

**CITY OF GOLDEN
COUNCIL RULES OF PROCEDURE
(Repealed and Reenacted March 19, 2020)**

DEFINITIONS

As used herein, the following underlined words have the following meanings:

1. Chair shall mean the Mayor, Mayor Pro Tempore or Councilor presiding over a meeting in accordance with these Rules.
2. City shall refer to the City of Golden.
3. Council shall refer to the City Council of the City of Golden.
4. Councilor shall refer to a member of the Council.
5. Meeting shall refer to business meetings, study sessions, executive sessions and special meetings as defined herein.
6. Mayor shall mean the duly elected mayor of the City of Golden, unless they are unwilling or unable to act, in which case the mayor pro tempore shall have the rights, obligations and duties of mayor as set forth herein.
7. A Scheduled Speaker or Group Representative is an individual identified on a meeting agenda to speak at a meeting for a particular purpose.

**RULE I
COUNCIL PROCEDURE**

These procedures are intended to supplement those set forth in Chapter V of the Home Rule Charter and Chapter 2.04 of the Golden Municipal Code. They are to govern the actions of council in the conduct of its business and serve as a reference in resolving procedural issues.

**RULE II
CONDUCT OF COUNCIL MEETINGS**

A. Business Meeting/Study Sessions-Scheduling

1. Regular meetings of council shall consist of “business meetings” and “study sessions.” As a general proposition, business meetings will be held on the second and fourth Thursdays of each month and study sessions will be held on the first and third Thursdays of each month, or in conjunction with a business meeting, if at all. Council will adopt, on an annual basis, a resolution establishing its meeting schedule for the ensuing year.

2. Study sessions will provide Council with an opportunity to explore and discuss in detail matters that have been placed on the study session agenda. In setting the agenda, councilors shall limit the number of matters to those that may realistically be discussed within the allotted time. Only city staff, consultants retained by the City and scheduled speakers shall be allowed to address Council at a study session, unless the mayor or a majority of Council present agree in advance to allow additional speakers

and, if so, under what rules. Study sessions shall also be utilized to review and establish upcoming agendas for both study sessions and business meetings. No final action shall be taken during study sessions, except that the Council may vote upon and hold executive sessions in conjunction with a study session. Councilors shall chair study sessions on a rotating basis and shall exercise the duties/powers of the chair. The study session chair may establish their own procedures for recognition and decorum at the meeting to streamline discussions.

3. Business meetings present the appropriate forum for formal Council action. Business meetings shall also provide an opportunity for general public input and comment as well as public hearings. Proclamations, public recognitions and awards are appropriate in business meetings as are reports from Council Members.

4. Executive sessions, held in accordance with Section 1.03.050 of the Municipal Code, shall be recorded, in compliance with applicable law and/or ordinance. An executive session shall be placed on the agenda in such order as the mayor or chair deems appropriate. The motion and vote to convene an executive session shall take place in the Council Chambers, or such other location as has been posted on the public notice of the meeting. Councilors who are absent from an executive session, but who have not exercised the option of non-participation pursuant to Section 1.03.060 of the Golden Municipal Code, may listen to the recording of such session at City Hall without further authorization from Council.

5. A special meeting is any meeting that is called, but which is not scheduled pursuant to the annual resolution referenced in Section A.1 above. Special meetings may be either a business meeting or study session.

6. All meetings shall adjourn no later than 10 p.m., or as soon thereafter as the hour may be brought to the attention of the chair, except that upon a majority vote of those councilors present at the meeting, such meeting may be extended to 10:30 p.m. Meetings may be extended past 10:30 p.m. only upon the adoption of a motion to suspend the rules, which requires a majority vote of all councilors. The vote on any such suspension shall be entered upon the record. When making a motion to suspend the rules, the councilor shall specify the rule or part thereof to be suspended and the purpose for such suspension.

B. Council Packets/Agenda Items

1. Council packets containing the agenda and applicable documents shall be distributed to councilors on Friday preceding the Thursday business meeting or study session. Staff will provide all relevant documents as a part of the meeting packet.

2. Each councilor is responsible for thoroughly reviewing all material within the packet prior to the applicable meeting. If a councilor has a question or issue for the staff, city manager or city attorney, the councilor should contact only the city manager, appropriate department head or city attorney, within a reasonable time prior to the meeting so they may prepare a response or be prepared to respond. Any written responses provided prior to a meeting shall be copied to all councilors and shall be made available to the public and part of the public record.

3. Future agenda items shall be considered under “new business” at study sessions or business meetings. The request of at least three councilors is required to direct staff to expend substantial time on any matter.

4. The mayor may delegate to the city manager the preparation of the agenda. The agenda may be modified by the chair, city manager or three councilors not less than 72 hours prior to a meeting, subject to compliance with legal notice requirements and notice to all councilors (such as personal, written,

telephonic and electronic communications). In the case of an emergency situation, the 72 hours provided herein may be reduced. Such late notice should provide the maximum notice as may reasonably be provided.

C. Chair's Duties

1. The Chair shall, at the designated date and time, call the Council to order and upon ascertainment of a quorum proceed with business.

2. The chair is responsible for conducting the meeting in an orderly and democratic fashion, and:

- (a) Shall decide all questions of order, subject to a Councilor's right to appeal to the Council as a whole.
- (b) May speak to points of order in preference to other Councilors.
- (c) May speak on questions from the chair; Shall appoint, where applicable, all committees, whether standing, joint or special, unless Council provides otherwise or otherwise provided by policy.
- (d) May call a recess at any time during a meeting.
- (e) Ensure that all discussions are related to the topic at issue.

3. Removal for disorderly conduct.

In the event any person(s) interrupts the business of the Council or causes disorder, the chair may require such person to cease such behavior and/or leave the Council Chambers or the meeting room. Should such person fail to comply, the chair may request a police officer be summoned and have such person removed.

D. Councilors' Duties

1. If, at the time of the meeting, the mayor and mayor pro tempore are absent, then the city clerk or clerk's deputy shall call the Council to order and the first order of business shall be the election by all councilors present of a councilor who shall be the acting chair. In the absence of the mayor or mayor Pro Tempore, such acting chair shall preside for the remainder of the meeting with all the powers and privileges of the chair.

2. If it is necessary for a councilor to be absent from a scheduled meeting, it is the responsibility of that councilor to notify the office of the city clerk, city manager or the chair for that meeting.

3. Councilors should be on time for all meetings and promptly return from any recess or break.

E. Electronic Participation for City Council Meetings

1. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the City Council may participate in regular, study or special meetings by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the City Council from contemporaneously observing documentary information presented during meetings; from fully

evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing nonverbal explanations (pointing at graphs and charts) during a speaker's presentation or testimony. The City Council finds that these limitations in Electronic Participation may produce inefficiencies in meetings and may undermine the decision-making process and thus desires to permit Electronic Participation only under emergency situations.

2. Policy.

A member of the City Council may participate by Electronic Participation in a City Council meeting only in accordance with this Policy.

A. Emergency Situations

In the event one or more members of City Council are unable to meet at the day, hour, and place fixed by the rules and procedures of the City Council because meeting in-person is not practical or prudent due to an emergency resulting from, for example, an accident, illness, weather condition or other natural disaster, epidemic or pandemic, meetings when necessary to conduct City business may be conducted by Electronic Participation only if all of the following conditions are met:

1. The City Manager or the Mayor determines that meeting in person is not practical or prudent, because of an emergency;
2. All members of the City Council can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the emergency. In the event that the nature of the emergency precludes allowing the physical attendance of members of the public, appropriate arrangements, if feasible, will be made to allow the public to remotely observe or listen to the meeting, and provide public input, if public input is otherwise allowed, at the meeting, while it is occurring;
4. At least one member of the City Council is present at the regular meeting location, unless not feasible due to the emergency;
5. All votes are conducted by roll call;
6. Minutes of the regular or special meeting are taken and promptly recorded, and such records are open to public inspection; and
7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, advising that some, or all, members of the City Council may participate electronically, and if feasible, the right of the public to monitor the meeting from another location.

3. Arranging for Electronic Participation.

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

1. Contact the Mayor, City Manager, or City Clerk in advance of the meeting to determine if arrangement for Electronic Participation is possible. Council members shall

endeavor to advise the City of their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.

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

4. Effect of Electronic Participation.

1. Electronic Participation shall only constitute actual attendance for meetings during which no quasi-judicial matters will be heard, considered or decided.

2. Electronic Participation shall not be available for executive sessions, as to permit participation in executive sessions precludes assured compliance with the executive session procedures of the Open Meeting Law.

5. Limited Applicability of Policy.

1. This Policy shall only apply to regular, study and special meetings of the City Council.
2. Matters that are considered quasi-judicial in nature shall not be considered pursuant to this policy, and may be continued to the next available meeting.

6. Reasonable Accommodations.

The City shall provide reasonable accommodation and may modify provisions of this Policy to provide disabled members of the City Council or public access to City Council meetings.

**RULE III
ORDER OF BUSINESS**

A. Business Meetings

After the chair's call to order, Council will generally consider business in the following order:

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
5. Public Comment
6. Council/Staff Response to Public Comment
7. Consent Matters
 - a) Approval of Minutes
 - b) Other Consent Matters

8. Proclamations, Recognitions, Awards, and Presentations
9. Public Hearings
10. Ordinances/Resolutions
11. Councilor Reports/New Business/Comments
12. Staff Comments/ Unfinished Business
13. Adjournment

B. Study Sessions

After the call to order and acknowledgment of the existence of a quorum, Council will generally consider business in the following order:

1. Study Session Agenda Items
2. Review Council Planning Calendar
3. New Business
4. General Comments of Council/Staff
5. Adjournment

C. Modification of Order of Business

Unless an objection is raised by a councilor, the chair may proceed out of order or return to a matter previously considered. In case of objection, the agenda's order or reconsideration of a matter will not be changed unless approved by a majority of councilors present.

D. Consent Matters

For consent matters, they shall be adopted by voice vote upon a single motion. Items may be taken off the consent agenda by any councilor or staff and shall be acted upon after the adjusted consent agenda has been approved. The removed item(s) shall be assigned on the agenda by the chair.

E. Miscellaneous

In the conduct of all meetings, councilors are to be guided by the principle that those matters deemed most urgent and of the highest priority are to be resolved first.

**RULE IV
RULES OF SPEAKING/DECORUM AT MEETINGS**

A. Recognition

1. No councilor shall speak until such member has addressed and/or been recognized by the chair, except in the case of a ‘point of order’ question which can be addressed without being recognized by the chair.

2. When a councilor is speaking no other councilor shall interrupt, conduct a private conversation or engage in any conduct that interferes with the ability of the recognized speaker to be heard by those present.

B. Decorum

1. No councilor shall leave the dais while the chair is putting a question or other form of business to Council, unless such councilor is not voting on the question or other form of business in accordance with Rule VI(b).

2. No councilor shall engage in conversation or commit any other act which may distract the attention of another councilor from the business before Council.

3. When speaking or debating, councilors shall confine their remarks to the question under discussion or debate and shall not engage in discussion directed to personal matters or issues. Councilors shall respect the divergent opinions and comments of others and shall not engage in personal, verbal attacks or comments or behavior disrespectful of each other, staff or other persons.

4. Councilors shall not use electronic devices during quasi-judicial meetings, except to review the agenda, meeting packet and supplemental materials provided by staff or for the purposes of calendaring or calculating. As an exception in non-quasi-judicial matters, when appropriate, councilors may look up relevant factual background material. In addition, Council recognizes that a councilor may need to respond to an emergency unrelated to Council business; if an emergency arises, the councilor shall advise the chair and shall request a recess.

C. Protest

Any councilor has the right to protest any action of the Council, stating the reasons therefore and have same entered on the record, provided such reasons do not impugn the motives or personal character of any Councilor.

D. Limitation of Debate

No councilor shall speak more than twice before all councilors who wish to speak have spoken at least once. In all other instances the Chair will make the best effort hear from all councilors interested in speaking.

E. New Business

Any councilor may bring “new business” forward using the established procedure of City Council.

F. Councilor Reports

Under “Councilor Reports,” councilors should limit their comments to information obtained at “outside” meetings, events or conferences, which may significantly impact the City. Such reports may

include announcements of general interest and to draw awareness to Council communications. Councilors are encouraged to share detailed reports on Council Connects.

RULE V PARLIAMENTARY PROCEDURE

A. Bob's Rules of Order

City Council shall follow *Bob's Rules of Order*ⁱ as the official parliamentary Procedure of Council. A copy of Bob's Rules of Order is included after page 17 of this document.

B. Procedure in Absence of Rule

In the absence of a rule to govern a point of procedure from *Bob's Rules of Order*, reference shall be to *Robert's Rules of Order*. The principles and provisions of *Robert's Rules of Order* shall apply only to the extent that they are appropriate to a governing assembly such as Council, with consideration being given to the size of Council, as well as its political and legal status. In the event of a conflict between the charter, code or these Rules, the charter, code and these rules shall prevail in such order stated herein.

RULE VI MISCELLANEOUS RULES RELATING TO MEETINGS

A. Appeal

An appeal may be taken from any decision of the chair by motion and second, in which event the councilor bringing the appeal shall state the reason therefore, to which the chair may respond. A motion to appeal shall be debatable. Such appeals shall be acted upon immediately and no other motion shall be entertained until the question: "Shall the decision of the chair be overruled?" be decided by the vote of all the members present. The affirmative vote of a majority of the members' present shall be necessary to overrule the decision of the chair.

B. Voting

A voice vote shall be allowed at the discretion of the chair, however, roll call vote or electronic voting system (in the event such technology becomes available) can be utilized. In accordance with Section 5.7 of the Charter, every councilor must vote unless:

- a) They have a personal or financial interest (or the appearance of personal or financial interest) other than the common public interest;
- b) The issue on which a vote is to occur involves a question concerning the councilor's own conduct; or
- c) The councilor is excused by the unanimous consent of all Councilors present; or
- d) A councilor's impartiality might reasonably be questioned, including but not limited to a personal bias, a close relationship, or a prejudice concerning facts in the question.

Application to be excused must be made prior to the call for a vote.

C. Tie Vote/Absence

In case of a tie vote on any motion, the motion shall be considered defeated.

D. Excusal from Attendance at Council Meetings

Except in the event of a personal need or emergency, no member may leave the dais while a meeting is in progress without the permission of the chair. In such event, the chair may delay Council action, or proceed without the absent member(s) unless the matter before Council is quasi-judicial in which case a recess would be required or the matter would need to be delayed.

E. Councilor Reports/New Business

1. Under “Councilor Reports” Councilors should limit their comments to information obtained at “outside” meetings, events or conferences, which may significantly impact the City.

2. Under “New Business” any Councilor may place before Council, for discussion only, matters which are not included on the formal agenda. Councilors should limit a suggestion of new business to a brief introduction of the matter. In order to request that Council act upon a Councilor’s suggested new business, the Councilor shall follow the new business procedures set forth in Exhibit A.

Exhibit A

Councilor New Business

1. A Councilor who wishes to advance a new policy or legislative idea before Council should complete the New Business Form and solicit the support of one additional Councilor. If help or assistance is needed, the Councilor may consult the members of the Policy Prioritization Subcommittee. Once the form is complete, the Councilor advancing the proposal submits the form to the City Manager.

2. The City Manager will review the proposal to evaluate staff time, competing priorities, and develop a rough estimate of costs, if applicable. As necessary, the City Manager will arrange to meet and discuss the proposal with the two Councilors advancing the proposal.

3. The City Manager will forward the New Business Form to the entire Council for consideration at the next Council meeting under the Council Reports/New Business portion of the agenda.

4. After a brief discussion at the Council meeting, the Mayor will call the question. To advance the proposal further, three or more Councilors must approve, otherwise the proposal is declined. A Councilor whose proposal has been declined may refine the proposal and again submit a New Business Form, per the process described in step 1.

5. As necessary, the City Manager will meet with the Councilors advancing the proposal and the Policy Prioritization Subcommittee to prioritize staff worktime on the proposal in light of other ongoing work, priorities, and initiatives.

6. Until the proposal is completed or returns to the Council agenda for final resolution, the City Manager will provide a status summary of approved proposals in the Weekly Update to City Council.

Board and Commission New Business

1. A Golden board or commission who wishes to advance to a new policy proposal for Council review and approval should follow the adopted rules of procedure for that board or commission to complete and approve through a vote of the members a New Business Form describing the proposal. The

staff liaison for the board or commission will submit the completed and approved New Business Form to the City Manager.

2. The City Manager will review the proposal to evaluate staff time, competing priorities, and develop a rough estimate of costs, if applicable. As necessary, the City Manager will arrange to meet and discuss the proposal with Chair of the board or commission, the staff liaison, or the Policy Prioritization Subcommittee.

3. The City Manager will forward the New Business Form to the entire Council for consideration at the next Council meeting under the Council Reports/New Business portion of the agenda.

4. After a brief discussion at the Council meeting, the Mayor will call the question. To advance the proposal further, 3 or more Councilors must approve, otherwise the proposal is declined.

5. As necessary, the City Manager will meet with the staff liaison, the Chair of the board or commission advancing the proposal, and the Policy Prioritization Subcommittee to prioritize staff worktime on the proposal in light of other ongoing work, priorities, and initiatives.

6. Until the proposal is completed or returns to the Council agenda for final resolution, the City Manager will provide a status summary of approved proposals in the Weekly Update to City Council.

F. City Council Standing Committees

1. Formation

- a) The City Council may, by resolution, create standing committee(s) consisting of two of its members upon determining that continuing advice or interaction is necessary or advisable on a subject or range of subjects on an ongoing basis. A standing committee will continue indefinitely unless disbanded by a majority vote of Council.
- b) Each standing committee shall consider and review matters in its area of responsibility that are referred to it by the Mayor, City Council, or the City Manager.

2. Appointment

- a) The Mayor, with the consent of Council, shall make all appointments to each Committee and shall appoint the Chair thereof. The City Manager, or his/her designee, shall serve as an ex officio member to each standing committee.
- b) The term of each appointment shall continue until new appointments are made at the organizational meeting of City Council.
- c) The Mayor may remove and/or reassign members to and from the various Committees.

3. Committee Meetings

- a) Committee meetings shall be held at such time and place as determined by the Committee.

- b) Committee meetings must be conducted in accordance with all Open Meetings Law requirements.
- c) Committees will give regular reports to city council on discussions.

G. City Council Ad hoc Committees

1. Council may, by resolution, establish “ad hoc” council committee(s) of not more than three Councilors upon determining that there is a need, or it is advisable, to carry out a specified task, which does not require on-going action. City Council can determine when a committee shall terminate.

2. Ad hoc committee members, and the Chair of each such committee, shall be appointed by the Mayor, with the consent of City Council. The City Manager, or his/her designee, shall serve as an ex officio member to each standing committee.

3. Ad hoc Committee meetings shall be conducted as provided in Rule VI. F. 3. Above.

**RULE VII
PUBLIC COMMENT AND PUBLIC HEARINGS**

A. General

1. All persons desiring to speak before Council may be requested to register with the city clerk. All persons speaking before Council shall provide their names and addresses or neighborhoods.

2. Members of the public are permitted to speak during public comment on issues that are not related to an agenda item with a corresponding public hearing. The chair has the authority to limit comments to a specific period of time. Any councilor may make inquiries of a speaker after their time has expired, but before they have left the podium.

3. Councilors and staff may respond to public comments after all members of the public have had an opportunity to speak. It is within the chair’s discretion to determine the order of responses.

B. Public Hearing Procedures on Land Use Matters Other than Appeals Based on the Record

1. The hearing shall be conducted in accordance with the procedures set forth in Chapter 2.35 of the Municipal Code. The purpose of such code provision is to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing. Notwithstanding this purpose, the chair has the authority to limit comments to a specific period of time. Any councilor may make inquiries of a speaker after their time has expired, but before they have left the podium.

2. City staff’s duties are to enter, as part of the record, a copy of the matter’s public notice; all application documents for the proposed project and copies of any other information and documents that are an appropriate part of the public hearing record; to provide a synopsis or summary of the issues before Council including issues considered in prior public meetings/hearings of boards and/or commissions; make recommendations as to the matters to be determined by Council; and answer specific questions as requested by Council or the parties to the hearing.

3. The property owner, applicant or proponent or representative(s) of the project/issue before Council, shall present evidence and describe the nature of the request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the City staff.

4. All testimony in support, opposition or questions shall be directed through the chair, who will direct the appropriate person to respond.

5. The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.

6. If final action is not to be taken at the same time as the public hearing, the chair will advise the audience/public when the matter will be considered.

7. If a councilor is absent during a public hearing, they shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by Council because of the absence of a councilor to enable them substantial time to review the record.

8. At the outset of the public hearing the chair shall generally advise the public of the rules governing public comment.

C. Non-Land Use Public Hearings' Procedures

1. Persons wishing to speak may do so whether in favor, opposed or neutral. No specific order of those in favor or in opposition will be used.

2. With the advice of the City Attorney, the Chair shall conduct the hearing in such manner as to provide for free speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinions as long as the subject is related to the issue or the public hearing. Notwithstanding these purposes, the Chair has the authority to limit comments to a specific length of time.

3. Any person speaking may be questioned by members of Council or by the City staff after public comment.

4. The Chair shall Rule upon all disputed matters or procedures, unless, by motion, second and debate, he/she is overruled by a majority vote of the Councilors present.

D. Public Hearing Procedures on Matters Relating to Appeals on the Record

Any matter appealed to Council according to the Golden Municipal Code that requires Council to consider the appeal based solely on the record created at the lower tribunal should not include, nor should Council consider, the presentation of new testimony or evidence. Public testimony before Council should not be allowed with such an appeal. Any party to the appeal may present arguments to Council in support of, or opposition to, the appeal, but such arguments must be based on the factual record created. The Chair may place reasonable restrictions on such arguments, including a limitation to written argument and/or limitations on the length of written or oral arguments. Council may, in its discretion, refer the appeal to the lower tribunal if consideration of addition facts or evidence is appropriate.

RULE VIII COUNCIL COMMUNICATIONS/ GUIDING GOLDEN

A. Guiding Golden / Council Connects as Authorized Communication Channel

The Golden Council Comments on the website Guiding Golden (Council Connects) is an informational resource for members of the Golden Council that is component of, and administered through, the City's internet page. Council Connects provides an avenue for councilor to exchange information amongst themselves or to request specific information from staff, all in a public venue. The intent of Council Connects is to provide councilors with a prompt reply to their questions regarding City policy, services and agenda items at times in response to a resident inquiry.

Council Connects is a semi-automated tracking database. Councilors or staff can generate messages via a designated login. While members of the public may subscribe to and view Council Connects postings, they may not post messages (if citizens would like to respond to a matter that they see on Council Connects, they are invited to send an email to the seven-member Council at: CityCouncil@Cityofgolden.net).

Council Connects is not intended, nor should it be used, as a replacement for Council meetings where public business is discussed and where formal action may be taken. It is intended, however, to be a useful venue for seeking additional information about meeting agenda items. This rule is intended to provide guidelines as to use of Council Connects by Council in a manner that is within the scope, and consistent with, both the Colorado Open Meetings Law and Chapter 1.03 of the Golden Municipal Code ("Open Meetings").

B. Discussions and Decisions Prohibited

In order to comply with applicable state and municipal open meetings laws, Council Connects may not be used to carry out a discussion regarding public business amongst, or between, councilors. Likewise, Council Connects may not be used to facilitate formal action by Council, as formal action may occur only at regular Council meetings. To this end:

1. Councilors' communications posted on Council Connects should be drafted as one-way communications (i.e., not intended to bring a response from other councilors).
2. Councilors should not engage in "back and forth" discussions on Council Connects with respect to policy matters.
3. In order to avoid an appearance of an attempt to gather some type of consensus, councilors should avoid stating opinions or value judgments with respect to matters posted on Council Connects. (These are appropriately expressed at public meetings.)

C. Council Connects Uses

The following are examples of some appropriate uses of Council Connects:

1. First reading questions for upcoming agenda items.
2. General information requests in which the entire Council may benefit from staff response.
3. To inform colleagues of issues that will be raised during an upcoming Council meeting.
4. To inform colleagues of issues of interest raised at outside meetings.

Please note: Research requests are an inappropriate use of Council Connects. Any matters that would require extensive staff work should not be the subject of Council Connects, but rather should be sent directly to the City Manager or raised during a Council meeting.

D. Open Records

All postings to Council Connects should be presumed by councilors to be public records that will be available for inspection by the general public pursuant to the applicable Open Records laws. Confidential information should not be posted to Council Connects.

RULE IX COUNCIL USE OF SOCIAL MEDIA

A. Purpose

The purpose of this policy is to describe the way individual councilors are authorized to use social media in their official capacities as councilors and to set forth the rules and limitations that govern such use. This policy also sets forth the extent to which a councilor's personal use of social media may bring that personal use within the purview of City policies.

B. Scope

This policy applies to the use of social media by any councilor when that social media use is in their official capacity as a councilor.

This policy is intended to protect the rights of the public in their ability to access public forums, and to ensure that the City can comply with its requirements under the laws of the State of Colorado and the United States of America.

C. Definitions

1. **Account:** A councilor's presence on social media either through a City-provided social media account, or otherwise in the Councilor's official capacity as a councilor.

2. **City:** The City of Golden, acting through its city manager or its public information officer, or their designee(s).

3. **Personal Use:** A councilor's use of social media that does not make use of their City email address, position, title or official capacity.

4. **Personally Identifiable Information:** Information that can be used to distinguish or trace an individual's identity, such as date and place of birth, personal addresses or telephone numbers, Social Security number, driver's license number or records that contain genetic, medical or psychological data or information. Personally identifiable information also includes personal financial information and other information maintained because of the employer-employee relationship, pursuant to Section 24-72-202, C.R.S. For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

5. **Social Media:** Social media websites create and foster online social communities for a specific purpose and connect users from various locations and interest areas. These websites and platforms offer many ways for users to interact with one another, such as instant messaging, blogging and commenting, microblogging, events, status updates, online communities, discussion forums, message

boards, podcasts, website link sharing, wikis, video conferencing and sharing photos and videos. The City acknowledges that this type of technology changes rapidly and, therefore, this list is intended to be illustrative rather than comprehensive, and this definition should in no way be construed to limit the applicability of this policy.

D. Limitations on Use of Social Media

1. **Social Media Accounts:** Councilors shall not establish, operate, maintain or use any social media accounts in their official capacity as a councilor other than in accordance with this policy. Any social media accounts created, operated, maintained or used by a councilor for the purpose of conducting City-related business, including, without limitation constituent communication, that is not operated, maintained or used in compliance with this policy, shall be considered as having been undertaken, maintained and used outside of their official capacity as councilors and, therefore, the City shall bear no responsibility for what transpires on, or because of those accounts.

2. **Separate Accounts:** Any social media account established, operated, maintained or used by a councilor in their official capacity must be separate and distinct from personal social media accounts of such councilors.

3. **City Created Accounts:** The City does not currently create, operate or maintain social media accounts for the use of councilors in their official capacity. If the City does create, operate or maintain such accounts in the future, all such accounts created are the property of the City; therefore, those councilors utilizing such accounts must provide the public information officer, and the City information technologies manager with all information required to access those accounts, such as user names, passwords and the like. Councilors who exceed their authorization or who violate this policy may have their privileges to use such accounts revoked.

4. **First Amendment Protection:** Neither the City, nor councilors may restrict any person's ability to view or post comments on social media pages that are maintained or operated in a councilor's official capacity, based in any way, upon the viewpoint of that person or the content of that person's speech.

5. **No Expectation of Privacy:** All participation in social media by councilors in their official capacity may be open to public inspection in accordance with the Colorado Open Records Law (C.R.S. § 24-72-101 *et seq.*), and councilors do not have an expectation of privacy concerning such participation. The City may monitor all use of such accounts and require removal of any content that violates any law.

6. **Councilor to Councilor Discussion:** In order to assure compliance with the Colorado Open Meetings Law (CRS § 24-6-402 *et seq.*), councilors shall refrain from engaging in discussions with other councilors through social media, including personal social media accounts, regarding City of Golden business.

7. **Confidentiality:** Councilors shall not, when acting on social media in their official capacity, post or release proprietary, confidential, sensitive or personally identifiable information.

8. **Personal Use of Social Media Outside of a Councilor's official capacity:**

- a) Councilors who engage in personal use of social media outside of their official capacity may not use the trademark, or logo of the City, or that of any City department or program.
- b) Councilors may not speak as a representative of the City in the course of their personal use of social media.

- c) Councilors are not prohibited from identifying themselves as holding the office of councilor, however, in cases where a councilor's personal use of social media may be perceived as being on behalf of the City, such as if a councilor identifies themselves as a councilor or when a councilor is addressing a matter that concerns the Council, the councilor shall include a visible disclaimer on their account to inform other users that their opinions are their own and do not represent those of the City of Golden, such as "The postings on this site are my own and do not necessarily represent the City of Golden's positions or opinions."

E. Requirements for Official Capacity Use of Social Media by Councilors

Councilors who participate in social media in their official capacities shall abide by the following requirements.

1. Councilors are required to read and understand the terms of service and any other policies established by social media websites. Councilors are expected to stay current regarding any changes to these terms and policies.
2. Councilors must identify themselves by name and position title and use their city email address when participating in social media websites in their official capacities. Such accounts shall be clearly designated as "official capacity" accounts.
3. Councilors may not claim to speak on behalf of the City of Golden when participating in social media, unless authorized to do so by the Council.
4. Online statements by councilors in their official capacities shall be respectful, legal and ethical. False and defamatory statements are not permitted, and councilors making such statements may have their privileges to use City established accounts revoked.
5. Councilors using social media in their official capacities shall not use ethnic slurs, profanity or personal insults.
6. Councilors using social media in their official capacities are prohibited from posting, using, or otherwise infringing upon material that is copyrighted or trademarked by third parties. In addition, councilors using social media in their official capacities are required to credit other authors for borrowed content and to protect the intellectual property of others.

**RULE X
COUNCILOR CONDUCT**

A. Council Code of Ethics

In addition to these Council Rules of Procedure, councilors are obligated to comply with the provisions of the Code of Ethics for City Officials contained in the Golden Municipal Code.

B. Anti-Violence and Harassment Policies

Council is committed to a civil and respectful relationship with each other, city staff and the community. To that end, Council will comply with the harassment and anti-violence policies adopted by the City for city employees and contained in the City of Golden Employee Handbook, as it may be amended from time to time. Concerns regarding such provisions shall be reported to the mayor and city manager.

RULE XI
AMENDMENT/SUSPENSION OF RULES

A. Amendment of the Rules

These rules may be amended, or new rules adopted by a majority vote of all councilors. Any such amendments shall be submitted in writing at a meeting preceding formal action to amend. The amendments shall be placed on the next agenda with a resolution under the title of “New Business”. This requirement may be waived by unanimous consent with a recorded vote of all councilors present.

B. Suspension of the Rules

Any provision of these rules not governed by the Charter or Municipal Code may be temporarily suspended at any meeting of Council by a majority vote of all councilors. The vote on any such suspension shall be entered upon the record. When making a motion to suspend the rules, the councilor shall specify which rule or part of such rule being temporarily suspended and the purpose for which the rule is to be suspended.

ⁱ *Bob's Rules of Order are used with permission from Robert C. Widner, author of Bob's Rules of Order (copyright 2011, 2013).*

“Bob’s Rules of Order”

Robert (Bob) Widner

The following materials are excerpted from “*The Colorado Handbook for Effective Local Government Meetings*” (tentative title) which is in preparation for anticipated future publication. These materials are intended to support and aid understanding of information provided at various workshops and presentations in sessions conducted by the author often titled “Running Effective Meetings and Bob’s Rules of Order.”

The excerpted materials primarily include “Bob’s Rules of Order” which are offered as a simplified set of motions and rules premised very broadly on the seminal handbook *Roberts Rules of Order*.

It is hoped that, through a uniform understanding of simplified local procedural rules, government officials engaged in public meetings can more effectively conduct the public’s business.

An important disclaimer about legal advice:

These materials are for informational purposes only and not for the purpose of providing legal advice. You should contact your local attorney to obtain advice with respect to any particular issue or problem. If anything you read in these materials or hear during this presentation is inconsistent with your local attorney’s advice or counsel, your local attorney’s advice and counsel is correct.

A note about what rules govern your community:

Colorado local governments enjoy fairly broad authority to craft rules to govern their day-to-day affairs and the conduct of their local meetings. In determining what rules might govern a particular matter, it is important to consult your local ordinances, resolutions, and bylaws, and to have an understanding of the local historical practices that have guided your community meetings in the past. Overshadowing all of these local rules and practices is our state law -- to the extent it might be applicable – which should be considered when determining proper meeting procedure.

The rules and processes contained in these materials are not applicable to your community unless your community takes appropriate steps to formally incorporate the rules and processes into your local laws and policies.

Excerpts from
Colorado Handbook for Effective Local Government Meetings
(Publication Pending)

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. Unfortunately, efficient and well-run meetings for many Colorado local governments may be the exception and not the rule.

The seminal handbook, *Roberts Rules of Order*, is perhaps the most widely known set of rules designed to facilitate and manage meetings. Beginning with the pocket handbook first drafted in 1878, and with significant rewriting and amendment since that time, *Roberts Rules of Order* has evolved into a complex set of rules intended to organize large meetings of every type. Due to the sheer volume and complexity of *Roberts Rules of Order*, it is unreasonable for all meeting participants to fully comprehend and gain a working knowledge of *Roberts Rules of Order*. As a result, *Roberts Rules of Order* is often ineffective for use in conducting the meetings of local government.

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

Key Terminology

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 change is usually 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.

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Motion – A formal proposal seeking specific action by the body typically preceded by the words “I move that ...” Motions are generally introduced by voice but may be presented in writing.

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

Out of Order – An act or 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.

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General Rules Governing the Meeting

- 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.
- Time Limit for Floor. A Member’s right to the floor should be 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.
- Limitation on Obtaining Floor. A Member should only speak once to any motion under debate until such time that all others seeking the floor have been provided an opportunity to speak to the motion.
- No Interruptions or Side Discussions. In order 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.

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- 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.

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Meeting Notice, Minutes, and Recording of Meetings

A. Notice

The most effective meetings involve active participation by varying viewpoints and opinions. Participation is best achieved through adequate and reasonable notice given to interested parties.

Notice of a meeting should include information that would clearly inform the layperson of the date, time, place, and general purpose of the meeting.

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It is often surprising for some to learn that state law requires relative little notice to the public of local government meetings where business may be conducted. In fact, absent any local rules or practices requiring greater notice, most meetings can be conducted, and important public

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business accomplished with as little as 24 hours' notice posted at some general location in the community that is annual designated and could include a local bulletin board.¹ Locally adopted rules can greatly aid in the effort of providing greater notice to inform the community of meetings. Municipalities should consider establishing minimum notice requirements and, if desired non-mandatory or "courtesy" notice guidelines with the understanding that failure to comply with the mandatory requirements may undermine the ability to conduct a meeting or, at worst, invalidate action taken during a meeting held without compliance with the required notice.

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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.

¹ C.R.S. § 24-6-402(2)(c) provides:

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

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.

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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

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- 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.

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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 the City Hall to our meeting on August 15 at 7:00 p.m. here in our Council Chambers.”

Member Edwards: “Second.”

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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 city.”

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

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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

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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 no 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?”

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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.²
- 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.³
- 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.⁴
- 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.⁵
- E. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.⁶
- 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.⁷ However, you cannot hold an executive session for “personal matters” to discuss:
 - (i) an elected official or an appointed member of the Body;⁸ or

² C.R.S. § 24-6-402(4)(a).

³ C.R.S. § 24-6-402(4)(b).

⁴ C.R.S. § 24-6-402(4)(c).

⁵ C.R.S. § 24-6-402(4)(d).

⁶ C.R.S. § 24-6-402(4)(e).

⁷ C.R.S. § 24-6-402(4)(f)(I).

⁸ C.R.S. § 24-6-402(4)(f)(II).

- (ii) the appointment of a person to fill an appointed⁹ or elective office; or
- (iii) personnel policies that do not require the discussion of matters personal to particular employees.¹⁰

G. Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act",¹¹ except that all consideration of documents or records that are work product as defined in C.R.S. § 24-72-2020 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, 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."

⁹ 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.

¹⁰ C.R.S. § 24-6-402(4)(II).

¹¹ Id.

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."

The Location of Executive Session

State law does not require that executive sessions be conducted in any particular location. Most communities remove the Body to a side room or conference chambers that allows for private conversation outside the hearing of the general public. Other communities ask members of the public attending the body's meeting to exit the room to allow the necessary confidential conversation.

Confidentiality of Executive Sessions

Contrary to popular belief, there are no *specific* laws that require confidentiality of discussion in executive session or prohibit disclosure of confidential information discussed in an executive session. Attendees may, therefore, believe they are free to disclose information provided to them during the session. However, state law imposes upon all municipal officials, officers, and employees a general statutory obligation to protect the public trust.¹² Where disclosure of confidential information harms the interests of the public, such disclosure may subject the official, officer, or employee to prosecution for the monetary harm inflicted on the public due to such disclosure.¹³ As a better protection, local rules of ethics and conduct may be enacted to expressly provide that executive session information is deemed confidential and the disclosure of such information may violate local ethics standards and, for employees, may lead to disciplinary action.

***[Materials Deleted from Original]

¹² See Part 1, Article 18, Title 24, C.R.S., titled "Code of Ethics" and in particular C.R.S. § 24-18-103.

¹³ C.R.S. § 24-18-103(2)(prosecution by district attorney for breach of public trust).

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Who May Attend an Executive Session?

State law does not specify who may attend an executive session. It is commonly understood that the Body determines the individuals that are necessary to conduct the executive session and provide the background information and advice to the Body. Besides the Body members, the most common attendees include the city or town manager or administrator, the Body's legal counsel, and administrative staff members involved in the particular issue under discussion. Obviously, the city or town legal counsel is required for any executive session convened for the purpose of obtaining legal advice pursuant to C.R.S. § 24-6-402(4)(b).

A special note should be made when inviting individuals into the executive session who are not members of the municipal government. These individuals will not be bound to any local rules such as local ethics rules or personnel rules that require confidentiality. It is not uncommon for a municipality to require some form of confidentiality agreement or understanding by the non-municipal attendee as a condition of attendance.

On occasion, a Body member or several members of the Body may request that another member of the Body be excluded from the executive session. Such exclusion may be due to a myriad of reasons, for example, an actual or perceived conflict of interest, unwillingness of the excluded member to agree to keep executive session information confidential, or lack of confidence in the excluded member to maintain confidences. Although state law does not provide a means or method for exclusion of a Body member from an executive session, the law does not, conversely, give an absolute right to a Body member to attend every executive session. It is recommended that local policy be created and approved by the Body that specifically authorizes the Body, as a whole, to decide executive session attendees.

***[Materials Deleted from Original]

Suspension of Rules

A. Chairperson May Suspend

Subject to challenge by Point of Appeal, the Chairperson may 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. Motion to Suspend

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.

Summary of Requirements for Motions and Points

MOTION	Type	Second Required?	Debatable?	Vote Required
Point of Order	Privileged	No	No	No Vote Required
Point of Information	Privileged	No	No	No Vote Required
Point of Appeal (to challenge the Chairperson's decision)	Privileged	No	Only as needed to explain the Decision and the applicable Rule subject to challenge	Majority of quorum present
Motion to Recess	Privileged	Yes	No	Majority of quorum present
Motion for Executive Session	Privileged	Yes	No	2/3rds of quorum present
Any Main Motion	Main	Yes	Yes	Majority of quorum present unless otherwise required by law, rule, or regulation
Motion to Adjourn	Main	Yes	Yes	Majority of quorum present
Motion to Reconsider	Main	Yes	Yes	2/3rds of quorum present
Motion to Postpone an Agenda Item	Main	Yes	Yes	Majority of quorum present
Motion to Postpone Indefinitely	Main	Yes	Yes	Majority of quorum present

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MOTION	Type	Second Required?	Debatable?	Vote Required
Motion to Amend (a Main Motion)	Subordinate (to a Main Motion)	Yes	Yes	Majority of quorum present
Motion to Continue Matter Before the Body to Date Certain	Subordinate (to a Main Motion)	Yes	Yes	Majority of quorum present
Motion to Call the Question (Close Debate)	Subordinate (to a Main Motion)	Yes	No	2/3rds of quorum present

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