

AGENDA ITEM SUMMARY

May 21, 2019

City Council

STAFF

Carrie Daggett, City Attorney

SUBJECT

Resolution 2019-064 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

EXECUTIVE SUMMARY

The purpose of this item is to update the Rules of Procedure for Council meetings and work sessions to clarify various public hearing processes and provide an option for adoption of the Consent Calendar if 4 or more items are pulled.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Since 2003, the Council has conducted its meetings under rules of procedure that govern the length of meetings, citizen comment, Council questions and debate, and basic rules of order. These Rules of Procedure have been amended on occasion to reflect changes, refinements, and clarifications to the procedures, and were most recently amended in 2018.

In summary, the revisions to the Rules of Procedure include:

- Clarifying portions of the hearing process used for addition of permitted use and zonings/rezonings of land, including:
 - Allowing the affected property owner to present and provide rebuttal testimony if they are someone other than the applicant.
- Providing a new process for consideration of Consent Calendar items when the presiding officer determines that the number of items pulled is substantial and may impair the Council's ability to complete the planned agenda. In that case, the presiding officer may declare that the following process be used:
 - All citizen-pulled items (to be listed by number) will be considered as a group under the heading "Consideration of Citizen-Pulled Consent Items."
 - At that point in the meeting, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.
 - After citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually.
 - Excluding those specified items, Council will then adopt all "Citizen-Pulled Consent Items" as a block, by a single motion, second and vote.

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- Any Citizen-Pulled Consent Items that a Councilmember has asked be considered individually will then be considered using the regular process for considering discussion items.
- Providing for flexibility in the scheduling of proclamations.
 - The presiding officer may, in his or her discretion, request that the City Clerk schedule the presentation of proclamations to begin as early as 5:00 p.m., so long as such request is made in time to allow twenty-four-hour notice to the public of the updated start time.
- Additional changes update the rules to reflect Council practice and to simplify and clarify details of how Council meetings are conducted.

ATTACHMENTS

1. Council Procedures (redlined to show changes) (PDF)

Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions

**Adopted May 21, 2019
Resolution 2019-064**

Section 1. Order of Business for Regular or Special Council Meetings.

- a. Council business at regular Council meetings shall be conducted in the following order (except as provided in Subsection 1.c, 1.d, 1.e or 1.f, below):
- (1) Proclamations and Presentations. (Prior to the meeting)
 - (2) Pledge of Allegiance
 - (3) Call Meeting to Order
 - (4) Roll Call
 - (5) City Manager's Agenda Review (including removal of items from Consent Calendar for individual discussion)
 - (6) Opportunity for City Council to Pull Consent Items
 - (7) Opportunity for Citizens to Pull Consent Items
 - (8) Citizen Participation
 - (9) Citizen Participation Follow-up
 - (10) Consent Calendar
 - (11) Consent Calendar Follow-up
 - (12) Staff Reports
 - (13) Councilmember Reports
 - (14) City Manager/Council-Pulled Consent Items
 - (15) Items Needing Individual Consideration
 - (16) Citizen-Pulled Consent Items
 - (17) Other Business
 - (18) Adjournment
- b. Council business at special Council meetings shall be conducted in the following order (except as provided in Subsection 1.c, 1.d, 1.e or 1.f, below):
- (1) Pledge of Allegiance
 - (2) Call Meeting to Order
 - (3) Roll Call
 - (4) Individual Consideration of Items Identified in the Call of Special Meeting
 - (5) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of a Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less ("Quasi-judicial Rezonings"), shall be conducted as follows subject to

such limitations in time and scope as may be imposed at the discretion of the presiding officer:

- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required underpursuant to City Code Section 7-88 (regarding re-districting) and-or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest the by the City Council.
- After completion of the Protest Hearing, Council will return to the Agenda Item and receive citizen comments from any persons desiring to speak on the Agenda Item.
- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.
- h. If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

- (1) All citizen-pulled items (to be listed by number) will be considered as a group under the heading “Consideration of Citizen-Pulled Consent Items.”
- (2) At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.
- (3) After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all “Citizen-Pulled Consent Items” as a block, by a single motion, second and vote.
- (4) Any Citizen-Pulled Consent Items that a Councilmember has asked be considered individually will then be considered using the regular process for considering discussion items.

Section 2. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:30 p.m., and will end no later than 6:00 p.m. The presiding officer may, in his or her discretion, request that the City Clerk schedule the presentation of proclamations to begin as early as 5:00 p.m., so long as such request is made in time to allow twenty-four hours notice to the public of the updated start time.
- b. Appropriate breaks will be taken during meetings at the presiding officer’s discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting until no later than midnight for the purpose of considering additional items of business. Any matter ~~which~~that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting ~~which~~that have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed on the discussion agenda for such meeting, unless Council determines otherwise.

Section 3. Citizen Comment During Regular and Special Council Meetings.

- a. Comment during Citizen Participation. During the “Citizen Participation” segment of each meeting, citizen comment will be allowed on matters of interest or concern to citizens except the following:

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- (1) items the Council will consider at that night's meeting that include time for citizen comment (discussion items);
 - (2) matters that are the subject of a board or hearing officer decision that will be appealable to the Council, if ~~an action-submittal~~ has been ~~made-taken~~ to initiate the application, review and decision-making process.
- b. Comment on Agenda Items. Citizen input will be received with regard to:
- (1) each item on the discussion agenda;
 - (2) each item pulled from the consent agenda; and
 - (3) any item that is addressed by formal Council action under the "Other Business" segment of the meeting that may directly affect the rights or obligations of any member of the general public.
- The Council may, but is not required to, receive citizen input in connection with procedural matters and motions. Except as otherwise provided in these rules, Such citizen input will be permitted only once per item regardless of the number of motions made during Council's consideration of the item.
- c. Time Limits for Speaking. The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda. The presiding officer may ~~ask-require~~ those intending to speak to indicate their intention by a show of hands or some other means, and to move to one of the two lines of speakers (or to a seat nearby for those not able to stand while waiting). Each speaker will generally be limited to three minutes. If necessary in order to facilitate Council's understanding of the item, or to allow the Council to consider and act upon the item in a timely fashion, the presiding officer may increase or decrease the time that would otherwise be allowed for each speaker.
- d. Manner of Addressing the Council. Comment and testimony are to be directed to the Council. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
- e. Yielding the Lectern. Each speaker shall promptly cease his or her comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. Yielding of Time. No speaker may yield part or all of his or her time to another speaker, and no speaker will be credited with time requested but not used by another.

- g. Citizen Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
- (1) Persons wishing to display presentation materials using the City’s display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City’s display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
 - (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 1.c, 1.d, 1.e or 1.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City’s display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

Section 4. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff, and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
- (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the “Meeting Room”), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.

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- (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
 - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
 - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
 - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons or standing in any other area pursuant to the direction of the presiding officer in his or her reasonable discretion or designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.

Section 5. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 6. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following citizen input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or

debate as he or she deems necessary for the orderly conduct of business.

Section 7. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. Except as specifically noted, all motions require a second. These rules of order are in concept based upon Robert's Rules of Order Newly Revised and ~~have been modified as necessary to conform to reflect the~~ existing practices of the Council and ~~to~~ the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order ~~shall is~~ not ~~be~~ mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.

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- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be "germane" to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- "Friendly" amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before a vote is taken on motions to amend the main motion.

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw his or her motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable

consequences.

- A motion to postpone indefinitely is debatable but not amendable.

6. “Calling the Question”. "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, he must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

These are motions ~~which~~that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, he or she can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second*.
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain his or her point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In making his or her ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” ~~which~~that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information

and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating his or her desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion ~~which~~that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken, and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, he or she can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how he or she voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
 - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance ~~which that,~~ without debate, should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at his or her discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.
 - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
 - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

RESOLUTION 2019-064
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AMENDED RULES OF PROCEDURE GOVERNING THE
CONDUCT OF CITY COUNCIL MEETINGS AND COUNCIL WORK SESSIONS

WHEREAS, the City Council has previously adopted certain Rules of Procedure Governing the Conduct of City Council Meetings (the “Rules of Procedure”), which Rules of Procedure have been amended from time to time by the Council; and

WHEREAS, the Rules of Procedure are intended to promote the orderly and efficient conduct of the meetings; and

WHEREAS, the City Council wishes to further amend the Rules of Procedure to establish a new process for circumstances when several items have been removed from the Consent Calendar, in order to manage the impacts on the rest of the meeting agenda; and

WHEREAS, the Council wishes to clarify its hearing procedures to avoid confusion about quasi-judicial matters that have been initiated by the City and directly impact a specified property and property owner; and

WHEREAS, the Council further wishes to make other clarifying revisions and to update the stated rules to describe more fully some of the Council’s practices in the conduct of meetings; and

WHEREAS, the revision of the Rules of Procedure to address the issues noted herein, as set forth in Exhibit A, will improve the conduct of Council meetings and provide clarity for the public; and

WHEREAS, the City Council believes that such rules and regulations are in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the revised Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions (“Rules of Procedure”), attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby adopted by the City Council:

Section 3. That the Rules of Procedure shall supersede all previous rules of procedure that have heretofore been adopted by the City Council including, but not limited to, Resolution 2018-034.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of May, A.D. 2019.

Mayor

ATTEST:

Chief Deputy City Clerk

Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions

**Adopted May 21, 2019
Resolution 2019-064**

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 - (1) Proclamations and Presentations. (Prior to the meeting)
 - (2) Pledge of Allegiance
 - (3) Call Meeting to Order
 - (4) Roll Call
 - (5) City Manager's Agenda Review (including removal of items from Consent Calendar for individual discussion)
 - (6) Opportunity for City Council to Pull Consent Items
 - (7) Opportunity for Citizens to Pull Consent Items
 - (8) Citizen Participation
 - (9) Citizen Participation Follow-up
 - (10) Consent Calendar
 - (11) Consent Calendar Follow-up
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 - (15) Items Needing Individual Consideration
 - (16) Citizen-Pulled Consent Items
 - (17) Other Business
 - (18) Adjournment

- b. Council business at special Council meetings shall be conducted in the following order (except as provided in Subsection 1.c, 1.d, 1.e or 1.f, below):
 - (1) Pledge of Allegiance
 - (2) Call Meeting to Order
 - (3) Roll Call
 - (4) Individual Consideration of Items Identified in the Call of Special Meeting
 - (5) Adjournment

- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.

- d. Addition of a Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less ("Quasi-judicial Rezonings"), shall be conducted as follows subject to

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such limitations in time and scope as may be imposed at the discretion of the presiding officer:

- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest the by the City Council.
- After completion of the Protest Hearing, Council will return to the Agenda Item and receive citizen comments from any persons desiring to speak on the Agenda Item.
- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.
- h. If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

- (1) All citizen-pulled items (to be listed by number) will be considered as a group under the heading “Consideration of Citizen-Pulled Consent Items.”
- (2) At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.
- (3) After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all “Citizen-Pulled Consent Items” as a block, by a single motion, second and vote.
- (4) Any Citizen-Pulled Consent Items that a Councilmember has asked be considered individually will then be considered using the regular process for considering discussion items.

Section 2. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:30 p.m., and will end no later than 6:00 p.m. The presiding officer may, in his or her discretion, request that the City Clerk schedule the presentation of proclamations to begin as early as 5:00 p.m., so long as such request is made in time to allow twenty-four hours notice to the public of the updated start time.
- b. Appropriate breaks will be taken during meetings at the presiding officer’s discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting until no later than midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed on the discussion agenda for such meeting, unless Council determines otherwise.

Section 3. Citizen Comment During Regular and Special Council Meetings.

- a. Comment during Citizen Participation. During the “Citizen Participation” segment of each meeting, citizen comment will be allowed on matters of interest or concern to citizens except the following:
 - (1) items the Council will consider at that night’s meeting that include time for citizen comment (discussion items);

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- (2) matters that are the subject of a board or hearing officer decision that will be appealable to the Council, if an action has been taken to initiate the application, review and decision-making process.
- b. Comment on Agenda Items. Citizen input will be received with regard to:
- (1) each item on the discussion agenda;
 - (2) each item pulled from the consent agenda; and
 - (3) any item that is addressed by formal Council action under the “Other Business” segment of the meeting that may directly affect the rights or obligations of any member of the general public.

The Council may, but is not required to, receive citizen input in connection with procedural matters and motions. Except as otherwise provided in these rules, citizen input will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.

- c. Time Limits for Speaking. The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda. The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, and to move to one of the two lines of speakers (or to a seat nearby for those not able to stand while waiting). Each speaker will generally be limited to three minutes. If necessary in order to facilitate Council’s understanding of the item, or to allow the Council to consider and act upon the item in a timely fashion, the presiding officer may increase or decrease the time that would otherwise be allowed for each speaker.
- d. Manner of Addressing the Council. Comment and testimony are to be directed to the Council. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
- e. Yielding the Lectern. Each speaker shall promptly cease his or her comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. Yielding of Time. No speaker may yield part or all of his or her time to another speaker, and no speaker will be credited with time requested but not used by another.

- g. Citizen Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
- (1) Persons wishing to display presentation materials using the City's display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
 - (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 1.c, 1.d, 1.e or 1.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

Section 4. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff, and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
- (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.
 - (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.

- (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
 - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
 - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons or standing in any other area pursuant to the direction of the presiding officer in his or her reasonable discretion or designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.

Section 5. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 6. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following citizen input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as he or she deems necessary for the orderly conduct of business.

Section 7. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. Except as specifically noted, all motions require a second. These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.

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- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
 - For example, an amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before a vote is taken on motions to amend the main motion.

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw his or her motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely is debatable but not amendable.

6. “Calling the Question”. "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, he must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

These are motions that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, he or she can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second*.
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain his or her point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In making his or her ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating his or her desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be

reconsidered was taken, and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.

- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, he or she can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how he or she voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
 - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
 - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at his or

her discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
 - Such a conditional motion is not privileged and is treated just as any other main motion.
 - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
 - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.