

RESOLUTION NO: 2021-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO PARAGRAPHS A THROUGH E OF RULE 1 AND PARAGRAPHS B THROUGH F AND N OF RULE 2 OF THE CITY COUNCIL RULES OF PROCEDURE GOVERNING MEETINGS

WHEREAS, City Council has adopted Ordinance 2355 amending Sections 2-4-30 and 2-4-40 of the Brighton Municipal Code relating to City Council Meetings; and

WHEREAS, City Council has determined that Rules 1 and 2 of the City Council Rules of Procedure Governing Meetings should be amended to reflect these changes to be consistent with City Code; and

WHEREAS, City Council desires to make additional changes to the City Council Rules of Procedure Governing Meetings so as to eliminate other errors and inconsistencies; and

WHEREAS, these changes to the City Council Rules of Procedure Governing Meetings shall be made effective at the same as Ordinance 2355.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Rule 1A, Regular City Council Meeting of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

A. REGULAR CITY COUNCIL MEETING

The city council shall meet in regular sessions on the first and third Tuesday of each month at 6:00 p.m. The agenda for regular meetings shall be devoted primarily to the transaction of city business requiring formal action and voting by city council. The place of all regular meetings shall be the city council chambers in the Brighton Municipal Building, unless otherwise designated by city council. The city council may, by motion, hold meetings as it deems appropriate at another day, time, or location specified by city council. (Charter §5.1, City Code §2-4-30)

Section 2. Rule 1B, Study Session Meetings of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

B. STUDY SESSION MEETINGS

The city council shall meet, as it deems necessary, in study sessions on the second and fourth Tuesday of each month at 6:00 p.m. or at such other day, time, or location as shall be designated by the City Council. The purposes of a study session generally, shall be for city council to discuss and establish general city policy, address administration items as appropriate, receive reports and information from department heads, consultants or other experts, and study issues which will require formal city council action at a future regular or special meeting.

Section 3. Rule 1C, Special Meetings of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

C. SPECIAL MEETINGS

Special meetings are those meetings which are called for the purpose of transacting limited municipal business which cannot otherwise be transacted in a timely fashion. “Special meetings shall be called by the clerk on the written request of the mayor, city manager, or any two (2) members of the Council on at least twenty-four (24) hours’ notice to each member of the Council, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing. No action shall be taken by the council on any item of business that has not been stated in the notice of the meeting. (Charter, § 5.2)

Section 4. Rule 1D, Executive Session of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

D. EXECUTIVE SESSION

Upon motion by a councilmember that states the general subject matter of the topic for discussion in the executive session and the legal authority therefore, and the affirmative vote by two-thirds (2/3rds) of the members present, city council may hold an executive session at a regular or special meeting. No formal action, no policy decision, no rule, regulation, or resolution or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any session that is not open to the public.

An executive session convened at a regular or special city council meeting will be conducted in a secure location. The city manager, in consultation with the city council, shall establish a policy to accommodate members of the public who wish to remain on the premises while the city council conducts an executive session. Such policy should address the need for transparency, while ensuring safety and the necessary security of the premises.

Only the following matters may be discussed at an executive session:

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest [C.R.S. § 24-6-402(4)(a)];
2. Conferences with the city attorney or special legal counsel retained for the purpose of receiving legal advice on specific legal questions [C.R.S. § 24-6-402(4)(b)];
3. Matters required to be kept confidential by federal or state laws, rules and/or regulations [C.R.S. § 24-6-402(4)(c)];
4. Specialized details of security arrangements or investigations [C.R.S. § 24-6-402(4)(d)];

5. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators [C.R.S. § 24-6-402(4)(e)];
6. Personnel matters, except if the employee who is the subject of the executive session has requested an open meeting [C.R.S. § 24-6-402(4)(f)];
7. Consideration of any documents protected by the mandatory nondisclosure provision of the “Open Records Act” [C.R.S. § 24-6-402(4)(g)]; and
8. Other matters allowed by law.

(Charter § 5.4) (Brighton Municipal Code Chapter 2)

Section 5. Rule 1E, Holidays, Cancellations, and Rescheduling of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

E. HOLIDAYS, CANCELLATIONS, AND RESCHEDULING

When a scheduled meeting falls on a holiday, the meeting may be held on the following day, at the same hour, unless otherwise provided for by council. For purposes of this rule, holidays shall include New Year’s Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve, and Christmas Day. The city council may dispense with or reschedule any regular meeting, except that at least two regular meetings shall be held each month.

Section 6. Rule 2B, Order of Business at Regular Meetings of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

B. ORDER OF BUSINESS AT REGULAR MEETINGS

The order of business of all regular meetings of city council shall be conducted in the order listed below subject to rule 1(D). City council may, by a majority vote of the council members present, suspend the rules and change the order of business. However, individual items listed on the agenda under each category may be taken out of order at the discretion of the presiding officer.

1. Call to Order
2. Approval of Regular Agenda
3. Consent Agenda
4. Ceremonies

5. Public Invited to be Heard on Matters Not on the Agenda
6. Public Hearings and Related Actions
7. Emergency Ordinance
8. Ordinances for Initial Consideration Without Public Hearings
9. Ordinances For Final Consideration
10. Resolutions
11. Utilities Business Items
12. General Business
13. Reports by Mayor, Department Heads, City Attorney and City Manager
14. Reports on Boards and Commissions by Council
15. Executive Session
16. Adjournment

At 11:00 p.m., if the regular meeting has not previously been adjourned, further proceedings shall be conducted as follows: 1) All public hearings not previously opened shall be vacated, or shall be opened for the sole purpose of setting the hour and day for the continuation of each public hearing; 2) At the discretion of the city council, any regular council meeting may be extended beyond 11:00 p.m. for no more than two (2) additional fifteen-minute periods, upon motion duly made and seconded, and approved by a majority of the council members present at the meeting; 3) Proceedings shall be continued until 6:00 p.m. on the following evening or to such date and time as determined by Council. In the event that the City Council is in an executive session at 11:00 p.m., or at the conclusion of an extension period, the regular Council meeting shall be extended without Council action for the limited purpose of allowing Council to complete and return from executive session and adjourn the meeting, or to allow the Council to continue the meeting, by vote, to a specific date and time. (Municipal Code § 2-4-30)

Section 7. Rule 2C, Order of Business at Study Session Meetings of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

C. ORDER OF BUSINESS AT STUDY SESSION MEETINGS

Study sessions shall be conducted in the following order subject to rule 1(D), unless city council, by a vote of at least a majority of the council members present, shall suspend the rules [see rule 8(B)] and change the order:

1. Call to Order
2. Administrative Items
3. Study Session Items (as determined by the City Council and/or the City Manager)

Section 8. Rule 2D, Business at Special Meetings of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

D. SPECIAL MEETINGS

Special meetings may be called by the City Clerk on the written request of the Mayor, City Manager, or any two (2) members of the Council. No action shall be taken by the members of Council on any item of business that has not been stated in the notice of the meeting. ((Municipal Code § 2-4-40)

Section 9. Rule 2E, Public Comment of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

E. PUBLIC COMMENT

Regular meetings include specifically designated times for citizens to make comments on matters which are not on the agenda or which are the topic of public hearing. Citizens may comment on agenda items that are not subject to public hearing at the time the item is presented. At the designated public comment period such public comment shall be limited to five (5) minutes per speaker. The presiding officer shall have the discretion to determine the order of speakers. The presiding officer may determine that the public comment portion of the agenda shall be moved to the end of the agenda just prior to adjournment, in the event the number of speakers will not allow for the timely transaction of the business on the agenda.

Section 10. Rule 2F, Public Hearings of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

F. PUBLIC HEARINGS

The general order of the public hearing shall be as follows, subject to revision at the discretion of the presiding officer when deemed necessary to accommodate and facilitate the public hearing process:

- I. Presiding Officer Opens the Public Hearing
- II. City Clerk verifies the Publication and Posting Requirements
- III. City Staff Briefly Describes the Subject Matter of the Hearing

- IV. Applicant Presents the Request in Detail
- V. Questions of Audience Regarding the Matter of the Hearing
- VI. Presiding Officer Recognizes Proponent(s) By Name as Indicated on a Speaker's Form
- VII. Presiding Officer Recognizes Opponent(s) By Name as Indicated on a Speaker's Form
- VIII. Applicant May Clarify/Rebut Comments from Opponents
- IX. City Clerk Announces Correspondence Received In Regard to the Public Hearing
- X. Questions and Comments from City Council
- XI. Presiding Officer Officially Closes the Public Hearing

Public hearings provide an opportunity for anyone to be heard on the pending matter. All those desiring to be heard on a particular issue at a public hearing shall list their names on forms provided by the city clerk, indicating which item on the agenda he or she wishes to comment on and whether he or she wishes to speak as a proponent or opponent. The list shall be handed to the presiding officer. Those persons who have signed the "speaker's form" shall be allowed to comment during the public hearing.

Each individual speaker will be limited to five (5) minutes. The presiding officer is responsible for directing that the proponents and opponents restrict their presentations within this period or to determine what reasonable time will be given to make a presentation. The time announced by the presiding officer will be the total time within which all those desiring to be heard shall be limited. Following the presentations of those in favor and then those opposed, the proponent shall be given an opportunity for rebuttal.

If a proponent or opponent wishes to submit written material for consideration by the city council during his or her presentation, he or she must describe with specificity the material to be submitted and tender said material (an original and eleven copies) to the city clerk. The presiding officer shall determine whether the written material is relevant to the proceedings and rule on whether it shall be marked as an exhibit and entered into the public record.

No written material from persons who speak as proponents or opponents in the public hearing shall be accepted by the city clerk except during the public hearing.

Any persons wishing to submit written comments about a matter that is the subject of a public hearing and who do not want to participate in the public hearing shall submit those written comments to the city clerk before the scheduled hearing. Those written comments shall be designated as "correspondence" and announced as such by the city clerk at the conclusion of the public hearing.

In the event the person(s) representing a respective side of an issue wish(es) to have a question asked of a particular individual, such question shall be directed to the presiding officer. The presiding officer shall determine whether the requested question will be directed to that individual. The presiding officer shall refrain from directing any requested question which, the presiding officer in his/her sole discretion, determines is immaterial, irrelevant, redundant, or is for the purpose of embarrassing an individual.

When all discussion on the issue has been heard, the presiding officer will declare the hearing closed. If any councilmember wishes more information from any individual who has spoken at the hearing, the councilmember may, with the consent of the presiding officer, pose the question to that individual either through the presiding officer or directly, and the response will be limited to the answer to the question as stated.

Section 11. Rule 2N, Use of Electronic Devices of the City Council Rules of Procedures Governing Meetings is hereby amended to read as follows:

N. USE OF ELECTRONIC DEVICES

The use of mobile computing devices (like cell phones, iPads, lap tops, etc.) during regular or special city council meetings or study sessions shall be governed by the City Council Policy for the Use of Mobile Computing Devices, adopted by the City Council on June 18, 2013, by Resolution No. 2013-66, as the same may be amended from time to time.

Section 12. The amendments to the Rules shall be effective at the same time as Ordinance 2355 is effective.

RESOLVED this 19th day of January, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

LENA McCLELLAND, Acting City Attorney