



AGENDA ITEM SUMMARY

City Council

STAFF

Rupa Venkatesh, Assistant City Manager
Heather Walls, Interim City Clerk
Carrie Daggett, City Attorney

SUBJECT

Second Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading with amendments at the March 18, 2024, special meeting, by a vote of 6-1 (Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Canonico, and Potyondy; Nays: Councilmember Ohlson), updates Code provisions related to the conduct of Council meetings to allow Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode due to circumstances preventing a meeting from proceeding.

Council amended the Ordinance at the time of adoption on First Reading to remove a provision allowing Council to limit public comment to agenda items only and to correct an obsolete pronoun reference.

Resolution 2024-026 Adopting Amending Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions failed unanimously.

STAFF RECOMMENDATION

Staff recommends adoption of the and Ordinance on Second Reading.

BACKGROUND / DISCUSSION

During the First Reading discussion, there was a question raised about how the Colorado Open Meetings Law addresses electronic messages and open meetings. Here are the relevant provisions of that statute (Colorado Revised Statutes Section 24-6-402 (1)):

b. "Meeting" means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

...

d.II If elected officials exchange electronic mail to discuss pending legislation or other public business among themselves, the electronic mail is subject to the requirements of this section. Electronic mail communication between elected officials that does not relate to the merits or substance of pending legislation or other public business, including electronic mail communication regarding scheduling and availability or electronic mail

communication that is sent by an elected official for the purpose of forwarding information, responding to an inquiry from an individual who is not a member of the state or local public body, or posing a question for later discussion by the public body, shall not be considered a "meeting" within the meaning of this section. For purposes of this subsection (2)(d)(III), "merits or substance" means any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity.

Because repeating this language in the City Code would be cumbersome, the Ordinance references the statute but does not include this specific language. If Council would prefer to restate the statutory provision in the Code, the change would be to add this language to the definition of "meeting" in City Code Section 2-26, which is shown in Section 1 of the Ordinance.

CITY FINANCIAL IMPACTS

No significant costs have been identified.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

No board/commission/committee recommendations have been requested or made.

PUBLIC OUTREACH

No public outreach has been completed.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration