

**A RESOLUTION  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
AMENDING THE CITY COUNCIL RULES OF PROCEDURE**

**WHEREAS**, the City Council of the City of Cherry Hills Village ("Council") is authorized under its home rule charter and pursuant to its general municipal powers to adopt policies and procedures in furtherance of its municipal functions and authority; and

**WHEREAS**, the Council adopted City Council Rules of Procedure in 2012 and amended them in 2015, 2016, and 2021; and

**WHEREAS**, further amendments are recommended by Council; and

**WHEREAS**, Council reviewed the proposed amendments at their May 3, 2022 regular meeting and directed staff to make additional amendments; and

**WHEREAS**, the Council desires to amend the Council Rules of Procedure as described in Section 1 below, and as attached hereto as Attachment A.


**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:**

**Section 1.** The City Council hereby amends and reaffirms the City Council Rules of Procedure, as more fully set forth in Attachment A, attached hereto and incorporated herein.


**Section 2.** This Resolution shall be effective immediately upon adoption, and City Staff is directed to take steps necessary to document the foregoing policy in a policy log maintained in the office of the City Clerk.

Introduced, passed and adopted at the  
regular meeting of City Council this 17<sup>th</sup> day  
of May, 2022, by a vote of 4 yes and 0 no.


(SEAL)

  
\_\_\_\_\_  
Russell O. Stewart, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura Gillespie, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Kathie B. Guckenberger, City Attorney

**ATTACHMENT A TO RESOLUTION 10, SERIES 2022**



**CHERRY HILLS VILLAGE  
CITY COUNCIL  
RULES OF PROCEDURE**

Adopted August 7, 2012

Amended March 3, 2015; January 19, 2016; May 18, 2021; and May 17, 2022

<b>ARTICLE 1.</b>	<p><u>Authority.</u></p> <p><i>Section 1.</i> These Rules of Procedure are adopted by the City of Cherry Hills Village City Council pursuant to the authority vested in Section 3.7 of the City of Cherry Hills Village Home Rule Charter and Section 2-2-10 of the City of Cherry Hills Village Municipal Code. Deviations from these Rules that do not violate the Charter or any law may be permitted at the discretion of the Mayor.</p>
<b>ARTICLE 2.</b>	<p><u>Roles and Responsibilities.</u></p> <p><i>Section 1.</i> Refer to Article III of the Charter.</p>
<b>ARTICLE 3</b>	<p><u>Meetings.</u></p> <p><i>Section 1.</i> The City Council consists of the Mayor and six Council members. Four members of the Council constitute a quorum (see Section 3.7 of the Charter). The Mayor is not counted for the purposes of establishing a quorum.</p> <p><i>Section 2.</i> An organizational meeting shall be held at the first Council meeting in the month of January following each regular City election (see Section 3.7 of the Charter). At this meeting elected City Council members and the Mayor-elect shall assume the duties of office; the newly elected Mayor and Council members shall take their oath of office; and the Mayor Pro Tem shall be elected by the Council.</p> <p><i>Section 3. Regular Meetings.</i></p> <p>(A) Regular meetings of the City Council shall be scheduled for the first and third Tuesday of each month with the following exceptions:</p> <ul style="list-style-type: none"> <li>• In July only one meeting shall be held on the third Tuesday of the month.</li> <li>• In December only one meeting shall be held on the second Wednesday of the month.</li> <li>• Regular meetings that fall on a major secular or religious holiday shall be rescheduled or cancelled.</li> </ul> <p>Regular meetings may be rescheduled or cancelled at the discretion of the Mayor, provided that the Council shall meet at least once each month as required by Charter Section 3.7. All meetings will be held at the Village Center at 2450 East Quincy Avenue, or at such other venue as Council shall select and provide notice thereof in accordance with applicable law. All meetings will begin at 6:30 p.m. unless otherwise noted on the agenda. City Council meetings may be conducted electronically in accordance with the City Council Policy for Electronic Participation in City Council, Board, Commission and Committee Meetings.</p>

(B) The order of business at regular meetings shall be as follows unless adjusted by the Mayor.

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Audience Participation
5. Reports from City Boards, Commissions and Committees
6. Consent Agenda
7. Items Removed From Consent Agenda
8. Unfinished Business
9. New Business
10. Reports
  - a. Mayor
  - b. Members of City Council
  - c. City Manager and Staff
  - d. City Attorney
11. Adjournment

(C) The Mayor may adjust the order of business and allow scheduled presentations, at a time and in a manner most convenient for the public, staff, and Council.

*Section 4.* Special meetings of the Council shall be called by the City Clerk on the oral request of the Mayor, or of any two members of the Council, on at least 24 hours' advanced written or telephonic notice to each member of the Council, but a special meeting may be held on shorter notice if all members of the Council are present or those absent waive notice thereof (Section 3.8 of the Charter) provided that public notice requirements for the meeting are met.

*Section 5.* The purpose of a study session shall be to hear, study, and discuss matters in a forum that allows for more attention to the matter than a regular meeting. Study sessions shall be open to the public but audience participation will not necessarily be taken. No business shall be transacted and no formal action shall be taken at a study session. However, the Council may by consensus provide City staff with direction concerning agenda related items. When possible, study sessions shall be held directly before a regular meeting of the Council.

*Section 6. Executive Sessions*

(A) Executive sessions may only be held at a regular or special meeting and shall comply with the provisions of C.R.S. § 24-6-402.

(B) A motion to move into executive session from a regular or special meeting shall set forth the matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. The motion shall include specific citation to the provision of C.R.S. § 24-6-402 authorizing the

executive session. The motion shall be approved by 2/3 majority or more of the Council members present on roll call.

(C) The Council shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public.

(D) Discussions that occur during executive session, except attorney-client privileged communications as identified in C.R.S. § 24-6-402(d.5)(II)(A), shall be recorded by making an audio recording that shall be retained for ninety (90) days after the date of the executive session. The audio recording shall be kept for the required ninety (90) days by the City Attorney unless the City Attorney was the topic of the executive session.

(E) All persons present shall preserve the confidentiality of the matters discussed in executive session.

*Section 7. Agendas and Council Packet.*

(A) The agenda shall be maintained by the City Clerk and may be modified by the City Manager or Mayor. The City Manager will submit a proposed agenda to the Mayor for review prior to the Council packet being distributed. Any Council member may submit to the City Clerk items for the agenda, which shall be included on the agenda for the next scheduled meeting if provided to the City Clerk at least 24 hours prior to distribution of the Council packets. Draft agendas shall be made available to the City Council at the previous meeting. Agendas shall be posted at the location designated by Council for notices of meetings at least 24 hours prior to any regular or special meeting. The agenda shall be made available to the public through the City website or by request at the Village Center.

(B) The Council packet shall generally be provided to Council members no later than the Wednesday preceding any regularly scheduled meeting. Supporting information not available the Wednesday before the meeting may be provided to Council subsequent to the packet or at the meeting. The Council packet shall be made available to the public through the City website or by request at the Village Center. A public copy of the Council packet will be provided at the Council meeting.

*Section 8.* The Mayor, Mayor Pro Tem, or other designated Council member in their absence, shall serve as the presiding officer in the conduct of meetings. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted to Council members by the Charter and Municipal Code (Sections 3.3, 5.1 and 5.5 of the Charter). References to the Mayor's powers and duties during a Council meeting in these Rules shall apply to the presiding officer at the meeting.

*Section 9.* At all times, the discussions and motions of the Council and remarks of members of the public shall be directed to the Mayor, and shall be preceded by recognition from the Mayor.

*Section 10. General Discussion.*

(A) Each member of Council shall be afforded an opportunity to speak on the matter under discussion before moving on to another topic of discussion. The Mayor may set a time limit on any such discussion of members of Council.

(B) Council members shall not be permitted to explain their vote during a roll call. Such explanation is permitted during the discussion of the question or motion.

*Section 11. Audience Participation.*

(A) Any person may speak to the Council on any matter during the Audience Participation period at the beginning of each regular and special Council meeting. The City Clerk shall post an audience participation sign-up form before each regular meeting. Immediately prior to the audience participation portion of the meeting, the City Clerk shall hand the sign-up form to the Mayor. The Mayor shall call those signed up to speak before Council in the order they have signed up.

(B) Audience participation shall be limited to 5 minutes per speaker.

(C) The Mayor may restrict cumulative or redundant presentations.

(D) Those attending Council meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Council. The Mayor may take any reasonable steps to maintain the order and dignity of Council meetings.

*Section 12. Public Hearings*

(A) Public hearings will be held as required by the Charter and the Municipal Code. The Mayor will open each hearing and allow any person in attendance to address the issue subject to the rules contained in Section 11 concerning audience participation. The purpose of any Public Hearing shall be to: (1) allow applicants an opportunity to present evidence in support of their application; (2) ensure compliance with due process principles; and (3) provide everyone an opportunity to present their views and recommendations on the issue that is the subject of the hearing.

(B) The Mayor and Council members shall not debate or challenge the position of any speaker, but may question a speaker in order to fully understand their position. The Mayor and Council shall reserve their comments on public testimony until the issue is before the Council for discussion.

(C) Written communications submitted directly to City staff or Council must be submitted at least 24 hours in advance of the public hearing to ensure inclusion in the record. Written comments or postings related to a public hearing that are submitted on the City's social media, including but not limited to Facebook, shall not be

	<p>considered part of the record, unless specifically included in the record via staff report or by acknowledgement of Council. All written materials submitted to the City Clerk or the Council at the public hearing shall be considered part of the record.</p> <p>(D) Public hearings may be conducted electronically in accordance with the City Council Policy for Electronic Participation in City Council, Board, Commission and Committee Meetings.</p> <p><i>Section 13. Method of Voting</i></p> <p>(A) On motions that do not require a roll call of votes, the Mayor shall ask that all those in favor of the motion signify by saying yes. Those members in favor shall give said sign. The Mayor shall then ask that all those opposed signify by saying no. Those members opposed shall give said sign. The Mayor shall signify if the motion passes or fails. The City Clerk shall record the results of the motion in the minutes of the meeting.</p> <p>(B) On motions that require a roll call of votes, the Mayor shall ask the City Clerk for a roll call. The City Clerk shall perform the roll call and record each member’s vote in the minutes. The Mayor shall signify if the motion passes or fails.</p> <p><i>Section 14.</i> If a member of Council has a personal, financial or other conflict of interest, or appearance thereof that would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Council member to require recusal, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by Council, and the recusing Council member shall then not participate in any discussion or vote of the matter.</p> <p><i>Section 15.</i> Record of proceedings shall be taken by the City Clerk in the form of written minutes. Written minutes will be prepared by the City Clerk and be presented for Council’s approval at the next regular or special meeting. Following approval, the written minutes will be made available to the public at the Village Center and on the City website.</p> <p><i>Section 16.</i> City Council meetings shall be live-streamed on the City website and the recordings of the meetings maintained on the City website.</p>
<p><b>ARTICLE 4.</b></p>	<p><u>Ordinances</u></p> <p><i>Section 1.</i> Any legislative action by the Council shall be by adoption of an ordinance. All other matters may be decided by adoption of a motion or resolution as the Council deems appropriate.</p> <p><i>Section 2.</i> The Mayor, any Council member, or the City Manager may request that a proposed ordinance be placed on a Council agenda. A proposed ordinance may be introduced by any member of Council. Introduction may be by title only, or in full text (Section 4.5 of the Charter). Where feasible, the person proposing the ordinance may present the proposed text together with a written or oral explanation for the</p>

	<p>purpose and content of the proposed ordinance at a regularly scheduled meeting before first consideration.</p> <p><i>Section 3.</i> Any ordinance approved on first consideration shall be placed on the agenda of the next regular or special Council meeting for second and final consideration provided said meeting is at least six days after passage on first consideration. The proposed ordinance must be completed in written form and a copy provided to each Council member before second consideration (Section 4.5 of the Charter). If a public hearing is required for the second consideration of an ordinance then said ordinance shall be placed on the agenda of the next regular or special meeting after the required publication is accomplished.</p> <p><i>Section 4.</i> Emergency ordinances shall be governed by the procedures set out in Section 4.5 of the Charter.</p> <p><i>Section 5. Ordinances and Public Hearings for Rezonings and Vested Rights</i></p> <p>(A) Approval on first consideration of an ordinance does not constitute final approval or indicate approval of the ordinance at second consideration. An approval on first consideration will authorize second consideration of the ordinance and set the date for the future public hearing, consistent with allowing an applicant the requisite process and hearing opportunity provided for in the Municipal Code.</p> <p>(B) The public hearing will be held on second consideration of the ordinance. The second consideration and public hearing shall include the full staff presentation, applicant presentation, and public comments.</p> <p>(C) Public hearings may be conducted electronically in accordance with the City Council Policy for Electronic Participation in City Council, Board, Commission and Committee Meetings.</p>
<p><b>ARTICLE 5</b></p>	<p><u>Conflicts of Interest and Ethical Considerations.</u></p> <p><i>Section 1.</i> Members of Council shall adhere to Article IX of Chapter 2 of the Municipal Code, the Code of Ethics.</p>
<p><b>ARTICLE 6</b></p>	<p><u>Attendance and Absences.</u></p> <p><i>Section 1.</i> The Council must have a quorum to do business. Therefore, governance of the City requires that all members of the Council attend Council meetings in order to fulfill their obligation to the citizens of the City by fully participating in the process of government. Additionally, each member of the Council has an obligation to his or her fellow members to be informed and attend Council meetings.</p> <p><i>Section 2.</i> If it is necessary for a Council member to be absent from a regular meeting of the Council, the Council member shall notify the Mayor and City Clerk prior to the meeting.</p>



	<p><i>Section 3.</i> If it is necessary for the Mayor to be absent from a regular meeting of the Council, the Mayor shall notify the City Clerk’s office prior to the meeting.</p>
<b>ARTICLE 7</b>	<p><u>Finances.</u></p> <p><i>Section 1.</i> The City shall pay or reimburse the Mayor and Council members for necessary bona fide expenses incurred in service on behalf of the City if authorized, itemized and maintained as a matter of public record. The City will pay or reimburse the Mayor and Council members for travel expenses and mileage allowance according the City’s generally applicable policies governing employee travel expenses and mileage allowance (Sections 3.6 and 5.3 of the Charter).</p> <p><i>Section 2.</i> The City will not pay or reimburse the Mayor or Council members for any costs associated with a member’s spouse attending any related function.</p>
<b>ARTICLE 8</b>	<p><u>Electronic Mail and Social Media</u></p> <p><i>Section 1.</i> Electronic communications such as email shared among the Council may constitute a meeting to which open meetings and open records requirements may apply. The Elected Officials Email Policy included as Appendix A to these Rules shall provide a guide to elected officials.</p>
<b>ARTICLE 9</b>	<p><u>Amendment of Rules.</u></p> <p><i>Section 1.</i> Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular meeting and shall be acted upon no sooner than at the next meeting of Council as an agenda item. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.</p>
<b>ARTICLE 10</b>	<p><u>Robert’s Rules of Order</u></p> <p><i>Section 1.</i> To the extent helpful, relevant and not inconsistent with these Rules, Robert’s Rules of Order Newly Revised shall apply.</p>

## **Elected Official Email Policy**

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### **BACKGROUND**

Elected officials of the City of Cherry Hills Village each have a City email account with which to conduct City business, including correspondence with other elected officials, residents, staff, and the City Attorney. Use of email communications has implications under both the Colorado Open Meetings Law and the Colorado Open Records Act. This policy has been established to ensure that the management of elected officials' email communications complies with the statutory requirements of the Colorado Open Meetings Law and the Colorado Open Records Act, as well as the City's Records Retention Schedule.

### **ADMINISTRATIVE POLICY**

All emails related to City business should be addressed to elected officials' City email accounts. Personal email accounts may be included in addition to City email accounts if requested, but no emails related to City business should be addressed solely to personal email accounts.

#### Permitted Email Communications

Email deliberation between three or more elected officials concerning public business or pending legislation are declared to be a public meeting under the Colorado Open Meetings Law and are prohibited.

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

1. Communication or deliberation from or to a staff person, the City Attorney, residents or community members.
2. Deliberation between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.

3. Communication between elected officials that does not include deliberation related to the merits or substance of pending legislation or other public business. Examples of permissible communications include:
  - electronic mail communication regarding scheduling and availability;
  - electronic mail communication 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 public body, or posing a question for later discussion by the public body.

As used in this policy, “deliberation” means the discussion and/or exchange of viewpoints and opinions on a subject. It specifically does not include the distribution, but not discussion, of information.

### Retention Policies Applicable to Email Communications

1. Email communications of elected officials may be considered public records under the Colorado Open Records Act. The City’s Records Retention Schedule applies to email communications in the same manner as other records.
2. Certain types of correspondence of elected officials are expressly not a public record, including that which is a “work product,” as well as correspondence that is “without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds.” Examples include drafts and worksheets, desk notes, copies of materials circulated for informational “read-only” purposes, and other records with preliminary or short-term informational value. These emails should be deleted as soon as they are read and are no longer useful.
3. Correspondence of elected officials designated as a public record fall into one of two categories:
  - a. Enduring Long-Term Value: Documentation or correspondence with enduring and long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the municipality or the community; and other similar records and documentation. The retention period for these records is permanent.
  - b. Routine Value: Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, information or statistical value. Includes routine communications

sent and received, communications containing duplicates of information that is filed elsewhere, routine requests for information, transmittal documents, etc. The retention period for these records is two years.

### Email Management Policy

In order to ensure that the emails of elected officials are properly managed, the following email management policy should be followed:

1. All emails sent to or from an elected officials' email account will be automatically archived.
2. Archived emails will be managed according to the City's retention policy by the City Clerk.
3. Original emails in the elected officials' email accounts may be saved or deleted as the elected official finds most useful.