

ORDINANCE NO. 946

AN ORDINANCE AMENDING THE CITY CHARTER TO ADD NEW SECTIONS REGARDING AN OPEN GOVERNMENT POLICY, OPEN MEETINGS, DELIVERY OF SPECIAL CITY COUNCIL MEETING NOTICES, AND TRANSPARENCY OF THOSE APPEARING BEFORE PUBLIC BODIES OF THE CITY AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE NOVEMBER 7, 2023 REGULAR ELECTION.

WHEREAS, the City Council finds the formation of City policy is public business and may not be conducted in secret; and

WHEREAS, the City Council further finds that regular, periodic training of City Councilmembers and members of permanent boards and commissions of the City on matters relating to ethics, open government, open meetings, open records, and promoting citizen participation in municipal government will ensure all elected and appointed officials are aware of the laws that govern their behavior and create an environment where openness and transparency in City policymaking and decisions will be fostered.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Article I of the City of Dacono Home Rule Charter is hereby amended by the addition of new Sections 1-6, 1-7 and 1-8 to read as follows:

Sec. 1-6 Open Government Policy.

(a) Each Councilmember and each member of a permanent board or commission shall participate in at least one City-sponsored open government-related seminar, workshop, or other program at least once every two years. Such program shall provide information on at least the following topics relating to municipal government: the theories and policies underlying the laws relating to ethics, open government and open meetings, open records.

(b) The City shall publish, and periodically update as necessary, a summary of the laws governing open meetings and such summary shall be provided to each Councilmember and each member of a permanent board or commission and posted on the City's website.

Sec. 1-7 Meetings Open to the Public; Meeting Notices and Agendas.

(a) As used in this Section, "public body" means the City Council

and any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of the City and “meeting” means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

(b) All meetings of a quorum three or more members of any public body, whichever is fewer, and all meetings of two or more members of any public body with one or more elected or appointed officials of another governmental entity, at which City business is discussed or at which any formal action may be taken shall be public meetings open to the public at all times.

(c) Any meeting of a public body shall be preceded by the posting at City Hall and on the City’s website the notice of and agenda for the meeting at least twenty-four (24) hours in advance of the meeting.

(d) The agenda for any non-emergency meeting of a public body shall contain an itemized list of all subjects on which substantive discussions are reasonably expected or which may be the subject of formal action.

(e) No public body shall engage in substantive discussions relating to, or take formal action on, any subject at a non-emergency meeting when that subject was not listed on the agenda for that meeting and is not substantially related to any subject listed on the agenda; provided, however, that the City Council may engage in substantive discussions and take formal action on a matter of public business not on the agenda upon a finding by the presiding officer that: (1) such discussions or action will promote the general welfare of the City; (2) it is important that the matter be acted upon before the next City Council meeting; and (3) it would be injurious to the City to await action on the matter until the next City Council meeting.

(f) For purposes of this Section, a subject is not substantially related to a subject listed on the agenda when a person reading the agenda before the meeting would not have reasonably expected that the subject would be substantively discussed or formally acted upon at the meeting.

Sec. 1-8 Transparency and Required Disclosures.

The City Council finds that transparency regarding the source of information provided to the Council and other boards and commissions of the City is essential to good decision-making and upholding the public trust. Each person who appears before the Council or a board or commission of the City who is a relative of a member of such body shall disclose such relationship at the time of such appearance. The Mayor, each

Councilmember, and each member of a City board or commission has an affirmative duty to inform the Council, board or commission when they have personal knowledge that the person appearing before them is a relative of a member of such body, if such relationship is not disclosed by the person appearing before them. For purposes of this Section, “relative” shall have the same meaning as set forth in Section 2-7(f) of this Charter.

Section 2. Section 2-7 of the City of Dacono Home Rule Charter is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 2-7 Vacancies.

(f) No relative of a Councilmember or the Mayor may be appointed to fill a vacancy in the Council. “Relative” means any person related to a Councilmember or the Mayor by blood, marriage, or domestic partnership, in any of the following degrees: parents, spouse, children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein. Each Councilmember and the Mayor has an affirmative duty to inform the City Council when they have personal knowledge that a relative of the Mayor or a Councilmember has applied to fill a vacancy in the Council, and failure to do so shall be deemed a breach of the public trust.

Section 3. Section 3-2 of the City of Dacono Home Rule Charter is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 3-2 Special Meetings and Business at Special Meetings.

(a) Special meetings shall be called by the City Clerk on the written request of the Mayor or of any two (2) Councilmembers. A special meeting shall be held on at least forty-eight (48) hours written notice to each elected official, served personally or ~~left at the official’s usual place of residence~~ sent to the official’s City email address, except that a special meeting may be held on shorter notice if the entire Council is present or has waived notice thereof in writing. Notice of a special meeting shall be posted at City Hall and on the City’s website.

Section 4. The charter amendments provided for herein shall be submitted to a vote of the registered electors at the November 7, 2023 regular municipal election to determine whether the amendment shall take effect.

Section 5. The charter amendment provided for herein shall not take effect unless and until a majority of the registered voters voting at the November 7, 2023 regular election vote “yes” in response to the following ballot title:

SHALL THE CITY OF DACONO HOME RULE CHARTER BE AMENDED TO INCORPORATE AN OPEN GOVERNMENT POLICY; REQUIRE COUNCILMEMBERS AND MEMBERS OF BOARDS AND COMMISSIONS TO ATTEND PERIODIC TRAINING REGARDING OPEN GOVERNMENT; INCLUDE REQUIREMENTS FOR OPEN MEETINGS, NOTICES, AND AGENDAS; PROVIDE THAT SPECIAL MEETING NOTICES MAY BE DELIVERED TO COUNCILMEMBERS BY EMAIL; LIMIT DISCUSSION AND FORMAL ACTION AT MEETINGS TO ITEMS INCLUDED ON MEETING AGENDAS EXCEPT WHEN AN EMERGENCY REQUIRES IMMEDIATE ACTION; AND REQUIRE DISCLOSURES WHEN RELATIVES OF COUNCILMEMBERS AND MEMBERS OF BOARDS AND COMMISSIONS APPEAR BEFORE SUCH BODIES?

YES _____
NO _____

Section 6. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE THIS 14th day of August, 2023.

PUBLIC HEARING AND SECOND READING WILL BE THE 28th day of August, 2023 AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, BUILDING C, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE THIS _____ day of _____, 2023.

CITY OF DACONO, COLORADO

Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 946, **“AN ORDINANCE AMENDING THE CITY CHARTER TO ADD NEW SECTIONS REGARDING AN OPEN GOVERNMENT POLICY, OPEN MEETINGS, DELIVERY OF SPECIAL CITY COUNCIL MEETING NOTICES, AND TRANSPARENCY OF THOSE APPEARING BEFORE PUBLIC BODIES OF THE CITY AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE NOVEMBER 7, 2023 REGULAR ELECTION.”**:

Submits to the registered electors at the November 7, 2023 regular election amendments to the City’s Home Rule Charter to add sections to include an open government policy, open meetings, delivery of special City Council meeting notices, and transparency of those appearing before public bodies of the City.