

**RESOLUTION NO. 24-11**

**INTRODUCED BY:  
Council Member Arner  
Council Member DeVries**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO AMENDING RULE III ORDER OF BUSINESS OF THE FEDERAL HEIGHTS CITY COUNCIL RULES OF PROCEDURE REGARDING F. ELECTRONIC PARTICIPATION POLICY FOR CITY COUNCIL MEETINGS**

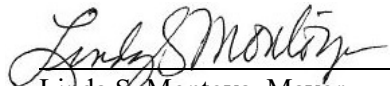
WHEREAS, City Council desires to amend its procedures for Electronic Participation regarding its meetings to broaden the grounds for such meetings beyond just emergencies to include situations where in-person meetings are not practical or prudent due to situations resulting from, from, for example, accidents, illness, weather conditions, natural disaster or epidemics; and

WHEREAS, Rule III Order of Business F. Electronic Participation Policy For City Council Meetings has been amended to accommodate City Council's request.; and

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

The City Council of the City of Federal Heights does hereby approve the amended Federal Heights City Council Rules of Procedure Rule III Order of Business F. Electronic Participation Policy for City Council Meetings in substantially the same for as the copy attached hereto and made a part of this resolution.

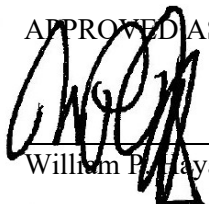
INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, THE 2<sup>nd</sup> DAY OF April 2024.

  
\_\_\_\_\_  
Linda S. Montoya, Mayor

ATTEST:

  
\_\_\_\_\_  
Patti K. Lowell, CMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William P. Ayashi, City Attorney



5. Council Conduct with Media.

- (a) The Mayor is the designated spokesperson of Council.
- (b) Councilmembers contacted individually by the media should inform the media that any response they provide is their individual opinion and that the Mayor is the designated spokesperson of Council. In dealing with the media, Councilmembers are advised to never go “off the record,” and to choose their words cautiously and avoid sarcastic, disparaging or sardonic comments.

6. Council Interaction with city manager and staff.

Councilmembers’ interaction with the city manager and staff are governed by the procedures set forth in Section 7.7 of the Charter and Section 2-25 of the City of Federal Heights Municipal Code.

7. Council’s Electronic Mail Requirements.

- (a) All electronic mail, transmitted by or from any Councilmember concerning city business shall be done only through the use of the Councilmember’s city-designated electronic mail address.
- (b) For the purposes of this sub-section, “electronic mail” means an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. “Electronic mail” includes electronic messages that are transmitted through a local, regional, or global computer network

**RULE III  
ORDER OF BUSINESS**

**A. Business Meetings**

After the Mayor’s Call to Order, Council will generally consider business in the following order:

1. Pledge of Allegiance
2. Roll Call
3. Agenda Review
4. Approval of Minutes
5. Approval of Accounts Payable
6. Proclamations, Recognitions and Awards
7. Public Comment

8. Ordinances
  - (a) Public comment as applicable
9. Resolutions
10. Council Decision Recommendations
11. Questions and Comments and Committee updates from Municipal Officials, Manager, Attorney, Clerk, Staff, Council, Mayor (comments from Council and the Mayor shall be limited to three minutes per person)
12. Adjournment

Under “Questions and Comments from Municipal Officials,” Councilmembers should limit their comments to information obtained at “outside” meetings, events or conferences, which significantly impact the City and may also discuss matters which any Councilmember desires to place before Council at a future study session or business meeting. Councilmembers should limit discussion of new business to a brief review of the matter. If a majority of the Councilmembers request that formal action be taken, the matter shall be placed on the agenda for a future study session or business meeting. At such study session or business meeting, Councilmembers may discuss the specific details of the matter.

Public Comment. Members of the general public must first sign a public comment sheet prepared by the city clerk, which requires each person desiring to speak to list their name and address and the matter they desire to speak about. If they desire to speak about a matter set for a public hearing or an ordinance on second reading they must be advised that their comments are to be submitted when that matter comes before Council. Staff shall deliver the sheet to the Mayor, who shall advise the public of the purpose and process of “public comment” and call the names in the order in which the persons signed up. The Mayor shall ask all persons to state their name and address prior to addressing Council. Each person called up shall be permitted to speak once per public comment session for a period of time not to exceed three minutes and each person’s allotted time may not be shared with any other person. The total time for public comment for any meeting shall not exceed thirty (30) minutes.

## **B. Study Sessions**

After the call to order, Council will generally consider business in the following order:

1. Pledge of Allegiance
2. Roll Call
3. Agenda Review
4. Study Session Agenda Items

5. Questions and Comments and Committee updates from Municipal Officials, Manager, Attorney, Clerk, Staff, Council, Mayor ( comments from Council and Mayor shall be limited to three minutes per person)
6. Adjournment

The procedures for “Questions and Comments from Municipal Officials” are to follow those set forth above for Business Meetings.

**C. Modification of Order of Business.**

Unless an objection is raised by a Councilmember, the Mayor may proceed out of order or return to a matter previously considered. In case of objection, the agenda’s order or reconsideration of a matter will not be changed unless approved by a majority of Council present.

**D. Executive Sessions.**

Executive sessions are held in accordance with Section 3.4 (D) of the Charter and in compliance with the Open Meetings Law. Executive sessions shall be placed on the agenda in such order as the Mayor deems appropriate. The motion and vote to convene an executive session, passage of which requires the affirmative vote of two-thirds of the quorum present, shall take place in Council Chambers, or such other location as has been posted on the public notice of the meeting.

**E. Confidentiality.**

1. Each Councilmember shall respect the confidentiality required for issues of a sensitive nature, such as personnel, legal or any executive session matters. Any Councilmember who discusses a confidential matter publicly, or with a person who is not entitled to know about the matter, will be deemed to be in breach of their duties as set forth in Section 2.5 (c) of the City Charter.
2. A decision to breach confidentiality, or to waive a privilege, such as the attorney-client privilege, shall only be made by the Council acting as a whole, whenever the confidentiality requirement or the privilege applies to the City as a whole or to the Council as a whole. Any Councilmember who individually breaches such confidentiality, or who purports to waive such a privilege, will be considered to be acting outside the performance of the Councilmember’s authority.

**F. Electronic Participation Policy For City Council Meetings.**

**I. Purpose.**

The purpose of this Policy is to specify the circumstances under which a member of the City Council may participate in regular, study or special meetings by phone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the City Council from contemporaneously observing documentary information presented during meetings; from fully evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing nonverbal explanations (pointing at graphs and charts) during a speaker's presentation or testimony. The City Council finds that these limitations in Electronic Participation may produce inefficiencies in meetings and may undermine the decision-making process and thus desires to permit Electronic Participation only under the situations set forth herein.

## II. Policy.

A member of the City Council may participate by Electronic Participation in a City Council meeting only in accordance with this Policy.

### A. Applicable Situations

In the event Council is unable to meet at the day, hour, and place fixed by the rules and procedures of the City Council because meeting in-person is not practical or prudent due to situations resulting from, for example, an accident, illness, weather condition or other natural disaster, epidemic or pandemic, meetings when necessary to conduct City business may be conducted by Electronic Participation only if all of the following conditions are met:

1. The City Manager or the Mayor determines that meeting in person is not practical or prudent, because of the circumstances set forth herein.;
2. All members of the City Council can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the circumstances. In the event that the nature of the circumstances precludes the physical attendance of the public, appropriate arrangements, if feasible will be made to permit the public to remotely observe and listen to the meeting and provide public comment.
4. At least one member of the City Council is present at the meeting location, unless not feasible due to the circumstances;
5. All votes are conducted by roll call;
6. Minutes of the regular or special meeting are taken and promptly recorded, and such records are open to public inspection; and
7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, advising that some members of the City Council may participate electronically and if feasible, the right of the public to monitor the meeting from another location.

## III. Arranging for Electronic Participation.

### A. To arrange to participate via Electronic Participation, a Council member shall:

1. Contact the Mayor, City Manager, or City Clerk in advance of the meeting to determine if arrangement for Electronic Participation is possible. Council members shall endeavor to advise the City of their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.
2. The City shall to the extent feasible initiate Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the City Clerk shall attempt to re-initiate the connection.

**IV. Effect of Electronic Participation.**

1. Electronic Participation shall only constitute actual attendance for meetings during which no quasi-judicial matters will be heard, considered or decided.

2. Electronic Participation shall be available for executive sessions subject to the terms and conditions set forth herein as are necessary to the extent feasible to comply with the executive session procedures of the Open Meetings Law.

**V. Limited Applicability of Policy.**

This Policy shall only apply to regular, study, special meetings, and executive session meetings in accordance with the terms set forth herein.

**VI. Reasonable Accommodations.**

The City shall provide reasonable accommodation and may modify provisions of this Policy to provide disabled members of the City Council or public access to City Council meetings.

**VII. Executive Session.**

Electronic participation shall not be available for executive sessions except in the event of a local disaster emergency where the executive session to the extent feasible complies with all requirements of the Open Meetings Act, and the required notice, in addition to setting forth the permitted purpose and statutory cite as set forth in C.R.S. § 24-6-401 (4), expressly states the immediate necessity for the executive session. In addition, all persons participating in the executive session shall take all necessary measures to ensure that the confidentiality of the executive session is maintained and no participant shall permit any non-participant to hear, see or otherwise have access to an executive session or related materials.

**G. Miscellaneous.**

In the conduct of all meetings, Councilmembers are to be guided by the principle that those matters deemed most urgent and of the highest priority are to be resolved first.

**RULE IV  
RULES OF SPEAKING/DECORUM**

**A. Recognition**

No Councilmember shall speak until such member has been addressed and/or been recognized by the Mayor. When a Councilmember is speaking, no other Councilmember shall interrupt or conduct a private conversation.

**B. Decorum**

1. No Councilmember shall leave the chambers while the Mayor is putting a question or other form of business to Council, unless such Councilmember has a conflict of interest that would preclude participation in the matter, or has otherwise recused him/herself from participation in the matter.