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**GRAND JUNCTION CITY COUNCIL
MONDAY, JUNE 2, 2025
WORKSHOP, 5:30 PM
FIRE DEPARTMENT TRAINING ROOM
625 UTE AVENUE**

1. Discussion Topics

- a. Overview for Public Participation with City Council Meetings
- b. Meeting Procedures and Policy

2. City Council Communication

An unstructured time for Councilmembers to discuss current matters, share ideas for possible future consideration by Council, and provide information from board & commission participation.

3. Next Workshop Topics

4. Other Business

What is the purpose of a Workshop?

The purpose of the Workshop is to facilitate City Council discussion through analyzing information, studying issues, and clarifying problems. The less formal setting of the Workshop promotes conversation regarding items and topics that may be considered at a future City Council meeting.

How can I provide my input about a topic on tonight's Workshop agenda?

Individuals wishing to provide input about Workshop topics can:

- 1. Send input by emailing a City Council member ([Council email addresses](#)) or call one or more members of City Council (970-244-1504)
- 2. Provide information to the City Manager (citymanager@gjcity.org) for dissemination to the City Council. If your information is submitted prior to 3 p.m. on the date of the Workshop, copies

will be provided to Council that evening. Information provided after 3 p.m. will be disseminated the next business day.

3. Attend a Regular Council Meeting (generally held the 1st and 3rd Wednesdays of each month at 5:30 p.m. at City Hall) and provide comments during "Public Comments."



Grand Junction City Council

Workshop Session

Item #1.a.

Meeting Date: June 2, 2025
Presented By: Selestina Sandoval, City Clerk
Department: City Clerk
Submitted By: Selestina Sandoval

Information

SUBJECT:

Overview for Public Participation with City Council Meetings

EXECUTIVE SUMMARY:

The City strives to provide the public with convenient options for council meeting participation. Our website is rich with tools to facilitate this goal. This item provides an overview of the City's Agendas and Minutes page, highlighting the ways the public can access meetings live, virtually, and in recordings.

BACKGROUND OR DETAILED INFORMATION:

Public engagement is fundamental to transparent, accountable, and responsive local government. The City is committed to fostering civic participation by ensuring easy access to accurate, timely, and comprehensive information about City Council actions, decisions, and deliberations.

The City's Agendas and Minutes webpage serves as a key tool in achieving this goal. By providing centralized access to meeting schedules, agenda packets, minutes, and video recordings, the site enhances transparency and supports residents' ability to remain informed and involved in local governance. The platform promotes convenience by offering intuitive navigation, searchable documents, and mobile-friendly access, allowing residents to stay connected.

This item highlights the value of continuously improving and promoting the use of the Agendas and Minutes page. Doing so will help expand civic literacy, encourage community feedback, and strengthen trust in city processes. Ongoing efforts to optimize the page and increase public awareness are vital to ensuring that the city remains inclusive, participatory, and forward-looking in its communication with the community.

FISCAL IMPACT:

N/A

SUGGESTED ACTION:

This item is for discussion only.

Attachments

None



Grand Junction City Council

Workshop Session

Item #1.b.

Meeting Date: June 2, 2025
Presented By: Mike Bennett, City Manager, John Shaver, City Attorney
Department: City Manager's Office
Submitted By: Johnny McFarland, Asst. to the City Manager

Information

SUBJECT:

Meeting Procedures and Policy

EXECUTIVE SUMMARY:

This item is intended for Council Discussion of City Council meeting procedures and policies. A draft *City Council Meeting Policy and Procedures* has been attached to this report, along with policies referenced within it.

BACKGROUND OR DETAILED INFORMATION:

City Council has expressed interest in reviewing and discussing the City Council Meeting Policy and establishing procedures to ensure clarity and consistency of the roles and conduct of City Council Meetings. The attached policy and subsequent referenced policies, i.e., *Electronic Participation*, *Study Sessions*, *Public Comments*, *Res. 40-20 Decorum Policy*, seek to establish the roles and procedures for conducting City Council meetings. Existing policy, as adopted by Res. 40–18, *Procedures for Governing the Conduct of City Council Meetings and Work Sessions*, is attached for reference.

FISCAL IMPACT:

N/A

SUGGESTED ACTION:

This item is for discussion and possible direction only.

Attachments

1. POL-COUNCIL MEETING PROCEDURES 20250508
2. Bob's Rules of Order

3. POL-Study Sessions 20250529
4. Resolution NO. 40-20
5. Resolution NO. 40-18
6. POL-Public Comment Conduct 20250227

1
2 CITY COUNCIL

3 CITY COUNCIL MEETING POLICY AND PROCEDURES

5
6 CITY COUNCIL MEETINGS

7 1.1 Presiding Officer

8 As provided in the Charter, the President (Mayor) of the City Council or the President
9 *pro tem* (Mayor *pro-tem*) of the City Council shall lead Council meetings. If both the
10 Mayor and Mayor *pro-tem* are absent from a Council meeting, the City Clerk shall call
11 the meeting to order and call roll. The Councilmembers in attendance, either in person
12 or virtually as allowed by the *Electronic/Virtual Meetings Policy (included within this*
13 *policy, line 183)*, so long as a quorum (four members) are present shall then elect a
14 Temporary Chair who shall be the Presiding Officer for that meeting.

15 1.2. Regular Meetings

16 The Council shall meet on the first and third Wednesdays of each month at 5:30 p.m. in
17 the Council Chambers at City Hall. The Council may reschedule regular meetings, upon
18 a majority vote of the entire Council at a regular meeting, study session, or by email,
19 and with full and timely notice to the public of the change in schedule. Virtual
20 Participation in accordance with the Virtual Participation policy shall constitute actual
21 attendance for purposes of establishing a quorum and conducting business for any
22 such meeting.

23 1.3 Special Meetings

24 Special meetings of the Council may be called in accordance with the Charter and
25 the Colorado Open Meetings law. Virtual Participation by City Council will be in
26 accordance with the Electronic Participation policy and shall constitute actual
27 attendance for purposes of establishing a quorum and conducting business for any
28 meeting.

29 Study Sessions (See separate *Study Sessions Policy*)

30 Study sessions may be regularly scheduled for the first and third Monday of any month
31 and at any other day and time determined in accordance with this policy. A separate
32 notice will not be necessary for a study session called at a Council meeting at which a
33 quorum is present. Study sessions of the Council may be called in accordance with the
34 Charter and the Colorado Open Meetings law.

35 1.4 City Clerk

a. The City Clerk, or the Clerk's designee, shall attend and shall keep the minutes of each Regular and Special meeting (Meeting) of the Council. Minutes shall kept be in "action plus" form. The City Clerk will maintain a video or audio recording of each Meeting for the term required by the City record retention schedule.

b. On or before the Friday preceding each Regular meeting of the Council, the City Clerk shall cause to be delivered to each Councilmember a copy of the minutes of the preceding Meeting.

2.1 Order of Business – Agenda – Regular Meetings

a. The order of business for regular meetings of the Council will generally be:

- (1) Establishment of a Quorum
- (2) Pledge of Allegiance
- Proclamations
- (3) Review and Approval of Agenda
- (4) Councilmember Reports/Filing written Board and Commission report(s)
- Quarterly Strategic Plan Review/Discussion
- (5) Presentations and Scheduled Guests
- (6) City Manager Report
- (7) Consent Agenda
- (8) Regular Agenda
- (9) Public Comments (*see attached Public Comment Conduct Policy*)
- (10) Adjournment

b. The Presiding Officer may vary from the Order of Business. Variance to the Order of Business, including questions about or setting a Consent Agenda item for full consideration, will occur as a function of the Review and Approval of Agenda, item 2 in the Order of Business.

c. Preceding each Meeting of the Council, the City Manager and City Clerk shall prepare a written Agenda showing the scheduled business of the City Council. The City Clerk shall cause the Agenda to be delivered to each Councilmember by 6:00 p.m. the Friday prior to the meeting and shall post the Agenda in accordance with the Colorado Open Meetings law.

d. During Council's consideration of any matter, Councilmembers should generally refrain from speaking until recognized, should generally not speak more than twice on a matter, and should not speak again until all Councilmembers have had an opportunity

to speak once. The Presiding Officer typically will speak last on a matter but is not required to do so.

1. The Presiding Officer may limit a Councilmember's comments, debate or conversation.

2. When a Councilmember speaks for a second time on a matter, he/she should endeavor to make his/her comments succinct and relevant.

e. Councilmember requests for Future Action/Follow-up will be submitted to the Agenda Committee (see Agenda Committee Policy) by noon of the Wednesday of the "off week" before the next regular meeting. The Agenda Committee will review requests for Future Action/Follow-up and together with the City Manager develop and publish a "Future Topics" agenda for City Council to review and prioritize.

f. On all matters before Council for public hearings as the same are shown on the Agenda, the public may be allowed to speak, subject to reasonable time limits and behavioral expectations imposed by the City Council and the Presiding Officer. Any person speaking or presenting any information to the Council may be questioned by the Council, the City Manager and/or the City Attorney.

g. Addressing Council

Every person addressing the Council shall give his or her name and city of residence for the record, shall state the subject he or she wishes to address, and shall limit the address to a reasonable time, which is presumptively 3 minutes. The Presiding Officer may reasonably limit or expand the time of any and all addresses, including addresses in public hearings.

Decorum Policy adopted by Res. 40-20 (see attached).

PARLIAMENTARY PROCEDURE

3.1 Parliamentary Authority

Bob's Rules of Order, Simplified Parliamentary Rules of Order for Colorado Local Government (copy attached) will be the parliamentary authority for all meetings of the Council and the rules contained therein will be utilized at such meetings where not inconsistent with the Charter, Ordinances, or these Procedures. The Council may, as determined by the Presiding Officer, relax any parliamentary procedure for the purposes of efficiency of conducting a meeting

3.2 Voting

When a question is called every Councilmember present shall vote either "yes," or "no," unless excused from voting due to an actual or apparent conflict of interest or excused from attendance as provided in the Charter.

3.3 Questions About and/or Amendments to Resolutions and Ordinances

Councilmembers are strongly encouraged to distribute any proposed question(s) on Agenda item(s) and/or amendment(s), or the concept of a proposed amendment(s) to a resolution or ordinance to staff and Council as far in advance as possible.

A Councilmember intending to introduce an amendment to a proposed resolution or ordinance must send an e-mail notification of a contemplated amendment to all members of Council, with a copy to the City Manager and the City Attorney, no later than 12:00 p.m. (Noon) on the day prior to the day of any Council meeting where the resolution or ordinance is scheduled for a vote (including second reading and reconsiderations).

An amendment distributed by the deadline will afford informed consideration and any action thereon may occur only with a motion and a second. An amendment that is not distributed by the deadline may only be introduced by a two-thirds vote of the Councilmembers present at the meeting. If an amendment is not introduced because it failed to get the two-thirds vote required for introduction, the Councilmember is permitted to attempt to reintroduce the amendment at a future meeting, if applicable. All other matters related to amendment shall follow the Robert's Rules of Order.

3.4 Reconsideration

After the decision on any question, any Councilmember who voted with the prevailing side may move for a reconsideration of any action at the same or at the next succeeding regular meeting; provided, however, that an action of the Council authorizing or relating to any contract may be reconsidered at any time prior to the final execution thereof. A motion to reconsider may be seconded by any Councilmember and shall require a majority vote of the Councilmembers in office for adoption. After a motion to reconsider has been once voted on and lost, it shall not be introduced again except by unanimous consent of the Council.

3.5 Recess - During Meeting

The Presiding Officer may, at any point in the Agenda, declare a recess for a specified duration.

3.6 Time of Adjournment

All Council meetings (including regular meetings, special meetings, study sessions, and executive sessions) shall be adjourned by 11:00 p.m. and no new agenda item shall be introduced after 10:30 p.m. Any agenda item(s) that has not (have not) been addressed or that is (are) still under discussion at 11:00 p.m. shall be continued to the next regularly scheduled meeting. Notwithstanding this policy, prior to adjournment four Councilmembers may vote to extend the time for a current discussion or to address additional agenda items.

143 PUBLIC HEARING – PROCEDURES

144 Public hearings will be conducted in accordance with the following procedures. These
145 procedures apply to matters for which public hearings are required by City, State, or
146 Federal law, or for other matters as the Council may direct:

- 147 1. The Presiding Officer will conduct all public hearings as follows:
 - 148 a. Call the Agenda hearing item(s);
 - 149 b. Open the public hearing and announce the procedures;
 - 150 c. Establish reasonable time limits for the hearing and reasonable time
151 allocations therein;
 - 152 d. Ask for an introductory presentation by the Applicant if other than a City
153 application/item;
 - 154 e. Ask for the Applicant's/Petitioner's presentation (hearings shall be
155 conducted such that the presentation provides the facts about the issue, how
156 the law applies to the facts and the recommendation or outcome requested.
157 Council members may seek clarification during the presentation. Testimony by
158 an Applicant/Petitioner or a representative of the Applicant/Petitioner shall be
159 presumptively limited to 20 minutes. For good cause additional time may be
160 granted by the Presiding Officer.)
 - 161 f. Ask for public questions and comment from persons, both for and against,
162 wanting to be heard. City Council may inquire of the Applicant/Petitioner and/or
163 city staff prior to public comment.
- 164 2. Speakers for or against an issue will be given a reasonable opportunity to be
165 heard and to present information to Council. Exhibits, flash drives and other written
166 communications shall be filed with the City Clerk.
- 167 3. Any person speaking or presenting any information at the hearing may be
168 questioned by the Council, the City Manager and/or the City Attorney.
- 169 4. At the conclusion of all evidence and testimony the Presiding Officer will close
170 the public hearing and the matter will be deliberated by the Council.
- 171 5. When a public hearing has been closed by the Presiding Officer, no further
172 public comment shall be permitted. Council members, however, may direct questions
173 to the Applicant/Petitioner, the Applicant/Petitioner's representative or to a city staff
174 member for clarification prior to taking any vote, if a vote is in order.
- 175 6. The Presiding Officer may ask the Applicant/Petitioner and/or city staff for a brief
176 closing statement or summary of responses to questions posed by the Council.
- 177 7. Motion and Second. (A motion and second may be made at any time during the
178 hearing.)

179 8. Motion to amend (if any). (A motion to amend may be made at any time after the
180 original motion and second.)

181 9. The presiding Officer shall ask the City Clerk to conduct a roll call vote.

183 ELECTRONIC/ VIRTUAL MEETINGS

184 Purpose

185 These rules specify the circumstances under which regular and special City Council
186 meetings may be held by telephone or other electronic means of participation, such as
187 video-conferencing ("Virtual Participation.") Any Councilmember may participate in a
188 regular, special meeting or study session of the City Council virtually only in accordance
189 with this policy. It is the preferred practice of the City Council that meetings be held in
190 person.

191 Emergency Situations

192 If a quorum is unable to meet at the day, hour, and place fixed by the procedures of
193 the City Council because meeting in-person is not practical or prudent due to a health
194 or other emergency affecting the City, meetings may be conducted virtually by
195 telephone, webinar, electronically, or by other means of communication so as to
196 provide maximum practical notice. Meetings may be held entirely virtually if all the
197 following conditions are met:

198 1. The City Manager or the Mayor determine that meeting in person is not practical
199 or prudent, because of a health or other emergency affecting the City and/or the
200 Council;

201 2. The Mayor and all Councilmembers can hear one another or otherwise
202 communicate with one another and can hear or read all discussion and testimony in a
203 manner designed to provide maximum notice and participation;

204 3. If the regular meeting location is available, members of the public present at the
205 regular meeting location can hear or read all discussion, testimony and votes, unless
206 not feasible due to the emergency;

207 4. All votes are conducted by roll call;

208 5. Minutes of the meeting are taken and promptly recorded, and such records are
209 open to public inspection;

210 6. To the extent possible, full and timely notice is given to the public setting forth the
211 time of the meeting, the fact that the Mayor and Councilmembers may participate
212 virtually, and the right of the public to monitor the meeting from another location; and

7. Members of the public shall be allowed to submit written comments and may be allowed to be heard virtually if feasible, subject to reasonable limits imposed by the Presiding Officer.

Arranging for Virtual Participation.

a. Council. To arrange to participate via Virtual Participation, a Council member shall:

1. Contact the City Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. Council members shall endeavor to advise city staff of their intent to participate via Virtual Participation at the earliest possible time and preferably not less than 12-hours prior to the requested participation.

2. The City shall initiate the Virtual Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon inadvertent disconnection during a meeting, the City Clerk shall make one attempt to re-initiate the connection.

b. Public. If feasible, members of the public may participate via Virtual Participation to be seen and heard virtually.

1. Members of the public who wish to comment virtually and that will not be presenting photos, maps or other materials shall be allowed to do so as provided on the agenda published for the meeting. If members of the public will be presenting photos, maps, or other materials those shall be submitted to the City Clerk no less than 12 hours in advance of the meeting and shall be in a/the format specified by the City Clerk. Materials that are not timely filed with the City Clerk and/or in the proper format will not be submitted to the City Council.

2. Applicants or parties making presentations. An applicant or other party that intends to make a presentation shall provide the presentation(s) and other media to be presented virtually by 5:00 p.m. the day before the meeting. Applicants and presenters will be provided information about how to participate virtually in advance of the meeting by the department coordinating with the presenter(s).

Quasi-Judicial Hearings by Virtual Participation.

a. Quasi-judicial hearings shall only be held by virtual participation if all parties are able to participate virtually and members of the public are able to be heard virtually. Written evidence and comments submitted via link, e-mail or PDF shall be accepted and made part of the record.

b. If the City Council schedules a virtual hearing of a quasi-judicial matter the applicant must affirm in writing that either:

1. It has requested the public hearing be conducted virtually and the applicant waives any legal challenge to the hearing being so conducted; or

250 2. it requests that the public hearing be continued to such time as the City
251 Council schedules an in-person hearing.

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DRAFT

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PRODUCTION CONCERNING MEETING PROCEDURE FOR
COLORADO LOCAL GOVERNMENTS
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Bob's Rules of Order

SIMPLIFIED PARLIAMENTARY RULES OF ORDER FOR COLORADO LOCAL GOVERNMENTS

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Introduction

Efficient and well-run public meetings are a necessity for local government. An efficient and well-run meeting allows all scheduled business to be accomplished, voices to be equally heard, and differences of opinion to be aired amicably. Whether the meeting issues are deeply challenging and emotional or simply ministerial and non-confrontational, a well-run meeting leaves all participants feeling that the decisions made during the meeting are the product of fairness, equality, and respect. Poorly run meetings can undermine confidence in local government by allowing a perceived inequality among participants when engaged in debate and discussion, injecting conflict and argument between the participants, and adding confusion to the decision-making process and uncertainty in the eventual decision. A set of standardized rules of order or procedure which are both fully understood and routinely employed by meeting participants are a critical component to efficiency in meetings.

*Robert's Rules of Order*¹ is perhaps the most widely known set of rules offered to facilitate and manage meetings. Beginning with the pocket handbook first published in 1878, and with significant rewriting and amendment since that time, *Robert's Rules of Order* has evolved into a complex tool for meeting management. *Robert's Rules* totals an astounding 716 pages.² No fewer than two dozen independent publications are available to help meeting participants better understand, decipher, and interpret *Robert's Rules* including a *Robert's Rules for Dummies* publication³ and a *Complete Idiot's Guide to Robert's Rules*.⁴ Because an effective meeting necessarily requires meeting participants to equally understand the procedural rules governing the meeting, *Robert's Rules of Order* can prove to be an ineffective tool in conducting the meetings of local government.

Notwithstanding the unsuitability of *Robert's Rules of Order* to manage local government meetings, many communities incorporate *Robert's Rules* into their local meeting procedures by reference in local codes and policies. The incorporation of *Robert's Rules* into local government meeting procedures almost always results, not from an express acknowledgment that *Robert's Rules* will be suitable for use in the local government setting, but perhaps from a blind assumption that *Robert's Rules* will best guide meeting procedure because is the most recognized set of procedural rules. Few people have fully read *Robert's Rules* and fewer understand that *Robert's Rules* contain processes and procedures that Colorado local government might deem unacceptable.⁵

"*Bob's Rules of Order*" is intended as a simplified set of rules better suited to manage Colorado local government meetings. Although *Bob's Rules of Order* calls upon some of the basic concepts offered by *Robert's Rules*, *Bob's Rules of Order* pares down the available motions to those essential to advance the goal of running an efficient public meeting for Colorado local government.

¹ Henry M. Robert III and others, *Robert's Rules of Order Newly Revised*, 11th ed. (Da Capo Press, 2011).

² Id. The total pages are inclusive of 92 pages of summary charts and indexes.

³ C. Allen Jennings, *Robert's Rules for Dummies*, (New Jersey, John Wiley & Sons Inc., 2016).

⁴ Nancy Sylvester, *The Complete Idiot's Guide to Robert's Rules*, (New York, Penguin, 2010)

⁵ For example, *Robert's Rules of Order* includes provisions for the summary imposition of penalties against members who breach *Robert's Rules*, up to and including expulsion from the meeting and removal from membership on the body. See Chapter XX, *Robert's Rules of Order*.

Robert's Rules authorize a process and imposition of penalties for undefined conduct and actions taken by members outside of meetings which is deemed unacceptable by the body. Id.

Legal Advice and Disclaimers

Bob's Rules of Order does not offer legal advice. The *Rules* are offered to assist local government when considering the creation or implementation of local rules of order that will become a helpful tool in conducting more efficient public meetings.

When deciding practice and procedures for meetings, local governments should always inquire first to their local attorney. The local attorney is best suited to both understand the application of the laws affecting the local government and how to integrate the applicable law into the common or historic practice, procedures, and needs of the community. All legal advice involves an assessment of risk based on full knowledge of the law, the client, and the client's circumstances. Only the local attorney has the knowledge to best advise the local government in deciding the proper rules of order and procedure to govern meetings. In short, it is not a best practice to blindly apply the recommendations of *Bob's Rules* without consulting local legal counsel.

Terminology

Certain words and phrases are used throughout *Bob's Rules of Order* refer to actions or persons involved in a meeting. Some of these words and phrases are capitalized to remind the reader that the word or phrase has a specifically defined meaning.

Amendment (or to Amend) - An amendment is a motion to change, to add words to, or to omit words from a pending main motion. The amendment is usually intended to clarify or improve the wording of the original motion and must, of course, be germane to that motion.

Body – The formally constituted organization commissioned with the obligation and duty to act on behalf of the local government.

Chairperson – The person appointed or elected to preside over the meeting.

Floor – The privilege or right to speak to the body.

Member – A person appointed or elected to hold office as a recognized participant of the body.

Motion – A formal proposal seeking specific action by the body typically preceded by the words "I move that ..." or "I make a motion that" Motions are generally introduced by voice but may be presented to the body in writing.

Moving Party – The Member presenting a motion or point for action by the body.

Out of Order – An action that fails to comport with these *Rules of Order*.

Point – A declaration of a member addressed to the chairperson requesting to bring before the body a matter for immediate decision or resolution. There are three recognized points: (1) Point of Order; (2) Point of Information; and (3) Point of Appeal.

Second – An oral declaration by a Member to express that a motion offered to the body should receive debate or discussion.

Key Assumptions

Certain assumptions are incorporated into *Bob's Rules of Order*. Each of these assumptions are subject to rejection or modification by the Body in the development of the local rules of order to render *Bob's Rules* consistent with the local practices and procedures of the local government.

- ***The Chairperson Serves as the Parliamentarian:***
- ***Abstaining from Voting is not Permitted.***
- ***A Conflict-of-Interest Mandates Recusal from Voting:***
- ***A Motion is Not a Prerequisite to Discussion or Debate on a Matter.***

These assumptions are each clarified below:

- ***The Chairperson Serves as the Parliamentarian:***

During a meeting, decisions regarding the proper application of the *Rules* will be required. For example, a determination will need to be made during a meeting that a particular motion is, or is not, Out of Order (*i.e.*, appropriate for presentation under the *Rules*). "Parliamentarian" is the customary term used to identify the person with a solid understanding of the meeting rules and who is commissioned to render decisions on the applicable and proper procedure.

The practice in most government meetings is to assign the role of parliamentarian to the person in charge of the procedure and flow of the meeting – that is, the chairperson.

In some local governments, the role of parliamentarian is assigned to the clerk, attorney, or other administrative support or staff person. This assignment of the role to a person other than the chairperson can prove challenging; the parliamentarian will often be seen as "taking sides" on a ruling of procedure. Asking an administrative support or staff person to render a ruling between potentially conflicting positions held by body members who may control or supervise the administrative person is often seen as ill-advised and places the administrative person in an awkward position.

- ***Abstaining from Voting is not Permitted.***

Whether a member is elected, appointed, or volunteered to serve the body, an underlying assumption is that the member agreed to perform the duties of the position unless prevented by law.⁶ A member may wish to "abstain" (*i.e.*, not declare a formal vote or position) due to a myriad of reasons which may include a simple desire to avoid being placed on the record in support or opposition of a proposition. Such an abstention for personal reason or convenience constitutes a neglect of the duty freely accepted by the elected or appointed member to represent the body and the public and, therefore, is not permitted by these *Rules of Order*.

Abstentions can undermine the required vote of the body. Taken as an expression that the member is not declaring a vote and therefore no vote by the member will be recorded, an abstention or possible multiple abstentions can reduce the body's vote total below the

⁶ See *A Conflict-of-Interest Mandates Recusal from Voting*, below.

number necessary to enact a proposition or motion. For example, for a vote requiring a majority of a 5-member body, an abstention of two members will allow the vote to be approved by only 2 of the voting members or less than the quorum of the body.

The potential for abstention places the body at risk that the body will not have a sufficiently representative number of voting members after devoting considerable time and effort in reaching the point of rendering a decision. Combined with the abstaining member's active participation in the debate and deliberation before declaring an abstention, the member can effectively influence the body's decision yet evade taking a public position on the motion or proposition. Such practice should be viewed as incompatible or inconsistent with the concept of open, transparent, and representative government.

When a member expresses an otherwise unpermitted abstention on a vote, the *Rules of Order* deem the abstention as an affirmative vote or declaration in favor of the proposition which is pending before the body. For example, if a body member votes to "abstain," the clerk will record the vote as a "yes" vote or as an affirmative expression of support for the pending proposition. If the abstaining member objects to the recording of her abstention as an affirmative vote because then member does not affirmatively support the motion, the member is afforded an easy solution, which is to vote "no" on the motion.

The alternative to the recording of the abstention as an affirmative or "yes" vote and, instead, to record the abstention as a "no" vote, will allow members to defeat a motion without taking a specific position on the motion. In other words, the recorded vote on a motion by seven voting members could be 3 votes in favor by declaration of a "yes" vote, 2 votes in opposition by declaration of a "no" vote, and 2 votes to "abstain" which are then recorded as "no" votes. As a result, the motion is defeated upon a 3-4 vote without a majority of members publicly committing to a "no" or negative position on the vote. Such a scenario should be considered as antithetical to open, transparent, and representative government.

- ***A Conflict-of-Interest Mandates Recusal from Voting:***

When a member faces a lawfully recognized conflict of interest, the member shall recuse⁷ themselves from all participation in the matter and shall not vote. Moreover, the conflicted member shall not be permitted to influence the body by participation in the consideration, deliberation, or debate on the matter and may not seek to influence individual members outside of the public meeting or the hearing. Mandating that a member recuse themselves from advocating and voting on a matter due to a conflict of interest is lawfully permitted and a member has no personal constitutional right to participate or vote where a conflict exists.⁸ Colorado provides a limited single exception to this rule where (i) the conflict

⁷ Recusal is not the equivalent to abstention. Abstention is "the withholding of a vote;" whereas recusal is "the [removal] of oneself as judge or policy maker in a particular matter, especially because of a conflict of interest." Black's Law Dictionary (8th Ed. 2004). Abstention, if allowed, permits the member to participate in the proceeding and, prior to the vote, to make a declaration that the member will not vote for reasons often unstated, and which can include personal preference, indifference, lack of information, or possibly a perceived conflict of interest. In contrast, recusal precludes the member from participation in any aspect of the matter because to participate or to vote would subject the member or the member's organization to liability.

⁸ *Nevada Commission on Ethics v. Carrigan*, 564 U.S. 117 (2011)

arises from a personal or private interest; (ii) a quorum cannot be maintained if the member is excluded; and (iii) the member makes a required disclosure to the secretary of state.⁹

What constitutes a conflict of interest is difficult to summarize. State law recognizes a number of conflicts of interests in statute which are unfortunately not well defined. In addition, many local rules of procedure recognize other circumstances in which a member is not lawfully permitted to participate due to a conflict of interest. As a result, the body's attorney should always be consulted in advance of the meeting regarding a potential conflict of interest. In nearly all situations, the determination of a legally recognized conflict of interest will involve an evaluation of the particular facts surrounding the conflict, the form of decision pending before the body, and the potential for a vote to be entered notwithstanding a conflict of interest.

A declaration that a member has a conflict of interest is not addressed by a declaration to "abstain." Abstention is a declaration of a desire not to vote on a matter for which the member may otherwise lawfully participate and vote. The existence of a conflict of interest creates a legal impediment to participation and voting which can subject the member and the body to potential legal liability.

Recusal from participation due to a conflict of interest should be offered before the body *prior to* or at the *initial opening* of the matter on the agenda. For example, the conflicted member should seek the floor at the initial opening of the matter and proclaim that, "Madam Chairperson, following consultation with our attorney and due to a conflict of interest, I must respectfully recuse myself from all participation in this matter." It is customary for the conflicted member, following declaration of recusal, to leave the dais of the body and take a seat either in the audience or outside the meeting room for the entire consideration of the matter.

- **A Motion is Not a Prerequisite to Discussion or Debate on a Matter.**

In some meeting rules of order, a motion is a necessary prerequisite to discussion or debate. However, such a practice is generally inconsistent with the common practice of local government meetings. Oftentimes, discussion on a problem or proposition sets the basis or background that will lead to an appropriately stated motion. The basis or background more often enables the motion to be tailored to the viewpoints and comments offered during discussion offered prior to any motion. It is not infrequent that a hastily stated motion is later withdrawn or modified following discussion. As a result, efficiency is achieved by permitting motions to be made at an appropriate time which may be before, during, or following robust discussion or deliberation on a matter.

General Rules Governing the Meeting

- Quorum Required. A majority of the members of the Body in office shall constitute a quorum for the transaction of business at all meetings where a quorum is required. In the absence of a quorum, the Body's chairperson, vice chairperson, other officer, or the administrative staff person serving the Body may announce that the meeting is continued due to lack of a quorum and such announcement

⁹ See C.R.S. § 24-18-110.

may include the date, time, and place at which the meeting will be re-convened. By way of example, such announcement may state: "Due to lack of quorum, this meeting is continued to the [state date, time, and place]." In the event any meeting is adjourned to a later date, the Chairperson or the administrative staff person serving the Body shall prepare and cause to be delivered to each member of Body timely notice setting forth the date and hour to which such meeting has been continued. Any announcement of a continuation without a public announcement of the date, time, and place of the continued meeting shall require the issuance of new notice for any public hearings or other matters that require notice.

- Floor Required to Address Body. Except when raising a Point (Point of Order, Point of Information, or Point of Appeal), a Member must first be recognized by the Chairperson and be given the floor in order to address the Body. Speaking without first obtaining the floor is out of order.
- Time Limit for Floor. A Member's right to the floor is limited to five (5) minutes. A Member may request that the Chairperson grant additional time. Such request should customarily be granted by the Chairperson unless the Chairperson determines that other Members are waiting to be recognized to obtain the floor or that meeting efficiency necessitates that the requested extension be denied. When one Member is denied a request for an extension of time to speak, no other Member shall be granted an extension of time for the same agenda item. Speaking in excess of the allocated time is out of order.
- Limitation on Obtaining Floor. A Member should only speak once to any motion or matter under debate until such time that all others seeking the floor have been provided an opportunity to speak to the motion. Obtaining the floor after previously speaking when other members are waiting an opportunity to speak is out of order.
- No Interruptions or Side Discussions. To maintain a clear recorded meeting record, only one person shall speak at any one time. Interrupting a person who has the floor or engaging in side discussions while another person has the floor is out of order.
- Second Required for Debate. All motions must receive a second before debate or discussion may begin. A second does not connote approval of the motion but only that the Member offering the second supports fuller discussion of the motion.
- Chairperson Discretion. The Chairperson may independently decide to deviate from the Rules of Order in order to increase meeting efficiency and to best enable full and informed discussion of a matter before the Body. However, such independent action by the Chairperson remains subject to a Point of Order and Point of Appeal through which a Member can bring the meeting into full compliance with the Rules of Order.
- Voting:
Vote Requirement. A majority vote of the quorum present is required for any motion unless a different requirement is set by these Rules of Order or by applicable law. For example, a supermajority (2/3rds of quorum present) is required for a Motion to Call the Question pursuant to these Rules of Order and a

supermajority (2/3rds of a quorum present) is required for a motion for executive session pursuant to the Colorado Open Meetings Law (C.R.S. § 24-6-402(4)).

Aye or Nay Vote Required. A vote of aye or nay (or another form of affirmative or negative declaration such as “yes” or “no”) shall be taken upon motions. Every Member, when present, must vote aye or nay unless:

- (1) The Member is excused by the Chairperson due to the Member’s declaration of a conflict of interest at the introduction of the agenda item or immediately upon discovery of a legally recognized conflict of interest; or
- (2) The Member is excused by the Chairperson because the member is without sufficient information upon which to enable an informed vote due to an absence at a prior meeting, e.g., the member did not attend the meeting for which meeting minutes are moved for approval.

No Abstention. An unexcused member’s vote to “abstain” or other similar declaration other than “aye” or “nay” shall be recorded as a “nay” vote on the pending motion or matter.

No Explanation of Vote. Members shall not explain their vote except during discussion and deliberation prior to the calling of the vote on the question. Any attempt to explain a vote or to condition the vote immediately prior to casting the vote is out of order.

Chairperson’s Privileges & Duties

- Chairperson to Direct Meeting. The Chairperson is privileged to act as the director of the meeting. The Chairperson shall seek to clarify the actions pending before the Body during the meeting and prior to a vote. For example, the Chairperson is encouraged to restate motions, announce expectations for the meeting agenda, and recommend to the Body the proper procedure or rules for a particular course of action. The Chairperson has a continuing right to the floor although, like any other member, shall be held to compliance with the Rules of Order.
- Chairperson as Parliamentarian. The Chairperson is the meeting parliamentarian and shall decide all questions of process and procedure. Such decisions are subject to appeal by a Point of Appeal. The Chairperson may consult with the Body’s legal counsel or administrative staff to assist in rendering decisions regarding the application of the Rules of Order.
- Chairperson as Facilitator of Discussion. As the meeting director, the Chairperson should generally encourage and enlist other Members to propose or to second motions and to lead initial debate. Nevertheless, the Chairperson is entitled to the same rights as Members regarding the presentation of motions, seconding motions, and debate and may exercise such privilege as deemed appropriate by the Chairperson.

- Temporary Informal Recesses. The Chairperson may declare a temporary recess without motion or consent of the Body. However, no recess shall be declared which would interrupt a member who has properly secured the floor to speak.

Moving Party's Privileges

- At any time *prior to* receiving a second on a motion, the Moving Party may unilaterally withdraw or unilaterally amend a motion provided that the Moving Party has the floor. A motion, *once seconded*, belongs to the decision-making Body and the Moving Party's privileges are limited.
- The Moving Party retains the following limited privileges after the motion receives a second if the Moving Party has properly secured the floor to speak:
 - A. The Moving Party may speak to the rationale, purpose, meaning, or need of the motion prior to the opening of full debate to other members of the Body.
 - B. The Moving Party may withdraw his/her seconded motion unless an objection is raised by Point of Order. An objection to the Moving Party's withdraw of the seconded motion will summarily defeat the Moving Party's request to withdraw.
 - C. The Moving Party may accept a proposed amendment (a "Friendly Amendment") unless an objection is raised by Point of Order. An objection to a Friendly Amendment will summarily defeat the Moving Party's privilege to accept a Friendly Amendment and, in such case, a formal Motion to Amend would be in order.
 - D. During debate, to further explain or clarify the meaning, intent, or purpose of the motion or to otherwise respond to a Point of Information.

Classes & Priority for Points and Motions

There are three classes for motions and points: (1) Privileged; (2) Main; and (3) Subordinate. The class determines the priority or importance of the motion or point and, therefore, determines whether the motion or point is "in order" when made, i.e., if the motion or point proposed is appropriate for the Body to consider at the time it is presented.

- **PRIVILEGED** motions, which include all three Points, do not require a pending main motion on the floor and do not relate directly to a pending question. Privileged motions or points may be raised at any time. Privileged *points* do not require the floor; privileged *motions* require the floor. Privileged motions oftentimes involve an administrative or ministerial aspect of the meeting that needs to be resolved independently of the business then-pending before the Body. The following motions or points are recognized as privileged and are listed *in order of precedence*.
 - Point of Order
 - Point of Information

- Point of Appeal
- Motion to Recess
- Motion for Executive Session
- A **MAIN** motion formally presents to the Body an item for action. A Main motion can be made only when no other motion is pending. If a Main motion is presented when another pending motion or point is before the Body, it is out of order.

Although there are as many Main motions as there are subject matters that a Body may consider, there are four (4) commonly recognized *specific* Main motions used in local government decision-making:

- Motion to Adjourn
- Motion to Reconsider
- Motion to Postpone an Agenda Item to a Date Certain
- Motion to Postpone Indefinitely
- A **SUBORDINATE** motion is related to and supplements or builds upon the Main motion. A Subordinate motion must be dealt with before the Main motion can be voted on. A Subordinate motion is in order only when there is a pending main motion on the floor. Once a seconded Subordinate motion is pending on the floor, neither a MAIN motion nor another Subordinate motion is in order.

There are three (3) recognized Subordinate motions:

- Motion to Amend (a Main Motion)
- Motion to Continue Matter Before the Body to Date Certain
- Motion to Call the Question (Close Debate)

Points and Motions in Detail

A. Points

There are three "Points:" (1) Point of Order; (2) Point of Information; and (3) Point of Appeal. Points do not require a second. They are each "privileged" and may be raised at any time.

- **Point of Order** (or to "raise a question of order" as it is sometimes expressed), is an opportunity for a Member to express an opinion that the rules or procedures of the Body are being violated. The appropriate means of asserting such opportunity is for the member to wait for a break in the discussion and state "Point of Order" and wait to be recognized by the Chairperson. Any existing debate or discussion should cease. Upon the Chairperson's recognition, the member must succinctly state the general rule or procedure believed to be in violation. A point of order should not interrupt another speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered. For example:

Member Jones was granted the floor and proposed a motion to approve a site plan. Member Jones then proceeded to discuss the rationale for his motion.

Member Jones: [has the floor and is engaged in debate on a motion, he pauses in his debate]

Member Smith: "Point of Order."

Chairperson: "Excuse me a moment, Mr. Jones. The Chairperson recognizes Ms. Smith."

Member Smith: "I believe we are debating a motion that did not receive a second. I believe that this is out of order because a motion requires a second before debate."

Chairperson: "You are correct Ms. Smith, I do not recall a second was offered. Therefore, let us cease debate. Do I have a second on the motion? [A second is offered]. Thank you for your Point of Order, Ms. Smith. Mr. Jones, you have the floor and may commence debate."

- **Point of Information** is a *request to receive information* on a specific question, either about process, meeting conduct, clarification of a motion, or about a fact at any time during a meeting. A Point of Information is not an opportunity for a member to *provide* information to the Body and should never be used as a means of continuously interrupting the flow of debate. Using a Point of Information to provide information or to interrupt debate would be out of order.

As an example of the proper use of a Point of Information while the Body is engaged in debate on a seconded motion:

Member Quinn: [Has the floor and is offering her thoughts on a pending matter.]

Member Frank: "Madam Chairperson, Point of Information"

Chairperson: "Excuse me a moment, Ms. Quinn. The Chairperson recognizes Member Frank."

Member Frank: "Ms. Quinn said there are more than 5,000 vehicles passing through the Main Street intersection during the peak evening hours. But I recall that our Traffic Engineer stated earlier that the traffic count at the intersection during evening peak hours was only 1,500 vehicles. What is the correct number?"

Chairperson: "Let's have the Traffic Engineer provide us the accurate figure for traffic count."

Following the Traffic Engineer's advisement, Ms. Quinn again has the floor.

- **Point of Appeal** is a request of a member to challenge a decision of the Chairperson concerning the application of the Rules of Order. A Point of Appeal shall customarily be in order immediately following the Chairperson's decision and

may be declared out of order and unavailable where the Body has relied upon the Chairperson's decision and continued the proceeding in reliance upon, or in accordance with, the Chairperson's decision. The member making the Point of Appeal may briefly state his or her reason for the Point, and the Chairperson may briefly explain his or her ruling, but there shall be no further debate on the appeal.

As an example of the use of a Point of Appeal when a motion is pending discussion:

Chairperson: "We have on the floor a Motion to Call the Question that was seconded." The vote on a Motion to Call the Question is not debatable and will require a majority vote of the quorum present."

Member Thomas: "Point of Appeal"

Chairperson: Mr. Thomas has raised a Point of Appeal. Mr. Thomas, you have the floor. What is your appeal?"

Member Thomas: I appeal the Chairperson's decision regarding the required vote on a Motion to Call the Question. A Motion to Call the Question requires a 2/3rds vote pursuant to our Rules of Order.

Chairperson: "My decision regarding the required vote is being appealed. I believe that closing debate is a rather simple matter only requiring a majority vote like a majority of all of our motions."

"We shall now vote on the appeal. Mr. Thomas appeals my decision regarding a vote on a Motion to Call the Question requires a simple majority of this quorum. Mr. Thomas asserts it should be a 2/3rds vote. The question we are now voting on is 'Shall the decision of the Chairperson be sustained?'"

[The Members vote to not sustain (they overturn) the Chairperson's decision.]

Chairperson: "My decision is overturned on appeal. I stand corrected and will now declare that the Motion to Call the Question requires a vote of 2/3rds of the members of the Body. Let us proceed to the consideration of the Motion to Call the Question."

B. Motions

- **Motion to Recess (Privileged)**

A Motion to Recess is intended to provide a temporary cessation in the meeting to accommodate matters such as restroom breaks or to consult with legal counsel or administrative staff. The motion should state approximate amount of time for the requested recess as a convenience to other members and the public in attendance. A second is required and the

motion is not debatable and requires an immediate vote. A majority vote of quorum present required for approval.

As an example of a Motion to Recess, such motion might be stated as:

Member Thomas: "I move to recess our meeting for 15 minutes until 7:30."

Member Jones: "Second."

Chairperson: "We have a Motion to Recess on the floor to recess until 7:30. Because this motion is not debatable, would the clerk please call for the vote."

- **Motion to Adjourn (Main)**

Motion to Adjourn is available to cease further action of the Body and immediately terminate the meeting. A Motion to Adjourn is debatable and requires a majority vote of quorum present required. Caution should be exercised when presenting a Motion to Adjourn when items are pending on the agenda that required prior notice (such as public hearing publication or posting of property) because these matters must be properly continued to a future date or new notice published and/or posted.

As an example of a Motion to Adjourn, such motion might be stated as:

Member Thomas: "I move to adjourn this meeting."

Member Jones: "Second."

Chairperson: "We have a Motion to Adjourn on the floor. Member Thomas, did you want to speak to your motion or open any debate?"

Member Thomas: "Thank you. I believe the remaining items on our agenda are not important and it is already 11:00 p.m. I believe we are all tired and can no longer concentrate."

Chairperson: Any other debate? Seeing none, would the clerk please call for the vote. Please note that only a simple majority of our quorum present tonight is needed to adjourn."

- **Motion to Reconsider (Main)**

A Motion to Reconsider is an extraordinary motion that requires a degree of care in presenting and, if approved, care in processing the matter to be reconsidered. A successful Motion to Reconsider will effectively void the prior vote taken on the previously decided motion and cause the matter to be reopened for another motion and a new consideration.

A Motion to Reconsider is only in order at the same meeting at which the decision to be reconsidered was made or at the *next* regular meeting of the

Body. The motion must be made by a member on the prevailing side of the original motion to be reconsidered. The required second on the motion need not be a member from prevailing side. The motion is debatable but only for the reasons to explain or justify reconsideration and not for the purpose of debating the merits of the original motion.

A supermajority vote of 2/3rds of the quorum present is required for approval. All proceedings, testimony, evidence, and debate on the matter presented during the initial consideration of the original matter will remain part of the official record; only the decision or vote taken is voided.

In the event of a successful Motion for Reconsideration, it is recommended that the reconsideration of the original matter be continued to a future date as opposed to being heard at the same meeting in which the Motion for Reconsideration was approved. This recommendation stems from the fact that the matter under reconsideration will likely require new public notice so that interested parties (and possibly an applicant whose rights are being decided) are apprised of the new consideration and can attend and participate in the new consideration. Even when a successful Motion for Reconsideration was presented in the same night as the matter subject to reconsideration, the parties present for the original matter may have departed the meeting after what appeared to those attending to be a final decision on the original motion. Fairness will often dictate that the reconsideration be scheduled for a future date.

As an example of the typical process surrounding a Motion to Reconsider, such motion might be stated as:

Member Thomas: "I move to reconsider our decision to approve Ordinance 14 which required all owners to keep their dogs on leashes at all times. I believe I can make this motion because I voted "yes" on the ordinance and it was approved at our last meeting."

Member Jones: "Second."

Chairperson: "We have on the floor a Motion to Reconsider Ordinance 14 concerning our new dog leash law. Please note that a Motion to Reconsider, if we approve it tonight, will reopen the consideration of Ordinance 14 and require new debate, a new motion, and a new vote. Member Thomas, did you want to speak to your Motion to Reconsider? Please note that you are free to discuss the reason why you wish to seek reconsideration but this is not intended to be a debate of the merits of Ordinance 14 at this time."

Member Thomas: "Thank you. I would like us to reconsider Ordinance 14 because upon reflection over the last week I believe the Ordinance may be too restrictive and we might want to consider allowing an exemption to the

leash requirement for owners that can maintain control over their dogs by using voice command."

Chairperson: "Any other debate concerning whether we should reconsider Ordinance 14? Seeing none, would the clerk please call for the vote. Please note that this Motion to Reconsider requires a supermajority of 2/3rds of the quorum present tonight to be approved. If approved, our administrative staff will need to schedule Ordinance 14 for discussion at a future date and provide or publish any required notices to the public concerning our reconsideration of Ordinance 14."

- **Motion to Postpone an Agenda Item to Date Certain (Main)**

A Motion to Postpone an Agenda Item to a Date Certain pertains to a matter that is not presently on the floor but is scheduled for later consideration on the Body's agenda. The motion must identify a date and time certain for the agenda item to be reset for Body consideration. If the Moving Party desires to *indefinitely* postpone an item, a Motion to Postpone indefinitely is the appropriate motion (see below). The Motion to Postpone an Agenda Item to a Date Certain is debatable. A majority vote of quorum present required for approval.

As an example of a Motion to Postpone an Agenda Item to Date Certain, such motion might be stated as:

Member Smith: "I move to Postpone Agenda Item 8 which pertains to funding of the repainting of the offices in City Hall to our meeting on August 15 at 7:00 p.m. here in our Council Chambers."

Member Edwards: "Second."

Chairperson: "We have a Motion to Postpone Agenda Item 8 which pertains to the funding of the repainting of the offices. This motion is debatable, so I would offer Mr. Smith and other Members an opportunity to comment on the motion".

Member Smith: "I believe that this is not an urgent matter and, quite frankly, there are more pressing matters to fully consider tonight. The August 15 agenda looks like a light meeting."

Chairperson: "Any other discussion? Seeing none, would the clerk please call for the vote."

- **Motion to Postpone Indefinitely (Main)**

A Motion to Postpone Indefinitely will effectively kill a matter that is subject to the Body's consideration (and is usually on the meeting agenda or

scheduled on a future agenda). This motion will remove the matter from the Body's consideration without full debate of the matter and without directly voting the matter down on the matter's merits. It is most commonly used to eliminate a matter from the current and/or future agendas because there is insufficient interest on the Body to hear the matter. As a caution, a Motion to Postpone Indefinitely would not be appropriate where the item involves a quasi-judicial matter for which an applicant has a right to a hearing and opportunity to be heard; legal counsel should be consulted regarding the use of this Motion for any quasi-judicial matter. The motion is debatable. A majority vote of quorum present required for approval. If approved, the matter will not be brought back to the Body unless the Body instructs that the item return for a future agenda.

As an example of a Motion to Postpone Indefinitely, such motion might be stated as:

Member Johnson: "I move to Postpone Indefinitely Agenda Item 2 which pertains to enacting a leash law for all cats in the town."

Member Samuels: "Second."

Chairperson: "We have a Motion to Postpone Agenda Item 2 indefinitely which pertains to our imposing a leash law on cats. This motion is debatable and requires a majority vote of the quorum present tonight. I would offer Ms. Johnson and other Members an opportunity to comment on the motion."

Member Johnson: "I have talked with many citizens about this proposal and believe that we are likely to be harshly criticized should be enact such an ordinance. So I think it is a waste of our time to continue to entertain this idea and I prefer just to eliminate the matter from tonight's agenda and our future consideration."

Chairperson: "Any other discussion? [Member Thomas requests floor]. The floor recognizes, Mr. Thomas. Mr. Thomas you have the floor."

Mr. Thomas: "Thank you. Although I agree with Ms. Johnson about the public sentiment we are likely to hear about leashing cats, I think we should at least open the public debate and have the citizens comment to us directly. So, I oppose the motion to postpone indefinitely."

Chairperson: "Seeing no other discussion, would the clerk please call for the vote."

[Vote fails to gain the required simple majority vote needed for a Motion to Postpone Indefinitely.]

Chairperson: "We do not have the required majority of the quorum so the offered motion is rejected or fails. We will consider the matter of leashing cats as our scheduled Agenda Item 2 tonight."

- **Motion to Amend (a Main Motion) (Subordinate)**

A Motion to Amend (a Main Motion) is applicable only to a Main motion on the floor. The motion must provide specificity as to the intended amendment. The motion is debatable. A majority vote of a quorum present required for approval. A motion to amend is not in order when another motion to amend is already pending (made and seconded) before the Body; e.g., the Body will deal with only one Motion to Amend at a time to avoid confusion.

As an example of a Motion to Amend a Main Motion, such motion might be stated as:

Member Smith: I move to Approve Ordinance No. 6 as presented to us tonight."

Member Jackson: "Second."

Chairperson: "We have a proper Motion on the floor that has received a second to approve Ordinance No. 6. Any discussion?"

Chairperson: "Yes, the Chair recognizes Mr. James. Mr. James, you have the floor."

Member James: "Thank you. I move to amend the motion offered by Ms. Smith to change the amount of the penalty for the first violation stated in Section 1-1-3 on page 3 of Ordinance No. 6 from the stated \$100 for the first offense to \$200 for the first offense."

Member Samuel: "Second."

Chairperson: "We have a Motion to Amend before us to change the penalty in Section 1-1-3 of Ordinance No. 6 from \$100 to \$200 for the first offense. We will take up the Motion to Amend first and decide that Motion before we consider the Main Motion. It is debatable and requires a simple majority vote. I see no one wishing to comment or debate the offered amendment to Ordinance No. 6. Would the clerk call for the vote on the Motion to Amend only."

[Motion receives majority vote of approval.]

Chairperson: "The Motion to Amend is approved so Ordinance No. 6 is now amended to change the penalty for a first offense to \$200. We next turn to the Main Motion to

approve Ordinance 6, now as amended. Any debate on Ordinance No. 6 as amended? Seeing none, would the clerk please call for the vote of Ordinance No. 6 as it was amended."

- **Motion to Continue Matter to Date Certain (Subordinate)**

A Motion to Continue a Matter (that is before the Body) to a Date Certain postpones to holdover the current motion to a specific date, time, and place stated in the motion. Note that a motion to continue a matter without stating a date certain would operate more like a Motion to Postpone Indefinitely (see above) and would require the matter to be affirmatively requested by the Body for future consideration and reintroduced and, when required, new publication of notice of the hearing or discussion. The motion is debatable. A majority vote of a quorum present required for approval.

As an example of a Motion to Continue a Matter to a Date Certain, such motion might be stated as:

Member Smith: "I move to continue this matter under consideration to our meeting on February 23 at 7:00 p.m. here in our Council Chambers."

Member Edwards: "Second."

Chairperson: "We have a Motion to Continue this matter we are considering to a date and time certain, that being our meeting of February 23, at 7:00 p.m. here in our Council Chambers. This motion is debatable and only requires a majority of the quorum here this evening. I would offer Mr. Smith and other Members an opportunity to comment on the motion."

Member Smith: "I believe we need a continuation so that we can have a full opportunity to review the traffic study we received tonight. Without my detailed review of that study, I do not believe I am able to make an informed decision on the matter pending before us."

Chairperson: "Any other discussion? The Chair recognizes Ms. Hampton."

Member Hampton: "We have all had the traffic study for more than a month and we received a presentation on the study contents last week. With all respect to Mr. Smith, I believe a majority of us are fully informed and we can decide the issue tonight."

Chairperson: "Seeing none other request to debate, would the clerk please call for the vote."

- **Motion to Call the Question** (Subordinate)

A Motion to Call the Question (also more correctly phrased as to "Close Debate") will close further debate and require vote on the motion pending before the Body. The motion applies only to the motion on the floor. The motion is not debatable. Due to the fact that such a motion will forestall the Body's ability to discuss the merits of the pending matter, a supermajority vote of 2/3rds of the quorum present is required for approval in order that the Body evidences a strong intent that continuing debate is not necessary to decide the matter.

As an example of a Motion to Call the Question (or Close Debate), such motion might be stated as:

[A debatable motion is pending before the Body and the Body is engaged in debate.]

Member Bernie: "I move to Call the Question."

Member Jones: "Second."

Chairperson: "We have Motion to call the Question which will, if approved, close all debate on the matter presently before us and require a vote. This motion is not debatable. This motion will require a supermajority of our quorum by 2/3rds. Would the clerk please call for the vote."

Chairperson: "The Motion to Call the Question is approved by a 2/3rds vote. Would the Clerk please call for the vote on the main motion."

- **Motion for Executive Session** (Privileged)

Executive sessions are expressly permitted by state law to allow the Body to discuss certain topics in a closed non-public setting. The most common authorized executive session topics for local government include:

- A. Purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale.¹⁰
- B. Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to qualify the executive session as a session involving legal advice.¹¹

¹⁰ C.R.S. § 24-6-402(4)(a).

¹¹ C.R.S. § 24-6-402(4)(b).

- C. Matters required to be kept confidential by federal or state law or rules and regulations. The Body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.¹²
- D. Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.¹³
- E. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.¹⁴
- F. Personnel matters *except if* the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.¹⁵ However, you cannot hold an executive session for "personal matters" to discuss:
 - (i) an elected official or an appointed member of the Body;¹⁶ or
 - (ii) the appointment of a person to fill an appointed¹⁷ or elective office; or
 - (iii) personnel policies that do not require the discussion of matters personal to particular employees.¹⁸
- G. Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act",¹⁹ except that all consideration of documents or records that are work product as defined in C.R.S. § 24-72-202 or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to state law.

Because the authorized purposes for executive session are limited and because errors in calling for an executive session *may* result in the session discussion becoming subject to public disclosure or actions, if any,

¹² C.R.S. § 24-6-402(4)(c).

¹³ C.R.S. § 24-6-402(4)(d).

¹⁴ C.R.S. § 24-6-402(4)(e).

¹⁵ C.R.S. § 24-6-402(4)(f)(I).

¹⁶ C.R.S. § 24-6-402(4)(f)(II).

¹⁷ *Id.* A special statutory provision of the Colorado Open Meetings Law (C.R.S. § 24-6-402(3.5)) may authorize non-public executive sessions to conduct some of the business associated with selecting the chief executive officer (commonly considered as the "city manager" or "town administrator.") Consult your local counsel to understand the steps necessary to hold these special forms of non-public public meetings.

¹⁸ C.R.S. § 24-6-402(4)(II).

¹⁹ *Id.*

invalidated, it is always advised to obtain legal advice regarding each motion.

Unlike other matters that will be open for public discussion, debated, and possibly decided by the Body, it is not necessary that the Executive Session be listed on the meeting agenda in advance. Oftentimes, the Body has no need for an executive session and the need arises during the meeting. For example, the need for legal advice may not be known until evidence or information is presented that give rise to a question requiring consultation with the Body's counsel.

The Motion for Executive Session must include the citation to Colorado Revised Statute subsection authorizing session and a brief description of subject matter.

The motion is debatable. However, care should be taken during debate to not disclose any confidential or sensitive information that might undermine the purpose of the executive session. For example, a town board member may state in debate during the public meeting that an executive session should be held to allow the council to decide "whether to spend up to \$2,000,000 on the acquisition of the vacant Thompson Property for a public park." Such public disclosure would essentially undermine the purpose of the executive session, that is, to give the town board the opportunity to determine negotiation strategy and the total amount willing to be paid to the seller for the Thompson Property. More appropriate would be to declare in debate that the executive session is needed to "allow the town board to decide the maximum amount the negotiation team can offer in negotiation."

Very importantly, a supermajority of 2/3rds of quorum present required for approval pursuant to the Colorado Open Meetings Law.

As an example of a Motion for Executive Session to obtain legal advice, such motion might be stated as follows:

Member Thomas: "I move to hold an executive session pursuant to C.R.S. § 24-6-402(4)(b) to receive legal advice on the right to impose a condition on the proposed rezoning application under discussion."

Member Jones: "Second."

Chairperson: "Is there any debate on this motion? Seeing none, would the clerk please call for the vote." Please note that the vote required for executive session is a 2/3rds of the quorum present tonight."

[Vote by the Body is taken and the vote is unanimous.]

Chairperson: "We are now authorized to enter into executive session."

Suspension of Rules

A. Chairperson May Suspend

Subject to challenge by Point of Appeal, the Chairperson may unilaterally elect to suspend operation of any rule provided by these Rules of Order; provided, however, that the Chairperson shall not be authorized to suspend or alter the vote required on any motion or matter.

B. Suspension of Rules

Any member may move to suspend the applicability of a rule of order by proposing a main motion; provided, however, that no motion may suspend or alter the vote required on any motion or matter. Such motion shall be presented only as a main motion which motion shall require a second, be subject to debate, and shall require a majority vote of the quorum present for adoption.

Matrix of Points and Motions

Type	MOTION	Floor Required?	When in Order?	Second Required?	Debatable ?	Vote Required
Point	Point of Order	No	Any time	No	No	-
Point	Point of Information	No	Any time	No	No	-
Point	Point of Appeal	No	Immediately following decision	No	Yes	Majority of quorum
Main	Main Motion	Yes	When no other motion is pending	Yes	Yes	Usually majority. Depends on law or regulation Section 3.9
Main	Adjourn	Yes	When no motion pending	Yes	Yes	Majority of quorum
Main	Postpone (an item on the agenda)	Yes	When no motion pending	Yes	Yes	Majority of quorum
Subsidiary	Continue (a pending matter or pending motion)	Yes	When matter or motion is pending	Yes	Yes	Majority of quorum
Subsidiary	Close Debate	Yes	When motion pending	Yes	No	2/3rds of quorum
Subsidiary	Table	Yes	When matter or motion is pending	Yes	No	Majority of quorum
Subsidiary	Amend (a pending motion)	Yes		Yes	Yes	Majority of quorum

Type	MOTION	Floor Required?	When in Order?	Second Required?	Debatable ?	Vote Required
Privileged	Recess	Yes	Any time	Yes	No	Majority of quorum
Privileged	Executive Session	Yes	For Legal Advice: Any time For other reason: When no matter or motion pending	Yes	Yes, provided that the debate does not disclose confidential information	2/3rds of quorum
Privileged	Reconsider	Yes	When no matter or motion pending, and at either at the same meeting at which the decision to be reconsidered was made or at the <i>next</i> regular meeting of the body. Otherwise, such motion is unavailable and out of order.	Yes	Yes, as to reason but not to debate original motion	2/3rds of quorum

1 City Council

2 Study Session Policy and Procedure

3 _____

4
5 The City Council will generally hold study sessions, also known as policy meetings or
6 workshops, at ___ p.m. in _____, Grand Junction, Colorado. The meetings will be
7 regularly scheduled for the first and third Monday of each month and at any other day
8 and time determined in accordance with Council Policy.

9 At these meetings, the City Council may discuss policy or more non-specific matters in
10 anticipation of action or formal consideration of a matter. These meetings provide the
11 Council with an opportunity to hear presentations by staff on topics that may come
12 before the Council at the regular meetings and/or provide the Council the opportunity
13 to give general direction to staff for future meeting topics, development, or
14 modification of City policies or to introduce topics for further consideration. The primary
15 purpose of these meeting is to shape but not finally decide significant policy, aiding in
16 the development of items that will ultimately require Council action.

17 Agenda items are intended to be substantive and not include day-to-day operational
18 issues or routine, procedural items. At a study session the Council may publicly request
19 information from staff or follow-up on issues of interest to the public, ask questions about
20 the regular agenda, and hear reports from the City Manager or his/her designee.

21 Study Sessions shall be presided over by the Council President, the Council President *pro*
22 *tem* or her/his designee.

23 No final action will be taken. The Council will provide direction and recommendations
24 by consensus; however, if there is not clear consensus on an item, a motion may be
25 made, and vote taken to instruct the City Manager or City Attorney.

26 Unless otherwise determined by a majority of the Council, public comment will not be
27 heard on study session agenda items.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 40-20

A RESOLUTION ADOPTING A POLICY ESTABLISHING PRINCIPLES OF
DECORUM FOR CITY COUNCIL

RECITALS.

At its work session on June 29, 2020 the City Council discussed the importance of having a policy which establishes shared principles of civility, decorum and propriety for Councilmembers and the conduct of members when conducting City meetings and business affairs.

The adoption of policies is authorized by the City Charter and is consistent with principles of good governance. Adoption of this decorum policy will help guide the actions of City Council and provide a framework for constructive communication, which in turn promotes effectiveness and efficiency of the City Council.

Thoughtful communication by and among the Council, and with citizens, colleagues and City staff is imperative to fully, properly and genuinely serve the community.

Thoughtful communication, as generally described by this policy, is vital to realizing the tenet that *the Council may disagree without being disagreeable*. The Council collectively, and its members individually, endeavor to keep that principle with the adoption of this resolution.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ADOPTS THE FOLLOWING PRINCIPLES OF DECORUM FOR THE GRAND JUNCTION CITY COUNCIL:

- ☐ Assume Positive Intent
- ☐ Lead with Positive Intent
- ☐ Come Prepared to Learn
- ☐ Participate Fully
- ☐ All Join the Conversation
- ☐ Respect Other Points of View
- ☐ Listen for Understanding
- ☐ Ask for Clarification
- ☐ Open, Honest Dialogue
- ☐ Don't Take It Personally
- ☐ Be Willing to Risk
- ☐ Consider The/All Options

This policy shall serve, until amended or repealed and replaced by subsequent resolution of the City Council, to guide the course of action and conduct of the City Council pertaining to the conduct of members when conducting City meetings and business affairs.

Adopted this 1st day of July 2020.


C.E. "Duke" Wortmann
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



RESOLUTION NO. 40-18

A RESOLUTION ADOPTING POLICIES FOR THE CONDUCT OF CITY COUNCIL MEETINGS AND WORK SESSIONS

RECITALS:

The City Council has considered the attached *Procedures Governing the Conduct of City Council Meetings and Work Sessions* ("Procedures") and has determined that the adoption thereof will provide a systematic, consistent and standardized method for conducting City Council meetings.

The *Procedures* will help the Council to conduct efficient and effective meetings in its administration of the public's business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

- a) The *Procedures* shall constitute the policies for the conduct of meetings of the Grand Junction City Council; and,
- b) The *Procedures* are effective immediately and shall continue in effect until revised by subsequent resolution of the Council.

PASSED and ADOPTED this 18th day of July 2018.



Barbara Traylor Smith
President of the City Council



Wanda Winkelmann
City Clerk



Procedures Governing the Conduct of City Council Meetings and Work Sessions

**Adopted July 18, 2018
Resolution No. 40-18**

Section 1. Order of Business for Regular or Special Council Meetings.

- a. Council business at regular Council meetings shall be conducted in the following order:
 - (1) Call Meeting to Order
 - (2) Pledge of Allegiance
 - (3) Invocation or Moment of Silence
 - (4) Presentations, Proclamations, Appointments, Certificate of Appointments
 - (5) Citizen Comments
 - (6) City Manager Report
 - (7) Council Reports
 - (8) Consent Agenda
 - (9) Council Pulled Consent Agenda Items
 - (10) Regular Agenda Items Needing Individual Consideration
 - (11) Non-Scheduled Citizens & Visitors
 - (12) Other Business
 - (13) Adjournment
- b. Council business at special Council meetings shall be conducted in the following order:
 - (1) Call Meeting to Order
 - (2) Pledge of Allegiance
 - (3) Invocation or Moment of Silence
 - (4) Individual Consideration of Items Identified in the Call of Special Meeting
 - (5) Adjournment
- c. Council business at Executive Sessions/Special Meetings shall be conducted in the following order:
 - (1) Call Meeting to Order
 - (2) Individual Consideration of Items Identified in the call of Executive Session/Special Meeting
 - (3) Adjournment
- d. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding member and shall comply with all applicable legal requirements.

Section 2. Length of Meetings

- a. Regular Council meetings will begin at 6:00 P.M.; Executive Session/Special Meetings will begin at the noticed time.
- b. Breaks may be taken during meetings at the presiding member's discretion; meeting length and agenda will be consideration for when breaks are taken.
- c. Regular Council meetings will end no later than 10:30 P.M., except that:
 - (1) any item of business commenced before 10:30 P.M. may as determined by a majority of the members be concluded before the meeting is adjourned; and,
 - (2) the Council, at any time prior to adjournment, may as determined by a majority vote of the members, extend a meeting until no later than midnight to consider additional item(s) of business.
 - (3) All matters scheduled for a meeting which have not yet been considered by the Council prior to 10:30 P.M. (or midnight if the meeting is extended), will be continued without separate motion to the next regular Council meeting and will be placed on the regular agenda for such meeting, unless Council determines otherwise.

Section 3. Citizen Comment During Regular and Special Council Meetings.

- a. Comment during Citizen Participation. Prior to the start of the Council meeting, citizens expressing an interest in addressing City Council during the "Citizen Comments" portion of the meeting shall complete a form provided by the City Clerk. Citizen comment will be allowed on matters of interest or concern to citizens except the following:
 - (1) items the Council will consider at that night's meeting that include time for citizen comment (such as items discussed during public hearings);
 - (2) matters that are the subject of a board or hearing member decision that will be appealable to the Council, if a submittal has been made to initiate the decision-making process.
- b. Comment on Agenda Items. Citizen input will be received with regard to:
 - (1) each item discussed during a public hearing on the regular agenda;
 - (2) each item pulled from the consent agenda;
 - (3) any item that is addressed by formal Council action under the "Other Business" portion of the meeting that directly affects the rights or obligations of any member of the general public.

Such citizen input will be permitted only once per item regardless of the number of motions made during Council's consideration of the item.

- c. **Time Limits for Speaking.** Each speaker will generally be limited to three minutes; however, the amount of time to be allotted to each speaker will be set by the presiding member based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda. The presiding member may ask those intending to speak to indicate their intention by a show of hands or some other means, and to move to a line of speakers (or to a seat nearby for those not able to stand while waiting). If necessary in order to facilitate Council's understanding of the item, or to allow the Council to consider and act upon the item in a timely fashion, the presiding member may increase or decrease the time that would otherwise be allowed for each speaker.
- d. **Manner of Addressing the Council.** Comment and testimony are to be directed to the Council. Unless otherwise directed by the presiding member, all comments must be made into the microphone.
- e. **Yielding the Lectern.** Each speaker shall promptly cease his/her comments and yield the lectern immediately upon the expiration of the time allotted or at the conclusion of questions from the Council.
- f. **Yielding of Time.** No speaker may yield part or all of his/her time to another speaker, and no speaker will be credited with time requested but not used by another.

Section 4. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. **General Comment, or Expressions of Support or Opposition.** Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding member or City Manager or City Attorney and shall not engage in expressions of support or opposition, such as whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt or impede the meeting or any recognized speaker.
- b. **Signs and Props.** With the exception of materials exhibited as part of a presentation to City Council, no signs or props are permitted in the Council chambers.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. (See, 9.04.160 et. seq. GJMC) Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.

- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Council chambers only if the person making the recording is seated, standing in the back of the Council chambers behind all seated persons, or standing in any other area pursuant to the direction of the presiding member in his or her reasonable discretion or designated for that purpose by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding member's instructions, no persons shall sit in the Council chambers except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Council chambers except in the back of the Council chambers and only in accordance with other applicable limits for fire and building safety.

Section 5. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding member regarding procedures and procedural issues, including but not limited to time limits for public comment, may be superseded by a majority vote of the Council.

Section 6. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following citizen input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding member. The presiding member may limit or curtail questions or debate as he/ she deems necessary for the orderly conduct of business.

Section 7. Basic Rules of Order for Regular and Special Council Meetings.

These procedures are based on commonly used rules of order and these procedures will control the conduct of City Council business at regular and special Council meetings. Except as specifically noted, all motions require a second. These procedures are based upon *Robert's Rules of Order Newly Revised* and have been modified as necessary to conform to existing practices of the Council and to the requirements of the City Charter. For example, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote (four members) of the members of City Council, pursuant to Art. VI, Sec. 50 of the City Charter.

If a question is not addressed by these procedures then reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to *Robert's Rules of Order Newly Revised* shall not be mandatory, and, in the event of any conflict between these procedures and Robert's Rules of Order Newly Revised, these procedures shall prevail. In the event of any conflict between these

procedures, Robert's Rules of Order Newly Revised and the City Charter and/or Code provision(s), the City Charter or Code provision shall prevail.

Any councilmember and the presiding member may make or second any motion, except as specifically limited by these procedures.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote (4) of the members of City Council.
- A main motion may be made or seconded by any Councilmember, including the presiding member.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be "germane" to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- "Friendly" amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before a vote is taken on motions to amend the main motion.

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding member it belongs to the Council as a whole and the maker may withdraw his or her motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely is debatable but not amendable.

6. "Calling the Question". "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding member should ask if there is a second to the motion and, if so, he must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS

These are motions which usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, he or she can make a point of order, thereby calling upon the presiding member for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second*.
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding member's consent, the member raising the point of order may be permitted to explain his or her point.
 - In response to a point of order, the presiding member can either immediately rule, subject to appeal to the Council, or the presiding member can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In making his or her ruling, the presiding member may consult with the City Attorney and/or members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding member.
- When the presiding member has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding member.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

3. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- This motion is neither debatable nor amendable.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion which has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken, and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, he or she can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how he or she voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending

- upon which motion is used.
- For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted ordinance, Council must adopt a new ordinance making the desired modification, in compliance with all formalities applicable to adoption of an ordinance.

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else.

1. Motion to Adjourn. Generally, the presiding member adjourns the meeting at his or her discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.
 - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
 - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding member has called the meeting back to order.

Section 8. Voting Procedure.

1. Casting a vote.
 - a. A roll call vote will be taken for items on the Discussion Agenda that require a Public Hearing. The City Clerk will call each Councilmember's name individually and the results shall be recorded in the official minutes.
 - b. For non-roll call agenda items, the Presiding member will call for a voice vote whereby the response will either be in the affirmative ("Aye" or "Yes") or negative ("Nay" or "No").

1 Appendix ____

2 Rules of Conduct for Public Comment at City Council Meetings

3 Persons appearing before the City Council shall abide by the following Rules of
4 Conduct:

5 No signs, posters, placards, or similar or like objects shall be affixed to the walls, doors,
6 etc. of the City Council Chambers or any adjoining areas or City offices, except by City
7 staff in connection with business, and then only with permission of the City Manager.

8 No sign, placard, poster, or similar or like object which may be carried by hand shall be
9 permitted in the City Council Chambers or any adjoining areas or City offices.

10 All persons attending City Council meetings must be recognized by the Presiding
11 Officer before speaking. Subject to the limitations set forth herein, the Presiding Officer
12 and other members of the City Council shall considerately receive the comments
13 made by such persons.

14 All persons addressing the City Council at a meeting shall be limited to three (3)
15 minutes, provided however, that the Presiding Officer may, for reasons other than the
16 favoring the content of the presentation, permit up to ____ minutes.

17 a. The Presiding Officer may, in his or her discretion, limit the aggregate amount of
18 time to be devoted to a particular matter, agenda item or topic, and if there are
19 opposing viewpoints, may apportion the time allowed for the expression of each
20 viewpoint as reasonably equal as possible.

21 b. All persons attending a meeting shall remain seated, unless they are required to
22 stand because of recognition as a speaker, official duties, physical necessity, or to enter
23 or leave the meeting. Attendees should, to the extent possible, avoid leaving or
24 entering once a meeting has begun. No one is permitted to approach closer to the
25 dais than the lectern without permission of the presiding officer.

26 When a speaker is recognized by the Presiding Officer, the speaker shall:

27 a. Come to the speaker's podium (speakers shall not be permitted to bring
28 anything other than notes or exhibits to the speaker's podium);

29 b. State the speaker's name and if he/she resides in the City or his/her work address;

30 c. State the speaker's position;

31 d. If representing a group, ask the persons represented to stand (except with the
32 permission of the Presiding Officer, no other persons shall be permitted to accompany a
33 speaker to the speaker's podium);

34 e. Provide any written statement or other materials to the City Clerk for the record.

35 The Presiding Officer may prevent or discontinue speech that he/she reasonably
36 perceives to be, or imminently to threaten, a disruption of the meeting whether by
37 virtue of its irrelevance, its duration or its very tone and manner.

38 a. Public comment may be made on either an item(s) on the agenda or under
39 item 9 – Public Comment - on the Regular Meeting Agenda. Comments upon specific
40 agenda items must address the subject of the agenda item. Item 9 Public Comments
41 must address new subjects. The Presiding Officer may prevent or discontinue comments
42 from any speaker if such comments are irrelevant or untimely.

43 b. A personal attack or insult directed at a person and/or speech not directed at
44 substantive ideas or procedures at issue, is irrelevant and threatens to disrupt the orderly
45 conduct of a meeting. The Presiding Officer may, therefore, prevent or discontinue
46 comments from any speaker that amount to a personal attack regardless of whether
47 directed at the City Council, city staff or a member(s) of the public.

48 c. While relevant public comment is encouraged, repetitive or cumulative
49 comment minimizes the significance of comment, prevents other topics and viewpoints
50 from being adequately addressed and is generally burdensome to the public, wasteful
51 of the City Council's time and disruptive of meetings. The Presiding Officer may,
52 therefore, prevent or discontinue comments from any speaker if the comments are
53 cumulative or repetitive, or if the Presiding Officer determines that adequate comment
54 or debate on that subject has occurred at the current meeting and/or at prior
55 meetings. During Item 9 Public Comment the Presiding Officer may limit or discontinue
56 comments if a speaker(s) repeatedly expresses the same position on the same subject.

57 d. The Presiding Officer may also refuse to allow comment or continued comment
58 by any speaker who has directed or is directing profane, vulgar, obscene or
59 threatening speech to the Council, the city staff or to any member(s) of the public, or
60 has otherwise engaged or is engaging in behavior prohibited by these procedures.

61 Any person who fails or refuses to obey the directions of the Presiding Officer, or who
62 otherwise disrupts the meeting in any manner, shall be requested by the Presiding
63 Officer to refrain from such conduct. If the conduct continues the Presiding Officer shall
64 instruct the person to leave the meeting room for the remainder of that meeting. If any
65 person refuses to follow the directions of the Presiding Officer, the Presiding Officer shall
66 call a recess and instruct law enforcement to contact the person to cause such
67 person to be removed from the meeting. Any person ejected or removed from a
68 meeting shall be excluded from further attendance at that meeting, unless granted
69 permission by the Presiding Officer to return.

70 The Presiding Officer may order a person removed from a meeting when that person
71 commits any of the following acts at a City Council meeting:

72 a. After being warned not to use continues to use profane, vulgar, obscene or
73 threatening speech directed at the Council or members of the public and/or behaves
74 in a disorderly, disruptive, or contemptuous manner toward the City Council, any

member of city staff and/or a member(s) of the public, and/or behaves in such a matter as to interrupt the due and orderly course of a meeting;

b. Disobedience of any lawful order of the Presiding Officer, which shall include an order to be seated or to refrain from addressing the Council;

c. Any other unlawful interference with the due and orderly course of a meeting.

The Presiding Officer shall preserve order and decorum at City Council meetings. He or she may declare speakers to be out of order and to discontinue and be seated or be expelled for violation of these rules. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion, a period not to exceed one year.

All persons desiring to attend a City Council meeting, as a condition of attendance, may be subject to a search of their persons and property by metal detector and/or by other appropriate means, at the direction of the City Manager.

Cell phones and other electronic communication devices capable of emitting sounds shall be silenced and emission of sound from the same is prohibited.

Cameras, video recorders and other recording devices may not be used with permission from the Presiding Officer. The Presiding Officer may, in his or her discretion, limit the use of such equipment if its use would interfere with the meeting.