excused, the decision on recusal shall be made by consensus of Council.

In case of a tie vote on any motion or resolution, the motion or resolution shall be considered lost. In the event an applicant or proponent is present for the matter in question, the Mayor shall ask such individual whether because an even number of Council members are present, the applicant or proponent wishes to continue the matter until all members of the Council are present. The decision of the applicant or proponent shall be determinative. In the event the applicant or proponent is not present, the members of the Council present shall decide whether to proceed on the item despite the presence of an even number of members.

Public Hearing Procedures

A. General. Public hearings are required for all ordinances under consideration by City Council. In addition, public hearings may be required by state law or pursuant to the Central City Municipal Code. Public hearings shall be conducted in general accordance with the procedures set forth in this Section. Deviations from these procedures that do not affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or in any way nullify the hearing or the Council's decision.

B. Procedures. The Mayor shall conduct the hearing in general conformance with the following procedures, which may be varied when circumstances warrant:

1. Open the public hearing and read the title of the item into the record.
2. Explain public hearing procedures.
3. Establish, when determined to be necessary, reasonable time limits for the hearing and reasonable time allocations to be established therein. As a general proposition, a 3 minute time limit shall be the customary and appropriate time limit for individuals and a 5 minute time limit shall be the customary and appropriate time limit for persons representing groups or organizations. An applicant whose property rights are the subject of the public hearing shall not be subject to time limitations provided that the applicant avoids redundant and duplicative testimony or presentation of evidence .
4. Ask for an introductory presentation of the application by the City Staff.
5. Ask for the applicant's presentation (if any).
6. Provide opportunity for testimony by those who are present.
7. Provide applicant with an opportunity to present rebuttal testimony and evidence.
8. Allow, throughout public testimony portion of hearing, Council members the opportunity to ask questions of the applicant, staff and members of public.
9. Following questions from Council members, the Mayor will declare the public testimony portion of the hearing closed and the case will be remanded to the Council for consideration.
10. Upon the closure of the public testimony portion of the hearing, the Council will avoid additional questioning of any hearing participant except as may be found

necessary by the Mayor to clarify a factual question or resolve a factual matter of dispute between members of the Council. No additional, unsolicited testimony shall be entertained or accepted by the Council. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event of reopening of the public testimony portion of the hearing, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.

11. The Mayor shall ask for discussion or a motion from the Council. Upon proper motion and second, the Mayor may ask for further discussion on the motion. Any Council or staff member may be recognized for comments on the motion. After all discussion has occurred, the vote of Council members shall be taken.

C. Quasi-Judicial Hearings. The nature of public hearings on land use and liquor license applications before the Council is considered quasi-judicial. Council members are required to consider only such evidence and testimony that is presented during the public hearing. Consequently, Council members cannot consider evidence outside of the confines of the public hearing, and should not engage in conversations or communications about any land use or liquor license application with an applicant, members of the public or other Council members before the public hearing or during any recess from the public hearing. The purpose of this restriction is to afford applicants due process of law in terms of a fair and unbiased process and to allow the Council to make an impartial and objective decision.

D. Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Rule 4 Roles and Responsibilities of Mayor:

The Mayor of the City of Central:

- Shall preside at all meetings of the Council.
- Shall maintain order, decorum, and the fair and equitable treatment of all speakers at meetings.
- Shall keep discussion and questions focused on specific agenda items under consideration and make parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as an advisory parliamentarian.

Rule 5 Roles and Responsibilities of Mayor Pro Tem:

In accordance with Section 3.5(b) of the Charter, and on an annual basis at the first regular Council meeting in the month of January, the Council shall appoint one of its own members to serve as Mayor Pro Tem. In the event of a temporary absence of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

Rule 6 Temporary Chair:

In the event of the absence or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any regular or special meeting of Council, the City Manager or City Clerk shall call such meeting to order and shall call the roll. Council shall then proceed to elect, by a majority vote of the quorum present, a Temporary Chairperson of the meeting. The Temporary

Chair will serve as the Presiding Officer for the meeting and shall perform the duties of the Mayor set forth in Rule 4 above.

The Temporary Chair shall serve as Presiding Officer until the arrival of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon the conclusion of the agenda item or other business then before the Council.

Rule 7 Responsibilities of All Members of the Council:

A. General Council Responsibilities and Conduct should be:

1. Treat each other with equal respect.
2. Make sure that informational materials provided to one member will be provided to all members of the Council so that all have equal access to the same informational materials.
3. Make no promises or commitments on behalf of the Council or the City, either overtly or implicitly.
4. Support the formal actions of the Council, and the official position of the City, even if the member voted in the minority.
5. Formal Council communications are approved through consensus of Council and signed by the Mayor or by the City Manager, as directed by Council.
6. Unless directed to do so by the Council or unless compelled to do so by operation of law, not knowingly disclose information which he or she knows or reasonably should know is confidential information, regardless of the source of the information.
7. Not knowingly use or disclose any confidential information gained in the course of or by reason of his or her official position and which has not been made public in order to advance his or her financial interests or to further the financial interests of any family member.
8. Serve as a model of leadership and civility to the community.
9. Seek to inspire public confidence in Central City government by demonstrating honesty and integrity in every action and statement.
10. Work together for the good of the City of Central.
11. Take credit for work done.
12. Acknowledge credit to people for work done.
13. Admit mistakes. Don't hide or run away from responsibility.
14. Act responsibly and hold yourself accountable.

B. Council Responsibilities and Conduct During Meetings. During Regular or Special Meetings, Council members should:

1. Prepare in advance and be familiar with issues on the Agenda in order to participate in any meeting of the Council.

2. Stay focused and act efficiently during public meetings by honoring the efforts by the Mayor to focus discussion on current Agenda items.
3. Agree to disagree without getting personal.

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

4. Look for Council agreements before disagreement and differences.
5. No personal attacks - no negative comments about each other.
6. Once a decision is made, move on to the next issue.
7. Listen before judging or reacting.
8. Speak to each other, not to the audience.
9. Speak for yourself, don't speak for others.
10. Base decision on your best judgment.
11. Communicate ideas.
12. Refer to one another formally during public meetings as Mayor, Mayor Pro Tem, Aldermen, or Council member followed by the individual's last name.
13. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
14. Honor the role of the Mayor in maintaining order. It is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reasoning, following procedures outlined in parliamentary procedure.
15. Avoid personal comments that could offend other Council members. If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Mayor will maintain control of this discussion.
16. Demonstrate effective problem-solving approaches.

17. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
18. Listen actively. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.
19. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
20. Council members should not engage in any personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
21. Follow parliamentary procedure in conducting public meetings. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.
22. If a Council member is representing another organization whose position is different from the City, the Council member shall recuse him or herself from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and declare on record their particular involvement.

C. Council Responsibilities and Conduct in Other Settings. Outside of Council meetings, Council members should:

1. Show the same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
2. Be aware that written notes, voicemail messages, and electronic mail (e-mail) can be deemed public records under the Colorado Open Meetings Law and therefore subject to public disclosure. Council members should always consider that many forms of communication can be easily forwarded or distributed to individuals who are not the intended recipients. Even private conversations can be repeated in public.
3. Council members hold the public trust of the residents of Central City and should be held to the highest standard of integrity and accountability.
4. In communications with constituents, public bodies, and others, Council members should disclose whether they are representing the City Council or their own personal interests.
5. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or

her statement reflects personal opinion or is the official stance of the City; and 2) whether this is the majority or minority opinion of the Council.

6. If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
7. Written correspondence also should be equally clear about representation.
8. City letterhead may be used when the Council member is representing the City and the City's official position. A copy of the official correspondence should be given to the City Manager to be copied to the entire Council and filed as part of the permanent public record.
9. City letterhead should not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the personal viewpoint of the Council member.

D. Council Interaction with Boards and Commissions.

1. Council members should not attend City Board or Commission meetings at which a decision or pending application that could be appealed to City Council is under consideration, except in the case where a Council member is the applicant or represents the applicant.
2. Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer - could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the entire City Council.
3. Limit professional contact with Board and Commission members to questions of clarification.
4. It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact the City Manager to request clarification of a position taken by the Board or Commission.
5. Remember that Boards and Commissions serve the community, not individual Council members. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

6. Be respectful of diverse opinions. A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.
7. Keep political support away from public forums. Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their unofficial capacity as a Council member.

E. Council Conduct with the Media.

1. The Mayor is the designated representative of the Council to present and speak on any official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.
2. The best advice for dealing with the media is to never go "off the record". Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media. Words that are not said cannot be quoted.

F. Council Interaction with City Staff.

1. Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
2. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.
3. Questions of City staff and/or requests for additional background information should be directed only to the City Manager. Requests for information should be made directly to the City Manager in written form.
4. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.
5. Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
6. Never publicly criticize an individual employee because such statements could expose the City as well as the individual Council members to potential liability.

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

7. Do not get involved in administrative functions.
8. Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
9. Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
10. Limit requests for staff support. Routine secretarial support will be provided to all Council members. All mail for Council members is opened by the City Clerk, unless other arrangements are requested by a Council member.
11. Requests for additional staff support - even in high priority or emergency situations - should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.
12. Requests from Council for work requiring a substantive amount of staff time shall be made in a public meeting with consensus of Council.
13. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Rule 8 Attendance:

Governance of the City requires that all of the elected or appointed members of the Council attend all Regular Meetings of the Council in order to fulfill each member's obligation to the citizens of the City to fully participate in the process of government. The Council must have a quorum to do business. Each member of the Council has an obligation to his or her fellow members to be informed and attend the Regular Meetings of the Council. As a courtesy and when time permits, a member shall notify the Mayor or the City Manager that he or she will not be able to attend a Meeting. The Council may determine whether an absence is excused or unexcused based upon the information provided by the Mayor or City Manager. Unless otherwise determined by a vote of the Council, each absence shall be noted as "excused" by the Clerk in the Minutes. Any member of the Council shall have the right at the meeting at which the absence occurs to move for a determination that the absence is "unexcused". If such a motion is seconded, a roll call vote shall be taken and if a majority votes in favor of the motion, the absence shall be noted by the Clerk as "unexcused" in the Minutes. Repeated failures to attend Regular Meetings of the Council may be cause for censure by the Council.

More than three (3) consecutive absences of a member from Council meetings shall require Council review. If a member of the Council is found to have violated the provisions of this Rule

because of the number of excused or unexcused absences, or both, the Council may sanction such member in accordance with Rule 9.

Rule 9 Compliance and Enforcement:

The Council may sanction any member whose conduct does not comply with these Rules of Procedure. Sanctions may include but are not limited to a written or verbal reprimand, formal written censure, or removal from a Council-appointed position or membership on any board or commission.

If a violation of these Rules of Procedure is alleged to have occurred, it shall be reported to the Mayor, or to the Mayor Pro Tern of the Council if the member alleged to be in violation is the Mayor. If deemed necessary by the remaining balance of Council, by majority vote, the City Manager may be directed to cause an investigation to be conducted of the allegation(s) and to cause to be prepared a written report of such findings to the Council and to the City Attorney. The City Attorney may make a recommendation to Council concerning the alleged violation. The member shall have the opportunity to respond to the allegation during a public meeting or in writing to other members of the Council. Thereafter, if there is a reasonable basis to believe a violation has occurred, the matter may be placed on the Agenda for discussion at a Regular Meeting. Advance written notice to the Council member of the date of the meeting shall be provided not less than ten (10) days prior to such meeting.

At the Regular Meeting, the Council shall review the investigative report and the findings and the recommendation of the City Attorney, if any, concerning the alleged violations(s). The member shall have the opportunity to rebut the allegation(s) through his or her own statement, the testimony of other witnesses and by the presentation of documentary evidence. The member may be represented by legal counsel of his or her choice and at his or her own expense. Upon motion made, seconded and passed by a majority vote of the other members of the Council, a member may be sanctioned as herein provided. If the motion fails or a motion is passed stating that there has been no violation of these Rules of Procedure, then the member shall be deemed not to have been in violation of these Rules.

A violation of these Rules of Procedure shall not be considered a basis for challenging the validity of a Council decision or determination.

The City Clerk shall provide a copy of these Rules of Procedure to any person who may request a petition of nomination for a position on the Council.

Rule 10 Amendments:

These Rules of Procedure may be amended or new rules adopted by a majority vote of all members of the Council. Any such amendment shall be submitted in writing at a work session or a Meeting preceding formal action. The proposed amendment(s) shall then be placed on the next Agenda in ordinance form for consideration by Council.

APPENDIX A - GUIDELINES FOR SELF-EVALUATION OF CONDUCT

Proper conduct IS...

Keeping promises
Being dependable
Building a solid reputation
Participating and being available
Demonstrating patience
Showing empathy
Holding onto ethical principles under stress
Listening attentively
Studying thoroughly
Keeping integrity intact
Overcoming discouragement
Going above and beyond, time and time again
Modeling a professional manner
Adhering to majority decisions

Proper conduct IS NOT...

Showing antagonism or hostility
Deliberately lying or misleading
Speaking recklessly
Spreading rumors
Stirring up bad feelings, divisiveness
Acting in a self-righteous manner
Interfering with staff

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights, or good will of others? What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for? Do I exhibit the same conduct in my private life as I do in my public life? Can I take legitimate pride

in the way I conduct myself and the example I set? Do I listen and understand the views of others?

- Do I question and confront different points of view in a constructive manner? Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?



AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Gary Allen, Fire Chief
DATE: April 14, 2015
ITEM: Resolution No. 15-09, A resolution of the City Council, of the City of Central, Colorado approving an intergovernmental agreement between the City of Central, the City of Black hawk and the Timberline Fire Protection District regarding the use of certain equipment, specifically an Air/Light trailer.
NEXT STEP: Make a motion to approve Resolution 15-09

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Enter into an agreement to participate in the use of an Air/Light trailer to be used for the filling of Self Contained Breathing Apparatus (SCBA) bottles and a mast type scene light while at emergencies and functions within the region and the three government jurisdictions.

- II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to adopt Resolution 15-09; a Resolution adopting and entering into an Intergovernmental Agreement in regards the use of an Air/Light trailer and other actions therewith.

- III. **FISCAL IMPACTS:** Funding for the trailer came through a North Central Region / Department of Homeland Security grant and submitted through the Timberline Fire Protection District for the purchase of the Air/Light trailer. As owner of the trailer, Timberline Fire Protection District will provide normal routine maintenance and upkeep. All the participating agencies will be responsible for any claims, damages or liability issues that may arise when the trailer is in our control. On a year by year basis larger maintenance and upkeep needs will be derived from each jurisdictions annual budget and a cost share arrangement will be made to mitigate those larger repairs needed and/or damages that may occur, during use.

- IV. **BACKGROUND INFORMATION:** In late 2014, Timberline Fire Protection District submitted a grant request through the NCR/DHS for the purchase of an Air/Light trailer complete with an air compressor, fill station and storage for filling of SCBA bottles and a mast type light tower for scene lighting of an emergency scene or function. This grant

stipulated that this Air/Light trailer would be available to agencies throughout the NCR region, including but not limited to, the Gilpin County agencies. In March of 2015, the bids went out and the building of the trailer is commencing. This agreement makes that use possible.

- V. **LEGAL ISSUES:** The agreement stipulates that each jurisdiction will be responsible for damages and the liability issues while the trailer and equipment is within our control and use.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None
- VII. **SUMMARY AND ALTERNATIVES:** Make a motion to adopt Resolution 15-09, a Resolution adopting and entering into an Intergovernmental Agreement between the City of Central, the City of Black Hawk and the Timberline Fire Protection District for the use of an Air/Light trailer and equipment therewith.

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 15-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF CENTRAL, THE CITY OF BLACK HAWK, AND THE TIMBERLINE
FIRE PROTECTION DISTRICT REGARDING THE USE OF CERTAIN EQUIPMENT,
SPECIFICALLY AN AIR AND LIGHT TRAILER**

WHEREAS, the City of Central is authorized to enter into contracts for lawful purposes for the protection of the health, safety, and welfare; and

WHEREAS, the City, the City of Black Hawk, and the Timberline Fire Protection District have determined that it is in the best interests of each party, and of the residents and property owners within the jurisdiction of each party, to enter into an intergovernmental agreement authorizing the joint use of an air and light trailer (the "Equipment"); and

WHEREAS, the Equipment was acquired by the District using grant funds requiring the Equipment to be available for use within the region; and

WHEREAS, the City Council desires to authorize the joint use of the Equipment in accordance with the terms and conditions of the Intergovernmental Agreement Regarding the Use of Certain Equipment (the "IGA"), a copy of which is attached and incorporated into this Resolution as **Exhibit A**,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:

Section 1. The City Council hereby (a) approves the IGA, in substantially the form attached hereto as **Exhibit A**; (b) authorizes the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the IGA as may be appropriate that do not substantially increase the obligations of the City, and (c) authorizes the Mayor to execute the same on behalf of the City with the approval of the City Attorney.

Section 2. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 14th DAY OF APRIL, 2015.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

By: _____
Reba Bechtel, City Clerk

APPROVED TO FORM:

By: _____
Marcus A. McAskin, City Attorney

EXHIBIT A
INTERGOVERNMENTAL AGREEMENT REGARDING THE
USE OF CERTAIN EQUIPMENT

(AIR AND LIGHT TRAILER)

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
BLACK HAWK, THE CITY OF CENTRAL AND THE TIMBERLINE FIRE
PROTECTION DISTRICT REGARDING THE USE OF CERTAIN EQUIPMENT

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this 1st day of April, 2015, by and between the CITY OF BLACK HAWK, COLORADO, a Colorado home rule municipality ("Black Hawk"), the CITY OF CENTRAL, COLORADO, a Colorado home rule municipality ("Central City") and TIMBERLINE FIRE PROTECTION DISTRICT, a fire protection district authorized pursuant to Title 32 of the Colorado Revised Statutes (the "District"), collectively, the Parties or individually a Party.

WHEREAS, C.R.S. § 29-1-203 authorizes governmental entities to enter into mutual aid agreements and to cooperate or contract with one another to provide any function or service that each is lawfully authorized to provide; and

WHEREAS, Black Hawk, Central City, and the District, have determined that it is in the best interests of each party, and of the residents and property owners within the jurisdictions of each party, to jointly utilize an Air and Light Trailer (the "Equipment").

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between each of the parties as follows:

1. Ownership of the Equipment/Insurance/Claims.

The Equipment was purchased using grant funds requiring the Equipment to be available for use within the region; however, for legal purposes the Equipment is solely owned by the District. The District shall provide insurance coverage for the Equipment, provided, however, that each Party shall be responsible for any claims, damages or liability caused as a result of that Party's negligent act or omission while operating the Equipment, and Black Hawk and Central City agree, to the extent permitted by law and subject to the immunities, limitations, defenses and other protections afforded to Black Hawk and Central City under the Colorado Governmental Immunity Act, Section 24-10-101, C.R.S., *et seq.*, to defend and hold harmless the District against any and all such claims, damages or liabilities.

2. Description/Storage/Maintenance of Equipment.

The Equipment is more specifically described as an air compressor, cascade system and fill station used to refill Self Contained Breathing Apparatus (SCBA) bottles along with a mast mounted scene light. The Equipment shall be stored at the District's Station 3 located at 660 Highway 46, Black Hawk, Colorado (the "Facility"). The District shall be responsible for performing routine maintenance and air quality testing of the Equipment. The District will pay the costs of the annual maintenance and routine air quality testing. Fuel and other normal use costs shall be paid by the agency utilizing the Equipment. Any repairs to the Equipment that go beyond normal and routine

maintenance shall be the responsibility of the Party which causes damage or the need for repair to the Equipment.

3. Access to and Use of Equipment

The Parties shall each have access to the Equipment at any time. Advance permission to use the Equipment is not needed during an emergency. For nonemergency use, the requesting Party shall contact the District Chief or Business Manager to request use. Use shall be granted unless there is a previous request that has been granted for the same time period. The Party utilizing the Equipment shall provide a tow vehicle suitable to tow the Equipment safely. The Equipment shall be returned as soon as possible after the incident or event. The District may provide resources to deliver and/or operate the Equipment if they are available and as determined on a case by case basis. The Equipment shall be returned in full operational mode with fuel and lubricants full along with cascade system being fully charged.

The District shall provide door access codes to the Facility to the Fire Department Chiefs, for the sole purpose of accessing the Equipment, who shall be responsible for providing notice of the codes, and ensuring security of those codes within their agencies (i.e., ensuring codes are not released to any third party, including outside agencies). The District shall provide new codes prior to the codes being changed and indicating the date when the code will change whenever a change is deemed necessary by the District.

4. Training

“Train the Trainer” along with operations training will be provided to all Parties. At least one “Train the Trainer” class and 5 operations classes will be provided by the District and/or its vendor when the Equipment is placed into service. Each year thereafter, the District will provide at least one operations training class.

5. Term; Termination.

- a. The initial term of this Agreement shall be through and until December 31, 2015.
- b. This Agreement shall renew automatically on January 1 of each year under the same terms and conditions set forth herein unless any Party provides at least thirty (30) days' advance written notice of non-renewal to the other Parties. In the event one Party desires not to renew the Agreement, the other Parties may negotiate a separate Agreement permitting the continuance of the Agreement as between the remaining Parties.
- c. In addition, any Party shall have the right to terminate this Agreement at any time for any reason by providing the other Parties with ninety (90) days' advance written notice of its desire to terminate this Agreement, and subject to the rights of the non-terminating Parties to attempt to negotiate a means to continue the Agreement as between the remaining Parties

following termination by the one Party.

6. Notices.

Any notices or demand under which the terms of this Agreement and under any statute must or may be given or made by a Party shall be in writing and shall be given or made by personal service, first class mail, email, or by certified or registered mail to the Parties:

City of Black Hawk
P.O. Box 68
201 Selak
Black Hawk, CO 80422

Timberline Fire Protection District
660 Highway 46
Black Hawk, CO 80422

City of Central
PO Box 249
141 Nevada Street
Central City, CO 80427

7. Entire Agreement.

This Agreement contains the entire agreement between the Parties and no modifications to this Agreement shall be effective unless in writing and signed by the other Parties.

8. Assignment.

No party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other parties.

9. Severability.

Should any provision of this Agreement be declared null and void by a court of competent jurisdiction, such provision shall be deemed severed and the remaining provisions of the Agreement shall remain in effect.

10. Counterpart Execution.

This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Agreement is executed by the City of Black Hawk, the District, and the City of Central as of the date first above written.

CITY OF BLACK HAWK, COLORADO

By: _____
David D. Spellman, Mayor

ATTEST:

Melissa Greiner, City Clerk

TIMBERLINE FIRE PROTECTION DISTRICT

By: _____
Jim Crawford, President

ATTEST:

Paul Ondr, Secretary

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk



To: Mayor and Council
From: Daniel R. Miera, City Manager
Date: April 14, 2015
Re: Staff Report

❖ **General**

- Conducted regular Staff Meetings (Weekly Management Team Meetings).
- Various meetings with Council, staff, and community members.
- Participated in an ICMA-affiliate webinar on Strategic Planning.

❖ **Legal**

- Worked with City Attorney McAskin to prepare Ordinance 15-01 for a first reading.
- Worked with City Attorney McAskin to prepare Ordinance 15-02 (Maintain Central), which is tentatively scheduled for a first reading on April 21st.
- Executed an Amendment to the Professional Services Agreement (PSA) with Economic Strategies, LLC.
- Executed an Amendment to the PSA with W2 Engineers, LLC.
- Executed a PSA with RG & Associates for Planning and HPO Services.
- Executed the Facility Use Agreement with the Pit Rally for the 2015 event.
- Executed an Agreement with the Central City Wild Bunch for Services this Summer.

❖ **Finance / Human Resources**

- Received the SIB Loan documents from the State; they are currently under review by the City Attorney and will be presented to City Council for approval when ready.
- Reviewed applications for the Public Works Director position.

❖ **Information Technology**

- Attended the Colorado State Internet Portal Authority (SIPA) User Conference and accepted the Micro-Grant award (\$5,000) on behalf of the City. The grant funds are intended to be used to upgrade hardware/software for Ch. 20, so that Council Meetings may be recorded and eventually accessed from the City's new website.
- Solicited quotes for an IT provider to construct the new website.
- Worked with Patrick Duffy to coordinate repair of the outdoor audio system on Main St.

❖ **Community Development**

- Began working with Greg Thompson of RG & Associates on planning-related work.
- Solicited and received a proposal for Professional Services to rewrite the Sign Code.
- Continued working with consultants to procure proposals for the construction of a Strategic Plan.
- Solicited and received a proposal for a Wayfinding (Signage) Study.
- Received notice that our CDBG-DR Grant Application (Comprehensive Plan) was not approved. Additional avenues will be explored to ensure that the City begins the process of updating the Comprehensive Plan this fiscal year.
- Met with the property-owner group for Knights of Pythias to discuss the Engineer's report, as well as the process for addressing their Appeal of the Building Code Official's Notice and Order.
- Attended a Main Street Steering Committee meeting (along with other related meetings).
- Attended the HPC Meeting.
- Met with representatives of the Gilpin Historical Society.

❖ **Intergovernmental**

- Attended the monthly Gilpin Ambulance Authority (GAA) meeting, and met with Director Daruna to discuss the Apex arrangement and GAA's monetary contribution to CCFD.
- Attended a Main Street Meeting with DOLA.
- Attended the MCCMA Meeting at CML.
- Attended a BID marketing committee meeting.
- Met with Steve Laudeman from CDPHE to discuss the Quartz Hill project.

❖ **Public Services**

- Authorized survey work to be done along the CCP near the proposed location of the new access point contemplated by the REDI Grant Application project.
- Met with Rodney from YESCO to begin development of the City proposal for an archway sign over Nevada St. and possibly lighting improvements for the same area.
- Continued work on signage clean-up and replacement.
- Solicited quotes for new Welcome banners, as well as storefront window covering options.
- Worked with a representative of Main Street and the Merchant Group association (Mary Bell) to develop downtown beautification options for implementation later this Spring.

❖ **Public Safety**

- Discuss restructuring options with CCFD for the City Department, as well as for the volunteer side of operations.

City Clerk's Office

To: Mayor Engels, City Council, and Manager Miera

From: Reba Bechtel, City Clerk

Date: April 14, 2015

Re: Bi-weekly Report

- **Thank you to Shannon Keel, GM Reserve Casino Hotel, for working with a resident to successfully screen the lighting in the parking garage.**
- Met with Jason Licata from Rocky Mountain Organics and Chief Krelle to review the application for Retail Marijuana at 161 Lawrence. This application will come before Council on 4/21.
- Issued liquor renewal for CC Gaming LLC dba Johnny Z's Casino at 132 Lawrence St for a Hotel and Restaurant Liquor License.
- Prep for work session and Special Council meeting.
- Packet prep and attended HPC meeting on 4/8.
- Ongoing work with Building Official and staff on abatement of KOP.
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records research, liquor, marijuana, and zoning information.
- **Important meeting dates:**
 - April 21 – Work Session at 6:00pm with Regular Council Meeting to follow.**
 - April 28 – Work Session at 6:00pm**
 - April 29 – Work Session at 6:00pm for presentation of Historic Re-survey**

To: Daniel R. Miera, City Manager
Cc: Mayor and Council
From: Abigail R. Adame, Finance Director
Date: April 14, 2015
Re: Staff Report

➤ **Finance**

- Reviewed the SIB loan agreement and spoke to the City attorney about a timeframe regarding its presentation to Mayor and Council.
- Prepared financial information requested by the auditors in preparation for their visit.
- Held numerous telephonic conference calls with Caselle and Allen IT representatives regarding the implementation of the financial software program. There has been some difficulty in uploading load tables from working with ADG. A more solid implementation date should be set within a few weeks.
- Began working on the annual gaming report.
- Participated in an IRS training regarding form W-9.
- Worked with the Deputy Finance Director and processed bi-weekly payroll and all associated tax and retirement filings.
- Deputy Finance Director continued preparing year-end reconciliation of accounts.
- Deputy Finance Director processed Accounts Payable.
- Deputy Finance Director processed Accounts Receivable and prepared weekly deposits.

➤ **Human Resources**

- Reviewed job applications received for the position of Public Works Director.
- Coordinated oral board interviews for Police Officer applicants.
- Worked with CIRSA representatives regarding worker's compensation claims.

- Worked with the City attorney in preparing a Municipal Court work program waiver.
- Filed the 2014 Worker's Compensation Audit.

MEMORANDUM

DATE: 9 April 2015
TO: Daniel Miera / City Manager
FROM: Gary Allen / Fire Chief
RE: **Activity Report**

The Fire Department has responded to 78 incidents as of 9 April, 2015 with 7 incidents being out of city, and of those 4 incidents was for Mutual Aid (MA) to other agencies. Following are the activities the department responded to and conducted for this reporting period.

*Tuesday 17 Mar., 2015 - 07:27 AM / Structure Fire, MA to Clear Creek
Tuesday 17 Mar., 2015 - 15:30 PM / Medical, Prospector's Run
Wednesday 18 Mar., 2015 - 17:42 PM / Fire Alarm, 321 Gregory St.
Sunday 22 Mar., 2015 - 01:32 AM / Fire Alarm, 321 Gregory St.
Sunday 22 Mar., 2015 - 10:53 AM / MVC, MM 6 CCP
*Tuesday 24 Mar., 2015 - 14:17 PM / Structure Fire, MA to Clear Creek fire 101 Evergreen LN
Thursday 26 Mar., 2015 - 22:45 PM / Fire Alarm, 321 Gregory St.
Friday 27 Mar., 2015 - 17:25 PM / Medical, 102 Main St.
*Saturday 28 Mar., 2015 - 13:45 PM / Wildland Fire, MA to Clear Creek – I-70
*Sunday 29 Mar., 2015 - 10:30 AM / Smoke Investigation – Wildland, Apex Valley Rd.
Monday 30 Mar., 2015 - 16:00 PM / Fire Alarm, GMV, 420 Bobtail Hill Circle #1
Wednesday 1 Apr., 2015 - 17:48 / Wildland Fire, between GMV building 5 and Virginia Canyon Road. Started by kids.
Thursday 2 Apr., 2015 - 00:13 AM / Medical, 102 Main St.
Sunday 5 Apr., 2015 - 00:05 AM / Medical, Residential
Sunday 5 Apr., 2015 - 11:35 AM / Medical, 135 Pine St.
Monday 6 Apr., 2015 - 10:49 AM / Medical, MM 6 CCP
Tuesday 7 Apr., 2015 - 23:14 PM / Medical, 111 Lawrence St.
*Wednesday 8 Apr., 2015 - 08:06 AM / Medical, 495 Apex Valley Rd.
Wednesday 8 Apr., 2015 - 10:50 AM / Fire Alarm, 321 Gregory St.

Training

Conduct regular dept. training on State JPR's
Attended joint medical training with Timberline Fire and St. Anthony's
Attend joint medical training at CCFD Station 2.

Attend a Multi-Mission Aircraft (MMA) training hosted by Nederland and given by CDFPC.

Attend Emergency Reporting software training at station 1.

Attend and conduct monthly truck and station maintenance at station 1

Attend and conduct regular department training on State JPR's.

Meetings

Attend a NCR grant meeting with Chief Don Taylor from BHFD and Jim Crawford from Timberline Fire.

Attended an Evacuation meeting at Gilpin S.O.

Attend Staff meetings

Attend a City Council meeting at city hall

Attend regional State EMS grant hearing in Lakewood.

Attend an Alive @ 25 meeting at the Gilpin School.

Attend a meeting with Daniel and two Fire personnel at City Hall

Attend a code work session with Coal Creek Fire, Timberline Fire, Gilpin County Community Development.

Attend the pre-bid meeting of the Air/Light trailer at Arapahoe County Admin building.

Attend an LEPC meeting at Station 2.

Attend the Metro Chiefs meeting in Westminster

Attend a school safety day meeting at the school for school safety day set for 11 May.

Attend an Alive @ 25 meeting at the school for the Alive @ 25 event set for 30 April.

Attend a meeting with Gary Pringy and Mike with Reserve Engineering at the Reserve in regards to a fire alarm problem.

Apparatus

Worked on E-32 Dash & Taillight problems.

Took E-32 down to Denver for tires and an alignment.

General

Met with Gary Pringey on 2015 code updates and exceptions for adopting purposes.

Met with CSP and assisted with crash set up and pre work for the Alive @ 25 event.

Conducted the first pack test of the 2015 wildland fire season at the recreation center.