

RESOLUTION NO. 11-28

INTRODUCED BY:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO AMENDING COUNCIL RULES OF ORDER AND PROCEDURES**

WHEREAS, the City Council of the City of Castle Pines is authorized by law to provide for the conduct of City business; and

WHEREAS, in accordance with Title 31, Article 4, C.R.S., the City previously adopted via Resolution No. 09-96 rules of order to govern the conduct of City Council meetings; and

WHEREAS, the City Council desires to amend its rules of order to clarify excused absences of Council members.

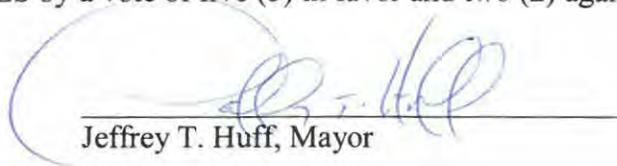
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby amends the Council Rules of Order and Procedures to remove the references to "North" in the title and to add the phrase "professional travel obligations" in Section II.H.3.b as a reason for an excused absence. The amended Rules of Order and Procedures, attached hereto as **Exhibit A**, is effective as of January 1, 2011.

Section 2. Effective Date. This Resolution shall be effective upon final adoption.

Section 3. Severability. If any portion of this Resolution is found to be void or ineffective, it shall be deemed severed from this Resolution and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of five (5) in favor and two (2) against this 10th day of May, 2011.



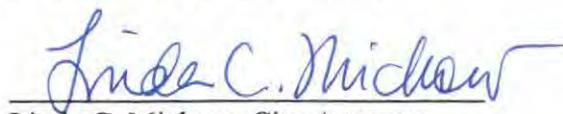
Jeffrey T. Huff, Mayor

ATTEST:



Sharon DeRouen, City Clerk

APPROVED AS TO FORM:



Linda C. Michow, City Attorney

EXHIBIT A
COUNCIL RULES OF ORDER AND PROCEDURES

CITY COUNCIL OF THE CITY OF CASTLE PINES
RULES OF ORDER AND PROCEDURES

The Council hereby adopts the following rules of order and procedures. The purpose of these procedures is to establish a framework for the orderly conduct of meetings. As provided in *Rosenberg's Rules of Order*, "the ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body...The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process."

These procedures, in conjunction with *Rosenberg's Rules of Order*, shall govern the conduct of all Council Meetings; however, in handling routine business, Council may, by general consent, use a more informal procedure than that set forth in this procedure. Council may suspend these rules of procedure at any given time by vote of four Council members or two-thirds of Council members present, whichever is greater.

I. Legislative Body and Officers.

A. City Council.

The City Council is the legislative and governing body of the City. Each member shall be addressed as Mr./Ms. (last name) or Councilmember (last name).

B. Mayor – Presiding Officer.

The Mayor shall be the Presiding Officer at meetings of the Council and shall be addressed as Mr./Ms. Mayor or Mayor (last name). The Mayor is a member of the City Council.

C. Mayor Pro Tem.

The Council shall elect one of its members to serve as Mayor Pro Tem to be nominated and appointed (by majority vote of Council members present) at the first regular meeting in January of each year.

D. Temporary Chair.

1. In the event of the absence or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any meeting of the Council, the City Clerk shall call such meeting to order and shall call the roll. The Council shall then proceed to elect, by a majority vote of those present, a Temporary Chairman of the meeting.
2. The Temporary Chair shall serve as Presiding Officer until the arrival of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon conclusion of the agenda item or other business then before the Council.

II. Meetings.

A. Regular Meetings.

1. The City Council shall conduct regular meetings on such regular day and time as set by the City Council. When a regular meeting date falls on a holiday or on a day of special observance that is officially recognized by the City, such regular meeting shall be cancelled and the City Council may, at the Council's discretion, reschedule the regular meeting for another date and time.
2. When a regular meeting must be cancelled due to unforeseen or unanticipated circumstances, such as but not limited to emergency, absence of quorum, or failure of required public notice, the Mayor is authorized to instruct staff to cancel the regular meeting and the Mayor may reschedule the meeting to another date and time. The Deputy City Clerk shall prepare notice of the rescheduled meeting and shall cause the notice to be delivered, at least 24 hours in advance of the rescheduled meeting date, by electronic mail to each member of City Council and elected officials, with a copy to the City Manager and City Attorney, and posted at the City's designated posting place along with posting on the City's website.

B. Special Meetings.

1. Special meetings of the Council shall be called by the Mayor and any three (3) members of the Council by notice to each Councilmember personally served or left at his or her usual place of residence. Such advance written notice shall set forth the date, hour, place, and purpose of such meeting. The Deputy City Clerk shall prepare notice and shall cause the notice to be delivered by electronic mail to each member of City Council and elected officials, with a copy to the City Manager and City Attorney, and posted at the City's designated posting place along with posting on the City's website.
2. A special meeting may also be called and notice thereof given by a majority vote of Council present at any regular meeting subject to the time and notice requirements set forth hereinabove; provided, however, that further written notice of such special meeting will not be necessary for those Council members present.
3. No business shall be conducted at a special meeting of the Council unless the same has been stated in the notice of such meeting; except that any business which may lawfully come before a regular meeting of the Council may be transacted at a special meeting if all members of the Council present consent thereto and all the members absent file their written consent.

C. Study Sessions.

1. The Council may conduct "study sessions." A study session shall *customarily* be limited to the presentation of information to the Council

and to Council's discussion of such information. General public comment upon matters under study or the consideration of unscheduled matters shall not be generally entertained except upon concurrence of a majority of a quorum present. Council may offer and accept reports, direct City administrative staff, and provide general guidance concerning public business under discussion. A quorum of Council is not required in order to hold a study session; provided that no business is conducted during the study session.

2. On the regular meeting days of the Council, unless a different time is approved by majority vote of Council present, a study session shall be convened at 6:00 p.m. where there is sufficient business to warrant such study session.

D. Quorum.

A majority of the members of the Council in office shall constitute a quorum for the transaction of business at all Council meetings (e.g., 4 out of 7 Council members). In the absence of a quorum, a lesser number may adjourn any meeting to a later date and time. In the absence of all Council members at a meeting, the City Clerk may adjourn the meeting for not longer than two weeks. In the event any meeting is adjourned to a later date, the Deputy City Clerk shall prepare and cause to be delivered to each member of Council and elected official timely notice setting forth the date and hour to which such meeting has been adjourned.

E. Meetings to be Public.

All regular meetings, study sessions, or special meetings of the Council shall be open to the public as required by the Colorado Open Meetings Law, and the public shall have a reasonable opportunity to be heard as provided by these *Rules of Order and Procedures*.

F. City Attorney.

The City Attorney or the City Attorney's designated representative shall attend all regular or special meetings of the Council and shall attend such other meetings and sessions of the Council as the Council may request.

G. Deputy City Clerk / Minutes.

1. The Deputy City Clerk shall attend and shall keep the minutes of each regular or special meeting of the Council.
2. The minutes of each such meeting shall record in full all motions, resolutions, and ordinances. The minutes of meetings shall record what was done rather than what was said.
3. Approval of minutes will be conferred by motion and approval may be made part of a consent agenda.

4. At any time prior to the City Clerk's certification of the minutes as approved by the Council, the Clerk may change the minutes to correct spelling or typographical errors, provided that such change does not alter the substance or meaning of the minutes.
5. Upon approval of the minutes by Council, the City Clerk and the Mayor shall sign the minutes.

H. Attendance and Absences.

1. All Council members are expected to attend all regular, special, and study session meetings. More than two (2) unexcused absences by a Councilmember in any one calendar year shall be considered by the City Council as unacceptable and shall constitute grounds for possible censure or sanction.
2. In the event any member of Council is unable to attend any meeting of the Council, such member shall advise the Mayor or Deputy City Clerk in advance of the meeting.
3. The Presiding Officer shall excuse an absence of any member where:
 - a. the Council member contacted the Mayor or Deputy City Clerk in advance of the meeting regarding the reason for the absence; and
 - b. the reason for the absence is due to circumstances that were unforeseeable or unavoidable, such as but not limited to, emergency, illness, vacations scheduled well in advance of a meeting, professional travel obligations, or last-minute familial obligations.

III. Agenda.

A. Items are placed on the agenda by the staff in consultation with the Mayor. Council members who have items for the agenda should present agenda requests during Council member reports at any meeting. A consensus of a quorum present at the meeting is necessary to place a matter on the agenda.

B. Order of agenda.

The staff, in consultation with the Mayor, will set the order of agenda, which shall be generally as follows:

1. Call to Order, Roll Call/Pledge of Allegiance.
2. Approval of Agenda.
3. Disclosure of Conflicts of Interest.
4. Citizens' Comments: Citizens' Comments is a time set aside for citizens to address Council concerning City business not otherwise on the printed agenda for public hearing. To accommodate all persons wishing to speak

and the Council's business, speakers are requested to sign up in advance and limit comments to no more than three (3) minutes for an individual or five (5) minutes for a person representing a group. Staff and Council responses to citizens' comments are discouraged at the meeting, except for referral to the staff for further analysis and reports and ultimate Council decisions on a future agenda.

5. Consent Agenda: Consideration of minutes from previous City Council meetings and other appropriate items. Items placed on the Consent Agenda may be removed by any Council member or upon the request of the Treasurer, City Clerk, City Manager, or City Attorney present at the meeting prior to adoption of the Consent Agenda, subject to Council approval. Items removed from the Consent Agenda will be considered in order following approval of the remaining Consent Agenda items or during Council Business.
6. Council Business: Consideration of Ordinances, Resolutions, and Motions.
 - (a) Expected substantial public comment items are generally placed first on the agenda, but critical short items or items of extreme public interest may be placed first when deemed appropriate by the City Manager.
 - (b) Although second readings of ordinances are generally calendared last on the agenda, the City Manager may request a particular second reading be scheduled earlier on the agenda when Council/Public/Staff interaction on the item is important on second reading.
7. Councilmember Reports.
8. City Attorney's Report.
9. City Clerk's Report.
10. Treasurer's Report.
11. City Manager's Report.
12. Mayor's Report.
13. Other Council Business / Statements, Observations and Inquiries: (by the Mayor and Council members).
14. Executive Session (optional).
15. Adjournment.

III. Rules of Speaking.

- A. To be recognized, a Council member or staff member addresses the Mayor. The Mayor shall recognize Council members or staff in order of request.
- B. The Mayor recognizes by calling out the Council member's name. Only one person may have the floor at a time. A person shall not speak while another has the floor except in the case where a Council member makes a "Point of Order." A "Point of Order" relates to conduct that would not be considered appropriate conduct of the meeting; for example, if the Presiding Officer moved on to a vote on a motion that permits debate without allowing discussion or debate. After a Council member finishes speaking, the Mayor generally recognizes the next person who first asks for the floor after it has been relinquished.
- C. Questions and/or comments are rotated so that to the extent practicable, each Council member is given the opportunity to ask questions or make comments.
- D. The Mayor may intervene in Council debate in order to determine whether Council wishes to postpone Council action if more information or staff work appears warranted to facilitate a Council decision.
- E. Any Councilmember may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member making the appeal may briefly state his or her reason for same, and the Presiding Officer may briefly explain his or her ruling but there shall be no debate on the appeal. The Presiding Officer shall then put the Question, "Shall the decision of the Chair be sustained?" If a majority of Councilmembers present vote "Yes," the ruling of the Chair is sustained; otherwise it is overruled.

IV. Procedure in Handling Motions.

A. Classes of Motions.

When an item is before the Council, the following types of motions shall govern.

1. Main (basic) motions introduce items of business before Council. A basic motion might be: "I move to approve Resolution No....."
2. Motions to Amend. A main motion may be changed by moving to amend it. A motion to amend takes the main motion that is before the Council and seeks to change it in some way. A motion to amend might state: "I move to amend the motion approving Resolution No. ____ to add a new condition of approval as follows:...."
3. Motions to Substitute. A motion to substitute has the effect of doing away with the main motion and proposing a new, different or "substitute" motion.

B. Debate on Motions.

The basic rule of motions is that they are subject to discussion. Each of the foregoing classes of motions is subject to discussion and debate subject to the

decision of the Presiding Officer to move on and take action. Non-debatable motions are those motions that, when made, must be immediately called on by the Presiding Officer for a vote by the Council without debate or discussion. Motions that are not debatable include:

- Motion to adjourn to the next regularly scheduled meeting;
- Motion to recess, with the Presiding Officer determining the length of recess;
- Motion to fix the time to adjourn;
- Motion to table an item;
- Motion to withdraw a motion; or
- Motion to limit debate.

C. Majority and Supermajority Votes.

Voting ultimately decides all questions and items before Council. Most decisions and motions require a simple majority to pass. A simple majority means the concurrence of a majority of Council members present if a quorum exists (e.g., 3 out of 4, if only 4 members are present). Certain decisions require a supermajority to pass:

- Every ordinance or resolution providing for the appropriation of money or entering into contracts requires the concurrence of a majority of the City Council (e.g., 4 out of 7);
- Emergency ordinances require the concurrence of three-fourths ($\frac{3}{4}$) of the City Council (e.g., 6 out of 7);
- Motion to limit debate or to move the question requires the concurrence of two-thirds of the Council members present to pass;
- Motion to suspend these Rules of Order and Procedures requires the concurrence of two-thirds of the Council members present to pass.

D. Tie Votes; Abstentions.

In the case of a tie vote, the motion fails. Abstentions are counted as negative votes. A vote to abstain is not favored and should not be used by a member of Council unless such member has a conflict of interest, in which case the member shall declare the conflict, abstain from voting, and leave the Council chambers while the item is being considered.

E. Motions to Reconsider.

A motion to reconsider a decision previously passed upon may only be made at the same meeting or at the next regular Council meeting and must be made by a

Council member who voted in the majority on the original motion. A member who voted in the minority cannot make a motion to reconsider.

V. Procedure in Handling Ordinances, Resolutions, and Important Motions.

- A. All ordinances require two readings with publication required at least ten (10) days prior to second reading.
- B. On first and second reading of an ordinance, the Mayor reads the title of the item set forth on the agenda, followed by staff presentation (if any), and then Council has an opportunity to ask questions of staff. Thereafter, Mayor opens a public hearing, when required under law, and supervises the public hearing. If any Council member wishes, questions may be asked of persons testifying. Mayor then requests an appropriate motion. Once seconded, Mayor restates the question, followed by discussion by Council, City Manager, and City Attorney and dialog with staff in response to questions raised by Council, followed by debate, proposal of amendments, if any, in consideration thereof in the forms of motions. After debate, Mayor restates the question and requests a vote. After a roll call vote taken by the City Clerk, the City Clerk shall declare the ordinance adopted, defeated or continued.
- C. Resolutions are handled in the same manner as the reading of an ordinance.

VI. Voting.

Council may use any one of the following ways of voting, provided that roll call voting shall be required for all ordinances and resolutions and appropriations of money:

A. Voice Vote.

All in favor say "AYE", and all opposed say "NO". If Mayor is in doubt of the result of a voice vote, Mayor may call for a roll call vote. If any Council member is in doubt of the result of a voice vote, Council member may obtain a roll call vote by calling for it (without the need to be recognized by the Mayor).

B. Roll Call.

Mayor (or City Clerk at Mayor's request) calls the roll of Council members and each member present votes "AYE" or "NO" as each name is called.

VII. Parliamentary Procedure.

Except as otherwise provided herein, all matters of procedure are governed by *Rosenberg's Rules of Order*, published by the 2003 League of California Cities, a copy of which is attached hereto.

VIII. Amendments.

These Rules of Order and Procedures may be amended by a majority vote of the Council members present at a Council meeting at which a quorum exists. Any proposed amendments shall be submitted in writing to each member of Council at least ten (10)

days in advance of the Council meeting at which such amendments are to be considered.