

**CITY OF COLORADO SPRINGS**  
**RULES AND PROCEDURES**  
**OF CITY COUNCIL<sup>1</sup>**

**Adopted by Resolution No. 50-11**  
**Effective April 19, 2011**

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<sup>1</sup> Rules of Council are authorized by § 3-50 of the Charter of the City of Colorado Springs.

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## **PROLOGUE**

The General Municipal Election held on November 2, 2010 authorized a substantial change from the Council-Manager form of government that voters had instituted on July 6, 1920, to a Council-Mayor form of government. The amended Charter now provides for the election of a new fifth at-large Councilmember so that City Council is comprised of five (5) at-large members and four (4) district members from whom the members shall elect a President of City Council. The positions of City Manager and Vice-Mayor have been eliminated. The new Mayor is now the chief executive and head of the City government, is responsible for all executive and administrative affairs, works for the City full time, holds no other paid position, will develop the budget in line with the City's strategic plan, will act to approve or disapprove ordinances finally passed by Council with certain specified exceptions, may disapprove specific line items in any ordinance appropriating funds, and will appoint, subject to confirmation by City Council, the City Clerk, City Attorney, Municipal Judges, Chief Financial Officer or Controller, Police Chief, Fire Chief, and lead managers of public works, parks, community development, and the airport. The Mayor will appoint a Chief of Staff to act as an administrative officer of the municipal government under the Mayor's supervision and who shall serve at the pleasure of the Mayor. The Mayor shall not appoint the chief executive officers of the City Utilities or the City's health system. The Mayor shall serve as an ex officio and non-voting member of the Board of Directors for Utilities. (2011)

## **PURPOSE OF RULES AND PROCEDURES OF COUNCIL**

All legislative powers of the City of Colorado Springs are vested in Council except as otherwise provided by law or City Charter § 3-10(a). To conduct its business as Council, City Council is authorized to amend and publish its own Rules of Procedure (City Charter § 3-50). These rules provide for Council's actions in meetings and hearings, as Council in its legislative, quasi-judicial and regulatory roles. These rules do not apply to Council's role as the Board of Directors for Colorado Springs Utilities. As the Utilities Board, Council has established written policies and by-laws to govern Colorado Springs Utilities and Utilities Board meetings. (2000; 2011)

Similarly, Memorial Health System is governed by a Board of Trustees appointed by City Council. The Board of Trustees has established written policies and by-laws to govern the health system and its board meetings. City Council retains oversight responsibilities for Memorial Health System. (2011)

In its legislative role, Council is the lawmaker for the City as a whole, including Colorado Springs Utilities, Memorial Health System, and other municipal enterprises. With respect to Colorado Springs Utilities, Memorial Health System, and other municipal enterprises, in its legislative role, Council is responsible for:

- Providing by ordinance a system for the collection, custody, and disbursement of all public monies; (Charter § 7-20(b))
- Adopting the budget with or without amendment and appropriating funds; (Charter § 7-30(a))
- Estimating, declaring and adopting by ordinance, the amount of money necessary to be raised by tax levy; (Charter §§ 7-30(b) and 7-40)
- Including in the budget all stipends and other expenses of City Council and the salary of the Mayor; (Charter § 7-30(c))
- Issuing local improvement district bonds; (Charter § 7-80)
- Borrowing money or issuing bonds for the purpose of acquiring, constructing, extending or improving water, electric, gas, sewer, or other public utilities or income producing projects; (Charter § 7-80)

- Initiating eminent domain (condemnation) proceedings to acquire land or easements;
- Extending Colorado Springs Utilities' water and wastewater service outside the City limits;
- Undertaking other legislative roles as established by applicable statute or court decision;
- Serving as the Board of Directors for Colorado Springs Utilities;
- Reviewing a Mayor's proclamation in times of public emergency and terminating such proclamation by a majority vote of the Council;
- Maintaining a strategic plan which prioritizes goals for the City Council and establishing measurable outcomes. The planning process should consider public input and be provided to the Mayor for consideration in the development of the municipal budget;
- Confirming by a concurring vote of the majority of members, Mayoral appointees as designated by the Charter;
- Providing for an annual "Report to the Citizens;"
- Appointing the City Auditor; and
- Reviewing and approving personnel policies and procedures for City employees as well as municipal purchasing and contracting rules and regulations. (2000; 2011)

Council is also the regulatory authority for Colorado Springs Utilities. In that role, it is responsible for setting rates for regulated electric, natural gas, water, and wastewater services. (2000)

## **PART 1 - ORGANIZATION**

### **1. ORGANIZATIONAL MEETING - ELECTION OF OFFICERS**

A. Newly elected members of Council shall take office at 10:00 a.m. on the third Tuesday of April following the election. The Council shall hold its first meeting on or after the third Tuesday of April. At that first meeting a President of the Council (President) shall be elected from a majority vote of the entire Council (five [5] members). In the event there are more than two (2) candidates for the office of President of the Council and no individual receives a majority vote, the candidate receiving the least number of votes shall withdraw until one (1) candidate receives a majority vote. (1982; 2000; 2011) (Charter § 3-20) The President of the Council will serve for two (2) years and may be removed from office by a vote of at least five (5) members. (2011)

B. The Council shall elect a member to serve as President Pro Tem in the absence of the President of the Council. The President Pro Tem shall be elected at the first meeting of the Council by majority vote of the entire Council (five members). In the event there are more than two (2) candidates for the office of President Pro Tem and no individual receives a majority vote, the candidate receiving the least number of votes shall withdraw until one (1) candidate receives a majority vote. The President Pro Tem will serve for two (2) years and may be removed from office by a vote of at least five (5) members. (2011)

### **2. SUCCESSION (Charter § 4-20)**

A. Whenever the Mayor is unable, from any cause, to perform the duties of the office for more than a temporary or short-term absence, the President of the Council shall be the acting Mayor and shall hold such office until a successor of the Mayor last elected pursuant to the provisions of Charter § 2-10 is elected and qualified, at which time the President of the Council may return to his or her seat on Council. (2011)

B. If the President of Council refuses or is unable to discharge the duties of the Office of the Mayor during more than a temporary or short-term absence, the Council shall elect one of its members acting Mayor, who shall hold such office until a successor of the Mayor last elected pursuant to the provisions of the Charter § 2-10 is elected and qualified. (2011)

## **PART 2 - COUNCIL MEETINGS**

### **1. FORMAL COUNCIL MEETINGS**

A. All formal meetings of the Council shall be held in the Council Chamber at the City Hall, Colorado Springs, Colorado, or at such other places as determined by Council. Formal meetings of the Council shall be held on the second and fourth Tuesdays of each month, commencing promptly at 1:00 p.m. or on such other dates and times as determined by Council. (1982; 2000; 2003)

B. All meetings of the Council shall be open to the public and the media, except closed Executive Sessions, and citizens shall have a reasonable opportunity to be heard under such rules and regulations as prescribed by Council. (2000; 2011)

#### **C. Agenda Process**

(1) President of the Council: The President of the Council, with the assistance of the Mayor and City Clerk shall prepare the agenda for all Council meetings except as noted below. The agenda shall include all items requiring Council action. Whenever possible, the Mayor shall submit to the Council all facts necessary for the Council to properly study the item and make a decision thereon. To this end, the Mayor may give a recommendation on items under consideration. The President, with the assistance of the Mayor and the City Clerk, shall also determine those items to be included on the Consent Calendar. All matters to appear on the agenda shall be filed with the City Clerk prior to the Council meeting. The City Clerk shall be furnished copies of all ordinances and resolutions so that copies may be delivered to the City Council prior to the meeting date. Matters not filed with the City Clerk in accordance herewith shall not be considered but shall lie over until the next meeting unless leave for immediate consideration be granted by a majority vote of the members of the Council present at the meeting; provided, always, other matters considered by the President or the Mayor to be of an emergency nature may be submitted. (1982; 2000; 2011)

(2) Councilmembers: Any Councilmembers who wish to add an item to a formal agenda for discussion or decision shall submit the item to the President of the Council eleven (11) days prior to the next formal Council meeting. The item will be placed on the informal agenda for discussion. If at least five (5) Councilmembers agree, the item will be added to the agenda at a formal Council meeting following the next day's formal meeting. However, any matter considered by any Councilmember to be of an emergency nature may be suggested as

an item to be added on the meeting day of Council provided the emergency nature is stated and the item is accepted by consensus of those present at the meeting. For good cause, the President or Mayor may authorize additional formal meeting items to be placed on the agenda for an upcoming meeting after this deadline provided that public notice of the items is given in accordance with legal requirements, and further provided that notice is given to Councilmembers in the same manner as required for special meetings. At an informal meeting, any Councilmember may raise any item for discussion. (2000; 2011)

(3) Council Appointees: Any Council Appointee, (except City boards, committees, or commission members), or the City Clerk or the City Attorney who desires to bring a matter before Council, shall submit the item to the President and Mayor and the other Appointees eleven (11) days prior to the next formal meeting. This does not negate the opportunity for Council Appointees to speak at the formal Council meeting. (2000; 2011)

(4) The order of business at formal Council meetings shall be:

a. **Invocation and Pledge of Allegiance**

b. **Changes to Agenda/Postponements**

c. **Consent Calendar** - within this section are included all matters of a noncontroversial nature requiring Council action. Any Councilmember, citizen, or Mayor wishing to address the City Council upon any item on the Consent Calendar may so request and the item will be removed from the Consent Calendar and set aside for action following Approval of the Minutes and the Mayor's Communications. If more than one item is removed from the Consent Calendar, those items shall be considered in the order as taken from the Consent Calendar. The Consent Calendar, after removal of any controversial items, shall then be adopted as a whole by unanimous vote. Each item on the Consent Calendar approved by unanimous vote shall be deemed to have received the unanimous vote of all Councilmembers present, and the Journal shall so reflect. (2011)

d. **Resolutions of Appreciation**

e. **Citizen Discussion** - limited to a maximum of thirty (30) minutes for all citizens, unless the President agrees to extend the maximum time. Each speaker is limited to three (3) minutes to discuss items of interest that are not on the agenda and not repetitious. Time limits will be strictly enforced by the President of the Council and time will be kept by the City Clerk. (2011)

- f. **Approval of Minutes of Previous City Council Meeting** –if no objection is made to the minutes as presented by the City Clerk, the minutes shall stand approved without express motion to that effect. (2011)
- g. **Mayor’s Communications** (2011)
- h. **Call-Up Consent Calendar** - matters removed from the Consent Calendar shall be discussed and voted upon individually. (2011)
- i. **Utilities Business** (2011)
- j. **Unfinished Business** (2011)
- k. **New Business** (2011)
- l. **Public Hearings** (2011)
- m. The order of business may be altered by a majority vote of the members of the Council present. (1982; 1984; 2000; 2002; 2003; 2011)

## **2. INFORMAL COUNCIL MEETINGS AND WORK SESSIONS**

A. The Council shall meet informally on the Monday immediately preceding regular Council meetings at 1:00 p.m., or at other times upon call of the President of the Council or at the request of three (3) members of the Council to discuss matters pending or proposed. (1982; 1989; 1992; 2000; 2003; 2011)

B. Informal meetings of the City Council are open to the public and the media. Executive Sessions follow the informal meeting. A closed Executive Session is not open to the public. Informal meetings are not a time for public comment on items scheduled for discussion. No formal legislative action shall be taken and no quorum shall be necessary at an informal meeting. Formal legislative action shall be deemed to be the passage of an ordinance or a resolution. Council efforts to arrive at a consensus position to research or study a matter shall be permitted. No Journal of Council shall be kept at an informal meeting. If Council reaches a consensus position, the City Clerk shall record in writing the consensus reached by Council as an informal record. At the discretion of City Council, the informal meetings and work sessions may be recorded. (1982; 1989; 1992; 2000, 2001; 2011)

### **C. Informal Council Meeting Agenda Process**

(1) **President of the Council:** The President of the Council shall prepare the agenda with the assistance of the Mayor for the informal Council meetings except as noted below. (2000; 2011)

(2) City Council: Any Councilmember who wishes to add an item to an informal agenda for discussion shall submit the item to the President ten (10) days prior to the next informal Council meeting. However, any matter considered by any Councilmember to be of an emergency nature may be suggested as an item to be added on the meeting day of Council provided the emergency nature is stated and the item is accepted by consensus of those present at the meeting. (2000; 2011)

(3) Order of Business: Each informal meeting shall contain an item for general Council discussion and Appointee reports, if applicable. This does not negate the opportunity for Council Appointees to speak at the informal Council meeting. (2000; 2011)

D. Executive Session - The City Attorney shall prepare the Executive Session agenda. The first part of the agenda shall be those items that may be discussed in open Executive Session. The second part of the agenda shall be those items that may be discussed in closed Executive Session. In compliance with the Colorado Open Meetings Act, and prior to convening in closed Executive Session, the President shall announce the general topics of the closed Executive Session, as set forth below. The President shall poll Councilmembers and upon consent of two-thirds (2/3) of the quorum present, may hold a closed Executive Session. No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any closed Executive Session not open to the public. The following are among appropriate topics for closed Executive Session:

(1) Purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interests.

(2) Conferences with the City Attorney or other attorneys 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.

(4) Specialized details of security arrangements or investigations.

(5) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

(6) Personnel matters. If the employee who is the subject of the closed Executive Session has requested an open Executive Session, or if the personnel matter involves more than one employee and all of the employees have requested an open Executive Session, the

personnel matter may be considered in open Executive Session or withdrawn from the closed Executive Session agenda.

(7) Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act. (1982; 1989; 1991; 1992; 1993; 2000; 2011)

E. Executive sessions shall be electronically recorded. The tapes and the contents of tapes of closed Executive Sessions shall be considered privileged and confidential and shall be made available only to members of the Council and may be divulged to others only upon consent of two-thirds (2/3) of the entire Council. Proceedings are confidential and matters discussed will not be discussed outside of the meeting. Any Councilmember who does so will be subject to censure by the majority of Council as provided in City Charter § 3-50. (1982; 1987; 2000; 2011)

### **3. SPECIAL MEETINGS**

Special City Council meetings shall be held at such time, place and manner as stated in the notice of the meeting. The President alone, or the President at the written request of three (3) Councilmembers, shall call special meetings of the Council by notice to each of the Councilmembers in writing, which notice shall state the purpose for which the meeting is called. Notice shall also be sent to the Mayor, Council Appointees, the City Clerk, and the City Attorney. The notice shall be served at least twenty-four (24) hours prior to the time of such meeting. The notice shall be served by phone to each Councilmember at the phone number shown on the Council assistant's records, and by leaving a copy at the municipal office of each Councilmember. Notice may be supplemented through any other form of communication requested by a Councilmember. (1982; 2000; 2011)

## **PART 3 - COUNCIL PROCEDURE**

### **1. QUORUM**

The President, or in the President's absence, the President Pro Tem, shall take the Chair at the hour appointed for the Council to meet, and shall immediately call the members to order. The City Clerk shall enter upon the Journal of the meeting the names of the members present. Five (5) members of the Council shall constitute a quorum to do business. In the absence of a quorum at the time appointed for a meeting, the members present shall adjourn the meeting to another designated time. (1982; 2000; 2011)

### **2. SEATING AND OFFICE ARRANGEMENTS**

Members shall occupy the respective seats in the Council Chamber and offices in City Hall as assigned to them by the President of the Council. (2000; 2011)

### **3. ADDRESSING THE PRESIDENT OF THE COUNCIL**

Members speaking to a question or making a motion shall address the President as "Mr. or Madam President," and the President shall thereupon pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate. (1982; 2000; 2011)

### **4. PERMISSION REQUIRED TO ADDRESS COUNCIL**

Members of the audience may address the Council upon recognition by the President. The decision of the President may be overruled by a vote of a majority of the Council present. (1982; 2000; 2011)

### **5. APPEALS FROM DECISION OF THE PRESIDENT**

The President shall preserve decorum and decide all questions of order, subject to appeal to Council. In case of an appeal from a ruling of the President, the question shall be: "Shall the decision of the President stand as the decision of the Council?" If a member violates the Rules of Council, the President shall call such member to order, in which case the member shall be silent, unless permitted to explain. (1982; 2000; 2011)

### **6. VOTING**

A. The Council shall act only by ordinance, resolution or motion. Every Councilmember present when a question is put shall vote on the question. Every ordinance, resolution or motion, except those providing for the expenditure of money, shall require the affirmative vote of the majority of the membership of the Council present for approval and passage. Every

ordinance or resolution providing for the expenditure of money shall require the affirmative vote of five (5) members upon final passage. (1982; 2000; 2011)

B. Whenever a vote is taken, each Councilmember present shall vote "aye" or "nay." After all members have voted, the President shall cause the vote of the Council to be flashed upon a recording board, which board shall be plainly visible to the Council and others present in the Council Chamber. The City Clerk shall then record the vote of each member of the Council in the Journal of Council's proceedings before passing on to the next order of business. (1982; 2000; 2011)

C. In the event the electronic voting machine becomes inoperative during any meeting, or the meeting is at a location without an electronic voting machine, the City Clerk shall call the roll in alphabetical order with the same Councilmember being called first throughout the meeting. The City Clerk shall record the oral vote of "aye" and "nay" of each Councilmember upon the Journal of the Council's proceedings. (1982; 2000)

#### **7. VOTE OF ABSENT COUNCILMEMBER**

It shall be improper for any Councilmember to state or attempt to state the vote or sentiments of any absent Councilmember or for the City Clerk to make any reference in the Minutes to such an attempt. (1982; 2000)

#### **8. DIVISION OF A QUESTION**

On demand of any member of Council, a question under consideration covering two (2) or more points shall be divided where the question allows such division. (1982; 2000)

#### **9. DISSENTS AND PROTESTS**

Any member shall have the right to express dissent from or protest against any ordinance or resolution of Council, and have the reason therefore entered upon the Journal. (1982; 2000)

#### **10. TIE VOTES**

In case of a tie vote on any proposal, the proposal shall be considered lost/failed. (2000)

#### **11. UNANIMOUS CONSENT - EXPEDITING COUNCIL BUSINESS**

Since these rules are designed for the protection of the minority, they need not be strictly enforced by the President except as to voting on ordinances and resolutions in formal Council sessions. When there appears to be no opposition to a matter, the formality of voting can be avoided by a member's requesting unanimous (or general) consent to a proposal or by the President's asking if there is any objection to a proposal, and if there is none, announcing the result as "unanimous consent" to the matter. (1982; 2000; 2011)

## **12. PROCEDURE IN ABSENCE OF RULE**

In the absence of a rule to govern a point of procedure, "Parliamentary Law for Nonprofit Organizations" shall govern Council's actions. (1982; 2000)

## **13. ABSENCE DURING MEETING**

Councilmembers may be excused from attending all or a portion of a Council meeting with the permission of the President. After the vote for which a member is absent, the President shall announce the results of the vote and the names of the excused members. (2000; 2011)

## **14. MOTIONS TO BE STATED BY THE PRESIDENT - WITHDRAWAL**

When a motion is made and seconded, it may be restated by the President or by the City Clerk before debate and again before the final vote. Any member may demand that it be reduced to writing. (1982; 2000; 2011)

## **15. SPECIAL MOTIONS**

These motions must be disposed of immediately:

**A. Motion Objecting to Consideration** - This motion must be made immediately after an item is called to the attention of Council by the City Clerk. This motion enables the Council to avoid a main motion that would be undesirable to consider at the time. It does not require a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present. (1982; 2000; 2011)

**B. Motion to Withdraw** - A mover of any motion may withdraw the motion as a matter of right so long as the consent of the second is first obtained. (1982; 2000)

**C. Motion to Suspend Rules** - The purpose of this rule is to enable Council to set aside one or more of its procedural rules that would otherwise prevent consideration of a certain action. A motion to suspend the rules suspends only those rules which specifically interfere with the consideration of the particular action involved. The rules are suspended only temporarily and are automatically reactivated after the proposed action has been considered. No rules or law set forth in the City Charter or City Code may be altered by suspending the rules. A motion to suspend rules is not a debatable motion and may not be amended. This motion requires a majority vote of the Council present. (1982; 2000; 2011)

## **16. PARLIAMENTARY PROCEDURE FOR MOTIONS**

When an item is before Council, no motion shall be entertained except as listed according to priority (highest to lowest): (1982; 2000)

**A. Motion to Adjourn** - Requires a second, is not debatable, is not amendable, and requires a majority vote of those present. (1982; 2000)

**B. To Postpone Temporarily** - Requires a second, is not debatable, is not amendable, and requires a majority vote of those present. (1982; 2000)

**C. To Close Debate** - Requires a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present. (1982; 2000; 2011)

**D. To Limit or Extend Debate** - Requires a second, is debatable as to type and time of limitations, is amendable as to time and type of limitations, and requires a two-thirds (2/3) vote of those present. (1982; 2000; 2011)

**E. A Motion to Postpone to a Definite Time** - Requires a second, is debatable as to reasons for postponement and date of reconsideration, is amendable as to date of reconsideration, and requires a majority vote of those present. (1982; 2000)

**F. Motion to Refer** - Requires a second, is debatable as to the referral, is amendable as to the referral, and requires a majority vote of those present. (1982; 2000)

**G. Motion to Amend** - Requires a second, is debatable unless applied to an undebatable motion, is amendable, and requires a majority vote of those present. (1982; 2000)

**H. Motion to Postpone Indefinitely** - Requires a second, is debatable, is not amendable, and requires a majority vote of those present. (This motion is not applicable to quasi-judicial items.) (1982; 2000)

**I. Motion to Reconsider** - Requires a second, is debatable, is not amendable, and requires a majority vote of those present. This motion can be made at the same meeting or at a meeting other than the meeting at which the action was taken. If at a meeting other than the meeting at which the action was taken, all members of Council must give at least fourteen (14) days written notice to the President and City Clerk that Councilmember (Name) is going to move to reconsider Item No. \_\_\_ of the formal City Council Agenda of (Date). If the motion to reconsider is voted upon and approved, no action shall be taken on the item reconsidered until the next regular Council meeting. In no event shall a motion to reconsider be made or considered more than thirty (30) days after the date the action to be reconsidered was originally taken by Council. (1982; 1986; 1991; 2000; 2011)

**J. Main Motions** - Requires a second, is debatable, is amendable, and requires a majority vote of those present. Every ordinance providing for the expenditure of money requires the affirmative vote of five (5) members upon final passage. (1982; 2000; 2011)

In making any of the above motions, the motion maker may not interrupt another speaker.  
(1982; 2000)

**17. PROCEDURES FOR THE PASSAGE OF AN ORDINANCE OR RESOLUTION**

A. Every ordinance finally passed by the Council shall be presented to the Mayor within forty-eight (48) hours thereafter for final adoption. If the Mayor approves the ordinance, the Mayor shall finally adopt it by signing it within five (5) days after presentation. If the Mayor disapproves or exercises the veto, the ordinance shall be returned to the City Clerk in accord with City Code § 1.2.108, within five (5) days with the Mayor's objections in writing. The Mayor's written objections may be transmitted electronically or by any other means. If six (6) of the members vote to "over-ride" or pass the ordinance over the Mayor's veto, it shall become a finally adopted ordinance notwithstanding the objections of the Mayor. If the Mayor does not return the ordinance with written objections in the specified time period, it shall become finally adopted as if the Mayor had approved it five (5) days after the presentation to the Mayor.  
(2011)

B. In any ordinance appropriating funds, the Mayor may disapprove or veto specific line items without disapproving the entire ordinance. After disapproval of specific line items, the ordinance shall be returned to the Council to complete the over-ride process as outlined above as to each line item disapproved. (2011)

C. Notwithstanding the foregoing, the Mayor shall not have the power to disapprove by veto the following types of ordinances. This limitation applies only to the following specifically identified ordinances: an ordinance accomplishing any quasi-judicial act; an ordinance approving bonds to be issued by any City enterprise; an ordinance pertaining to Article VI, "Utilities" of this Charter; an ordinance submitting a Charter amendment, referring an initiated ordinance or Charter amendment, or referring a Charter convention question to the qualified electors. (2011)

D. The City Clerk shall, with the Mayor, sign and attest all ordinances and resolutions.  
(2011)

## **PART 4 - UTILITIES PRICING AND TARIFF HEARING PROCEDURE**

The following rules shall govern Council hearings concerning the adoption of resolutions which change the pricing or tariff for any regulated utility service of Colorado Springs Utilities (Utilities):

### **1. HEARING PROCESS**

#### **A. Pre-Hearing Procedures**

(1) The process to change pricing or tariffs for any regulated utility service shall commence with the filing by Utilities of a resolution identifying the proposed changes, accompanied by the proposed tariffs, at a regular or special meeting of Council. Council shall establish a date for a public hearing at that meeting, which hearing shall be no less than thirty (30) calendar days nor more than sixty (60) calendar days from the date of the notice to customers of the proposed resolution.

(2) Utilities shall be responsible for notifying customers of proposed changes in pricing or tariffs for any regulated utility service as required by the City Code and Colorado law. Utilities shall place one copy of the Utilities filing and any written documents provided to Council to explain the proposed resolution on file in the office of the City Clerk. These documents shall be available for public inspection.

(3) Before or during any public hearing, Council may be assisted by legal, technical or other professional personnel as it deems necessary. If Council retains a professional consultant or advisor, the consultant or advisor shall provide a written report to Council, Utilities and any customer who has filed a notice of intent under subsection A.8 below at least ten (10) working days prior to the public hearing. A copy shall also be filed with the City Clerk and shall be available for public inspection.

(4) If the change in pricing is supported by a cost of service study, Utilities shall provide a draft copy of the proposal and cost of service study to the City Auditor at least thirty (30) calendar days prior to the filing. If the proposed changes do not require a supporting cost of service study, Utilities shall provide a draft of the proposal to the City Auditor seven (7) calendar days prior to the filing of the proposed resolution. If the City Auditor chooses to file a report on the proposal, such report shall be filed with the City Clerk and Utilities at least five (5) calendar days prior to the public hearing.

(5) Drafts of the proposed resolution and tariff sheets will be provided to the City Attorney seven (7) calendar days prior to filing with Council.

(6) Subsequent to the Utilities filing and before the public hearing, Utilities may make the following changes to its filed proposal provided that copies of any changes are filed with the City Clerk and sent to customers who have notified the City Clerk of their intention to present witnesses: a) minor corrections or administrative clarifications to the Utilities' filing; b) supplements containing additional information necessary or appropriate to substantiate the filing; c) modifications which reduce the amount of the change requested.

(7) Prior to the public hearing, no increase in the prices as noticed may be proposed without notification to all customers who notified the City Clerk of their intention to present witnesses at the hearing and without publication of such changes at least once in a newspaper of general circulation within the City. Material supporting any proposal to increase the prices as previously noticed must be filed with the City Clerk and held open for public inspection.

(8) The representative or attorney of a customer who wishes to present testimony by witnesses other than the customer must file a notice of intent with the City Clerk disclosing the names of witnesses, a short summary of testimony and a copy of all exhibits and other documentation to be presented to Council no less than seven (7) working days prior to the public hearing. A copy of all such material must be filed at the same time with the Utilities' Pricing Department Manager.

(9) There is no formal right to discovery, but parties are urged to share information in order to expedite the proceeding. Parties are also encouraged to meet in advance of the hearing to narrow or resolve the disputed issues between them. Nothing shall prohibit the Utilities from meeting with customers outside of the hearing process to discuss proposed changes in pricing or tariffs and to solicit their input. (2011)

## **B. Hearing Procedures**

(1) Council shall hear the matter in its legislative capacity. The Colorado Court Rules of Civil Procedure and the Rules of the Public Utilities Commission of the State of Colorado shall not apply to the proceedings. Council is not bound by the rules of evidence. Council may take notice of general, technical or scientific facts, or of laws, regulations or court decisions without the necessity of presentation of evidence.

(2) At the public hearing Utilities shall make a presentation to explain the filing and the need for changes in pricing or tariffs. Any customer shall be allowed to present

testimony and/or exhibits relevant to the proposed changes during that portion of the public hearing when public comment is allowed.

(3) At the public hearing, Council may question witnesses and may allow such questioning, rebuttal or argument by Utilities, and by customers, their attorneys or representatives, as Council deems appropriate. Council may limit the time for presentation by Utilities, customers and their attorneys or representatives, as it deems appropriate. Testimony must be relevant to the issues being heard and shall not be repetitious. If the testimony or exhibits are repetitious, Council may require all similarly interested customers to designate a spokesperson or may appoint one for them.

(4) No party shall have a right to present written briefs during or at the conclusion of the public hearing, unless requested by Council.

(5) Pursuant to the legal requirement that pricing and tariff decisions must be based on information contained “on the record”, once the proposed resolution has been filed if Councilmembers have communications about matters subject to decision outside of the public hearing such communications are considered to be “*ex parte* communications”. When an *ex parte* communication occurs, the pertinent details of the communication should be noted during the public hearing. In recognition of the fact that Councilmembers also serve on the Utilities Board, and that Councilmembers/Board members and members of Utilities staff frequently communicate on a number of issues, if an *ex parte* communication occurs between a Councilmember and a staff member of Utilities the staff member will reduce the pertinent elements of the communication to writing. The writing will be distributed to all Councilmembers and customers who have filed notices of intent, and shall be placed on file with the City Clerk as part of the record of the proceeding.

### **C. Post-Hearing Procedures**

(1) At the conclusion of the public hearing, Council shall identify issues for deliberation and decision. Council may adjourn to another time to complete its deliberation and make a decision on the issues. Council may revise any proposed pricing or tariff as a result of the information presented at the public hearing. All decisions made by Council shall be based on the record.

(2) After its deliberations, Council shall instruct the City Attorney to draft a proposed Decision and Order. The Decision and Order shall incorporate a description of the

history of the proceeding, the issues identified by Council for deliberation, and Council's findings on the issues.

(3) The written Decision and Order of Council shall be incorporated in a Resolution of Council revising pricing or tariffs. The Decision and Order shall be adopted in open public session and shall be placed on file with the City Clerk. It shall identify the date on which changes in pricing or tariffs were approved and the date on which they shall become effective.

(4) All prices, as established by Council in these proceedings, shall meet the requirements of the City Code. All prices shall be designated in tariff sheets and shall remain on file in the City Clerk's Office and the Utilities Pricing Department.

(5) No party shall have the right to request rehearing, reargument or reconsideration of the decision of Council.

(6) The Utilities filing and supporting documentation, all subsequent documents submitted to Council or the City Clerk by Utilities, customers or their representatives, the report of the City Auditor, the presentations to Council by any party, all Council deliberations, its Decision and Order, and the Resolution adopted, shall constitute the record of these proceedings.

## **2. EXPEDITED HEARING PROCESS FOR INSTANCES OF GOOD CAUSE**

### **A. Instances for Which Good Cause Exists (2011)**

(1) Certain pricing and tariff changes may be made, or refunds authorized, without meeting the notice and public hearing requirements imposed by Section I of this Part 4, provided that good cause exists. In the following instances, good cause exists:

- a. Changes to the gas cost adjustment to reflect increased or decreased gas costs.
- b. Changes to the electric cost adjustment to reflect increased or decreased costs of the fuel used for electric generation or purchased power costs.
- c. Refunds to customers.
- d. Changes to other fees, rates or charges that are not within the control or discretion of the City or the Utilities.
- e. Changes to the pricing of water necessary to avoid a water shortage.
- f. Tariff changes which have no adverse impact on customers.

(2) Council may find that good cause exists in other instances, and must state the nature and circumstances of the good cause in the resolution resulting from its action.

**B. Process for Expedited Hearing**

(1) Proceedings for consideration of matters for which good cause exists shall be conducted in a legislative manner as a Council item.

(2) When Utilities proposes changes to the gas cost adjustment or the electric cost adjustment, drafts of the proposal including the proposed resolution and tariffs will be provided to the City Auditor and the City Attorney seven (7) calendar days prior to filing the proposal with Council. If the City Auditor finds that the proposed adjustment is adequately supported and conforms to the requirements of the cost adjustment tariffs, the City Auditor will provide such findings in a letter to the Council that will be included in the filing by Utilities. If the proposed changes to the gas cost adjustment or the electric cost adjustment are supported by a letter from the City Auditor, the resolution effecting the change will be placed on the Council's Consent Calendar. (2011)

(3) The resolution adopting changes shall be considered an Order of Council, shall specify the changes to be made and shall state: a) the circumstances which establish good cause and necessitate the change being made under these procedures, b) the effective date of the changes, and c) the manner in which the changes shall be published. (2000, 2004; 2011)

## **PART 5 - BOARDS, COMMITTEES, AND COMMISSIONS**

### **1. COUNCIL BOARDS, COMMITTEES, AND COMMISSIONS**

Council boards, committees, and commissions are generally advisory in nature to assist Council and staff by preparing recommendations for Council decision. Board, committee, and commission members may not speak or act for Council except when formally given such authority for specific purposes. Council boards, committees, and commissions cannot exercise authority over staff without specific authority from the Council. Members of boards, committees, and commissions shall be selected in accord with the provisions of the ordinance creating the board, committee, or commission from within El Paso County and shall serve without compensation. Members of boards, committees, and commissions shall not serve with a member of their household or immediate family or with a member that is an employer/employee on the same board, committee, or commission. (2000, 2002; 2011)

### **2. PRESIDENT'S BOARDS, COMMITTEES, AND COMMISSIONS (2011)**

The President may appoint special boards, committees, or commissions composed of Councilmembers and/or citizens to assist in the study of items before the Council. A working group so appointed shall serve until the matter is disposed of by the Council unless sooner terminated by the President. (1982; 2000; 2011)

### **3. ALTERNATES**

Council may appoint alternate members to its boards, committees, and commissions. As alternates, these individuals are appointed to gain experience and observe that working group. The alternates shall not: 1) participate in the discussion of the working group; 2) participate in executive sessions; 3) vote in any matter as an alternate; or 4) substitute in the absence of a regular member, unless specifically provided by ordinance creating the board, committee, or commission. (2000; 2011)

### **4. POWERS**

No committee shall have the power to employ any person for, or on behalf of, the City, or incur any expense, unless specifically authorized by Council. (2000; 2011)

## **PART 6 - LAND ACQUISITIONS**

### **1. SALE OF CITY-OWNED REAL PROPERTY**

If the Council has found or determined that City-owned real property or interests are unneeded for the proper conduct of City affairs, the City's Real Estate Services Manager shall cause the same to be appraised by a competent land appraiser. Upon receipt of such appraisal, the City's Real Estate Services Manager shall advertise such real property for sale by sealed bid. The advertisement must be published one time in the official City newspaper at least ten (10) days prior to the date set for the opening of such bids and by posting upon a sign, notice of the sale at least ten (10) days prior to the date set for the opening of such bids. The sign shall be placed at points along the perimeter of the property so as to be visible from any adjacent ways or streets, and located so as to provide opportunity for notice to owners of surrounding properties and the public. Posting may be outside the perimeter if in the opinion of the City's Real Estate Services Manager, the posting offers more visibility for public notice. Such real property shall be sold to the highest bidder at a price not less than the appraised value. (1982; 1994; 2000; 2011)

### **2. ACQUISITION OF REAL PROPERTY**

Acquisition of real property shall follow the procedures set forth in the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests approved by Resolution No.155-07 dated September 11, 2007, as the same may be hereafter amended. (1982; 2000; 2011)

### **3. CONVEYANCES NOT REQUIRING COUNCIL APPROVAL**

Whenever the Council has approved the conveyance of a parcel of land or an interest in land that fails by reason of a technical imperfection or error or by reason of failure of the conveyance to perfectly carry out the intention of the Council, the Mayor is authorized to execute another conveyance and the City Clerk to attest the same in the same manner and intent as approved by the prior Council action without further Council approval. (1982; 2000; 2011)

### **4. UTILITIES PROPERTY**

Matters involving Utilities land acquisitions, conveyances and sale of excess property are subject to the City Charter and Utilities Board policies or by-laws. (2000; 2011)

## **PART 7 - PUBLIC HEARINGS**

### **1. GENERAL PROCEDURES FOR LEGISLATIVE PUBLIC HEARING**

A. A legislative public hearing shall be conducted to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is related to the purpose of the public hearing. The President has the authority to limit debate to a reasonable length of time to be equal for both positions. (2011)

B. Any person speaking may be questioned by a member of Council. The Council, at its discretion, may establish a reasonable time limit for each speaker. (2011)

C. The President shall rule upon all disputed matters of procedure, unless, on motion duly made, the President is overruled by a majority vote of Councilmembers present. (2011)

D. The Colorado Rules of Evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. Exhibits to Council - all parties who desire to submit exhibits to the Council for the purposes of inclusion in the record shall submit the original exhibit and twelve (12) copies to the City Clerk who shall mark the exhibit and distribute it to the Council. One (1) copy of each exhibit that may be displayed so that all of Council can simultaneously observe it shall be given to the City Clerk. If exhibits are electronic, a disk must be given to the City Clerk. The City Clerk shall hold all exhibits until time for appeal has expired, and the exhibits shall then be disposed of, unless the person submitting the exhibit picks up such exhibit from the Clerk within ten (10) working days after time of appeal has expired. (1982; 2000; 2011)

### **2. GENERAL PROCEDURES FOR QUASI-JUDICIAL MATTERS**

A. When Council sits as a quasi-judicial body in rezoning applications, appeals from the Planning Commission, and other matters in which Council is restricted to making findings of facts on evidence presented, no member of Council should receive or solicit comments from any person(s) regarding the matter pending before the Council prior to the formal public hearing at which the matter is presented. (1982; 2000; 2011)

B. In appeals from decisions of the Planning Commission and Hearing Officer, Council reserves the right to limit the hearings on appeal to matters raised on appeal. (2011)

C. The order of the hearing for items appealed from or considered by the Planning Commission shall be as follows:

(1) City staff shall have available a copy of any required public notice as published in the newspaper, a copy of any required affidavit of posting of public notice, all application documents for the proposed project, and other materials as appropriate. City staff shall give an overview of the project and summarize the Planning Commission's action for the record.

(2) The appellant, if different from the applicant, shall describe the nature of the appeal and present evidence. (2011)

(3) The applicant shall present evidence in support of the project. (2011)

(4) Any others in support of the applicant shall present their evidence.

(5) Those opposing the application shall present evidence. (2011)

(6) A short rebuttal by applicant shall be limited to issues raised in preceding testimony or argument. No new evidence shall be presented during rebuttal. (2011)

(7) Final comments from the applicant or other parties are allowed with permission of the President only. (2011)

(8) Final comments from City staff and staff recommendation shall conclude the public hearing, which is then closed.

(9) All questions will be directed through the President who will then direct the appropriate person to respond. (2011)

(10) Council may then make its decision on the matter or delay its decision. If final action is not taken at the public hearing, the President will advise the audience when the matter will be considered. Councilmembers not present for all of the public hearing will be allowed to vote on the matter only if they carefully review all applicable minutes and other documentation prior to voting. (2011)

(11) Exhibits to Council - all parties who desire to submit exhibits to the Council for the purposes of inclusion in the record shall submit the original exhibit and twelve (12) copies to the City Clerk whom shall mark the exhibit and distribute it to the Council. One (1) copy of each exhibit that may be displayed so that all of Council can simultaneously observe it shall be given to the City Clerk. If exhibits are electronic, a disk must be given to the City Clerk. The City Clerk shall hold all exhibits until time for appeal has expired, and the exhibits shall then be disposed of, unless the person submitting the exhibit picks up such exhibit from the Clerk within ten (10) working days after time of appeal has expired. (1982; 2000; 2011)

D. The order of the hearing for items appealed from a decision of the Hearing Officer shall be as follows:

(1) City staff shall have available a copy of any required public notice as published in the newspaper, a copy of any required affidavit of posting of public notice, the record including the transcript of proceedings and evidence before the Hearing Officer. City staff should summarize City Planning's recommendation and the Hearing Officer's recommendation for the record.

(2) The appellant may present argument in support of the appellant's position.

(3) A person or entity who has not appealed may present argument in support of that person's or entity's position.

(4) A short rebuttal by the applicant shall be limited to issues raised during the preceding argument.

(5) Council shall review the record including the transcript of proceedings and evidence before the Hearing Officer, and shall determine whether or not there is substantial evidence in the record to support the decision of the Hearing Officer.

(6) If there is substantial evidence in the record to support the Hearing Officer, then Council shall affirm such decision of the Hearing Officer.

(7) If there is no substantial evidence in the record to support the Hearing Officer, then the Council may reverse the decision of the Hearing Officer, or remand the matter back to the Hearing Officer for further proceedings.

(8) No new evidence shall be submitted to the Council unless a majority of the Council determines that such evidence could not have been reasonably presented at the time the matter was heard before the Hearing Officer.

(9) If the Council decides to hear such new evidence, it may hear the new evidence or remand the matter back to the Hearing Officer for further proceedings.

(10) Council shall have the discretion to modify, reject, or add to the conditions or record established by the Hearing Officer with respect to any matter before it on appeal.

(11) All questions will be directed through the President who will then direct the appropriate person to respond.

(12) Council may then make its decision on the matter or delay its decision. If the final action is not taken on appeal, the President will then advise the audience when the matter will be considered. Councilmembers not present at the public hearing will be allowed to vote on

the matter only if they have reviewed the record including the transcript of proceedings and evidence before the Hearing Officer and all applicable minutes and other documentation prior to voting.

## **PART 8 - COUNCILMEMBER CONDUCT**

### **1. COUNCILMEMBER INVESTIGATIONS**

Whenever a verbal or written communication is received by other Councilmembers, Appointees, or employees stating allegations of misconduct about a Councilmember, Council shall schedule a Closed Executive Session to discuss. If deemed merited by Council, an independent third party investigation may be requested. In order to summarily deal with untruthful complaints, the independent third party investigator shall immediately communicate with the Councilmember about whom the complaint has been made and commence an investigation by meeting with the Councilmember and the complainant. If the complaint is without merit, the independent third party investigator shall close and seal the file and report that the matter has been investigated without any finding of merit to Council. If the complaint merits further investigation, the third party investigator shall make a report to Council to request authorization for further investigation. All investigative work shall be considered work product and may be otherwise privileged. Complete final investigation reports shall be made to Council. By adoption of this rule, Council authorizes an annual budget item for the purposes of retaining an independent third party investigator. (1995; 2000)

### **2. RIGHT OF FLOOR**

When recognized by the President, a Councilmember shall confine himself/herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other Councilmember's argument or vote. (2000; 2011)

### **3. COUNCIL REQUESTS OR DIRECTION (2011)**

Individual requests or instructions of Councilmembers are not binding on the Mayor or Council Appointees including the City Attorney and City Clerk. In the case of Councilmembers requesting information or assistance without Council authorization, the Mayor and other Council Appointees may refuse such requests that require, in their opinion, a material amount of staff time, funds, or are disruptive. Councilmembers and Appointees may bring such requests to the entire Council for consideration. (2000; 2011)

### **4. VOTING**

Every Councilmember present at a Council meeting must vote on every item before Council unless it would constitute a conflict of interest under the City Charter or City Code of Ethics. Any member of City Council who has a personal or private interest in any matter proposed or

pending before the City Council shall disclose such interest to the City Council and shall excuse themselves, and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter. (2000)

## **5. ACCOUNTABILITY OF APPOINTEES**

The Council's accountability connection to the City and its enterprises, their operational organization, their achievements and conduct is through the Mayor and other Council Appointees. Although individual Councilmembers are encouraged to freely communicate with Appointees including the City Attorney and City Clerk, Councilmembers should refrain from giving individual direction to persons who report directly to the Mayor and other Appointees. Council, as a body and individual Councilmembers will refrain from evaluating, either formally or informally, the overall job performance of any staff other than their Appointees. (2000; 2011)

## **6. MONITORING PERFORMANCE**

Council will evaluate each Appointee's job performance at least once per year based upon an approved performance plan. (2000)

## **7. CODE OF CONDUCT**

A. Councilmembers must represent unconflicted loyalty to the interests of the citizens of Colorado Springs. Councilmembers should consider the interest of all of the citizens of Colorado Springs and vote accordingly.

B. Councilmembers should not attempt to exercise individual authority or influence over the City and its enterprises.

C. Individual Councilmembers will never lead the public or media to have the impression that their Appointees are acting improperly. If an individual Councilmember believes an Appointee is acting improperly, the matter shall be discussed and decided by Council.

D. Councilmembers will respect the confidentiality appropriate to issues of a sensitive or legal nature. Any Councilmember who discusses confidential matters publicly will be subject to censure by the majority of Council as provided in City Charter § 3-50.

E. Councilmembers will come properly prepared for Council Meetings. (2000)

## **8. COMPUTER USAGE AND COMPUTING ENVIRONMENT**

The City provides computer systems for use by Councilmembers in the conduct of official business. The computer systems are the property of the City and its enterprises and include computer hardware; approved, licensed software; e-mail messages; and data and/or the necessary network connections. City Councilmembers should refer to Attachment A regarding

computer usage policy. Inappropriate usage of computer and technology will be addressed by the Mayor through the President of the Council. (2011)

## **PART 9 - MISCELLANEOUS**

### **1. COMMUNICATIONS ADDRESSED TO CITY COUNCIL CONCERNING ADMINISTRATIVE MATTERS**

City communications addressed to the City Council that require administrative action shall be referred to the Mayor for response. Communication matters regarding Colorado Springs Utilities are directed by Utilities Board policies. (1982; 2000; 2011)

### **2. QUASI-JUDICIAL ACTIONS**

If Council receives written individual information on quasi-judicial actions, a copy shall be made for the rest of Council. Council should refrain from discussing quasi-judicial actions with any person for forty (40) days after the date of the quasi-judicial decision. (2011)

### **3. REIMBURSEMENT**

A. Councilmembers shall be eligible for reimbursement of expenses incurred while attending to official City business based on the City's current travel and meal policies referenced in Attachment B. (1982; 1993; 2000; 2011)

B. All out-of-state travel by a Councilmember must be authorized by Council before reimbursements shall be authorized. Any Councilmember wishing to obtain reimbursement for out-of-state travel will address a communication to that effect to Council at a time prior to the event with a copy to the President. The request will be considered as an action item on the next informal Council meeting agenda. (1982; 1993; 2000; 2011)

### **4. AMENDMENT OF RULES**

These rules may be amended or waived and new rules adopted by a majority vote of all members of the Council. (2000)

### **5. DEFINITIONS**

A. **COUNCIL** - Wherever "Council" is used, it refers to the City Council for the City of Colorado Springs. (2000)

B. **COUNCIL APPOINTEE** - A "Council Appointee" is the Utilities Executive Director, City Auditor, and the Memorial Health System Board of Trustees through its chair person. (2000; 2011)

C. **LEGISLATIVE ACTION** - A legislative action generally involves the exercise of Council's authority to make laws for the good of all the citizens. The existence of a statute or ordinance is not determinative since the law considers the nature of the decision and the

process by which the decision was reached as most important. Legislative action is usually reflective of some public policy relating to matters of a permanent or general character, is not normally restricted to identifiable persons or groups, and is usually prospective in nature. Further, legislative action requires balancing questions of judgment and discretion, is of general application, and concerns an area usually governed by legislation. See: *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988). (2000; 2011)

**D. ORDINANCE** - An ordinance is the formal legislative document which establishes the law of the City and remains in effect until otherwise repealed or amended by the Council. The City Clerk shall read the title of the ordinance for consideration by Council except those items on the Consent Calendar which are acted upon as a whole. Related ordinances may be acted upon as one item after the titles are read in series by the City Clerk. (2000; 2011)

**E. QUASI-JUDICIAL ACTION** - A quasi-judicial action generally involves a determination of the rights, duties, or obligations of specific individuals on the basis of the application of presently existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving the particular interests in question. The existence of a statute or ordinance mandating notice and a hearing is generally evidence of a quasi-judicial decision. Another factor indicating the judicial nature of a municipal action is whether the matter is of a type ordinarily heard by a court. If the issue is essentially political, the action cannot be deemed to be quasi-judicial (McQuillin Mun Corp § 49.69). It is the nature of a decision rendered by the governmental body and the process by which that decision is reached that determines whether the governmental body has exercised a quasi-judicial function in rendering its decision. See: *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988). (2000)

**F. RESOLUTION** - A resolution may be used for a statement of policy or other matters which are not required to be adopted by ordinance. (2000)

Policy # 57  
COMPUTER USAGE AND COMPUTING ENVIRONMENT

**Policy # 57**  
**COMPUTER USAGE AND COMPUTING ENVIRONMENT**

*Policy Statement: The City provides computer systems for use of its employees in the conduct of official City business. City employees are required to comply with all official City and departmental computer systems policies that apply to them as end-users, including adherence to all Information Technology Security Procedures.*

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## Definitions

### *Computing Resources*

Computer, network, or data equipment, and/or services, leased, owned, or contracted for or by the City, to include:

- Computer and network hardware.
- Computer software, application systems, and programs.
- Data such as records, files, logs, and images which are or have been stored electronically or transmitted using City property.
- Messages such as e-mail, created, stored, or viewed on such computer.
- Computer or network services, such as Internet, intranet, e-mail systems, and other programs or applications that reside within or operate as part of the City's computing environment.

### *Approved Software*

Software or programs that are:

- Approved for use by the manager of the unit.
- Approved for use in the City, as stated in the Hardware & Software standards for the City.

## Access

The City is able to monitor or examine messages, data, or software that involve its computing resources. As the owner of the computer systems, the City reserves the right to periodically examine, as it deems appropriate, any messages, data, or software left on or transmitted using the City's computing resources, including electronic logs and usage records.

- Employees should assume that such messages, data, or software are not private/confidential.

### **DISCLAIMER**

*The information contained in this Personnel Policies and Procedures Manual (PPM) supersedes all previous Civilian personnel policies and administrative regulations. The PPM is not legally binding and does not create a contract of employment, either expressed or implied. Modification, suspension, interpretation or cancelation of any provisions to the Civilian/Sworn PPM shall be in accordance with City Code.*

## COMPUTER USAGE AND COMPUTING ENVIRONMENT

- The contents of computers and electronic mail are subject to the Colorado Open Records Act, court order, or a legitimate City business inquiry. Therefore, under certain circumstances, the City may disclose the contents to the public.
- At the City's discretion, messages, data, or software deleted from computing resources may be retrieved.

### Internet Usage

The City uses software and systems to monitor and record the Internet usage for each user. The City reserves the right to block accesses from within its networks to any sites deemed inappropriate or which have a detrimental effect upon network performance. Employees should not have any expectation of privacy as to their usage of Internet World Wide Web sites, file transfers, chat sessions, and/or online subscription or delivery.

### E-mail

E-mail or other computer generated messages that are to be broadcast to all City employees must be coordinated with Public Communications and will be distributed by Information Technology.

### Security

City employees are required to read, understand, and comply with all policies contained in the City's Information Technology Security Policies Manual pertaining to end-users. The Citywide policy may be accessed on the City's Intranet (IntraCity) and all policies pertaining to end-users may be found in Chapter 3 of that manual. In addition, employees must comply with any additional security policies that may have been promulgated by their respective department. Failure to comply with security policies may result in discipline, up to and including termination.

### Misuse of Computing Resources

Employees are expected to properly use the computer resources available to assist in the performance of their assigned job. Computer misuse may result in discipline, up to and including discharge.

Examples of misuse include, but are not limited to, the following:

- **Excessive or Inappropriate Use:** An employee's access to the Internet or use of any computing resources may be terminated or limited at the discretion of the employee's immediate supervisor, Department Director/Division Manager or Council Appointee if the usage is interfering with the performance of duties or is otherwise deemed inappropriate.
- **Offensive Material:** A wide variety of materials available on the internet or received by e-mail may be deemed offensive. These materials include, but are not limited to sexually

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## COMPUTER USAGE AND COMPUTING ENVIRONMENT

explicit material and material that includes racial, ethnic, religious, or sexist slurs.

Employees are not to use the City's computing resources to intentionally, view, store, print, or redistribute any such document or graphic file.

- **Personal Economic Gain:** The City's computing resources must not be used in any fashion for personal economic gain, including private businesses or gambling activity.
- **The Fair Campaign Practices Act:** Provisions must not be violated through personal usage of the computer, if such usage might influence the outcome of an election.
- **Software Usage:** The installation and use of software must be approved by the Department Director/Division Manager or Council Appointee and must comply with the City's Hardware and Software Standards. Usage of approved software must comply with all licensing requirements.
- **E-Mail Misuse:** E-mailed chain letters, jokes, personal messages, and goods for sale should not be broadcast. Offensive and inappropriate material should not be contained in any e-mail messages.

*Last revised: 3/06*

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## **Policy # 61**

### **TRAVEL/MEETING EXPENSES**

*Policy Statement: Travel and meeting expenses incurred by employees while attending meetings, conferences, and conventions on official City business may be authorized according to City Policies. Such activities may be authorized for the employee's attendance and should be considered a privilege not an entitlement. Departments may limit the allowable expenses for the employee below the City allowable expense limits.*

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#### **General Guidelines**

It is impossible to anticipate every possible expense in order to receive prior authorization. Therefore, employees are expected to exercise good judgment and proper economy when incurring travel and meeting expenses. Each employee is responsible to assure that all travel related expenditures are consistent with this policy and meet the approval given by the Department Head/Division Manager/Council appointee. An employee shall evaluate the proposed travel expenditures in relationship to:

- An amount that would be spent if the cost were to be paid for personally.
- A test of public scrutiny, if the expenditure were to become a matter of public knowledge.

A Travel Request Form must be completed and submitted to the Department Head/Division Manager/Council Appointee for review and approval prior to commitment to any travel arrangements. The form must include employee's name, purpose of trip, destination, dates of departure and return, and a detailed listing of all expected expenses for the trip. The form, with Department Head/Division Manager/Council Appointee approval, must be attached to employee's expense summary and/or Visa statements that include travel expenses upon return from the trip.

Department Heads/Division Managers/Council Appointees need to consider Fair Labor Standards Act regulations regarding pay for travel time prior to approving travel arrangements. Additional information is available from the Human Resources or Payroll Offices.

Travel forms, instructions, and detailed information on required documentation described in the City Policy can be obtained from the City Finance Office.

#### **Expenditure Categories**

Employees authorized by their Department Head/Division Manager/Council Appointee to travel and/or attend meetings on official City business may be eligible for expense reimbursement or

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TRAVEL/MEETING EXPENSES

allowed to use their City Visa for payments in accordance with the guidelines established in each of the following categories. Travel expenses must be itemized on the Expense Summary form and forwarded to Accounts Payable within five working days after return. Receipts shall be required in support of expenses.

### Transportation

Only one day of travel time each way will be covered as an authorized absence. Additional travel time shall be charged to the employee's vacation balance.

- **Air travel** shall be limited to the round trip "economy coach" fare. Travel from the Colorado Springs Airport is encouraged.
  - Unless there are extenuating circumstances, the employee should take advantage of lower airfares by purchasing tickets more than seven days in advance of travel.
  - In-state travel by air must be more economical than travel by city or private vehicle and must be approved by the Department Head/Division Manager/Council Appointee.
- **Rail travel** shall be limited to "coach" fare for trips not involving overnight travel. When sleeping accommodations are required, a Pullman or roomette may be authorized. Expense shall be limited to the air "economy coach" fare.
- **Bus travel** may be authorized for travel and shall be limited to the air "economy coach" fare.
- **City vehicle** usage is covered by Policy and Procedure # 58, Vehicles (Usage of City-Owned). Prior approval must be obtained from the Department Head/Division Manager/Council Appointee before the spouse and/or children accompany the City employee. Costs of fuel for the vehicle may be paid but shall be limited to the costs of air "economy coach" fare. Exception may be allowed if there is a sufficient reason for needing the City vehicle at the event. Written justification must be provided.
- **Private vehicles** may be authorized for use on official City business.
  - **In-state** reimbursement shall be at the mileage reimbursement rate that is published by the IRS annually. Mileage may be paid from the employee's home to the meeting location, but shall be limited to the number of miles from the employee's work site to the meeting location, or from the employee's home to the meeting location; whichever is less. Details of trips must be submitted according to IRS regulations; additional information is available from the City Finance Office.
  - **Out-of-state** travel reimbursement shall be at the mileage reimbursement rate published by the IRS. Details of trip must be submitted according to IRS regulations; additional information is available from the City Finance Office. Employees may be reimbursed for mileage expense associated with one round trip for travel between

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their home/work site when departing from the airport. Colorado Springs Airport employees will be reimbursed for travel from their home to the airport if travel is for the purpose of travel on a domestic flight.

- Employee may be reimbursed for two round trips to the Colorado Springs Airport if an employee has someone drop them off and pick them up at the Colorado Springs Airport rather than drive their own vehicle or take a cab. Mileage shall be limited to the number of miles from the employee's work site to the airport, or from the employee's residence to the airport; whichever is less.
- Short-term parking, long-term parking or cab fare associated with airport departure and arrival may be allowable expenses. Valet parking will not be allowed unless it is the least expensive or only option.
- **Car rental** at the destination may be approved by Department Head/Division Manager/Council Appointee.
  - If City Visa cards are used, US Bank will provide collision damage insurance protection if that employee is driving. It will also cover another City employee driving the vehicle other than the one listed as the renter. It will not provide coverage for a spouse, friend or permissive user other than a City employee. It does not provide liability coverage. The City Claims Office recommends that employees obtain liability coverage from the rental car company.
  - If a personal Visa card is used, the City Claims Office recommends employees obtain insurance from the rental car company. Additional information on insurance options is available from the City Claims Office or the City Finance Accounts Payable Office.
  - **Shuttle transportation, public transportation and cabs**, may be reimbursed on approval by Department Head/Division Manager/Council Appointee.

### Lodging

Hotel/motel selection and advance reservations are to be done in such a manner as to assure moderate rates. Lodging shall be for the minimum number of nights required to conduct the assigned City business.

If employee's spouse and/or children share the lodging, the lodging rate shall be limited to the single occupancy rate. Differential should be noted on the receipt.

### Meals

- IRS Per Diem Rates will be paid on overnight travel subject to travel having taken place and expense reimbursement being requested from the Accounts Payable department.

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Department Head/Division Manager/Council Appointee may decide to reimburse less but cannot pay more than IRS Per Diem Rates.

- Internal Revenue Service Publication 1542 Per Diem Rates can be found on the internet at: <http://www.irs.gov/pub/irs-pdf/p1542.pdf>. Use the chart titled “Maximum Federal Per Diem Rates” for the most current year. Use the column titled “M&IE Rate”.
  - Chart amount per day times the number of days will be the maximum amount allowed for meals per trip.
  - On the dates of departure and return, the per diem that will be paid is  $\frac{3}{4}$  of the M&IE rate.
  - Employee should attach a written copy of the Federal Per Diem Chart page showing the location rate with their Travel Request Form. Employee should also complete the per diem calculation form on the travel request form and provide to the Accounts Payable department for payment of the per diem.

### Miscellaneous

If the specific city is not listed, employee should determine which location on the list is closest in proximity to the location of travel. If no Per Diem rate is available for the location of travel, a maximum of \$40 per day times the number of days will be the maximum amount allowed per trip.

- No meals should be charged to the City Visa card when traveling.

Additional expenses shall be approved by Department Head/Division Manager/Council Appointee and may include:

- For trips longer than five working days, laundry, and dry cleaning expense up to \$50 per week may be allowed.
- Employees may be allowed long distance phone calls to home limited to a maximum of \$10 per trip. Hotel access fees for phone calls may be included in the \$10 limit. No other personal phone calls are allowed.
- Internet access charges may be allowed limited to a maximum of \$15 per day. Explanation must be provided that supports a specific need for this service.
- Personal expenses incurred during travel that are primarily for the benefit of the traveler and not directly related to the official purpose of the travel will not be allowed. Examples include the purchase of personal hygiene items, magazines, snacks, movie rentals, and other miscellaneous items.
- Tips for shuttle’s or taxis should be limited to 15% of the bill.

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- Tips for services other than meals or shuttles/taxi's will not be allowed. Examples include bellhops, baggage handlers, and maids. (The City will not reimburse for this but tipping is an incidental cost of travel and incidental costs are included in the amount received from the per diem.)
- The cost of special entertainment and tour events which are not included in conference registration fees are generally not allowable expenses. However, if the event is related to the purpose of the conference, the Department Head/Division Manager/Council Appointee may approve the expense.
- Costs of recreational events that include meals may only be allowed when included within the limits of the maximum allowable meal expense per trip. Such costs shall be reported on the employee's expense summary even if expense was paid by City directly upon registration.

**Combined Business and Vacation Guidelines**

An employee may request approval to combine vacation leave with out-of town conferences, conventions or meetings. Applicable policies shall govern the allowable expenditures for the business portion of the trip. The following guidelines shall also apply:

- Travel time is limited to one day each way.
- The employee shall reimburse the City for any additional airfare, lodging, meal, or other expenses incurred as the result of the extended stay or rerouting through an additional city. Written documentation shall be provided to support proof of cost differences.

**City VISA Card**

The City may receive tax exempt status when the City VISA card is used. Use of the City VISA card is the preferred method for payment of expenses. The VISA Policies and Procedures manual addresses all the procedures regarding use of the City VISA card for travel. The travel policies apply to City travel, whether using the VISA card or using cash funds requesting reimbursement. Please see the VISA Policies and Procedures manual for instructions on using the City VISA card when traveling on City business. Both the manager and the employee approving Visa card expenditures are mutually responsible to assure that the expenditure is consistent with this policy. Failure to adhere to the policies and procedures may result in discipline, up to and including termination.

*Last revised: 11/08*

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## **Policy # 62**

### **SAME DAY MEAL POLICY**

*Policy Statement: The City of Colorado Springs offers payment for meals related to same day meetings, retirements and special functions.*

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#### **Eligibility**

All employees of the City of Colorado Springs are eligible for same day meals, subject to limitations listed below. This policy is enforced when a city employee attends a meeting where a meal is served and also attended by members of the public, the business community, or officials from other governmental entities, specifically to discuss business related to the City. This policy does not apply to any employees of Colorado Springs Utilities or Memorial Hospital.

#### **Definitions**

“Same Day meals” shall include all foods and beverages that are purchased when the employee is not away from home overnight. If overnight accommodations are required, Travel Policy No. #61 in the Policies and Procedures Manual will be followed.

#### **Authorized Non-Taxable Meals**

When an employee is authorized to attend, the following meals will be non-taxable to the employee subject to documentation through detailed receipts:

- Attendance at meals held by Economic Development Corporation, any Chamber of Commerce or State of the City lunch where the primary purpose of attendance is business relations with the City or other business needs.
- Attendance at meetings where meals are served with outside organizations or entities related to obtaining business for enterprises.
- Meals conducted by City Management, Department Heads and Council Appointees to provide or receive support or assistance related to City business.
- Trade or business organization meals, which are related to the job responsibilities of the person attending.
- Meals included in the registration paid as part of a convention or conference.
- Events that have been approved as having a business purpose. These events will be included in an approved list which will be maintained in the Finance Department. Any events not covered in the approved list must be submitted for approval of the business purpose. A form, which will be maintained in the Finance Department will be required to be

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completed in full, approved by the department director/division manager or council appointee and provided to the Finance Director. Once the event is approved, this approval can be used in future years for attendance subject to the employees attending being similar in rank or position to the previous approval.

Departments are also allowed the following de-minimus (small) purchases of same day meals:

- Retirement events that do not exceed more than \$250, per retirement
- One annual luncheon per department
- The City's Annual Holiday Party
- Occasional coffee, doughnuts, cake, soft drinks, or other light snacks

**Taxable Meals**

Other meals may be attended by employees and may be reimbursable by the City with the approval of the employee's manager, but will be taxable to the employee.

**Non-Authorized Meals**

Meals with only City employees in attendance will not meet the requirements of this policy, even if City business is discussed. An exception to this provision may be made by a Department Head/Council Appointee if the purpose of the meeting in which a meal is served is solely to conduct City business; is of an urgent nature; and no other time of the day is conveniently available. Written documentation stating the need and verifying that the meal expenditure is consistent with this provision shall be provided with the receipt for City payment.

*Last revised: 7/06*

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