

ORDINANCE NO. 7600

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, THE QUESTION OF AMENDING CITY CHARTER SECTION 9 TO PROVIDE THAT THE CITY COUNCIL MAY MEET IN EXECUTIVE SESSION UNDER LIMITED CIRCUMSTANCES AND FOR LIMITED PURPOSES; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. A special municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2008, between the hours of 7 a.m. and 7 p.m.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section 9 of the city Charter pertaining to convening executive sessions of the council (material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines):

Section 9: Meetings of Council

All meetings of the council or committees thereof shall be public.
However, the council may meet in executive session for the purpose of discussing sensitive matters in which premature public disclosure would be contrary to the public interest. The following types of executive sessions, and only these types, shall be permitted as meeting that purpose:

- (a) To discuss confidential issues relating to the purchase, acquisition, lease, transfer or sale of property;

- (b) To receive confidential legal advice on a specific legal case or question;
- (c) To discuss confidential details of security arrangements or investigations;
- (d) To discuss confidential issues relating to ongoing negotiations and negotiating strategy; or
- (e) To discuss hiring and personnel matters with regard to one of the council's three employees, so long as the council employee who would be the subject of such a discussion is notified and is provided with an opportunity to require that the discussion be held in public.

The following special procedural rules shall apply to every executive session:

- (a) No final action may be taken in an executive session.
- (b) Council may meet in executive session only pursuant to a duly enacted city ordinance that sets forth procedural rules for the holding of executive sessions that are at least as restrictive as those set forth in the laws of the state of Colorado pertaining to the holding of executive sessions.
- (c) An executive session shall be initiated only by a 2/3 vote of those council members present at a council meeting.

The council shall cause to be kept a complete journal of its proceedings and, except with reference to the journal of executive sessions, any citizen shall have access to the same at all reasonable times.

...

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. 2B
City Council Executive Sessions

Shall Section 9 of the Charter be amended pursuant to Ordinance No. 7600 in order to allow city council to meet in executive session to discuss sensitive matters where premature disclosure would be contrary to the public interest?

Executive sessions will only be held in conformity with locally enacted procedural rules that are at least as restrictive as those set forth in the laws of the state of Colorado and only upon a 2/3 vote of council members present at a meeting. No final action will be allowed at executive sessions.

The only subjects that will be discussed in executive sessions are:

- (1) Confidential issues associated with the purchase, acquisition, lease, transfer or sale of property;
- (2) Confidential legal advice;
- (3) Confidential security matters or investigations;
- (4) Confidential issues relating to ongoing negotiations and negotiating strategy; or
- (5) Hiring and personnel matters pertaining to one of the council's three employees, so long as the subject council employee is able to require that the discussion be held in public.

For the Measure _____

Against the Measure _____

Section 3. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

Section 5. The city clerk of the city of Boulder shall give public notice of the election in the manner required by law for Charter amendments.

Section 6. The notice of the election shall include the ballot title.

Section 7. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the city.

Section 8. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 9. This ordinance is necessary to protect the public health, safety and welfare of the residents of the city, and covers matters of local concern.

Section 10. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AMENDED, AND ORDERED
PUBLISHED BY TITLE ONLY this 8th day of July 2008.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this 5th day of August, 2008.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record