

COUNCIL COMMUNICATION

Meeting Date: March 9, 2010	1 st Reading <u> X </u> 2 nd Reading <u> </u>	Legal Review:	Agenda Location: Consent Calendar	Agenda Item: 8D
Subject: AN ORDINANCE AMENDING ORDINANCE NO. 2934 REGARDING RULES OF ORDER AND PROCEDURE FOR CITY COUNCIL MEETINGS.				
Prepared by: Margaret Emerich		Approved by: Jack Ethredge		Ordinance previously introduced by: _____
Reviewed by: Margaret Emerich		Presented by: Margaret Emerich City Attorney		

KEY CONSIDERATIONS:

- The Rules of Order and Procedure for City Council Meetings is being modified to add a new subparagraph (5) to Paragraph (g) in Section 6 to list City Council’s options for action following public hearings on applications.
- The Rules of Order and Procedure for City Council Meetings is also being modified to add a new sentence to Paragraph (g) in Section 6 to specify the timing for continuance of a public hearing when caused by the actions of an applicant.

BUDGET/STAFF IMPLICATIONS:

- None.

RECOMMENDATION:

- Staff recommends approval of the ordinance in order to add new provisions relating to City Council’s options for action following public hearings on applications and the timing for continuance of a public hearing when caused by the actions of an applicant.

HISTORY: (includes previous City Council action)

- Ordinance No. 2934 was approved on December 13, 2005 to amend the Rules of Order and Procedure to add new provisions establishing a speaker’s timing system and to place a limit on Council comments/communications.
- City Council adopted a policy on May 10, 2005 by Ordinance No. 2881 setting forth the Rules of Order and Procedure for regular City Council meetings.

INTRODUCED BY: Goodman

AN ORDINANCE AMENDING ORDINANCE NO. 2934 REGARDING RULES OF ORDER AND PROCEDURE FOR CITY COUNCIL MEETINGS.

WHEREAS, the City Council adopted a policy on May 10, 2005 by Ordinance No. 2881 setting forth the Rules of Order and Procedure for regular City Council meetings; and

WHEREAS, the City Council desires to add a new subparagraph (5) to Paragraph (g) in Section 6 to list City Council's options for action following public hearings on applications; and

WHEREAS, the City Council desires to add a new sentence to Paragraph (g) in Section 6 to specify the timing for continuance of a public hearing when caused by the actions of an applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That Ordinance No. 2934 is hereby amended as shown in the attached Council Policy regarding Rules of Order and Procedure, and is hereby approved.
2. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on March 9, 2010.

PASSED AND ADOPTED on second and final reading on _____, 2010.

CITY OF THORNTON, COLORADO

Erik Hansen, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Margaret Emerich, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on March 18, 2010, and after second and final reading on _____, 2010.

City Council Policy

Rules of Order and Procedure

1. Purpose

The purpose of this Council Policy is to establish Rules of Order and Procedures for the conduct of City Council meetings. The intent of this policy is to assist Council in streamlining its meetings to allow more time to focus on substantive issues facing the City.

2. Scope

This policy applies to all regular meetings of the Thornton City Council.

3. Policy

City Council has the authority to establish Rules of Order and Procedures for conducting business at its regular meetings.

4. General Rules

- (a) An agenda shall be prepared for each regular City Council meeting containing the specific items of business to be transacted and the order thereof. The agenda shall be available to Councilmembers not later than the Friday preceding the meeting and shall be made available to the public as soon thereafter as practicable.
- (b) A majority of the members of the Council may, by vote, either request or compel the attendance of its members and other City officers at any meeting of the Council. Any member of the Council or other officer who, when notified of such a request for attendance, fails to attend such meeting for reasons other than illness, vacation, work, absence from the City, the Councilmember is attending a meeting as a representative of the City or as approved at Council's discretion shall be deemed guilty of misconduct in office unless excused by the Council.
- (c) A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but, in the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and, in the absence of all members, the Clerk may adjourn any meeting for not longer than one week.

- (d) The presiding officer shall enforce orderly conduct at meetings, and any member of the Council or other officer whose conduct is not in an orderly manner at any meeting shall be deemed guilty of misconduct in office.
- (e) A Councilmember once recognized shall not be interrupted when speaking unless called to order by the presiding officer or unless a point of order or personal privilege is raised by another Councilmember or unless the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, the Councilmember shall cease speaking until the question of order is determined, and, if determined to be in order, the Councilmember may proceed. Members of the City staff, after recognition by the presiding officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.
- (f) The presiding officer shall determine all points of order, subject to the right of any Councilmember to request a full Council ruling.
- (g) A member of the Council who wishes to terminate discussion of a motion may call for the question in accordance with the Roberts Rules of Order, newly revised and as amended from time to time, except as set forth herein.
- (h) Legislative matters.
 - (1) Resolutions require one reading and become effective immediately after passage. Resolutions are initiated to make appointments, expressions of the City Council's intent or its opinion on matters not actually within its control, approvals of specific transactions such as purchases and agreements (except some transactions which must be done by ordinance); to establish positions of the Council on matters of concern; to deal with special administrative or temporary matters as opposed to general rules of conduct; to acknowledge accomplishments or contributions; and for a variety of other lawful purposes which require formal action but not the enactment of laws.
 - a. A resolution is required under any circumstance where it is desirable that the action be formally recorded in the office of the City Clerk for future reference.
 - b. A resolution may be presented verbally in motion form, together with instructions for written preparation. Upon execution of such resolution, it shall become an official action of the Council.

- c. Any Councilmember may request that a specific resolution, acknowledging accomplishments or contributions, be placed on a regular meeting agenda under "audience participation" for the purpose of gaining special recognition or additional publicity.
- (2) Acts of the Council which are required to be by ordinance, and the procedure for passage, posting and publication of ordinances, including emergency ordinances, shall be as provided in the Charter.
 - a. The name of the Councilmember introducing each ordinance shall be appended to and made a part of the ordinance. Ordinances shall be numbered in the numerical order in which they are passed.
 - b. An exact legible copy must be submitted to the City Clerk in writing at the time the ordinance is introduced.
- (3) Motions are the formal statement of a proposal or question to the Council for consideration and action. A motion is generally not to be considered as a legislative action of the Council but is in the nature of direction or instruction; however, a motion will generally suffice unless a resolution is specifically called for by law or unless there is some reason for desiring the particular action formalized by separate instrument.
- (4) Proclamations are used ceremonially for the purpose of recognizing accomplishments, honoring individuals or groups or setting a designated period for a special event or to declare a symbolic occasion. Proclamations are the prerogative of the Mayor and do not require Council action.
 - (i) A vote upon all ordinances and resolutions shall be taken by a "yes" or "no" vote and entered upon the records, except that, where the vote is unanimous, it shall only be necessary to state that the vote was unanimous. All abstentions shall also be recorded and the reason for the abstention recorded, if given. Abstentions by reason of conflict of interest shall be sufficient.
 - (j) In all roll call votes at any given meeting, the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

- (k) The rules of procedure and order of business shall be strictly adhered to unless temporarily suspended by a two-thirds vote of the members present.
- (l) The rules contained in the latest revised edition of Robert's Rules of Order, Newly Revised, shall govern the meeting in all cases to which they are applicable and in which they are not inconsistent with the Rules of Order and Procedures adopted by this division. The City Attorney or acting City Attorney shall be the designated parliamentarian.
- (m) Minutes of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and Clerk of the meeting.
- (n) The minutes shall not be a verbatim transcript of the proceedings. The recordings of all proceedings shall be retained pursuant to State Statute. The purpose of the minutes shall be to record the City Council's transactions rather than its deliberations; therefore, debates, arguments and discussion among the City Council shall not be included. Specific direction to staff shall be included in the minutes when such direction may affect the outcome of a decision to be made by the City Council. Informational items, such as upcoming meetings and events, brought up by the City Council need not be included in the minutes, provided that the information has previously been conveyed to them through normal communication or correspondence channels. The City Clerk shall include the following in the action minutes of each regular or special meeting:
 - (1) The name: "Meeting of the City Council of Thornton, Colorado."
 - (2) The kind of meeting (regular, special).
 - (3) The place and date of the meeting.
 - (4) The officer presiding.
 - (5) The decision in each point of order arising.
 - (6) A complete record of the City Council's actions, which will, in most instances, be a motion reflecting the decision taken by the Council.
 - (7) The time and place of reassembling, unless it is the regular meeting time and place.
 - (8) The signature of the City Clerk and the Mayor at the time the minutes are approved.

- (9) A statement of whether previous minutes were approved.
- (10) All motions made and seconded and subject matter of reports given and disposition of such.
- (11) A record of the results of each vote taken shall be recorded as provided in the Charter and this Code.
- (12) Minutes shall reflect the general topic of the discussion at an executive session.

5. Order of business.

- (a) At the beginning of each regular City Council meeting, the Mayor, Mayor Pro Tem or acting Mayor shall call the members to order. Following the invocation and pledge of allegiance, the City Clerk shall call the roll, note the absences and announce whether a quorum is present. In the event that a quorum is present, the City Council shall then proceed to the business before it. Business shall be conducted in the following order except that City Council, may by motion, suspend the order of the agenda during a meeting:
 - (1) Call to Order
 - (2) Invocation
 - (3) Pledge of Allegiance
 - (4) Roll Call of Council
 - (5) Approval of the agenda
 - (6) Audience participation
 - A. Presentations
 - B. Audience Participation
 - C. Staff Reports
 - (7) Council Comments/Communications
 - (8) Consent calendar
 - (9) Public hearings

(10) Action Items

(11) Adjournment

6. Regular meeting procedures.

- (a) If a motion, resolution or ordinance is passed or defeated by Council action, it may be reconsidered by motion from a member who was on the prevailing side no later than the next regular meeting.
- (b) Citizens wishing to be heard under "audience participation" on any subject which does not later appear on the agenda as a public hearing are requested to sign up on the register located in the lobby or Council chamber, prior to the meeting. Speaking time will be limited to five minutes per individual/topic with a one-hour limit on that segment of the agenda. Groups of citizens brought together with a common interest are requested to choose a spokesperson and, at the discretion of the Mayor, may be allowed additional time.
- (c) Council comments/communications will be limited to five minutes per individual not including reports of a Councilmember's participation on outside Boards or Committees.
- (d) Action items shall be referred to by their agenda item number. Council document numbers and ordinance numbers shall be assigned to each action item and ordinance, respectively, for recordkeeping and retrieval purposes.
- (e) Consent calendar.
 - (1) A consent calendar shall be used for the expeditious handling of routine, non-controversial issues in order to provide more time for the deliberation of major agenda items which establish City policy and goals. Items to be placed on the consent calendar may include but are not limited to the following:
 - a. Personnel actions, such as the appointment of personnel as mandated by the Charter and approval of new positions.
 - b. Ordinances on first reading, and ordinances on second reading which have not been changed since first reading.
 - c. Approval of minutes.

- d. Issues which the staff has been directed by the Council to prepare, such as items discussed during a manager's briefing.
 - e. Contracts which require City Council approval.
 - f. Annexation Petitions and Findings of Fact.
- (2) At the request of Councilmember, an item shall be removed from the consent calendar and placed upon the regular agenda for debate at the end of the "Action Items" segment. A motion to approve the consent calendar shall not be debated and shall only be adopted by a unanimous vote of those Councilmembers present at the meeting. Prior to a vote being taken on the consent calendar, the City Clerk shall be called upon by the Mayor to read, by title, all ordinances for first and second reading which have been placed thereon.
- (3) Minutes shall be removed from the consent calendar for corrections of a substantive nature.
- (f) At the time the agenda is approved, items may be deleted or additional action items may be added by a Councilmember, the City Manager or the City Attorney, to be placed at the end of the "Action Items" segment.
- (g) Federal law, State Statutes, the Charter and this Code call for public hearings on various matters, such as the annual budget or requests for annexations and rezonings. The Council may also direct that a matter of significant interest be scheduled as a public hearing. Where the method of notice for a public hearing is not otherwise specified by law or by Council action, notice shall be given by one publication, at least ten days prior to the hearing, or less than ten days for good cause shown, in a newspaper legally qualified for City publications. If the required notices are not provided based on an action of the applicant, the public hearing shall be opened and continued to the next City Council meeting that does not have another public hearing scheduled, unless City Council otherwise directs the City Manager. The purpose of a public hearing is for the City Council to receive input, both negative and positive, to help it in making a determination on a matter it is about to consider. The item is listed on the agenda under the title "public hearings," and the Council may or may not receive a verbal report and/or recommendation from staff, and interested parties and citizens are asked to comment either in support of or in opposition to the item at hand. Public hearings will be conducted, generally, in the following manner:

- (1) In order to schedule the timing and length of public hearings for the convenience of the Council, the general public and interested parties, the first public hearing will begin at or before 7:30 p.m., or as soon thereafter as possible. This segment of the agenda will last no more than two hours.
- (2) On land use issues, time limits for presentations are established at no more than 15 minutes for the applicants, or at the discretion of the Mayor may be allowed additional time. Presentations will be structured in accordance with procedures established by the City Development Department.
- (3) Proponents and opponents who wish to speak shall be requested to sign up prior to the beginning of the meeting, on the register located in the lobby or Council chamber, and limit their remarks to five minutes. Groups of citizens who wish to support or oppose a specific item will be requested to choose a spokesperson and, at the discretion of the Mayor, may be allowed additional time to admit testimony on information over and above that already presented in their behalf. Speakers may be asked to be sworn in by the City Clerk if they wish to submit facts rather than opinions.
- (4) Action may be taken on public hearing items after the public hearing has been closed or scheduled for action at the next Council meeting. If it is deemed desirable by the Council to continue a public hearing, it shall be continued to a date certain.

(5) At the conclusion of the public hearing on an application, the City Council may:

- a. Continue the public hearing to a future meeting date for additional testimony;
 - b. Close the public hearing, and refer the application to a board or commission for review and recommendation;
 - c. Close the public hearing, and continue the ordinances or resolutions to a future meeting for action;
 - d. Close the public hearing, and request an executive session pursuant to state statute;
 - e. Close the public hearing, and take action on the ordinances or resolutions that relate to the application; or
 - f. Take any other lawful action.
- (h) All regular meetings of the Thornton City Council shall adjourn no later than 10:00 p.m. of the day of the meeting, unless extended by Council, but no meeting shall adjourn until provisions are made for the completion of

any unfinished business on the agenda. If there is unfinished business, it shall be continued to a date certain prior to adjournment.

- (i) There shall be a speaker's timing system utilized to monitor the speaker's time under the audience participation portion of the agenda as well as interested parties and citizens testifying at public hearings. The City Clerk shall be responsible for selecting and operating the speaker's timing system.