

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").