



## CITY COUNCIL HANDBOOK

### VISION STATEMENT

Lafayette's panoramic view of the Rocky Mountains inspires our view into the future. We value our heritage, our unique neighborhoods, a vibrant economy and active life-styles. We envision a future that mixes small town livability with balanced growth and superior city services.

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**City of Lafayette**  
**City Council Handbook**  
Adopted by Resolution No. 2007-03  
Updated August 2016

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Mayor ProTem Gustavo Reyna  
Councilor Alexandra Lynch  
Councilor Stephanie Walton  
Councilor Merrily Mazza  
Councilor Brad Wiesley  
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**REFERENCES**

LAFAYETTE CITY CHARTER  
LAFAYETTE MUNICIPAL CODE  
COLORADO REVISED STATUTES  
ROBERTS RULES OF ORDER (REVISED)  
EFFECTIVE MEETING PROCEDURES AND TECHNIQUES (CML)  
CONDUCT OF MEETINGS (CML)  
HANDBOOK FOR MUNICIPAL ELECTED OFFICIALS (CML)  
MUNICIPAL CLERKS HANDBOOK (CML)  
OPEN MEETINGS OPEN RECORDS (CML)



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# 1

## **AUTHORITY, PURPOSE & COUNCIL VALUES**

### **AUTHORITY**

Section 6.7 of the Charter of the City of Lafayette provides that the Council shall determine its own organization, rules and order of business. Upon adoption by the Council, the following set of rules shall be in effect until such time as they are amended or new rules adopted in the manner provided by these rules.

### **PURPOSE**

This document is intended as a general guide to various legislative activities and compiles policies relative to the actions of the Lafayette City Council.

### **COUNCIL VALUES**

- We respect each other
- We prepare for and fulfill our commitments
- We listen constructively, allowing open, honest dialogue and difference of opinion
- We foster a healthy sense of humor
- We trust and capitalize on the expertise of each Council member
- We focus on issues and solutions, criticizing only ideas, not people
- We emphasize teamwork, being clear on Council action versus unilateral action
- We keep the best interests of Lafayette and its citizens as our number one priority

# 2

## **ADOPTION, AMENDMENT & SUSPENSION OF THESE RULES**

### **ADOPTION OR AMENDMENT**

Any provision of these rules not governed by the Lafayette City Charter, Lafayette City Code, or Federal or State law, may be amended or new rules adopted by resolution, by a 2/3 majority vote of all members of the Council.

Amended Local, Federal or State laws, applicable to the Handbook, will be incorporated without a requirement for Council action.

### **SUSPENSION**

Any provision of these rules not governed by the Lafayette City Charter, Lafayette City Code, or Federal or State law, may be temporarily suspended by a vote of 2/3 majority of Council.

# 3

## **COUNCIL ROLES & RESPONSIBILITIES**

### **MAYOR**

Shall preside over meetings of the City Council and have the same right to speak and vote therein as any other member. The Mayor shall in no case have the power to veto. [Charter Sec. 4.5(a)]

Shall execute and authenticate by signature such instruments as the Council, this Charter or any statutes of the State of Colorado or laws of the United States shall require.  
[Charter Sec. 4.5 (c)]

Shall be the conservator of peace, and in emergencies may exercise within the City the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. [Charter Sec. 4.5(b)]

Shall, except as may required by statute, exercise only such power as the Charter or the Council shall specifically confer upon him/her. [Charter Sec. 4.5(d)]

Shall lead the Council into an effective, cohesive working team.

Represents the City on local and regional boards; and as the City's executive head, represents the Council's point of view to other governing bodies or organizations.

Shall serve as the Council's primary point of contact for the City Administrator for the purpose of clarifying Council consensus.

#### **MAYOR PRO TEM**

Shall preside at meetings of the Council in the absence or disability of the Mayor and when the Mayor abstains or is disqualified from presiding due to a conflict of interest.

In serving as presiding officer, the Mayor ProTem shall retain all of the rights and privileges of a Council member, including the rights of voting on all questions, making and seconding motions, and taking part in discussions.

#### **TEMPORARY CHAIR**

In case of the absence or disability of the Mayor and Mayor Pro Tem, the City Clerk shall call the Council to order and call the roll of members. If a quorum is found to be present, Council shall proceed to elect, by a majority vote of those present, a Temporary Chair to serve as presiding officer of the meeting until the arrival of the Mayor or Mayor ProTem at which time the Temporary Chair shall relinquish the chair upon conclusion.

#### **ACTING MAYOR**

In the absence or disability of both the Mayor and the Mayor ProTem, Council may designate another of its members to serve as Acting Mayor during such absence or disability.  
[Charter Sec. 4.4]

#### **MEMBERS OF COUNCIL**

Shall constitute the legislative and governing body of the City and shall have the power and authority except as otherwise provided in the Charter or by the Constitution of the State of Colorado, to exercise all powers conferred upon or possessed by the City. [Charter Sec. 4.1]

Shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper. [Charter Sec. 4.1]

Shall have equal votes. No Council member (including the Mayor and Mayor ProTem) has more power than any other Council member, and all should be treated with equal respect.

Shall, at their first meeting following the certification of each regular city election, and after the newly elected members take office, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council meeting following each regular city election. Such election shall be by written ballot and by majority of the members of the Council in office at the time. [Charter Sec. 4.4]

Shall appoint a City Administrator for an indefinite term, at a salary to be fixed by the City Council, and s/he shall hold office at the pleasure of a majority of the City Council. [Code Sec. 5-19]

The City Administrator shall designate, in writing, to the City Council, a person who is a City employee to act as City Administrator during any absence or disability of the City Administrator, which designated appointment shall be subject to approval of the City Council. In the event of the failure of the City Administrator to make such a designation, the City Council shall appoint an Acting City Administrator. [Code Sec. 5-23]

May appoint or designate an Interim City Administrator during the period of a vacancy, disability or prolonged absence of the City Administrator.

The Municipal Court shall be presided over by a presiding Municipal Judge, appointed by the City Council for a term of two (2) years, and until a successor is duly appointed and qualified. [Code Sec. 65-5]

Council may appoint additional municipal judges from time to time as may be needed to transact the business of the court or to preside in case of temporary absence, sickness, disqualification or other inability of the presiding municipal judge to act. [Code Sec. 65-6]

Shall ratify appointments made by the City Administrator of the Fire Chief and the Police Chief. [Charter Sec. 4.12]

Except for the Planning Commission, Council may, by ordinance, establish, consolidate or abolish any board or commission for any public purpose. [Charter Sec. 4.13]

Shall adopt an annual budget and make appropriations by ordinance. [Charter Sec. 8.4]

Annually set a tax levy to be certified to the County Assessor. [Charter Sec. 8.4]

Authorize debt as provided by law.

Shall provide for an annual financial audit of the municipal government. [Charter Sec. 8.9]

The compensation of all employees and officers of the City shall be fixed by the City Council within the limits of budget appropriations and in accordance with any pay plan adopted by the Council. [Code Sec. 5-12]

The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest.



Council may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence. [Charter Sec. 6.8]

Shall provide for enforcement of the City ordinances. [Charter: Sec. 15.2]

Except for the purpose of inquiry, shall deal with employees of the City solely through the City Administrator and neither the Council nor any member thereof shall give orders to any subordinate of the City Administrator, either publicly or privately.

May enter into agreements, contracts and leases with governmental and private entities according to policy established for such purpose. [Charter: Chapter XII]

May meet individually with the City Administrator as desired.

No member of Council shall appear on behalf of himself or herself or any other person before the Council or any other board. [Code: Sec.42-3(b)(2)] A Councilor may, however, communicate with any public official as an individual.

### **CITY COUNCIL BOARDS**

The Lafayette City Council occasionally conducts business as other entities. The meetings of these bodies are held before, during or following a regular Council meeting.

#### Local Liquor Licensing Authority-Two Divisions

The Local Liquor Licensing Authority (LLLA), and the state licensing authority have primary responsibility for regulating the sale of alcohol beverages in Lafayette. The LLLA consists of two divisions. The City Council acts as the New License Division, reviewing applications for new licenses or transfers of ownership of existing licenses. A Hearing Officer appointed by the City Council presides over the Compliance Division, making determinations as to licensee compliance with laws and regulations. The LLLA may delegate routine matters to the City Clerk.

#### Board of Directors / Indian Peaks Golf Course Clubhouse.

The City Council serves as the Board of Directors for the Municipal Corporation established as the license holder for the Indian Peaks Golf Course Clubhouse Hotel & Restaurant Liquor License. Officers of the Board are the Mayor, Mayor ProTem and City Clerk. Following an election, each new Councilor must submit an Individual History Record and fingerprints for a background check.

#### Board of Directors / Improvement Districts

The Constitution of the State of Colorado and the Charter of the City of Lafayette provide for the creation of Improvement Districts for the purpose of acquiring, constructing, installing, operating, or maintaining any public improvement or for the purpose of providing any service. Improvements are funded by the issuance of bonds by the District. Council serves as the Board of Directors for Improvement Districts. The Board's purpose is to adopt the annual budget, make appropriations for the budget year and approve the property tax mill levies needed to pay bond principle and interest and to provide other District revenues.

## 4

### **STAFF ATTENDANCE AT COUNCIL MEETINGS**

#### **CITY ADMINISTRATOR**

The City Administrator, or the City Administrator's designee, shall attend all meetings of the Council unless excused, and shall have the right to take part in all discussions of the Council, but shall have no vote.

#### **CITY ATTORNEY**

As Council's legal representative, the City Attorney or City Attorney's associate shall attend all meetings of the Council unless excused, and shall have the right to take part in all discussions of the Council, but shall have no vote. Upon request, the City Attorney shall provide either a written or oral opinion on questions of law. [Charter Sec. 4.9] The City Attorney shall act as Council's parliamentarian. (See Chapter 18, 42.6 of this Handbook)

#### **CITY CLERK**

The City Clerk or the City Clerk's designee, shall attend all meetings of the Council unless excused, and shall keep the official record of proceedings and perform such other duties as may be requested by the Council. [Charter Sec. 4.7]

#### **DEPARTMENT HEADS AND OTHER CITY EMPLOYEES**

The head of any department, or any officer or employee of the City, as directed by the City Administrator, shall attend meetings of the Council.

## 5

### **MEETINGS OF THE COUNCIL**

#### **DEFINITION**

"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(1)(b)]

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 at all times. [C.R.S. 24-6-402(2)(b)]

#### **PUBLIC MEETINGS**

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. [Code Sec. 6.4]

#### **ORGANIZATIONAL MEETING**

An organizational meeting shall be held on the next regular Council Meeting following the certification of the election. [Charter Sec. 6.1] The purpose of the organizational meeting is to swear in the new Councilors and to elect a Mayor and Mayor ProTem.

## **REGULAR MEETING**

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month. [Charter Sec. 6.1] The regular meetings of the Lafayette City Council are held on the first and third Tuesdays of each month, unless Council reschedules the meeting due to a holiday, conference or unforeseen conflict.

## **WORKSHOP**

A workshop is a meeting of the Council held for the purpose of informally discussing and studying matters which are of interest to the Council, and not for the purpose of taking final action on any matter.

The Council workshop is usually held on the day of the Council's regular meeting, at such time as shall be set forth in the notice of the workshop. The Council may hold special workshops on other dates, subject to the notification requirement.

Notice of each regular Council workshop shall be given in the same manner as a regular Council meeting.

No proposed policy, position, resolution, ordinance, rule, regulation or formal action of any kind shall be adopted at a workshop. Workshop items will be placed on the regular Council agenda for the appropriate action.

Minutes of a Council workshop shall be kept at Council's discretion.

Public hearings are not held during workshops. The Council is not required to take public comment during workshops.

The public is invited to attend the workshop and to listen to the Council's discussion. At the discretion of the Council, public comment may be allowed at a workshop and, if allowed, public comment may be limited.

A workshop is a public meeting, open to the public at all times.

## **SPECIAL MEETING**

Special meetings are those that are held outside of the regular schedule of meetings for a specific purpose.

A special meeting shall be called by the Clerk on the written request of the Mayor, or any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence; 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. [Charter Sec. 6.2]

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent. [Charter Sec. 6.3]

## **EMERGENCY MEETING**

An emergency meeting is one that is called when a serious situation or occurrence happens unexpectedly and demands immediate action.

Emergency meetings will be noticed at least 24 hours prior to the meeting, unless the emergency itself presents a situation in which public notice cannot be provided within such time.

A majority of the members are necessary to conduct the business at an emergency meeting.

## **EXECUTIVE SESSION**

An executive session is a meeting, or a portion of a meeting, that is closed to the general public for the purpose of considering a limited number of matters as listed below. The executive session may include staff or other authorized participants.

Council may, upon the affirmative vote of two-thirds of the quorum present, hold an executive session at a regular meeting or special meeting.

No adoption of any proposed policy position, resolution, rule, regulation, or formal action can occur at an executive session not open to the public [C.R.S. Sec. 24-6-402(4)].

Prior to the time the members of the public body convene in executive session, the local public body shall announce to the public the specific statutory provision authorizing the executive session as well as the topic to be discussed, in as much detail as possible without compromising the purpose for which the executive session is authorized.

An executive session may be held to consider the following topics:

1. The purchase, acquisition, lease, transfer or sale of any real, personal, or other property
2. To confer with an attorney for the City for the purposes of receiving legal advice on specific legal questions.
3. Matters required to be kept confidential by federal or state law or rules and regulations, including the specific citation of the statute or rule that is the basis for such confidentiality
4. Specialized details of security arrangements or investigations.
5. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiation; and instructing negotiations; and instructing negotiators.
6. Personnel matters (except if the employee who is the subject of the session has requested an open meeting or if the personnel matter involves more than one employee, and all of the employees have requested an open meeting.) "Personnel matters" does not include discussion of other Council members or appointment of elected or appointed officials or the City's personnel policies.

Subject to certain exceptions, consideration of any documents protected by the mandatory non-disclosure provisions of the Colorado Open Records Act. (Examples include real estate appraisals, personnel files, addresses, telephone numbers of city utility users and certain executive position applicant information.)

## 6

### **DUTIES OF THE PRESIDING OFFICER**

Open the meeting at the appointed time, and call the meeting to order

Recognize members who are entitled to the floor and ensure that ample opportunity is extended to express the opinions of constituents.

State and put to a vote all questions that legitimately come before the Council, and announce the results of each vote. Although not prohibited, the presiding officer generally does not propose a motion.

Preserve order and decorum; prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the questions under discussion.

Expedite business in every way compatible with the rights of members.

Decide all questions of order.

Declare the meeting adjourned.

## 7

### **COUNCIL MEETING PROTOCOL**

#### **COMPULSORY ATTENDANCE AND CONDUCT AT MEETINGS**

Any two (2) or more members of the Council may by vote, either request or compel the attendance of its members and other officers of the City at any meeting of the Council. [Charter Sec. 6.6]

Any member of the Council or other officer who, when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from the City shall be deemed guilty of misconduct in office unless excused by the Council. [Charter Sec. 6.6]

The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office. [Charter Sec. 6.6]

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section. [Charter Sec. 6.6]

#### **QUORUM**

##### Definition

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings. [Charter Sec. 6.5]

### Lack of a Quorum

In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week. [Charter Sec. 6.6]

### **RULES OF ORDER**

The primary purpose for use of parliamentary procedure is to protect the rights and privileges of those deliberating, and to assure that the minority is protected while facilitating the will of the majority.

The most recent edition of *Robert's Rules of Order* [RRO] shall be the parliamentary authority for procedures utilized at such meetings in all cases where applicable and where not inconsistent with the City Charter, Code or this *City Council Handbook*.

### **DEBATE**

Each member of Council has a right to speak on every debatable motion before it is acted upon.

The maker of the motion is the first to speak immediately after the chair has stated the motion. [RRO]

When recognized by the presiding officer, a Councilor shall confine remarks to the matter or question under discussion. [RRO]

A Councilor shall speak only once on the question until all other members of Council who wish to speak have had the opportunity to do so.

When the chair knows that persons seeking the floor have opposite opinions on the motion, s/he should try to alternate between speakers with differing points of view. [RRO]

Debate the issues, not personalities. The proposal, not the member, is the subject of debate. [RRO]

### **LIMITING OR EXTENDING THE LIMITS OF THE DEBATE** [RRO]

A motion may be used to limit or extend the limits of a debate. It may set the amount of time and number of times each member may speak; establish the amount of time allowed for the debate; or set a time at which the debate will be closed and the question on the motion put to a vote.

The motion to limit or extend the debate requires adoption by a two-thirds vote and is not debatable.

### **CLOSE THE DEBATE (MOTION FOR THE PREVIOUS QUESTION)** [RRO]

A motion to end debate immediately is called the "Motion for the Previous Question"

The maker of the Motion must first be recognized by the chair.

The Motion for the Previous Question is sometimes made by a member saying "I call the question," or "I move we vote now."

The motion for the Previous Question must be seconded and requires adoption by a two-thirds vote.

A motion to end the debate is not debatable.

### **VOTING REQUIRED**

Except as provided in the Charter, each board member who is present at a meeting shall vote when the question is called. Any board member who refuses to vote, except when required to abstain, shall be deemed guilty of misconduct in office.

## **VOTING PROCESS**

A vote upon all ordinances and resolutions shall be taken by a “Yes” or “No” vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

[Charter Sec. 6.7(b)]

Each Council member who is present shall vote when his name is called or excused by the unanimous consent of the remaining members present. [Charter Sec. 6.7(c)]

Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office. [Charter Sec. 6.7(c)]

A show of hands may be requested by Council or Executive Staff for verification.

A roll call vote may be requested by any member of Council. It shall not be in order for members to explain their vote during roll call.

In all roll call votes the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote. [Charter Sec. 6.7(d)]

In the case of a tie vote, the action shall be defeated. Council may reconsider the item or motion if, at the same meeting the tie vote occurred, a majority of Councilors votes to reconsider.

After a vote is taken, it becomes the decision of the Council. No single member may work to undermine a decision that has already been approved by the membership.

## **VOTING PROHIBITED IN CERTAIN INSTANCES [Code Chapter 42-4]**

No board member may vote on any matter before the board if the board member has a conflict of interest. A conflict of interest is defined as a personal or financial interest of a Councilor that interferes with or influences or may interfere with or influence the performance of his or her duties on behalf of the City. (Chapter 18 Code of Ethics)

On such a question, the member shall disclose the nature of the conflict of interest to the board prior to abstaining from voting.

If the member fails to disclose a conflict of interest or requests the remaining members to determine whether the member has a conflict of interest, the remaining members shall determine, by motion adopted by the affirmative vote of a majority of the remaining members, whether a conflict of interest exists. Such motion shall state the basis of the determination and shall be conclusive of the question of whether a conflict of interest exists.

When a board member declares a conflict of interest or a board by majority vote determines that a board member has a conflict of interest, then the board member shall physically remove himself or herself from the board and the room in which it is meeting, and shall refrain from attempting to influence the decisions of the other members of the board. After the board has completed consideration of the matter, the board member may return and resume his or her duties as a member of the board.

As soon as a board member determines that he or she has a conflict of interest on any matter before the board, then he or she shall immediately refrain from attempting to influence the decision of the other members of the board.

No board member shall vote on any question concerning the member's own conduct.

## **AGENDA PREPARATION, DISTRIBUTION & NOTICE OF MEETINGS**

### **AGENDA PREPARATION**

The agenda for a Council meeting sets out the order in which specific items are to be considered and sometimes sets exact times for their consideration.

Department Directors place items of City business on the agenda for Council consideration and action. A Council member may request consensus from other members to schedule an item. Members of the public may also ask Council for consensus to schedule an agenda item.

The City Clerk prepares an agenda packet, containing information relating to items on the agenda. Information for the agenda packet, including a staff report, is provided by the appropriate Department Director or staff member.

The City Administrator reviews staff reports and accompanying information prior to their inclusion in the agenda packet. City Attorney approval is sought when necessary.

### **AGENDA DISTRIBUTION**

No less than five (5) days prior to each regularly scheduled Council meeting, the City Clerk shall distribute to each Councilor a link to the agenda packet which is posted on the City website, including:

- The agenda of the meeting, stating therein each matter to be discussed or debated by the Council by title, description and/or synopsis.
- Each ordinance, resolution or other written or printed document to be presented at the meeting including background information, analysis and recommendation to City Council when applicable.
- The minutes of the previous meeting.

### **NOTICE OF MEETINGS**

Council meetings shall be held only after full and timely notice to the public.

At the first regular meeting of each calendar year, Council shall designate by resolution the public place or places for posting notices of meetings. [C.R.S. 24-6-402(2)(c)]

A local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place no less than twenty-four hours prior to the holding of the meeting. [C.R.S. 24-6-402(2)(c)]

Notices may also be posted at other appropriate locations.



## COUNCIL MEETING - ORDER OF BUSINESS

### CALL TO ORDER

The presiding officer opens the meeting by calling it to order, and may announce, "This (date) (regular or special) meeting of the Lafayette City Council will come to order."

### OPENING OF A REGULARLY SCHEDULED MEETING

The presiding officer, or other individual or group approved by the presiding officer, may lead in the recitation of the Pledge of Allegiance to the American Flag.

### ROLL CALL

After opening ceremonies, the roll is called to verify member attendance and to enter the names of those attending in the minutes to substantiate that the Council has complied with quorum requirements for holding a meeting. The presiding officer directs the City Clerk to call the roll, and may then announce the presence of a quorum.

### PUBLIC INPUT (Scheduled at 6:30 p.m. or thereafter)

Public Input includes Items from the Public, and items that are scheduled for a Public Hearing.

#### Items From the Public

Citizens may speak on any matter for which a public hearing is not scheduled later in the meeting. Speaking time is limited to 5 minutes per speaker during the Items from the Public portion of the regularly scheduled City Council meeting subject to the following provisions:

- Speakers will be limited to 5 minutes
- Speakers wishing to speak beyond that time limit may be recognized by the chair. The chair reserves the right to extend the speaking time.
- Time will be monitored by a mechanical timing device.
- Speakers must submit a Request to Address the City Council form to the City Clerk before the meeting begins.
- The Mayor will ask each speaker to state their name and address, and any group they are representing.

#### Public Hearings

A public hearing is the most formalized method used by the Council to collect information from the general public and interested parties before taking final on a particular issue.

Public hearings may be held and in some cases are required by law, on matters relating to public improvements, assessments, annexations, zoning, special permits, budget development, liquor licensing and federal grants. Council may also hold a public hearing on any matter of interest to the community.

Legal requirements for notifying the public of a public hearing vary, depending on the subject of the hearing according to Federal requirements, State Statutes and the Lafayette Municipal Code.

Public hearings shall proceed as follows:

- City Staff presentation
  - description and analysis
  - recommendation
  - subject to Council questions
- Applicant or Petitioner presentation
  - subject to Council questions
- Public comments
  - subject to Council questions
  - Council may limit time of speakers
- Applicant or Petitioner rebuttal, if requested
  - Council may limit time of speakers
- Public discussion closed
- Council discussion
- Council decision

#### **PRESENTATIONS**

A representative of a group may give a presentation before Council by prior arrangement with the Administrative Staff and/or the City Council. Special citations or awards are also presented during this section of the meeting.

#### **APPROVAL OF THE MINUTES**

Council votes to approve, or approve with amendments, the minutes of the previous meeting. Approved minutes become the official record of Council proceedings.

#### **CONSENT AGENDA**

The Consent Agenda allows the City Council to expedite items that are of a routine nature. The Consent Agenda is provided as a convenience and time savings to citizens attending the Council meeting.

Council members may request that an item on the Consent Agenda be "pulled" and considered separately.

Examples of items placed on the Consent Agenda include, but are not limited to:

1. Change Orders
2. Reports on Council Workshops, Committees, and Boards.
3. Second readings of ordinances
4. Purchase orders and amendments, and supplemental expenditures
5. Resolutions
6. Replats, vacations, dedications
7. Site and Architectural Plan Review and PUD approval
8. Contract approval

The Mayor shall read each item on the Consent Agenda. The Consent Agenda, after removal of any items, shall thereupon be adopted as a unit. Items removed from the Consent Agenda shall be discussed and voted upon separately.

**PROCLAMATIONS**

The Mayor will read, or may ask a Councilor to read, proclamations commemorating special occasions, groups or persons.

**APPOINTMENTS**

Council makes appointments to City boards and commissions or may form a sub-committee for a specific purpose and name its members.

**ORDINANCES**

This portion of the agenda is reserved for first readings of ordinances that do not require, or have not been scheduled for a public hearing. The ordinance is the most formal type of action a municipal governing body can take. Municipal law is enacted or amended through the passage of ordinances.

**STAFF REPORTS**

The City Administrator, City Attorney, and any Department Head or Staff member may present information as requested by Council or may bring items requiring action or attention to Council.

**COUNCIL REPORTS**

Councilors report on items of mutual or public interest, including but not limited to announcements, citizen recognition, and committee liaison reports.

Council members will make every effort not to surprise each other by bringing up an item that requires action at a meeting. Rather, they should schedule the item for a future agenda.

**ADJOURNMENT**

When there is no further business, the meeting is adjourned by Council motion and a vote. The Presiding Officer may simply declare the meeting adjourned.

**EXECUTIVE SESSION**

Unless Council must take an action in open session after a topic is discussed in executive session, Council may convene the executive session then adjourn the regular meeting. Members of the public are not present during executive sessions.

**CONDUCTING BUSINESS AS OTHER ENTITIES**

The Lafayette City Council serves as the Board of Directors of various General Improvement Districts, the Board of Directors of the Indian Peaks Golf Course Club House and the Local Liquor Licensing Authority. Meetings of these bodies are held before, during or following a regular Council meeting or may be convened as special meetings.

**RECESS OR BREAK FROM THE MEETING**

The presiding officer may call a recess not to exceed twenty minutes at any time during a meeting to determine a rule of order, or at the request of a majority of Council. The presiding officer may call a recess at any time between items of business when a break is necessary.

## 10

### **MINUTES**

#### **DEFINITION**

The minutes for Council meetings serve as a record of the action taken at a meeting, but are not a verbatim transcript of each member's comments. The minutes contain a separate paragraph for each subject and, at a minimum, reflect each subject or item considered and the language of and disposition of each motion, resolution, ordinance, or matter on which action is taken.

#### **COUNCIL MEETING**

A journal of the proceedings of each meeting shall be kept by the Clerk and shall be signed by the Presiding Officer and Clerk of the meeting.

#### **PUBLICATION OF THE MINUTES**

The proceedings of the Council, or a brief summary thereof, shall be published within ten (10) days following each meeting. Such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council. [Charter Sec. 6.7(e)]

#### **WORKSHOPS**

The minutes for Council workshops should be primarily a record, in summary, of the discussion and any direction provided during the meeting.

#### **EXECUTIVE SESSIONS**

Discussions that occur in an executive session are electronically recorded. This record is not open for public inspection, except upon the consent of Council or by a court order. [C.R.S. Sec. 24-6-402(2)(d.5)(II)(A)]

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### **ACTIONS OF THE CITY COUNCIL**

All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by the Charter or by state or federal law or pertaining to the internal affairs or concern of the City government. All other acts of the Council and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by number and by a code section number when a codification of ordinance is completed. [Charter Sec. 7.2]

#### **ORDINANCES**

An Ordinance is the most authoritative form of action the Council can take. An adopted ordinance becomes an established rule or law of the City and remains in effect until otherwise rescinded or amended by the Council.

Ordinances may be enacted by the affirmative vote of not less than a majority of the members elect of the Council. [Charter Sec. 7.3(a)]

No ordinance shall be amended or repealed except by an ordinance adopted as aforesaid. [Charter Sec. 7.3(b)]

No ordinance shall be enacted at the meeting at which it is introduced and not until after publication of the proceedings or summary thereof of such meeting. [Charter Sec. 7.3(c)] Emergency ordinances are an exception to this rule (see below).

The procedure for adopting ordinances is as follows:

- Council may approve the first reading of a proposed ordinance by vote, following any desired debate.
- The ordinance may be amended on first reading.
- Council may refer the ordinance to an official or a committee for study and recommendation
- The ordinance may be defeated.
- Two readings of each ordinance are required. The ordinance is published by title and purpose following first reading and, within 10 days of its second reading, notification is published that the full text is available for public inspection and acquisition in the office of the City Clerk and on the City website at [www.cityoflafayette.com](http://www.cityoflafayette.com) [Charter Sec. 7.4]
- The effective date of all ordinances shall not be earlier than ten days after second reading or before publication. Publication of the title along with a statement that the full text of the ordinance is available for public inspection and acquisition in the office of the City Clerk constitutes sufficient publication. [Charter Sec. 7.3(d)]

### **EMERGENCY ORDINANCES**

An ordinance is declared to be an emergency ordinance when it is immediately necessary for the preservation of the public peace, health or safety. It may be enacted at the meeting at which it is introduced or before publication, or may be given earlier effect than ten days after its enactment, or all three. An emergency ordinance requires six affirmative votes if six or seven members of the Council are present at the meeting at which it is enacted or by four affirmative votes if four or five members of the Council are present at the meeting which it is enacted. [Charter Sec. 7.3]

### **RESOLUTIONS**

Resolutions generally serve to implement the terms of an ordinance, provide a statement of policy or express Council's opinion on public matters.

Resolutions remain in effect until rescinded or amended by Council.

Generally, resolutions implement or carry out the terms of an ordinance, provide a statement of policy, or express Council's opinion on a public matter.

Resolutions shall be introduced in written form and may be adopted by a majority of a quorum of the Council upon a single reading. Resolutions need not be published, but shall be kept on public file.

### **PROCLAMATIONS**

Proclamations are similar in form to resolutions and are adopted by Council for ceremonial purposes, honoring individuals or commemorating occasions.

## **MOTIONS**

A motion refers to a formal proposal by a Council member that the Council may take action upon. Motions are generally introduced by voice. However, if long or involved, motions should be in writing. Any two members of Council may ask that a motion be put in writing.

### Classes of Motions [Roberts Rules of Order]

*Main motions* introduce items of business before Council. A main motion can be made only when no other motion is pending.

*Subsidiary motions* are secondary or supplemental to the main motion and must be dealt with before the main motion can be voted on. This motion class includes those to:

- Postpone indefinitely
- Amend
- Refer to a committee
- Postpone to a certain time
- Limit or extend limits of debate
- Previous question
- Lay on the table

*Privileged motions* are those of a more administrative function and do not relate directly to the pending question, such as:

- Call for the orders of the day
- Raise a question of privilege
- Recess
- Adjourn
- Fix the time to which to adjourn

*Incidental motions* arise out of another question which is pending and are important enough for immediate consideration and temporarily set aside the main motion. Examples:

- Point of order
- Appeal
- Suspend the rules
- Objection to the consideration of the question
- Division of a question
- Consideration by paragraph or section
- Division of a question
- Consideration by paragraph or section
- Division of the assembly
- Motions relating to methods of voting and the polls
- Motions relating to nominations
- Requests and inquiries

*Motions that bring a question again before the Council* may be made, like main motions, while no other business is pending. Examples:

- Take from the table
- Rescind or amend something previously adopted
- Discharge a committee
- Reconsider (the vote)

### Presentation and Disposition of Motions

Unless otherwise required, the following steps shall be taken for the presentation and disposition of motions:

- A Council member addresses the presiding officer
- The member is recognized by the presiding officer
- The member proposes a motion
- Another member seconds the motion
- On occasion a member may offer what is termed a “friendly amendment” to the motion. If the maker of the motion accepts the amendment, the chair will treat the motion as amended.
- The presiding officer states the main motion and it is said to be pending or, “on the floor” and open for debate.
- Once the presiding officer has stated the motion, it is no longer the property of the mover, but of the Council. Any amendment (including “friendly amendments”) must be adopted by the body by vote or unanimous consent
- Council debates or discusses the motion
- The presiding officer restates the motion and takes the vote on the motion
- The presiding officer announces the results of the vote

## 12

### **COMMON PRACTICES & EXPECTATIONS**

#### **PURPOSE**

The purpose of this chapter is to provide guidance for certain City Council activities by documenting accepted practices and clarifying expectations. Although it cannot integrate all practices and expectations that may exist, this chapter includes a summary of some of the most prominent.

#### **ELECTION METHOD**

All elections are conducted by mail ballot. Whenever possible the City coordinates elections with Boulder County.

#### **COUNCIL ORIENTATION**

An orientation for first-term members of Council will be provided.

#### **REQUESTS FOR FUNDING**

##### Non-Profit Agencies

In August of each year, the City Council will notify the public that it will entertain requests for funding from non-profit agencies for the next year’s budget cycle.

Requests will be reviewed by a sub-committee of the City Council and recommended for further consideration by the entire Council during their budget discussions.

Funding requests outside of the above described process will not be considered unless unanimously approved by Council.

All non-profits are encouraged to participate in the One Lafayette fund-raising event.

#### Individuals or Groups

The City Council will consider requests from individuals or groups for funds to represent the City at an event or activity on a case-by-case basis. Funding for these requests will be charged to the Council contingency fund.

## 13

### **COMMUNICATION WITH THE PUBLIC**

#### **CITIZEN INPUT AT COUNCIL MEETINGS**

Members of the community are encouraged to participate in municipal government and help shape local decisions. One way to communicate with Council is to attend regularly scheduled meetings and speak directly to the members.

Those who wish to address Council must complete a Request to Address the City Council and submit it to the City Clerk prior to the meeting. Citizens who do not wish to speak, but would like their opinion on the record, may do so by submitting the request form, and so indicating.

#### Items From the Public Which are Not on the Agenda

The City Council agenda includes a time for citizen input on any subject that isn't scheduled for a public hearing later in the meeting. The Mayor calls on individuals who have submitted a request form. Speaking time is limited to 5 minutes per speaker.

Council listens to speakers' opinions or comments and may respond to a question or request. If more information is needed to provide a response, the City Administrator, or his designee will follow up as appropriate, and as soon as is practical.

#### Public Hearings

A public hearing is the portion of a meeting during which members of the public are given the opportunity to speak on a specific matter scheduled on the agenda, and for which a hearing notice has been published.

The Mayor announces the issue to be considered and opens the public hearing. Individuals who have submitted a speaker's form are called upon to speak.

There is no limit on how long speakers may talk during a public hearing; however the Mayor reserves the right to limit speaking time.

#### **CORRESPONDENCE**

Councilors may respond directly to citizen correspondence or pass it on to the City Administrator if it concerns City operations.

#### Postal Delivery

The City Administrator's Office is responsible for handling Council correspondence received through the mail. Accumulated mail is placed on the dais at Council meetings or it may be picked up in the Administration Office.



### Electronic mail

Councilors may be e-mailed on the City's website [www.cityoflafayette.com/citycouncil](http://www.cityoflafayette.com/citycouncil)

Councilors may choose one of the following methods of receiving e-mail at home or work:

- Log on to the City server to retrieve e-mail.
- IT will forward e-mail to the Councilor's PC at home or work.

E-mail transmissions sent to or from a Councilor may constitute a public record under the Colorado Public Records Act and be subject to inspection and copying in accordance with the Colorado Open Records Act.

Internal E-mail sent to the Council distribution list is automatically copied to the City Clerk, where it is retained according to the City's retention schedule which is based upon the standards established by the Colorado State Archivist.

### **TELEPHONE**

City Councilors' telephone numbers are listed on the City website.

**CITY WEBSITE:** [www.cityoflafayette.com/citycouncil](http://www.cityoflafayette.com/citycouncil)

Councilors may be e-mailed through the City's website.

### **SOCIAL MEDIA**

FaceBook: [www.facebook.com/CityofLafayette](http://www.facebook.com/CityofLafayette) Citizens may leave messages related to City issues and events.

Twitter: [Twitter.com/lafayette\\_co](http://Twitter.com/lafayette_co)

### **COMMUNITY FORUMS AND EVENTS**

Council may host opportunities to meet with the public or conduct forums on selected topics.

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## **COMMUNICATION WITH STAFF**

### **DEPARTMENT HEADS**

The City Administrator, as administrator for the Council, is the first contact upward for Department Heads in the City organization. [Code Sec. 5-21]

Department Heads shall not initiate any conversation with any Council member concerning any administrative policy or City matter unless they have first discussed the situation with the City Administrator. The City Administrator may request a full and detailed narrative from a Department Head which includes opinions and positions with regard to any administrative policy or City matter which a Department Head wishes to discuss with a Councilor. [Code Sec. 5-21]

A Department Head shall not forward to City Council or a Council member any form of communication without the prior knowledge of the City Administrator. The City Administrator may require a department head to provide the City Administrator with any and all supporting data or information relating to the subject matter of the communication to be forwarded to the City Council or prior to the communication. [Code Sec. 5-21]

Department Heads shall have the right to request that information which is deemed by them to be sufficiently important and pressing be brought to the attention of the City Council. The City Administrator shall bring such information to the City Council's attention in an expeditious manner. [Code Sec. 5-21]

The City Council or members of the City Council may contact Department Heads directly for information or facts regarding City matters at their discretion. A Department Head so contacted shall promptly inform the City Administrator of the nature of the contact and the information provided by the Department Head to the City Council or Council member. [Code Sec. 5-21]

#### **EMPLOYEES**

Except for the purpose of inquiry and for personal City-related business, the Council shall deal with employees of the City of Lafayette solely through the City Administrator.

Council is prohibited from giving orders to any subordinate of the City Administrator either publicly or privately.

## **15**

### **COUNCIL CHAMBERS - GENERAL RULES**

#### **USAGE**

The Council Chambers shall be used solely for the conduct of public business of the City with the approval of the City Administrator.

#### **SUPERVISION**

The Council Chambers shall be under the supervision and control of the City Clerk when Council is not in session. The Clerk may take whatever action necessary to protect the public health, welfare, and peace, and allow for the orderly conduct of the meeting.

#### **SERGEANT-AT-ARMS**

The Chief of Police, or qualified representative, shall maintain the peace in the Council Chambers.

#### **SEATING ARRANGEMENT**

Councilors shall occupy seats on the dais in a rotation established by the Clerk.

#### **SMOKING**

In accordance with the Colorado Clean Indoor Air Act, smoking shall be prohibited in City Hall and within a 15-foot radius from the entryway to City Hall.

#### **FIREARMS**

Open-carry of firearms is prohibited in City Hall

## **16**

### **CITIZEN ADVISORY BOARDS, COMMISSIONS & COMMITTEES**

#### **ESTABLISHMENT**

Except for the Planning Commission as provided for in Section 4.14 of the Charter, the City Council may, by ordinance, establish, consolidate or abolish any board or commission for any public purpose. [Charter Sec. 4.13]

The Council may also provide by ordinance that boards and commissions shall be advisory or quasi-judicial in structure and character. The selection, term, responsibilities, policies and duties concerning each board and commission, except the Planning Commission shall be as established by ordinance. [Charter Sec. 4.13.1(a)]

#### **APPOINTMENT & REMOVAL OF MEMBERS**

The appointment or removal of any board or commission member who is required by ordinance to be appointed by the City Council shall require the affirmative vote of a majority of the entire Council. A member appointed by the City Council shall serve at the pleasure of Council. [Charter Sec. 4.13-1(b)]

#### **COMPENSATION**

The members of each board and commission shall serve without compensation, but may be paid authorized expenses actually incurred in the performance of the duties of the office. [Charter Sec. 4.13-1(c)]

#### **ADMINISTRATIVE SUPPORT**

Administrative support will be provided to boards and commissions by a City staff person.

#### **COUNCIL LIAISONS**

Council members shall serve as liaisons to the City's boards, committees and commissions (BCC) for the purpose of coordinating communication with Council. The liaison may offer information or a personal opinion but does not speak for the entire Council, unless authorized to do so.

#### Appointment of Liaisons

Within one month from the seating of a new Council, liaisons positions will be filled by agreement of the Councilors or at the request of the Mayor.

#### Role of the Liaison:

- Shall serve as an observer and resource for the Board
- May participate in all discussions, but is not a voting member
- Represents the Board at City Council meetings
- Presents the Board's position without bias
- Serves as the primary informal Council contact for the BCC
- Establishes formal or informal contact with the chair person and staff liaison of the BCC to be knowledgeable about their actions, issues and activities
- Assists in resolving questions about the role of Council, the City and BCC
- Works to resolve problems that exist with respect to functioning of the board, commission, or committee
- Provides procedural assistance to the Board upon request

#### Liaison Attendance at Meetings

- Council liaisons are not expected to attend all meetings of the Boards, Commissions or Committees. Liaisons are informed of BCC activities through agendas and minutes (and annual reports).
- Attendance by a Council liaison should not affect the normal structure of a board meeting
- Attention should not be focused on the Council liaison's input, as the liaison's role is not to direct the board in its activities or work
- When the BCC wants to ensure the Council liaison's participation, a direct request or invitation should be made to the liaison

## **QUALIFICATIONS & RECRUITMENT OF BOARD AND COMMISSION MEMBERS**

General recruitment efforts shall be made with special measures taken to balance community representation and attract minority and special population applicants.

### Qualifications

Each member of a City board, commission or committee created by Council, or pursuant to, the City Charter shall have been a resident of the city for at least one year immediately prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office. [Charter Sec.5.1]

Applicants should disclose whether they are serving on other boards or commissions.

Board members are expected to attend meetings. Excessive absences may be considered during reappointment application, and may be cause for dismissal at Council's discretion.

### Application and Appointment

Unless otherwise stated, positions on boards and commissions shall be appointed by Council from applicants who have completed the appropriate application and interview process.

City Staff members assigned to the boards and commissions will publicize vacancies and coordinate interviews for new members.

Except for the Planning Commission, interviews of the candidates are conducted by sitting board members and a recommendation for appointment(s) is sent to the City Council for approval.

## **CITIZEN COMMISSIONS, COMMITTEES AND BOARDS**

### Planning Commission

The Planning Commission has the primary responsibility for the preparation the City's Comprehensive Plan. This document includes City policy statements on annexation, growth, transportation, economic development, parks and open space and the environment.

The Planning Commission board advises City Council on annexations, zonings, subdivisions and architectural and site plan reviews. It renders the final decision on special use review applications. The Commission also recommends revisions to the City's Development and Zoning Code. Two members of the Commission also serve as liaisons to the Lafayette Open Space Advisory Committee and the Historic Preservation Board.

Meetings: Fourth Tuesday and Wednesday of the month at 7:00 p.m. (City Hall)

### Board of Adjustment

The Board of Adjustment hears and decides on variances or appeals for special exceptions to provisions of the Lafayette Development and Zoning Code.

### Open Space Advisory Committee

The Open Space Advisory Committee makes recommendations to City Council regarding the acquisition and management of open space properties. The Committee makes recommendations to the Planning Commission and City Council with respect to the location and identification of open

space for inclusion in the City's Comprehensive Plan. Committee members examine and make recommendations to the City Council with respect to possible sources of funding for the purchase of land by the City for use as developed parks, preservation of open space and establishment of trails. The Committee administers an Adopt-an-Open-Space Program.

#### Waste Reduction Advisory Committee

The Waste Reduction Advisory Committee promotes waste reduction and recycling awareness and programs in Lafayette. They support recycling availability and education at community events and strive toward zero-waste production. The Committee administers the Adopt-a-Highway Program.

#### Historic Preservation Board

The Historic Preservation Board promotes the protection and preservation of the City's historic and cultural heritage as embodied in designated historic landmarks. The Board reviews applications and makes recommendations to Council for historic landmark designations. They organize walking tours, field trips and public presentations focusing on local history.

#### Library Board

The Library Board advises the City Council in matters concerning the library collection and programs. They update a master plan for the development and maintenance of the library. The Board adopts rules and regulations for the operation and management of the library. Members review the annual library budget request and make recommendations. They administer gifts of money, property or endowments as may be granted to and accepted for library purposes.

#### Energy Sustainability Advisory Committee

The Energy Sustainability Advisory Committee serves in an advisory capacity to the City Council on matters relating to energy conservation, clean energy generation; to prepare an Energy Sustainability Master Plan and to develop public communications and educational activities related to energy sustainability.

#### Friends of the Lafayette Public Library

The Friends of the Lafayette Public Library provide funding and programming for the library community, particularly for children.

#### Cultural Arts Commission

The Cultural Arts Commission promotes, nurtures and celebrates the visual, performing and language arts in Lafayette. They provide opportunities for the public to appreciate and enjoy art in its various forms, connecting artists, educators, and community members.

#### Public Art Committee

The Public Art Committee is a sub-committee of the Cultural Arts Commission. Their purpose is to review proposals and make recommendations to the City Council regarding the selection and display of artwork and to be responsible for the administration, management, maintenance and repair of artwork for the City's Public Art Program.

#### Senior Advisory Board

The Senior Advisory Board advises the City Council in matters pertaining to residents who are 55 years of age and older. The Board supports several programs and services at the Go Center and provides education, volunteer efforts and assistance in the general community.

### Youth Advisory Commission

The Youth Advisory Commission mission is to engage Lafayette youth in outreach, advisory and educational opportunities through solution-based discourse and to promote youth leadership and civic participation in the community. The Commission may make recommendations to the City Council on youth-related issues and other relevant topics.

## **MISCELLANEOUS BOARDS AND COMMITTEES**

### Employee Pension Board

The Employee Pension Board determines the type of retirement plan for City employees. The Board has full and complete control and management of the retirement plan. The membership consists of two municipal employees (elected by employees), the Mayor, City Administrator, Finance Director (chair) and the City Clerk (secretary). The Board is required to meet at least annually.

### Lafayette Urban Renewal Authority

The purpose of the Authority is to eliminate and prevent the spread of blight within the Urban Renewal Area in accordance with the Urban Renewal Law of Colorado. The Authority may acquire property within the Area, by purchase or condemnation, with the intent of ultimately selling the property to a private purchaser for development or redevelopment. The Authority may engage in tax increment financing, borrow money or make loans. They adopt the annual budget, make appropriations for the budget year and approve the property tax mill levies needed to pay bond principal and interest and to provide other Authority revenues.

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## **COMPENSATION, TRAVEL & SPECIAL EVENTS**

### **COMPENSATION**

The members of Council shall receive such compensation as the Council shall by ordinance prescribe; provided however, they shall neither increase or decrease the compensation of any member during his term of office, except members of the Council whose terms do not expire at the next regular city election, who shall receive the same salary as that provided for incoming members for the remainder of their term or office. [Charter Sec. 4.3]

The Mayor and Councilors may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the City as are authorized and itemized. [Charter Sec. 4.3]

### **TRAVEL – PURPOSE**

Recognizing that it is in the interest of constituents for Council members to attend various meetings, especially meetings of the Colorado Municipal League, for the purpose of learning about current issues affecting local government and to gain information that will be useful in making policy decisions, the City Council establishes the following guidelines for Council member educational and City government-related travel.

### **TRAVEL - GUIDELINES**

Expenses will be reimbursed in accordance with the schedule established for City employees. If a Council member's spouse or a guest accompanies the Council member to a conference or event, registration for the spouse or guest shall not be reimbursed.

Each Council member shall be reimbursed for attendance at the CML Annual Conference.

As the budget allows, attendance at in-state meetings related to City business shall be reimbursed.

### **SPECIAL EVENTS**

It is often desirable to have City representation, or to show City support for community functions and events. The charge to attend these events may vary and reimbursement will be made to Councilors provided that:

- The City government is directly involved as a sponsor or participant.
- The event is sponsored by another public agency and having City representative(s) is important.
- The event is sponsored by a community organization to which the City belongs, or one that receives city funding or representation.
- Reimbursement for a spouse or companion shall be authorized where the Mayor or designated representative attends as the official City representative.

## **18**

### **CODE OF ETHICS [MUNICIPAL CODE: CHAPTER 42, REVISED MAY 20, 2008]**

#### **42-1 PURPOSE.**

(a) The purpose of this chapter is to promote public confidence in the city government, to maintain conformity with the provisions and intent of the City Code and Charter and to provide guidance in the event of real or potential conflicts of interest to the city employees and members of the city council and to the boards, commissions, committees and other authorities operating on behalf of the City of Lafayette. This chapter is intended to foster public trust by defining the parameters of honest government and by prohibiting the use of public office for private gain.

(b) While it is critical that board members and employees follow both the letter and spirit of this chapter, it is equally important that they strive to avoid situations that may create public perceptions of violations of this chapter. Perceptions of such violations can have the same negative impact on public trust as actual violations.

(c) To the extent matters addressed in this chapter are also addressed in state law, it is the intent of the city council that, pursuant to Lafayette's home rule powers, the provisions of this Chapter shall control.

#### **42-2. DEFINITIONS.**

The following terms and words, for purposes of this chapter, shall have the meanings indicated:

*Appear on behalf of* shall mean to act as a witness, advocate, or expert or otherwise to support the position of another person.

*Board* shall mean the city council, the planning commission, the board of adjustment and any other board, commission, committee, authority, and any other advisory, policy-making, rule-making, or formally constituted body of the City of Lafayette.

*Board member* shall mean a member of any board, including regular and alternate members and the mayor, but does not include any full-time or part-time city employee, unless the employee is also a board member.

*Business* shall mean any corporation, limited liability corporation, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

*Confidential information* shall mean any information that is not available to the general public or is deemed confidential in accordance with local, state or federal law, and which is obtained by reason of a board member or employee's official position or under circumstances by which a reasonable person could anticipate that such information not be disclosed. Confidential information shall also include matters discussed in executive sessions; however, information otherwise available to the general public does not become "confidential" merely because it was discussed in executive session.

*Conflict of interest* shall mean a personal or financial interest of a board member or employee that interferes with or influences or may interfere with or influence the performance of his or her duties on behalf of the city. *Conflict of interest* does not include a personal or political bias which does not inhere to a personal or financial interest, as defined in this code, of a board member or employee.

*Contract* shall mean any arrangement or agreement pursuant to which any land, material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city.

*Council or city council* shall mean the city council of the City of Lafayette.

*Employee* shall mean any temporary or permanent employee of the city, including the city attorney and the municipal judge, but does not include council members.

*Family* shall mean any employee's or board member's parents, siblings, spouse and children and the spouse of any of them.

*Financial interest* shall mean a substantial interest held by an employee or board member that is:

- (1) An ownership of securities of a corporation, or of any beneficial interest in a partnership or firm, the aggregate amount of which securities or interest owned by the employee or board member and the employee's or board member's family is five (5) percent or more of any class of securities of such corporation or five (5) percent or greater ownership in such partnership or firm.
- (2) A creditor interest in an insolvent business;
- (3) An employment or a prospective employment for which negotiations have begun, or a contractual relationship that directly relates to a matter under consideration;
- (4) An ownership interest in real or personal property;
- (5) A loan or any other debtor interest; or
- (6) A directorship or officership in a business.

*Official action* shall mean any vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.

*Personal interest* shall mean a direct or indirect interest, not shared by the general public, having value peculiar to a particular employee or board member, whether or not the value is related to monetary, financial, commercial, or property matters, which value may accrue to such employee or board member or result in such employee's or board member's deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order or other



official action, or the performance or nonperformance thereof, by a public servant. *Personal interest* does not include any matter in which a similar benefit is conferred to all persons or property similarly situated to that of the employee or board member.

### **42-3. RULES OF CONDUCT FOR BOARD MEMBERS AND EMPLOYEES**

(a) The following shall apply to all board members and employees:

(1) Contracting with the City.

a. No board member shall have any direct or indirect financial interest in any contract with the city unless the contract is awarded through a process of public notice and competitive bidding as provided in the City of Lafayette's Code of Ordinances or city policies, rules, or regulations, and the board member complies with all relevant procedures prescribed in section 42-4. Any such contract entered into in violation of the prohibition of this subsection shall be void.

b. Employees may have a direct or indirect financial interest in a contract with the city, but only if the subject matter of the contract is (i) unrelated to the employee's official duties; and (ii) the financial interest is disclosed in the contract. Any such contract entered into in violation of the prohibition of this subsection shall be void

c. The prohibitions of this subsection shall not apply to any contract determined by the council to be an incidental transaction. Transactions of two thousand five hundred dollars (\$2,500.00) or less shall be considered to be of an incidental nature. Transactions of greater value shall be handled on a case-by-case basis.

(2) *Confidential Information.*

a. No board member or employee may use any confidential information in furtherance of any personal or financial interest or the personal or financial interest of any other person, unless such information is obtainable by the public at large.

b. No board member or employee may disclose to third parties any confidential information, unless authorized to do so by a 2/3 vote of the applicable board.

(3) No board member or employee, in his or her official capacity, may solicit or accept from any one donor a present or future gift, favor, loan, service, honorarium, or thing of value, whose cumulative value is more than one hundred dollars (\$100.00) per annum, or under circumstances that would lead a reasonably prudent person to believe that such gift, favor, loan, service, honorarium, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such board member or employee in connection with an official act, or as a reward for official action he or she has previously taken. This prohibition shall not apply to:

a. Acceptance of food and refreshment at conferences, seminars, training sessions, luncheon and dinner meetings, special occasions and other instances in conjunction with city business.

b. Admissions to conferences, seminars, training sessions, cultural events, award ceremonies, or conventions related to or in connection with city business.

c. Campaign contributions reported under the Fair Campaign Practices Act.

(4) No board member or employee may solicit or accept from any person or entity a present or future gift, favor, loan, service, honorarium, or thing of value whatsoever, if the gift, favor, loan, service, honorarium, or thing of value was made or given for the purpose of influencing or attempting to influence such board member or employee in connection with an official act, or as a reward for official action which he or she has previously taken.

(5) No board member or employee shall engage in a substantial financial transaction for his or her private business purposes with a person whom he or she inspects or supervises in the course of his or her official duties.

(6) No board member or employee shall perform an official act that directly and substantially affects to its economic benefit a business or other undertaking in which such board member or employee has a substantial personal or financial interest or that directly and substantially affects to its economic detriment any business or other undertaking when such board member or employee has a substantial personal or financial interest in a competing business or undertaking.

(7) No board member or employee, during his or her term with the city, may appear or be affiliated with a firm appearing concerning any transaction with the city, except under the following circumstances:

a. An employee or board member may appear on his or her own behalf, or through an agent, before any board of which he or she is not a member. A board member may appear on his or her own behalf, but only through an agent, before the body of which he or she is a member, if the board member follows the procedure prescribed by section 42-4 below.

b. An employee or board member, other than a member of the city council, may appear on behalf of another person before any board except the body of which the board member is a member. A city council member may appear on behalf of his or her spouse, parents, children, brothers, sisters, parents-in-law, grandparents, grandchildren, and children-in-law before any board except the city council.

(b) The following shall, in addition to subsection (a) above, apply to all members of the city council:

(1) During his or her term of office, no member of the council, including the mayor, shall be a salaried employee of the city, except as a council member.

(2) A member of the council may be affiliated with a firm appearing on behalf of or employed by another person concerning any transaction with the city before the council if the council member follows the procedures prescribed by section 42-4 below.

(3) If a newly elected or appointed member of the council, including the mayor, finds himself or herself in violation of any portion of this chapter, he or she shall have forty-five (45) days after his or her election or appointment to either divest himself or herself from the personal or financial conflict or to resign from the council.

#### **42-4. VOTING PROHIBITED IN CERTAIN INSTANCES.**

(a) No board member may vote on any matter before the board if the board member has a conflict of interest as defined above. On such a question, the member shall disclose the nature of the conflict of interest to the board prior to abstaining from voting. If the member requests the remaining members to determine whether the member has a conflict of interest, the remaining members shall determine, by motion adopted by the affirmative vote of a majority of the remaining members, whether a conflict of interest exists. Such motion shall state the basis of the determination and shall be conclusive of the question of whether a conflict of interest exists.

(b) When a board member is precluded from voting on a matter because of a conflict of interest, then the board member shall physically remove himself or herself from the board and the room in which it is meeting, and shall refrain from attempting to influence the decisions of the other members of the board of which the person is a member. After the board has completed consideration of the matter, the board member may return and resume his or her duties as a member of the board.

(c) As soon as a board member determines that he or she has a conflict of interest on any matter before the board, then he or she shall immediately refrain from attempting to influence the decision of the other members of the board of which he or she is a member.

(d) No board member shall vote on any question concerning the member's own conduct.

#### **42-5. VOTING REQUIRED/QUORUM.**

(a) Except as provided in the Charter or this chapter, and except when recusal is required by reason of constitutional “due process” considerations, each board member who is present at a meeting shall vote when the question is called. Any board member who refuses to vote, except when required to abstain, shall be deemed guilty of misconduct in office.

(b) While acting in a quasi-judicial capacity, Board members shall refrain from conduct that would require their disqualification from participation.

(c) If board members are disqualified from voting pursuant to the provisions of this Chapter, and such disqualification causes the board to lose its quorum on the matter before the board, the matter shall be tabled until the next meeting at which a sufficient number of qualified board members are present to constitute a quorum. In the event that the number of disqualifications are such that tabling the matter will not result in a quorum of qualified board members, the quorum necessary to conduct that item of business shall be adjusted to consist of at least fifty percent of those members not disqualified .

#### **42-6. DUTIES OF THE CITY ATTORNEY.**

(a) Any employee or board member may request the city attorney for an advisory opinion whenever a question arises as to the applicability of this chapter to a particular situation.

(b) Any person alleging that a board member has violated any provision of this chapter shall file a written complaint of such alleged violation with the city administrator, who may at his discretion refer the complaint to the city attorney. The city council hereby appoints the city attorney, pursuant to section 6.8 of the Charter, to inquire into said allegations. The city attorney shall make appropriate investigation and shall, within a reasonable time after receiving a written complaint, make a written finding as to whether there is probable cause to believe that this chapter has been violated. The city attorney shall provide a copy thereof to the city council, the complainant, and the board member in question. The City Attorney’s finding that “probable cause” exists does not constitute a finding that a violation has in fact occurred. Rather, a finding of “probable cause”

means that there is a reasonable basis to believe the underlying facts are true, and if found to be true by the subsequent decision maker, could constitute violation of this Chapter. If the city attorney determines that probable cause exists, then the matter shall be referred to the city council for further proceedings, pursuant to section 42-7. Nothing in this subsection (b) shall limit the authority of the city administrator to investigate the conduct of and discipline employees.

(c) Should the city attorney at any time determine that he or she has a conflict of interest in carrying out the duties of this section, the city attorney may, in his or her sole discretion, appoint special counsel to undertake such duties, and such appointment is hereby deemed to comply with the requirements of sections 4.9(f) and 4.10 of the Charter, otherwise requiring approval of the council for the appointment of special legal counsel.

#### **42-7. VIOLATIONS AND PENALTIES.**

Any board member or employee who violates any provisions of this chapter shall be subject to the following:

(a) If a violation by any member of the council is established to the satisfaction of a majority of the council, the violation shall be grounds for an official reprimand by the council. Provided, however, that if such violation constitutes statutory grounds for the removal of a city officer, or constitutes an act declared by the Charter to constitute misconduct in office, the violation shall be grounds for removal from office.

(b) If a violation by any board member other than a council member is established to the satisfaction of a majority of the council, the violation shall be grounds for removal of the board member from the board of which he or she is a member. If the council votes to remove a board member from a board, there shall exist a vacancy on such board that shall be filled as provided by applicable law.

(c) If a violation by any employee is established by the city administrator, the violation shall be grounds for discipline up to and including termination.

#### **42-8. EXEMPTION.**

Nothing in this chapter shall be deemed to apply to an employee or board member, other than a member of the council, who appears before a board to urge action on a policy or issue of a general civic nature.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1.10 of the Municipal Code of the City of Lafayette, Colorado.

Produced by  
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