CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, May 2, 2017 @ 7:00 p.m.
City Hall
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.

7:00pm Council Meeting

1. Call to Order.

2. Roll Call. Mayor Kathryn Heider
   Mayor Pro-Tem Shirley Voorhies
   Council members Judy Laratta
   Jeff Aiken
   Mary Bell

3. Pledge of Allegiance

4. Additions and/or Amendments to the Agenda.

5. Conflict of Interest.

6. Consent Agenda: All matters listed under Item 6, 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.

   Regular Bill lists through April 25; and
   City Council minutes: April 18, 2017

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. Historic Preservation Commission Appointment for 1 alternate – Timothy Casey, Barbara Thielemann

8. Main Street Commission Appointment for 1 alternate – Cherise Rainbolt

9. Resolution No. 17-16: A resolution of the City Council of the City of Central, Colorado approving a plan for full repayment of the loan from the General Fund to the Water Enterprise Fund. (Miera)

10. Ordinance No. 17-04: An ordinance of the City Council of the City of Central, Colorado amending and restating the City of Central City Council Rules of Procedure. (McAskin)
REPORTS –

11. 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).

EXECUTIVE SESSION –
Pursuant to C.R.S. Section 24-6-402(4)(b) for legal advice on specific legal questions related to the gaming tax – free play proposal.

ADJOURN. Next Council meeting May 16, 2017.

Posted 4/27/2017

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.
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5,061.41  .00        5,061.41
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**Grand Totals:**

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5,061.41  .00        5,061.41
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CALL TO ORDER
A regular meeting of the City Council for the City of Central was called to order by Mayor Heider at 7:15 p.m., in Gilpin County Courthouse on April 18, 2017.

ROLL CALL
Present: Mayor Heider
        Mayor pro tem Voorhies
        Alderman Laratta
        Alderman Aiken

Absent: None

Staff Present: City Manager Miera
              Attorney McAskin
              City Clerk Bechtel
              Finance Director Adame
              Public Works Director Hoover
              Utilities Director Nelson
              Fire Chief Allen
              GCSO Captain Ihme

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA
The agenda was approved as presented.

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

CONSENT AGENDA
Mayor pro tem Voorhies moved to approve the consent agenda containing the regular bill lists through April 12 and the City Council minutes for the meeting on April 4, 2017. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

OATH OF OFFICE
Judge Gloss administered the Oath of Office to Alderman Mary Bell.

PUBLIC FORUM/AUDIENCE PARTICIPATION
No one requested time to address the Council.

PUBLIC HEARING
Ordinance No. 17-03: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Article VII of Chapter 8 of the Municipal Code (Central City Parkway Access Code).
Manager Miera explained that Ordinance No. 17-03 amends two specific sections of the Parkway Access Code, Sec. 8-7-130 ("City annexation or inclusion in Central City Business Improvement
Section 8-7-130 of the Parkway Access Code currently contains language which may reasonably be interpreted as requiring the City to annex certain property into the boundaries of the City under certain circumstances. Determinations by City Council as to whether to annex (or not to annex) certain property are legislative in nature. Staff is proposing clean-up amendments to Sec. 8-7-130 of the Parkway Access Code to require, as a condition of commencing construction of any access improvements authorized pursuant to an access permit on the Parkway, that the property owner(s) of property benefited by such access be required to submit a petition for annexation to the City. This change should remove existing ambiguity in the Parkway Access Code that annexation may be required under certain circumstances.

Regarding Sec. 8-7-180, the City Council previously adopted Ordinance 13-08, which Ordinance amended certain provisions of the Municipal Code to increase the maximum fine for municipal ordinance violations to the amount authorized by C.R.S. § 13-10-113. This statute was amended in 2013 to increase the maximum fine which may be imposed by a municipal court of record against any person convicted of violating a municipal ordinance from $1,000 to $2,650 (as adjusted for inflation). Ordinance 13-08 was intended to capture all references in the Municipal Code to the prior $1,000 maximum fine limit, but inadvertently did not include Sec. 8-7-180 of the Parkway Access Code, which sets the maximum fine for any violation of the provisions of the Parkway Access Code.

Mayor Heider opened the Public Hearing at 7:25 p.m. Pam Deck, 109 Eureka Street, urged Council support for this Ordinance. Mayor Heider closed the Public Hearing at 7:26 p.m.

Mayor pro tem Voorhies moved to adopt Ordinance No. 17-03: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Article VII of Chapter 8 of the Municipal Code (Central City Parkway Access Code). Alderman Laratta seconded, and without discussion, the motion carried unanimously. Alderman Laratta stated she is pleased to see this correction.

ACTION ITEMS: NEW BUSINESS
Resolution No. 17-14: A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement with the Associated Governments of Northwest Colorado regarding the Northwest Enterprise Zone.

Community Development Director Rears reviewed the background as follows:
Since March 2016, the City has pursued inclusion into the Northwest Colorado Enterprise Zone, which is administered by the Associated Governments of Northwest Colorado (AGNC). Our inclusion was granted by the Colorado Economic Development Commission (EDC) on March 16, 2017. The AGNC provides ongoing staff support for local businesses, which will include a regional kickoff workshop tentatively scheduled for May 3rd. The total cost for this support by AGNC and for inclusion into the Northwest Enterprise Zone is $2,000 annually.

An Enterprise Zone encourages private-sector business activity to areas of the State who are economically distressed through State tax incentives. There are three main eligibility requires 1) Areas with high unemployment rates (25% above the state average), 2) Low per capita income (25% below state average), and/or slower population growth (less than 25% of state average in rural areas). A majority of un-incorporated Gilpin County was also included in the Enterprise Zone at the same time as Central City.

Benefits: There are a number of Enterprise Zone credits available once you are included into an Enterprise Zone with those potentially most beneficial to the City of Central are the following:
1) Investment Tax Credit
   i. 3% on equipment purchases
2) New Employee Credit
   i. $1,100 per new job
3) Employer Sponsored Health Insurance Credit
   i. $1,000 per insured job
4) **Vacant Building Rehabilitation Tax Credit**
   i. **25% of rehabilitation expenditures**
5) Commercial Vehicle Investment Tax Credit
   i. 1.5% of commercial vehicle purchases
6) Job Training Tax Credit
   i. 12% of qualified training expenses
7) Research & Development Increase Tax Credit
   ii. 3% of increase R&D expenditures
8) Contribution Tax Credit
   iii. 25% of Cash contribution, 12.5% of In-Kind

The private investment results in increased tax revenue for school districts, cities, counties and the state which outweigh the cost of the tax credits granted.

*Benefits of the EZ program to Colorado communities in fiscal year 2015 include:*

- Over $2 billion was invested in qualified business personal property - eligible for $61.5 million in EZ investment tax credits. As a part of the qualified business personal property investment, renewable energy investments totaled $292.7 million.
- Businesses trained almost 34,000 employees that work in the Enterprise Zones, earning $9.5 million in EZ job training tax credits
- $1.5 million was invested in commercial vehicles operating in Enterprise Zones, incentivized by $22,772 in tax credits
- 3,551 new jobs were created where businesses earned incentives of $3.6 million
- 1,267 employees were provided employer sponsored health insurance by businesses starting out in EZs. These businesses earned tax credits worth $1.2 million
- EZ businesses increased investment in Research and Development by approximately $35 million, earning EZ credits of about $1.05 million.
- $2.4 million was invested in hard-costs to revitalize vacant buildings for commercial use (credits certified were $595k)

Staff supports that adoption of Resolution 17-14, entering into an IGA with AGNC for a total cost of $2,000 for managing the Enterprise Zone in Central City. Staff will be attending the April 25, 2017 Gilpin Board of County Commissioners (BoCC) meeting where they will be discussing equally sharing the cost of Enterprise Zone administration. If the County agrees the actual City cost will be $1,000. The cost would be covered under the Business & Economic Development line item within the Community Development Department budget

Council thanked Manager Miera and CDD Rears for their work on this project.

Mayor *pro tem* Voorhies moved to approve Resolution No. 17-14: A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement with the Associated Governments of Northwest Colorado regarding the Northwest Enterprise Zone. Alderman Aiken seconded, and without discussion, the motion carried unanimously.
Resolution No. 17-15: A resolution of the City Council of the City of Central, Colorado authorizing the Mayor to execute a construction contract with MCMS, Inc. for the Chase Gulch Dam and Reservoir Toe Drain Project.

Manger Miera explained that Resolution 17-15 ("Resolution") authorizes the Mayor to execute a construction contract with MCMS, Inc., a Colorado corporation ("Contractor") in the not to exceed amount of $133,204.75. The City solicited bids in August of 2016 for the City's Chase Gulch Dam and Reservoir Toe Drain Repair (RFP No. 2016WD-01) (the "Project"). The Project was bid in accordance with Colorado law by posting a request for proposals ("RFP") on the Rocky Mountain E-Purchasing System. Following receipt of the one (1) bid that was selected, and based on City Staff's recommendation, the City formally rejected the bid and proceeded to enter into direct negotiations regarding the work associated with the Project, as authorized by C.R.S. § 31-15-712. The one bid that was submitted in 2016 proposed a not to exceed price of approximately $445,000.00.

The City's Consulting Engineer, Deere & Ault, recommends that the City proceed to contract with the Contractor to complete the Project. The Project will be completed in accordance with the Project drawings and specifications prepared by Deere & Ault, as well as the requirements of the bid documents pertaining to the Project. As set forth above, the Contract has proposed a NTE price of $133,204.75. A copy of the Contractor's proposal is attached to this City Council Communication Form (CCF). Utilities Director Nelson will be available to provide a Project overview and answer any Project-specific questions that City Council may have at the April 18th Council meeting.

Alderman Laratta moved to approve Resolution No. 17-15: A resolution of the City Council of the City of Central, Colorado authorizing the Mayor to execute a construction contract with MCMS, Inc. for the Chase Gulch Dam and Reservoir Toe Drain Project. Mayor pro tem Voorhies seconded, and without discussion, the motion carried unanimously.

REPORTS
Manager Miera thanked the County Commissioners and County staff for allowing us to use their Courthouse while renovations at City Hall were completed.

COUNCIL COMMENTS
Mayor pro tem Voorhies welcomed Mary Bell as our new Alderman.

PUBLIC FORUM/AUDIENCE PARTICIPATION
No one requested time to address the Council.

At 8:43 p.m., Mayor Heider adjourned the meeting.
The next regular Council meeting is scheduled for May 2, 2017 at 7:00 p.m.

Kathryn A. Heider, Mayor

Reba Bechtel, City Clerk
HISTORIC PRESERVATION COMMISSION
CITY OF CENTRAL

The City of Central is looking for 1 applicant interested in serving on the Historic Preservation Commission as an alternate, to be appointed by City Council. A person serving in a position as an alternate shall have the right to participate in all meetings of the Commission to the same extent as a regular member, except that a person serving in the position of alternate shall not be entitled to vote on any matter, unless such alternate member is temporarily assigned by the Chairperson of the Commission in the event of an absence or conflict of interest of a regular member during all or any portion of a meeting of the Commission. When assigned to fill a regular position during a meeting, the alternate member shall assume all rights, duties and obligations of the regular member during the period of assignment. Assignment shall terminate upon the earlier of the return of the regular member to the meeting or the adjournment of the meeting. The Commission meets once per month, with a possible second meeting for pending matters. The applicant would preferably be qualified by training or experience to render decisions as to whether the requirements of the applicable design guidelines are being met, or shall have exhibited a strong interest in historic preservation. At least 40% of commission members shall be professionals in preservation-related disciplines such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography or cultural anthropology. Recognizing that professionals may not be available in some communities, this requirement can be waived if the local government makes a good faith effort to recruit professionals and demonstrates that it is capable of carrying out commission responsibilities.

A background as a professional in preservation-related disciplines such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography or cultural anthropology is desired. The HPC Design Guidelines are available at City Hall and on the City website. The compensation for Historic Preservation Commission members is $50.00 per month, if a monthly meeting is attended. All interested candidates are to submit a letter of interest to the City Clerk, City Hall, 141 Nevada Street, P. O. Box 249, Central City, CO 80427. There is no closing date for this position; it shall remain open until the vacancy is filled. For more information, contact Reba Bechtel, City Clerk at 303-582-5251.
TIMOTHY J CASEY
202 East Fifth High Street    P O Box 1421
Central City Colorado 80427
720-309-8809   timojkc3@yahoo.com

April 13, 2017

To the Mayor and City Council, City of Central, Colorado:

I hereby submit this request to be considered as a viable candidate to fill the recent vacancy on the Committee created by Mary Bell, who is leaving to take her new position as a City Councilwoman.

I am a new resident of Central City on 5th High Street as well as a long time frequent visitor.

Being a native and twenty year resident of Boulder, I enjoy the rich history of the many existing/non-existing mining towns here in Colorado.

I presently have mining interests in the Nevadaville area that I plan to begin actively working this year.

The background that supports my candidate request comes from a variety of experiences and skills.

After receiving diplomas from both Boulder High School and the Boulder Valley Vocational-Technical Center, I began full-time employment with a local Land Surveying firm in Boulder. I advanced rather quickly from tape and stick holder to instrument operator, locating records, town maps/plats, markers and old stone corners on hillsides. All this enhanced my interests in the Colorado mining towns.

I left Colorado for thirty years and headed to the MidWest (namely Nebraska) to flip houses. My brother and I purchased one of the last “untouched” vintage buildings in downtown Grand Island. It could have been located in the Larimer Square/Auraria neighborhoods in Denver. We began to clean up, repair and upgrade the building without damaging any of its original components. Next, was a 1903 home, repurposed as a boarding house that we later discovered had been relocated from downtown to its present site near the old hospital. We did a lot of salvaging and moving existing materials from the home itself to other parts of the home maintaining of the structure’s character and historical value, yet making spaces more useable.

To finance the restoring process I worked at a local manufacturing plant as a machinist, press operator and later as a toolmaker, acquiring many skills at laying out, fabricating, and repairing metal items. I later began my own business as a remodel/repair contractor, both interiors and exteriors. These job opportunities have helped me many times over on many construction projects as well.

My construction work brought me back to Colorado in 2003, as well as my aging parent’s health issues.
I had heard of the casinos in Black Hawk and Central City and took a late night drive up CO119 to check them out. I was shocked to say the least by my first glimpse of the AmeriStar facility. During my second trip up the hill, I looked and looked for the “Lace House” that used to sit on Main Street in Black Hawk, and found that it had been moved to its present site on Gregory Street. This was when my interest really became rooted in preserving what could be and/or needed to be preserved in the area began.

I have continued to practice my skills as projects have become available, in and around neighborhoods between the Capital and the Botanical Gardens in Denver.

As recently as last Fall, I spent a week with HistoriCorp (based out of Denver) on a log cabin restoration and waterproofing/rodent-proofing project at the Hornbek Homestead near Florissant CO. I took on the rebuilding of the threshold at the front entry to the cabin. Replacement materials were retrieved from other period buildings in the area and brought back to the project.

I am currently negotiating employment with an engineering-surveying firm to use my skills here locally to assist in locating control points and information ahead of a crew coming here and set property corners. My hope is to be able to utilize my skills and experiences to help this city to be a vibrant community once again, moving forward and growing into the future.

I thank you in advance for taking a look at me and considering my request.

Thank you all.

Timothy J Casey.
Reva Becktel: April 11, 2017

Historic Preservation Commission

I wish to submit my application to the Central City Historic Preservation Commission. Having served on the Hulman County Historic Preservation Advisory Commission as Board member and secretary, one-year alternate to the Central City Historic Preservation Commission, and 17 years a member of Hulman County History - illustrates my experience.

Historic preservation has always been a passion of mine. I worked diligently securing, for the iconic 1895 Boulder Theatre, recognition as a Colorado Endangered Places Site in 2016. We continue to secure funds to for its relocation, restoration, and reuse.

As coordinator of Main Street Central City, a Colorado Main Street program of the National Historic Trust - I have a firm commitment to follow its mission.

Please contact me for further information.

Barbara J. Maclean
101 N Street - P.O. Box
Central City 80427-0007
Mayor Heider and City Council,

My name is Cherise Rainbolt. I live and work in Central City at 201 W. 1st High Street at the Lee Mansion. I have been integral to mom, Nicki Friedeck's, realization of her dreams of being a Bed and Breakfast business owner. I have enjoyed every step of the process, from being cheerleader at the beginning when she had cold feet over the initial purchase of the property, to writing the grants for restoration funding, to helping in the renovation process, to running the business, since the beginning it has been a grand adventure. When we began this journey together we both felt that our place is here in Central City. It is my goal to have less idle time on the front porch dreaming, and to give place to those dreams by becoming an active community member involved in the planning of events and happenings that will draw others here to find their place.

My strengths are more relevant in a small community where it is easier to get involved. I have had success transforming the small Southern town where I went to college into a summer music scene. From event planning, to organizing, to creating media and advertising, I am familiar with all aspects of throwing large family friendly festivals.

My claim to fame before I left Auburn University was "the Full Tilt Boogie" Mid summer two day music festival. We had over 1,000 community members volunteering, contributing and enjoying an event which brought us all together.

I want to be a part of strengthening our community ties and making positive changes in our district.

Please accept this request to become an alternate member of the Main Street Commission. I would love the opportunity to apply my creative energy to achieving the commission's objectives.

Thank you for your time and consideration.

Cherise Rainbolt
201 W. 1st High Street
cher.rainbolt@gmail.com
720-636-1614
AGENDA ITEM # 9
CITY COUNCIL COMMUNICATION FORM

FROM: Daniel R. Miera, City Manager

DATE: May 2, 2017

ITEM: Resolution No. 17-16: A Resolution of the City Council of the City of Central, Colorado approving a plan for the full repayment of the loan from the General Fund to the Water Enterprise Fund.

NEXT STEP: Council Action on Resolution No. 17-16.

___ ORDINANCE
X MOTION
___ INFORMATION

I. REQUEST OR ISSUE:

City Staff requests approval of Resolution No. 17-16, which provides for a Repayment Plan and Payment Schedule to service the loan obligation of the Water Enterprise Fund to the General Fund.

II. BACKGROUND INFORMATION:

The City has loaned funds over the years from the General Fund to the Water Enterprise Fund ("Water Fund") for operational and capital expenses. To-date, the loan amount has reached $1,411,188. FY 2017 is the first year that the City has begun to service the loan obligation. The Repayment Plan includes transfers and payments between the two (2) Funds; however, the transactions are designed to safeguard and maintain the Water Fund’s enterprise status. The Repayment Plan is subject to change as necessary, and always subject to annual appropriation by the City Council.

III. FISCAL IMPACTS:

A transfer ("grant") of $60,000 from the General Fund is proposed to be made to the Water Fund in FY 2017. And, a loan payment of $70,000 is proposed to be made by the Water Fund to the General Fund in FY 2017.
IV. **RECOMMENDED ACTION / NEXT STEP:**

Take action on Resolution No. 17-16.

V. **LEGAL ISSUES:** None.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None.

VII. **SUMMARY AND ALTERNATIVES:**

1. Move to adopt Resolution No. 17-16.
2. Adopt Resolution No. 17-16 with amendments.
3. Table for further discussion and consideration.

**Proposed Motion:** “I move to approve Resolution No. 17-16, a Resolution of the City Council of the City of Central, Colorado, approving a plan for the full repayment of the loan from the General Fund to the Water Enterprise Fund.”
CITY OF CENTRAL, COLORADO
RESOLUTION NO. 17-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO APPROVING A PLAN FOR THE FULL REPAYMENT OF THE LOAN FROM THE GENERAL FUND TO THE WATER ENTERPRISE FUND.

WHEREAS, the City found it necessary over the years to loan funds from the General Fund to the City of Central Water Enterprise Fund (“Water Fund”) for operational and capital expenses; and

WHEREAS, the Water Fund is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and constitutes a “water activity enterprise” within the meaning of Title 37, Article 45.1, C.R.S.; and

WHEREAS, the balance of the loan reached one million four hundred eleven thousand one hundred eighty-eight dollars ($1,411,188) as of Fiscal Year 2017; and

WHEREAS, the City desires that the Water Fund begin making payments toward its loan obligation to the General Fund in Fiscal Year 2017, until the loan amount is paid-in-full; and

WHEREAS, the City plans to annually transfer funds from the General Fund to the Water Fund in an amount that does not jeopardize the Water Fund’s enterprise status, subject to annual appropriation by the City Council; and

WHEREAS, the initial amount transferred from the General Fund to the Water Fund in Fiscal Year 2017 is sixty thousand dollars ($60,000), which accounts for less than ten percent (10%) of the Water Fund’s total annual revenues, and represents all revenue derived from outside funding sources, including local and state governmental entities, but excluding federal funding sources; and

WHEREAS, the first loan repayment amount from the Water Fund to the General Fund in Fiscal Year 2017 is seventy thousand dollars ($70,000); and

WHEREAS, a Loan Repayment Schedule reflecting a series of proposed annual transfers and payments between the two (2) Funds is attached hereto as Exhibit 1 (the “Repayment Schedule”); and

WHEREAS, the City recognizes that the Repayment Schedule is subject to change from year to year depending on the composition of the Water Fund’s revenue sources and the appropriations from the General Fund; and

WHEREAS, the City views the Repayment Schedule as a reasonable and feasible plan for addressing the long-standing loan obligation of the Water Fund; and
WHEREAS, the City has and will continue to maintain the Water Fund as an enterprise; provided, however, that the City may disqualify the Water Fund as an enterprise in any year in which the disqualification does not materially adversely affect the Repayment Schedule; and

WHEREAS, in the event that the Water Fund is disqualified as an enterprise in a future year and the Repayment Schedule may be adversely affected, the City shall immediately take all actions to requalify the Water Fund as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution.

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

Section 1. The City Council acknowledges the Water Fund has an outstanding loan obligation in the amount of $1,411,188 that is due and payable to the City’s General Fund.

Section 2. The City Council authorizes City Staff to initiate the process to amend the adopted 2017 budget, if necessary, to reflect the loan amount, transfer amount and payment amount for 2017, as shown in the Repayment Schedule attached as Exhibit 1. The City Council shall approve such transfers and/or supplemental appropriations of budgeted funds in accordance with the provisions of C.R.S. § 29-1-106 and -109, by publishing notice once in a newspaper of general circulation and by holding a public hearing on the supplemental appropriations, as required by state statute.

Section 3. Subject to annual appropriation, the City Council authorizes City Staff to implement the proposed plan for repayment of the Water Fund loan, in accordance with the Repayment Schedule that is attached to this Resolution as Exhibit 1. The City Council authorizes City Staff to include the transfer amounts (General Fund to Water Fund) and payment amounts (Water Fund to General Fund), as detailed and set forth in the Repayment Schedule, in the City’s draft 2018 budget and draft budgets prepared in each of 2019 – 2036.

Section 4. Effective Date. This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 2nd DAY OF MAY, 2017.

CITY OF CENTRAL, COLORADO

By:________________________________________
   Kathryn A. Heider, Mayor

ATTEST:                                  APPROVED TO FORM:

By:_______________________________________ By:_______________________________________
   Reba Bechtel, City Clerk               Marcus A. McAskin, City Attorney
## Exhibit 1
Loan Repayment Schedule

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($1,200,000) ($1,411,188)
AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: April 26, 2017 (for May 2, 2017 regular meeting)

ITEM: Ordinance 17-04 Amending and Restating the City Council Rules of Procedure

___ X ___ ORDINANCE
___ _____ MOTION
___ _____ INFORMATION

I. REQUEST OR ISSUE: Ordinance No. 17-04 proposes revisions to the City Council Rules of Procedure (the "Rules").

Specifically, the Ordinance revises the Rules to incorporate (as Rule 2), the following:

"In the event a question of proper parliamentary procedure arises during a meeting, the Mayor and City Council may rely upon Rosenberg's Rules of Order, a copy of which is attached to these Rules of Procedure as Appendix B and incorporated herein by reference. As set forth in Rule 5 below, the Mayor shall make all parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as advisory parliamentarians."

The City Council is being asked to consider Ordinance 17-04 on first reading on May 2, 2017. This topic was discussed at the April 18, 2017 work session.

II. RECOMMENDED ACTION / NEXT STEP: Approve Ordinance No. 17-04 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, May 16, 2017.

III. FISCAL IMPACTS: None.
IV. **BACKGROUND INFORMATION:** The minor revisions to the Rules addressed in Ordinance 17-04 include the following:

- Adding Rule 2 to incorporate *Rosenberg's Rules of Order* as a reference point for parliamentary procedure.
- A minor change to Rule 4 changing the word "activate" to "announce".
- Renumbering the balance of the current Rules to account for the insertion of new Rule 2.

A copy of Ordinance 17-04 is attached to this Council Communication Form. A copy of the new proposed Rules, including *Rosenberg's Rules of Order*, is attached to the Ordinance as **Exhibit A**.

A "redline" version of the Rules, highlighting the proposed revisions to the Rules, is attached to this Council Communication Form as **Attachment A**.

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, and amended by Ordinance 15-01 dated May 5, 2015.

As set forth in the Rules (specifically, **Rule 11**), the City Council may amend the Rules by majority vote of all members of City Council. **Rule 11** also requires that "[a]ny such amendment . . . be submitted in writing at a work session or a [Council] meeting preceding formal action" and also requires that "[t]he proposed amendment(s) . . . be placed on the next [City Council] Agenda in ordinance form for consideration by Council."

The proposed revisions to the Rules were presented to City Council at the April 18, 2017 work session.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

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

1. Adopt Ordinance No. 17-04 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.
RECOMMENDED MOTION: "I MOVE TO APPROVE ORDINANCE NO. 17-04, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO AMENDING AND RESTATING THE CITY OF CENTRAL CITY COUNCIL RULES OF PROCEDURE ON FIRST READING, AND FURTHER MOVE THAT SECOND READING AND PUBLIC HEARING ON THE ORDINANCE BE SCHEDULED FOR TUESDAY, MAY 16, 2017, AT 7:00 PM TO BE HELD IN THESE COUNCIL CHAMBERS."

Attachments:

- Ordinance 17-04 (for first reading)
- Redline of City Council Rules of Procedure (Attachment A)
CITY OF CENTRAL, COLORADO
ORDINANCE 17-04

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

WHEREAS, in accordance with Section 5.1 of the City of Central Home Rule Charter, the City Council shall determine the rules of procedure for governing meetings; and

WHEREAS, in accordance with Section 5.12 of the 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 by Ordinance 15-01 dated May 5, 2015; 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 parliamentary procedures applicable to its meetings; and

WHEREAS, the City Council has considered this amendment to the Rules at a work session held on April 18, 2017; 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 May, 2017, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

________________________________________
Kathryn A. Heider, 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 ____________________________, 2017.

CITY OF CENTRAL, COLORADO

________________________________________
Kathryn A. Heider, Mayor
ATTEST:

__________________________________________
Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on ____________, 2017.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on ________________, 2017.
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 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. Public hearings are not held during Council work sessions. Work sessions are considered meetings and shall be open to the public. Council is not required to take public comments during work sessions. The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each work session. At Council's discretion and if time permits, 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.

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   Parliamentary Procedure:

In the event a question of proper parliamentary procedure arises during a meeting, the Mayor and City Council may rely upon Rosenberg’s Rules of Order, a copy of which is attached to these Rules of Procedure as Appendix B and incorporated herein by reference. As set forth in Rule 5 below, the Mayor shall make all parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as advisory parliamentarians.

Rule 3   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 4   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 announce 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 5 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 6  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 7  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 5 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 8  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.

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.


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 9  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 10.

**Rule 10 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 11 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?
APPENDIX B – Rosenberg’s Rules of Order

(attached, five pages).

About the Author

Dave Rosenberg is a Yolo Superior Court Judge. Formerly, he served over 20 years in local government, including 12 years on the Davis City Council (with two terms as Mayor) and 7 years on the Yolo County Board of Supervisors (with two terms as Chairman of the Board). He has been Chairman or presiding officer of numerous boards, commissions and organizations, spanning over three decades including the California State Lottery Commission, the California State Victim Compensation and Government Claims Board (formerly known as the Board of Control), the Yolo County Economic Development Commission, the Yolo County Criminal Justice Cabinet, the Davis Odd Fellows Lodge, and others. He currently serves as Presiding Judge of the Yolo Superior Court. Rosenberg has taught workshops on "Rosenberg's Rules of Order" for over a decade, to county supervisors, mayors, city council members and others. His "Rosenberg's Rules of Order" have been adopted by numerous cities and other jurisdictions and organizations throughout California and other States.

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn’t always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, Robert’s Rules of Order, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, Robert’s Rules of Order is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of “Rosenberg’s Rules of Order.”

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

“Rosenberg’s Rules of Order” are supported by the following four principles:

1. Rules should establish order. The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.

2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.

3. Rules should be user-friendly. That is, the rules must be simple enough that citizens feel they have been able to participate in the process.

4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does not mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body’s agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,
a staff person, or a committee chair charged with providing information about the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

**Fourth**, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

**Motions in General**

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

**Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move …” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”**

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

**Suggesting a motion to the members:**

“A motion would be in order that we give 10-days’ notice in the future for all our meetings.”

**Making the motion.**

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

**The Three Basic Motions**

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser."

2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
3. **The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair’s designation governs.

**When Multiple Motions Are Before The Governing Body**

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the **first** vote should be on the **last** motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the **third** (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion **passes**, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion **failed**, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend **passed**, the chair would now move to consider the main motion (the first motion) as **amended**. If the motion to amend failed, the chair would now move to consider the main motion (the **first** motion) in its original format, not amended.

**To Debate or Not to Debate**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are **not** debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

- **A motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- **A motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to
be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

If you are running the British Parliament, Robert’s Rules of Order is a dandy and quite useful handbook.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.
If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

**Courtesy and Decorum**

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every member to be recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

**Special Notes About Public Input**

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.
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. Public hearings are not held during Council work sessions. Work sessions are considered meetings and shall be open to the public. Council is not required to take public comments during work sessions. The City Manager shall direct the City Clerk to prepare and give notice of the Agenda for each work session. At Council's discretion and if time permits, 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.

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  Parliamentary Procedure:

In the event a question of proper parliamentary procedure arises during a meeting, the Mayor and City Council may rely upon Rosenberg's Rules of Order, a copy of which is attached to these Rules of Procedure as Appendix B and incorporated herein by reference. As set forth in Rule 5 below, the Mayor shall make all parliamentary rulings with advice, if requested, from the City Manager or City Attorney who act as advisory parliamentarians.

Rule 3  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 34  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 announce 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 45 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 66  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 67  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 45 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 78  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.


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.


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 89   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 910.

**Rule 910 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 Temp 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 violation(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 4011 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?
APPENDIX B – Rosenberg’s Rules of Order

(attached, five pages).

About the Author

Dave Rosenberg is a Yolo Superior Court Judge. Formerly, he served over 20 years in local government, including 12 years on the Davis City Council (with two terms as Mayor) and 7 years on the Yolo County Board of Supervisors (with two terms as Chairman of the Board). He has been Chairman or presiding officer of numerous boards, commissions and organizations, spanning over three decades including the California State Lottery Commission, the California State Victim Compensation and Government Claims Board (formerly known as the Board of Control), the Yolo County Economic Development Commission, the Yolo County Criminal Justice Cabinet, the Davis Odd Fellows Lodge, and others. He currently serves as Presiding Judge of the Yolo Superior Court. Rosenberg has taught workshops on "Rosenberg's Rules of Order" for over a decade, to county supervisors, mayors, city council members and others. His "Rosenberg's Rules of Order" have been adopted by numerous cities and other jurisdictions and organizations throughout California and other States.
To: Mayor Heider, City Council, and City Manager Miera  
From: Reba Bechtel, City Clerk  
Date: May 2, 2017  
Re: Bi-weekly Report

- Prep for the Regular Council meeting of 5/2.
- Responded to Open Records Request.
- Attended HPC work sessions for Design Guideline revisions.
- Working with Johnny Z staff regarding transfer of liquor license.
- Processed special event liquor applications.
- Modification of liquor premise for Century Casino for events.
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records response, liquor, and marijuana.
Development

1) GIS Services – Revised parcel layer has been released along with some utility lines
   a. Correcting parcel boundaries
2) Design Guidelines – Council Encouraged to Attend
   a. Wed. May 10th - 6 p.m. – HPC - Final Recommendation -
3) Comprehensive Plan Update – Council Encourage to Attend
   a. Wed. May 3rd - 6 p.m. – Public Hearing – Planning Commission final adoption expected on May 31st
4) Land Use Code Workshop – Council Encourage to Attend
   a. Thursday May 11th - 6 p.m. – Planning Commission - Final recommendation expected on May 31st
5) CDBG – Resilience Project.
   a. Final Open House Meeting Held – Final Draft based on comments due soon.
6) Wayfinding Signage –
   a. Email solicitation of Council preferences will be forthcoming
7) Cemetery fence project –
   a. Project Completed
   b. Forest Service investigating options to accommodate public land use parking
8) Marijuana Suspension – Options/data being pursued
9) UNC Survey – Event impact for businesses and citizens underway
10) Enterprise Zone – Central City and unincorporated Gilpin County inclusion into the Northwest Enterprise Zone
    was approved by the Economic Development Commission on March 16th.
    a. Business engagement rollout meeting scheduled for May 3rd.
11) Various initial development/building inquires addressed.

Historic Preservation

1) Belvidere Theater
   a. RFP – Expected to be released
   b. Contractor to pursue other funding opportunities contacted
2) Washington Hall RFP – Work continues
   a. Paint analysis contractor contacted
3) HPC Cases YTD- 4

Code Enforcement

1) Work continues on reported violations
   a. Cases Reported in 2016 – 35
   b. Cases Reported in 2017 - 7
IT/Web/Audio Visual
1) Website, Facebook and Twitter internal administration continues.
2) Channel 20 – Taken down temporarily due to City Hall repair
3) Livestreaming meetings being investigated

Events / Marketing
1) Billboard
2) Central City App – Mobile Town Guide developed and can be download – “Mobile Town Guide Central City”
   a. Working on an interactive walking tour of the City
3) Short Promotional Videos are planned with two firms as well as the Opera
4) Central City Opera Picnic – Date Monday, June 26 - work continues
5) Visitor Center
   a. Summer hours starting on Saturday May 27th – 10 a.m. – 6 p.m.
   b. Refresh of the area nearly complete. A special thanks to Eric Miller for his work on this effort.
6) Main Street Central City
   a. Mini-grant pursued – Additional grant opportunities being pursued
      i. training – Grant Awarded - $3k
      ii. Commercial Building Inventory – Project Complete
7) 2017 Additional Marketing Items
   a. 118 Radio Spots purchased to promote Central City
   b. Jeffco Living print and digital ads Runs for 6 month/ change message in June – Messages are Events, Attractions, Shop, Dine, local business promotion, etc.)
      (April – end of June and July - October) ½ page
   c. MMAC ½ page running new monthly messages from May through the end of August (Focus on seasonal attractions, local business, etc.)
   d. Will also be ½ page ads ran in MMAC, The Gambler, The Mountain Ear, etc.
   e. Large Social Media buy occurs from May - September

Staffing
1) Evaluating addition contractor services for Belvidere and Special Projects
2) Management of consultant contracts.
3) Ongoing employee wellness program.
4) Visitor Center / All-hand meeting planned held last week.
To: Daniel R. Miera, City Manager
Cc: Mayor and Council
From: Abigail R. Adame, Finance Director
Date: May 2, 2017
Re: Staff Report

➢ Finance

- Prepared and submitted the employers wage withholding and State’s wage withholding quarterly reports.
- Prepared the City’s annual gaming report.
- Worked with the auditors on-site the week of April 24.

➢ Human Resources

- Coordinated the hiring of the Seasonal Gardner’s position.
- Coordinated harassment training for all City employees. The training was conducted by CIRSA’s Deputy Executive Director, Tami Tanoue.
To: Mayor Heider, City Council, and City Manager
From: Sam Hoover, Public Works Director
Date: April 26, 2017
Re: Bi-weekly Report

Since our last council update, public works staff has performed the following activities:

- Completed the Cemetery Fence Project
- Worked with State staff to close out the 2013 FEMA Project
- Managed a roofing repair contract at City Hall
- Moved furniture at City Hall
- Installed rubber floor molding/trim on the third floor of City Hall
- Replaced hot water circulating pump at City Hall
- Stocked Chase Reservoir with 500 pounds of Rainbow and Brown Trout
- Patched potholes in town and on the Parkway