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I. ESTABLISHMENT OF CITY COUNCIL POLICY AND PROCEDURE

A. Establishment. The City Council shall adopt a Policy Manual. Adoption of Council policy shall be by Motion in public session and shall thereafter be included in a Council Policy Manual.

B. Amendment. These rules may be amended or new rules adopted by majority vote of all members of the City Council. Any such amendment(s) shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda of the City Council. Any change to Council Policy shall be accomplished in the same fashion as a new policy.

C. Suspension of Rules. Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended, amended, or changed at any meeting of the City Council by a majority vote of all members of the City Council. The vote on any such suspension shall be taken by ayes and nays and entered in the record.

Resolution No. 48, Series of 1990
II. OFFICERS AND EMPLOYEES

A. The Presiding Officer.
   1. Mayor.
      a. Charter § 24. After each general municipal election, the Council shall elect from their own
         number a Mayor who will be the presiding officer entitled to vote. He shall have no veto
         power and shall serve at the will of the Council. He shall be recognized as head of the
         City Government for all ceremonial purposes and shall execute and authenticate legal
         instruments requiring their signature as such official.
      b. Term. A Mayor shall serve for two years unless removed by action of a majority of the
         City Council.
      c. Election Procedure. The presiding officer of the City Council shall be the Mayor who shall
         be elected by majority vote of the members of the City Council. Generally, such election
         shall take place at the second meeting in November after each general municipal election,
         or following an action to remove the Mayor, or after a Mayor should resign from such
         position, or as needed.
      d. Duties and Authority.
         1) Rules of Procedure and Decorum. The presiding officer shall preserve strict order
            and decorum at all regular and special meetings of the City Council. The presiding
            officer shall conduct the meetings in conformance with the adopted Rules of
            Procedure.
         2) Duties. The Mayor shall call every meeting of the City Council to order. The
            Mayor shall, in conformance with the adopted Rules of Procedure, state every
            question coming before the City Council, announce the decision of the City
            Council on all subjects, and decide all questions of order, subject to the adopted
            Rules of Procedure.
         3) Appointments by the Mayor. Except when otherwise provided by State law,
            nominations to boards/commissions/committees shall be by general consensus of
            the body. An action to approve and accept such nomination by regular motion shall
            be placed on the agenda for the next regular meeting and approved by majority
            vote of the body present. The effective date of such appointment shall be as
            provided by law, or as determined by action of the City Council.
         4) Voting. The Mayor shall vote on all questions, their name being called last.
         5) Communications. The Mayor shall supply copies of all mailings/communications
            sent on behalf of the City or City Council to the City Council for informational
            purposes and comment prior to mailing or publicizing such
            mailings/communications. The City Manager or Mayor or Council may designate
            staff to compose or prepare letters sent on behalf of the City over the mayor's
            signature.

   2. Mayor Pro Tem
      a. Election. The Mayor Pro Tem shall be elected by the members of the City Council at the
         second meeting in November after each general municipal election, or as needed.
      b. Authority. The Mayor Pro Tem shall serve as Mayor during the absence or disability of the
         Mayor and, in case of a vacancy in the office of the Mayor, pending a selection of a new
         Mayor.
c. Duties. While serving in the capacity of Mayor the Mayor Pro Tem shall have all powers of the Mayor, including signing all ordinances and contracts approved at any meeting over which the Mayor Pro Tem did preside.

3. Temporary Chairman. In the absence of the Mayor and Mayor Pro Tem, the City Clerk or Deputy City Clerk shall call the City Council to order, whereupon a temporary chairman shall be elected by the members of the City Council. Such temporary chairman shall serve as presiding officer of the City Council until the arrival of the Mayor or the Mayor Pro Tem, at which time the temporary chairman shall relinquish the chair upon the conclusion of the business immediately before the City Council. When necessary, the Temporary Chairman shall serve until the election of a new Mayor and Mayor Pro Tem.

B. Officers and Employees to Attend Council Meetings.

1. City Manager. The City Manager, or the Manager’s designated representative, shall attend all meetings of the City Council posted in accordance with the Colorado Open Meetings Law, unless excused by the City Council. The Manager shall carry out all duties as set forth by Charter, and within the established job description. The Manager may make recommendations to the City Council upon any matter requiring action of the City Council, and may take part in discussions on all matters concerning the welfare of the City.

2. City Attorney. The City Attorney, or the Attorney’s designated representative, shall attend all meetings of the City Council posted in accordance with the Colorado Open Meetings Law, except the City Attorney may be excused by the City Council from study sessions where no official business of the City is anticipated to occur, including meetings with elected State or Federal representatives, interviews for volunteer positions, and similar meetings. The City Attorney is the legal representative of the City, and advises the Council and City Officials in matters related to their official duties and powers.

3. City Clerk. The City Clerk is the clerk of the City Council. The City Clerk, or the Clerk’s designee, shall attend all meetings of the City Council, unless excused by the City Council. The City Clerk shall be responsible for providing agenda packets to members of the City Council, provide draft minutes to the members of the City Council the Thursday before such minutes are to be approved, assisting the Mayor with monitoring parliamentary matters, taking and announcing the vote upon all actions of the City Council, keeping the minutes of the meeting, and such other and further duties in the meeting as may be ordered by the Mayor, City Manager or City Council.

4. Department Directors/ Employees. Department directors, city officers, or any employee of the City, when requested by the City Manager, shall attend any regular or special meeting, or study session, and confer with the City Council on matters relating to the business of the City. In conformance with Charter §32, officers and employees shall interact with the presiding officer, unless the presiding officer specifically allows direct interaction.
III. MEETINGS

A. Order of Business. The agenda of the City Council shall be as follows except where otherwise decided by a majority vote of City Council members present at said meeting:

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.
5. Consideration of minutes of previous session.
6. Recognition of Scheduled Public Comment.
7. Recognition of Unscheduled-Public Comment
8. Communications Proclamations and Appointments.
9. Consent Agenda items.
11. Ordinances, Resolutions and Motions.
12. General Discussion: (the order of the following at discretion of Mayor)
   a. Mayor’s Choice.
   b. Council Member’s Choice.
13. City Manager’s report.
14. City Attorney’s report.
15. Adjournment

B. Meetings - open to public. All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed, or at which any formal action may be taken are declared to be public meetings open to the public.

1. "Meeting" means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication. C.R.S. 24-6-402.

2. "Local public body" means any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.

3. Regular Meeting. Regular meetings of the City Council shall be held in the City Hall on the first and third Mondays of each month at 7:00 P.M. or at such other time and day as City Council may, from time to time, designate; provided, however, that when the day fixed for any regular meeting falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

4. Special meetings. Special meetings of Council may be called in the manner and at the time provided for by the rules of procedure of Council.

   a. Authority to Convene. The Mayor shall call special meetings of the City Council whenever in the Mayor’s opinion the public business may require it, or at the express written request of any three (3) members of the City Council.

   b. Notice. Whenever a special meeting shall be called, a summons or a notice in writing
signed by the Mayor or City Manager shall be served upon each member of the City Council, either in person, or by both telephone and e-mail, or by notice left at their place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted except such as is stated in the notice. Members of council may notify the City Clerk of their preferred method of notice. Notice of a special City Council meeting may be announced by the Mayor at any regular City Council meeting and when so announced, a written notice shall not be required. Notice of special City Council meeting, whether written or oral, shall be served, at least twenty-four (24) hours before the special meeting is to be held, upon each Council Member; provided, always, that if, after diligent effort is made to give notice of any such meeting to all members of City Council, notice of the same cannot be given due to an inability to locate any member, a majority of the City Council may waive notice of special City Council meeting in writing or by affirmative vote at the special meeting and such waiver shall be specifically noted in the minutes of the meeting. Notice may be waived by the entire membership of City Council in any case.

5. Executive Session. The City Council may call an executive session in conformance with C.R.S. 24-6-402.

C. Distribution of Agenda and Agenda Packets. On the Thursday preceding the regular City Council meeting, or at such other day as the City Manager, from time to time, shall determine, the City Manager will make available to each Council Member an agenda showing the order of business and indicating the public hearings to be anticipated as a result of previous action of City Council, planning or other commissions. Also listed will be ordinances for first or second reading, petitions previously presented to the Clerk’s office and a list of the reports of special committees, the City Manager or City Attorney. The City Clerk shall make agenda packets available to members of the City Council in electronic format by 5:00 p.m. on the Thursday prior to any scheduled meeting of the City Council. Printed materials will be made at the same time, or as soon thereafter as practicable.

Rita Rule – All Council Members shall receive the same information at the same time in the Council Packet.

D. Minutes of the Meeting. Minutes of the meeting shall be action minutes. In conformance with the adopted Rules of Procedure, the Clerk may be directed by the Mayor to enter a synopsis in the minutes of the discussion on any question coming regularly before the City Council. A Council Member may request, through the presiding officer, the privilege of having an abstract of their statement on any subject under consideration by the City Council entered in the minutes.

E. Roll Call. Before proceeding with the business of the City Council, the City Clerk, or their deputy, shall call the roll of the members, and the names of those present shall be entered in the minutes. The time at which any member joins or leaves a meeting after it has convened shall also be noted within the minutes.

F. Quorum. Pursuant to Charter, five (5) members of the City Council shall constitute a quorum at any regular or special meeting of the City Council. In the absence of a quorum, the presiding officer may, or at the instance of any three (3) members present, shall, compel the attendance of absent members.

G. Summary of Minutes. At each meeting it shall be asked by the presiding officer if there are objections or are corrections to be made to the summary of minutes of the preceding meeting as published. If there are no objections, the summary of minutes shall be approved.

H. Consent Agenda. The consent agenda is a tool used to streamline council meeting procedures by collecting and grouping routine, noncontroversial topics into a single agenda item that can be discussed and passed with a single motion and vote.
I. **Ordinances, Resolution, and Motions.** Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances, all other procedures may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject, except in case of repealing ordinances, and the ordinances making appropriations shall be confined to the subject of appropriations.

1. Preliminary Matters.

   a. **Sponsorship.** All ordinances and resolutions shall be introduced to the City Council in printed or written form, and shall be limited to a single topic.

   b. **Attorney Review.** All proposed ordinances shall be reviewed by the City Attorney and bear the certification of the City Attorney that such document is in correct form.

   c. **City Manager.** The City Manager shall attach to each proposed ordinance a brief digest of the provision thereof and where it is proposed to amend an existing ordinance. Said digest shall indicate the change sought to be made and shall also show the name of the department or party at whose request the proposed ordinance was prepared.

2. Ordinances. Ordinances are used primarily for legislative actions. In addition, by Charter, certain agreements and certain budgetary matters must be approved by ordinance.

   a. At first reading a proposed ordinance is referred to as a “council bill.” At second and subsequent readings it is referred to as a “bill for an ordinance.”

   b. A council bill may be introduced at any regular meeting, or by petition of the people as provided by the Charter of the City.

   c. If a Council member has requested a council bill for an ordinance that person’s name should appear on the ordinance as the sponsor of the council bill.

   d. At the first reading, the council bill will have a previously assigned council bill number on the document. After a council bill is presented to Council, it becomes an official document which must be acted upon through approval, failure to approve, tabling, etc.

   e. After introduction and prior to voting upon approval of the council bill, the council bill may be amended by majority vote of the City Council. A motion must be made to amend the ordinance with the specifics of the amendment identified and stated in the motion.

   f. Every ordinance shall require an affirmative vote of the majority of all members of the City Council for approval, even when all members of the City Council are not present at such meeting.

   g. Ordinances are always dealt with in the positive, therefore the action is always a “motion is to approve.” The motion is never made to disapprove.

   h. Upon approval, the council bill, including all amendments, shall be published in full on the City’s official website, and by title only in the City’s legal newspaper.

   i. Council may set a day and hour at which Council, or a committee of Council, shall hold an administrative public hearing thereon. **Kells Rule** - Second reading of an ordinance shall not be heard on the same evening as a public hearing.

   j. A bill for an ordinance shall be presented for approval at one additional meeting of the Council, which meeting must be held no earlier than seven days after publication of the council bill.

   k. Publication dates and notice requirements may dictate that a bill for an ordinance not come back at the next meeting of City Council.
1. Generally, the bill for an ordinance is presented for second reading under the Consent Agenda. All items previously approved may be approved in a batch, or they may be removed from the Consent Agenda. Ordinances approved under the Consent Agenda are automatically assigned a number by the City Clerk and are not individually read by title.

m. Removal from the Consent Agenda does not require a motion or vote. Those items removed are considered, individually, after all other Consent Agenda items have been approved. The procedure for acting upon items removed from the consent agenda should be to deal with the items in the same order as they appear on the agenda, each to be debated and voted upon separately.

n. Any bill for an ordinance removed from the consent agenda is procedurally acted upon in the same manner as the initial approval procedure.

o. The City Council may amend a bill for an ordinance. Approving an amended bill for an ordinance requires the amended bill meet all procedural requirements that a council bill must conform to following approval, including publication and submission to the City Council as a bill for an ordinance.

p. Each ordinance of the City must be presented to the City Council and approved in the same form twice, regardless of the number of times a bill for ordinance is amended.

q. After the second action to approve, an ordinance shall again be published, by reference or in full at the discretion of the Council, and such publication shall be made by publishing on the City’s official website or by publication in the newspaper designated by the City Council as the City’s official newspaper.

r. Any publication by reference shall contain a summary of the subject matter of the ordinance and a notice that copies of the ordinance are available at the office of the City Clerk.

s. The referendum period shall apply to all ordinances passed by Council, except ordinances making the tax levy, the annual appropriation ordinance, or the ordering of improvements initiated by petition and to be paid for in whole or part by special assessments.

t. Except in cases of a filed referendum, all ordinances shall take effect thirty days after publication following final passage.

3. Emergency Ordinances. Emergency ordinances WHICH ARE necessary for the immediate preservation of public property, health, peace or safety, must be approved in accordance with Charter § 41.

4. Resolutions. Resolutions are used for formal approval of non-legislative measures. A Resolution is passed upon approval by a majority of the quorum present at the meeting.

5. Motions. Motions are the most common form of official action used by the City Council. Motions shall be carried out in conformance with the Rules of Procedure adopted by the City Council in conformance with Charter § 27.

J. Addressing the City Council.

1. Verbal Communications. Formal verbal communications to the City Council as a body are allowed only at those times provided upon the Agenda of a regular meeting, including public comment and public hearings. Interested parties may address the City Council by verbal communications on any matter concerning the City’s business. Speakers should not expect an immediate response. Issues are typically referred to city staff for follow-up and reported back to the council.
a. **Scheduled Public Comment.** Any private individual who desires to appear before City Council may be scheduled to appear by advising the City Manager of such request not later than five o'clock (5:00) P.M. the Wednesday preceding the next regular meeting. Future meetings may not be scheduled in advance. Scheduled public speakers shall be given up to five minutes to present to the City Council.

b. **Unscheduled Public Comment.** Any person who did not make a request to address the City Council as a scheduled speaker the week prior to such regular meeting who desires to address the City Council as an unscheduled speaker shall first secure the permission of the presiding officer to do so. Unscheduled speakers shall be limited to three minutes.

Note: The time available for Unscheduled Public Comment may be limited to assure the matters included upon the agenda, upon which the public has been notified action is to be considered, are completed. If unscheduled public comment time is limited, the time available for unscheduled public comment shall be allotted in accordance with the order in which individuals signed the list requesting to be allowed to be an unscheduled speaker.

2. **Written Communications.** Interested parties may address the City Council by written communications upon matters for consideration by sending such written communication to the City Clerk for inclusion in the agenda packet not later than five o'clock (5:00) P.M. the Wednesday preceding the next regular meeting.

3. **Off-agenda Topics.** In conformance with Open Meetings Law, City Council members shall not respond to community comments upon topics not noted upon the agenda. During that portion of the agenda called “council member’s choice” any member of council may 1) request staff research such matter and provide such research to the City Council in the form of a “Council Request,” 2) make a motion to bring any unscheduled matter introduced during community comment to a future study session for study, or 3) make a motion to bring any unscheduled to a regular meeting for a defined action. Following approval of the motion by a majority vote, the matter shall be scheduled for a future meeting.

4. **Manner of Addressing Council/Time Limit.**
   a. Each person addressing the City Council shall give their name. Each speaker shall also provide information identifying themselves as either a guest of the City, resident of the City, business owner, or non-resident landlord for the record. This information be provided through the speaker’s residential address, the major intersection nearest the speaker’s residential address, the name of the speaker’s business, the council district where the speaker resides, or the name of the City other than Englewood where the speaker resides.
   b. **All remarks shall be addressed to the City Council as a body and not to any member thereof.** Remarks intended for a single member of the body should be conveyed directly to that member through personal communication.
   c. If a member of the City Council asks clarifying questions of the speaker, no person other than the City Council member and the speaker shall be permitted to enter into the discussion, either directly or through invitation of a member of the City Council, without the permission of the presiding officer.
   d. No question shall be asked of a City Council Member as an individual except through the presiding officer.
   e. All speakers shall respect the public nature of the forum, and the purpose of the forum to conduct the business of the City, by conveying their message to the City Council in language that avoids profanity and expletives.
   f. No speaker shall make threats of violence or harm, or convey threats of violence or harm.
g. The presiding officer shall advise any speaker of a violation of these rules.

K. **Public Hearing.** All persons desiring to be heard on a particular issue at a public hearing before City Council shall sign up in advance of the public hearing. They shall provide their names, addresses, and indicate whether they are speaking for or against an issue, or are neutral. Each person on the list will be called to the podium, and before speaking will attest/swear to the truthfulness of the testimony presented. Speakers at public hearings are limited to the presentation of testimony, or other evidence, upon the pending matter, and may not question others in the room, call others to testify, or cede their time to other speakers. The standard time limit allotted to each speaker shall be three (3) minutes, but the presiding officer, with approval of a majority of the City Council, may modify the length of time to be allotted to all speakers heard upon any subject.

Following the presentations of all speakers, the petitioner, if any, will be given time for rebuttal. Following the rebuttal of the petitioner, the presiding officer will declare the hearing closed. After the public hearing is closed the matter is remanded to City Council for consideration. If any City Council member wishes more information from any individual who spoke at the hearing, they may direct questions only through the presiding officer, to the individual and the response solicited from the speaker by the presiding officer will be limited to the answer of the question as stated.

**Kells Rule** - Second reading of an ordinance shall not be heard on the same evening as a public hearing.

Quasi-judicial hearings shall be conducted in strict conformance with the standards set forth within the Code provisions authorizing such quasi-judicial hearing, and E.M.C. 1-10-2-7. All other public hearings are administrative in nature and shall be conducted in conformance with Title 1, Chapter 10 of the Englewood Municipal Code. After opening a quasi-judicial public hearing the Mayor shall state into the record, “Council members use electronic devices to access the materials relevant to the public hearing before us. It is a violation of this Council’s policy for these devices to be used for texting, emailing, internet research, or other communications during quasi-judicial public hearings.”

L. **Voting.**

1. After conclusion of discussion upon a matter, or after a matter has been “called”, the Mayor shall call for a vote. Votes shall be indicated through operation of the voting lights. Votes shall be “Aye” or “Nay”. The City Clerk, or designee, shall read into the permanent record the "Aye” and "Nay” votes, and shall indicate whether a measure has passed or failed.

2. **Voting Procedures.** Every ordinance shall require the affirmative vote of a majority of all members of the City Council for approval. Every Resolution or Motion shall require the affirmative vote of a majority of the quorum present at the meeting.

3. Abstention Procedure. Abstentions shall be in conformance with Bob’s Rules of Procedure, as may be modified by ordinance from time to time.
IV. POLICY REGARDING RULES OF DECORUM

General: While the City Council is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay nor interrupt the proceedings, nor the peace of the City Council, nor disturb any member while speaking, nor refuse to obey the orders of the City Council or its presiding officer.

A. Seating Arrangement. Members shall occupy their respective assigned seats in the Council Chamber, or any forum at which the Council shall convene as a body. Assignments will be made by the Mayor. Any two or more members may exchange seats by joining in a written notice to the Mayor to that effect. Such notice should be received by the Mayor a minimum of twenty-four hours prior to the scheduled meeting. The seat exchange shall remain permanent until the Mayor receives appropriate written notice of a further seat exchange. In recognition of the need to make internet viewing of City meetings more standardized for the public, the Mayor may request consensus approval of a request for seat exchange if more than one seat exchange is requested by any one member during a calendar year.

B. Personal Privilege. The right of a member to address the City Council on a question of personal privilege shall be limited to cases in which their integrity, character, or motives are assailed, questioned, or impugned.

C. Excusal during Meeting. No member may leave the City Council Chamber while in regular session without permission from the presiding officer. If the presiding officer leaves the City Council chambers during a regular session the Mayor Pro Tem shall assume the role of presiding officer until the Mayor’s return.

D. Obtaining the Floor/Recognition by Chair. Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine themselves to the question under debate. The member shall hold the floor without interruption until the member cedes the floor back to the presiding officer. The member shall cede the floor to the presiding officer immediately upon direction of the presiding officer in conformance with the adopted rules of procedure. A member who fails to abide by the directive of the presiding officer shall be deemed to have ceded the floor, and the presiding officer may recognize another speaker.

E. Interruptions. A member once recognized shall not be interrupted when speaking except in conformance with the adopted rules of procedure. If a member, while speaking, be called to order for a violation of these rule, they shall cease speaking until the question of order be determined. The member may resume speaking upon the direction of the presiding officer. Other than to make a privileged motion, no member of the City Council shall interrupt another member of the Council while such member holds the floor. If a member of the City Council is interrupted inappropriately while such member holds the floor, the member shall request that the presiding officer enforce the rules of decorum.

F. Dissents and Protests. Any member shall have the right to express dissent from, or protest against, any ordinance or resolution of City Council and shall have the reason therefore entered in the minutes. Such dissent or protest must be in respectful language and presented to City Council not later than the next regular meeting following the date of passage of the ordinance or resolution in question.
Study Session Policy.

A. **Provide Material in Advance.** Material on new information must be received before study session to allow discussion in an educated fashion. No information presented without backup material can be presented. No decision will be made until all members have had an opportunity to review the information.

B. **Council and Citizen Requests.** Requests for information from members of the City Council or written response to a citizen’s concern must go through the City Manager's Office. Requests for information made by City Council member to staff should result in information provided to all of members of City Council.

C. **Council Communications.** During council communications, council members may request a status update at to a matter previously acted upon by council. Council members may also request a matter be placed back upon a future agenda as a result of new information becoming available. To place a matter on the agenda the Council must assent by consensus to proceed.

D. **Direction by Consensus.** During a study session consent by consensus may be used by the City Council to clarify direction to the City Manager, or to establish procedural matters, such as placing matters upon future agendas. Additionally, efforts to arrive at a consensus position for the purpose of developing subsequent legislative action shall be permitted. Agreeing by consensus to place a matter upon a future agenda, or guide the actions of City Staff in crafting future legislation, does not bind any member of the body to vote in favor of such measure when it is brought before the body for formal action. A consensus agreement is merely a procedural step for allowing the body to formally consider a matter.

E. **Garrett Rule-** A matter is not to be considered at a study session and at the formal Council meeting on the same evening. This is to allow Council time to consider all the information presented at the study session and to contemplate that information.

F. **Woodward Rule-** To allow full consideration of matters coming from boards and commissions, matters will not be presented at a study session until the minutes have been approved and submitted to Council.

Public Meeting Policy.

A. **Agenda Materials.**

   **Burns Rule –** Information shall not be handed out at the meeting but rather shall be distributed through the Council Packet.

   Presentation of last minute information should be avoided whenever possible. New information related to an emergency situation should be made available to the City Council but may be disregarded by City Council upon a majority vote.

   The City Manager or the City Clerk shall provide all information associated with any issue upon the agenda to City Council in an equal and timely fashion.

B. **Consent Agenda Protocols.** Members should notify City Council through the City Manager prior to a public session when they plan to remove an item from the consent agenda. Contact the City Manager prior to the meeting whenever possible regarding questions upon matters placed on a consent agenda on first reading. The City Manager will forward all notices of intent to pull a matter from the consent agenda,
and responses to requests for information concerning consent agenda items, to the members of the City Council by 3:00 p.m. upon the day of a meeting.

C. **Debate Decorum.** Debate occurs between and among members of the City Council, but should be limited to making a point or stating a position. Redundancy, grandstanding, and personal attacks will be addressed by the Mayor as being out of order or inappropriate. City Council may appoint a “Sergeant at Arms” to provide a friendly reminder of exceeding a reasonable time limit.

D. **Be Gracious and Respectful At All Times.** It is the responsibility of each City Council member to display common courtesies at all times. Respect differences of opinions and perspectives. For example: avoid interruptions, avoid personalizing the issue, avoid grandstanding, avoid argumentative behavior including repetitive restatements of a position, and avoid filibustering.

E. **Remain Silent.** Do not speak without being recognized by the Chair.

F. **Interpersonal Behavior.** Focus on the issue, not on the member presenting the issue. Treat each other and each person coming before City Council with respect.

G. **Be attentive.** Listen and understand before judging and making a commitment. Give a speaker your entire attention. Shuffling papers, looking at phones, finding reasons to never make eye contact with the speaker telegraphs to the speaker and all members of the audience that you have already decided the matter and are disinterested in new information.

H. **Take time to negotiate.** As a seven member board things work best through consensus or compromise. Work together as a team on issues as they relate to what’s best for the City as a whole.

I. **Personality Conflicts.** Personal problems or concerns with individual Council Members should be discussed directly with that individual outside of an open meeting, and not aired in a public forum.

J. **Use of Electronic Devices during Public Meetings.** Council members use electronic devices to access the materials relevant to the public meeting. It is a violation of this Council’s policy for these devices to be used for texting, emailing, or other communications during public meetings. Council members are aware that communications received during open meetings may be subject to the Colorado Open Records Act.

*Resolution No. 44, Series of 1991*
V. CITY COUNCIL DISCRETIONARY FUNDS POLICY

A. Allocation. Discretionary funds in the sum of $600.00 shall be allocated for each Council Person per annum. Those funds not used in any calendar year shall revert to the general fund.

B. Limitation on Out of State Travel. It is the intention of the City Council that discretionary funds be used in the metropolitan area surrounding the City of Englewood. Discretionary funds shall not be used for out-of-state expenses unless approved by City Council. An application for use of Discretionary Funds for an out-of-state trip may be applied for after the fact, but if the City Council disapproves of the expenditure the Council Member must pay back any of the discretionary funds used during the trip.

C. Publications. Discretionary funds may be used for the purchase of books, publications, newspapers, or materials directly related to the responsibilities of the City Council. Materials purchased with discretionary funds are not personal property, and shall be made available to other Council Members on request. Materials (tapes, publications, etc.) obtained at a conference or purchased with discretionary funds shall be made available to all of the Council members and City Staff on request.

D. Membership Dues. Individual memberships to an organization (service clubs, etc.) may be paid from discretionary funds provided the City Council member states the City related purpose for the membership.

E. Meals. Discretionary funds may be used for meals that are directly related to the responsibilities of the City Council. Expenditures for alcoholic beverages shall only be as part of a meal as opposed to separate expenditure. Where it is necessary as a part of the establishment’s policy to have separate tickets for food and beverage purchases, compliance shall be satisfied so long as noted on the receipts by the council person.

F. Computer Supplies/Technology. Discretionary funds may be used to purchase a tablet computer, laptop computer, printer ink, or other technical equipment to be used for City business. The computer equipment provided to each council member for use at City Council meetings, and regular Member business, shall be a standard expense of the City and not associated with City discretionary funds. Upon leaving council, members shall have the right to purchase the personal computer equipment they utilized as council member. Other technology expenses, including cellular telephone reimbursement, are permitted. All cellular telephone numbers paid for with City funds shall be made available to the public.

G. City Issued Credit Cards and Receipts. All expenditures made by City Council members should be by P-card. Receipts for expenditures shall be submitted to the City Manager’s Office within one week of incurring such expenditure. The City Manager’s Office will upload the receipts into Purchasing Card system. Expenditures without a correlating receipt will not be paid.

H. Reimbursements. Occasionally an expenditure may not be made through P-card. For example, cash purchase of parking at a parking meter, or purchase at places that do not accept MasterCard. Requests for reimbursement require a receipt submitted within one week of the expenditure, and completion of an expenditure form. Such expenditure form shall be uploaded into the City’s online finance reporting system.

I. Fair Campaign Practices Act. Discretionary funds shall not be used in a manner that would violate the Fair Campaign Practices Act or any other law.
J. **Charitable Contributions.** Discretionary Funds shall not be used for individual charitable contributions as such contributions are made by the City Council as a body.

K. **Constituency Communications.** A Member may, at such member’s cost, use whatever means are available to the public in the marketplace to communicate with constituents, which includes but is not limited to: mail, e-mail, faxes, newspaper inserts, posters, flyers, banners, signs, telephone conference calls, videoconferencing, automated telephone calls, audio and video messaging, advertisements, public service announcements and handouts, and “coffee” with a constituent(s). Generally, the costs of constituency communications are paid for by the Member.

L. **Blackout Period.** No discretionary funds shall be used in association with constituency communications in the ninety (90) days prior to any election date upon which individuals are running for a seat upon the City Council.

M. **Postage Costs for Mass Mailings.** Council members may use their discretionary funds to pay the postage associated with a mass mailing. A mass mailing is an unsolicited mailing initiated by a Member to their constituency totaling 25 or more pieces of substantially identical content, whether such mail pieces are deposited to USPS as single pieces or in bulk, or at the same time (single drop) or different times (cumulative) over the course of a single budget year. The term "mass mailing" and "mass communication" do not apply to mailings/communications in direct response to mail/communications from persons to whom the matter is transmitted, i.e., a solicited response.

   1. A copy of the document to be mass mailed must be submitted to the City Manager for inclusion in the council packet for informational purposes at least two weeks prior to the date of intended mailing. At such council meeting prior to the mailing, the council may by majority vote direct the City Manager to deny use of discretionary funds to pay the costs of the proposed mailing if such mailing is in violation of any law. Any council member commenting on such mailing at a public meeting will do so in strict compliance with the Rules of Decorum provided in Section VIII of this policy manual.

   2. Any mail distributed using discretionary funds will contain be clearly marked "Mass Mail Statement", and shall include the following statement: "This mailing was prepared, published, and mailed at taxpayer expense." The statement must appear on page one of a document or on the address side of the envelope or mailing panel/label; must be prominently displayed; and not be printed in smaller than a 7 point typeface.

N. **Holiday Greetings.** Discretionary funds shall not be used to send any card expressing holiday greetings from the Member, although, in an otherwise official mailing, a Member may make an incidental holiday greeting. For example, in the salutation or signature in an official mailing, the member could say “happy holidays” or some other appropriate brief greeting. Holiday colors and illustrations and are not considered incidental. No, birthday, anniversary, wedding, birth, retirement, or condolence messages may be sent by an individual Member using discretionary funds.

O. **Pre-stamped Envelopes.** Members are not permitted to send a stamped envelope paid for by discretionary funds to a constituent, including as part of a request to return anything from a constituent to such Member.
VI. TRAVEL POLICY

A. **Approval.** Each Council Member shall formally request approval of all City related travel thirty (30) days prior to attendance.

B. **Documentation.** The formal request shall include a summary explaining the nature of their participation, how it will benefit or affect the City and anticipated costs. The Member shall provide documentation and receipts to the City Manager reconciling expenditures within thirty (30) days after their return from an event.

C. **Fiscal Responsibility.** Members shall make a diligent effort to be fiscally prudent in their expenditures by purchasing lowest available air fare, securing economy hotel accommodations, and implementing other cost saving measures whenever possible.

D. **Reconciliation of Prior Travel.** Council Members will not be allowed to travel for the City until their previous travel expenses have been reconciled.

E. **Monitoring Policy.** Council shall continually monitor travel expenditures throughout the year.

F. **Out of State Travel.** A Council Member may go to only one (1) out-of-state conference per year unless approved by a super-majority vote of five (5) Council Members.

G. **Repayment of Expenses to City.** Any Council Member who cannot travel after expenses have already been paid may be asked to repay all or a portion of these expenses. Repayment may be withheld from such Member’s salary only after a super-majority vote of Council approving such action.

*Resolution No. 48, Series of 2014 was amended to reflect changes in Council Travel Policy publications.*
VII. COMMUNICATIONS POLICY

A. **Private E-mail Service.** Members of City Council are strongly discouraged from using private e-mail services to conduct City business. Private e-mail services utilized to conduct the business of the City shall be subject to Colorado Open Records Act. The City will not make public on its website(s) the private e-mail address of any member of the City Council.

B. **Official Custodian.** The City Clerk’s Office is the official custodian of records held by the City and may request copies of emails sent or received through private email accounts in association with the business of the City. In accordance with C.R.S. 24-72-202(2) "Official custodian" means and includes any officer or employee of . . . any local government-financed entity, who is responsible for the maintenance, care, and keeping of public records, regardless of whether the records are in their or their actual personal custody and control.

C. **CORA Statement.** All City Council members shall include the following statement at the bottom of all outgoing e-mail messages:

Under the Colorado Open Records Act (CORA) all emails to and from City Council are subject to public disclosure, with limited exceptions. To promote transparency, emails are available for review upon request. Emails which contain “private” in the subject line of the email will not be automatically available to the public, however, the City of Englewood can't guarantee that email to or from Council marked “private” will remain private under CORA.

D. **Email Communications.**

1. Email deliberation between three or more elected officials concerning public business and/or pending legislation are declared to be a public meeting under the Colorado Open Meetings Law and are prohibited.
   
   a. Chain communications are prohibited, i.e. deliberative communication between an elected official and another member of the body, upon the same matter as was previously communicated upon in a deliberative manner with a different member of the council.
   
   b. Council members shall not “reply all” to any communication received by such council member that was also sent to two or more other members of the City Council.
   
   c. Council members shall not copy and paste a communication received from another city council member regarding a matter of city business and distribute such communication to another member(s) of the city council.

2. The following email communications from or to an elected official or officials are permitted:

   a. Communication or deliberation from or to the City Manager, the City Attorney, or community members.
   
   b. Deliberation between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.
   
   c. Communication between elected officials that does not include deliberation related to pending legislation or other public business.
   
   d. “Deliberation” means the discussion and/or exchange of viewpoints and opinions on a subject. It specifically does not include the distribution, but not discussion, of information.
E. **Retention Policies Applicable To Email Communications**

1. Email communications of elected officials may be considered public records under the Colorado Open Records Act. The City’s Records Retention Schedule applies to email communications in the same manner as other records.

2. Certain types of correspondence are expressly not a public record, including that which is a “work product,” as well as correspondence that is “without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds”. Examples include drafts and worksheets, desk notes, copies of materials circulated for informational “read-only” purposes, and other records with preliminary or short-term informational value. These emails should be deleted as soon as they are read and are no longer useful.

3. Correspondence of elected officials designated as a public record fall into one of two categories:
   
   a. **Enduring Long-Term Value**: Documentation or correspondence with enduring and long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the municipality or the community; and other similar records and documentation. The retention period for these records is permanent.

   b. **Routine Value**: Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, information or statistical value. Includes routine communications sent and received, communications containing duplicates of information that is filed elsewhere, routine requests for information, transmittal documents, etc. The retention period for these records is two years.

F. **Email Management Policy**. In order to ensure that the emails of elected officials are properly managed, the following email management policy should be followed:

1. All emails sent to or from an elected officials’ email account will be automatically archived.

2. Archived emails will be managed according to the City’s retention policy by the City Clerk.

3. Original emails in the elected officials’ email accounts may be saved or deleted as the elected official finds most useful.
VIII. COUNCIL VACANCIES

A. **Resignation of a City Council Seat.** An individual may choose to resign a seat on the Englewood City Council. As the Englewood City Charter does not establish procedures for resignation of a council seat, resignations shall be addressed by the remaining members of the Council and staff in accordance with this policy.

B. **Vacancies.** Certain situations mandate vacating a council seat. Charter 23 prohibits members of city council from dual office holding. Charter 28 provides that an elective office shall become vacant whenever any officer becomes incapacitated, or if a Councilman shall remove from or become a non-resident of the district in which he was elected during the term of their office.

C. **Vacancy created by Mayor.** If the Council member serving as Mayor, resigns from the Council or creates a vacancy by reason of becoming a non-resident of the district from which elected, a vacancy in the Council position is created and a separate vacancy is created in the Office of Mayor. The remaining Council members elect a new Mayor at any time from the point that the vacancy occurs in conformance with Charter. If it so wishes, the Council may wait until the new Council member is installed before electing a new Mayor. If that should occur, then the Mayor Pro Tem would fulfill the functions of the Mayor until a new Mayor is elected.

D. **Date of mandatory vacation of office.** A seat must be vacated at the same time as the cause for the vacancy occurs. For example, if a Member is elected to another office, merely qualifying to take the second office does not constitute a vacation of the first office. Vacancy in the first office occurs only upon actual assumption of the duties of second office or resignation from the first office.

E. **Procedure for selecting a successor.**
   1. In case of a vacancy, the remaining Councilpersons shall choose, by majority vote and within thirty days after such vacancy occurs, a duly qualified person to fill such vacancy.
   2. At the direction of a majority of City Council, the City Manager shall advertise the vacancy and make available an application for city council member appointment. Such application shall be made available on-line, or may be requested at the Office of the City Clerk. Copies may be mailed to interested applicants if such applicant provides a stamped and self-addressed envelope to the City Clerk.
   3. The Council shall call a special meeting to interview all candidates no less than one week before the regular council meeting where the appointment is scheduled to occur. The interviews shall be open to the public but the public shall not participate in the interview process. The interviews shall be audio recorded, but not video recorded. The audio recordings shall be held for ninety (90) days before destruction. There shall be no verbatim minutes taken of the interviews.
   4. If the city council does not fill the vacancy by appointment within thirty (30) days after the vacancy occurs as required by the City Charter, it shall order an election, subject to the municipal election code, as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular election has commenced. (C.R.S. 31-4-108).

F. **Term of Successor.** The successor shall serve until their successor is elected for the remainder of the term at the next ensuing general municipal election and such individual has been duly qualified.

G. **Multiple vacancies.** If three or more vacancies exist in the Council simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.
IX. ELECTRONIC PARTICIPATION

A. Purpose. The purpose of this City Council Policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings and executive sessions by telephone, online conferencing methods, or other electronic means (electronic communication). With advancements in communication equipment, electronic meeting participation has become more popular within many local governments. However, electronic participation has inherent limitations because electronic participation effectively precludes a Council member from viewing documentary information presented during meetings, from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing nonverbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation or testimony. In addition, electronic participation during executive sessions prevents the City from ensuring compliance with state law. The Council finds that these limitations inherent in electronic participation may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process, particularly in quasi-judicial matters.

B. Statement of Policy. A member of the City Council may participate in a study session of the City Council by telephone only in accordance with this Policy. Electronic participation shall be made available and shall be limited as follows:

1. Electronic participation is intended to be an infrequent or occasional substitution for physical attendance.
2. Electronic participation must permit clear, uninterrupted, and two-way communication for the participating Council member. The City Council may discontinue the use of electronic participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection is repeatedly lost, the quality of the telephone connection is unduly noisy, or a participating member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

C. Procedures. To arrange to participate electronically, a City Council member shall:

1. Contact the Mayor, City Manager, or City Clerk in advance of the meeting regarding the reason for the absence.
2. Contact the City Clerk to arrange for electronic participation and provide a telephone number and any special calling instructions needed to facilitate the telephone contact. All Council members shall endeavor to advise the City Clerk of their intent to participate electronically at the earliest possible time and not less than three (3) business days prior to the requested participation.
3. Be available at the designated telephone number not less than ten minutes prior to the scheduled time of the meeting.
4. The City Clerk shall document each attempt to contact the Member via the telephone number provided. The Clerk shall not try more than three times to make the connection.

D. Technical Difficulties. The City shall initiate the telephone contact not more than 10 minutes prior to the scheduled time of the meeting. Upon telephone disconnection during a meeting, the City Clerk shall make one attempt to re-initiate the telephone connection unless the City Council instructs to discontinue the electronic participation in accordance with this policy.

E. Quorum. Electronic participation shall constitute actual attendance for purposes of establishing a quorum or for any other purpose.

F. Electronic Participation by Officers of the City. Upon request of the Mayor or any two Council members, appointees of the City Council (e.g., the City Manager and/or the City Attorney, or designees acting on behalf of and at the direction of the Manager or Attorney), may participate in a meeting of the Council by telephone. For all other persons, electronic participation shall not be permitted unless approved by a majority of a quorum present of the City Council.
X. PERSONNEL

A. **Annual Evaluation of City Officers.** The City Council shall evaluate the performance of the City Manager and City Attorney annually during the month of April, or such other month in which all performance evaluations of the City are conducted by the HR Department. The annual performance evaluation shall provide the City Officer with information to allow such officer to act in conformance with the goals and expectations of the City Council.

1. **Annual Wage Adjustment.** The City Manager and City Attorney shall receive an annual wage adjustment as set by formal action of the City Council.

2. **Timeline/Procedure.** The job performance of the City Manager and City Attorney, officers of the city, are typically evaluated annually in accordance with the terms of their employment contracts. The City Council will participate in a review of each officer and will be afforded the opportunity to provide comments and feedback on performance and process. The Human Resources Director may assist the Mayor as requested. If the information is compiled in written format, the applicable officer will be given a copy of the written review and will meet in Executive Session with the City Council to go over the review, discuss any points of concern and develop performance measures/job directives for the subsequent year.

3. **Meeting with City Officers.** On or before the first regular meeting in March of each year the City Council will meet with the City Attorney in executive session for attorney client privilege. The City Attorney shall present an annual report of activities and legal services rendered by the City Attorney’s office and any outside legal counsel.

B. **Municipal Court Judge/ Municipal Court Budgetary Review.** The Municipal Court Judge of the City of Englewood, as an elected official, shall meet annually with the City Council to discuss budgetary matters for the municipal court. The Municipal Court Judge, in coordination with the City Manager and the Human Resources Department, shall conduct an annual salary survey of similar highest-ranking judge of courts of comparable operations located within the Denver metropolitan area. The Municipal Court Judge shall provide the list of comparables to the City Manager and Human Resources for completion of the survey. The City Council shall annually determine the appropriate compensation for the Municipal Court Judge by resolution after consideration of the annual survey but prior to the end of the calendar year. The Municipal Court Judge shall be invited to participate in any such discussions which shall take place in open session.
XI. AGENDA SETTING

A. Mayor/Manager Meeting. The Mayor and Mayor Pro Tem shall meet with the City Manager weekly, or as often as shall be necessary, to set the agenda for regular meetings, special meetings, and study sessions.

B. City Manager: Authority to Set Agenda Items. The City Manager through the course of managing city business and under direction of the council puts forth agenda items that ensure the efficient and uninterrupted services that residents expect and depend upon.

C. City Council Members: Authority to Set Agenda Items. Council members may submit requests for agenda items during their council communication at the end of any regular meeting or study session of the body. If a consensus of members agree that such matter should be placed upon an upcoming agenda, the matter will be scheduled for an appropriate City Council meeting within thirty days of the date of the request. If the body does not reach consensus to place such matter on an upcoming agenda, the requesting member may either choose not to pursue such request or may submit a written request to the City Clerk. The written request shall provide at a minimum a description of the request, the goal or objective that the request aims to fulfill, and a self-assessment as to the urgency of the matter. The City Clerk shall provide such request to the City Manager who will provide such request to the Mayor and Mayor Pro Tem to schedule such matter accordingly.