

DRAFT Salida City Council Handbook
[ADOPTED _____ via Resolution 2021-____]
(Replaces previous "Council Meeting Rules of Procedure")

I. Mission Statement.

To guide the future of the City through thoughtful and inclusive decision-making, preserving what makes Salida unique and focusing on positive outcomes.

II. Meeting Procedures.

A. Regular Meetings of City Council: Regular meetings are typically conducted on the first and third Tuesday of the month, excluding holidays, and begin at 6:00 p.m., unless another day or time is set by prior approval of a majority of the City Council.

Option: "Regular meetings shall adjourn no later than 10:00 p.m. unless a later time is agreed upon by a majority vote of the council members present at said meeting. In the event one or more agenda items have not been called prior to 10:00 p.m., and majority approval for extension of the meeting has not been obtained, such item or items shall be automatically continued to the next regular city council meeting."

B. Work Sessions of City Council: Work Sessions are typically held on the first and third Monday of the month, as needed, and usually begin at 6:00pm. The purpose of a Work Session is for general discussion, review and education of policy or operational issues. No formal action or decisions may be taken at a Work Session. However, the council may direct appointed officials to prepare information for a discussion and possible decision at a regular City Council meeting.

C. Public Hearings: Typical Order of a Public Hearing shall be as follows:

1. Mayor/presiding officer opens the public hearing.
2. City Staff summarizes their report; explains what is being requested; applies relevant Code provisions; makes recommendations; confirms proper notice of the public hearing.
3. Applicant/Appellant presents its request and basis for same; possibly brings forward persons speaking in support of the application.
4. Public Comment. Interested persons from the general public may speak, testify, address Council. (3 minute limit)
5. Applicant may offer rebuttal, closing statement and may cross-examine any person who presented or testified.
6. City Staff may offer rebuttal, closing statement and may cross-examine any person who presented or testified.
7. Council may ask questions of any party or any person who as offered comment at the hearing.
8. Mayor closes public hearing.

9. Deliberation. Council reviews all testimony and evidence presented, applies appropriate Code provisions, and then objectively deliberates the requested application(s). The Council may ask additional questions of (or seek clarification or assistance from) the applicant, City Staff, Attorney, and anyone else present.

10. Call for Motion. Final decision on the application is made in the form of a motion by a council member, and roll call vote.

D. Quorum for City Council: Three (3) Council members and the Mayor, or four (4) Council members, shall constitute a quorum to do business at all meetings of the City Council.

E. Order of Business on City Council Meeting Agendas: All business of the council shall be considered in the order of the agenda unless otherwise directed by motion adopted by the majority of the members present. Agenda order shall normally be:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Civility Invocation
- Consent Agenda
- Approval of Agenda
- Approval of the Minutes
- Citizen Comment - three (3) minute time limit. (for items not on the agenda and/or agenda items that are not scheduled for public hearings)
- Public Hearings
- Unfinished Business/Action Items
- New Business/Action Items
- Reports (from Council members, appointed officials, departments, boards or commissions)
- Executive session, if applicable
- Adjournment

F. Consent Agenda: The Consent Agenda allows the Council to approve several items of routine business with one vote. Items presented by Staff at a work session may include a recommendation, if appropriate, that the item be included on the Consent Agenda for approval at a Regular Meeting. If appropriate documentation is presented in the packet for an appointment to a Board or Commission, such an item may be included on the Consent Agenda for a Regular Meeting without further presentation or discussion at a work session, unless discussion is requested by a member of the Council. The Council shall determine those items to be included as consent items on the Agenda for any regular session of a Regular Meeting. After the City Clerk reads the Consent Agenda, all of the consent items shall be voted on as a group. If a Council Member requests discussion or requests that any item(s) be removed from the consent items, such item(s) shall be acted upon after consideration of the remaining consent items by the Council. The individual items will then be considered for adoption.

Consent Agenda items may include, but are not limited to:

- Approval of the Meeting Agenda;
- Approval of the Minutes of prior meetings;

- Approval of contracts or awards of bids previously presented in a work session and/or approved by City Council in the annual budget;
- Approval of Memoranda of Understanding with various entities;
- Approval of administrative, organizational or employment policies.

The consent items will be listed as separate items on the Agenda for the Regular Meeting and have the following explanation for the general public:

“All matters listed under Item X, Consent Agenda, are considered to be routine business matters by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary by any member of the Council, that item should be removed from the Consent Agenda and considered separately.”

- G. **Option:** “Limitations on Debate by Council: No council member shall speak more than twice upon any one motion. Each council member is entitled to a maximum of three (3) minutes of debate per recognition by the presiding officer.”
- H. **Civility:** It is the intention of the Salida City Council to promote civil communication by adopting guidelines for speaking to the public in the City Council Chambers, and by reading this Civility Invocation at the beginning of each regular City Council meeting.
- I. **Robert's Rules of Order:** Except as otherwise provided in these procedures, or in the Salida Municipal Code, meetings of the City Council should be conducted according to Robert's Rules of Order, as amended.
- J. **How do Councilmembers request a topic be placed on a Work Session or Regular Meeting agenda?**
 - Nod of 4?
 - General Consensus?
 - No opposition when a councilor brings it up during their staff report, or at any point in a subsequent meeting?
 - When Mayor directs?
 - All or some of the above?
- K. **Executive Sessions:** The policy basis for executive sessions, which are not open to the public, is the recognition that the public interest can best be served if certain specified matters are discussed in private. The purpose of an executive session is to deliberate, not to make final decisions. No formal action shall be taken in an executive session to adopt a proposed policy, position, resolution, rule, regulation or ordinance.

The Colorado Revised Statutes permit Executive Sessions in the following limited situations:

1. *Real and Personal Property:* to discuss the purchase, acquisition, lease, transfer, or sale of property interests, so long as the executive session is not held to conceal an official's personal interest in the property. (CRS §24-6-402(4)(a))
2. *Attorney Conferences:* for the purpose of receiving legal advice on specific legal questions. (CRS §24-6-402(4)(b))
3. *Confidential Matters Under State or Federal Law:* for the purpose of discussing any topic

required by state or federal law to be kept confidential. The governing body must announce the specific statutory citation or rule that requires the confidentiality of the matter to be discussed. (CRS §24-6-402(4)(c))

4. *Security Arrangements or Investigations*: for the purpose of discussing specialized details of security arrangements or investigations. (CRS §24-6-402(4)(d))
5. *Negotiations*: for the purpose of determining positions, strategy, or instructions to negotiators. (CRS §24-6-402(4)(e))
6. *Personnel Matters*: for the purpose of discussing general personnel matters. However, if the discussion involves a specific employee, that employee may request an open meeting. If the discussion involves more than one employee, the executive session may be held unless all of the employees request an open meeting. 'Personnel Matters' does not include discussions of any member of a local public body, any elected official, the appointment of any person to fill a vacancy in a local public body or elected office, or discussion of personnel policies that do not require discussion of particular employees. (CRS §24-6-402(4)(f))
7. *Documents Protected Under Open Records Act*: for discussions that involve consideration of documents protected by the mandatory non-disclosure provision of the Open Records Act. Discussion of documents protected under the 'work product' or 'deliberative process' privileges in the Open Records Act must occur in an open meeting unless an independent basis for an executive session concerning such documents exists. (CRS §24-6-402(4)(g))

Procedures:

1. Executive sessions may only be conducted during a regular or special meeting of the City Council.
2. The City must first announce the topic of discussion to the public, including the specific citation to the Open Meetings Law (CRS section) that authorizes consideration of the announced topic in executive session, as well as "identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized."
3. A City Councilmember must make an official motion to go into Executive Session (i.e. "I move to go into Executive Session for the purpose of a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b))."
4. Two-thirds of the quorum present must vote affirmatively on the motion before the governing body can close the meeting to the public.
5. Discussions that occur in Executive Session must be electronically recorded. The recordings must be retained for at least ninety (90) days after the date of the session. If, in the opinion of the City Attorney present, all or a portion of the discussion constitutes a privileged attorney-client communication, no record or electronic recording is required to be kept of that part of the discussion.

III. Conflicts of Interest

Members of the City Council shall work for the common good of the people of the City and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council.

A member of the Council who has a personal or private interest in any matter proposed or pending before the Council shall disclose the interest to the other members prior to action on the matter by the Council. The member shall be excused from voting on any matter on which he or she has a conflict

of interest. The member who has the conflict of interest shall refrain from attempting to influence the other members of the Council who are or will be voting on the matter. The member excused from voting because of a conflict of interest shall leave the meeting during the deliberations and the vote on the matter.

A member of the Council shall not use his or her official position to secure a special privilege, exemption or service for himself or herself or for others, nor shall any member of the Council seek or grant any special consideration, treatment or advantage to or for any citizen beyond that which is generally available to every other citizen. This provision shall not be interpreted to prohibit or hinder a member from presenting citizen concerns to the Council or to City Staff and requesting a response to the citizen concern.

A member of the Council who, in the course of his or her private business, desires to enter into a contract with the City, or who has such a contract at the time he or she takes office, shall disclose such contract to the other members of the Council. The member shall not vote on any contract in which he or she has a financial interest and shall not attempt to influence the other members of the Council or the City Staff in the process of awarding the contract.

A member of the Council shall not take any special advantage of services or opportunities for personal gain, by virtue of his or her public office, that are not available to the public in general. Members shall refrain from accepting any benefit or promises of future benefits which compromises their independence of judgment or action or gives the appearance of such compromise.

A member of the Council shall not use public resources not available to the public in general, such as City Staff time, equipment, supplies or facilities, for private gain or personal purposes, except for privileges generally available or granted to employees of the City.

Employment. It is in the interest of the City to hire the most qualified people to work at the City. Due to the potential conflict of interest that exists when a Council member applies for an open position with the City, any councilmember that intends to apply for an open position with the City must resign his/her council seat at the next regular meeting after an application is submitted. If an employee is elected to City Council, they must resign their position with the City at the first regular meeting after they take office.

IV. Rules Concerning Council and Staff Interaction Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

A. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with City staff.

B. Channel communications through the appropriate senior City staff. Questions and requests for information should be directed only to the City Administrator, City Attorney, City Clerk, Municipal Judge, or their designees. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Administrator or the affected appointed official for direction.

- C. **Council requests for information from or research by staff.** In order to assure proper coordination of requests and an efficient allocation of City resources, routine requests for information or research by City staff handled as follows: Councilmembers should contact the City Administrator, with information about the request; the City Administrator will determine what follow-up is appropriate. This type of request can be forwarded to the City Administrator at any time without waiting for a formal referral at a Council meeting.
 - D. **Policy or program modifications.** Requests to research and analyze the viability of new or modified legislation, policies, or programming should be presented as a formal request at a Council meeting and considered by the Council as a whole, which shall decide whether the request is something that merits an investment of staff time.
 - E. **Refrain from soliciting political support from staff.** Refrain from soliciting any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from city staff at work. Staff certainly may, as any other citizen, support political candidates away from the workplace. The City as an employer prefers that personal mail for employees, including campaign material, be sent to their home address.
 - F. **Do not get involved in administrative functions.** Avoid any staff interactions that may be construed as trying to shape staff recommendations.
 - G. **All Councilmembers should have the same information to make decisions.** Council may and should expect that staff will make every attempt to provide each member of Council with the same information (i.e., requests made of staff for information will be distributed to all; correspondence to one Councilmember will be distributed to all).
 - H. **Whistleblower.** In the event a Councilmember is approached by an employee with concerns that there is an illegal activity, including the alleged violation of City policy, the member shall direct that complaint to the Mayor. The Mayor will provide the information to the appropriate appointed official for investigation. If the complaint is made against an appointed official, then the Mayor shall determine what action should be taken. Where the Mayor desires legal advice he or she should use the City Attorney, or if the complaint is against the City Attorney, then he or she has the authority to obtain outside legal counsel to assist with investigation and advice.
 - I. **Personnel.** Members of the Council shall not attempt to individually direct the City Administrator, the City Clerk, the City Attorney, the Municipal Judge or the City Staff on employment or personnel matters or decisions, awarding of contracts, selection of consultants, processing of development applications, or the granting of City licenses or permits.
- V. **Open Meetings Law.** (Colorado Revised Statutes 24-6-401, et seq.)
- A. **Meeting** means: any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.
 - B. **Local public body** means: any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of the City and any public or private entity to which the City, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.
 - Note the exclusion in the foregoing definition for “administrative staff.”

C. What meetings are required to be “open to the public” at all times?

- All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken.

D. Notice: 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 24 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.

- OML does not define “full and timely notice,” but provides an example of notice by posting. The General Assembly recently authorized this posting to be on the public entity’s website.

E. Chance meetings and social gatherings: The requirements of the OML do “not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.”

F. Not only “in-person” discussions apply to the Open Meetings Law:

- a. Emails
- b. GoToWebinar chat box
- c. Text messages
 - i. Messaging during a meeting: councilmember to councilmember could violate OML; or commissioner to an applicant or the public may violate other quasi-judicial provisions.
 - But, again, where 3 or more members are discussing public business or taking, or planning, formal action.

VI. Legislative v. Quasi-Judicial Proceedings.

Applying constitutional due process (fair hearing) requirements, state and federal courts have characterized certain governmental entity decisions as legislative, and others as quasi-judicial. It is important to understand the differences between the two because the courts require that special procedures be followed for quasi-judicial matters.

Legislative Matters

Legislative matters are matters of general concern or with applicability throughout a municipality. In the legislative role, the City Council reviews, recommends, creates and amends regulations on a citywide basis. Legislative matters are frequently referred to as “policy making.”

Examples: Resolutions or Ordinances with broad application; amending Municipal Code.

The City Council may freely discuss legislative matters with the general public.

Quasi-Judicial Matters

Quasi-Judicial matters have a narrower application. Unlike legislative matters, the Council does not *set* new policy in a quasi-judicial proceeding, but rather *applies* policy in existing law to specific facts

gathered at the hearing to arrive at its decision.

Examples: special use permits, zoning variances, subdivision plat approvals, liquor license issuance, nuisance abatement.

In quasi-judicial hearings, the City Council is acting in a manner similar to a judge, and must make an objective decision that is based upon the evidence presented at the hearing and the current law and applicable legal standard.

Because these proceedings impact the property rights of one individual, entity or small group of individuals, fairness and due process must be ensured. Everyone with an interest in the case, as well as all members of the decision-making body, must hear the same evidence, at the same time, from the same sources. The applicant, appellant or property owner deserves the opportunity for a fair, impartial hearing before unbiased decision makers, each of whom have had the benefit of the same input and testimony.

Council's Impartiality in a Quasi-Judicial Proceeding may be affected by:

- (1) **Pre-judgment or bias.** An individual Councilmember's desires, personal preferences or prejudices must not be a factor for consideration, or enter into their decision-making. A councilmember must not have their mind made up before the hearing, and must remove themselves from the process if they have advocated one way or the other on a quasi-judicial matter. Each member participating in the hearing must have the ability to decide the case fairly, impartially and based solely on the evidence and testimony presented at the hearing.
- (2) **Conflicts of Interest.** Described earlier in this Handbook.
- (3) **Ex-Parte Communications.** Ex-Parte communication refers to information received "outside of the record," whether verbal, written, electronic, or graphic. Ex-parte communications are also defined as communication between a councilmember and one party, outside of the other parties to the case, or other affected individuals.

Because of the legal constraints of this process, councilmembers may not discuss quasi-judicial issues outside of a hearing. Council must refrain from listening to opinions outside of the public hearing, and should not form opinions until the hearing. Council also should not research the issue outside of the hearing. Should a member of the public, or the applicant, attempt to share opinions or discuss the issue, Council must explain that because it is a quasi-judicial matter, they cannot not engage in ex-parte communication. Councilmembers may direct the individual to provide written comments to City Staff, which will be included in the public record, and considered by all Council at the proper time.

Courts generally hold that such communications are improper and may provide legal grounds for overturning a Council's decision. These rules promote impartial decisions by ensuring disclosure of all evidence and arguments presented to the Council in its deliberation and decision. These rules also gives everyone involved a fair chance to respond to all information that may affect the decision.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 2017-31**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
AMENDING THE SALIDA CITY COUNCIL MEETING RULES OF PROCEDURE.**

WHEREAS, on February 7, 2000, the City Council passed Resolution No. 7 (Series of 2000) adopting the Salida City Council Meeting Rules of Procedure; and

WHEREAS, on April 16, 2001, the City Council passed Resolution No. 18 (Series of 2001) amending the Salida City Council Meeting Rules of Procedure with respect to the time for holding regular council meetings, the quorum necessary for conducting business, and the order of business on the meeting agenda; and

WHEREAS, on November 17, 2008, the City Council passed Resolution No. 91 (Series of 2008) amending the Salida City Council Meeting Rules of Procedure by establishing the first and third Tuesday of each month as the regular meeting dates for the City Council pursuant to section 2-2-60 of the Salida Municipal Code; and

WHEREAS, on April 1, 2014 the City Council passed Resolution No. 28 (Series of 2014) allowing the City Council meetings to go past 8pm without a motion, second and affirmative vote of Council effectively amending the Salida City Council Meeting Rules of Procedure; and

WHEREAS, the City Council desires to amend said meeting rules with respect to preparation and delivery of agenda items, order of business on agenda and limitations on debate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE
CITY OF SALIDA, COLORADO**

1. The Salida City Council incorporates the foregoing recitals as findings and determinations of the City council.
2. A copy of the amended Salida City Council Meeting Rules of Procedure is hereby attached, approved and incorporated herein as Exhibit A.

RESOLVED, APPROVED AND ADOPTED this 16th day of May, 2017.



[SEAL]

ATTEST:

Betty Schaefer

City Clerk/Deputy City Clerk

CITY OF SALIDA, COLORADO

By:

James LiVecchi
James LiVecchi, Mayor

Salida City Council Meeting Rules of Procedure

AMENDED & ADOPTED MAY 16, 2017

OVERVIEW and PURPOSE

City council meetings are the business meetings of those citizens elected to the city council. In order to efficiently and effectively complete city business facing the city council, all meetings must be conducted in an orderly and respectful manner. Pursuant to this goal, the following Rules of Procedure are hereby adopted.¹

- A. **Regular Meetings of City Council:** Regular meetings shall be conducted on the first and third Tuesday of the month, excluding holidays, and shall convene at 6:00 p.m. unless another time is set by prior approval of a majority of the city council. Regular meetings shall adjourn no later than 9:00 p.m. unless a later time is agreed upon by unanimous vote of the council members present at said meeting. In the event one or more agenda items have not been called prior to 9:00 p.m. and unanimous approval for extension of the meeting has not been obtained, such item or items shall be automatically continued to the next regular city council meeting, or to a special meeting called in accordance with the city code.
- B. **Special Meetings/Work Sessions of City Council:** Special meetings may be called for such time and place as the Mayor in conjunction with any three council members may determine. Notice of special meetings shall be given as required in the city code. The Mayor, City Administrator, or two members of city council may call for a work session at any time deemed necessary. Work sessions may be held at such time and place as a majority of the members may determine. Each work session shall be devoted exclusively to matters regarding which the interchange of information preliminary to taking action thereon is deemed to be essential. At a work session no formal vote shall be taken on any matter under discussion, nor shall any member enter into a commitment with another respecting a vote to be taken subsequently in a formal meeting. To encourage the interchange of ideas at work sessions, it shall be a standing policy that individual members not be quoted on ideas that they propose. Non-scheduled citizens may address council as provided in these rules below.
- C. **Public Hearings:** The presiding officer shall conduct the hearing in such a manner as to provide for freedom of speech and expression of opinion, subject only to the limit of courtesy and respect to other persons and their opinions. However, the subject matter of any public testimony shall be limited to the subject of the public hearing as determined by the presiding council officer. The presiding officer has the authority to limit debate to a reasonable length of time and shall attempt to provide for equitable distribution of comment time among opposing positions. The general procedure should be: Opening of the public hearing by the presiding officer; presentation of the issue by city staff or applicant; public comment; then discussion among council, staff and applicant. When council chooses to end the hearing the presiding officer shall close the hearing, or continue it to a later date. Any person speaking may be questioned by members of council or by city staff. Variation from these rules of procedure are allowed when city council is acting as a hearing board or in any other manner which may require such changes to comply with any and all Colorado Revised Statutes or city code requirements, particularly with respect to quasi-judicial and fact-finding functions.

- D. Regular and Special Meetings of Boards, Commissions, and Committees established by City Council:** Public notice of the time and place of meetings of boards, commissions and committees shall, at a minimum, be posted at the city's designated public notice posting site(s) not less than twenty-four (24) hours in advance of any meeting, and shall, when possible, contain an agenda or identification of the subject matter(s) of the meeting.
- E. Quorum for City Council:** Not less than four (4) members of the city council, inclusive of the Mayor, shall be necessary to constitute a quorum for the transaction of business at a regular or special meeting. A minimum of two (2) council members shall be present in order to hold a work session.
- F. Open Meetings:** All regular or special meetings, and all work sessions, of the city council or any city board, commission, or committee shall be open to the public at all times; however, the city council may conduct an executive session upon motion made, seconded and carried by an affirmative vote of two-thirds (2/3) of the quorum present.
- G. Executive Sessions:** Executive sessions may be conducted only during a regular or special meeting of the city council and will be called and held in compliance with C.R.S. § 24-6-402. Except as authorized by law, no final policy decision, resolution, rule, regulation, formal action, or any action approving a contract or calling for the payment of money, shall be adopted or approved at any executive session. Executive sessions may be conducted only for consideration of the following:
1. Purchase, acquisition, lease, transfer or sale of any real, personal, or other property;
 2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions;
 3. Matters required to be kept confidential by Federal or State law, rule, or regulation;
 4. Specialized details for security arrangements or investigations;
 5. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
 6. Personnel matters, except if an open meeting has been requested in writing and submitted to council by the employee who is to be in attendance at the executive session and whose employment status is the subject matter thereof;
 7. Consideration of any documents protected by the mandatory non-disclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act."
- H. Agenda for City Council Meetings:**
1. *Preparation and delivery of agenda items:* All reports, communications, ordinances, resolutions, contract documents or other matters to be considered at a city council meeting are to be delivered to the City Clerk no later than 5:00 p.m. on the Wednesday preceding the Tuesday of each regular meeting of the council. Any item of business submitted after the deadline shall be held over and included in the agenda for the next regular meeting unless the City Administrator, for good and important cause, determines that the item should be included on the current meeting agenda. The City Clerk and City

Administrator shall immediately arrange a prioritized list of such matters according to the order of business and furnish each member of the council with a copy of the same no later than 12:00 noon on the Friday preceding the Tuesday of the meeting of the city council. Items that are not listed on a meeting agenda shall not be considered by the council except as a majority of the council shall approve by vote. A copy of the agenda shall be posted at the designated location for the posting of notices for public meetings.

2. *Order of Business on agenda:* All business of the council shall be considered in the order of the agenda unless otherwise directed by motion adopted by the majority of the members present. Agenda order shall normally be:

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call
- d. Approval of Agenda
- e. Approval of the Minutes
- f. Citizen Comments 3 minute time limit. Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.
- g. Consent Agenda
- h. Public Hearings
- i. Unfinished Business/Action Items
- j. New Business/Action Items
- k. Reports from departments, boards, commissions or committees, and council member reports.
- l. Executive session
- m. Adjournment

I. Discussion of an issue before council shall conform to the following procedures:

1. *Debate by Council:*

- a. *Obtaining the Floor:* Every council member desiring to speak shall address the Mayor or presiding officer and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- b. *Customs observed by the Council:* The Mayor shall be addressed as "Mayor _____" or "Mr. Mayor." Councilpersons shall be addressed as

"Councilman" or "Councilwoman _____." Members shall address only the presiding officer or each other through the presiding officer.

c. *Steps generally required to present and dispose of motions:*

- 1) Member addresses the presiding officer.
- 2) The presiding officer recognizes member.
- 3) Member proposes a motion.
- 4) Another member seconds the motion.
- 5) The presiding officer states the motion to the council.
- 6) The council debates or discusses the motion.
- 7) The presiding officer restates the motion and calls for the vote on the motion.

d. *Motion Stated by the Presiding Officer:* A motion which has been made and seconded is not formally before the council for debate until the presiding officer has stated it. The maker may withdraw a motion at any time before the presiding officer states the motion. Once stated, a motion may be withdrawn only by majority consent of the council.

e. *First in Debate:* The maker of a motion is entitled to speak first in debate if the motion is debatable.

f. *Limitations on Debate:* No member of the council shall speak more than twice upon any one motion. No member of the council is entitled to the floor a second time in the same meeting on the same motion as long as another member who has not spoken on the motion desires the floor. Each member of the council is entitled to a maximum of three (3) minutes of debate per recognition by the chair. Debate time shall be kept by the elected City Clerk, or in their absence, the elected City Treasurer. After debate by the council members and prior to a vote on a motion, the council may ask for comments from the public.

2. *Persons addressing Council:*

- a. Interested parties, or their authorized legal representatives, may address the council by a written communication in regard to matters then under discussion.
- b. Interested parties, or their authorized legal representatives, may address the council by oral communication concerning matters not on the meeting agenda during the Citizen Comment section of the agenda. Public input and citizen comments on specific items on a meeting agenda may also be presented during the public hearing or public comment period on the particular item.
- c. Each person addressing the council shall go to the podium and state their name and address and shall limit their comments to no more than three (3) minutes.

- d. All remarks shall be addressed through the presiding officer to the council as a body and not to any specific member. No person other than the council and the person having the floor shall be permitted to enter into any discussion. Remarks should be kept clear, concise, and constructive. Personal attacks shall not be allowed.
 - e. Council members shall have the right to question any person addressing remarks to the council. Questioning by council members shall not be deemed a part of the three (3) minutes allotted to each person addressing council.
 - f. After all persons have completed their presentations to council on a public hearing item, or an item on which public comment has been allowed, the matter shall be closed to public participation and all further debate shall be by council only.
 - g. The presiding officer shall determine those persons who wish to speak on a subject from a sign-up sheet made available to the public prior to the commencement of each meeting. Participation is on first come first served basis and persons desiring to speak will be called in the order in which they signed up. Persons wishing to speak must sign up in person.
- J. **Violation of Order and Decorum:** Any person who makes personal, impertinent or slanderous remarks while council is in session, or who shall become boisterous while addressing the council, shall be forthwith barred from further audience before the council by the presiding officer unless permission to continue be granted by a majority vote of the council. The Chief of Police, or such member or members of the Police Department as he may designate, shall be the sergeant-at-arms of the council meetings. He shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meetings. Upon the instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to remove any person from the council meeting who violates the order and decorum of the meeting.
- K. **Robert's Rules of Order:** Except as otherwise provided in these rules, Robert's Rules of Order should be used where additional guidance is needed.

¹ Initially adopted 2/7/00 by Resolution No. 7 (Series 2000).
Amended 4/16/01 by Resolution No. 18 (Series 2001).
Amended 5/16/17 by Resolution No. 31 (Series 2017).