



# **City Council of Commerce City**

## ***Regular Meeting Agenda***

Council Chambers, 7887 E. 60th Ave.

**Monday, October 10, 2011, 6:30 p.m.**

***(TIMES INDICATED NEXT TO AGENDA ITEMS ARE AN APPROXIMATE START TIME ONLY)***

**1. Call to Order/Roll Call - 6:30**

**2. Pledge of Allegiance**

**3. Audience Introduction - 6:35**

**4. Presentations & Proclamations**

a) 6:40 Recognition and presentation of a certificate to Atlas Copco CMT USA LLC. The parent company, Atlas Copco, was identified by Forbes Magazine as one of the The World's Most Innovative Companies. **Tab 1**

b) 6:45 Presentation by Jocelyn Hernandez on her trip to Europe which was supported in part by members of City Council **Tab 2**

**5. Citizen Communication - 6:55**

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address Council will be given the opportunity after signing the roster. Speakers should limit their comments to three minutes.

**6. Approval of Minutes - 7:10**

- a) Regular Meeting Minutes of August 22, 2011 **Tab 3**
  
- b) Special Meeting Minutes of August 29, 2011

**7. Resolution**

- a) 7:15 **Resolution 2011-43** RESOLUTION APPROVING COUNCIL POLICY #CP-19 REGARDING USE OF DISCRETIONARY FUNDS **Tab 4**
  
- b) 7:30 **Resolution 2011-44** RESOLUTION REGARDING CITIZEN COMMUNICATIONS AT CITY COUNCIL MEETINGS **Tab 5**
  
- c) 7:35 **Resolution 2011-45** RESOLUTION APPROVING COUNCIL POLICY #CP-21 REGARDING FILLING OF A COUNCIL VACANCY **Tab 6**
  
- d) 7:45 **Resolution 2011-46** RESOLUTION ADOPTING PROCEDURE FOR CONDUCT OF QUASI-JUDICIAL PUBLIC HEARINGS AS COUNCIL POLICY #CP-22 **Tab 7**
  
- e) 7:55 **Resolution 2011-47** RESOLUTION UPDATING COUNCIL POLICY #CP-2 **Tab 8**
  
- f) 8:00 **Resolution 2011-48** RESOLUTION UPDATING COUNCIL POLICY #CP-5 **Tab 9**

**8. Study Items**

- a) 8:15 Quality Community Foundation Update **Tab 10**

## **8. Study Items**

- b) 8:25 Revision of Investment Policy

**Tab 11**

## **9. Executive Session - 8:40**

- a) 8:40 Executive session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402(4)(b) concerning the proposed medical waste disposal facility.

## **10. Administrative Council Business - 9:10**

## **11. Reports - 9:25**

## **12. Adjourn - 9:35**



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 03 Oct 2011

**Number of Attachments:** None

**Subject: Recognition and presentation of a certificate to Atlas Copco CMT USA LLC. The parent company, Atlas Copco, was identified by Forbes Magazine as one of the The World's Most Innovative Companies.**

**Presenter: Brittany Morris Saunders**

**Recommended City Council Action:**

Staff recommends recognition of the Commerce City operations of this international company that has been designated by Forbes Magazine as one of The World's Most Innovative Companies.

**Summary Statement:**

Atlas Copco received the 2011 Forbes Magazine designation of being one of The World's Most Innovative Companies. Jim Levitt, Vice President of Finance, and Aaron Prato, Business Controller, of Atlas Copco CMT USA LLC will attend to accept the certificate.

**Next Steps:** None

**Expenditure Required:** None

**Source of Funds:** NA

**Policy Issue:** NA

**Alternative:** NA

**Background Information:**

Atlas Copco is an international company that has provided industrial productivity solutions for more than a century. Atlas Copco Construction Mining Technique (CMT) USA LLC is headquartered in Commerce City and opened in 2002. Early

this year, the sales and service center was opened at 10525 Havana Court. These facilities serve the Rocky Mountain Region and are responsible for the sales, aftersales service and rental of equipment for:

- Surface and underground rock excavation
- Exploration drilling
- Rock reinforcement
- Ground engineering
- Water well
- Oil & gas drilling

This year the parent company, Atlas Copco, received the 2011 Forbes Magazine designation of being one of The World's Most Innovative Companies based on an Innovation Premium. The Innovation Premium is a measure of how much investors have bid up the stock price of a company above the value of its existing business based on expectations of future innovative results (new products, services and markets) . Members of the list must have \$10 billion in market capitalization, spend at least 1% of their asset base on R&D and have seven years of public data. Atlas Copco has experienced a 5-Year Average Sales Growth of 5.8% with a 5-Year Net Income Growth of 8.6%. The Innovation Premium for this company is 21.9.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 24 Aug 2011

**Number of Attachments:** 1

**Subject: Presentation by Jocelyn Hernandez on her trip to Europe which was supported in part by members of City Council**

**Presenter: Jocelyn Hernandez**

**Recommended City Council Action:**

No action is needed at this time.

**Summary Statement:**

Miss Hernandez will present on her gains based on her trip to Europe this past summer.

**Next Steps:** No next steps necessary at this time.

**Expenditure Required:** None

**Source of Funds:** N/A

**Policy Issue:** Should City Council follow up on the outcomes of those they support on educational ventures.

**Alternative:** Do nothing

**Background Information:**

Miss Hernandez presented to City Council in the spring requesting support to round up funds to pay for an educational trip to Europe this past summer. City Council was very supportive of her trip and assisted her with the condition that she would return and present on what she learned on the trip.

# My Europe Trip

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Thanks To everyone that so  
generously helped.

By: Jocelyn Hernandez

# Ireland

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- On this life changing trip I not only helped the Irish by collecting peat and learning some Irish moves while listening to their great music, but I also saw the beautiful landscape that Ireland has to offer. The people in Ireland were the most kind and most welcoming people that I have ever encountered. I helped make some childrens games with their youth group and I made so many new friends from across the ocean. These experiences helped me incredibly by opening my eyes to how far a little help can go and how many friends you can make by just being yourself.



# Wales

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- In Wales we saw a burial ground of the older times. People back then thought that a tree represented life and stone represented death. In the cave there is a solidified tree that represents eternal life. We had an amazing guide for Wales that taught us how to count in Welsh, ian-deg-tree, means 13. And apparently people in Wales don't like putting spaces in their words which you can tell by their train station name. Lastly and most importantly that night we went to meet some Full On people and they showed us how to change our perspectives in accordance with what we need/want. They made each and every one of us smash through a wooden board. I didn't think I could do it, but incredibly I broke through it and I was amazed and felt invincible. That Full On experience showed me there's nothing I can't do if I put my mind to it.



# England

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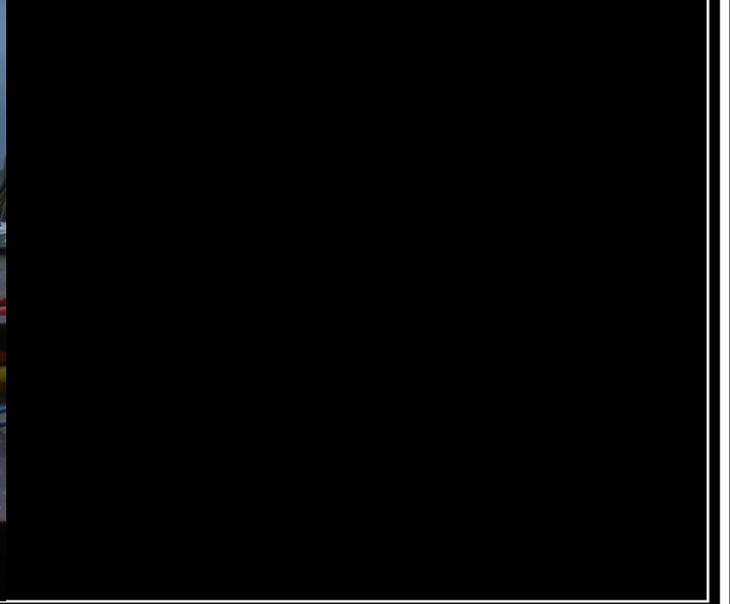
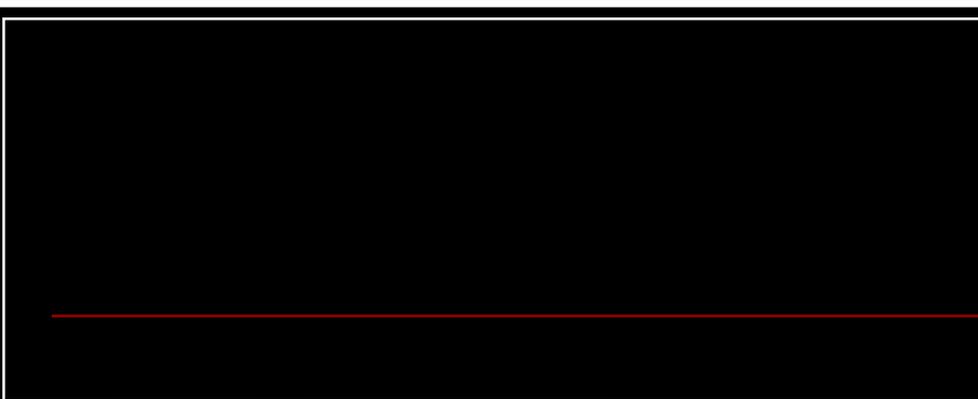
- In England we visited the Tower of London where we learned about the tale that if the ravens were to ever leave the tower then the tower and the kingdom will fall. We also saw and meet a member of parliament. He made a history lesson actually entertaining. We learned about the government in England in a nut shell since we didn't have all the time in the world. We were dressed higher class that day because after our dinner with "Henry the VIII" in a castle like restaurant we went to go see a play. "Million Dollar Quartet" was a play about the night Elvis Presley, Johnny Cash, and their companion made rock and roll history. It was an amazing play that left us all dancing and singing along.



# Isle of White

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- Over the course of two days we wind surfed, kayaked, built a raft, and went dingy boat sailing. All of those activities were worth squeezing ourselves into those tight wet suits. We were all cold at lunch time since we had to keep them on for our afternoon activity, but before and after dinner we had a lot of free time on our hands. That we used to better know our delegation leader and each other. These were the days were most of my new friendships were made and others were fortified. This is where I personally lost my fear of deep water. I love swimming but not in the ocean where I don't know what's in it. After these two days I capsized so many times, jumped of a dock, and on the last day went crab fishing. Now I have no problem with any of this anymore. I hope to one day go back, especially since all the people there were amazing.



# World War II

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- In France we went to Normandy Beach and Omaha Beach. We saw where the American forces landed to help the Europeans against Germany. We also saw the huge cemetery that holds 33,000 soldiers that died on that battle field; including Theodore Roosevelt and his son. The architect for this cemetery made it so that no matter where you stood you could always see a “V” for victory. The last picture has the beautiful view of the beach next to the cemetery. I walked there during our free time because it was the first time I realized how much all of these people that I don’t even know sacrificed for me to have and be what I am today. I felt extremely proud to be an American, and I will no longer take that for granted. We visited The Peace Museum and Anne Frank’s house. We saw how terrible the II World War really was and how terrible all the Jews were treated. We weren’t allowed to take cameras in there, but it was still an extraordinary experience.



# France

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- In France we had an amazing time. We saw the Eiffel Tower: what an incredible view! We saw the largest round about in the world that no insurance company will cover you for getting in an accident in there. We also went to the Norte Dame Cathedral. We took so many pictures around there and they gave us free time to go shopping and to see everything that we could. Here in France was also where we ate frog legs and escargot which I don't know why they give a fancy name to snails. I thought that it was going to taste bad or the texture to weird for me, but we the frog legs tasted like chicken, while the snail was just really garlicky. The meal overall was great and I'm glad that I tried it.



# Thanks

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- My Europe trip was very eye-opening and incredible. A lot of high school problems that were troublesome to me before don't seem all that important anymore. This trip really matured me and I hope to go back one day. I couldn't have done this trip without the help of all the wonderful people that knew I would make it. This was truly a life-changing experience and I wouldn't change it for anything in the world.

MINUTES  
REGULAR MEETING OF  
COMMERCE CITY COUNCIL

August 22, 2011

**CALL TO ORDER**

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on August 22, 2011, at 6:30 p.m.

**ROLL CALL**

**Present:**

Mayor Natale - presiding  
Councilman Benson  
Councilman Bullock  
Councilwoman Carson  
Councilman Diaz  
Councilman Moreno  
Councilwoman Teter

**Absent:**

Mayor Pro-Tem Snyder  
Councilman McEldowney

**Staff Reporting:**

City Manager Jerry Flannery  
City Attorney Bob Gehler  
Finance Director Roger Tinklenberg  
Deputy City Manager Tom Acre  
Human Resources Director Heather Spencer  
Economic Development Director Brittany Morris  
Communications Director Michelle Halstead  
Parks and Recreation Director Carolyn Keith  
Public Works Director Gregg Clements  
City Engineer Daren Sterling

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**AUDIENCE INTRODUCTION**

The audience introduced themselves.

## **CITIZEN COMMUNICATION**

Charles Wolfersberger, 9605 E. 112<sup>th</sup> Drive, requested Council's support for organizing a metropolitan district.

Gene Leffel, 6530 Brighton Blvd, discussed the proposed biological waste facility in Adams County and encouraged Commerce City citizens to attend the upcoming Adams County Planning Commission meeting.

## **RESOLUTIONS**

### **Resolution 2011-49**

Council members Teter and Benson moved and seconded to approve Resolution 2011-49.

City Attorney Gehler read the title of Resolution 2011-49: *RESOLUTION APPROVING EXTENSION OF REBATES AND BENEFITS FOR ECONOMIC DEVELOPMENT*

**VOICE VOTE: Unanimous; all present affirmed**

## **STUDY ITEMS**

### **2012 Budget Presentation and Discussion**

Human Resources Director Heather Spencer reported on the employees and their duties within the Human Resources Department and focused on the new risk management position and how that position will limit the city's liability. Ms. Spencer continued that the Human Resources Department is focusing on plans for retaining current employees.

Economic Development Director Brittany Morris presented Council with the economic development's budget with a decrease of \$7,800 from 2011.

Communications Director Michelle Halstead discussed department goals and requested additional funds for the city's graphics projects. While striving to be fiscally responsible, the communications department stays motivated to reach Council's goals along with meeting the citizens' expectations.

Parks and Recreation Director Carolyn Keith stated that the parks and recreation budget for 2012 has decreased slightly from 2011. Ms. Keith continued that the budget for the Buffalo Run Golf Course is balanced for 2012, even with the reduction in golf fee revenues due to the economy. Ms. Keith stated that the capital improvement projects proposed for 2012 are as follows:

- 104<sup>th</sup> Multi-use paths
- Fairfax improvements
- General Park improvements

RECORD OF PROCEEDINGS

August 15, 2011

- Sand Creek Trail improvements
- Tree replacement
- Golf replacement
- Golf irrigation

Public Works Director Gregg Clements presented upcoming infrastructure maintenance and improvements for 2012. Mr. Clements stated that preventative maintenance and upkeep versus replacement of roads and equipment keeps costs down.

City Engineer Darin Sterling addressed storm water facilities for 2012 and the possibility of charging residents and commercial businesses fees to cover state mandated regulations.

**ADMINISTRATIVE COUNCIL BUSINESS**

Mayor Natale reported that he attended an Adams County executive breakfast and all the elected Adams County officials agreed to sign a letter addressed to the Adams County Sheriff requesting a 60-day extension regarding the implementation of the proposed restriction on the number of municipal court prisoners sent to the county jail. The extension will allow each city to discuss alternatives.

City Attorney Bob Gehler added that the Adams County Sheriff made a unilateral decision to limit the number of prisoners brought to the jail by each municipality. City Attorney Gehler addressed the importance of sending this letter out as soon as possible because currently Commerce City has seven prisoners and would only be allowed four, thus requiring the release of three prisoners. These prisoners are serious criminals and should not be released.

Council members Benson and Teter moved and seconded to allow the mayor and the city manager to sign the letter requesting a 60-day extension regarding the implementation of the restriction on the number of municipal court prisoners sent to the county jail.

**VOICE VOTE: Unanimous; all present affirmed**

Councilman Benson inquired about changing the budget meeting from September 12<sup>th</sup> to September 19<sup>th</sup> since he would be attending a meeting out of town. Council consensus was to hold the budget meeting on September 12<sup>th</sup>.

Councilman Benson stated that the current sign code is inhibiting developers from generating business and asked that staff look into changing the sign code.

City Manager Flannery replied that the current sign code could not be changed; however, Council was looking into allowing exceptions during the economic downturn. City Manager Flannery continued that he would need to follow up with Deputy City Manager Brian McBroom on that possibility.

**REPORTS**

City Manager Flannery reported that Council received a memo from Finance Director Roger Tinklenberg providing an update on the Long-Range Financial Plan.

Communications Director Michelle Halstead reported on the grand opening of King Soopers.

Councilman Bullock reported on attending numerous events and meetings.

Councilman Benson reported on attending numerous events and meetings.

The Mayor reported on attending numerous events and meetings.

**ADJOURNMENT:**

The meeting adjourned at 10:34 p.m.

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Paul Natale, Mayor

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Cheryl Scott, Deputy City Clerk

MINUTES  
SPECIAL MEETING OF  
COMMERCE CITY COUNCIL

August 29, 2011

**CALL TO ORDER**

A special meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on August 29, 2011, at 6:30 p.m.

**ROLL CALL**

**Present:**

Mayor Natale - presiding  
Mayor Pro-Tem Snyder  
Councilman Benson  
Councilwoman Carson  
Councilman Diaz  
Councilman McEldowney  
Councilman Moreno  
Councilwoman Teter

**Absent:**

Councilman Bullock

**Staff Reporting:**

City Manager Jerry Flannery  
Assistant City Attorney Karen Stevens  
City Clerk Laura Bauer  
Police Chief Phil Baca  
Community Development Director Jim Hayes  
IT Director John Howard  
Budget and Performance Analyst Jason Leslie  
Finance Director Roger Tinklenberg  
Deputy City Manager Brian McBroom

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**AUDIENCE INTRODUCTION**

The audience introduced themselves.

## **PRESENTATIONS AND PROCLAMATIONS**

### **Lot Drawing for Ballot**

City Clerk Laura Bauer and Police Chief Phil Baca conducted the drawing by lot for placement of the candidate names on the November 2011 ballot.

## **CITIZEN COMMUNICATION**

Tejwand Mangat, 20555 E. 120<sup>th</sup> Ave., asked Council to allow them a two-year temporary water service connection at the temple. He stated that neither the water district nor the City of Brighton object to the request.

Gene Leffel, 6530 Brighton Blvd., thanked Council and staff for addressing the Adams County Commissioners at a public hearing regarding a proposed medical waste facility to be located in the county. He asked Council to create an ordinance limiting where medical waste facilities can be placed.

Susan Lubay, 5175 E. 119<sup>th</sup> Pl., Thornton, asked Council to host a golf tournament for Adams County 4H.

## **APPROVAL OF MINUTES**

### **June 6, 2011**

Council members Teter and McEldowney moved and seconded to allow Councilman Diaz to abstain from voting on the minutes of June 6, 2011, because he was not seated on Council until June 13, 2011.

**VOICE VOTE: 7 aye, 1 abstain (Diaz)**

Council members Snyder and Moreno moved and seconded to approve the minutes of June 6, 2011.

**VOICE VOTE: 7 aye, 1 abstain (Diaz)**

## **CONSENT AGENDA**

Council members Moreno and Snyder moved and seconded to remove Ordinance 1869 from the consent agenda for a separate vote.

**VOICE VOTE: Unanimous; all present affirmed**

Council members Teter and McEldowney moved and seconded to approve the consent agenda as amended.

Assistant City Attorney Karen Stevens read the title of Ordinance Z-539-91-11: *AN ORDINANCE AMENDING ORDINANCE Z-539-91 BY DELETING A ZONING CONDITION FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND LOCATED AT 9251 EAST 104TH AVENUE, COMMERCE CITY, COLORADO*

**ROLL CALL VOTE: 8 aye**

Council members Snyder and Diaz moved and seconded to approve Ordinance 1869 on second and final reading.

Discussion was had regarding the section of the ordinance that pertained to the ballot measure amending the charter to make the mayor position separate and distinct from the rest of the city council and setting term limits. Council agreed to revise the ordinance to provide that no person could serve more than two terms in either position.

Assistant City Attorney Stevens read the title of Ordinance 1869: *AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF COMMERCE CITY, COLORADO AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 1, 2011, THE FOLLOWING FOUR BALLOT QUESTIONS (1) SHALL THE CITY OF COMMERCE CITY TAXES BE INCREASED BY \$100,000 THE FIRST FULL FISCAL YEAR (2012) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE IMPOSITION AND ASSESSMENT OF AN ADDITIONAL TAX IN AN AMOUNT NOT TO EXCEED 7% OF THE GROSS TAXABLE AMOUNT PAID OR CHARGED FOR PURCHASING MARIJUANA, MARIJUANA PARAPHERNALIA, MARIJUANA-INFUSED PRODUCTS, AND SYNTHETIC MARIJUANA PRODUCTS AND TO SPEND CITY REVENUES THEREFROM TO PROMOTE PUBLIC SAFETY; (2) WHETHER THE CITY CHARTER OF THE CITY OF COMMERCE CITY SHOULD BE CHANGED TO PROVIDE THAT THE ORGANIZATION MEETING OF THE CITY COUNCIL BE HELD ON THE SECOND MONDAY FOLLOWING CERTIFICATION OF THE RESULTS OF THE ELECTION OF THE MEMBERS OF THE CITY COUNCIL; (3) WHETHER THE CITY CHARTER OF THE CITY OF COMMERCE CITY SHOULD BE CHANGED TO REMOVE ALL CITY COUNCIL MEMBERS FROM MEMBERSHIP ON THE PLANNING COMMISSION; AND (4) WHETHER THE CHARTER OF THE CITY OF COMMERCE CITY SHOULD BE CHANGED TO AMEND SECTION 4.1, AND TO CLARIFY ALL OTHER PORTIONS OF THE CITY CHARTER, TO PROVIDE THAT THE MAYOR SHALL, FOR PURPOSES OF TERM LIMITS AS PROVIDED IN SECTION 11 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, BE CONSIDERED A POSITION SEPARATE AND APART FROM OTHER MEMBERS OF THE CITY COUNCIL WITH NO PERSON SERVING MORE THAN TWO TERMS IN EITHER POSITION; SETTING FORTH THE BALLOT TITLE, PROVIDING FOR NOTICE OF THE ELECTION, PROVIDING FOR CONDUCT OF THE ELECTION AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.*

**ROLL CALL VOTE: 7 aye, 1 nay (Natale)**

## **RESOLUTIONS**

### **Resolution 2011-50**

Finance Director Roger Tinklenberg asked Council to approve carrying over private activity bond funds to the 2012 budget for possible revitalization projects.

Council members Snyder and McEldowney moved and seconded to approve Resolution 2011-50.

Assistant City Attorney Stevens read the title of Resolution 2011-50: A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, TO ISSUE REDEVELOPMENT BONDS IN 2012 AND TO CARRY FORWARD THE 2011 ASSIGNED ALLOCATION IN THE AMOUNT OF \$2,024,925 AND AUTHORIZING ALL ACTIONS NECESSARY THERETO

**VOICE VOTE: Unanimous; all present affirmed**

Mayor Natale called a brief recess at 7:35 p.m. The meeting reconvened at 7:43 p.m.

## **STUDY ITEMS**

### **2012 Budget Presentation**

Community Development Director Jim Hayes stated the community development department is within external services and is comprised of four major divisions: planning, building safety, neighborhood services and housing. The only major enhancement the department is seeking is \$3,000 to pay for memberships and magazines for the Planning Commission, the Zoning Board of Adjustment and the Derby Review Board. The department will be focusing on two major projects: dog track planning and redevelopment and RTD FasTracks Stationary Plan at 72<sup>nd</sup> Avenue.

IT Director John Howard stated that this department operates on a \$2.2 million department and is made up of three divisions: administrative services, operations services and GIS services. Mr. Howard said the department's budget is projected to increase by \$17,000 because of the cost of supplies.

Budget and Performance Analyst Jason Leslie stated that finance is made up of five divisions: financial planning & budgeting, financial services, tax, municipal courts and internal services. The 2012 proposed budget for the finance department is a little over \$11.6 million and they only have one enhancement of \$1,200 for a blackberry for the application analyst in the financial planning & budgeting division. The enhancement request covers the cost of the phone and monthly service charges.

Finance Director Roger Tinklenberg reported that the adopted 2004 Long Range Financial Plan identified the need of over \$1 billion in capital investment needs by the time the city is built out. Since that time, the city has invested nearly \$250 million but must continue to dedicate funding sources, fund ongoing capital maintenance and keep operating costs in-line with income.

Deputy City Manager Brian McBroom reviewed the residential refuse and recycling program. He stated that the service has been free to residence since 1984 at a cost. Cost to the city budget has increased from \$218,000 to \$1.8 million. Mr. McBroom provided options for the refuse collection program.

Council discussed the concerns they've heard from their constituents: if the city doesn't pay for trash, the city will become mess; citizens can't afford this given the economic climate; if the citizen has to pay for their trash, why should the city dictate who they use; the money saved is just going back into the general fund; and why if the city is in such good financial shape, why does the city want to discontinue subsidized trash service.

Council asked staff to provide the following information: if we don't discontinue the refuse service, what other programs will go away; an income qualification program for citizens who can't afford trash service; develop a plan that includes community outreach; survey other communities in Colorado who have made the transition from city subsidized to citizen pay and get their information on the transition process;

Councilwoman Teter moved to direct the city manager to continue to include refuse collection in the 2012 budget and then draft a proposal for transitioning over to the community paying for refuse collection. The proposal should include a community education process.

Councilman McEldowney moved to amend the motion to direct staff to develop a full program throughout 2012 for charging for refuse collection and implementing a fee for stormwater that includes design, outreach and implementation in 2013.

After Council discussion, Councilman McEldowney removed the stormwater component from his amendment.

**ROLL CALL VOTE: 4 aye, 4 nay (Benson, Carson, Snyder, McEldowney)**

Council members Benson, Carson, Snyder and McEldowney explained their no votes.

Council members McEldowney and Teter moved and seconded to revote on the question as worded: staff is to present to Council on September 12, 2011, a plan to cover the refuse collection fees in the 2012 budget and to develop an implementation plan for a 2013 rollout that the Council could consider.

**ROLL CALL VOTE: 5 aye, 3 nay (Benson, Carson, Snyder)**

**Mayor called a recess at 10:16 p.m. The meeting reconvened at 10:22**

**ADMINISTRATIVE COUNCIL BUSINESS**

Councilman Moreno would like the legal department to research relevant case law regarding undesirable businesses within a city's growth boundary.

Councilman McEldowney asked for a letter to be drafted to the Adams County Commissioners regarding Council's extreme displeasure with their approval of medical waste facility to be located within the county but within the city's growth boundary.

Councilman McEldowney asked for Council support to direct staff to draft a resolution of support to Brighton School District 27J ballot initiative.

Mayor Natale asked to extend an invitation to former councilman Tony Johnson to any presentations to outgoing Council.

**REPORTS**

City Manager Flannery reminded Council about the groundbreaking ceremonies for the new King Soopers at 104<sup>th</sup> & Chambers.

Councilwoman Teter reported on attending an E-470 symposium.

Council members Carson, Dian, Moreno and McEldowney had no report.

Councilman Benson reported on attending an E-470 symposium, a re-apportionment commission meeting, an E-470 meeting, a public hearing in Adams County,

Mayor Natale had not report.

**ADJOURNMENT:**

The meeting adjourned at 10:38 p.m.

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Paul Natale, Mayor

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Laura Bauer, City Clerk



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 16 Sep 2011

**Number of Attachments:** 1

**Subject:** Use of discretionary funds

**Presenter:** Robert R. Gehler, City Attorney

**Recommended City Council Action:**

Adoption of Council Policy #CP-19 concerning use of discretionary funds.

**Summary Statement:**

In the recent past, the City Council has discussed the need for clarity regarding the use of discretionary funds by members of the City Council. Council Policy #CP-19 has been discussed and recommended for adoption by the City Council.

**Next Steps:** If adopted, Council Policy #CP-19 will be added to the City Council Policies.

**Expenditure Required:** n/a

**Source of Funds:** n/a

**Policy Issue:** Whether a policy concerning the use of discretionary funds by members of City Council should be adopted.

**Alternative:** Council could choose not to adopt a policy at this time.

**Background Information:**

City Council has discussed the need for clarity regarding the use of discretionary funds by members of the City Council.

**RESOLUTION APPROVING COUNCIL POLICY #CP-19  
REGARDING USE OF DISCRETIONARY FUNDS  
NO. 2011-43**

WHEREAS, Council Policy #CP-19 regarding the use of discretionary funds, attached as Exhibit "A", has been reviewed and determined to be appropriate for adoption; and

WHEREAS, the Council Policy described on attached Exhibit "A" should be adopted as City Council Policy #CP-19.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. The attached as Exhibit "A" is hereby approved and adopted as Council Policy #CP-19.
2. The City Clerk is directed to place Council Policy #CP-19 in the book of Council Policies as a public record of the City of Commerce City.

RESOLVED AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Paul Natale, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk

## COUNCIL POLICY #CP-19

SUBJECT: Use of City discretionary funds by City Council for attendance at functions and activities

POLICY STATEMENT: The City Council recognizes the necessity for a policy regarding the use of City funds by members of the City Council for attendance at functions and activities if the use of City funds is not budgeted as part of the City budget.

The following policy shall be adhered to regarding the use of City funds as discretionary funds by members of the City Council for attendance at functions or activities not budgeted as part of the City budget:

- A. Each year an amount shall be allocated for use by each member of the City Council for attendance at functions and activities that are in addition to those functions and activities intended for attendance by members of the City Council authorized for payment in paragraph C below. Commencing with the year 2011, the amount allocated for each individual member of the City Council is \$1,500 per calendar year and said amount shall remain in effect until changed by action of the City Council. Such funds allocated for attendance by individual members of the City Council has been and shall continue to be referred to as "Discretionary Funds".
- B. Expenditure of Discretionary Funds by members of the City Council for attendance at City functions and activities is only authorized if the function or activity is of benefit to the City of Commerce City, is in the public interest for the City of Commerce City or serves a public purpose. Examples of functions or activities deemed to be for the benefit of the City of Commerce City, in the public interest for the City of Commerce City or serves a public purpose include, but are not limited to, the following:
  - (1) Events, including council ward meetings and social events, that give the opportunity to promote, advertise or disclose the benefits, advantages, events and activities existing or taking place in the City of Commerce City.
  - (2) Events, including social events, where attendance enables development of relationships with others that have the potential of benefiting Commerce City in the future.
  - (3) Events, including education programs that involve opportunities for learning and improving, and functions and activities related to city government.
  - (4) Attendance as a member of a committee not otherwise budgeted as part of the City budget but which serves a governmental purpose related to the activities and functions of the City of Commerce City such as attendance as a member of a Colorado Municipal League (CML) committee or National League of Cities (NLC) committee not otherwise budgeted.

The expenses of any city event or activity that is budgeted as part of the city budget, such as CML, NLC or certain committees of CML or NLC, are not considered expenses that must be paid from discretionary funds.

- C. Expenditure of Discretionary Funds shall not be required for any event authorized for payment from City funds pursuant to Council Policy #CP-5.
- D. The allocated Discretionary Funds for each calendar year shall not be accumulated from year to year but shall lapse at the end of each calendar year and become a part of the general fund and discretionary funds for a future calendar year shall not be expended or obligated in a prior calendar year.
- E. Approvals for Expenditure.
  - 1. When an expenditure involves less than \$100, the Council member shall consider the criteria set forth above to determine whether the expenditure is authorized from discretionary funds and, if so, the Council member shall then account for such expenditure as provided in subparagraph H below.
  - 2. When an expenditure involves \$100 or more but is not greater than \$350, the Council member shall inform the City Attorney that use of Discretionary Funds is anticipated for an upcoming function or activity and approval shall be obtained from the City Attorney. Notification by the City Attorney shall be given to the City Council at least every two weeks as to the approvals given for expenditure of Discretionary Funds
  - 3. When the expenditure involves more than \$350, the Council member shall inform the City Council at a duly-convened council meeting and approval shall be obtained from the City Council for such expenditure of Discretionary Funds.
- F. The Discretionary Funds of each Council member shall not be assigned, transferred or used for persons other than a Council member unless prior approval is given as provided in paragraph E above.
- G. In no event shall Discretionary Funds be expended for campaign purposes which would violate the Fair Campaign Practices Act or for attendance at a partisan political event.
- H. Each expenditure from the Discretionary Funds shall be accounted for on a City form and filed with the City Manager's Office within thirty (30) days after the expenditure is made. Reimbursement of the approved expenditure shall be made by the City. If any Council member desires an advance of funds from Discretionary Funds for any function to be attended and paid for pursuant to this Council Policy, a City form requesting the advancement shall be filed with the City Manager's Office at least seven days prior to expectation of payment.
- I. If a Council member responds for attendance to an event that is paid for from City funds and then does not attend without giving the City Manager's office reasonable opportunity to fill the vacancy, the cost paid by the City for such event shall be charged personally to the Council member who failed to attend and the proceeds deposited into the general fund except in the event of extenuating circumstances approved by the City Manager.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 14 Sep 2011

**Number of Attachments:** 2

**Subject:** Resolution regarding citizen communications at city council meetings

**Presenter:** Robert R. Gehler, City Attorney

**Recommended City Council Action:**

Passage of resolution adopting Council Policy #CP-20 regarding citizen communications at City Council meetings.

**Summary Statement:**

City Council has raised the issue as to whether the agenda item "Citizen Communications" should be expanded to allow for discussion by City Council with a citizen on issues raised by a citizen during that part of a City Council meeting. This issue has been discussed by the City Council and Council Policy #CP-20 has been prepared for Council adoption.

**Next Steps:** Council Policy #CP-20 as adopted will be included in the book of City Council Policies.

**Expenditure Required:** n/a

**Source of Funds:** n/a

**Policy Issue:**

**Alternative:**

**Background Information:**

In the past, issues have arisen as to the length of City Council meetings. As a result, restrictions were placed on how Citizen Communications should be treated as part of the City Council meetings. Recently, some members of City Council have not been satisfied with the restrictions imposed and requested the practice be reviewed.

**RESOLUTION REGARDING CITIZEN COMMUNICATIONS  
AT CITY COUNCIL MEETINGS  
NO. 2011-44**

WHEREAS, the procedure for citizen communications in the conduct of City Council meetings, attached as Exhibit "A", has been reviewed and determined to be appropriate for adoption; and

WHEREAS, the procedure described on attached Exhibit "A" should be adopted as City Council Policy #CP-20.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. The procedure for citizen communications in the conduct of City Council meetings attached as Exhibit "A" is hereby approved and adopted as Council Policy #CP-20.
2. The City Clerk is directed to place Council Policy #CP-20 in the book of Council Policies as a public record of the City of Commerce City.

RESOLVED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Paul Natale, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk

## **Council Policy #CP-20**

**SUBJECT:** Citizen Communications

**POLICY STATEMENT:** The City Council recognizes the need to adopt a policy that sets forth a procedure that applies to citizen communications in the conduct of City Council meetings.

A. Each agenda for regular meetings of the City Council shall contain an agenda item designated "Citizen Communications" in order to provide citizens an opportunity to address the City Council subject to the terms and conditions of this policy. No "Citizen Communications" will be allowed on study session items.

B. A Public Comment Roster shall be made available prior to each regular meeting of the City Council and any citizen who wishes to address the City Council, either under Citizen Communications or with regard to any item on the agenda except a study session agenda item, must complete the Public Comment Roster and submit it to the City Clerk with the printed name, signature and address of the citizen wishing to speak along with a short description of the topic or subject that will be addressed. Citizens shall not be heard on study session items but shall wait to speak when the item is placed on an agenda as an action item. Agendas and the Public Comment Roster shall clearly state that citizens may not be heard on study session items. The requirement for signing the Public Comment Roster as to any specific item on the agenda may be waived by the Mayor or other Council member chairing the meeting if the number of citizens wishing to speak with regard to that specific item makes it impractical to require each of them to sign the Public Comment Roster.

C. The agenda item "Citizen Communications" is not intended to be used as a platform to express personal or political philosophies or messages that have little or nothing to do with the business and affairs of the City of Commerce City.

D. Although "Citizen Communications" should be acknowledged, neither the City Council nor the City staff shall be expected to respond immediately to matters raised in the "Citizen Communications". Unless the City Manager or the City Attorney has an answer readily available, City Council members will not attempt to reach a solution during "Citizen Communications" and will not engage in debate with citizens or other Council members during "Citizen Communications" but questions may be asked of citizens during "Citizen Communications" to aid in clarification and determining a proper course of action. Expressions of concern are appropriate. In order to avoid the risk of an inaccurate or inadequate response to a citizen concern, the members of the City Council shall refer questions raised during "Citizen Communications" only to the City Manager or the City Attorney for a timely response. Appropriate follow-up will be provided by way of agenda items or reports given by the City Manager at the conclusion of "Citizen Communications" at an upcoming meeting of the City Council.

E. All speakers must stay on topic and are encouraged to state their points as briefly and clearly as possible. Redundancies and repetitive remarks should be avoided.

F. Each speaker under "Citizen Communications" shall be limited to three (3) minutes with

the right to extend the time for speaking to five (5) minutes with approval of the City Council. The time limit shall be monitored by a timer. Questions asked by the City Council and answers to such questions shall not be timed but **the Mayor or other Council member chairing the meeting, or the parliamentarian**, in his or her discretion, may limit further questions and discussion.

G. All remarks shall be addressed to the City Council and no member of the City Council or City staff shall be requested or expected to engage in discussions or debate with any speaker.

H. Personal attacks, whether directed toward members of the City Council, City staff or fellow citizens, including the speaker, are prohibited.

I. The use of profanity or ethnic, racial or gender-oriented slurs or any disorderly conduct is prohibited.

J. The Mayor, or other Councilmember chairing the meeting, has the authority to order any person to terminate his or her remarks if the time allotted to such person has expired or if the speaker has violated any of the foregoing rules.

K. When the City Council is required to make a decision in a quasi-judicial proceeding, each member of the City Council is legally required to be impartial and in order that all quasi-judicial hearings will be conducted in a fair and impartial manner, no evidence outside a hearing may be considered by the City Council in arriving at its decision. Therefore, if any citizen wishes to speak regarding an issue that is pending or may, with a reasonable probability, be pending as determined by the Mayor or other Councilmember chairing the meeting or the parliamentarian, as an issue that may require a quasi-judicial hearing for determination by the City Council, the citizen may be advised to defer his or her remarks until the quasi-judicial hearing is held by the City Council.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 14 Sep 2011

**Number of Attachments:**

**Subject:** Resolution approving Council Policy #CP-21 regarding filling of a council vacancy

**Presenter:** Robert R. Gehler, City Attorney

**Recommended City Council Action:**

Passage of resolution adopting a council policy regarding filling of a council vacancy

**Summary Statement:**

The City Attorney's Office has been requested to prepare a Council Policy regarding the filling of a council vacancy.

**Next Steps:** Adoption of Council Policy #CP-21 regarding filling of a council vacancy.

**Expenditure Required:** n/a

**Source of Funds:** n/a

**Policy Issue:**

**Alternative:**

**Background Information:**

At the June 20, 2011 City Council meeting, Councilman McEldowney requested that a policy be created for filling of a council vacancy.

**RESOLUTION APPROVING COUNCIL POLICY #CP-21  
REGARDING FILLING OF A COUNCIL VACANCY  
NO. 2011-45**

WHEREAS, Section 4.5 of the City Charter of the City of Commerce City provides for the filling of a vacancy on the city council; and

WHEREAS, the procedure for filling a City Council vacancy described on attached Exhibit "A" has been reviewed and determined to be appropriate for adoption; and

WHEREAS, the procedure described on attached Exhibit "A" should be adopted as City Council Policy #CP-21.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. The procedure for filling a city council vacancy attached as Exhibit "A" is hereby approved and adopted as Council Policy #CP-21.
2. The City Clerk is directed to place Council Policy #CP-21 in the book of Council Policies as a public record of the City of Commerce City.

RESOLVED AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Paul Natale, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk

## Council Policy #CP-21

SUBJECT: Filling of City Council vacancy

POLICY STATEMENT: The filling of any vacancy on the City Council shall be accomplished in a manner that is fair to all applicants and legally correct in accordance with Section 4.5 of the City Charter. In this regard, the City Council intends that the process shall be conducted in an open and impartial manner that provides a fair result and best serves the citizens of Commerce City. Within the meaning of this Council Policy, all reference to councilmember shall include reference to mayor.

- A. Time Limits. In accord with Section 4.5 of the Charter of the City of Commerce City, in not less than ten days nor more than 30 days after a vacancy occurs on the City Council, the remaining City Council members shall appoint an eligible person, as defined in Section 4.4 of the Charter; to fill such vacancy to serve to the next organization meeting of the City.
- B. Advertisement of Vacancy. When a vacancy occurs on the City Council, the vacancy shall be announced in a manner that is reasonably calculated to inform the interested citizenry. The announcement should be made at least fourteen days prior to the final date for submitting an application for appointment. The announcement shall state that the office is vacant, that interested parties must submit a letter requesting appointment to the vacant office to the City Clerk, and shall further set a final date for filing the letter requesting appointment. Such letter shall include the applicant's qualifications for appointment and the reasons why the applicant feels he/she would be a good councilmember for the City of Commerce City if appointed.
- C. Setting of Interviews and Posting of Notice. If there is more than one qualified candidate, the City Council shall conduct personal interviews of qualified applicants. Notice of such interviews shall be posted as meetings open to the public.
- D. Framing of Questions. Prior to the conduct of applicant interviews, each councilmember may submit a series of questions for use during the interviews. Prior to the interviews, City Council shall create a uniform set of questions to be asked each applicant.
- E. Conduct of Interviews. If interviews are conducted, each applicant shall be interviewed separately from all other applicants in a meeting open to the public. Each applicant shall be interviewed in a uniform manner by the City Council using, for each applicant, the agreed upon questions. During the course of each interview, each city councilmember shall assign points zero to ten to each question answered by each applicant, the scale being ten points awarded for a superior answer, zero points awarded for a failed answer and any number of points awarded on the scale zero to ten for answers given between a superior rating and a failed rating.

- F. Choice of Applicant. After all interviews have been completed, the City Council shall deliberate with each other and each city councilmember shall then secretly compute the total number of points he/she has awarded to each applicant. The totals computed by each city councilmember shall be given to two members of the city staff appointed by the City Council who shall calculate the total number of points awarded to each applicant by all members of the City Council. The total number of points for all applicants shall then be made known to the city councilmembers. The applicant with the most number of points who is eligible for appointment shall be appointed by the City Council to fill the council vacancy at the next regular meeting of the City Council. The total number of points awarded for all candidates as calculated by the two appointed members of the city staff shall then be made known to the public.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:**

**Number of Attachments:** 2

**Subject:** Council Policy regarding conduct of quasi-judicial public hearings

**Presenter:** Robert R. Gehler, City Attorney

**Recommended City Council Action:**

Passage of resolution adopting Council Policy #CP-22

**Summary Statement:**

City Council has determined a need for a formal procedure to govern the conduct of quasi-judicial public hearings by the City Council. Council Policy #CP-22 is presented for adoption by City Council.

**Next Steps:** When adopted, Council Policy #CP-22 will be added to the book of City Council Policies.

**Expenditure Required:** n/a

**Source of Funds:** n/a

**Policy Issue:**

**Alternative:**

**Background Information:**

City Council previously adopted a council policy concerning the conduct of quasi-judicial public hearings. When the last revisions were made to the City Council Policies in 2009, the policy for conduct of quasi-judicial public hearings was inadvertently omitted and must be re-adopted.

**RESOLUTION ADOPTING PROCEDURE FOR  
CONDUCT OF QUASI-JUDICIAL PUBLIC HEARINGS  
AS COUNCIL POLICY #CP-22  
NO. 2011-46**

WHEREAS, this City Council has determined a need for a formal procedure to govern the conduct of quasi-judicial public hearings conducted by the City Council; and

WHEREAS, the procedure for conduct of quasi-judicial public hearings attached as Exhibit “A” has been reviewed and determined to be appropriate for adoption; and

WHEREAS, the procedure described on attached Exhibit “A” should be adopted as City Council Policy #CP-22.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. The procedure for conduct of quasi-judicial public hearings attached as Exhibit “A” is hereby approved and adopted as Council Policy #CP-22.
2. The City Clerk is directed to place Council Policy #CP-22 in the book of Council Policies as a public record of the City of Commerce City.

RESOLVED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Paul Natale, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk

## Council Policy #CP-22

SUBJECT: Procedure for conduct of quasi-judicial public hearings

POLICY STATEMENT: The conduct of quasi-judicial public hearings by the City Council shall be accomplished in a legal manner that is fair to all citizens. In this regard, the City Council intends that each quasi-judicial public hearing shall be conducted in an open and impartial manner that recognizes the concerns of all citizens having a legitimate interest in the proceeding and allows an opportunity for the City Council to give fair consideration to all issues presented at the public hearing.

- A. Public Hearing Definition. "Public hearing", within the meaning of this Council Policy, shall be that type of proceeding required by law to be conducted by the City Council as a "quasi-judicial proceeding".
- B. Registration by Participants. All persons desiring to speak before Council at a public hearing shall be required to register with the City Clerk, providing their names and addresses.
- C. Mayor to Chair Hearing. The public hearing shall be chaired by the Mayor or, in the absence of the Mayor, by the Mayor Pro-Tem and, in the absence of both the Mayor and the Mayor Pro-Tem, by a councilmember duly appointed by the City Council. (All reference in this policy to the Mayor shall include anyone acting in place of the Mayor.)
- D. Testimony. The public hearing shall be conducted so as to elicit relevant and competent evidence for the public hearing in a manner that provides a reasonable opportunity for all interested parties to express themselves as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing and is not redundant. The Mayor has the authority to limit testimony to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.
- E. Parliamentarian. The City Attorney shall serve as parliamentarian for the public hearing and shall advise the Mayor as to the admissibility of any evidence submitted for consideration at the public hearing.
- F. Oath of Witnesses. Upon request of any councilmember or person in interest, the witnesses shall be sworn under oath by the City Attorney. The credibility of evidence submitted by all witnesses shall be determined by the City Council and considered in reaching a decision at the conclusion of the public hearing.
- G. Authority to Ask Questions. Any person speaking may be questioned by a member of the City Council, the City Attorney, by members of City staff or by any person in interest. The Mayor shall determine whether or not a person qualifies in the public hearing as a person in interest.

- H. Time Limit. When the number of persons wishing to speak may unduly prolong the public hearing, the Mayor may establish a time limit for each speaker.
- I. Advice to Witnesses. The Mayor at the outset of the public hearing may wish to advise the public as follows:
1. "We welcome your comments and input. To ensure an efficient hearing, all persons are required to observe the following:
    - a. Each person desiring to speak must register with the City Clerk and give your name and address. When you are recognized to speak, please approach the podium and state your name.
    - b. All comments and testimony shall be made from the podium and no comments or testimony shall be presented from the audience. Comments and testimony are to be directed to the Mayor and City Council. Dialogue and inquiries from the person at the podium to members of staff or the seated audience is not permitted. Inquiries that require staff response will be referred to staff by the Mayor.
    - c. It is our desire to hear all relevant testimony on this topic in a timely manner and within an atmosphere of respect. Our procedures are designed to ensure that occurs. Thank you for your cooperation and we look forward to hearing your comments."
- J. Testimony Directed Through the Mayor. All testimony in support or opposition or questions should be directed through the Mayor who will direct the appropriate person to respond.
- K. Evidence for the Record. The record of proceedings shall include (i) a copy of the public notice; (ii) all application documents for the proposed project and (iii) copies of any other information and documents that are an appropriate part of the public hearing including staff reports and minutes from any committee or commission making recommendations to the City Council.
- L. Public Hearings Should Generally Proceed as Follows:
1. A staff presentation or introduction of the issues as applicable.
    - a. Description and analysis.
    - b. Recommendation, if applicable.
    - c. Questions by Council and persons having an interest.
  2. Applicant or petitioner presentation.
    - a. Questions by Council.
    - b. Questions by persons in interest.

3. Public Presentation.
  - a. Questions by Council.
  - b. Questions by persons in interest.
4. Applicant or petitioner rebuttal, if requested.
5. Discussion by applicant and public.
6. Hearing closed.
7. Council discussion.
8. Council decision.

M. Absence by Councilmember. If a member of the Council is absent for a public hearing, he/she shall not be eligible to vote on the case unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by Council because of the absence of a councilmember to enable him/her substantial time to review the record.

N. Voting. At the conclusion of the public hearing, the City Council shall continue its decision to a fixed time and date or make a decision. With the exception of a decision on a zoning issue, an ordinance may be passed on first reading by the affirmative vote of a majority of the members of the City Council present at the meeting at which the ordinance is introduced. With the exception of a zoning ordinance, an ordinance may be passed on second and final reading by the affirmative vote of not less than a majority of the members of the Council in office at the time the vote is taken. In the case of a zoning issue, a vote of not less than a majority of the members of the Council in office at the time the vote is taken shall be required to overrule the recommendations of the Planning Commission. In the event the Planning Commission makes no recommendation on a zoning issue, the issue may be approved by Council only upon the affirmative vote of not less than a majority of the members of the Council in office at the time the vote is taken.

O. Ex-Parte Discussion and Contacts. When a governmental function requires a member of City Council to act in a quasi-judicial capacity, the member of City Council shall take reasonable precautions to avoid and prevent improper ex-parte communication with any party in interest or with their representative and refrain from any activity which could give the perception of an improper ex-parte communication with a party in interest or with the representative of any party in interest. Any member of City Council may seek an advisory opinion from the City Attorney concerning any ex-parte communication received pertaining to a matter the subject of which is or may become the subject of a quasi-judicial proceeding in which the officer may perform a governmental function. If any member of City Council receives ex-parte communications regarding a matter which is before the Council for quasi-judicial action the Councilmember shall disclose the communication as part of the hearing. After disclosure, the Councilmember may

participate in the hearing and vote on any action unless the Council concludes that the communication may prevent him or her from participating and voting thereon in an unbiased manner. If the member of Council concludes that the ex-parte communication may prevent him or her from voting in an unbiased manner, he or she shall excuse himself or herself and shall not participate in the discussion or vote in the proceeding.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 28 Sep 2011

**Number of Attachments:** 1

**Subject:** Revision and re-adoption of Council Policy #CP-2 regarding Council norms and standards

**Presenter:** Robert R. Gehler, City Attorney

**Recommended City Council Action:**

Adoption of revised Council Policy #CP-2

**Summary Statement:**

Council has recently discussed and revised their council policy concerning citizen communications during City Council meetings. Because there are references to citizen communications in Council Policy #CP-2, it is necessary to revise and re-adopt Council Policy #CP-2 to make the policies consistent.

**Next Steps:** When re-adopted, Council Policy #CP-2 will be placed in the book of City Council Policies.

**Expenditure Required:** n/a

**Source of Funds:** n/a

**Policy Issue:** Whether Council Policy #CP-2 should be revised and re-adopted to be consistent with Council Policy #CP-20 concerning the issue of citizen communications during City Council meetings.

**Alternative:** Council could choose not to revise the current policy.

**Background Information:**

Council has discussed their citizen communication policy and has recommended changes. To maintain consistency between council policies that address the same issue, it is necessary to revise and re-adopt Council Policy #CP-2.

**RESOLUTION UPDATING COUNCIL POLICY #CP-2  
NO. 2011-47**

WHEREAS, this City Council has adopted Council Policy #CP-20 concerning citizen communications during City Council meetings; and

WHEREAS, there are references in existing Council Policy #CP-2 to the subject of citizen communications during City Council meetings;

WHEREAS, in order to make Council Policy #CP-2 consistent with Council Policy #CP-20, it is necessary to update Council Policy #CP-2; and

WHEREAS, Council Policy #CP-2, as updated, is attached as Exhibit "A", has been reviewed, and is determined to be appropriate for adoption; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. Updated Council Policy #2 attached as Exhibit "A" is hereby approved and adopted as Council Policy #CP-2.
2. The City Clerk is directed to place Council Policy #CP-2 in the book of Council Policies as a public record of the City of Commerce City.

RESOLVED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Paul Natale, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk

## **Council Policy # CP-2**

**SUBJECT:** Council Norms and Standards of Conduct

**POLICY STATEMENT:** It is expected that members of the Council will adhere to the norms and standards of conduct set forth in this Council Policy.

### **A. GENERAL**

1. Council members will endeavor to take positive action when necessary to keep the City of Commerce City a progressive, well-managed, innovative City.
2. Council members will endeavor to provide leadership and participate in local, regional, state and federal programs and meetings.
3. Council members will endeavor to look to boards, commissions and committees for independent advice.
4. Council members will endeavor to obtain input from other community leaders in the decision-making process when appropriate.
5. In the decision-making process, Council members will endeavor to include extensive citizen participation and will work on City programs and documents.
6. Council members will endeavor to attend numerous meetings in addition to regular Council meetings.
7. Council members will endeavor to emphasize training for staff, Council, and board and commission members.
8. Council members will endeavor to inform the City Manager's Office when they will be absent from the City or unavailable as early as possible in order that the information will be made available to Council and staff.
9. Council members who decide to go to functions which require reservations shall endeavor to notify the City Manager's Office as early as possible. Commitments shall be honored. In the event a council member who committed cannot attend it is that council member's responsibility to find a City Council replacement. City Manager will attempt to assist where possible.
10. All Council members will get the same information from staff as much as possible, including citizen complaints, letters, events, background issues, research, etc.
11. Council members will each determine specific meeting packets they want to receive.

12. Council members will endeavor to return unwanted reports and documents to staff for distributing to the public or for recycling and shredding (there is a need to eliminate unnecessary paper as much as possible).

13. Council members will take responsibility to create the Council vision and approve staff management outlines for budget, timelines and specific responsibility for accomplishment of City projects.

14. Council members will organize a strategic plan for major goals and direct the City Manager to have a project management plan that tracks projects and gives updates.

**B. COUNCIL VALUES**

1. Council and the City Manager are a team that will endeavor to cooperate with each other in the conduct of City business.

2. No Council member, including the Mayor, without specific authorization from the Council, shall represent or give the perception he/she is representing the City (1) on issues that involve the general interests of the Council as a whole; (2) on issues that are matters of City policy, or (3) on issues in which the Council has been engaged or involved as an entire body.

3. Council members are achievement-oriented and value high energy, open mindedness, creativity and initiative.

4. Council members will endeavor to have respect for each other.

5. Council members will endeavor to be forthright and not deceptive in service for the City.

6. Council members value humor.

7. Council members will endeavor to respect traditions but not be bound by them.

**C. COUNCIL INTERACTION AND COMMUNICATION**

1. Council members will endeavor to initiate resolution of problems quickly and not let them fester or be prolonged. Furthermore, they shall resolve differences through direct interaction with each other and, if necessary, through the City Manager and/or the City Attorney.

2. Council members will endeavor to not direct cheap shots at each other during public meetings, in the press, or any other place or time and will endeavor to

discuss issues in private without committing a violation of the Colorado Open Meetings Law or the Colorado Open Records Law.

3. Communications between Council members in duly convened meetings shall be formal and not casual since it is important to be aware of the impact on and perception of the public.

4. Council members will endeavor to be flexible in standing in for each other except that for any board or commission meeting, no Council member is authorized to stand in for another Council member unless he/she is the appointed alternate.

5. Substantive Council/Manager items are to receive advance notice and public notification as required by the Colorado Open Meetings Law.

6. Each Council member will continually strive to provide new efficiencies in conducting Council business and adhering to Council policies and standards of conduct.

**D. COUNCIL COMMITTEES**

1. Committee areas belong to the whole Council; Council appointees are not seen as territorial.

2. Committees are responsible to keep full City Council informed. Other members of the Council are responsible for letting a committee know if they want more information or to give input on committee issues. There is a need to establish clear communication from and to all committees and Council.

3. Before a committee begins moving in a new direction not previously authorized by Council, the committee will get direction from the Council.

4. Committee reports will endeavor to be made under Council Reports on Council agenda when appropriate.

5. Committee summaries will be sent on an interim basis to update other Council members on:

- a. Issues being presented.
- b. Options being considered.
- c. Progress.

6. Council members and committees will endeavor to give clear and focused direction as early as possible.

E. **COUNCIL INTERACTION AND COMMUNICATION WITH STAFF**

1. **City Manager**

a. City Manager will limit assignment from an individual Council member to one-half hour for projects and other time-consuming projects will be referred to Council as a whole for direction.

b. City Manager will endeavor to schedule monthly individual meetings with each Council member.

c. City Manager will arrange for conduct of a retreat in a project-management session to provide Council with options for City goals, timelines and specific project management needs prior to the adoption of City goals.

d. Council members will establish annual Citywide goals to provide direction to the City Manager.

e. Council will determine any specific measurable goals for the City Manager's performance that are different from the broad City goals.

f. Council will conduct closed session reviews of City Manager and City Attorney as desired by City Council.

g. Council members are always free to discuss issues and consult with the City Manager.

h. When a Council member is dissatisfied with a department, he/she shall always discuss it with the City Manager and not the department head.

i. Council will endeavor to take all concerns about a department head to the City Manager only.

j. Critical information will be passed to all Council members by appropriate personnel.

k. Council members will endeavor to provide ongoing feedback information and perceptions to the City Manager including some response to written communications from members of the public requesting feedback.

l. The City Manager or Deputy City Managers shall handle issues that cross department boundaries.

m. Council will provide City Manager with an annual facilitated evaluation.

n. Council members will endeavor to assist the City Manager in providing positive public relations information on a routine and regular basis.

2. Staff in General

a. Council members may talk with department heads if asking for information, assistance or follow up.

b. Council members will not make any requests of City staff for production of documents without conferring with the City Manager. Pursuant to Section 7.8 of the City Charter, Council members may make inquiry of City staff for information; however, any information request is acceptable only if it doesn't require more than thirty (30) minutes of department work.

c. Council members will always be informed by staff when an unusual event occurs that the public would be concerned about, i.e., anyone wounded by gunfire, area cordoned off by police or fire, etc.

d. Council members and staff members will endeavor to not surprise each other in public; if there is an issue or a question a Council member has on an agenda item, that member will contact the City Manager and/or staff prior to the meeting.

3. City Attorney

a. City Attorney shall work toward a common goal with the Council, City Manager and staff when and where appropriate.

b. City Attorney shall regularly consult with Council on items of concern on an upcoming agenda at the earliest time possible.

c. City Attorney will track the agenda of Council and committees for needed input.

d. City Attorney shall proactively inform and protect Council members from potential violations and conflicts.

e. City Attorney will actively provide a strategy for cost reductions and cost recovery of all fees including litigation and City projects under the responsibility of the City Attorney.

f. City Attorney shall serve as the parliamentarian and sergeant-at-arms for the City Council.

F. **COUNCIL OPTIONS FOR KEEPING INFORMED**

1. Council members may read commission minutes in order to find out what is being considered by a committee.
2. Council members may read documents on planning-related items.
3. City Manager will discuss future agenda topics with Council members.
4. Council members will endeavor to do their homework.
5. Council will make extensive use of staff reports and commission and board reports and minutes.
6. Subject to a need to maintain necessary confidentiality, each member of the City Council will report to all other Council members all meetings to be held with developers, builders and businesses and get their input and keep them advised of processes and negotiations and give information and detail after the fact. No agreements shall be reached with developers on behalf of the Council without Council approval.

G. **MAYOR'S ROLE**

1. While each Mayor is unique as a person, the performance of the role as Mayor is always subject to the requirements of the City Charter, ordinances and state and federal law.
2. The Mayor is the ceremonial head of the City to the extent authorized by the City Council, City Charter and state and federal law.
3. The Mayor will endeavor to communicate regularly with the City Manager and keep Council members fully informed.
5. The Mayor will communicate with commission chairs.
6. The Mayor will discuss with Council, City Manager and City Attorney work and achievements.
7. The Mayor will caution Council members in chastising or criticizing staff in public.
8. Council and Mayor will stay positive at all times in the conduct of Council meetings.
9. Subject to a need to maintain necessary confidentiality, the Mayor will report to Council members all meetings to be held with developers, builders and

businesses and get their input and keep them advised of processes and negotiations and give information and detail after the fact. No agreements shall be reached with developers on behalf of the Council without Council approval.

10. The Mayor will continually strive to provide new efficiencies in conducting Council business, adhering to Council policies and manage an effective business meeting.

H. **CITIZEN COMMUNICATIONS COMPLAINTS**

~~1. Staff will attach staff's response to a copy of the letter received from the citizen when sending a response to Council.~~

2. Council members will be informed of significant, urgent and repetitive telephone citizen complaints received by City staff.

~~3. Staff will draft a copy of responses for Council to use; letters over Council signatures shall be checked out with the signatory before sending.~~

4. Council shall refer citizen complaints to the City Manager or designee for resolution ~~prior to considering them for decision at a Council meeting.~~

~~5. Copies of responses shall be included in individual packets when appropriate.~~

6. If a Council member wants action based on a citizen complaint, the Council member should go through the City Manager's Office or designee to ensure it gets into the tracking system.

~~7. The level of detail in written responses will be selective.~~

~~8. Generally, communications shall be acknowledged with discretion.~~

~~9. Individual Council members will not engage in discussion or debate during citizen communications in Council meetings but questions may be asked of all citizens during citizen communications to aid in clarification and determining a proper course of action. Expressions of concern are appropriate. The City Manager will generally assign a staff member to get the necessary information to solve issues. Appropriate follow up will be provided by way of staff reports or agenda items.~~

I. **CITY COUNCIL MEETINGS (Also refer to CP# 16)**

1. General.

a. City Manager, or his designee, is responsible for setting the agenda for City Council meetings. The Mayor and Council may provide input on issues, timelines and importance of various items in order to control lengthy meetings.

b. Public comment shall be allowed on all action items on introduction. The Mayor, Mayor Pro-Tem, any council member acting as mayor, or the parliamentarian shall limit public comment as necessary to avoid prolonged discussion.

c. Council members will endeavor to treat everyone with courtesy.

d. Corrections to minutes shall be passed to the City Clerk as soon as possible.

e. Each Council member shall share his/her views about an issue and may give the reason for his/her vote.

2. Consent Agenda

a. There shall be judicial use of the consent agenda such as routine City business, items previously approved in the budget, non-controversial ordinances on second reading, resolutions not requiring discussion and actions on administrative issues not requiring discussion.

b. Council members have the right to remove any item from a consent agenda.

c. If a Council member has a question on a consent agenda item, for their information only a Council member shall endeavor to ask staff ahead of time.

d. Staff shall be prepared to report on every agenda item.

e. There shall be no discussion by Council members on consent agenda items. If a Council member desires discussion on a consent agenda item, the Council member must first ask that the item be removed from the consent agenda.

3. Public Comment

a. For quasi-judicial processes, the procedure will include: staff report, commission report, applicant report, questions from Council, public comment, any staff response, close of public hearing, Council discussion and action.

b. Once public comment in a public meeting is closed, further public input will not be allowed unless the public hearing is reopened by the Mayor or a majority of the Council or continued to a future meeting.

c. Applicant's comments will be limited to a reasonable time.

d. Everyone desiring to speak at a Council meeting shall first be recognized before speaking.

e. Except for quasi-judicial proceedings, public comment shall be limited to three (3) minutes for each person.

f. Total initial public comments shall be limited as determined by the Council in order to allow the completion of agenda business.

g. It is acceptable to ask questions of a speaker for clarification.

h. Each speaker will be thanked.

i. Council members will not respond to public comment except for quasi judicial processes (Council members will not express an opinion on the merits of a case during a quasi judicial hearing), but when a response is called for, the matter shall be referred to the City Manager for future response.

j. Council members shall endeavor not to make redundant comments.

#### 4. Voting

a. Each Council member has the opportunity to speak after a motion is made and seconded.

b. Attempts will be made to get consensus on significant policy issues.

c. There will be a roll call vote on all ordinances and when requested by any member of the Council on other issues.

#### 5. Staff Attendance at Council Meetings

a. Deputy City Managers will generally attend every meeting unless excused by the City Manager.

b. Department heads will attend meetings when they have an item scheduled.

c. Attendance by other staff, including department heads, at meetings shall be at the City Manager's discretion.

6. Executive Sessions

a. Council members will get written reports in advance of executive session items to the extent possible; these reports are to be turned in at the end of the meeting.

b. There shall be no violation of executive session confidentiality; Council members will not talk to affected or opposing parties or anyone else, including the press. (Also see #CP-14, B.4.)

c. There shall be no violation of the Colorado Open Meetings Law.

d. Confidentiality in the context of executive sessions relates to discussion of any non-public business items authorized under the Colorado Open Meetings Law.

e. The City Council may determine that a councilmember shall not receive confidential information or attend executive sessions on a particular topic if the City Council first determines that said councilmember has a conflict of interest in the subject matter of such confidential information and/or executive session.

7. Special Meetings

Special meetings may be called by the Mayor or any three (3) Council members upon at least 24 hours written notice as required by Section 4.22 of the City Charter and the Colorado Open Meetings Law.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 28 Sep 2011

**Number of Attachments:** 2

**Subject:** Revision and re-adoption of Council Policy #CP-5

**Presenter:** Robert R. Gehler, City Attorney

**Recommended City Council Action:**

Adoption of revised Council Policy #CP-5 concerning expenditures for authorized events and travel.

**Summary Statement:**

Council has discussed the need for a policy regarding the use of discretionary funds. As a result, certain portions of Council Policy #CP-5 concerning council travel expenses need to be revised to maintain consistency between council policies.

**Next Steps:** After the adoption of revised Council Policy #CP-5, it will be included in the book of City Council Policies.

**Expenditure Required:**

**Source of Funds:**

**Policy Issue:** Whether Council Policy #CP-5 should be revised concerning council expenditures for authorized events and travel.

**Alternative:** Council could choose not to revise the policy.

**Background Information:**

As part of the discussion of a policy regarding use of discretionary funds, it was noted that Council Policy #CP-5 would need to be revised.

**RESOLUTION UPDATING COUNCIL POLICY #CP-5  
NO. 2011-48**

WHEREAS, this City Council has adopted Council Policy #CP-19 concerning use of discretionary funds; and

WHEREAS, there are references in existing Council Policy #CP-5 to the subject of discretionary funds;

WHEREAS, in order to make Council Policy #CP-5 consistent with Council Policy #CP-19, it is necessary to update Council Policy #CP-5; and

WHEREAS, Council Policy #CP-5, as updated, is attached as Exhibit "A", has been reviewed, and is determined to be appropriate for adoption; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. Updated Council Policy #5 attached as Exhibit "A" is hereby approved and adopted as Council Policy #CP-5.
2. The City Clerk is directed to place Council Policy #CP-5 in the book of Council Policies as a public record of the City of Commerce City.

RESOLVED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Paul Natale, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, CMC, City Clerk

## **Council Policy #CP-5**

**SUBJECT:** Council policy regarding expenditures for authorized events and travel

**POLICY STATEMENT:** This policy is intended to formalize guidelines for incurring expenses and the payment of Council expenses for attendance at authorized events and City-related business except for expenses payable from Discretionary Funds as authorized in Council Policy #CP-19.

A. General guidelines

Any reasonable expense, as described in this Council Policy, incurred by the Council including the Mayor for attendance at authorized events and in the conduct of business on behalf of the City shall be paid by the City. In providing payment to Council for expenses incurred for attendance at authorized events and for City-related business and/or conferences, Council members are expected to participate to the greatest extent possible in that event to the benefit of the City.

Travel arrangements may be made by a City staff member designated by the City Manager for Council members only. If a Council member wishes to make his or her own travel arrangements, he or she can do so with the understanding that payment may be had only for the lowest airfare rate available where travel out of state is concerned.

B. Unless otherwise approved by Council, authorized events shall mean those events budgeted in the City budget for attendance by members of the City Council.

C. Authorization of expenses

Except for expenditure of Discretionary Funds which is governed by Council Policy #CP-19, expenses of \$350.00 or less will be authorized by the City Manager. Anticipated expenses in excess of \$350.00 shall be authorized by the City Council.

D. Advance payments

Advance payment for previously approved trips shall not be paid except for extenuating circumstances approved in advance by the City Manager. The request for travel advances should be made to the City Manager's Office at least one week prior to taking the trip.

E. Payment

Payment shall be made for the travel expenses specified below and incurred by the Council member only. Alternate arrangements for personal use are not payable by the City. Receipts are required for any expense, including mileage, submitted for payment. (A mileage log for purposes of this policy constitutes a receipt.) In order to qualify for payment, a claim for payment of expenses, excluding mileage, must be filed within thirty

(30) days of the date it was incurred except for extenuating circumstances approved by the City Manager. Claims for mileage must be filed within the month following the month when such mileage expense was incurred. All claims will be filed on forms provided by the City Manager.

1. **Air travel.** City staff shall use reasonable efforts to locate an economical non-stop coach airfare based on availability.

2. **Bus or rail – instead of air travel.** Payment is limited to cost of equivalent airfare.

3. **Private car – instead of air travel.** Payment is limited to cost of equivalent airfare. Council members are expected to comply with all applicable laws, and vehicles must be insured at all times.

4. **Auto rental.** Rental cars may be procured only if the use of such a vehicle provides the most economical means of transportation available to provide the necessary connections, and to accommodate meeting schedules. Payment is limited to actual cost for City business. Rental usage limited to Council member only.

5. **Parking – garage.** Payment is limited to actual cost.

6. **Private car – in state.** Payment is limited to calculation of mileage at current rate set by the Internal Revenue Service. A mileage log shall be used as proof of mileage.

7. **Taxi or shuttle.** Payment is limited to actual cost for travel to and from conference events and on City business only. Payment of a gratuity for a taxi shall not exceed 15% of the taxi fare.

8. **Lodging.** Payment is limited to actual reasonable occupancy rate for Council member for the minimum number of nights required to attend a City function. Reservations at hotels or motels are to be made well in advance of the conference or meeting dates. If attending a formal conference, lodging will normally be at the conference or headquarters, or hotel or comparable facility nearby. Payment of a gratuity for maid service shall not exceed \$2.00 per day.

9. **Meals – related to conventions, training, conferences and seminars.** Payment is limited to per diem based on federal guidelines. The per diem amount includes meal gratuities. For any meal paid for by others, the per diem paid to the Council member for such meal shall be reimbursed by the Council member to the City. Payment of a meal gratuity for service shall not exceed 20% of the cost of the meal.

10. **Registration fees.** Payment is limited to the actual cost for the Council member only.

11. **Business meals.** Payment is limited to the reasonable cost to conduct City business at a business meeting at breakfast, lunch or dinner for promoting or benefiting the City. Payment includes reasonable gratuity not to exceed 20% of the cost of the meal unless there is a specific restaurant gratuity charge. Information required for payment shall include the name of the individual(s) present for the meeting and the nature or purpose of meeting. Meals with constituents are not payable by the City. The cost of alcoholic beverages will not be paid by the City.

12. **Other regularly scheduled meetings, banquets, ceremonial events, etc.** Payment shall be made for the actual cost for attendance by a Council member at (1) regularly scheduled dinner meetings budgeted in the City budget or authorized by the City Council; (2) awards or recognition banquets for boards and commissions on which the City has representation; (3) ceremonial events at which a Council member is authorized by City Council to represent the City; and (4) other meetings as authorized by the City Council where a Council member is required to attend to represent the City. Payment for costs incurred by a spouse or companion of a Council member attending an event authorized in this Council Policy with a Council member shall only be made for events in the Denver metropolitan area. The cost of alcoholic beverages will not be reimbursed.

Examples of awards or recognition banquets, ceremonial events or other meetings in this paragraph may include, but are not limited to: Metro North Chamber Banquet, DRCOG awards banquet, and ADCOG July and December meetings. Specific fund-raising events as designated by Council are also allowed.

In the event a Council member responds to an invitation to a function or activity paid for by the City that he/she will attend and then fails to do so without giving the City Manager's office reasonable opportunity to fill the vacancy, the cost will be charged personally to the absent Council member and the proceeds deposited into the general fund except in the event of extenuating circumstances approved by the City Manager.

13. **City-issued purchasing cards.** Only the Mayor, if requested by the Mayor, shall be issued a City purchase card in accordance with the City's employee purchasing card policy. Use of the card is restricted to City business.

14. **Prohibition of use of funds for campaign purposes.** In no event shall any City funds be expended for campaign purposes which would violate the Fair Campaign Practices Act or for attendance at a partisan political event.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 17 Aug 2011

**Number of Attachments:** 0

**Subject:** Quality Community Foundation Update

**Presenter:** Quality Community Foundation Board

**Recommended City Council Action:**

This is an informational presentation and no action by City Council is required.

**Summary Statement:**

The Quality Community Foundation Board will present an update to City Council on the scholarship program, non-city agency grant program, golf tournament and various other Foundation items.

**Next Steps:** N/A

**Expenditure Required:** N/A

**Source of Funds:** N/A

**Policy Issue:** N/A

**Alternative:** N/A

**Background Information:**

For the past 11 years, the Quality Community Foundation has coordinated a golf tournament to raise funds for the Quality Community Foundation Scholarship Program. The tournament is open to everyone wishing to participate with proceeds going towards the scholarship program. Up to four scholarships are awarded each year to Commerce City residents of any age wishing to further their education by attending a Colorado higher education institution.

City Council graciously budgets funds that are presented to the Quality Community

Foundation. These funds allow the Foundation to pass dollars on to non-profit organizations that benefit Commerce City residents through the Non-city Agency Grant Program.

The Quality Community Foundation Board will present information, guidelines and updates to the City Council on each of these programs.



**Council Communication**

**City Council Meeting:** 10 Oct 2011

**Prepared:** 30 Sep 2011

**Number of Attachments:** One

**Subject:** Revision of Investment Policy

**Presenter:** Roger Tinklenberg

**Recommended City Council Action:**

Discussion of proposed revision of the investment policy and consensus to include in 2012 budget document.

**Summary Statement:**

The City's investment policy is approved and published in the annual budget document. This proposed revision would allow the City to purchase securities issued by public agencies with a rating of AA or better. Currently the investment policy allows investments only in AAA rated securities. However, with the downgrade of the federal government to AA, it is more difficult to find quality securities for the City's investments due to a decreased supply of such securities.

Allowing investment in public agency securities carrying a AA rating or better will allow for a better return on our investments with some increase in risk.

The proposed language planned for inclusion in the 2012 Budget Document is attached.

**Next Steps:** If acceptable to Council, then the revision will be placed in the investment policy in the 2012 budget book.

**Expenditure Required:** None

**Source of Funds:** N.A.

**Policy Issue:** Is the increase in investment risk acceptable to Council?

**Alternative:** Do nothing.

**Background Information:**

The investment policy guides the City's Finance Department in making security purchases for the investment of idle City funds. The Finance Department exercises caution in purchasing securities as part of its treasury function. For example, the City currently does not hold any commercial corporate securities due to the volatility of the economy in recent years. In addition, several months ago, the City's money was moved out of money market accounts that held bonds issued by European banks. Even though the money market accounts still hold AAA ratings, we decided that the risk of European bank defaults, due to the European sovereign debt crisis, was too great for safekeeping the City's investments.

## Revision of Investment Policy

The only change recommended is to allow investment in AA rated bonds issued by public agencies (federal, state and local governments). The added language is in red below:

The standard of prudence to be used for managing the City's assets is the "prudent investor" rule, which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived." All **commercial** investments must hold the highest available rating from at least one of the nationally recognized organizations which regularly rate such obligations. Such ratings include the AAA rating for long-term paper and A1/P1 for short-term paper. **Any security issued by the United States, a Federal Farm Credit bank, the Federal Land Bank, a Federal Home Loan bank, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Export-Import Bank, the Government National Mortgage Association, a state within the United States, or a local government within the United States shall have a minimum of an AA rating from at least one of the nationally recognized organizations which regularly rate such obligations.**