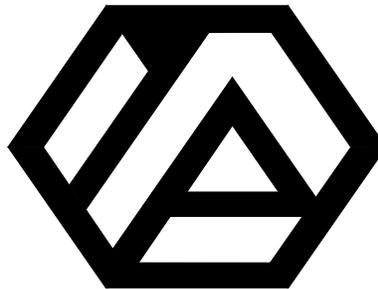


City of Arvada

City Council Rules of Procedures Governing Meetings



effective on August 2, 1999
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CHARTER AUTHORITY

THE CITY OF ARVADA, CITY COUNCIL RULES OF PROCEDURES GOVERNING MEETINGS, IS ADOPTED PURSUANT TO SECTION 5.1 OF THE ARVADA CITY CHARTER. (CHARTER, SECTION 5.1)

RULE 1. CITY COUNCIL MEETINGS

A. REGULARLY SCHEDULED CITY COUNCIL MEETINGS

The city council ordinarily meets for regular meetings on the first and third Mondays for business meetings and on the second and fourth Mondays for Workshops each month, and occasionally on the fifth Monday. City Charter requires that city council meet once a month (Charter Section 5.1). A meeting may be held on any day of the week, when ordered by the city council, for any reason including when a holiday as set forth in rule 1.G. falls on a Monday. The place of all business meetings shall be the city council chamber in the Arvada city hall, unless otherwise designated by city council. The city council may, by motion, hold meetings as it deems appropriate at a location specified by city council.

B. DECLARED EMERGENCIES

In the case of a declared local disaster, emergency or civil emergency, per Chapter 26, Article II, Sec. 26-34 of the Arvada city code, it may be necessary to hold a city council meeting at a location other than city hall. The provisions of the Colorado open meetings law (CRS 24-6-401 et seq.) shall be followed during a declared local disaster, emergency or civil emergency. In the event of a change in location of a regularly scheduled meeting of the city council, the change will, if possible, be announced at a regularly scheduled city council meeting and on the city's web site. Such change in location shall also be posted, if possible, at the entrances to city hall before the time of the meeting, and such notice shall state the date, time and location of the meeting. If prior announcement and posting are not possible, and if the city manager and/or mayor and city council determine that it is in the best interest of the city to hold a city council meeting, the announcement and posting requirement shall be waived as long as the city council meeting is held in compliance with Charter Section 5.2. (Special Meetings). Agenda information for the meeting shall be made available to city council members and the public by whatever means are available during the declared emergency.

A quorum of the city council (four members) shall be present before business may be conducted at meetings during a declared emergency. A city council member may be considered present for the purpose of establishing a quorum and voting if that person is present by telephone, video, or other means of communication. The presiding officer shall attempt to contact all members of council not physically present at the meeting in order to provide each member the opportunity to participate in said meeting. The councilmember participating by telephone, video or other means of communication shall participate in the entire discussion on an item in order that their vote shall be

counted. The use of telephone, video, or other means of communication shall not be permitted for a member to participate in a meeting when a quorum of city council is physically present at the meeting. A security code for each city council member shall be established to verify identity and the city clerk will authenticate identity prior to the council member participating by telephone, video or any other means of communication. The city website shall transmit the audio portion of the meeting if the technology is available during the declared emergency.

Minutes of city council meetings held pursuant to this rule shall be recorded in the most practical method available during the meeting, including but not limited to electronic recordings and hand written summary minutes.

C. CANCELLATION OF REGULARLY SCHEDULED CITY COUNCIL MEETINGS

In the event the circumstances makes it imprudent or impossible for City Council to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the City Council is able to meet. A notice that the meeting has been canceled shall be posted on all public doors of city hall or by whatever means are available to inform the public, including but not limited to the city's web site, KATV Channel 8, and local television and radio stations.

D. WORKSHOPS

The city council may conduct Workshops primarily on the second and fourth Monday of each month. The agenda for Workshops shall primarily be devoted to examination of particular topics which do not require a formal vote of the city council. The purpose of a Workshop shall be for city council to obtain and discuss information about issues or topics, but not decide issues which may require formal city council action at a future business meeting. Issues of a nature where there is significant interest on the part of the public or where city council would benefit from public comment, will generally be scheduled as Presentations during Business Meetings. Executive Sessions may be conducted at a Workshop. Workshops shall be recorded but typed minutes are not required, however, a summary of the workshop shall be memorialized including any direction to staff. The presiding officer shall have the discretion to permit public comment at a Workshop.

E. SPECIAL MEETINGS

Special meetings are those meetings held on a day other than a Monday which are called for the purpose of transacting limited municipal business which cannot otherwise be transacted in a timely fashion. A meeting held on a Tuesday in the place of a Monday meeting because of a Monday holiday, and a meeting held on the fifth Monday shall not be considered a special meeting. "Special meetings shall be called by the clerk on the written request of the mayor, or any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council," and the city manager, and the city attorney, "served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing." (Charter, section 5.2)

“No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting,” even if not noticed in the call, “if all the members of the Council present consent thereto and all the members absent file their written consent.” (Charter, section 5.3)

F. EXECUTIVE SESSION

City council may, upon the announcement of the mayor or presiding officer of the topic for discussion, including the specific citation to the provision of the Colorado open meetings law (CRS 24-6-402(4) and **the** affirmative vote by two-thirds (2/3rds) of a quorum present, hold an executive session at a regularly scheduled city council business meeting or special meeting or Workshop. Executive sessions may be held at any other time during any business meeting or Workshop regardless of the order of business set forth on the agenda. No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur during an executive session.

Only the following matters may be discussed at an executive session:

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; (CRS 24-6-402(4)(a))
2. Conferences with the city attorney or special legal counsel retained for the purpose of receiving legal advice on specific legal questions; (CRS 24-6-402(4)(b))
3. Matters required to be kept confidential by federal or state laws, rules and/or regulations; (CRS 24-6-402(4)(c))
4. Details of security arrangements or investigations; (CRS 24-6-402(4)(d))
5. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; (CRS 24-6-402(4)(e))
6. Personnel matters, except if the employee who is the subject of the executive session has requested an open meeting; (CRS 24-6-402-(4)(f)) and
7. Consideration of any documents protected by the mandatory nondisclosure provision of the “Open Records Act.” (CRS 24-6-402(4)(g))
8. Other matters allowed by law.

No formal action by city council, boards, commissions, or committees is valid unless there is compliance with the meeting and notice requirements of the Open Meetings Act. (C.R.S. § 24-6-402(4), as amended).

G. HOLIDAYS, CANCELLATIONS, AND RESCHEDULING

When a scheduled meeting falls on a holiday, the meeting is automatically canceled without the need for a city council vote. For purposes of this rule, holidays shall include New Year’s Eve, New Year’s Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Christmas Eve, and Christmas Day. The city council may, by motion, dispense with or

reschedule any regularly scheduled meeting, except that at least one regularly scheduled meeting shall be held each month. (Charter, Section 5.1)

RULE 2. CITY COUNCIL MEETING PROCEDURE

A. AGENDA

The city clerk shall prepare all city council meeting agendas upon direction of the city manager. City council shall review future agendas from time to time and a majority of city council may direct the city manager to add or delete agenda items.

Usually, at least one week preceding the regularly scheduled meeting or special meeting, the city manager will have delivered to each councilmember a complete proposed agenda packet.

Agendas may be changed at the direction of the city manager prior to 5:00 p.m. on the Friday preceding the city council meeting. Any changes to the agenda and applicable documents shall be delivered to city council members in the Friday mail packet. Any changes to an agenda after 5:00 p.m. on the Friday preceding the city council meeting shall be addressed during the city council meeting.

Only council members, the city manager, or the city attorney, may submit other written matters for consideration under city council reports and/or council appointee reports. Council members are urged to submit such written items to the city manager prior to the meetings. Written items appearing on the agenda under city council reports and/or council appointee reports may be submitted by title to the city clerk by 12:00 noon on the Wednesday before packets are issued to City Council.

The city manager shall determine which matters are to be included as consent items on the agenda. All consent items shall be voted on as a group. Prior to accepting the motion for adoption, the presiding officer shall ask the council members, as well as members of the public, if they wish to discuss any matters on the consent agenda. If any member of City Council wishes that any matter(s) be removed from the consent items, such matter(s) will be acted upon after consideration of the remaining consent items by city council. The individual matters will then be considered for adoption. If the vote is not unanimous on the vote concerning the group of consent items, each item will be voted on separately.

At each meeting it shall be asked by the presiding officer if there are objections or corrections to be made to the summary of minutes of the preceding meeting as published. If no objection, the summary of minutes shall be deemed approved as presented. If minutes for the preceding meeting are not available at the next meeting, they will be presented to city council for approval at a future meeting.

1. Distribution of Copies

The city clerk shall prepare an agenda packet which consists of an information sheet for each item on the agenda, along with the accompanying resolutions, ordinances, motions, proclamations, recognitions, or any other item scheduled for distribution to all members of

city council in accordance with Rule 2.A. Whenever any member of city council is absent from any such meeting the city manager shall arrange to have the agenda packet delivered to such member at their request.

2. Anonymous Communications

Unsigned communications shall not be acknowledged at city council meetings.

B. ORDER OF BUSINESS AT MEETINGS

The order of business of all meetings of city council on the first and third and occasionally on the fifth Monday of each month shall be conducted in the order listed below. City council may, by a majority vote of the council members present, suspend the rules pursuant to Rule 9(b) and change the order of business. However, individual items listed on the agenda under each category may be taken out of order at the discretion of the presiding officer. Unfinished business from a previous meeting may be scheduled at any time on the agenda. Issues of a nature where there is significant interest on the part of the public, or city council would benefit from public presentation, will generally be scheduled as Presentations during Business Meetings. Public hearings may not occur prior to the time set on the agenda.

1. CALL MEETING IN CITY COUNCIL CHAMBER TO ORDER - 6:00 P.M.
2. MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COUNCILMEMBERS
4. APPROVAL OF MINUTES
5. PROCLAMATIONS AND RECOGNITIONS
6. PUBLIC COMMENT FOR ISSUES WHICH ARE NOT THE TOPIC OF A PUBLIC HEARING (THREE (3) MINUTE LIMIT PER SPEAKER)
7. NEW BUSINESS
 - a. CONSENT ITEMS
 - 1) RESOLUTIONS
 - 2) ORDINANCES (FIRST READING)
8. OTHER
9. PRESENTATIONS (ON CAMERA BRIEFINGS ON A PARTICULAR TOPIC)
10. PUBLIC HEARINGS AND SECOND READINGS OF ORDINANCES USUALLY COMMENCE AT 6:15 P.M.
11. PUBLIC COMMENT - FIVE (5) MINUTE LIMIT PER SPEAKER
12. CITY COUNCIL REPORTS
13. COUNCIL APPOINTEE REPORTS
14. ADJOURNMENT

At 11:00 p.m., if the meeting has not previously been adjourned, further proceedings shall be conducted as follows: 1) All public hearings not previously opened shall be vacated, or shall be opened for the sole purpose of setting the hour and day for the continuation of each public hearing (public hearings which are continued in this manner shall be reset for the next meeting at which

business is to be conducted, unless the presiding officer, upon consultation with the city council and the city manager, decides that a future meeting date is more convenient); 2) Proceedings shall not extend beyond thirty (30) minutes after 11:00 p.m., and shall be limited to the business under consideration.

C. ORDER OF AGENDA AT WORKSHOPS

Workshops shall be conducted in the order appearing on such Workshop agenda unless city council, by a vote of at least a majority of the council members present, shall change the order. The presiding officer shall call each item on such agenda and shall inquire of the City Manager for information prior to city council discussion. Executive Sessions may be held during a Workshop.

D. BUSINESS AT SPECIAL MEETINGS

The agendas for special meetings differ from those used for regularly scheduled meetings, and are established prior to the meeting by the city manager upon consultation with the mayor and city council.

E. PUBLIC COMMENT

Business Meetings include specifically designated times for citizens to make public comment. At the first designated public comment period, each speaker shall be limited to three (3) minutes. The presiding officer shall have the discretion to determine whether the order of speakers shall be any Arvada citizen first and then any other speaker in the order determined by the presiding officer. Those individuals who wish to speak in the second comment period shall be allowed to speak just prior to City Council Reports, but each speaker shall be limited to five (5) minutes. The Presiding Officer may permit public comment on any business meeting agenda at the time such item is being considered by the City Council. Each speaker is required to comply with Rule 7, Decorum at City Council Meetings.

Each speaker will be requested to fill out a "speaker's form" indicating whether they wish to comment on an item appearing on the agenda or an item not scheduled on the agenda. In the event a speaker does not complete a speaker's form, such speaker shall be requested to give their name, spell their name and provide their address. The presiding officer may determine that the public comment portion of the agenda shall be moved to the end of the agenda just prior to adjournment, in the event the number of speakers will not allow for the timely transaction of business, or, in the case of public comment pertaining to a presentation as set out in 2.B., the number of speakers is greater than seven.

F. PUBLIC HEARINGS

Public Hearings usually commence at 6:30 p.m. However, City Council may set public hearings for any time on the agenda at first reading of the ordinance. The City Clerk in conjunction with the City Manager and City Attorney shall place public hearings on council meeting agendas in accordance with this rule.

Public hearings provide an opportunity for anyone to be heard about any issue requiring a public hearing. All those desiring to be heard on a particular issue at a public hearing shall list their names on forms provided by the city clerk, indicating on which side of the issue they wish to speak. The list shall be handed to the presiding officer, who shall for all quasi-judicial matters, have all those so listed to attest, by sworn oath, that all statements and evidence they present shall be the truth.

Each side will be given approximately one hour of time to present their respective positions on the matter. The presiding officer is responsible for directing that the proponents and opponents restrict their presentations within this period or to determine what reasonable time will be given to make a presentation. This will be the total time within which all those desiring to be heard shall be limited. Following the presentations of those in favor and then those opposed, the proponent shall be given a few minutes for rebuttal.

In the event the person(s) representing a respective side of an issue wishes to have a question asked of a particular individual, such question shall be directed to the presiding officer. The presiding officer shall determine whether the requested question will be directed to that individual. The presiding officer shall refrain from directing any requested question which, the presiding officer in his/her sole discretion, determines is immaterial, irrelevant, redundant, or is for the purpose of embarrassing an individual.

When all discussion on the issue has been heard, the presiding officer will declare the hearing closed. If any councilmember wishes more information from any individual who has spoken at the hearing, the councilmember may, with the consent of the presiding officer, pose the question to that individual either through the presiding officer or directly, and the response will be limited to the answer to the question as stated.

G. SPEAKER'S TIMING SYSTEM

There may be a speaker's timing system (including, but not limited to, a clock or watch) utilized to monitor the speaker's time. The city clerk shall be responsible for selecting and operating the speaker's timing system. This speaker's timing system may be used during all public comment time and during all public hearings. The timing system shall not apply to council members or members of administrative staff.

H. PRIVILEGES OF FLOOR

No persons except council members and officers named in the rules, and persons invited by the presiding officer or by vote of city council, shall be admitted within the city council dais "raised platform" area of the city council chamber.

I. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL

Persons other than council members and officers shall not be permitted to address city council except upon introduction by the presiding officer or a member of city council.

If anyone other than a city official desires to speak to a councilmember while city council is in session, the councilmember, if agreeable to the request, shall leave his/her seat and retire to the rear of the city council chamber or elsewhere until the conversation is finished. Any councilmember may ask permission of the presiding officer to introduce any person other than a councilmember. If permission is not granted, the decision of the presiding officer may be appealed in the manner prescribed in rule 6(D).

J. QUORUM

A majority of all council members shall constitute a quorum for the transaction of business at all city council meetings. 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 council members, the city clerk may adjourn any meeting for no longer than one week (Charter, section 5.4). In cases where a number less than a quorum convenes, those council members present may convene at a REGULARLY SCHEDULED meeting OR special meeting and the majority of the council members present are authorized to send the sergeant-at-arms or other person for the absent council members, as such majority of council members shall agree.

K. VOTING

Voting shall be by voice roll call or electronic device. A “yes” vote shall be indicated by activation of the green light and a “no” vote shall be indicated by activation of the red light. Every ordinance shall require the affirmative vote of a majority of all council members for passage.

If the voting lighting system is not available a voice roll call vote by "yes" and "no" shall be required for the passage of all ordinances and resolutions, on the appointment of any officer, and on all motions, and entered upon the minutes of city council proceedings.

Resolutions contained on the consent agenda may be voted on as a group in one (1) motion. Such consent items require a unanimous vote of the councilmembers present for approval. One or more items may be pulled off of the Consent Agenda and voted upon separately.

No councilmember shall vote on any question in which he/she has a financial interest, other than the common public interest, or on any question concerning his/her own conduct, but on all other questions each councilmember who is present shall vote unless excused by the unanimous consent of the remaining councilmembers present or unless permitted to abstain by applicable law.

Any councilmember refusing to vote, except when not so required by this paragraph, may be subject to sanctions outlined in the rules of behavior and standards of conduct (City code section 2-381, as amended).

Application to be excused from voting must be made before the presiding officer takes the votes. After the councilmember has briefly stated the reason for his/her request, the decision shall be made without debate. Unless excused, all members shall vote. (Charter, section 5.6)

L. TIE VOTE

In case of a tie vote on any motion, the motion shall be considered lost. In the event an applicant/proponent is present for the matter in question, the presiding officer shall ask such individual whether because an even number of city councilmembers are present, the applicant/proponent wishes to continue the matter until all members of city council are present. The decision of the applicant/proponent shall be determinative. In the event the applicant/proponent is not present, the city councilmembers present shall decide whether to proceed on the item despite the presence of an even number of city councilmembers.

M. EXCUSAL FROM ATTENDANCE AT CITY COUNCIL MEETINGS

No councilmember shall be excused from attendance at a city council meeting, except upon roll call, with the affirmative vote of the majority of the councilmembers present.

No member may leave the city council chamber while a meeting is in progress without the permission of the presiding officer or in the event of a personal emergency. If a member leaves without permission, such absence shall be deemed to be an unexcused absence (Charter Sec. 4.6)

N. ADJOURNMENT

All meetings of city council shall be ended upon a motion to adjourn and a majority vote to adjourn or upon a statement by the presiding officer declaring an adjournment. In the event scheduled business is interrupted by the adjournment, such business shall resume at the next regularly scheduled meeting or some future meeting. When such matter is taken up at a future meeting, the city clerk shall advise city council of the status of the matter last discussed at time of adjournment.

A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a councilmember while speaking; (c) when the previous question has been ordered; and (d) while a vote is taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

RULE 3. ORDINANCES, RESOLUTIONS, AND OTHER BUSINESS

A. FILING OF ORDINANCES AND RESOLUTIONS WITH THE CITY CLERK

Each proposed ordinance and resolution filed shall be assigned a council bill or resolution number by the city clerk prior to being submitted to city council. The council bill number assigned shall follow its associated ordinance until final passage of the ordinance at which time the proper number for recording shall be assigned.

It shall be the duty of the city manager and city clerk to deliver to each councilmember in accordance with Rule 2.A., an agenda packet setting forth by number and full descriptive title of all ordinances, resolutions, and documents to come before city council for consideration at the meeting.

B. REVIEW OF PROPOSED ORDINANCES AND RESOLUTIONS

All proposed ordinances and resolutions shall be reviewed by the city attorney and bear a certification that such documents are in correct form. The city manager shall attach to each proposed ordinance or resolution a city council information sheet which briefly explains the background and substance of such proposal. The information sheet shall show the name of the department or party at whose request the proposed ordinance was prepared.

1. Appropriation Ordinance

The city attorney shall not review or prepare any ordinance nor shall the city clerk accept for filing any proposed ordinance providing for the appropriation of money unless the same shall be accompanied by the city council information sheet which shall show fully the purpose of the appropriation and the fund to which it is to be charged, and which shall bear the approval of the finance director and the city manager.

2. Intergovernmental Agreements

All intergovernmental agreements with another city, special district, urban renewal district, county, state, or the federal government, shall be acted upon either by resolution or ordinance based upon the policy adopted by City Council. All proposed intergovernmental agreements shall be in approved form and accompanied by proper plans and specifications. If city council approves the proposal, the city manager shall be authorized to take whatever administrative action is necessary to fulfill the obligations set forth in the intergovernmental agreement.

C. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be introduced by city council in printed or written form.

D. READING OF ORDINANCES

Ordinances shall be read in full or by title only where copies are available to city council and the public, on first reading, and may be amended on first reading. After proper publication, ordinances are read by title only on second reading and are then opened to public hearing. Following the hearing, ordinances may be amended and adopted in final form. The city clerk shall have copies of all ordinances, whether for first or second reading, presented to each councilmember in accordance with Rule 2.A. Ordinances require four (4) affirmative votes of City Council for approval.

E. PROCEDURE FOR PASSAGE OF ORDINANCES

1. Ordinances

When adopting ordinances the following procedure shall be followed:

- a. An ordinance shall be introduced at any regularly scheduled or special meeting by a councilmember.
- b. A city councilmember shall read the ordinance in full or by title only when copies are available to the city council and the public.
- c. The ordinance shall be introduced for approval or rejection on first reading by a vote of the city council.
- d. If approved on first reading, the ordinance shall be published in full with the day, hour, and place at which city council shall hold a public hearing thereon.
- e. The city council shall hold a public hearing before final passage of any ordinance, except as provided in E.3.
- f. The ordinance shall be presented a second time, at a meeting not earlier than seven (7) days after publication, for the final passage, rejection, postponement, or to table such proposed ordinance, or other action. Such meeting may be the same meeting at which the public hearing on the ordinance is held.
- g. An ordinance may be amended before final passage by a vote of the city council.
- h. Unless otherwise provided, an ordinance, if amended, shall be published in full after final passage. If not amended, an ordinance shall be published either by title or in full as the city council may determine.

- i. Any publication of an ordinance by reference shall contain a summary of the subject matter of the ordinance and a notice that copies of the ordinance are available at the office of the city clerk. (Charter, section 5.8)
2. Except when adopting an emergency ordinance (see E.3), should the procedure for the adoption of any ordinance not be completed within the timeframe established, (such as failure to act on a second reading), such ordinance shall be deemed to have died and city council need not take further action on such ordinance.
3. Emergency Ordinances

Emergency ordinances for the preservation of public property, health, peace, or safety must be approved by at least five (5) councilmembers if six (6) or seven (7) councilmembers are present, or four (4) councilmembers out of five (5) councilmembers present; or in the event that there are only four (4) councilmembers present, a unanimous vote of councilmembers is required for adoption. The facts showing such urgency and need shall be specifically stated in the ordinance itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any city-owned utility shall ever be passed as an emergency measure. Neither a public hearing, nor a first publication as provided in (Charter, Section 5.8(d)), shall be required. An emergency ordinance shall take effect upon passage. Publication shall be within ten (10) days, or as soon thereafter as possible.

If any emergency ordinance fails to receive the required number of votes, it shall cease to be before city council as an emergency measure and shall have the standing that the measure would have had if it had not been read as an emergency measure.

4. Amended Ordinances

If an ordinance is proposed as an amendment to an existing ordinance, it shall be reported as an amended ordinance. An amended ordinance shall be accompanied by an exhibit showing the part of the original ordinance to be amended, properly identified by page, section, or paragraph referenced to the original ordinance, and having a line drawn through the part stricken out and that part added shown in italics, in a different colored ink, underscored, or in capital letters. Copies of the exhibit shall be furnished to each councilmember.

F. REQUIREMENTS FOR VISUAL PRESENTATIONS

If either internal staff or outside parties wish to make a visual presentation at a city council meeting, in any format, including but not limited to power point presentations, video, audio, slides, overheads, the presentation materials must be submitted and approved by KATV Channel 8 by noon on the Thursday before the appropriate city council meeting. This requirement will insure that materials intended to be projected on the screen in city council

chamber, or broadcast over KATV Channel 8 are of a substance and quality appropriate for the council chamber audience and television viewers.

RULE 4. PARLIAMENTARY PROCEDURE

A. MAKING MOTIONS

Any city council action which requires a vote must be preceded by a motion presented by a councilmember. No motion presented by any councilmember shall require a second.

B. PRECEDENCE OF MOTIONS

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

C. WRITTEN MOTIONS

Any motion shall be put in writing upon demand by any councilmember.

D. WITHDRAWAL OF MOTION

Any city councilmember who has made a motion may withdraw such motion before the vote takes place. No motion may be withdrawn once the vote takes place.

E. MOTION TO LAY ON TABLE/TAKE FROM THE TABLE

The purpose of a motion to “lay on the table” is to allow city council to set aside a matter temporarily because of the need to attend to a more pressing matter. An example of this situation is when the presiding officer wishes to formally acknowledge an honored guest to the meeting while other business is being conducted. This motion should not be used to “kill” a matter. This motion is not debatable, cannot be amended, and requires a majority vote for approval.

Once a motion is “on the table” it may be “taken from the table” upon a majority vote. This motion is neither debatable nor amendable. A motion which is “on the table” shall be taken from the table at the same city council meeting or the next regularly scheduled meeting.

F. MOTION TO POSTPONE OR CONTINUE

A motion to postpone or continue is debatable and requires a majority vote. The motion shall include the date to which the matter will be postponed or continued. The postponed or continued item will appear on a future agenda under “unfinished business.”

G. MOTION TO POSTPONE INDEFINITELY

If a motion to postpone indefinitely is passed, there is no longer a main motion. If the motion to postpone indefinitely fails, councilmembers can then discuss the main motion.

H. THE PREVIOUS QUESTION

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

I. DIVISION OF QUESTION

If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a councilmember shall divide the motion.

J. MOTION TO AMEND

The discussion on a motion to amend is limited to the proposed amendment. A motion to amend may take the form of inserting, striking out, or striking out and inserting words, sentences, or paragraphs. All amendments must be germane to the motion.

Once a main motion has been made, any councilmember may move to amend the main motion.

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

K. MOTIONS OUT OF ORDER

The presiding officer may at any time, unless overridden by a majority vote of the members’ present, permit a member to introduce an ordinance, resolution, or motion out of the regular order.

L. RECONSIDERATION

1. Any action taken by city council may be reconsidered.
2. Only a councilmember who voted on the prevailing side of a question may move for reconsideration of an action.
3. An action may be reconsidered only if a motion for reconsideration is made at the same meeting as the action sought to be reconsidered was originally voted upon. The

councilmember making such motion shall state that they were on the prevailing side of the motion.

4. In the event an action is sought to be reconsidered at a future meeting, a motion to temporarily suspend the rules pursuant to rule 9.B. shall be adopted and the procedures set forth in this rule shall be followed.
5. In the event a motion to suspend the rules pursuant to rule 9.B. is made to permit reconsideration of an action, such motion to suspend the rules shall require the affirmative vote of five of seven; four of six or three of four of the councilmembers present, as applicable.
6. A motion to reconsider an ordinance, or any portion thereof, shall require the same number of votes (four (4)) as is required to adopt an ordinance. A motion to reconsider a resolution, or any portion thereof, shall require a majority of the quorum.
7. The passage of a motion to reconsider shall suspend all action the original motion would have required until the reconsideration is completed and shall also place the original question before city council in the exact condition it had prior to original action taken by city council on the question.
8. In the event a quasi-judicial matter is to be reconsidered, the required notice mandates established by ordinance shall be followed and the reconsideration of the original question shall be postponed to a future regularly scheduled or special meeting. The notice shall inform the public when the original question is to be reconsidered. In the event the reason supporting the reconsideration motion is based upon new information or evidence, city council shall reopen the public hearing to take evidence on the narrow issue of the new information or evidence. In such circumstance, staff shall be directed to make a good faith effort to notify, in writing, all persons who testified at the original public hearing concerning the new date for the continued public hearing.

In the absence of new or additional evidence or information, city council shall not reopen the public hearing for purposes of additional public testimony. The matter shall be scheduled for a future regularly scheduled or special meeting.

9. In the event a contract has been signed by the presiding officer based upon city council approval, a motion to reconsider shall not be allowed.
10. A motion to reconsider shall not be reconsidered.

M. REFER THE MATTER

In the event a councilmember believes that more information is needed before a decision, such councilmember shall move to refer the matter to anyone for further study. A motion to refer

may be discussed. The motion to refer should identify the persons(s) that the matter is being referred to, as well as instruction on what actions should be taken by such entity and when a report is to be made to the city council.

N. MOTION TO RENEW

A motion to renew shall not be allowed at any time.

O. PROCEDURE IN ABSENCE OF RULE

In the absence of a rule to govern a point of procedure, reference shall be had to *Robert's Rules of Order Newly Revised*.

RULE 5. OFFICERS AND EMPLOYEES

A. OATH OF OFFICE

The municipal judge or city clerk shall administer the oath of office to the mayor and mayor pro tem and all newly elected or re-elected councilmembers before city council at the first regular meeting following the election.

B. PRESIDING OFFICER

The mayor or, in his or her absence, the mayor pro tem, shall be the presiding officer at the hour appointed for city council to meet, and shall immediately call the meeting to order. The roll shall then be called by the city clerk, who shall enter in the minutes of the meeting the names of the councilmembers present.

C. MAYOR PRO TEM

The mayor pro tem shall be elected at the first regular meeting following each biennial election and shall serve at the pleasure of city council. The first order of business after the new councilmembers are sworn in shall be the election of the mayor pro tem.

Prior to voting for the mayor pro tem, the mayor shall poll councilmembers to inquire if they are willing to serve as mayor pro tem. The mayor shall nominate each councilmember who has expressed interest in serving as mayor pro tem, and each councilmember shall vote for one nominated candidate. The mayor shall announce the total votes for each candidate immediately following each vote. In the case of a tie, the mayor will disclose the names of the tied candidates. If the tied candidates are not the highest vote getters, and no candidate has received a majority vote, city council shall then vote only for the tied candidates to determine the name of the city councilmember who shall remain in the balloting. Until one person has received a majority vote of all councilmembers, successive ballots shall be taken.

The mayor pro tem shall preside as mayor during the absence or disability of the mayor. In case of vacancy in the office of mayor, the mayor pro tem shall serve as mayor pending the election of a successor. In the event of a vacancy the mayor pro tem shall perform all duties and have all powers of the mayor until a mayor is chosen in the manner prescribed in section 4.6 of the charter. (Charter, section 4.5.5)

D. TEMPORARY PRESIDING OFFICER

In case of the absence of the mayor and mayor pro tem, the city clerk shall call city council to order and call the roll of the councilmembers. If a quorum is found to be present, city council shall proceed to elect, by a majority vote of those present, a presiding officer of the meeting to act until the mayor or the mayor pro tem appears.

E. APPOINTMENTS BY THE MAYOR

Whenever the mayor shall, at any meeting, submit an appointment to be made with the advice and consent of city council, such appointment shall be ratified by majority vote at such meeting or a future meeting.

F. CITY MANAGER

The city manager, acting city manager, or designee shall attend all meetings of city council. The city manager shall keep city council fully advised as to the financial conditions and needs of the city. The city manager may make recommendations to city council and may take part in discussions on all matters concerning the welfare of the city, but shall have no vote in the meetings of city council. (Charter, section 6.3)

G. CITY CLERK

The city clerk, deputy city clerk, or designee shall be *ex officio* clerk of the city council and shall keep minutes of the business meetings and perform such other and further duties in the meeting as may be ordered by the presiding officer, city manager, or city council. In accordance with Rule 2.A., the city clerk shall have delivered to each councilmember a copy of a complete "Summary of Minutes" for the preceding business meeting.

H. CITY ATTORNEY

The city attorney or designee shall attend all meetings of city council. Any councilmember may at any time call upon the city attorney for an oral or written opinion to decide any question of law.

I. SERGEANT-AT-ARMS

The chief of police or uniformed member of the police department shall perform the duties as the sergeant-at-arms for purposes of enforcing rules 7.B., and 7.C., and to take such other action as necessary to enforce these rules or other statutory or ordinance violations arising from misconduct during city council meetings. The city manager or presiding officer shall request the sergeant-at-arms to attend as it is deemed necessary. The presiding officer shall keep decorum or enforce rules to allow progress of business.

RULE 6. DUTIES AND PRIVILEGES OF COUNCILMEMBERS

A. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal of city council (Charter Sec. 4.2.1.) If a member transgresses the rules of city council, the presiding officer shall call such member to order, in which case such member shall be seated, unless permitted to explain.

B. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the city council chamber assigned by the mayor, but any two (2) or more members may exchange seats by joining in a written notice to the mayor.

C. RIGHT OF FLOOR

When recognized by the presiding officer, a councilmember shall confine themselves to the question under debate, avoid personal references, and refrain from impugning the motives of any other councilmember's argument or vote.

D. RIGHT OF APPEAL

Any councilmember may appeal a ruling of the presiding officer. The councilmember making the appeal may briefly state his reason for the same, and the presiding officer may briefly explain his/her ruling. There shall be no debate on the appeal and no other councilmember shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the presiding officer be sustained?" If a majority of the councilmembers present vote "Yes," the ruling of the presiding officer is sustained; otherwise it is overruled.

E. LIMITATION OF DEBATE

When a matter is before city council for official action, no councilmember shall speak more than twice during the debate or more than once before all councilmembers who wish to speak have spoken once. This rule may be suspended upon a specific ruling of the presiding officer, which may be appealed pursuant to rule 6(D).

F. PERSONAL PRIVILEGE

The right of a councilmember to address city council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned, or impugned.

G. DISSENTS AND PROTESTS

Any councilmember shall have the right to express dissent from or protest against any ordinance or resolution of city council, and have the reason therefore entered upon the official minutes. Such dissent or protest must be filed in writing, in respectful language, and presented to city council no later than the next regularly scheduled meeting following the date of passage of the objectionable ordinance or resolution.

RULE 7. DECORUM AT CITY COUNCIL MEETINGS

A. CITY COUNCIL CHAMBER

The city council chamber shall be under the supervision and control of the city clerk when city council is not in session. Outside of normal business hours, the council chamber may only be used by staff and external government elected officials and staff when prearranged through the city clerk's office. A city of Arvada staff member must be available to open and close the facility if used outside of normal business hours.

B. ACTIVITY PROHIBITED AT CITY COUNCIL MEETINGS

Signs and Placards are prohibited at City Council Meetings or any area that can be seen by members of City Council from where a City Council Meeting, including a Workshop, is held. The presiding officer is authorized to order the removal of such sign or placard. In the event the presiding officer orders such removal, the city manager shall direct that a police officer execute such order. In such event, the police officer may issue such offending person with a citation for violation of applicable statute or ordinance.

Any activity which interferes with the orderly operation of the public business during a city council meeting shall be prohibited. A sign shall be posted with this prohibition outside city council chamber or any other room where City Council meets. The presiding officer shall have the discretion to determine prohibited conduct and shall utilize the provisions of paragraph "C" of this article to correct such conduct.

C. REMOVAL FOR DISORDERLY CONDUCT

In the event any person(s) interrupt the business of the city council or cause a disorder, the presiding officer may require such person(s) to immediately cease the offensive behavior and/or to leave the meeting. Should such person(s) fail to immediately comply with such direction(s), the presiding officer shall direct the sergeant-at-arms or a police officer of the city remove the individual from the city council chamber or that portion of city hall which can be seen from the city council chamber hall and to issue a citation if the sergeant-at-arms or a police officer of the city believe that a statute or ordinance has been violated.

RULE 8. WORKSHOP

Workshops may be held in any room of city hall or other public building designated by the city council. The provisions of Rule 7.C. shall apply to Workshop sessions.

RULE 9. AMENDMENT AND SUSPENSION OF RULES

A. AMENDMENT OF THE RULES

These rules may be amended or new rules adopted by a majority vote of all councilmembers present. Any such amendments shall be submitted in writing at a meeting preceding formal action to amend. The amendments shall be placed on the next agenda with a resolution under the order of "New Business." This requirement may be waived only by unanimous consent, with a recorded vote of all councilmembers present.

B. SUSPENSION OF THE RULES

Any provision of these rules not governed by the city charter or city code may be temporarily suspended at any meeting of city council, by a majority vote of all councilmembers present. The vote on any such suspension shall be entered upon the record. When making a motion to suspend the rules, the city councilmember shall specify which rule or part of which rule is being temporarily suspended, and the purpose for which the rule is to be suspended.

RULE 10. CHARTER SUPERCEDES THESE RULES

In the event any provision of these rules conflict with a provision of the City Charter, in all instances the City Charter shall prevail.