July 8, 2016 Draft

Proposed Council Policies and Procedures Manual

Table of Contents

GENERAL 01
01.1 Mayor as Presiding Officer
01.2 Officers
01.3 Censure or Removal from Office

FINANCE 02
02.1 Budget

PERSONNEL 03
03.1 City Manager Performance Review
03.2 City Manager Expenditures
03.3 City Attorney Review

COMMITTEES, BOARDS, and COMMISSIONS 04
04.1 Committee Appointments
04.2 Screening Committee
04.3 Judicial Pay Process

MEETINGS 05
05.1 Meetings Defined/Open Meetings
05.2 Public Meetings/Notice
05.3 Quorum
05.4 Attendance
05.5 Special Meetings
05.6 Executive Sessions
05.7 Order of Business
05.8 Procedural Rules/Parliamentary Authority
05.9 Motions
05.10 First Reading Ordinances
05.11 Second Reading Ordinances
05.12 Minutes
05.13 Rezonings/Quasi-Judicial Process
05.14 Resolutions
05.15 Recesses/Adjournment
05.16 Study Session/Work Session/Planning Session/Site Visit

CODE OF CONDUCT, INFORMAL RULES AND MEDIA 06
06.1 Code of Conduct

COMMUNICATION AND CORRESPONDENCE 07
07.1 Constituent Requests

TRAVEL 08
08.1 Reimbursement and Travel

ORGANIZATIONAL ADMINISTRATIVE REGULATIONS/APPENDIX
VI/E Systems Security Policy
IV/I Employees Sued Personally
VI/H Internet Access and Usage Policy
VI/J Mobile Device Use Policy
VI/G Email Systems Usage Policy
I/B Records Management and Retention Policy

GENERAL 01

POLICY 1.1 MAYOR AS PRESIDING OFFICER

POLICY

The role of the mayor is to fulfill a significant leadership role and presides over meetings of the City Council.

AUTHORITY

Lakewood Home Rule Charter, Section 2.3.
By adoption of the Policy and Procedures Manual.

PROCEDURE

The mayor is directly elected by the voters. The Mayor presides over all meetings and meetings are generally held in accordance with Roberts' Rules of Order Parliamentary Procedure, giving some discretion and flexibility to the chair (Mayor). While the Mayor presides over meetings and has the same rights and responsibilities of a city council member, the ability to speak his/her opinions at council meeting and to vote on issues, but has no veto power.

The mayor, however, is expected to fulfill a more significant leadership role, including performing ceremonial functions and representing the City in intergovernmental relationships at the regional, state and national levels. The mayor is most often put in the position of speaking on behalf of the entire council, through the media.

The mayor is the chairman of the city council, responsible for ensuring cohesion and respect amongst its members. He/she is considered the mediator of conflict within the council team and should demonstrate the ability to effect compromise when needed. The mayor has routine responsibilities that include signing legal instruments and, in the case of an emergency, so declaring one and calling upon the governor for additional resources. The Mayor also assigns committee responsibilities to City Council Members, approves travel for Council Members and serves as a member on the police pension board.

Commented [AC1]: New language (in green) aligns to the Mayor's authority in the other policies and procedures

Original:

Role of the Mayor:

The mayor is directly elected by the voters. He/she presides over meetings and has the same rights and responsibilities of a city council member — the ability to speak his/her opinions at council meeting and to vote on issues — but has no veto power. The mayor, however, is expected to fulfill a more significant leadership role, including performing ceremonial

Commented [AC2]: ref. page 7-8, 2009/10 manual

functions and representing the City in intergovernmental relationships at the regional, state and national levels. The mayor is most often put in the position of speaking on behalf of the entire council, through the media. The mayor is the chairman of the city council, responsible for ensuring cohesion and respect amongst its members. He/she is considered the mediator of conflict within the council team and should demonstrate the ability to effect compromise when needed. The mayor has routine responsibilities that include signing legal instruments and, in the case of an emergency, so declaring one and calling upon the governor for additional resources.

POLICY 01.2 OFFICERS

POLICY

The officers of the Lakewood City Council shall be the Mayor, Mayor Pro-tem and President.

AUTHORITY

Lakewood Home Rule Charter, Section 2.3.
Lakewood Home Rule Charter, Section 2.4.
By adoption of the Policy and Procedures Manual.

PROCEDURE

Two members of City Council are chosen each year to serve as Council Officers, one in the position of Mayor Pro Tem and one as Council President.

The Mayor Pro Tem is chosen by the Mayor, subject to the ratification of the City Council at the first regular meeting after a study session in December. The Council President is nominated and voted on by the members of the City Council and assumes the responsibility at the same time as the Mayor Pro Tem. Each serves for a one-year period.

The primary responsibility of the Mayor Pro Tem is to serve as the Mayor when the Mayor is unavailable, including presiding over meetings and signing any documents that require a Mayoral signature.

The primary responsibility of the City Council President is to serve as a resource to fellow Council members and to coordinate communication between and amongst Council members. The Council President acts as Mayor in the event the Mayor and the Mayor Pro Tem are not available.

The Council Officers meet with the City Manager, Deputy City Manager and City Clerk at 4:00 p.m. each Monday prior to a regular City Council meeting to discuss the logistics of the upcoming meeting. The meeting will generally address the agenda item-by-item to ensure the Officers know who will be presenting each topic, how to properly pronounce names, whether to combine items, and so on. All members of the City Council are welcome to attend this meeting, which is commonly called the "4 o'clock." All such meetings shall be open to the public and posted accordingly.

Original:

City Council Officers
Two members of City Council are chosen each year to serve as Council Officers, one in the position of Mayor Pro Tem and one as Council President.
The Mayor Pro Tem is chosen by the Mayor and the choice is ratified by the City Council at the first regular meeting after a study session in December. The Council President is nominated

Commented [AC3]: ref. page 95-96, 2009/10 manual

and voted on by members of the City Council and assumes the responsibility at the same time as the Mayor Pro Tem. Each serves for a one-year period.

The primary responsibility of the Mayor Pro Tem is to serve in an acting capacity in the absence of the Mayor, including presiding over meetings and signing any documents that require a Mayoral signature.

The primary responsibility of the City Council President is to serve as a resource to fellow Council Members and to coordinate communication to and amongst Council members. The Council President acts as Mayor in the event that neither the Mayor nor Mayor Pro Tem is available.

The Council Officers, along with the Mayor, City Manager, City Clerk ~~and Director of the Mayor and City Manager's Office~~, meet at 4 p.m. each Monday prior to a regular City Council meeting to discuss the logistics of the meeting ahead. This generally includes going through the agenda item by item and making sure that the officers know who will be speaking on each topic, how to properly pronounce names, whether or not to combine items, etc. Any member of Council is welcome to sit in on, what is commonly called, the 4 o'clock."

POLICY 01.3 CENSURE OR REMOVAL FROM OFFICE

POLICY

The City's home rule charter provides that the City Council shall have the power to remove, for cause, the Mayor and any Councilmember from office, as provided by ordinance. The City Council shall further have the authority to censure Council Members and the Mayor.

AUTHORITY

Lakewood Home Rule Charter, Section 2.13.
Lakewood Municipal Code 2.05.

PROCEDURE

The requirements and procedure for both censure and removal of the Mayor or Council Member shall be as set forth in Chapter 2.05 of the Lakewood Municipal Code.

Original:
The City of Lakewood Charter provides that the City Council shall have the power to remove its members from office, including the Mayor, for cause, as provided by Ordinance. This Policy also allows for the censure of City Council members and the Mayor.

Commented [AC4]: Duplicative of Municipal Code Chapter 2.05
ref. page 99-101, 2009/10 manual

I. Removal or Censure. The City Council possesses the power to censure or remove its members from office. ~~including the Mayor, for cause, upon a vote of not less than three-fourths of all members of the City Council. The causes for censure or removal are:~~

~~A. Physical or mental disability rendering the Council member unable to perform Council duties;~~

~~B. Absences from regular City Council meeting or study sessions when such absences equal thirty (30) percent of all regular City Council meetings and study sessions in a calendar year;~~

~~C. For a Council member, lack of residence in ward from which elected; for the Mayor, lack of residence within the City.~~

~~D. Knowing disclosure of confidential information. Confidential information means information which is not available to the general public under applicable laws, ordinances and regulations, and which is obtained by reason of the Council member's position with the City.~~

~~E. A conviction of a violation of the Colorado Constitution or Colorado Statutes, which conviction prohibits serving as a Council member.~~

~~II. Procedure. The procedure for the censure or removal of a City Council member or Mayor is:~~

~~A. Charges shall be brought against the Council member by a majority vote of all members of the City Council;~~

~~B. The charged Council member shall be provided written notice of the charge or charges and the time and place of the hearing on said charge or charges, which hearing shall be held before the City Council;~~

~~C. The charged Council member may be represented by counsel. The City Council must appoint counsel to conduct the hearing and present evidence;~~

~~D. The hearing shall be conducted in a quasi-judicial forum. The allegations shall be presented on behalf of the City, by a special counsel selected by the City.~~

~~E. At the hearing, which shall be open to the public, the parties shall have the right to:~~

~~1. Present testimony.~~

~~2. Produce evidence.~~

~~3. Cross - examine witnesses.~~

~~4. Be represented by legal counsel.~~

~~III. Vacancy. Vacancy shall be filled as provided by City Charter. A Council member may not be charged a second time for the same offense.~~

FINANCE 02

POLICY 02.1 BUDGET

POLICY

The City Council has established the following policies and procedures to guide in the preparation, review and adoption of the annual city budget:

I. The annual draft budget submitted by the City Manager for City Council consideration will be "balanced;" i.e., revenues must exceed expenditures.

II. If special circumstances warrant the use of general fund reserves, the City Manager will submit a memorandum to Council outlining those special circumstances, the amount requested, the impact on City services, and alternatives to the use of General Fund reserves.

III. The annual draft budget will include a five-year estimate for costs and revenues for any proposed new program.

IV. Any proposal for the City to acquire property will include a five-year estimate of maintenance and operation costs.

V. The City Council Budget and Audit Committee will consist of three Council members and three citizen representatives appointed by the Mayor, with the concurrence of City Council.

VI. Thirty percent (30%) of the General Fund reserve will be set aside for public safety purposes, which shall be defined as police, municipal courts, municipal prosecution and related support services.

VII. The annual draft budget shall reflect a minimum ten percent (10%) General Fund balance.

AUTHORITY

Resolution 2005-48.
Lakewood Home Rule Charter, Section 3.3.

PROCEDURE

No recommended procedure.

Original:

Commented [AC5]: Letter "H' removed
Hard copy version, in tab ref. City Council's Budget Policy, 2009/10 manual

CITY COUNCIL'S BUDGET POLICY

Resolution 2005-48 established the following budget policies:.

A. The annual draft budget submitted by the City Manager for the City Council consideration will be "balanced," i.e. revenues will exceed expenditures.

B. If special circumstances warrant the use of General Fund reserves, the City manager will submit a memorandum to Council outlining those special circumstances, the amount requested, the impact on City services, and alternatives to the use of General Fund reserves.

C. The annual draft budget will include a five-year estimate for costs and revenues for any proposed new program.

D. Any proposal for the City of Lakewood to acquire property will include a five-year estimate of maintenance and operations costs.

E. The City Council Budget and Audit Committee will consist of three City Council members and three citizen representatives appointed by the Mayor, with the concurrence of City Council.

F. Thirty percent of the General Fund reserve will be set aside for public safety purposes.

G. Public safety shall be defined as police, municipal courts, municipal prosecution, and related support services.

H. The 2005 General Fund audit will be used to establish a "base" for public safety expenditures. The utilization of new sales tax revenues, as identified in ballot question 2A, will be in addition to the "base."

I. The annual draft budget shall reflect a minimum 10 percent General Fund balance.

PERSONNEL 03

POLICY 03.1 CITY MANAGER PERFORMANCE REVIEW

POLICY

The City Council shall evaluate the performance of the City Manager annually and review each evaluation with the City Manager.

AUTHORITY

Lakewood Home Rule Charter, Section 3.5.

PROCEDURE

The job performance of the City Manager is typically evaluated annually in accordance with the terms of the City Manager's contract, if any. The City Council will participate in a review of the City Manager and will be afforded the opportunity to provide comments and feedback. When the information is compiled, the City Manager will be given a copy of the written review and will meet in Executive Session with the City Council to go over the review, discuss any points of concern and develop performance measures for the subsequent year. A schedule for the City Manager's review process will be developed jointly by the Mayor and City Manager and conveyed to the entire Council.

Original:

~~**Performance Evaluations of the City Manager and City Attorney**~~

~~In accordance with the City Charter, the City Council directly supervises only two City officials, the City Manager and the City Attorney. The City Manager is a regular full-time employee of the City. The City Attorney, while acting with all of the responsibilities of a full-time employee and overseeing the administration of the City Attorney's Office, is retained by contract. The performance evaluations for these two positions are therefore different.~~

City Manager Performance Evaluation

The job performance of the City Manager is typically evaluated annually ~~during the same time period as the performance reviews of other City employees. Normally, during the first quarter of each year~~ the City Council will participate in a ~~written~~ review of the Manager, ~~copies of which will be distributed by the Mayor in conjunction with the Department of Employee Relations.~~ When information is compiled the Manager will be given a copy of the written review and will meet in Executive Session with the City Council to go over the review and discuss any points of concern and develop performance measures for the subsequent year. ~~The timeframe for employee reviews in 2010 has been extended by 14 weeks to more closely coincide with a delayed salary adjustment period. The Council and Manager may opt for a similar delay in the review timeframe for the City Manager in 2010.~~ A schedule for the City Manager's review process will be developed jointly by the Mayor and City Manager and conveyed to the entire Council ~~during the first quarter of 2010~~.

Commented [AC6]: Duplicative of City Charter ref. page 131, 2009/10 manual

Commented [AC7]: Rewritten to reflect current practice ref. page 131, 2009/10 manual

POLICY 03.2 CITY MANAGER EXPENDITURES

POLICY

The City Manager does not have an expense account, but is authorized to make business expenditures in the course of performing his/her duties.

AUTHORITY

Lakewood Home Rule Charter, Section 3.3.
By adoption of the Policy and Procedures Manual.

PROCEDURE

Commented [AC8]: Rewritten to reflect current practice

The City Manager's expenditures will typically be made via a City-issued procurement card. The procurement card statement shall be reviewed and approved by the Mayor on a monthly basis. The City Manager's expenses can be reviewed in the Lakewood Ledger.

Original:

Commented [AC9]: ref. page 130, 2009/10 manual

The City Manager does not have an expense account but is authorized to make business expenditures in the course of performing his/her duties. Those expenditures will typically be made via a City-issued Visa or MasterCard procurement card. Each month, the City Manager's procurement card statement shall be reviewed and approved by the Mayor. ~~Each quarter, the City's Budget & Audit Committee shall receive a copy of the City manager's procurement card activities. Each year, an internal auditor of the City shall conduct an audit of the City Manager's procurement card activities and provide a copy of the audit to the Mayor.~~

POLICY 03.3 CITY ATTORNEY REVIEW

POLICY

Commented [AC10]: Rewritten to reflect current practice

The City Council shall periodically review the work performance of the City Attorney and the office of the City Attorney in accordance with the terms of the City Attorney's contract, if any.

AUTHORITY

Lakewood Home Rule Charter, Section 4.6.
By adoption of the Policy and Procedures Manual.

PROCEDURE

The City Council is free to determine the process for reviewing the work of the City Attorney. The City Council may, at its discretion, request an annual report of activities and legal services rendered for the City by the City Attorney, the City Attorney's Office and any outside legal counsel.

Original:

Commented [AC11]: ref. page 131, 2009/10 manual

~~The City of Lakewood entered into an agreement in September of 2007 with the law firm of Widner & Michow LLP, now Widner Michow & Cox LLP, to provide legal services to the City Council and to oversee the administration of the City Attorney's Office. Tim~~

~~Cox serves as the City Attorney pursuant to that agreement. He may, at his discretion, retain special counsel or call upon others in his firm to perform specialized duties. The contract will be up for renewal on August 31, 2012. While no specific process is provided in the contract for review of the City Attorney, the City Council can, at its discretion, request an annual report of activities and services rendered on behalf of the City by the firm.~~

COMMITTEES, BOARDS AND COMMISSIONS 04

POLICY 04.1 COMMITTEE APPOINTMENTS

POLICY

Council Members are expected to serve on one or more committees per year, as assigned by the Mayor.

These committees take a number of different forms: community organizations that have asked for City Council leadership; intergovernmental advocacy organizations; boards and committees that are required by law to have an elected official as a member; and groups providing specific guidance to staff or others, among others.

AUTHORITY

Policy and Procedures Manual.

PROCEDURE

Committee assignments are made by the Mayor annually for the following calendar year. The process begins when the Mayor sends a memo to the City Council identifying the available committee assignments and asking Council members to select those of most interest to them. The Mayor will attempt to match Council members with their individual interests when feasible, but Council members should be prepared to accept any assignment given to them.

Commented [AC12]: Timeline can be difficult. Recommend to make this more broad and change from Nov. & Dec. to annually

Original:

City Council Members, in addition to their responsibilities in representing constituents through policy making decisions for the City of Lakewood, are asked and expected to serve on one or more committees per year, as assigned by the Mayor.
These committees take a number of different forms, some are community organizations that have asked for City Council leadership (i.e. Co Hope,) some are of an intergovernmental nature (i.e. Colorado Municipal League, Denver Regional Council of Governments,) some are required by law to have an elected official as a member (i.e. Head Start Policy Board,) and still others are groups providing specific guidance to staff or others (i.e. the Council Legislative Committee; Budget and Audit Committee.) ~~In November~~ of each year, the Mayor will send out a memo asking members of City Council which committees they have an interest in. While mayors have typically attempted to pair Council Members with committees of interest to them, this is not always feasible. ~~Committee assignments, for the following calendar year, are made by the Mayor in December.~~

Commented [AC13]: ref. page 69-72, 2009/10 manual

POLICY 04.2 SCREENING COMMITTEE

POLICY

The Screening Committee shall consist of five (5) Council members – one (1) from each of the five (5) Wards – and is responsible for making recommendations to the City Council regarding applicants for the City's Boards and Commissions. Committee meetings shall be open to the public and properly posted. Appointments will be made by City Council resolution.

AUTHORITY

Ad Hoc Committees
- Lakewood Home Rule Charter, Section 4.5

Advisory Commission for an Inclusive Community (ACIC)
- Resolutions 2007-48, 2008-49, 2008-85, 2010-18, 2011-6

Board of Adjustments
- Lakewood Home Rule Charter, Section 2.16
- Lakewood Municipal Code 9.1(e)

Board of Appeals
- Lakewood Municipal Code 14.12

Boards and Commissions, General
- Lakewood Home Rule Charter, Section 4.5,
- Lakewood Municipal Code 2.01

Employee Money Purchase Pension Plan
- Lakewood Municipal Code 4.04
- The Employee Money Purchase Pension Plan

Judicial Nominating Committee
- Lakewood Home Rule Charter, Section 5.3

Judicial Review Committee
- Lakewood Home Rule Charter, Section 5.3
- Lakewood Municipal Code 2.21.010

Planning/Zoning
- Lakewood Home Rule Charter, Section 9.1(a)
- Lakewood Municipal Code 17-1-7(3)(a)

Victims Assistance Board
- Lakewood Municipal Code 1.17.060

PROCEDURE

The Screening Committee shall be guided by the following rules:

I. Meetings.

- Committee meetings shall require a quorum of no less than three members.
- Staff will arrange Committee meetings and contact Committee members.

II. Interviews.

- The boards and commissions coordinator will coordinate interviews. Interviews should be set for a maximum of six (6), but not less than three, candidates. However, these numbers are flexible and should be discussed with the chairperson prior to scheduling.
- The Committee will interview all applicants for boards and commissions, including incumbents, with the exception of re-appointment interviews for ACIC. The Committee chair will decide whether to re-interview for ACIC. All openings will be advertised.
- The Committee shall conduct all applicant interviews in a fair and consistent manner.
- For Planning Commission applicant interviews, the Mayor and a Council member from the ward of the applicant will be invited to attend and may participate in the discussion following the interviews. However, the Mayor and the Council member cannot participate in the interviews or vote.

Original:

Commented [AC14]: ref. page 74-76, 2009/10 manual

~~BOARDS AND COMMISSIONS~~
~~The City of Lakewood has several citizen boards and commissions. All but one are regulatory in nature. The Advisory Commission for an Inclusive Community serves in an advisory capacity to the City Council.~~

~~Those that perform specific legal functions for the City are:~~

Advisory Commission for an Inclusive Community — ~~The commission consists of 60 citizens who serve on committees representing Parks / Trails & Open Space; Public Arts & Culture; Environment; Historic Preservation; Youth; Seniors; Neighborhoods; Business; and Diversity and Education.~~
~~Advisory Commissioners are interviewed, selected and appointed in the same manner as the other groups, by the City Council Screening Committee. No City Council members sit on the Commission.~~
Board of Adjustment — ~~Hears and decides requests by property owners for variances from development regulations.~~
Board of Appeals — ~~Hears and decides appeals from any order, requirement, decision or determination made by the Codes Administrator.~~
Employees Money Purchase Pension Plan — ~~Administers the Plan by establishing rules, selecting investment and making determinations of the right of an employee to a benefit.~~
Housing Authority — ~~City Council appoints members to the Housing Authority Board and then it operates as a separate entity from the City and is governed by Colorado Statutes. Its function is to provide affordable housing that offers healthy and safe living for those with low to moderate incomes.~~
Judicial Review Commission — ~~Investigates all complaints against Lakewood Municipal Court Judges and makes recommendations to the City Council regarding same. This Commission also recruits, screens, interviews and makes recommendations to City Council regarding selection and appointment of judges.~~
Planning Commission — ~~Conducts public hearings on proposed rezonings and subdivision applications. The Commission is also the approval authority for special use permits and is~~

~~responsible for the City's Comprehensive Plan. Land use cases will be considered first by the Planning Commission before being forwarded, with recommendations, to the City Council.~~

Police Pension Board — ~~Manages the pension plan and the Death, Duty, Disability Trust. This is the only board that has a member of City Council appointed to it. By Municipal Code, the Mayor is to serve as a member of the board.~~

Victim Assistance Compensation Board — ~~Provides compensation to victims through an established application and review process.~~

~~Complete information on each of these groups can be found in the Boards and Commissions Orientation Manual. The only role that City Council members have is through the Council Screening Committee process described in detail in the Committees" portion of this manual.~~

Through this process, Council interviews, selects and appoints members to the above boards and commissions.

POLICY 04.3 JUDICIAL PAY PROCESS

POLICY

The City Council shall establish the compensation of all judges of the Municipal Court by ordinance as required by the City's home rule charter.

AUTHORITY

Lakewood Home Rule Charter, Section 5.8(a).
Lakewood Municipal Code 2.20.

PROCEDURE

Commented [AC15]: Updated to reflect current practice and to give a broader timeline, exact timeline given is not able to be met

The Mayor shall appoint a Judges' Salary Review Committee at the beginning of each calendar year.

The City Manager or designee, in coordination with the Department of Employee Relations, shall conduct a salary survey of municipal and county judges in the Denver metropolitan area. The survey results shall include a weighted average of municipal judges' salaries and other relevant salary information. The salary survey shall be provided to the Judges' Salary Committee by the end of the first week of April each year.

Upon completion of the salary survey and no later than April of each year, the City Manager or designee shall schedule a meeting among the Salary Committee and all presiding municipal judge to discuss the salary survey and to exchange information about the Municipal Court and judges.

The Committee shall thereafter submit to the City Council a proposed Judicial Pay ordinance, prepared by the City Manager or designee, containing the Committee's recommendations for the salaries of Municipal Judges and the Presiding Municipal Judge. The ordinance shall include a recommended hourly rate for Associate Municipal Judges. This process should be completed by May of each year.

The City Council shall entertain the Judicial Pay ordinance at the next available regular City Council meeting.

1) JUDICIAL PAY PROCESS

Original:

Commented [AC16]: ref. page 73, 2009/10 manual

Section 5.8. (a) of the City Charter states: "The City Council shall establish the compensation of all judges of the Municipal Court by ordinance."

Pursuant to this City Charter provision the following process is hereby established:

1. The mayor shall appoint a Judges' Salary Review Committee at the beginning of each calendar year.

2. ~~The Municipal Court Administrator~~, in coordination with the Department of Employee Relations, shall conduct a salary survey comprised of municipal and county judges in the metropolitan area. The survey will include a weighted average of municipal judges' salaries. The survey may include other relevant salary information.

3. The salary survey shall be provided to the Judges' Salary Committee by the end of the first week of April each year.

4. Upon completion of the salary survey and no later than April ~~20~~ of each year, the ~~Court Administrator~~ shall set up a meeting between the Salary Committee and the ~~full-time~~ presiding municipal judge. The purpose of the meeting is to discuss the salary survey; to exchange information about the Municipal Court and the judges; and to ask and answer questions.

5. After meeting with the full-time judges, the Judges' Salary Review Committee shall meet to make a recommendation on appropriate pay for the Municipal Judges and the Presiding Municipal Judge. The committee shall also recommend an hourly rate for the Associate Municipal Judges. This process should be completed by May ~~1~~ of each year.

~~6. The Court Administrator shall complete the process of preparing a revision to the ordinance reflecting the recommended pay for judges.~~

7. The City Council shall adopt an ordinance establishing the pay for Municipal Court judges.

~~8. The Court Administrator shall complete NOPA's reflecting the adopted pay for all judges. These salary figures will be used in the preparation of the annual budget for the Municipal Court.~~

POLICY 05.1 MEETINGS DEFINED/OPEN MEETINGS

POLICY

All meetings of the members of the City Council shall be consistent with the Colorado Open Meetings Law (OML), which broadly defines a "meeting" as "any kind of gathering convened to discuss public business, in person, by telephone, electronically, or by other means of communication."

AUTHORITY

Lakewood Home Rule Charter, Section 2.15.
C.R.S. 24-6-402(1)(b).

PROCEDURE

Based on the definition of "meeting" in the OML, virtually any time *three or more* Council members discuss public business, the discussion could be considered a meeting requiring notice to the public, regardless of whether the Council members are in the same room, talking by telephone, or communicating via email or other electronic medium.

However, the Colorado Supreme Court has also declared that "merely discussing matters of public importance" does not trigger the requirements of the OML; there must be a "demonstrated link" between the meeting and the City Council's policy-making powers, such as a rule, regulation, ordinance or other formal action.

Original:

Commented [AC17]: ref. page 60, 2009/10 manual

What Constitutes a "Meeting?"

The statutes broadly define a "meeting" as "any kind of gathering convened to discuss public business, in person, by telephone, electronically, or by other means of communication." In a case involving meeting notice obligations, the Colorado Supreme Court provided important direction concerning what sort of meetings are covered by the Open Meetings Law, a decision that affects the scope of the Law as a whole. The Court clarified that for a gathering to be subject to Open Meetings Law requirements "there must be a demonstrated link between the meeting and the policy -making powers of the government entity holding or attending the meeting." The Court went on to explain that such a link exists when the meeting is "convened to discuss or undertake…a rule, regulation, ordinance, or formal action." "Merely discussing matters of public importance," does not trigger the requirements of the Open Meetings Law.

"Open" Meetings

Whenever three or more members (or quorum of the members, if fewer than three) of the "local public body" get together and public business is discussed or formal action may be taken, the gathering is a "meeting" and must be open to the public.

POLICY 05.2 PUBLIC MEETINGS/NOTICE

POLICY

All City Council meetings shall be open to the public and public notice shall be provided.

AUTHORITY

Lakewood Home Rule Charter, Section 2.15.
C.R.S. 24-6-402(2).
Policy and Procedures Manual.

PROCEDURE

I. Public Meetings.

A. A "meeting" occurs and must be open to the public whenever three or more Council members in person, by telephone, electronically or by other means: (i) discuss public business pursuant to the City Council's policy-making powers; or (ii) contemplate taking formal action.

B. City Council and Staff Retreats. If a retreat or similar gathering is attended by three or more Council members and either of the situations identified in "A" above occur, it qualifies as a meeting that must be open to the public. City staff meetings are not subject to public meetings requirements, and therefore staff meetings not attended by three or more Council members need not be open to the public.

II. Public Notice of City Council Meetings. City Council meetings shall be held only after full and timely notice to the public. The official posting place for all public notices is the bulletin board located in the atrium at Civic Center South, 480 S. Allison Pkwy., and on the City's website. Full and timely notice shall be deemed to have been given if the notice of the meeting is posted no less than twenty-four hours prior to the holding of the meeting.

Original:

Council and Staff Retreats

Under the expansive definition of "meeting" in the statute, "any kind of gathering" to discuss public business can qualify, regardless of how it may be labeled. Thus, if the retreat is attended by three or more members of the local public body, or by a quorum of the body (if fewer than three), the retreat qualifies as an open meeting, to which requirements for notice may also apply. However, an unlimited number of administrative staff members may attend the retreat since the Open Meetings provisions are inapplicable, due to the specific exclusion of administrative staff from the "local public

Commented [AC18]: ref. page 60-61, 2009/10 manual

body" definition.

Providing Notice of the Meeting
The public cannot exercise its right to attend open meetings unless given sufficient notice. Therefore, the Open Meetings Law requires that the public receive "full and timely notice" of any meeting held. The statute prescribes the notice requirement as follows:

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. ~~The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.~~

POLICY 05.3 QUORUM

POLICY

A quorum of Council members must be present in order to conduct any business.

AUTHORITY

Lakewood Home Rule Charter, Section 2.16.
C.R.S. 24-6-402(2)(b).
Policy and Procedures Manual.

PROCEDURE

A quorum consists of a simple majority; *i.e.*, a minimum of six of the eleven Council members must be present in order to hold a Regular or Special City Council Meeting.

Notwithstanding this quorum requirement, any discussion of public business involving three or more members of City Council is considered a meeting subject to the Open Meetings Law.

Original:
Quorum
A quorum of city council members must be present to do business. A simple majority constitutes a quorum; i.e. a minimum of six of the eleven city council members must be present in order to hold a Regular or Special City Council Meeting.

Commented [AC19]: ref. page 61, 2009/10 manual

POLICY 05.4 ATTENDANCE

POLICY

Council members are expected to serve the public by attending all regular and special meetings and study sessions. Absences from regular City Council meetings or study sessions when such absences equal thirty percent (30%) of all regular City Council meetings and study sessions in one (1) calendar year can be cause for removal.

Commented [AC20]: Wording added to align with the Lakewood Municipal Code 2.05.020(B)

AUTHORITY

Lakewood Home Rule Charter, Section 2.15.
Lakewood Municipal Code 2.05.020(B).
By adoption of the Policy and Procedures Manual.

PROCEDURE

"Unexcused absence" is defined as an absence from any regular or special meeting or any study session without prior notice to a Council Officer or by reason of illness or unforeseen emergency.

Attendance at meetings other than regular or special meetings, study sessions or the Council member's assigned committee meetings (see Policy 1.6) is at the discretion of the individual Council member. Notification of an absence should be made to the Mayor or Councilor Officer(s) prior to the meeting.

Original:
~~Section 2.15 of the Lakewood City Charter states that City Council must hold at least one meeting per month at the time and date designated by ordinance.~~ City Council members are expected to serve the public by attending all regular and special meetings as well as study sessions. Attendance at any other meetings is at the discretion of the individual city council member.

Commented [AC21]: ref. page 63, 2009/10 manual

POLICY 05.5 SPECIAL MEETINGS

POLICY

A "Special Meeting" is a meeting held at other than the designated dates and times of a Regular Meeting and may be scheduled either by vote of the City Council at a Regular Meeting or by a "Notice of Special Meeting".

AUTHORITY

Lakewood Home Rule Charter, Section 2.15.
Lakewood Municipal Code 2.02.010(B).

PROCEDURE

A Special Meeting may be scheduled either by majority vote of the City Council at a Regular Meeting or by a "Notice of Special Meeting" signed by the Mayor and three Council members and delivered to all Council members at least 24 hours in advance of the Special Meeting. Council members must sign a receipt for the Notice of Special Meeting, which is returned to the City Clerk.

Original:
Special Meetings
A "Special Meeting" is a meeting held at other than the designated dates and times of a Regular Meeting (outside of the 2 and 4 Monday of each month/ 7:00 p.m.) A vote may be held at a Regular Meeting to conduct a "Special Meeting" or a "Notice of Special Meeting" which has been signed by the Mayor and three Council members may be delivered to the City Council members at least 24 hours in advance of the Special Meeting. City Council members are to sign a receipt for the Notice of Special Meeting, which is returned to the City Clerk.

Commented [AC22]: ref. page 62, 2009/10 manual

POLICY 05.6 EXECUTIVE SESSIONS

POLICY

Any regular or special City Council meeting may be recessed to an executive session in the manner set forth in section 2.15 of the City's home rule charter.

No formal action may be taken in executive session. When a matter discussed in executive session is later discussed on the record at an open meeting, the record must indicate what policy considerations and motivations led to any final decision.

Whenever possible, executive sessions, including the topic and statutory citation, should be identified on the City Council agenda for the meeting during which the City Council will recess into executive session.

Topics for executive sessions may include only those set forth in the City's home rule charter.

AUTHORITY

Lakewood Home Rule Charter, Section 2.15(c).
C.R.S. 24-6-402(4).

PROCEDURE

To recess into executive session, a Council member must make a motion for an executive session and must announce the topic of discussion including (i) the specific citation to the Open Meetings law authorizing the topic for executive session; and (ii) identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. The City Council shall then vote on whether to hold the executive session as described. The minutes of the regular or special meeting must reflect the topic of discussion at the executive session.

Original:

Because the underlying principle of the Open Meetings Law is that the formation of public policy is public business, and therefore cannot be conducted in secret, the exceptions provided by statute are limited and strictly tailored to situations where the General Assembly has determined that private discussion could serve the public interest.

Except for sessions held to receive legal advice, discussions that occur in an executive session of a local public body shall be electronically recorded.

Topics of Executive Sessions
~~The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.~~

Commented [AC23]: Duplicative of City Charter, section 2.15(c)
ref. page 61-62, 2009/10 manual

~~Conferences with any attorney for the local public body for the purpose of receiving legal advice on specific legal questions.~~
~~Matters required to be kept confidential by federal or state law or rules and regulations.~~
~~Specialized details of security arrangements or investigations, including defenses against terrorism.~~
~~Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.~~
~~Personnel matters except if the employee who is the subject of the session has requested an open meeting.~~

~~Procedure for Calling an Executive Session~~
~~The governing body may only call an executive session at a regular meeting or special meeting.~~
~~While the Open Meetings Law requires "full and timely notice" of the regular or special meeting, nothing in the statute requires any particular notice of the governing body's intention to hold an executive session as part of that meeting. Thus, there is apparently no notice requirement that would impair the governing body from spontaneously calling an executive session during one of its meetings.~~
The governing body must first announce the topic of discussion, including the specific citation to the Open Meetings Law that authorizes consideration of the announced topic in executive session, as well as "identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and then vote on whether to hold the session for the purpose of discussing only the topic announced.
~~Two - thirds of the quorum present must vote affirmatively before the governing body can close the meeting to the public~~. The minutes of the regular or special meeting must reflect the topic of discussion at the executive session. ~~Sample executive session procedures are provided in~~
~~Appendix 1.~~
~~The purpose of calling an executive session is merely to deliberate on sensitive matters that could be compromised by premature public disclosure, and no formal action may be taken in executive session.~~ The discussion on the record at the open meeting must indicate what policy considerations and motivations led to the final decision.

POLICY 05.7 ORDER OF BUSINESS

Original:

Agenda

Regular Council meetings are held on the second and fourth Monday evenings of the month beginning at 7 p.m.)

Following is the usual order of business:

Meeting called to order

Roll call, pledge of allegiance, moment of silent reflection

Recognitions, proclamations, etc.

Public Comment on Other than Agenda Items

Consent Agenda (handling of routine business)

Ordinances on First Readings

Resolutions

Approval of Council Minutes

Acceptance of Minutes of Boards and Commissions

Public Comment on Consent Agenda

Ordinances on Second and Final Reading and Public Hearing

General Business

Reports

Adjournment

Commented [AC24]: ref. page 63, 2009/10 manual

POLICY 05.8 PROCEDURAL RULES/PARLIAMENTARY AUTHORITY

POLICY

The Mayor shall preside over, or "chair", all meetings, which are to be held in generally accordance with Robert's Rules of Order/Parliamentary Procedure, giving some discretion and flexibility to the chair.

The Mayor may, in his or her discretion, establish procedural rules and/or guidelines for a particular hearing or meeting.

Any procedural rule or guideline that deviates from Robert's Rules of Order/Parliamentary Procedure *and is intended to apply on an ongoing basis* may be presented by the Mayor or other Council member to the full City Council for approval as an amendment to these Policies and Procedures.

AUTHORITY

Lakewood Municipal Code 2.02.020(B).

PROCEDURE

Establishing procedural rules and/or guidelines for a particular hearing or meeting:

In the event a hearing or meeting is anticipated to be particularly contentious or public participation at a hearing or meeting is expected to be extensive, or for other good cause, the Mayor, at the commencement of such hearing or meeting, may establish rules or procedures for the conduct of Council members, staff and the public, including, but not limited to, reducing the length of public comment – either individually or in the aggregate; precluding cumulative testimony or comment; and revising the order of public comment, staff presentation or other aspects of such hearing or meeting.

Ongoing procedural rules or guidelines deviating from Robert's Rules of Order/Parliamentary Procedure:

In the event the Mayor or a Council member determines specific rules or guidelines deviating from Robert's Rules of Order/Parliamentary Procedure are necessary or desirable on an ongoing basis, the Mayor or Council member shall present such specific rules or guidelines in writing to the City Council, in accordance with established policy, as one or more proposed amendments or additions to these Policies and Procedures.

Original:

Commented [AC25]: ref. page 62, 2009/10 manual

Meeting Procedures

The Mayor presides over all meetings and meetings are generally held in accordance

with Robert's Rules of Order/Parliamentary Procedure, giving some discretion and flexibility to the chair (Mayor).

The Council President is the person selected to make motions on items on the agenda. The Mayor Pro Tem is the person selected to second the motions on items on the agenda.

POLICY 05.9 MOTIONS

The Council President is designated to make motions to approve routine City Council agenda items, such as the consent agenda, resolutions and second reading ordinances, and the Mayor Pro Tem is designated to second these motions. However, any Council member may make or second a motion to approve, amend, table or continue any other matter before the City Council.

AUTHORITY

By adoption of the Policy and Procedures Manual.

PROCEDURE

Motions and seconds shall be made in accordance with Robert's Rules of Order/Parliamentary Procedure.

Original:

~~ROBERTS RULE'SOF ORDER~~
~~(AS USED IN LAKEWOOD)~~
~~The City Council has the authority to determine its own rules of procedures for the conduct of its meetings. The common practice is for a new Council to adopt the rules of procedure of the previous Council, although amendments or changes are permissible, and in order. Presently, Robert's Rules of Order is used as Council's procedural guide. Council has also adopted a number of Resolutions governing procedural matters, such as rezonings. Procedures for the adoption of Ordinances are set forth in State Statute.~~

~~Main Motion: A motion which brings before the assembly, for its consideration, any particular subject. All other motions take precedence. It is the first motion made and the last motion voted on. It requires a second and is debatable. It requires a majority vote and is reconsiderable.~~

~~Subsidiary Motion: A motion applied to other motions for the purpose of disposing of them. There are seven subsidiary motions, five of which are commonly used in Lakewood. They are:~~

~~Amend: This motion changes the wording of a pending motion. It requires a second and is debatable. An amendment may be amended, except an amendment to an amendment may not be debated. An amendment requires a majority vote and is reconsiderable.~~

~~Postpone definitely: (In Lakewood, we call it "continue to a date certain ") This postpones a motion to a certain date. It requires a second and is debatable; however, debate is limited to the propriety of postponement. It can be amended by changing the date or the time. This motion requires a majority vote and is reconsiderable.~~

~~Postpone indefinitely: This motion removes the main motion from consideration and entrusts it to the care of the secretary" until consideration is resumed at an unspecified future time. It requires a second and is not debatable. It requires a majority vote, cannot be amended nor is it reconsiderable. The~~

Commented [AC26]: Duplicative of municipal code 2.02.020 adopting Robert's Rules of Order
ref. page 66-67, 2009/10 manual

~~object of this motion is to postpone the main motion in such a way that it can be taken up when the Council wishes (or when it is ready to be taken up) rather than at a specified time set in advance.~~

~~Close, limit or extend limits of debate: (In Lakewood, we call it "call for the question" or Call the question ". In essence, this motion closes all debate and requires a vote on the motion. Once this motion is made, and seconded, then it is neither debatable nor amendable. It requires a two-thirds vote for approval, and, if approved, all debate ceases and a vote on the main motion is then taken.~~

~~Commit or refer: This motion sends a pending motion to a committee, such as the Planning Commission. It requires a second, is debatable, amendable, reconsiderable (as long as the committee has not begun reconsideration of the matter), and requires a majority vote. In Lakewood, this motion is rarely used.~~

~~Reconsider: (This is technically a "miscellaneous" motion.) This motion allows the Council to consider again a motion on which a vote has already been taken. This motion must be made at the next meeting of the Council by a person who voted on the prevailing side. The effect of making this motion is to suspend all action the original motion would have required and to place before the Council the original question in the exact condition is had before it was voted upon. It must have a second and cannot be amended. It is debatable only if the motion to which it pertains was also debatable. It requires only a majority vote, and the motion to reconsider cannot itself be reconsidered. If a motion is reconsidered, then the original motion may be amended (The motion is called "amend after adoption").~~

POLICY 05.10 FIRST READING ORDINANCES

POLICY

All proposed ordinances shall be introduced only at a Regular, Special or Emergency Meeting of the City Council.

AUTHORITY

Lakewood Home Rule Charter, Section 7.4(1)(2).

PROCEDURE

"First reading" ordinances shall be introduced by reading the title of the ordinance. First reading ordinances shall be placed on the Consent Agenda and scheduled for a "second reading" two weeks later.

POLICY 05.11 SECOND READING ORDINANCES

POLICY

The "second reading" of each ordinance shall be at a Regular, Special or Emergency Meeting held not less than 10 days after publication of the ordinance after the first reading. Second reading shall require a public hearing during which public testimony and consideration by the City Council shall occur.

AUTHORITY

Lakewood Home Rule Charter, Section 7.4(3).

PROCEDURE

"Second reading" ordinances shall be introduced by reading the title of the ordinance. After a public hearing held in accordance with the procedures therefor, the City Council may consider and vote upon adoption of the ordinance. Adoption requires an affirmative vote of a majority of Councilmembers present and voting, except that no ordinance shall be adopted with less than five affirmative votes of such majority.

Upon adoption, the ordinance shall be published by title, except that any amendment to such ordinance shall be included in the publication.

Original:

~~**Ordinances**~~

~~Ordinances are the "laws" of the City, enforceable in Court, and for which penalties are assessed for violation in the amount of up to $1000.00 or 365 days in jail, or both, on conviction of violation.~~

~~Ordinance adoption is a principal duty of the Council. An Ordinance that Council adopts, however, must provide for the public health, safety and welfare and must be in harmony with the State Constitution and State Statutes. In addition, it must be in accord with the Federal Constitution and Acts of Congress.~~

~~When the City Council enacts an ordinance, it takes effect at one of three different times: 1) 30 days after the publication by title; 2) 45 days after publication by title (zoning ordinance); or 3) immediately if passed by emergency ordinance.~~

~~Ordinances must be passed in accordance with the procedures specified by the City is Home Rule Charter and rules adopted by the Council. These procedural requirements, fixed by the State~~

Commented [AC27]: Duplicative of City Charter section 7.4
ref. page 68, 2009/10 manual

~~Statute, determine: 1) method of presentation of the Ordinance; 2) the number of readings at successive meetings; 3) public hearings;~~ 4) majority of the Council necessary for passage; 5~~)~~ ~~officers, such as Mayor and City Clerk, whose signatures must be affixed; 6) publication prior to legal effect; 7) authority of the Council to give emergency Ordinances immediate effect; and 8) provision for recording Ordinances for permanent record.~~

~~By Home Rule Charter, public hearings must be held on all Ordinances and some additional matters.~~ It is Council policy to set a date for a Public Hearing on First Reading and not conduct a Public Hearing until the Second Reading of the Ordinance. The public must be properly notified of these hearings through legal publications. ~~Public Hearings may be continued from time to time as long as a continuation is to a specific date.~~

POLICY 05.12 MINUTES

POLICY

All Regular Meetings of the City Council are recorded, and a written record in summary form is prepared by the City Clerk for City Council approval at a later Regular Meeting. All such records are open for public inspection, as well as ordinances and resolutions adopted by the City Council.

AUTHORITY

C.R.S. 24-6-402(2)(d)(1).

PROCEDURE

The City Clerk is responsible for retaining audio recordings and developing and retaining meeting summaries.

Original:

Maintenance of Official Records

Regular Council meetings are recorded and a written record, in summary form, is also prepared by the City Clerk and approved by Council. All of these records are open for public inspection, as well as ordinances and resolutions adopted by Council. ~~Notes are taken on Study Sessions and are also available to the public.~~

Commented [AC28]: ref. page 64, 2009/10 manual

POLICY 05.13 REZONINGS/QUASI-JUDICIAL PROCESS

POLICY

When the City Council considers an application to rezone property, and for any other hearing in which the City Council is required to reach a decision by applying established standards or criteria to the particular facts of the matter before it, the City Council shall act in a "quasi-judicial" capacity.

AUTHORITY

Snyder v. City of Lakewood, 542 P.2d 371 (1975).
6-38 *Zoning and Land Use Controls* § 38.04 (2011).

PROCEDURE

When acting in a "quasi-judicial" capacity, the City Council acts as a panel of judges, applying established legal standards to the particular facts of an application or case, and makes an unbiased decision on the basis of evidence presented at a properly noticed public hearing. In quasi-judicial matters, Council members must avoid participating if, in their own judgment, they cannot be objective in voting on the issue because of a financial conflict of interest, bias, prejudgment or "ex parte" contact. Council members are encouraged to contact the City Attorney's Office for assistance in evaluating any potential disqualifying event.

During a quasi-judicial proceeding, the City Council receives evidence from witnesses. Such witnesses may include City staff, the applicant and members of the public with a legally recognized interest in the proceedings. Evidence may be presented in the form of individual testimony or may be demonstrative in nature.

Original:
Rezonings
The Colorado courts have ruled that when Council considers applications for rezoning it is acting in a quasi-judicial capacity. This means the Council acts as a panel of judges, making an unbiased decision on the basis of information provided at a formal Public Hearing by competing interests. For these reasons, Council members should seek to avoid any prehearing contacts regarding applications for rezonings.

Commented [AC29]: ref. page 62, 2009/10 manual

POLICY 05.14 RESOLUTIONS

POLICY

Resolutions shall be used to approve or adopt various items, rules, regulations and other matters of a generally non-permanent nature, such as contracts, proclamations, general policies and other documents, and matters identified by charter or ordinance. Resolutions cannot enact legislation or amend or supersede any duly enacted law, whether local or otherwise, except as may be expressly provided by applicable law.

AUTHORITY

Lakewood Home Rule Charter, Section 7.1 and 7.2.

PROCEDURE

Passage or adoption of resolutions and motions shall require an affirmative vote of a majority of Councilmembers present and voting. There shall be a motion and a second and an opportunity for Council discussion in accordance with applicable rules.

Original:
A Resolution, unlike an Ordinance, does not establish a permanent local law. Resolutions are commonly used for letting contracts, ordering paving of streets, construction of public improvements and items of a short-term nature. Motions are used as a means to bring before council any matter for consideration, including Ordinances and Resolutions.

Commented [AC30]: ref. page 68, 2009/10 manual

POLICY 05.15 RECESSES/ADJOURNMENT

Original:

Commented [AC31]: ref. page 62-63, 2009/10 manual

Recesses of the City Council

The Mayor may, in his or her sole discretion, call a recess at any time from a Formal Meeting of the City Council. During a recess:

Council members may discuss procedures for considering a particular substantive issue before them; Council members constituting a quorum shall not discuss substantive issues before them; Council members shall not take formal votes, make final policy decisions, or take any other formal action.

POLICY 05.16 STUDY SESSION/WORK SESSION/ PLANNING SESSION/ SITE VISIT

Original:

Commented [AC32]: ref. page 64, 2009/10 manual

Study Sessions

Informal Study Sessions are used as regular procedure to familiarize the Council members with detailed aspects of subjects on upcoming agenda items, thus saving valuable time in the council meeting itself. Public comment is reserved for formal City Council meetings. Study Sessions are held on the first and third Monday evenings of the month (beginning at 7 p.m.)

CODE OF CONDUCT 06

POLICY 06.1 CODE OF CONDUCT

This new policy is being developed by the Council Ad Hoc committee

COMMUNICATION AND CORRESPONDENCE 07

POLICY 07.1 CONSTITUENT REQUESTS

POLICY

Council members should direct constituent requests to the Citizen Outreach Specialist or appropriate department or division managers, who will respond to constituents directly (and never use form letters).

AUTHORITY

Policy and Procedures Manual.

PROCEDURE

Commented [AC33]: Rewritten to reflect current practice

The Citizen Outreach Specialist will enter the information into the system, automatically sending it to the appropriate staff member for response. The Citizen Outreach Specialist monitors responses and ensures that staff personally communicates with the constituent within 10 days, and gets back to the Councilmember and his/her fellow Ward Council member with the outcome of the request. The majority of requests are received by Request Lakewood. The appropriate Council member is copied on the submittal and the closure of each request. Council members are automatically notified via email when a citizen selects "Contact My Council Members" in Request Lakewood and inputs a concern or request.

Information related to internal operations, personnel issues or policy-related issues (different than service requests) should be forwarded to the City Manager or designee. On the other hand, issues related to the daily operations and business of the City can be sent to the Citizen Outreach Specialist, such as speeding complaints or requests for pavement markings. From time to time, concerns can evolve into policy questions, which are forwarded to the Citizen Outreach Specialist, who forwards them to the City Manager or designee to follow up on the request.

Comments regarding a zoning case should be treat as information to be included in the public record. Send the original to Planning Director and it will be included in the planning documents that go before City Council. Due to the quasi-judicial capacity in zoning cases under statute, it is advisable that those types of communication be heard as referenced in Policy 5.21.

Request Lakewood is featured on the homepage at Lakewood.org and also includes a mobile application. This system allows City staff to manage concerns and requests and to ensure

constituents' concerns don't inadvertently fall through the cracks. It also provides reports to gauge trends and provides other satisfaction measurements. Periodic reports will be given to the entire City Council.

Original:

RESPONSE TO MASS EMAIL OR SNAIL MAIL

~~City Council Members often receive letters or emails that are addressed individually but sent to every member of Council. This happens most often during the time prior to hearings on land use cases.~~

~~If you receive such communication you always have the option to reply personally, however, there are those instances where it might make more sense for a single response to be sent by the Mayor on behalf of the entire Council. If you receive such communication and feel that a joint response is preferable you can forward the email or letter to the Director of the Mayor and City Manager's Office who will coordinate a response. All responses will be copied to every member of Council.~~

If you receive mail regarding a zoning case, you must be cautious to treat it as information to be included in the public record. Send the original to the Director of the Mayor and City Manager's Office and he or she will make sure that it is included in the Planning documents that go before Council. Because you act in a quasi-judicial capacity in zoning cases, it is advisable that you not reply to those types of communication prior to hearing the case.

Constituent Requests

~~When you receive calls from constituents asking for the City to "do" something, you should take the caller's name, number, address, and as much information about the situation as possible, and call the Public Information Officer for Citizen Relations with the information.~~ We have a very sophisticated "Service Request" system that allows us to manage concerns and requests and ensure that your constituents don't inadvertently fall through the cracks.

Concerns and calls for service can range from complaints about signs in a neighbor's yard to suggestions for better types of service, to questions about how the City manages its finances — basically anything that you, personally, don't have the answer to. The ~~Public Information Officer for Citizen Relations~~ enters the information into a tracking system, sends it to one of the Department Directors for response, makes sure that either a department or division manager personally communicates with the constituent, and gets back to you with the outcome of the request. Service Requests (as we call all of them) are tracked and periodic reports are given to the entire City Council. This allows you to identify issue trends that might arise.

The City Council policy has been to have department or division managers respond to constituents and never to send form letters. ~~The Public Information Officer's desk number is: 303 -987-7098. If you are providing her/his number to the public please use the main City Manager's Office number of 303-987-7050.~~

~~**PROCEDURES FOR PUBLIC COMMENT FOLOW - UP**~~

~~1. The attending Public Information Officer will take notes of specific requests for information or service and enter those into the Service Request System the following day.~~

Commented [AC34]: ref. page 127, 2009/10 manual

Commented [AC35]: ref. page 128, 2009/10 manual

Commented [AC36]: No longer the practice ref. page 126, 2009/10 manual

2. The Public Information Officer's best judgment will be used in determining which requests to send on. In some cases a staff member may already be working with an individual on a request. The staff would be aware of this when the Council may or may not be aware of this. For this reason, it is important that the Mayor and/or Council members not promise a response
3. If the Mayor or City Council Member wishes to also receive information back on a topic brought up during public comment, he or she need only mention that to the PIO at the meeting, eg. . Stacie, please give us a status report on that when you have it. Thanks."
4. If the PIO is unsure whether a comment from the public required further attention he s/he will consult with the Director of the Mayor and City Manager's Office or the City Manager. Following this procedure should ensure quality communication while at the same time using staff time the most efficiently.

TRAVEL 08

POLICY 08.1 Travel and Expense Reimbursement

POLICY

The Mayor and City Council Members are eligible to travel to conferences, classes and trainings as part of their council-related duties. It is the intent of the City Council to ensure each Councilmember takes advantage of training and professional development opportunities to broaden his/her understanding of municipal government and enhance his/her role as an elected official. Funds are budgeted annually to accommodate reasonable travel for conferences, seminars, workshops and other training opportunities. Councilmembers are encouraged to attend events such as the National League of Cities (NLC) annual congressional trip, NLC committee appointment travel, the Colorado Municipal League (CML) annual conference and local educational courses offered by CML and the Denver Regional Council of Governments (DRCOG). Other conferences and classes will be considered on a case-by-case basis depending upon budgetary constraints. Council members may be reimbursed for all reasonable and necessary expenses incurred for council-related duties.

AUTHORITY

By adoption of the Policy and Procedures Manual and admin. Regulation III/A.

PROCEDURE

Authorization for Training and Travel

1. Travel by members of the City Council must be approved by the Mayor prior to requesting travel arrangements from the Executive Assistant to the Mayor and City Manager.
2. A Council member who is nominated to a committee as a City representative shall outline duties, responsibilities and budgetary impacts to the Mayor prior to accepting such position that requires additional travel. The City Council budget coordinator should be notified of any committee appointments for budgetary purposes.
3. Council members are eligible to travel to local trainings and classes. Authorization by the Mayor is also necessary. Registration can be made through the Executive

Assistant to the Mayor and City Manager.

Eligible Travel Expenses

1. **Registration**-Actual cost of registration, tuition and fees at a meeting, conference, training or convention will be paid for with authorization of travel. Registration will be paid for through the Executive Assistant to the Mayor and City Manager. The City will not pay for entertainment, social or extracurricular activities unless specifically related to the Council-member's position and approved in advance by the Mayor.

2. **Transportation**-The City will pay actual costs for bus travel, train travel, air travel and car rentals in advance. Airfare and transportation arrangements will be made by the Executive Assistant to the Mayor and City Manager.
    a. Receipts must be kept for any taxi, tolls and parking fees for reimbursement.
    b. If a Councilmember chooses to drive, rather than fly, actual miles driven to/from the event from the Lakewood Civic Center will be computed at the IRS' standard mileage rate and reimbursed at the conclusion of the trip. The maximum mileage reimbursement for the use of a personal vehicle cannot exceed the cost of the lowest available airfare.
    c. For an event that would typically be driven to, Councilmembers will receive the IRS' standard mileage rate for miles to/from the event from Lakewood Civic Center. Mileage will also be granted to and from the airport.
    d. Rental car costs will be reimbursed for actual expenses incurred, including collision and comprehensive damage insurance coverage for the most economical vehicle. Any time a rental vehicle is kept beyond the duration of the event will not be reimbursed. Every effort should be made to arrange ground transportation and shuttle services to and from the airport to the point of destination without renting a car.

3. **Lodging**-Overnight lodging arrangements will be made by the Executive Assistant to the Mayor and City Manager and payment will be made in advanced. Only lodging for the dates of the event will be covered. The City will pay the single rate for lodging accommodations. When a spouse or guest accompanies a council member, the council member will be responsible for any additional charges.

4. **Meals**- Meal costs will be reimbursed based on actual receipts submitted. The City will pay additional costs for optional meal functions that are not included in the registration fee and for which the Council member would be expected to attend as a

representative of the City. Meals for a spouse or traveling companion will not be covered.

5. **Advances**- Prior to travel, an advance will be given to each Council member for costs associated with traveling and incidentals. The amount of the advance will depend on the travel destination. Receipts are still required to be applied to the advance. If no receipts are submitted upon arrival, or if the advanced wasn't used in its entirety, the advance must be returned.

Documentation and Reconciliation of Expenses

Costs will be reimbursed based on actual receipts submitted after the completion of the trip. The City will not reimburse the cost of alcoholic beverages. The expense statement must be reconciled within 30 days after the traveler returns from the trip. The traveler must sign the expense statement certifying that all expenditures are business related. All receipts must be submitted to the Executive Assistant to the Mayor and City Manager.

Original:

Commented [AC37]: ref. page 104-107, 2009/10 manual

Travel arrangements made thru City Manager's Office — required mayor or designee approval.
Meal costs for all elected and appointed officials (mayor, city council members, judges, board and commission members will be reimbursed based on actual receipts submitted.
Your hotel accommodations (first night deposit) travel arrangements, registration and other related travel needs are handled through the Executive Assistant to the Mayor and the City Manager. If you choose to drive rather than fly to an event that would normally be flown to, actual miles driven to f/rom the event from the Lakewood Civic Center will be computed at the IRS' standard mileage rate and reimbursed at the conclusion of the trip. The maximum mileage allowance for the use of a personal vehicle is NOT to exceed the cost of the LOWEST available airfare for the individual(s) traveling.
Only lodging accommodations for the dates of the conference will be covered. Not extra lodging or meals for the extra time it takes to drive. You may opt to take the train or bus rather than fly —the same criteria for reimbursement will be used. Exceptions: unforeseen circumstances where all air travel is cancelled.)
Registration, airfare, the first night's guarantee for lodging and an advance check (for taxies etc. —receipts will be required to document the use of the advance —without receipts the entire amount of the advance will need to be returned to the City) will be paid in advance.
The City will pay the single rate for lodging accommodations. When a spouse or guest accompanies a council member, the council member will be responsible for any additional charges.
The City will pay for additional cost for optional meal functions which are not included in the registration fee and for which you may be expected to attend as a representative of the city, ie...awards luncheon, banquet, etc. Appropriate deduction for those meals will be calculated during the travel reconciliation process.
The City will not pay for entertainment, social or extracurricular activities (i.e. golf games, running events, special tours of area, etc..) including additional lodging or per diem expenses,

offered as part of the conference unless specifically related to the council member's job and approved in advance by the department director mayor.
Please keep all receipts and turn them in to travel coordinator upon your return.

EXPENSE REIMBURSEMENT (receipts/documentation required)
Expenses incurred while conducting City business are reimbursed with appropriate receipts and documentation. Examples of expenses appropriate for reimbursement from the City include such items as attending local meetings requiring a registration fee, meal or other expenses, or making calls for City business on your personal cell phone. Unless specifically authorized by the Mayor, City Council, or City Manager, the City will NOT reimburse the cost of alcoholic beverages. Expenses for spouses are only covered when you attend an event in your official capacity and it is an event where spouses are expected to participate.
Requests for reimbursement should be submitted at the end of each month.
Documentation should state the reason for the expense, those in attendance at the event or meeting and the purpose of the meeting, meal or event. If alcohol is purchased, the prior authorization should be included in the documentation or the documentation should reflect that the alcohol was purchased with private funds.

MILEAGE GUIDELINES (requires mayor approval)
Reimbursement forms are available from the City Manager's Office for documenting mileage and parking expenses occurred while conducting City business. The IRS standard rate of 55 cents per mile is used. This does NOT cover mileage for travel to and from City Council meetings.

ORGANIZATIONAL ADMINISTRATIVE REGULATIONS/APPENDIX

Original:

Administrative Regulation — I.T. Policies

VI/G Email Systems Usage Policy
VI/H Internet Access and Usage Policy
VI/E Systems Security Policies

Commented [AC38]: Moved to Organizational Admin. Regulations
ref. page 112-121, 2009/10 manual

ADMINISTRATIVE REGULATION

SYSTEMS SECURITY POLICIES

Effective Date: July 2005
Revision of: September 2003
Original Date: September 2000

SCOPE:

This administrative regulation applies to all City systems used by all City employees, volunteers and contractors (users).

PURPOSE:

This administrative regulation sets the standards and responsibilities for handling and safeguarding electronic data and communications on the City's systems.

POLICIES:

1) Electronic data or information is a City-wide asset requiring that all users share responsibility for its integrity and security.

    a. Use City information for tasks related to job responsibilities and not for personal purposes.
    b. Access only accounts, files and data that are your own, that are available City-wide, or to which you have been given authorized access to conduct City business.
    c. Accurately update your own records through City self-service systems and other processes provided to you.

2) In some cases, the City maintains sensitive data, and discreet treatment is essential.

    a. Never release sensitive information to which you have access, but for which you do not have ownership, authority, or permission to disclose. Discuss any questions with your supervisor.
    b. All public inquiries for City data shall be directed to the City Clerk's Office or the Police Records Section as appropriate.
    c. Information collected from the City's online services is to be handled in accordance with the City's Web Site Privacy Policy.
    d. Do not store or maintain personal information or any data unrelated to City business on the City's systems. Data is subject to retrieval by law or public

inspection under the Colorado Open Records Act.

e. A few examples of sensitive data are: police records involving criminal investigations, home address and telephone numbers, health insurance records and citizen information collected from online web services.

3) **Usernames and passwords assigned to individual users are to be used only by the individual and not to be divulged or shared with any other party. Understand that you are responsible for all transactions made by your username/account id.**

4) Sign off the system when unattended.

5) Failure to comply with this policy may lead to restriction or suspension of system privileges or disciplinary action, up to and including termination. Violations of law may be turned over to the appropriate law enforcement agency for investigation and prosecution

Submitted by: Information Technology

Approved by:

_____ _____

Michael J. Rock, City Manager Date

ADMINISTRATIVE REGULATION

EMPLOYEES SUED PERSONALLY

Effective Date: December 2002
Revision Of: March 1984
Original Date of Publication: March 1984

SCOPE:

All employees and volunteers acting within the scope of their employment

PURPOSE:

The purpose of this Administrative Regulation is to give a broad overview of legal coverage provided by the City when employees are sued personally or when employees are named in a lawsuit. This regulation does not cover every legal possibility.

POLICY:

The City provides indemnification (assumes financial responsibility for the liability of another) when employees and volunteers become involved in civil lawsuits as a result of their work activities. However, the activity leading to liability must occur within the assigned course and scope of employment.

Attorney's Fees and Judgments
The City will pay for legal defense and legal costs if an employee or volunteer is named in a lawsuit. In addition, the City will pay for judgments incurred as a result of the liability assessed at trial. The City will select appropriate legal counsel, except in cases where both the City and an individual are named and a conflict in representation is foreseeable. In these cases, the City will work with the individual in selecting appropriate separate legal counsel for the individual.

Liability for Incidents Outside Scope of Employment
If a court determines an employee/volunteer incurred liability while acting outside the scope of their duties or acted in a willful and wanton (not accidental; intentional/knowing/voluntary) manner in incurring such liability, the employee/volunteer will reimburse the City for all attorney's fees and court costs. However, the City does not pay court-awarded judgments for liability as a result of liability outside the course and scope of employment or liability as a result of willful and wanton conduct.

The City may carry liability insurance to insure itself, employees and volunteers. The limits of such insurance policies are the limits of indemnification the City will cover, provided the minimum amount of insurance coverage is consistent with minimum limits required by State law pertaining to sworn personnel. Any minimum limits pertaining to sworn personnel also apply to non-sworn personnel in regard to coverage.

PROCEDURE:

Any employee or volunteer who is served with any form of notice of a lawsuit or notice to appear in court should notify their supervisor as soon as possible, but not later than ten days from the time the employee or volunteer receives such notice. This notification requirement to supervisors includes any notice to appear for a deposition involving employment or volunteer activities at the City.

Once the City receives the information about a lawsuit or other legal process, the Employee Relations Director and/or the City Attorney's office will coordinate appropriate legal representation for the employee or volunteer.

Submitted by: Employee Relations

Approved by:

_____ _____

Michael J. Rock, City Manager Date

ADMINISTRATIVE REGULATION

INTERNET ACCESS AND USAGE POLICY

Effective Date: December 2007
Revision of: July 2007
Original Date of Publication: September 2000

SCOPE

The Internet Access and Usage Policy sets the standards for appropriate use of City Internet communication systems (website browsing, file downloads, chat, instant messaging, newsgroups, etc.) by all City employees, volunteers, contractors, and elected officials.

POLICY

No Expectation of Privacy

All Internet communications, servers, downloaded files, software, messages and associated systems are and remain City property. Any such files or software may be used only as relevant to City job duties and in a manner consistent with any applicable license agreement or copyright. All files and information sent or received through the City Internet systems are subject to inspection by City management, Information Technology staff at the direction of City management, and may be subject to public inspection under the Colorado Open Records Act.

Internet use and communication is intended for official business use and is not private nor the property of any employee. Anyone using the City-provided Internet access should not assume they have any degree of anonymity. Access to websites and message authorship can easily be traced. Only those employees who are authorized to represent the City to the media, to analysts or in public gatherings on behalf of the City may speak/write in the name of the City to any newsgroup, chat room or other forum. Employees are to identify themselves accurately and completely, including City affiliation and function where requested (such as when participating in chats, newsgroups, webinars, or when setting up accounts on outside computer systems and websites).

Personal Use

The use of the City's Internet service is available and reserved to conduct City business. Like telephones, incidental and occasional personal use of the Internet is permitted during lunch or

break periods, or before and after work hours. The Internet Access and Usage Policy applies regardless of the time of day, on or off work hours, on City-owned equipment or other equipment used to access the City's Internet service. In no case is the City's Internet service to be used for solicitations or for any form of personal or commercial gain.

Employee Responsibility

It is the responsibility of each employee to use the Internet responsibly and to ensure that his or her Internet usage does not harm his or her own work performance, other employee's work performance or the City's reputation.

a. Employees must ensure Internet usage does not harass or obstruct the work of other employees in any way.
b. Accordingly, the Internet must not be used to download files, pictures, jokes or other material that may be discriminatory, offensive or harassing to others, or to send material that defames an individual or the City.

Prohibited Content

Prohibited Internet content includes, but is not limited to:

a. Adult material (sexually explicit written material, jokes, pictures, video, etc.)
b. Gambling or sports pools
c. Discriminatory material (any content that is biased, based on race, color, creed, national origin, religion, ancestry, sex, sexual orientation, age, military service, veteran status, marital status or disability)
d. Harassment of any type
e. Violence
f. Content otherwise prohibited by any federal or state law or City ordinance or policy

The City's Internet systems shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization from management. The City forbids any use of its Internet systems in a manner that violates any law, regulation, ordinance, or policy of the City.

Security

The City has a variety of security mechanisms in place including firewalls, proxy services, filters, monitors, etc. that help ensure the safety and security of the City network. Users are prohibited from attempts to disable, defeat, circumvent, or otherwise override any City security mechanism. Internet access is only available through the City's network controlled by City security systems. Dial-up Internet access over a modem is prohibited and will only be set up on PC's that are not connected to the network and where there is a legitimate business need.

Monitoring Usage

Department managers and supervisors are responsible for discussing, understanding, and monitoring Internet usage by their employees to ensure that employees comply with the Internet Access and Usage Policy. Information Technology has the ability to monitor and log all Internet activity to administer security and to manage traffic and resources. Internet usage logs or other reports can be made available to Information Technology staff and/or department managers and supervisors upon request, to support operational, maintenance, security, and investigative activities.

Unauthorized Disclosure

Intentional or unintentional disclosure or dissemination of restricted or confidential information via the Internet to internal or external parties or in public newsgroups, chats, or forums, who do not have a need to know, is strictly prohibited.

Enforcement

Employees, volunteers, contractors and elected officials not in compliance with this policy may be subject to restriction or suspension of Internet privileges and/or disciplinary action, up to and including termination.

Submitted by: Information Technology Department

Approved by:

_____ _____

Michael J. Rock, City Manager Date

ADMINISTRATIVE REGULATION **VI/J**

MOBILE DEVICE USE POLICY

Effective Date: March 2013
Original Date of Publication: March 2013

SCOPE:

This Administrative Regulation applies to all mobile devices used to connect to City e-mail by all elected officials, employees, volunteers, and contractors (collectively, "Users").

PURPOSE:

This Administrative Regulation defines the policies for the use of mobile devices to connect to the City's e-mail system or otherwise conduct business on behalf of the City, whether the device is City-owned or a non-City-owned. It covers the types of devices that may be used, limitations on use, revocation of use, and notification to the City of loss/theft of any such device.

POLICIES:

Goals

The goals of this Regulation are to:

a. Describe the process for obtaining approval to connect both City-owned mobile devices and non-City-owned mobile devices to the City's e-mail system;
b. Provide Users guidance on what non-City-owned mobile devices can be used for City purposes;
c. Define the support services the City provides to non-City-owned mobile devices.
d. Provide Users with requirements for notifying the City should any mobile device be misplaced, lost or stolen.
e. Define how the City will respond to incidents in which any mobile devices are lost or stolen.
f. Define the security requirements for protecting any mobile device to reduce the risk of private information exposure through loss and/or theft of a mobile device.

Definitions

Mobile device -- A device that communicates primarily through the cellular communication network but also through Wi-Fi and /or Bluetooth but does not typically communicate via Ethernet or other wired network protocols. "Mobile device" includes so-called smart phones, iPads, tablets, and similar devices that operate Windows Mobile and/or Apple iOS operating systems.

Jailbroken -- The state of a device after the removal of limitations imposed by the operating system through the use of software and hardware exploits. This state permits root access to the operating system, allowing the download of applications that are unavailable through the official App Store. Ultimately, it makes the device vulnerable to security exploits.

Network -- Voice and data transport networks and connected systems owned, leased, and/or supported by the City.

City information -- Important or useful facts and/or knowledge communicated, created, or received on behalf of the City through work product, or circumstances related to the information usage in the exercise of functions required or authorized by law or administrative rule during the operation or management of this public entity.

Public Information -- Information that is maintained by the City of Lakewood that would be considered to be subject to public disclosure under the Colorado Open Records Act.

Wipe – A full and complete erasure of data stored on a mobile device.

Use of City-Owned and Non-City-Owned Mobile Devices for Conducting City Business

Users who are authorized by their department management may use a City-owned or a non-City-owned mobile device for conducting City business and for connecting to the City's e-mail system if:

- The mobile device will be subject to device management, including potential wiping, by Mobile Device Management (MDM) software selected by Information Technology. The associated costs will be the responsibility of the employee's department; and.
- The User signs a City of Lakewood Mobile Device User Agreement prior to being granted use privileges.

Device Requirements

a. Only select mobile devices are eligible for use. The base system requirements such as operating systems and other characteristics will change periodically due to changes in technology. Users desiring to utilize a non-City-owned mobile device should consult with the City Help Desk for the current list of supported devices and device operating systems prior to purchasing a device or requesting it be added to the management platform.
b. No unlocked or jailbroken devices or unsigned applications on devices are allowed.

Support Services

a. Information Technology will provide support for City e-mail on City-owned/supplied devices.

b. Information Technology will provide support for City e-mail on non-City-owned devices when time and resources permit. All other support should be directed to the User's device supplier.

Device Management Controls

a. No mobile device may be used to access City email until (a) a request has been submitted and approved by the Help Desk; (b) the prospective User has signed and submitted a Mobile Device User Agreement; and (c) I.T. staff has installed the Mobile Device Management (MDM) software application on the device.
b. MDM Software will be installed on the device:
    - to aid in validating security requirements and troubleshooting City-related issues. This software may not be removed or tampered with while the device is being used for City business;
    - to install applications required by the City or restrict installation of certain applications on City-owned or non-City-owned-owned devices due to security risks; and
    - to provide visibility to content on City-owned or non-City-owned devices for investigative purposes. No mobile device will be allowed to connect to email if it is running an application that conflicts with the City-required MDM software.

Passwords of at least four characters will be enforced on mobile devices. Password changes will be enforced at no greater than 120-day intervals. Mobile devices will be locked requiring password entry after 15 minutes of inactivity. Devices will be automatically wiped after ten failed login attempts.

Mobile Device User Agreement (MDUA)

Each person desiring to connect to City email systems by way of a City-owned or non-City-owned mobile device must execute an MDUA, acknowledging and accepting each of the following Terms of Use:

A. The City of Lakewood reserves the right to terminate the Mobile Device User Agreement (MDUA) and rescind the Users' permission to use a mobile device to connect to City systems at any time and for any reason either with or without cause.
B. By signing the MDUA, the User is acknowledging that (s)he has been provided, has read and will abide by the City of Lakewood "Mobile Device Use Policy" Administrative RegulationVI/J.
C. The User agrees to allow the City of Lakewood to install Mobile Device Management (MDM) software on his or her mobile device for the purposes of enforcing the City of Lakewood "Mobile Device Use Policy" and that (s)he will not tamper with, remove, attempt to remove or otherwise attempt to inhibit the functions of the management software. Doing so will terminate the MDUA and may warrant wiping of the mobile device.
D. The Agreement is self-renewing per the "Mobile Device Use Policy," Administrative Regulation VI/J.

E. The Agreement automatically terminates upon separation of the User from City employment or association.
F. The User agrees to remove/destroy all City information (except contacts) from backup data.
G. The User understands that the City information found on City-owned or non-City-owned devices is considered a transient convenience copy and therefore (s)he must take steps to properly preserve and retain City records on another medium.
H. The User acknowledges that it may be necessary for the City of Lakewood to wipe the mobile device of all data and information, according to the Mobile Device Use Policy and will not hold the City of Lakewood liable for damages for any lost personal data or applications or for a failure of the device to return to its factory settings and/or an operational state.
I. Public Information contained on City-owned and non-City-owned devices may be subject to disclosure according to the Colorado Open Records Act.
J. Any User connected to City e-mail, whether on a City-owned or non-City-owned device, agrees not to access, view or store content of the kinds referenced in the "Internet Access and Usage" Administrative Regulation VI/H.

Data Management

Mobile devices are used to enhance productivity and for the convenience of the Users. Due to their transient nature, the data on these devices are considered as transient convenience copies. Users are required to maintain a copy of any data that needs to be retained per the City records retention schedule on a file system other than the mobile device. Users should acknowledge that any City information stored on any mobile device, whether City-owned or non-City-owned, may be subject to public disclosure under the Colorado Open Records Act.

Notification of Loss, Theft, or Replacement

a. If a User replaces a device, the User is responsible for contacting the Help Desk to have the original device removed from the management system on its last day of service.
b. If a mobile device containing City information is lost or stolen, the User is responsible for contacting the Help Desk by the *next business day* after the loss.
c. Wiping policies as described below in the "Device Wipe" section are applicable.

Device Wipe

Mobile devices may be wiped under the following circumstances:

a. The device is identified as stolen.
b. The device has been lost for at least one business day.
c. The device User no longer uses the device to conduct City business.
d. Upon the departure of a User from City employment or association, the City reserves the right to wipe any City-owned or non-City-owned device that has been attached to City systems.

In the event a device wipe becomes necessary, the City will use reasonable efforts to delete only City information from the device. However, due to technical restrictions and limitations, and/or

due to the nature of some information that may be contained on a mobile device, it may become necessary for the City to wipe all information from the device. Users must acknowledge and accept that risk.

Enforcement

Users other than elected officials who violate this policy may be subject to restriction or suspension of mobile device usage privileges and/or disciplinary action, up to and including termination. Elected officials who violate the policy may be subject to restriction or suspension of mobile device usage privileges.

Submitted by: Information Technology Department

Approved by:

Kathleen Hodgson, City Manager	Date

ADMINISTRATIVE REGULATION

EMAIL SYSTEMS USAGE POLICY

Effective Date:	October 2015
Revision of:	July 2007
Original Date of Publication:	September 2000

SCOPE

This Email Systems Usage Policy sets the standards for appropriate use of City email systems by all City employees, volunteers, contractors and elected officials ("Users"), and includes all City email and Outlook calendar usage.

POLICY

No Expectation of Privacy

All email software, servers, messages and associated backup copies are and remain City property. All messages and attachments sent or received through the email systems are subject to inspection at the direction of City management, and may be subject to public inspection under the Colorado Open Records Act. Email communication is intended for official business use, and messages are not private, nor the property of any employee.

Personal Use

The use of the City's email system is available and reserved to conduct City business. Personal email usage is discouraged. The Email Usage Policy applies regardless of the time of day, on or off work hours, on City-owned equipment or other equipment used to access City email systems. In no case is email to be used for solicitations or for any form of personal or commercial gain.

Broadcast Messages

The use of broadcast email messages to all employees or all Users is prohibited except by specific employees identified by the City Manager's Office. The email system shall not be used for any non-City-related solicitations including commercial ventures, religious or political causes, social events, etc. The intranet (Inside Lakewood) and Lakewood@Work communications are the appropriate means for sharing information with all employees or all Users.

User Responsibility and Prohibited Content

It is the responsibility of each User to use the email system responsibly and to ensure that no email messages negatively impact the User's work performance, other Users' work performance or the City's reputation.

Prohibited email content includes, but is not limited to:

a. Adult material (sexually explicit written material, jokes, pictures, video, etc.)
b. Gambling or sports pools
c. Discriminatory material, including jokes or other comments (any biased or prejudicial content based on national origin, gender, age, disability, sexual orientation, religious or political beliefs, veteran or military status, or English language proficiency)
d. Harassing or offensive material, comments or jokes of any type
e. Material that defames any individual or the City
f. Violent content or content that would tend to incite violence
g. Content prohibited by any federal, state or City law, ordinance, rule, regulation or policy

The City's email systems shall not be used to send or receive copyrighted materials without permission of the copyright holder or trade secrets, proprietary financial information or similar materials of the City or any third party without prior authorization from City management or such third party.

Unauthorized Disclosure

Intentional or unintentional disclosure or dissemination of restricted or confidential information via email, whether inside or outside of the City, to unauthorized parties is strictly prohibited.

Security

The City has a variety of security mechanisms in place that help ensure the safety and security of the City network. However, these security measures are not 100% foolproof, and each User is obligated to remain vigilant to prevent breaches of the City network. Users are prohibited from making any attempt to disable, defeat, circumvent, or otherwise override any City security mechanism.

Archiving & Retention

The City instantly archives for two (2) years all email messages sent and received, and appointments and tasks created in Outlook, by a City computer. These archived items are kept in a readily searchable format that will allow IT staff to respond to public records requests and discovery orders. Users may remove/delete email messages, appointments and tasks from their mailbox ("inbox", "sent" and "deleted" folders) or calendar, but will not be able to remove/delete these items from the archive. **The archive will not be used to recover items deleted from a User's Outlook**.

All email messages received or sent and kept in the User's mailbox, or appointments and tasks created in Outlook, will be automatically deleted from the User's mailbox/calendar and the archive after two (2) years. Any email message, appointments or tasks that must be retained longer than two (2) years pursuant to the City's Records Retention Schedule must be transferred from Outlook to the appropriate records management system for the appropriate retention period before the automatic deletion date.

Creating a personal archive of City email, appointments or tasks by any means, including forwarding the item to a personal account, is prohibited.

Users are responsible for properly managing their email and calendar; ensuring appropriate content in messages they send; making messages accessible to others as business requires; taking reasonable precautions to ensure the integrity, confidentiality and security of information transmitted over the City's email system; and for appropriate dissemination of their email messages. It is the User's responsibility to delete suspicious emails and/or links.

Access, Security and Filtering

The City reserves the right to access all files stored and all messages transmitted over City systems. Messages and attachments are filtered for viruses, spam, spyware, malware, other security threats and inappropriate content. The City may delete incoming email, without prior notification, which poses a security risk or a threat to the efficient or effective operation of City systems.

Users must ensure the security of their email accounts by protecting the integrity of their passwords. Passwords must never be shared.

Policy Acknowledgement

All Users must acknowledge and accept the terms of this policy. A signed copy of the City's Email Systems Usage Policy Acknowledgement will be kept in each User's personnel file.

Enforcement

Users not in compliance with this policy may be subject to restriction or suspension of email privileges and/or disciplinary action, up to and including termination.

Submitted by: Information Technology Department

Approved by:

Kathleen E. Hodgson

Kathleen E. Hodgson, City Manager

10/21/15

Date

City of Lakewood

EMAIL SYSTEMS USAGE POLICY ACKNOWLEDGEMENT

As an employees, volunteer, contractor and elected official of the City of Lakewood, I hereby acknowledge and agree that during the course of my employment, engagement or term, my use of City email systems are subject to the City's Email Systems Usage Policy, Administrative Regulation VI/G.

Employees, volunteers and contractors only:
I further understand and agree that any violation of City's Email Systems Usage Policy may constitute grounds for termination of email privileges and disciplinary action up to and including termination of my employment or engagement with the City.

Name (Print): _____

Signature: _____ Date: _____

Department: _____ Title: _____

ADMINISTRATIVE REGULATION

RECORDS MANAGEMENT AND RETENTION POLICY

Effective Date: November 2015
Original Date of Publication: November 2015

PURPOSE

This Records Management and Retention Policy (Policy) establishes mandatory requirements for the City of Lakewood (City) and its employees to effectively and efficiently manage, maintain and dispose of records and information in an orderly, reasonable and lawful manner to ensure the City's compliance with business and regulatory requirements. This Policy also authorizes the creation of the Records Retention Schedule (Retention Schedule) and Records Management Manual (Records Manual).

SCOPE

This Policy applies to all City employees using City records and to all City contractors, consultants, vendors and other workers who have been granted access to City records. This Policy applies to all records and information, in any format or media, of the City and all City-owned records and information in the possession of City contractors or third parties.

TERMS AND DEFINITIONS

The following terms, as used in this Policy, shall have the meanings ascribed to them as follows:

City Confidential Information - Information that relates to or includes City proprietary information and privileged or confidential communications.

Colorado Open Records Act or "CORA" - The provisions of C.R.S. 24-72-201 to 24-72-309 requiring that most records held by a government entity be available to the public. Under CORA, anyone can request records by submitting a Public Records Request Form to the City Clerk. However, some records are considered confidential or are excluded from CORA. Examples of excluded public records include certain criminal justice records and documents prepared for a criminal investigation, work product prepared for an elected official, trade secrets and proprietary software, including programs and source code, and certain other proprietary and confidential commercial records.

Data - Raw facts or elementary descriptions of things, events, activities and transactions that are captured, recorded, stored and classified but that are not organized to convey any specific meaning.

Electronically Stored Information or ESI - All information stored or residing in any electronic system or on any electronic media, whether or not the information has been identified as a "record", including but not limited to: program files, voice mail, email, websites, instant messages, databases, files in mobile devices, etc.

Electronic Record - A public record that is stored electronically, whether or not a hard copy of such record is also available, and accessible in its existing form, without additional manipulation, to a requestor.

Encryption - The use of algorithms to encode data in order to render a message or other file readable only for the intended recipient. Encryption is normally employed during transmissions between systems or during storage of sensitive or confidential information.

Highly Sensitive Information - Information that relates to or includes trade secrets, intellectual property, City proprietary information and privileged or confidential communications.

Information - Data that have been processed or organized in some way so that they are understandable or meaningful to their intended audience.

Information Systems - Computers, communications facilities, computer and communications networks and the data and information that may be recorded, processed, stored, shared, transmitted or retrieved by them.

Legal Hold - Term used to indicate that certain records and information cannot be destroyed even if otherwise permitted by the Retention Schedule because they are subject to legal action, litigation or government investigation.

Non-Record Information - Any information, in any format or media, that does not meet the requirements or definition of a record. Examples include outside periodicals and catalogs, duplicate records (*e.g.* copies), data that are not aggregated into a single record and general staff knowledge.

Personal Privacy Information (PPI) - Information about individuals, including employees, which can be used to identify or contact an individual. PPI includes, but is not necessarily limited to: name, home address, personal email address, bank account information, social security number, personal telephone number (home and mobile), medical information or history, medical or drug test results, background screening reports and other related information.

Proprietary Information - Industry and financial information, trade secrets, client lists, source code and other, similar confidential information of a particular business or company.

Public Record - Any writing made, maintained or kept by the City for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. Writings include all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics. Writings also include digitally stored information, including email messages, pre-existing in a

form and format, such as a spreadsheet, text document, photograph, etc., which does not require aggregation, formatting or other manipulation, other than printing, to enable a requestor to access the information. Public records specifically include the correspondence of elected officials, with certain exceptions.

Record Copy - The copy of a public record or document that is maintained and protected as the official copy, regardless of physical form or characteristic. Any copy that is not the Record Copy is a duplicate, non-record and/or convenience copy, and may be destroyed at any time. Duplicate and convenience copies should not be kept longer than the retention for the Record Copy.

Records Location Information - Information collected and maintained in the Retention Schedule database that identifies the office, file room, network drive folder or application where a particular records series is stored or maintained.

Records Management Manual or Records Manual - The City's compilation of relevant policies and procedures for the management of records and information throughout the organization.

Records Series - The basic unit for organizing and controlling files. A series is a group of files or documents kept together (either physically or electronically) because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising out of their creation, receipt, maintenance or use.

Records Retention Schedule or Retention Schedule - The City's comprehensive list of record series titles, indicating for each series the length of time it is to be maintained and what its disposition is at the end of the retention period.

Requestor - Any person who makes a Public Records Request pursuant to City policy.

POLICY

General

The City considers its records and information as valuable assets. Maintenance of records and information is critical to the accomplishment of our activities. It is imperative, therefore, that all City records and information be effectively and efficiently managed.

All City records and information, irrespective of format or media (*e.g.*, paper, electronic, email message, text, tweet, video tape, microfilm, etc.), must be generated, retained and disposed of according to all applicable laws and regulations and the City's evolving business needs.

Determination and Identification of Business Records

It is the responsibility of all City employees to determine if the information they use, whether it was created at the City or received from other sources, meets the definition of a record and if so, to follow the corresponding retention requirements. If employees have questions about records,

they should contact their supervisor or manager, records liaison or the City's records custodian (City Clerk) or designee.

Records Retention Schedule

The Retention Schedule establishes retention periods and disposition requirements for the City's records. No business records or information may be destroyed unless they meet the requirements set forth in the Retention Schedule and are not subject to any legal hold. The Retention Schedule applies to the Record Copy, normally maintained in one location, regardless of physical form or characteristics. All public records of the City, regardless of storage format, will have retention schedules approved by the State Archivist in accordance with state law.

Records Management Manual

The Records Manual provides a comprehensive compilation of the procedures for managing the City's records and information.

Protection of Records

The City's records and information cover a multitude of subjects and include multiple types of formats. As City assets, they must be protected from unauthorized access, disclosure or destruction and from physical acts due to fire, flood or other natural or man-made disasters. The extent of protection required for records and information is also governed by the nature of the information such as personal privacy, confidential or highly sensitive information, including privileged and confidential communications.

Physical Protection

All employees are required to maintain records and information in their possession in a manner that protects the records and information from unauthorized release, disclosure or destruction. Protection methods may include, but are not necessarily limited to, locking cabinets or rooms, use of fireproof or water-resistant equipment and sign-in and sign-out procedures for both people and records. Employees should use the protection method required for the specific type of information as set forth in the Records Manual.

Electronic Protection

Records and information that are maintained electronically are required to be protected against inadvertent destruction or unauthorized disclosure based on the type of information being stored, and additional protection methods including password protection, encryption and other methods may be required. Employees should use the protection method required for the specific type of information as set forth in the Records Manual.

Records Location

The Retention Schedule identifies where in the organization, and in what physical or electronic systems and repositories, records and information reside. This information identifies the location of the Record Copy, maintained as the official record of the City. Location information assists the City in complying with CORA by helping to ensure timely access to public records.

LEGAL HOLD

If deemed necessary by the City Attorney or designee, destruction will be suspended for any records or non-record information, in any format or media, determined to be potentially relevant to any actual or anticipated legal actions or governmental review. Affected employees and business areas will be notified when a legal hold is put into effect, the appropriate manner in which to suspend destruction based on the particular requirements of each legal hold, and when the legal hold has ended as directed by the City Attorney or designee.

RESPONSIBILITIES

City of Lakewood

The City is responsible to ensure its employees are provided with the knowledge and means to comply with this Policy and other applicable policies and procedures related to records and information management. The City is also responsible to ensure its contractors are made aware of their obligations under this Policy.

City Attorney

The City Attorney or designee is responsible for identifying and managing all legal holds for the City in accordance with the legal hold process guidelines.

City Clerk (Records Custodian)

The Records Custodian or designee is responsible for:

- Issuing and maintaining this Policy including initiating all changes as needed due to changes in legal or business requirements.
- Establishing, implementing and maintaining an appropriate City-wide records management program.
- Issuing and maintaining the Retention Schedule including records location information, requests for changes, additions or exceptions as needed due to changes in legal or business requirements.
- Issuing and maintaining the Records Manual including initiating all changes as needed due to changes in legal or business requirements.
- Ensuring City employees are educated with respect to this Policy and other applicable policies and procedures related to records and information management.
- Monitoring compliance of this Policy and related records and information management policies and procedures.

- Ensuring that public records are made available for inspection as required by CORA and other federal and state laws and regulations.
- Making recommendations for appropriate location of records based on legal, business and historical requirements.
- Ensuring the safe and confidential destruction of City records, when applicable, upon the expiration of the applicable retention period.
- Advising designated personnel within each department, division or location regarding policies and procedures for capturing, producing and maintaining records under this Policy.

Chief Information Officer

The Chief Information Officer is responsible for:

- Maintaining a list of all applications and systems used by the City to store information electronically.
- Implementing policies and procedures to protect electronically stored records and information against inadvertent destruction or unauthorized disclosure.

Managers and Supervisors

All managers and supervisors are responsible for assuring the compliance of this Policy by their staff.

Employees

Employees are responsible for:

- Ensuring all business records are generated, retained and disposed of according to applicable City policies and procedures including the Records Manual.
- Using the guidelines set forth in the Records Manual to assess whether the information being created or received constitutes a "record" and how to treat the information based on the City's records and information management policies and procedures.
- Using the Retention Schedule to determine the retention period and requirements for the business record and information employees manage.
- Ensuring any record or non-record information suspended from destruction due to a legal hold is held in the manner set forth by the City Attorney.
- Completing all training required for this Policy and other policies and procedures related to records and information management.

TRAINING

Training, in accordance with the provisions of the Records Manual, will be provided to all employees with respect to their responsibilities under this Policy.

ENFORCEMENT

Failure to comply with all City policies, standards or procedures may result in disciplinary action up to and including termination of employment.

MONITORING

The City Clerk or designee is responsible for overseeing and monitoring compliance with this Policy and other policies and procedures related to records and information management. This responsibility shall include assessing and documenting the City's compliance with this Policy and taking steps to correct deficiencies and/or adjust this Policy as necessary.

Submitted by: City Clerk's Office

Approved by:

Kathleen E. Hodgson

Kathleen E. Hodgson, City Manager

10/21/15

Date