

**RESOLUTION NO. 24-08**

**INTRODUCED BY:  
Mayor Pro Tem Peterson  
Council Member Arner**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO AMENDING RULE III ORDER OF BUSINESS OF THE FEDERAL HEIGHTS CITY COUNCIL RULES OF PROCEDURE REGARDING PUBLIC COMMENT**

WHEREAS, City Council desires to amend Rule III Order of Business of its Rules of Procedure by limiting Public Comment to one time at the opening of Business Meetings, clarifying the procedures for Public Comment to provide that any person may only speak once at Public Comment and limiting Public Comment to 30 minutes per meeting; and

WHEREAS, City Council also desires to eliminate all Public Comment for Study Sessions; and

WHEREAS, City Council also desires to correct other non-substantive matters such as the capitalization of certain terms and typos within the Rules of Procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO THAT:

The City Council of the City of Federal Heights approves the amended Federal Heights City Council Rules of Procedure in substantially the same form as the copy attached hereto and made a part of this Resolution.


INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, THE 20<sup>th</sup> DAY OF February 2024.

  
Linda S. Montoya, Mayor

ATTEST:

  
Patti K. Lowell, CMC, City Clerk

APPROVED AS TO FORM:

  
William M. Hayashi, City Attorney

**CITY OF FEDERAL HEIGHTS  
COUNCIL RULES OF PROCEDURE**

**RULE I  
COUNCIL PROCEDURE**

As required by Section 3.1 of the Charter these Rules of Procedure set forth the day and hour of Council's regular meetings and, to the extent such issues are not addressed in the Charter, Code, or other applicable law, govern the actions of City Council in the conduct of its business and serve as a reference in resolving procedural issues. Upon taking office all Council Members shall review and become familiar with the Rules of Procedure.

**RULE II  
CONDUCT OF COUNCIL**

**A. Regular Meetings/Business Meetings/Study Sessions – Scheduling**

1. Regular meetings of the Federal Heights City Council shall consist of “business meetings” and “study sessions.” As a general proposition, business meetings and study sessions will be held jointly on the first and third Tuesday of each month and commence at 6:00 p.m. Generally, all business meetings and study sessions will be held in the Council Chambers at City Hall.
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. Further action on any such matters requires the consensus of a majority of the Council Members present as polled by the Mayor. Members of the public, speakers, or persons (not including City staff or consultants) presenting information to Council at study sessions shall be allowed to address Council only with the approval of the majority of the Council present at the study session, or as previously approved by the Mayor, or a majority of Council present when setting the agenda for such sessions. Study sessions shall also be utilized to review and establish upcoming agendas for both study sessions and business meetings. No final action may be taken at a study session.
3. Business meetings are the forum for formal City Council action. Business meetings shall also provide an opportunity for general public input and comment as well as scheduled public hearings. Proclamations, public recognitions and awards are appropriate to business meetings, as are committee reports from Council Members.
4. Special meetings may consist of either a business meeting or study session.
5. All meetings shall end at 10:00 p.m., unless continued to a later end time by a vote of the majority of the Council Members present.

**B. Attendance at Other Entity Meetings and Social Gatherings.**

1. This rule is to permit the City to be represented by its elected officials at meetings of other entities, including, without limitation, intergovernmental organizations, neighborhood organizations, business and service organizations, and other organizations or groups with whom the City has a relationship. Council Members appearing on behalf of the City before any other governmental entity shall support and advocate the City's stated position. This rule applies to City Boards and Commissions, except that for joint informational meetings with Council, Council Members may not attend any meeting of the Planning and Zoning Commission.

2. Council Members may attend social gatherings or meetings of other groups without the public notice required by the Open Meetings Law, C.R.S. § 24-6-401, et seq.; however, public notice must occur when three or more Council Members attend, and the meeting is convened to discuss public business.
3. Ceremonial events. Requests for a City representative at ceremonial events should be directed to the city manager, who will inform Council of the request. The Mayor shall serve as the designated City representative. If the Mayor is unavailable, then the Mayor Pro Tem may attend. If neither the Mayor nor the Mayor Pro Tem is available, the Mayor, Mayor Pro Tem, or Council, shall determine who shall represent the City.

**C. Council Packets/Agenda Items**

1. Council packets containing the agenda and applicable documents shall be distributed to Council Members on Friday preceding the Tuesday Council business meeting or study session. Council packets shall, except for the Planning and Zoning Commission, where only the agenda will be included, contain the complete packet for all upcoming meetings of any City Board or Commission.
2. Each Councilmember is responsible for thoroughly reviewing all material within the packet prior to the applicable meeting. If a Councilmember has a question or issue regarding information or documents in the packet, they should contact the city manager or, if applicable, the city attorney within a reasonable time prior to the meeting so that they may prepare a response or be prepared to respond.
3. Direction of preparation of an agenda matter shall be considered under “Council Comments” at study sessions or business meetings. Any Councilmember may, upon obtaining a consensus of those Council Members present, as polled by the Mayor direct that a matter be placed, as appropriate, on an upcoming business or study session agenda. The Mayor in conjunction with the city manager shall set the order of the agenda. As standard procedure, agenda items should not be added or deleted after the agenda has been finalized by the city clerk’s office, but such may occur with the consent of the Mayor and in accordance with applicable laws such as the Open Meetings Law.
4. The Mayor may delegate to the city manager the preparation of the Council agenda. The agenda may be modified by the Mayor, or city manager upon notice to the city clerk no later than 24 hours of a business meeting or study session, subject to compliance with legal notice requirements and notice to Council Members by written, telephonic and electronic communication.

**D. Mayor's Duties**

1. The Mayor shall, at the designated date and time, call the Council to order and upon ascertainment of a quorum proceed with business.
2. As the Council chair, the Mayor is responsible for conducting the meeting in an orderly and democratic fashion, and
  - a) Shall maintain order, decorum, and the fair, equitable treatment of all speakers while keeping discussions and questions focused on the specific agenda item under discussion;
  - b) Shall decide all questions of order, subject to a member's right to appeal to the Council as a whole;
  - c) May speak to points of order in preference to other Council Members;
  - d) May speak on questions from the chair;
  - e) Shall appoint, where applicable, all committees, whether standing, joint or special, unless Council provides otherwise;
  - f) May call a recess at any time during a meeting to restore order or at the request of a majority of Council or for the convenience of Council Members or staff;
  - g) Ensure that all discussions are related to the topic at issue;
  - h) Shall sign all ordinances and resolutions passed by Council.
3. *Removal for Disorderly Conduct.* In the event any person(s) interrupts the business of City Council, or causes a disorder, the Mayor may require such person to cease such behavior and/or leave Council chambers or the meeting room. Should such person fail to comply, the Mayor may request a police officer be summoned and have such person removed and may also call a recess until order has been restored.
4. In the absence or inability of the Mayor to serve, the Mayor Pro Tem shall preside and have all powers and duties of the Mayor.

**E. Members' Parliamentary Duties**

1. If, at the time of the meeting, the Mayor and Mayor Pro Tem 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 members present of a member who shall be the acting Chair. The acting Chair shall preside for the remainder of the meeting with all the powers and privileges of the Mayor.
2. If it is necessary for a Councilmember to be absent from a scheduled meeting, it is the responsibility of that member to notify the office of the city clerk, the city manager or the Mayor.
3. Council Members should be on time for all meetings and promptly return from any recess or break.

**F. Members' General Standards of Conduct**

1. Duties and Responsibilities.

- (a) All Council Members, which includes the Mayor and Mayor Pro Tem, should:
  - (i) Fully participate in all City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to all;
  - (ii) Represent the City at ceremonial functions;
  - (iii) Be respectful of other people's time and needs;
  - (iv) Be attentive and participate in public meetings;
  - (v) Serve as a model of leadership and civility to the community;
  - (vi) Inspire public confidence in City government;
  - (vii) Demonstrate honesty and integrity in every action and statement;
  - (viii) Recommend, as appropriate, the establishment of Council committees to address pending issues of concern;
  - (ix) Be respectful of Council's decisions;
  - (x) Use social media responsibly.

2. Correspondence.

(a) Unless Council specifically directs otherwise, it need not acknowledge the receipt of correspondence or other documents addressed to it at a Council meeting. The city manager shall, at the direction of Council, prepare a response to public inquiries and concerns, which shall be signed by the Mayor unless the Mayor requests that they be signed by Council or a specific Councilmember or the city manager. If correspondence or documents are addressed only to an individual Councilmember, such Councilmember shall consult with the city manager regarding a response.

(b) City Supplies. Council Members shall use City letterhead or other City supplies only in the performance of their official duties.

3. Council Conduct with Public.

Council Members should not display signs of partiality, prejudice or disrespect toward members of the public participating in any public meeting, and Council Members should make every effort to be fair and impartial in listening to public comment and testimony. More specifically, Council Members should be welcoming to all speakers and treat each other with respect; actively and attentively listen to all speakers; avoid personal attacks and disrespectful comments concerning members of the public; and avoid making promises on behalf of the entire Council, except where specifically authorized.

4. Council Conduct with Boards and Commissions.

Council Members shall not contact any board or commission member to lobby on behalf of any person or public or private corporate entity or organization involved in any matter before the board or commission.

5. Council Conduct with Media.

- (a) The Mayor is the designated spokesperson of Council.
- (b) Council Members contacted individually by the media should inform the media that any response they provide is their individual opinion and that the Mayor is the designated spokesperson of Council. In dealing with the media, Council Members are advised to never go “off the record,” and to choose their words cautiously and avoid sarcastic, disparaging or sardonic comments.

6. Council Interaction with city manager and staff.

Council Members’ interaction with the city manager and staff are governed by the procedures set forth in Section 7.7 of the Charter and Section 2-25 of the City of Federal Heights Municipal Code.

7. Council’s Electronic Mail Requirements.

- (a) All electronic mail transmitted by or from any Councilmember concerning city business shall be done only through the use of the Councilmember’s city-designated electronic mail address.
- (b) For the purposes of this sub-section, “electronic mail” means an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. “Electronic mail” includes electronic messages that are transmitted through a local, regional, or global computer network.

**RULE III  
ORDER OF BUSINESS**

**A. Business Meetings**

After the Mayor’s Call to Order, Council will generally consider business in the following order:

1. Pledge of Allegiance
2. Roll Call
3. Agenda Review
4. Approval of Minutes
5. Approval of Accounts Payable
6. Proclamations, Recognitions and Awards
7. Public Comment

8. Ordinances
  - (a) Public comment as applicable
9. Resolutions
10. Council Decision Recommendations
11. Questions and Comments and Committee updates from Municipal Officials, Manager, Attorney, Clerk, Staff, Council, Mayor (comments from Council and the Mayor shall be limited to three minutes per person)
12. Adjournment

Under “Questions and Comments from Municipal Officials,” Council Members should limit their comments to information obtained at “outside” meetings, events or conferences, which significantly impact the City and may also discuss matters which any Councilmember desires to place before Council at a future study session or business meeting. Council Members should limit discussion of new business to a brief review of the matter. If a majority of the Council Members request that formal action be taken, the matter shall be placed on the agenda for a future study session or business meeting. At such study session or business meeting, Council Members may discuss the specific details of the matter.

Public Comment. Members of the general public must first sign a public comment sheet prepared by the city clerk, which requires each person desiring to speak to list their name and address and the matter they desire to speak about. If they desire to speak about a matter set for a public hearing or an ordinance on second reading they must be advised that their comments are to be submitted when that matter comes before Council. Staff shall deliver the sheet to the Mayor, who shall advise the public of the purpose and process of “public comment” and call the names in the order in which the persons signed up. The Mayor shall ask all persons to state their name and address prior to addressing Council. Each person called up shall be permitted to speak once per public comment session for a period of time not to exceed three minutes and each person’s allotted time may not be shared with any other person. The total time for public comment for any meeting shall not exceed thirty (30) minutes.

## **B. Study Sessions**

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

1. Pledge of Allegiance
2. Roll Call
3. Agenda Review
4. Study Session Agenda Items

5. Questions and Comments and Committee updates from Municipal Officials, Manager, Attorney, Clerk, Staff, Council, Mayor (comments from Council and Mayor shall be limited to three minutes per person)
6. Adjournment

The procedures for “Questions and Comments from Municipal Officials” and “Public Comment” are to follow those set forth above for Business Meetings.

**C. Modification of Order of Business.**

Unless an objection is raised by a Councilmember, the Mayor 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 Council present.

**D. Executive Sessions.**

Executive sessions are held in accordance with Section 3.4 (D) of the Charter and in compliance with the Open Meetings Law. Executive sessions shall be placed on the agenda in such order as the Mayor deems appropriate. The motion and vote to convene an executive session, passage of which requires the affirmative vote of two-thirds of the quorum present, shall take place in Council Chambers, or such other location as has been posted on the public notice of the meeting.

**E. Confidentiality.**

1. Each Councilmember shall respect the confidentiality required for issues of a sensitive nature, such as personnel, legal or any executive session matters. Any Councilmember who discusses a confidential matter publicly, or with a person who is not entitled to know about the matter, will be deemed to be in breach of their duties as set forth in Section 2.5 (c) of the City Charter.
2. A decision to breach confidentiality, or to waive a privilege, such as the attorney-client privilege, shall only be made by the Council acting as a whole, whenever the confidentiality requirement or the privilege applies to the City as a whole or to the Council as a whole. Any Councilmember who individually breaches such confidentiality, or who purports to waive such a privilege, will be considered to be acting outside the performance of the Councilmember’s authority.

**F. Electronic Participation Policy For City Council Meetings.**

**I. 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.



## II. 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 Council is 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 the physical attendance of the public, appropriate arrangements, if feasible will be made to permit the public to remotely observe and listen to the meeting and provide public comment.

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 members of the City Council may participate electronically, and if feasible, the right of the public to monitor the meeting from another location.

## III. 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. s 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.

**IV. 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 be available for executive sessions subject to the terms and conditions set forth herein as are necessary to the extent feasible to comply with the executive session procedures of the Open Meetings Law.

**V. Limited Applicability of Policy.**

This Policy shall only apply to regular, study, special meetings, and executive session meetings in accordance with the terms set forth herein.

**VI. 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.

**VII. Executive Session.**

Electronic participation shall not be available for executive sessions except in the event of a local disaster emergency where the executive session to the extent feasible complies with all requirements of the Open Meetings Act, and the required notice, in addition to setting forth the permitted purpose and statutory cite as set forth in C.R.S. § 24-6-401 (4), expressly states the immediate necessity for the executive session. In addition, all persons participating in the executive session shall take all necessary measures to ensure that the confidentiality of the executive session is maintained, and no participant shall permit any non-participant to hear, see or otherwise have access to an executive session or related materials.

**G. Miscellaneous.**

In the conduct of all meetings, Council Members 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**

**A. Recognition**

No Councilmember shall speak until such member has been addressed and/or been recognized by the Mayor. When a Councilmember is speaking, no other Councilmember shall interrupt or conduct a private conversation.

**B. Decorum**

1. No Councilmember shall leave the chambers while the Mayor is putting a question or other form of business to Council, unless such Councilmember has a conflict of interest that would preclude participation in the matter or has otherwise recused him/herself from participation in the matter.

2. No Councilmember shall engage in conversation or commit any other act tending to distract the attention of the Council from the business before it.
3. When speaking or debating, Council Members shall confine their remarks to the question under discussion or debate and shall not engage in discussion directed to personal matters or issues. Council Members 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.

**C. Protest**

Any Councilmember has the right to protest any action of 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 Councilmember.

**D. Limitation of Debate**

When a matter is before Council for action, no Councilmember shall speak more than twice before all Council Members who wish to speak have spoken at least once.

**RULE V  
PARLIAMENTARY PROCEDURE**

**A. Making Motions**

Any Council action, which requires a vote, must be preceded by a motion by a Councilmember. All motions presented by any Councilmember require a second. The Mayor shall be entitled to participate in the discussion of motions.

**B. Precedence of Motion**

When a main motion is before Council, no subsidiary motion shall be entertained except: (a) to fix the hour of adjournment, (b) to adjourn, (c) to lay the motion on the table, (d) for the previous question, (e) to postpone to a certain day, (f) to refer, and (g) to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to refer and amend a motion, shall be put to vote without debate.

**C. Written Motions**

Any motion shall be put in writing upon request by two Council Members.

**D. Withdrawal of Motion**

Any Councilmember who has made a motion may withdraw such motion before the vote takes place. No motion may be withdrawn after the vote has taken place.

**E. Motion to Table/Take from the Table**

1. The purpose of a motion “to table” is to allow Council to set aside a matter temporarily, not permanently. Such motion may be preceded by a reason/explanation of such motion. This motion shall not be used to “kill” a matter. This motion is not debatable and requires a majority vote of the Council Members present for approval.
2. After a motion is “on the table” it may be “taken from the table” by a majority vote. This motion is not amendable. A motion that is on the table may be taken from the table at the same meeting or a future meeting.

**F. Motion to Postpone or Continue to a Definite Time**

1. A motion to postpone or continue is debatable and requires a majority vote. The motion shall include the date to which the matter will be postponed or continued. The postponed or continued item will appear on a future agenda under “unfinished business.”
2. If the motion is to get priority consideration, it should be made a special order, which requires a two-thirds vote.

**G. The Previous Question**

A motion to “move the previous question” is used to cut off debate and to bring an immediate vote on the pending motion. Such motion is out of order if another Councilmember has the floor. The motion requires a second, cannot be debated, and requires a two-thirds vote to approve. If the motion passes, the Mayor shall immediately direct a vote on the pending motion to move the previous question. If the motion fails, the pending motion is still under discussion.

**H. Division of Question**

If the question contains two or more divisible propositions, the Mayor may divide the motion.

**I. Motion to Amend**

1. The discussion on a motion to amend is limited to the proposed amendment. A motion to amend may take the form of inserting, striking out, or striking out and inserting words, sentences, or paragraphs. All amendments must be germane to the motion.
2. Once a main motion has been made and seconded, any Councilmember may move to amend the main motion.
3. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

**J. Motions Out of Order**

The Mayor may at any time, unless overridden by a majority vote of the Council Members present, permit a Councilmember to introduce an ordinance, resolution, or motion out of the regular order.

**K. Reconsideration**

1. Any action taken by Council may be reconsidered.
2. Only a Councilmember who voted on the prevailing side of the original question may move for reconsideration of an action. The second may be made by any other Councilmember.
3. An action may be reconsidered only if a motion for reconsideration is made at the same meeting as the action sought to be reconsidered was originally voted upon. The Councilmember making such motion shall state that he/she was on the prevailing side of the motion.
4. In the event an action is sought to be reconsidered at a future meeting, a motion to temporarily suspend the rules shall be adopted and the procedures set forth in this rule shall be followed.
5. In the event a motion to suspend the rules is made to permit reconsideration of an action, such motion to suspend the rules shall require the affirmative vote of five of seven; four of six, or three of four of the Council Members present, as applicable.
6. A motion to reconsider an ordinance or resolution, or any portion thereof, shall require the same number of votes as is required to adopt an ordinance or resolution.
7. The passage of a motion to reconsider shall suspend all action the original motion would have required until the reconsideration is completed and shall also place the original question before Council in the exact condition it had prior to original action taken by Council on the question.
8. In the event a quasi-judicial matter is to be reconsidered, the applicable notice requirements shall be followed, and the reconsideration of the original question shall be postponed to a future business or special meeting. The notice shall inform the public when the original question is to be reconsidered. In the event the reason supporting the reconsideration motion is based upon new information or evidence, Council shall reopen the public hearing to take evidence on the narrow issue of the new information or evidence. In such circumstance, staff shall be directed to make a good faith effort to notify, in writing, all persons who testified at the original public hearing of the date and time for the continued public hearing.
9. In the absence of new or additional evidence or information, Council shall not reopen the public hearing for purposes of additional public testimony. The matter shall be scheduled for a future business or special meeting.
10. In the event a contract has been signed by the Mayor, other legal obligations made or entered into with Council approval, a motion to reconsider shall not be allowed.

**L. Nominations**

Nominations for appointment to city boards, commissions, committees, Council vacancies and selection of Mayor Pro Tem shall be called for at a regular meeting by the Mayor and shall not require a second.

When it appears that everyone who desires has made a nomination, the Mayor shall ask if there are any more nominations and if there are none close the nomination process.

The Mayor shall then call for a vote, in the order that the nominations were presented, and the first nominee to receive a vote of the majority of Council shall be appointed to the open position.

**M. Refer the Matter**

In the event a Councilmember believes that more information is needed before a decision on the main motion is made, such Councilmember may move to refer the matter to a Council subcommittee, board or commission, staff or attorney for further study/information. A motion to refer is debatable. The motion to refer should identify the entity/staff the matter is being referred to, as well as instructions on what actions should be taken by such entity/staff and when a report or information is to be made or provided to Council.

**RULE VI  
MISCELLANEOUS PARLIAMENTARY PROCEDURES**

**A. Appeal**

1. An appeal may be taken of any decision of the Mayor, upon a motion and a second, in which event the Councilmember bringing the appeal shall state the reason therefor, to which the Mayor may respond.
2. A motion to appeal shall be debatable.
3. Such appeals shall be acted upon immediately and no other motion shall be entertained until the question: “Shall the decision of the Mayor be overruled?” be decided by the vote of all the Council Members present.
4. The affirmative vote of a majority of the Council Members present shall be necessary to overrule the decision of the Mayor.

**B. Voting**

In accordance with Section 4.2 (E) of the Charter, every Councilmember must vote unless: a) the matter concerns the Councilmember’s own conduct; and/or b) the Councilmember has a conflict of interest, which, by applicable law, requires the Councilmember to abstain from voting.

**C. Tie Vote/Absence**

In case of a tie vote on any motion, the motion shall be considered defeated. In the event an applicant/proponent is present for the matter in question, the Mayor should, prior to calling for a vote, ask such individual where an even number of Council Members are present, whether the applicant/proponent wishes to continue the matter until a quorum of an odd number of Council Members are present. The decision of the applicant/proponent shall be determinative. In the event the applicant/proponent is not present, the Council Members present shall decide whether to proceed on the item despite the presence of an even number of Council Members.

**D. Excusal from Attendance at City Council Meetings**

Except in the event of a personal need or emergency, no Councilmember shall not attend a meeting, or leave the meeting while a meeting is in progress without the request and permission of the Mayor. In such

event, the Mayor may delay Council action, or proceed without the absent Councilmember(s) unless the matter before Council is quasi-judicial.

**E. Boards and Commissions**

Prior to appearance by any board or commission before it, Council shall provide, or have staff provide, such board or commission with information regarding its procedures, requirements, and any other applicable information. Council is encouraged to provide direction to boards and commissions about the subjects to be discussed when they join Council during business meetings or study sessions.

**RULE VII  
ORDINANCES AND RESOLUTIONS**

A majority of the Council Members present may request that staff prepare an ordinance or resolution so long as the request is made at a business meeting or study session.

**RULE VIII  
PUBLIC HEARINGS**

**A. General**

All persons desiring to speak before Council shall register with the city clerk. All persons speaking before Council shall provide their names and addresses. The Mayor shall call those desiring to speak in the order in which they signed up.

**B. Public Hearing Procedures on Land Use Matters**

1. The meeting shall be chaired by the Mayor. The hearing shall be conducted in accordance with the procedures set forth in Chapter 70 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. The Mayor has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.
2. The Mayor shall cause all such persons to promise and agree that all statements and evidence they present shall be the truth.
3. Any person speaking may be questioned by a member of Council, or where appropriate, by members of city staff, or an attorney or representative of one in opposition to such person.
4. When the number of persons wishing to speak may unduly prolong the hearing, the Mayor may establish a time limit upon each speaker.
5. 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.

6. 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.
7. All testimony in support, or opposition, or questions shall be directed through the Mayor, who will direct the appropriate person to respond.
8. 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.
9. If final action is not to be taken at the same time as the public hearing, the Mayor will advise the audience/public when the matter will be considered.
10. If a Councilmember is absent during a public hearing, he/she shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing prior to the meeting. The Councilmember should also state as part of the record, prior to the vote, that he or she has listened to and reviewed the entire record and is thus adequately advised to render a decision.
11. The essence of the following shall be presented by the Mayor at the outset of the public hearing:

“We welcome your comments and input. Because we will strive to proceed through the public hearing in a timely manner, we require that all persons observe the following procedures with respect to comments and testimony:

When you are recognized to speak, please approach the podium and state your name and address. All comments and testimony shall be made from the podium, no comments or testimony shall be presented from the audience.

Comments and testimony are to be directed to the Mayor and Council. Dialogue and inquiries from the person at the podium to members of staff or the seated audience, is not permitted. Inquiries that require staff response will be referred to staff by the Mayor.

It is our desire to give everyone an opportunity to speak and be heard in a timely manner and within an atmosphere of respect and diplomacy. These procedures are to foster that atmosphere. Thank you for your cooperation, and we look forward to hearing your comments.”

### **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 Mayor 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 Mayor has the authority to limit comments to a reasonable length of time.

3. Any person speaking may be questioned by members of Council or by the City staff.
4. The Mayor shall rule upon all disputed matters or procedures, unless, by motion, second and debate, he/she is overruled by a majority vote of the Council Members present.

## **RULE IX AMENDMENT/SUSPENSION OF RULES**

### **A. Amendment of the Rules**

These rules may be amended or new rules adopted by a majority vote of all Council Members. Any such amendments shall be submitted in writing at a study session preceding formal action to amend. The amendments shall be placed on the next business meeting agenda with a resolution. This requirement may be waived by unanimous consent with a recorded vote of all Council Members 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 Council Members. The vote on any such suspension shall be entered upon the record. When making a motion to suspend the rules, the Councilmember shall specify which rule or part of such rule being temporarily suspended and the purpose for which the rule is to be suspended.

## **RULE X MISCELLANEOUS**

### **A. Robert's Rules of Order.**

Any matter not addressed by the Charter, Municipal Code, other applicable law, or these rules shall be governed by the decision of the Mayor based upon the principles and provisions of *Robert's Rules of Order*, to the extent that they are appropriate to a governing assembly such as Council, with consideration being given to the Council, as well as its political and legal status. In the event of a conflict between the Charter, Municipal Code, or these rules, the Charter, Municipal Code, other applicable law, and these rules shall prevail in such order stated herein.

### **B. Council Development and Education**

1. Council Members may, subject to budgetary limitations, attend conferences, workshops or seminars designed to further a Councilmember's knowledge and skills of City-related matters.
2. If approved by council, transportation, mileage, parking, food, lodging and participant fees may be reimbursed in accordance with City policy.
3. Receipts are required for all reimbursement and Council Members shall not submit any unauthorized, altered or fraudulent receipts.