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PREAMBLE

In order to achieve expeditious handling of City business and to provide efficient service to the public, the following division of responsibility shall be observed.

(a) The City Council shall be responsible for the determination of all matters that properly fall within the scope of policy and legislation.

(b) The City Manager, or the administrative official designated by the City Manager, shall be responsible for carrying out policies established by the City Council and for administering the affairs of the City. (Amended 6-25-73)

ORGANIZATION

1. Organizational Meeting - Election of Officers.

Each newly elected Council shall take office at noon on January 1, and hold its first meeting on the second Monday following January 1 of the year following its election. At the first meeting of January of each year, a President and Vice President shall be elected by secret ballot. A majority vote of the Council (four [4] members) shall be required for the election of the above-named officers. In the event there are more than two (2) candidates for an office and no individual receives a majority vote (four [4] members) in the balloting, the candidate receiving the least number of votes shall withdraw. (Amended 6-25-73)

2. Invocation - Roll Call.

The President of the Council, or in his or her absence, the Vice President of the Council, shall take the Chair at the hour appointed for the City Council to meet, and shall immediately call the members to order. Following the invocation, which may be given by a representative of the local clergy, the

City Clerk shall call the roll and enter upon the Journal of the meeting the names of the members present. Four (4) members of the Council shall constitute a quorum to do business. In the absence of a quorum at the time appointed for a meeting, the members present shall adjourn the meeting to another designated time. (Amended 6-25-73)

3. Temporary Chairman.

In case of the absence of the President and Vice President of the City Council, the City Clerk shall call the City Council to order and call the roll of the members. If a quorum is found to be present, the City Council shall proceed to elect, by a majority vote of those present, a chairman of the meeting, to act until the President or Vice President of the Council appears.

4. Appeals From Decision of the Chair.

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the City Council. In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of the Council?" If a member transgresses the rules of the City Council, the Chair shall call him or her to order, in which case he or she shall be seated, less permitted to explain.

5. Presiding Officer - Leaving Chair.

The presiding officer at a meeting may call any other member to take his or her place in the chair, but the substitution shall not extend beyond adjournment. By *presiding officer* is meant either the President or Vice President of the Council or chairman of the meeting.

MEMBERS - DUTIES AND PRIVILEGES

6. Addressing Chair.

Every member speaking to a question or making a motion shall address the Chair as "Mr. President," who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the City Council shall confine themselves to the question under debate and avoid personalities.

7. Debate - Limitation.

No member shall be allowed to speak more than once upon any one (1) subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one (1) subject, nor for a longer time than five (5) minutes without leave of the City Council.

8. Voting.

(a) The City Council shall act only by ordinance, resolution or motion. Every Council member present when a question is put shall vote thereon. Every ordinance, resolution or motion shall require the affirmative vote of the majority of the membership of the entire Council for approval and passage.

(b) Whenever a vote is taken, each Council member present shall vote "aye" or "nay" and record such vote upon the electronic voting machine by moving the appropriate switch. After all members have so voted, the presiding officer shall cause the vote of the Council to be flashed upon a recording board which board shall be plainly visible to the City Council and spectators present in the Council Chambers. The City Clerk shall then record the vote of each member of the City Council upon the Journal of the Council's proceedings before passing on to the next order of business.

(c) In the event the electronic voting machine becomes inoperative during any meeting, the City Clerk shall call the roll in alphabetical order with the same Councilman being called first throughout the meeting. The City Clerk shall record the oral vote of "aye" or "nay" of each Council member upon the Journal of the Council's proceedings. (Amended 1-14-57; 4-10-67; 6-25-73; 9-10-73)

9. Vote of Absent Council member.

It shall be improper for any Council member to state or attempt to state the vote or sentiments of any absent Council member or for the City Clerk to make any reference in the minutes to such an attempt. (Amended 6-25-73)

10. Division of a Question.

On demand of any member, a question under consideration covering two (2) or more points shall be divided where the question admits such division.

11. Dissents and Protests.

Any member shall have the right to express dissent from or protest against any ordinance or resolution of the City Council, and have the reason therefor entered upon the Journal. Such dissent or protest must be filed in writing, couched in respectful language, and presented to the City Council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

12. Excusal During Meeting.

Any member desiring to be excused from the remaining portion of any Council meeting while the City Council is in session shall obtain such permission from the presiding officer. (Amended 6-25-73)

ORDER OF BUSINESS

13. Council Meetings.

All meetings of the City Council shall be held in the Council Chamber at City Hall, Pueblo, Colorado. Regular meetings of the City Council shall be held on the second and fourth Mondays of each month, commencing promptly at 7:00 p.m. (Amended 1-14-57; 6-25-73; 1-26-98; 1-24-00)

14. Special Meetings.

(a) Special meetings may be called by the President or at the request in writing of the chairman of the Executive Committee or of a majority of the Council. Notice of the date, time and purpose of called special meetings of Council shall be given to members, not less than eighteen (18) hours before the time fixed for the meeting.

(b) Meetings of the City Council as an Executive Committee shall be deemed to be special meetings for the purpose of these Legislative Procedures and Rules of Council and executive sessions as provided in Article 17.1, except that the presiding officer shall be the chairman of the Executive Committee.

(c) No invocation or pledge of allegiance shall be required for meetings of the City Council as an Executive Committee. (Amended 6-25-73; 1-26-98; 8-13-01; 9-24-07; 11-24-08)

15. The Agenda.

The City Manager, with the assistance of the City Clerk, shall prepare the Agenda for all Council meetings. The Agenda shall include all items requiring Council action. Whenever possible, the Manager shall submit to the City Council all facts necessary for the City Council to properly study the item and make a decision thereon. To this end, the Manager may give his or her recommendation on items under consideration. All matters to appear on the Agenda for regular Council meetings shall be filed with the City Clerk seven (7) days prior to the regular Council meeting. The City Clerk shall be furnished copies of all ordinances or resolutions so that copies may be delivered to the City Council no later than five (5) days prior to the regular meeting date. Matters not filed with the City Clerk in accordance herewith shall not be considered, but shall lie over until the next regular meeting unless leave for immediate consideration be granted by a majority vote of the members of the City Council present at the meeting. (Amended 1-12-70; 6-25-73; 1-26-98)

15.1. Order of Business.

(a) The Order of Business at all Council meetings, general and special, shall be:

(1) Invocation.

(2) Pledge of Allegiance.

(3) Roll Call.

(4) Public Forum.

(5) Special Recognitions.

(6) Council Comments.

(6.1) Amendments to and Approval of Agenda.

(7) Reading and Approval of Journal of Proceedings of Previous Meeting.

(8) Communications:

a. Reports, Minutes and Other Communications of Council Committees and Boards and Commissions of the City.

b. Other Communications.

(9) Public Hearings:

a. Special Improvement Districts.

b. Annexations.

c. Budget Hearings.

d. Other Hearings.

(10) Resolutions:

a. Financial and Budgetary Matters.

b. Leases, Concessions and Special Permits.

c. Approval of Contracts requiring Council Authorization.

d. Others.

(11) Ordinances - First Presentation. NOTE: First Presentation of Special Assessment Ordinance shall be preceded by a Public Hearing.

(12) Ordinances - Second; Third Presentation. NOTE: Each ordinance is to be immediately preceded by the Public Hearing as required by Charter.

(13) Reports, Memoranda and Recommendations of the City Manager.

(14) Council Policy Matters.

(15) Other Matters.

(16) Consent Agenda. The City Manager in preparing the Agenda for any Council meeting may separate Resolutions and Ordinances – First Presentation into a Consent Agenda and a Regular Agenda. All items listed on the Consent Agenda shall be considered routine matters and, after reading the captions thereof, may be enacted and adopted by one (1) motion of the Council without discussion. If a member of the Council requests prior to approval of the Agenda that any one (1) or more of the items on the Consent Agenda be moved to the Regular Agenda, such item or items shall be moved to the Regular Agenda. Items so moved will be taken up in their Consent Agenda order prior to the first item of the Regular Agenda.

(b) The Order of Business may be altered by a majority vote of the members of the entire City Council.

(c) Relevant public comment may be made by any interested resident of the City on any Resolution listed on the Regular Agenda, except those appointing members to boards and commissions, provided that such resident shall, prior to the commencement of the regular Council meeting during which the Resolution will be considered, sign his or her name and address and identifies the Resolution by agenda item number on the Resolution Public Comment sheet made available for that purpose. (Amended 10-13-59; 6-25-73; 6-24-85; 1-24-00; 8-13-01; 9-24-07; 8-11-08; 11-24-08)

16. Reading of the Journal.

At each meeting, the Journal of the preceding meeting shall be read unless the reading shall be dispensed with by motion approved by a majority of the members of the entire City Council. If no objection is made to the Journal, the same shall be approved. (Amended 6-25-73)

17. Public Record.

Except for duly held executive sessions, the City Council shall sit with open doors at all meetings and shall keep a journal of its proceedings which shall be a public record. (Amended 8-13-01)

17.1. Executive Sessions.

(a) Executive sessions of the City Council not open to the public may be held at any regular or special meeting upon announcement of the topic for discussion in the executive session, including specific citation to the provisions of Section 24-6-402(4), C.R.S., authorizing the executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds ($\frac{2}{3}$) of the quorum present.

(b) A record of the actual contents of the discussion during an executive session shall be made by tape recording. If tape recording equipment is not available or malfunctions, written minutes shall be taken and kept by the City Attorney if present or, if not present, by the presiding officer of the executive session.

(c) The tape recording or minutes, if any, of the executive session must reflect the specific statutory provision authorizing the executive session. The tape recording of the executive session shall be dated, labeled and signed by the presiding officer of the executive session. The tape recording or minutes, if any, of the executive session shall be maintained by the City Attorney unless the City Attorney was the subject of the executive session or did not participate in the executive session, in which event the record shall be maintained by the presiding officer of the executive session.

(d) If written minutes and not a tape recording of the executive session are made, the presiding officer of the executive session shall attest in writing that the written minutes substantially reflect the substance of the discussion during the executive session, and such minutes shall be approved at a future executive session.

(e) The tape recording or minutes, if any, of the executive session shall be maintained for ninety (90) days after the date of the executive session, and shall not be disclosed to any person except as required by law. The tape recording or minutes, if any, of the executive session shall be destroyed after said ninety-day period, unless within said ninety-day period a request for inspection of the record has been made.

(f) If the City Attorney or other attorney representing the City Council is in attendance at the executive session and states on the record that all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. The tape recording or minutes, if any, of the executive session shall reflect that no further record was kept of the discussion based on the opinion of such attorney. If written minutes and not a tape recording of the executive session are made, the attorney shall attest in writing that in his opinion such part of the discussions not included in the written minutes constituted a privileged attorney-client communication, and the presiding officer shall attest that the portion of the executive session that was not recorded was confined to the topic authorized for discussion in the executive session.

(g) No adoption of any proposed policy, position, resolution, rule, regulation or formal action shall occur at any executive session not open to the public. (Amended 8-13-01)

COMMITTEES

18. Appointment of Committees.

(a) The City Council shall meet as an Executive Committee upon call of the President or at the request of a majority of the City Council or on call of the chairman of the Executive Committee to discuss matters pending or proposed.

(b) The President shall appoint the chairman of the Executive Committee and may appoint special committees to assist in the study of items before the City Council. The Committee so appointed shall serve until the matter is disposed of by the City Council. (Amended 6-25-73)

MISCELLANEOUS

19. Motions to Be Stated by Chair Withdrawal.

When a motion is made and seconded, it shall be stated by the Chair before debate. Any member may demand that it be reduced to writing. A motion may not be withdrawn by the mover without the consent of the member seconding it or the approval of a majority of the City Council.

20. Motions Procedure During Debate.

When a question is before the City Council, no motion shall be entertained except:

- (1) To adjourn;
- (2) To lay on the table;

- (3) The previous question;
- (4) To postpone to a certain time;
- (5) To refer;
- (6) To amend;
- (7) To postpone indefinitely.

Such motions shall have precedence in the foregoing order. A roll call may be ordered at any time to ascertain the number of members present.

21. Motion to Adjourn or Recess - When Not in Order - Not Debatable.

A motion to adjourn or recess shall be in order at any time, except as follows:

- (1) When repeated without intervening business or discussion;
- (2) When made as an interruption of a member while speaking;
- (3) When the previous question has been ordered;
- (4) While a vote is being taken.

A motion to adjourn or recess is debatable only as to the time to which the meeting is adjourned or recessed.

22. Motion to Lay on the Table.

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority of the City Council.

23. Anonymous Communications.

Unsigned communications shall not be introduced in the City Council.

24. Previous Question.

The previous question shall be stated in these words: "Shall the main question be now put?" If the previous question is ordered, there shall be no further amendment or debate. Pending amendments shall be put in their order before the main question.

25. Motion to Postpone.

All motions to postpone, excepting a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

26. Motion to Amend.

A motion to amend shall be susceptible of but one (1) amendment. An amendment once rejected may not be moved again in the same form.

27. No Debate of Motion.

The following questions shall be decided without debate:

- (1) To suspend the rules;
- (2) To adjourn;
- (3) To take a recess;
- (4) To lay on the table;
- (5) To take from the table.

28. Suspension of Rules.

Unless otherwise provided by Charter, any legislative procedure or rule of the City Council may be suspended by a majority vote of the entire City Council without debate. (Amended 11-24-86; 11-26-01)

29. Reconsideration.

A motion to reconsider a proposal that has been acted upon must be made prior to adjournment of the meeting at which the vote was taken or at any meeting, regular, recess or special held within ten (10) days of such meeting. A motion to reconsider may be made by any member voting with the prevailing side. A majority vote of the entire City Council shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not again be entertained. (Amended 6-25-73)

30. Procedure in Absence of Rule.

In the absence of a rule to govern a point of procedure, the latest edition of *Robert's Rules of Order* shall govern the City Council's actions.

31. Ordinances, Resolutions, Motions.

All ordinances and resolutions shall be introduced in written or printed form; and ordinances, resolutions and motions shall conform and comply with the provisions of Article 3 of the City Charter. (Amended 6-25-73)

32. Permission Required to Address Council.

Persons of the audience shall not be permitted to address the City Council unless permission is granted by the Chair. The decision of the Chair may be overruled by a vote of a majority of the City Council.

33. Excused Absences.

The absence of a member of the City Council from any regular or special Council meeting shall not be deemed to be an absence without reasonable excuse unless such absence shall be found to be unreasonable by a majority vote of the entire membership of the City Council. (New 6-25-73)

34. The Council Chamber.

The Council Chamber shall be under the supervision and control of the City Manager when the City Council is not in session. Except as herein provided, it shall be used solely by the City Council and its committees for the transaction of public business of the City. If not required for such use, the City Manager may permit its use by other agencies for the transaction of public business. Application for such use shall be made to the City Manager in such manner as may be prescribed by him or her. Any permission so granted may be cancelled or revoked by the City Manager forthwith, where necessary for the protection of City property, the preservation of order or other sufficient reasons.

35. Governmental and Public Access Television Channels.

All material containing the image and/or statements of an incumbent member of the City Council who intends to seek election to any public office, including reelection as a member of the City Council, shall not be aired or presented on any government or public access cable television channel subject to control by the City of Pueblo within sixty (60) days immediately preceding the election at which the incumbent member of the City Council seeks to be elected. This prohibition shall not be applicable to airing of regular or special meetings of the City Council and associated informational material on councilpersons, nor to events at which a councilperson's image and/or statements are of relatively short duration and incidental to the material being aired or presented, such as, by way of example, the Colorado State Fair parade. The President of the City Council is authorized and directed to take all appropriate means necessary to enforce this Article. (New 6-28-04)