

RESOLUTION NO. 1834

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLDEN AMENDING THE CITY COUNCIL RULES OF
PROCEDURE**

WHEREAS, Section 5.1 of the Home Rule Charter of the City of Golden authorizes and requires City Council to adopt rules governing the conduct of City Council meetings; and

WHEREAS, City Council has, pursuant to said Charter provision, adopted Rules of Procedure; and

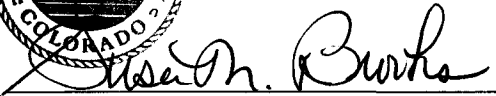
WHEREAS, City Council has conducted a comprehensive review of its rules of procedure and wishes to amend those rules.

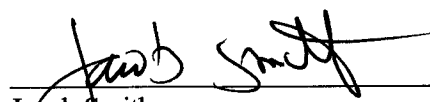
THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

The City of Golden's "Council Rules of Procedure" are amended to read as attached hereto as "Exhibit A," with newly adopted language being shown as underlined and repealed language being shown by strikeout.

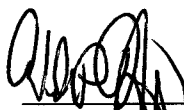
Adopted this 14th day of February, 2008.




Susan M. Brooks, MMC
City Clerk


Jacob Smith
Mayor

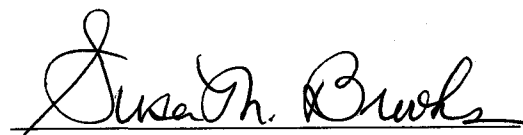
APPROVED AS TO FORM:


David S. Williamson
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a rescheduled regular meeting thereof held on the 14th day of February, A.D., 2008.



ATTEST:


Susan M. Brooks, City Clerk of the City of
Golden, Colorado

**CITY OF GOLDEN
COUNCIL RULES OF PROCEDURE**

**RULE I
COUNCIL PROCEDURE**

These procedures are intended to supplement those set forth in Chapter V of the Home Rule Charter and Chapter 2.04 of the Golden Municipal Code. They are to govern the actions of city council in the conduct of its business and serve as a reference in resolving procedural issues.

**RULE II
CONDUCT OF COUNCIL MEETINGS**

A. Business Meeting/Study Sessions-Scheduling

1. Regular meetings of the Golden City Council shall consist of "business meetings" and "study sessions." As a general proposition, business meetings will be held on the second and fourth Thursdays of each month and study sessions will be held on the first and third Thursdays of each month. City Council will adopt, on an annual basis, a resolution establishing its meeting schedule for the ensuing year.

2. Study sessions will provide Council with an opportunity to explore and discuss in detail matters that have been placed on the study session agenda. Members of the public, speakers, or persons (not including City staff or consultants) presenting information to Council at study sessions shall be allowed to address Council only with the approval of the majority of the Council present at the study session or as previously approved by the Mayor or a majority of Council present when setting the agenda for such sessions. Study sessions shall also be utilized to review and establish upcoming agendas for both study sessions and business meetings. No final action shall be taken at study sessions, except that the City Council may vote upon and hold executive sessions in conjunction with a study session meeting.

3. Business meetings present the appropriate forum for formal City Council action. Business meetings shall also provide an opportunity for general public ~~input~~ input and comment as well as scheduled public hearings. Proclamations, public recognitions and awards are appropriate to business meetings as are committee reports from Council Members.

4. Special meetings may be in the nature of either a business meeting or study session.

B. Council Packets/Agenda Items

1. Council packets containing the agenda and applicable documents shall be distributed to councilors on Friday preceding the Thursday council business meeting or study session. While staff will strive to provide all relevant documents as a part of the council packet, upon the approval of the Mayor/Chair or two Councilors, additional documents may be provided after the packet has been distributed. ~~Subject to the approval of the Mayor/Chair or two councilors, agenda documents may be distributed to council on Tuesday prior to a council meeting or study session.~~

Each councilor is responsible for thoroughly reviewing all material within the packet prior to the applicable meeting. If a councilor has a question or issue for the staff, city manager or attorney, the councilor should contact the manager, appropriate staff member or attorney within a reasonable time prior to the meeting so he/she may prepare a response or be prepared to respond.

2. Direction of preparation of an agenda matter shall be considered under “new business” at study sessions or ~~regular~~ business meetings. ~~A consensus of council~~ The request of at least three ~~—~~ councilors is required to direct staff to expend substantial time on any matter. The Mayor/Chair may set the order of the agenda. As standard procedure, agenda items should not be added or deleted after the agenda has been finalized by the city clerk’s office, but such may occur with the consent of the Mayor/Chair and in accordance with applicable laws such as open meetings notice requirements.

3. The Mayor/Chair may delegate to the city manager the preparation of the council agenda. The agenda may be modified by the Mayor/Chair, city manager or ~~two~~ three councilors within 24 hours of a meeting or study session, subject to compliance with legal notice requirements and notice to councilors (such as personal, written, telephonic and electronic communications). A councilor may request the Mayor/Chair or city manager to modify the agenda, subject to the discretion of the Mayor/Chair or manager to comply with such request.

CB. Mayor/Chair’s Duties

1. The Mayor/Chair shall, at the designated date and time, call the council to order and upon ascertainment of a quorum proceed with business.

2. As the council chair, the Mayor/Chair is responsible for conducting the meeting in an orderly and democratic fashion, and

- a) Shall decide all questions of order, subject to a member’s right to appeal to the council as a whole;
- b) May speak to points of order in preference to other councilors;
- c) May speak on questions from the chair;
- d) Shall appoint, where applicable, all committees, whether standing, joint or special, unless council provides otherwise;
- e) May call a recess at any time during a meeting to determine a rule of order or at the request of a majority of council or for the convenience of councilors or staff.
- f) Ensure that all discussions are related to the topic at issue.

3. Removal For Disorderly Conduct.

In the event any person(s) interrupts the business of city council or causes a disorder, the Mayor/Chair may require such person to cease such behavior and/or leave council chambers or the meeting room. Should such person fail to comply, the Mayor/Chair may request a police officer be summoned and have such person removed.

4. In the absence or inability of the Mayor/Chair to serve, the Mayor/Chair pro tempore shall preside and have all powers and duties of the Mayor/Chair.

DC. Members' Duties

1. If, at the time of the meeting, the Mayor/Chair and Mayor/Chair pro tempore are absent, then the city clerk or clerk's deputy shall call the council to order and the first order of business shall be the election by all members present of a member who shall be the acting Mayor/Chair. ~~pro tempore~~. In the absence of the Mayor/Chair or Mayor/Chair pro tempore, such acting Mayor/Chair ~~pro tempore~~ shall preside for the remainder of the meeting with all the powers and privileges of the Mayor/Chair.

2. If it is necessary for a councilor to be absent from a scheduled meeting, it is the responsibility of that member to notify the office of the city clerk or the Mayor/Chair.

3. Councilors should be on time for all meetings and promptly return from any recess or break.

RULE III ORDER OF BUSINESS

A. ~~Regular~~ Business Meetings

After the Mayor/Chair's call to order, council ~~shall~~ will generally consider business in the following order:

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda

~~Such approval shall be by voice vote.~~

4. Proclamations, Recognitions and Awards
5. Public Comment
6. Council/Staff Response to Public Comment
7. Consent Matters¹
 - a) Approval of Minutes
 - b) Other Consent Matters

¹ Consent matters shall be adopted by voice vote upon a single motion. If the vote is not unanimous, each item shall be voted upon separately. Items may be taken off the consent agenda by any Councilor or staff member and shall be acted upon after the adjusted ocnsent agenda has been approved. The removed item(s) shall be assigned on the agenda by the Mayor/Chair.

- e) ~~Consent matters shall be adopted by voice vote upon a single motion. If the vote is not unanimous, each item shall be voted upon separately. Items may be taken off the consent agenda by any councilor or staff member and shall be acted upon after the adjusted consent agenda has been approved. The removed item(s) shall be assigned on the agenda by the Mayor/Chair.~~

8. Committee Reports/ "For the Good of Golden"/New Business

Under "committee reports" councilors should limit their comments to information obtained at "outside" meetings, events or conferences, which significantly impact the City.

Under "new business"~~this item~~ any councilor may place before council, for discussion only, matters which are not included on the formal agenda. Councilors should limit discussion of new business to a brief review of the matter. If three or more councilors request ~~the consensus of council is~~ that formal action ~~shall be taken requested~~, the matter shall be placed on the agenda for a future study session or business meeting. At such session or business meeting, councilors may discuss the specific details of the matter.

86. Committee Reports

97. Proclamations/Recognitions/Awards

9408. Special/Ongoing Matters^{*}

~~9. Public Comment²~~

~~10. Council/Staff Response to Public Comment~~

140. Public Hearings^{*}

121. Ordinances/Resolutions^{*}

132. Council/Staff Comments/~~Reports~~/Unfinished Business

~~After receipt of recognition from the Mayor/Chair, councilors should limit their comments to information obtained at "outside" meetings, events or conferences, which significantly impact the City.~~

143. Adjournment.

²

^{*} ~~The order of these items may be flexible and adjusted according to the reasonable determination of the Mayor/Chair and/or city manager.~~

^{**} ~~If members of the public may not take items off consent matters, you may consider scheduling public comment before consent matters.~~

B. Study Session

After the call to order, council ~~shall~~ will generally consider business in the following order:

1. Roll ~~Call~~
2. Study Session Agenda Items

In setting the agenda, councilors shall limit the number of matters to those which may realistically be discussed within the allotted time.

3. Upcoming Regular Business Meeting Agenda
4. New Business

Under this item two councilors may place before council, for discussion only, matters which are not included on the agenda. Councilors should limit discussion of new business to a brief review of the matter. If three or more councilors request ~~the consensus of council is that~~ formal action ~~shall be taken requested~~, the matters shall be placed on an agenda for a future study session or business meeting. At such session or business meeting councilors may discuss the specific details of the matter.

~~5. Staff Comments~~

65. General Comments of Council/Staff

~~After receipt of recognition from the Mayor/Chair, councilors should limit their comments to information obtained at "outside" meetings, events or conferences which significantly impact the City.~~

76. Adjournment

C. Modification of Order of Business. Unless an objection is raised by a councilor, the Mayor/Chair may proceed out of order or return to a matter previously considered. In case of objection, the agenda's order or reconsideration of a matter will not be changed unless approved by a majority of council present.

D. Executive Sessions. Executive sessions, held in accordance with Section 1.03.050 of the Municipal Code, may be recorded, in compliance with applicable law and/or ordinance. Executive session shall be placed on the agenda in such order as the Mayor or Chair deems appropriate. The motion and vote to convene an executive session shall take place in Council Chambers, or such other location as has been posted on the public notice of the meeting.

E. Study Session Chair. Councilors shall chair study sessions on a rotating basis and shall exercise the duties/powers of the Mayor/Chair.

F. Miscellaneous.—In the conduct of all meetings, councilors are to be guided by the principle that those matters deemed most urgent and of the highest priority are to be resolved first.

RULE IV RULES OF SPEAKING/DECORUM

A. Recognition

No councilor shall speak until such member has addressed and/or been recognized by the Mayor/Chair or chair.

When a councilor is speaking no other councilor shall interrupt or conduct a private conversation.

B. Decorum

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

2. No councilor shall engage in conversation or commit any other act tending to distract the attention of the council from the business before it.

3. When speaking or debating, councilors shall confine their remarks to the question under discussion or debate and shall not engage in discussion directed to personal matters or issues. Councilors shall respect the divergent opinions and comments of others and shall not engage in personal, verbal attacks or comments or behavior disrespectful of each other, staff, or other persons.

C. Protest

Any councilor has the right to protest any action of council, stating the reasons therefor and have same entered on the record, provided such reasons do not impugn the motives or personal character of any councilor.

D. Limitation of Debate

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

RULE V PARLIAMENTARY PROCEDURE

A. Making Motions

Any city council action, which requires a vote, must be preceded by a motion by a councilor. All motions presented by any councilor shall require a second. The Mayor/Chair shall be entitled to make or second motions and participate in the discussion of motions.

B. Precedence of Motion

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, and (g) to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to refer and amend a motion, shall be put to vote without debate.

C. Written Motions

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

D. Withdrawal Of Motion

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

E. Motion to Table/Take From the Table

The purpose of a motion "to table" is to allow city council to set aside a matter temporarily, not permanently. Such motion may be preceded by a reason/explanation of such motion. This motion shall not be used to "kill" a matter. This motion is debatable and requires a majority vote of the councilors present for approval.

After a motion is "on the table" it may be "taken from the table" by a majority vote. This motion is not amendable. A motion that is on the table ~~shall~~ may be taken from the table at the same city council meeting or a future meeting.

F. Motion To Postpone Or Continue To A Definite Time

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

2. If the motion is to get priority consideration, it should be made a special order, which requires a two-thirds vote.

G. The Previous Question

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

H. Division of Question

If the question contains two or more divisible propositions, the Mayor/Chair may ~~if requested by a councilor,~~ divide the motion.

I. 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 and seconded, any councilor 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.

J. Motions Out of Order

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

K. Reconsideration

1. Any action taken by city council may be reconsidered.
2. Only a councilor who voted on the prevailing side of a question may move for reconsideration of an action. The second may be made by any other councilor.
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 councilor making such motion shall state that he/she was on the prevailing side of the motion.
4. In the event an action is sought to be reconsidered at a future meeting, a motion to temporarily suspend the rules shall be adopted and the procedures set forth in this rule shall be followed.
5. In the event a motion to suspend the rules is made to permit reconsideration of an action, such motion to suspend the rules shall require the affirmative vote of five of seven; four of six, or three of four of the councilors present, as applicable.
6. A motion to reconsider an ordinance or resolution, or any portion thereof, shall require the same number of votes (~~four~~) as is required to adopt an ordinance or resolution.
7. The passage of a motion to reconsider shall suspend all action the original motion would have required until the reconsideration is completed and shall also place the original question before 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 applicable notice requirements shall be followed and the reconsideration of the original question shall be postponed to a future regular 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 of the date and time 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 regular or special meeting.

9. In the event a contract has been signed by the Mayor/Chair or other legal obligations made or entered into with city council approval, a motion to reconsider shall not be allowed.

L. Refer The Matter

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

M. Procedure In Absence Of Rule

In the absence of a rule to govern a point of procedure, reference shall be to *Robert's Rules of Order*. - The principles and provisions of Robert's Rules of Order shall apply only to the extent that they are appropriate to a governing assembly such as City Council, with consideration being given to the size of City Council, as well as its political and legal status.

RULE VI MISCELLANEOUS

A. Appeal

An appeal may be taken from any decision of the Mayor/Chair by motion and second, in which event the councilor bringing the appeal shall state the reason therefore, to which the Mayor/Chair may respond.

A motion to appeal shall be debatable.

Such appeals shall be acted upon immediately and no other motion shall be entertained until the question: "Shall the decision of the Mayor/Chair be overruled?" be decided by the vote of all the members present.

The affirmative vote of a majority of the members present shall be necessary to overrule the decision of the Mayor/Chair.

B. Voting

In accordance with Section 5.7 of the Charter, ~~councilors must vote unless~~ every councilor must vote unless: a) he or she has a personal or financial interest other than the common public interest; b) the issue on which a vote is to occur involves a question concerning his or her own conduct; or c) he or she is excused by the unanimous consent of all councilors present. ~~excused by the unanimous consent of all~~

~~councilors present.~~ Application to be excused must be made prior to the call for a vote. A voice vote shall be allowed at the discretion of the Mayor/Chair, however, the electronic voting board should be utilized in the event that a close vote is anticipated.

C. Tie Vote/Absence

In case of a tie vote on any motion, the motion shall be considered defeated. In the event an applicant/proponent is present for the matter in question, the Mayor/Chair may, prior to calling for a vote, ask such individual whether, because an even number of city councilors 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 councilors present shall decide whether to proceed on the item despite the presence of an even number of councilors.

~~Under the conditions described herein, the Mayor/Chair or the applicant may request council, to postpone the issue before a final vote.~~

D. Excusal ~~From~~ Attendance at City Council Meetings

Except in the event of a personal need or emergency, ~~n~~No member may leave the ~~city council chamber~~ meeting while a meeting is in progress without the request and permission of the Mayor/Chair. ~~or in the event of a personal need or emergency.~~ In such event, the Mayor/Chair may delay council action, or proceed without the absent member(s) unless the matter before council is quasi-judicial. ~~council shall await the return of the councilor before taking action on an issue.~~

E. Boards and Commissions

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

RULE VII ORDINANCES AND RESOLUTIONS

The Mayor/Chair or two councilors may request that staff prepare an ordinance or resolution so long as the request is made at a business ~~council~~ meeting or study session.

RULE VIII PUBLIC HEARINGS

A. General

All persons desiring to speak before council may be requested to register with the city clerk. All persons speaking before council shall provide their names and addresses.

B. Public Hearing Procedures ~~On~~ Land Use Matters

1. The meeting shall be chaired by the Mayor/Chair. The hearing shall be conducted in accordance with the procedures set forth in Chapter 2.35 of the Municipal Code. The purpose of such code provision is to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing. The Mayor/Chair has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.

2. The Mayor/Chair shall cause all such persons to promise and agree that all statements and evidence they present shall be the truth.

3. Any person speaking may be questioned by a member of council or, where appropriate, by members of city staff, or an attorney or representative of one in opposition to such person.

4. When the number of person wishing to speak may unduly prolong the hearing, the Mayor/Chair may establish a time limit upon each speaker.

5. City staff's duties are to enter, as part of the record, a copy of the matter's public notice; all application documents for the proposed project and copies of any other information and documents that are an appropriate part of the public hearing record; to provide a synopsis or summary of the issues before council including issues considered in prior public meetings/hearings of boards and/or commissions; make recommendations as to the matters to be determined by council; and answer specific questions as requested by council or the parties to the hearing.

6. The property owner, applicant or proponent or representative(s) of the project/issue before council, shall present evidence and describe the nature of the request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the city staff.

7. All testimony in support, or opposition, or questions shall be directed through the Mayor/Chair, who will direct the appropriate person to respond.

8. The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.

89. If final action is not to be taken at the same time as the public hearing, the Mayor/Chair will advise the audience/public when the matter will be considered.

910. If a councilor is absent during a public hearing, he/she shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by council because of the absence of a councilor to enable him/her substantial time to review the record.

11. The essence of the following shall be presented by the Mayor/Chair at the outset of the public hearing:

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

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

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

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

C. Non-Land Use Public Hearings' Procedures

Persons wishing to speak may do so whether in favor, opposed or neutral. No specific order of those in favor or in opposition will be used.

With the advice of the city attorney, the Mayor/Chair shall conduct the hearing in such manner as to provide for free speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinions as long as the subject is related to the issue or the public hearing. Notwithstanding these purposes, the Mayor/Chair has the authority to limit comments to a reasonable length of time.

Any person speaking may be questioned by members of council or by the city staff.

The Mayor/Chair shall rule upon all disputed matters or procedures, unless, by motion, second and debate, he/she is overruled by a majority vote of the councilors present.

RULE IX AMENDMENT/SUSPENSION OF RULES

A. Amendment Of The Rules

These rules may be amended or new rules adopted by a majority vote of all councilors. 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 title of "New Business". This requirement may be waived by unanimous consent with a recorded vote of all councilors present.

B. Suspension Of The Rules

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

RULE X
MISCELLANEOUS

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