

CITY COUNCIL

CITY OF BRIGHTON, COLORADO

RULES OF PROCEDURE
GOVERNING MEETINGS
ADOPTED MAY 21, 2002

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CHARTER AUTHORITY

THE CITY OF BRIGHTON, CITY COUNCIL RULES OF PROCEDURES GOVERNING MEETINGS ARE ADOPTED PURSUANT TO SECTION 5.1(A) OF THE CITY OF BRIGHTON CHARTER.

The Brighton Municipal Code has adopted Robert's Rules of Order as the procedural rules for the conduct of meetings of the City Council; these City Council Rules of Procedure hereby modify Robert's Rules as set forth herein. Robert's Rules does not address public hearings, executive sessions, or the procedure for adoption of ordinances and resolutions by a home rule municipality. These City Council Rules provide the specificity and clarification required for the conduct of City business at City Council meetings and will be applied first when there is a question of interpretation.

RULE 1. CITY COUNCIL MEETINGS

A. REGULAR CITY COUNCIL MEETING

The city council shall meet in regular sessions on the first and third Tuesday of each month at 6:00 p.m. The agenda for regular meetings shall be devoted primarily to the transaction of city business requiring formal action and voting by city council. The place of all regular meetings shall be the city council chambers in the Brighton Municipal Building, unless otherwise designated by city council. The city council may, by motion, hold meetings as it deems appropriate at another day, time, or location specified by city council. (Charter § 5.1, City Code §2-4-30)

B. STUDY SESSION MEETINGS

The city council shall meet, as it deems necessary, in study sessions on the second and fourth Tuesday of each month at 6:00 p.m. or at such other day, time, or location as shall be designated by the Mayor or City Manager with at least one week notice or by motion of the City Council at a regular or special meeting. The purposes of a study session generally, shall be for city council to discuss and establish general city policy, address administration items as appropriate, receive reports and information from department heads, consultants or other experts, and study issues which will require formal city council action at a future regular or special meeting. There is an expectation that council members attend all study sessions, except for reasons that would be excusable, such as but not limited to, illness, travel, or employment responsibilities.

C. SPECIAL MEETINGS

Special meetings are those meetings held which are called for the purpose of transacting limited municipal business which cannot otherwise be transacted in a timely fashion. "Special meetings shall be called by the clerk on the written request of the mayor, city manager, or any two (2) members of the Council on at least twenty-four (24) hours' notice to each member of the Council, 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. No action shall be taken by the council on any item of business that has not been stated in the notice of the meeting." (Charter, § 5.2)

D. EXECUTIVE SESSION

Upon motion by a councilmember that states the general subject matter of the topic for discussion in the executive session and the legal authority therefor, and the affirmative vote by two-thirds (2/3) of the members present, city council may hold an executive session at a regular meeting or special meeting. No formal action, no policy decision, no rule, regulation, or resolution or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any session that is not open to the public.

An executive session convened at a regular or special city council meeting will be conducted in a secure location. The City Manager, in consultation with the City Council, shall establish a policy to accommodate members of the public who wish to remain on the premises while the City Council conducts an executive session. Such policy should address the need for transparency, while ensuring safety and the necessary security of the premises.

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 [C.R.S. § 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 [C.R.S. § 24-6-402(4)(b)];
3. Matters required to be kept confidential by federal or state laws, rules and/or regulations [C.R.S. § 24-6-402(4)(c)];
4. Specialized details of security arrangements or investigations [C.R.S. § 24-6-402(4)(d)];
5. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators [C.R.S. § 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 [C.R.S. § 24-6-402(4)(f)];
7. Consideration of any documents protected by the mandatory nondisclosure provision of the “Open Records Act” [C.R.S. § 24-6-402(4)(g)]; and
8. Other matters allowed by law.

(Charter § 5.4) (Brighton Municipal Code Chapter 2)

E. CANCELLATIONS AND RESCHEDULING

The city council may dispense with or reschedule any regular meeting, except that at least two regular meetings shall be held each month.

RULE 2. CITY COUNCIL MEETING PROCEDURE

A. AGENDA

The city clerk shall prepare all city council agendas upon direction of the city manager. City council may review proposed agendas for future council meetings. If three (3) city council members desire that a matter be placed on a city council agenda, they may so direct the city manager to make such addition to the next regular agenda by contacting the city manager individually to make such request.

On the Friday preceding the regular meeting, special meeting, or study session, the city manager will have delivered to each councilmember an agenda showing the order of business and indicating the public hearings to be anticipated as a result of previous action of city council, planning commission, or other commissions. Also listed will be ordinances for first or second reading, resolutions, and other general business matters.

The city manager shall determine those items to be included as consent items on the agenda. All the consent items shall be voted on as a group. Prior to accepting the motion for adoption on the consent items, the Presiding Officer shall ask the council members if they wish to discuss any of the consent items. If anyone wishes that any item(s) be removed from the consent agenda, such item(s) will be placed on the appropriate part of the agenda and acted upon after consideration by city council. If the vote is not unanimous on the consent items when they are voted on as a group, each item will be voted on separately.

B. ORDER OF BUSINESS AT REGULAR MEETINGS

The order of business of all regular meetings of city council shall be conducted in the order listed below. The City Manager may change the order to create efficiencies, group items that are the same topic or project, or as may be needed for city business when publishing the agenda. City council may, by a majority vote of the council members present, change the order of business.

1. Call to Order
2. Consent Agenda
3. Ceremonies
4. Public Invited to be Heard on Matters Not on the Agenda
5. Public Hearings and Related Actions
6. Emergency Ordinance
7. Ordinances for Initial Consideration Without Public Hearings
8. Ordinances For Final Consideration

9. Resolutions
10. Utilities Business Items
11. General Business
12. Reports by Mayor, Department Directors, City Attorney and City Manager
13. Reports by Council
14. Executive Session
15. Adjournment

At 11:00 p.m., if the regular 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; 2) At the discretion of the city council, any regular council meeting may be extended beyond 11:00 p.m. for no more than two (2) additional fifteen-minute periods, upon motion duly made and seconded, and approved by a majority of the council members present at the meeting; 3) Proceedings shall be continued until 6:00 p.m. on the following evening or to such date and time as determined by Council. In the event that City Council is in an executive session at 11:00 pm., or at the conclusion of an extension period, the regular Council meeting shall be extended without Council action for the limited purpose for allowing Council to complete and return from executive session and adjourn the meeting, or to allow the Council to continue the meeting, by vote, to a specific date and time. (Municipal Code § 2-4-30)

C. ORDER OF BUSINESS AT STUDY SESSION MEETINGS

Study sessions shall be conducted in the following order unless city council, by a vote of at least a majority of the council members present, changes the order:

1. Call to Order
2. Administrative Items
3. Study Session Items (as determined by the City Council and/or the City Manager)

Two (2) City Council members may request that an item be added to a study session agenda for discussion or presentation. No item requesting a decision or a vote may be added to a study session.

Study session items may be presented and discussed after adjourning a regular meeting. Such items may be published on the same agenda as the regular meeting and will reflect the adjournment of the regular meeting.

D. SPECIAL MEETINGS

Special meetings may be called by the City Clerk on the written request of the Mayor, City Manager, or any two (2) members of the Council. No action shall be taken by the members of Council on any item of business that has not been stated in the notice of the meeting. (Municipal Code § 2-4-40)

E. PUBLIC COMMENT

Regular meetings include specifically designated times for citizens to make comments on matters which are not on the agenda or which are the topic of public hearing. Citizens may comment on agenda items that are not subject to public hearing at the time the item is presented. At the designated public comment period such public comment shall be limited to three (3) minutes per item per speaker. The presiding officer shall have the discretion to determine the order of speakers. 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 the business on the agenda.

Public Comment is a time for the city council to listen to the public and a response by council members or staff is out of the ordinary and discouraged. If follow up is desired, a council member may ask the City Manager to have staff follow up and provide the speaker with a staff member's business card, or a city council member may ask that staff provide the city council member's business card to the speaker to obtain more information or have further discussion.

F. PUBLIC HEARINGS

The general order of the public hearing shall be as follows, subject to revision at the discretion of the presiding officer when deemed necessary to accommodate and facilitate the public hearing process:

- I. Presiding Officer Opens the Public Hearing
- II. City Clerk verifies the Publication and Posting Requirements
- III. City Staff Presents and Describes the Subject Matter of the Hearing in Detail, the Criteria for Making a Decision, and a Recommendation, if such is applicable
- IV. Applicant Presents the Request
- V. Presiding Officer Recognizes Members of the Public with Questions and Comments Regarding the Matter of the Hearing
- VI. Applicant and Staff May Answer/Clarify/Rebut Questions and Comments from Opponents/Speakers
- VII. City Clerk Announces Correspondence Received In Regard to the Public Hearing
- VIII. Questions and Comments from City Council

IX. Presiding Officer Officially Closes the Public Hearing

X. City Council Member takes Action on the Matter by Motion.

Public hearings provide an opportunity for anyone to be heard on the pending matter. 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 item on the agenda he or she wishes to comment. The list or the forms shall be handed to the presiding officer. Those persons who have signed the "speaker's form" shall be allowed to comment during the public hearing and, at the discretion of the presiding officer, any other member of the public who wishes to speak may be heard.

Each individual speaker will be limited to three (3) minutes and the city clerk shall keep track of time. The presiding officer will call on members of the public from the speaker's forms to come up and ask questions and comment. The presiding officer may limit speakers to prevent repetition, to assure relevancy, and to prevent insults or derogatory language directed at an individual. Following questions and comments, the Applicant or staff shall be given an opportunity for rebuttal.

If someone wishes to submit written material for consideration by the city council during his or her presentation, he or she must describe with specificity the material to be submitted and tender said material (an original and eleven copies) to the City Clerk. The presiding officer shall determine whether the written material is relevant to the proceedings and rule on whether it shall be marked as an exhibit and entered into the public record.

No written material from persons who speak in the public hearing shall be accepted by the City Clerk, except during the public hearing.

Any persons wishing to submit written comments about a matter that is the subject of a public hearing and who do not want to speak at the public hearing shall submit those written comments to the City Clerk at least twenty-four (24) hours before the scheduled hearing. Those written comments shall be designated as "correspondence" and announced as such by the City Clerk.

In the event the person(s) who speaks wish(es) 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.

After members of the public have asked questions and made comments, City Council will ask questions and then make comments. 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 after the hearing is closed, 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.

Any municipal code proceeding that is identified as a public hearing may utilize this hearing procedure, including a protest challenging the qualifications of a City Council member.

G. SPEAKER'S TIMING SYSTEM

There shall be a speaker's timing system 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 shall 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. COUNCIL DAIS AND CITY FACILITIES

No persons except council members, the city clerk, the city manager, and the city attorney, persons invited by the presiding officer, or others by vote of city council, shall be admitted within the city council dais area of the city council chamber.

City facilities, except Council Chambers addressed in Rule 7, are for City business only. Council members will not access city facilities for personal use.

I. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL

The Presiding Officer will recognize those who wish to speak, and no person may speak without such recognition.

J. QUORUM

A majority of all the members of the city council holding office at the time shall constitute a quorum and a quorum shall be required 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. Any council member who has three consecutive unexcused absences from regular meetings of council, shall be deemed to constitute a vacancy. The majority of those members present shall determine the third unexcused absence by motion at the third consecutive meeting. Such determination shall create a vacancy in the office. (Charter, § 5.3, § 4.8)

K. ABSENCES

A council member may be excused by the Mayor. A council member shall contact the Mayor prior to the meeting to explain the reason for the absence. An absence may be excused for illness, travel, childcare, employment responsibilities, and other unexpected occurrences. Whether or not the Mayor has excused a council member, an absence from a regular meeting shall be considered unexcused only if the City Council by motion determines an absence unexcused and includes the reasons for the determination. (Charter, § 4.8(A)(5))

L. VOTING

If the voting lighting system is available when the matter is appropriately before the council for a vote, the presiding officer shall announce “*roll call vote*”, at which time the councilmembers shall press the appropriate box on the voting screen (“yes” “no” “abstain” “recuse”); the city clerk or her designee will then announce that all votes have been cast, after which the presiding officer will encourage the council to review their vote; the city clerk will then display the result of the vote and the presiding officer shall announce the ‘yes’ and ‘no’, etc. vote tally. The minutes of city council proceedings shall reflect the final vote tally.

If the voting lighting system is not available, a roll call vote by a “yes” and a “no” shall be required for the adoption of all ordinances and resolutions, and entered upon the minutes of city council proceedings. Except where a greater number is required by the Charter, the final adoption of any ordinance shall require the affirmative vote of a majority of all council members, and resolutions and motions shall require the affirmative vote of a majority of the members of the city council present.

Items 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 council members present for approval, otherwise each item shall be voted on separately.

No councilmember shall vote on any question in which he/she has a conflict of interest or on any question concerning his/her own conduct. The council member shall disclose to the Council the nature of the conflict of interest prior to abstaining from voting. On all other questions each councilmember who is present shall vote. (Charter § 5.6)

M. TIE VOTE

In case of a tie vote on any motion, the motion shall be considered lost.

N. COUNCIL PARTICIPATION BY TELEPHONE OR VIDEO

Individual City Council members may only participate in study sessions by telephone or video technology, and this is intended to be an infrequent, irregular occurrence. Telephone or video participation is only available when the member’s absence would otherwise constitute an excused absence. Individual City Council members may not participate in regular or special meetings by telephone or video. City Council members, by a majority vote, may discontinue the use of telephonic or video participation by one or more members if such telephonic or video participation becomes excessive. Telephonic or video participation as a reasonable accommodation under the Americans with Disability Act shall be permitted upon request to the Presiding Officer.

In the event a quorum is unable to physically meet at the day, hour, and place fixed by the rules and procedures of City Council because an in-person meeting is not practical or prudent due to an emergency or other unforeseen event, or incident affecting the City, a meeting may be conducted by telephone, electronically, video participation, or by any other means of communication or combination, as allowed by the Colorado Open Meetings Law. The City

Manager, Mayor, or any two members of City Council must make a determination that in-person meetings of the entire City Council are not practical or prudent due to the emergency or other unforeseen event affecting the City. Upon making the determination, the City Clerk will post the alternate meeting location and the means by which the public can attend and participate. Telephonic, electronic, video, or other means of participate shall constitute attendance for a quorum to conduct business in this event.

O. USE OF ELECTRONIC DEVICES

The use of mobile computing devices (like cell phones, iPads, lap tops, etc.) during regular or special city council meetings or study sessions to look up documents on the agenda or access information pertaining to the council meeting is expressly permitted. Each elected official shall receive a functioning mobile computing device for his or her official use as set forth in the City Council Policy for the Use of Mobile Computing Devices, adopted by the City Council on June 18, 2013, by Resolution No. 2013-66, as the same may be amended from time to time. Mobile computing devices may be used for all City business, including note-taking, public meeting preparation, electronic mail communication, to store and use or modify documents, and internet research.

City Council should not use mobile computing devices of any sort to communicate with each other during any city council meeting. Mobile computing devices should not be used to transmit and/or receive data communication, including texts or emails or instant messages, to or from any person, including other council members during any meetings convened for the conduct of public business. While requests for assistance or logistics may be communicated to the city manager, any communication among or between council members can be a violation of the Open Meetings Act and should be avoided.

During quasi-judicial proceedings before the City Council, the use of mobile computing devices shall be limited exclusively to note-taking or agenda review, assuring that decisions are made based solely on the evidence presented.

P. ADJOURNMENT

All sessions 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 regular or special 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 made as an interruption of a councilmember while speaking; (b) when the previous question has been ordered; and (c) while a vote is taken. A motion to adjourn is not debatable.

RULE 3. ORDINANCES, RESOLUTIONS AND OTHER BUSINESS

A. FILING OF ORDINANCES AND RESOLUTIONS WITH THE CITY CLERK

Each proposed ordinance and resolution shall be filed with the city clerk one week prior to being submitted to city council. Upon final passage of the ordinance or resolution, a number for recording shall be assigned by the city clerk.

It shall be the duty of the city manager and city clerk to deliver electronically to each councilmember on the Friday before the city council meeting, or Thursday should a holiday fall on a Friday, a brief statement setting forth a 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 document(s) is in correct form. The city manager shall attach to each proposed ordinance or resolution a city council information sheet or staff report which briefly explains the background and substance of such proposal and indicates the name of the department or party at whose request the proposed ordinance or resolution was prepared.

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 those in attendance, 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 comment. Following the public comment, ordinances may be amended and adopted in final form. The city clerk shall have copies of all ordinances, whether for first or second reading, available to each councilmember on Friday preceding the regular meeting, or Thursday should a holiday fall on a Friday, by publishing the agenda packet.

E. PROCEDURE FOR PASSAGE OF ORDINANCES

1. Regular Ordinances

When adopting ordinances the following procedure shall be followed:

- a. The city clerk shall read the ordinance in full or by title only when copies are available to the city council and those in attendance.
- b. After any staff presentation and discussion by city council, a council member shall make a motion to amend, adopt, or reject the ordinance.

- c. At first reading, the council shall vote to amend, adopt or reject the ordinance by a roll call or electronic vote by a majority of the city council present, or take other action as it deems appropriate.
- d. If the ordinance is adopted by council on its initial introduction, either as presented or as amended, the ordinance shall be published in full as it was adopted.
- e. The ordinance shall then be introduced a second time, at a regular or special meeting, not earlier than four (4) days after publication, for the final adoption, rejection, or other action. Such meeting may be the same meeting at which public comment on the ordinance is permitted.
- f. An ordinance may be amended before final passage by a roll call or electronic vote of the city council. Final passage of the ordinance requires an affirmative vote of a majority of the entire city council.
- g. Upon final adoption, the ordinance shall be published either in full or by title only, as the council may direct; however, if the ordinance is amended prior to final adoption and is published by title only, the amendment shall be published along with the ordinance title.
- h. The ordinance shall be signed by the mayor and attested by the city clerk, and affidavits of publication shall be retained with the ordinance in the city's records.
- i. Every publication of an ordinance by title shall contain a notice that copies of the ordinance are available at the office of the city clerk. (Charter, § 5.9)

2. Emergency Ordinances

Emergency ordinances for the immediate preservation of public property, health, welfare, peace, or safety shall be approved only by the affirmative vote of two-thirds (2/3) of council members in office at the time. The facts determining the emergency shall be specifically stated in the ordinance. No ordinance making a grant, renewing, or amending any franchise, or imposing any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for property class, extension of an expiring tax, or tax policy change directly causing a net tax revenue gain to the city, fixing rates charged by any municipal utility system shall ever be adopted as an emergency ordinance.

An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading, and shall not require publication prior to final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption an emergency ordinance shall be published in full. (Charter, § 5.10)

If any emergency ordinance fails to receive an affirmative vote of two-thirds (2/3rds) of the council members in office, 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.

F. PROCLAMATIONS AND RECOGNITIONS

1. A request for a proclamation or other recognition must be submitted twenty-one (21) days in advance to the City Clerk, and the request should describe whether seeking a proclamation or other recognition or appearance.
2. A list of proclamations may be presented annually to the city council at a study session for review and consideration. Two council members may request a new proclamation that is not on the annual list or has never been presented previously.
3. A proclamation may be presented at a city council meeting or at any other community, non-profit, or private event.
4. A proclamation must relate to the City or to an organization within the City, or it must have a local connection or local branch.
5. Someone must be present to receive a proclamation that is to be presented at a city council meeting.
6. Issuing a proclamation does not indicate or imply a policy endorsement from the city council or the mayor. Approval of proclamations are not automatic, and the City reserves the right to modify, deny, or otherwise amend any proclamation as the City deems appropriate or necessary.

RULE 4. PARLIAMENTARY PROCEDURE

A. MAKING MOTIONS

Any city council action which requires a vote must be preceded by a motion presented by a council member. Every 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) to call 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 regular 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 with a designation of the meeting date at which it was postponed or continued.

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, council members 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. 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 he or 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 pursuant to rule 8(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 8(B) is made to permit reconsideration of an action, such motion to suspend the rules shall require the affirmative vote of six of nine, five of seven, or four of six, of the council members present, as applicable.

6. A motion to reconsider an ordinance, or any portion thereof, shall require the same number of votes 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 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 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 regular 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.

L. REFER THE MATTER

In the event a councilmember believes that more information is needed before a decision on the main motion is made, such councilmember may move to refer the matter to the City Manager for further study. A motion to refer may be discussed. The motion to refer should identify the city department the matter is being referred to, as well as instruction to the City Manager on what actions should be taken by such entity and when a report is to be made to the city council.

M. 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 attorney shall administer the oath of office to the mayor and mayor pro tem and all newly-elected or re-elected council members before city council at the first 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 council members present.

C. MAYOR PRO TEM

The mayor pro tem shall be elected at the first meeting following each biennial election and shall serve a two (2) year term. The first order of business after the new council members are sworn in shall be the election of the mayor pro tem.

Prior to voting for the mayor pro tem, the mayor shall poll the council members 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 by written ballot. The city clerk and city attorney shall tally the votes and inform the mayor of the results. Until one person has received a majority vote of all council members in office, successive ballots shall be taken. The names of candidates receiving one vote or no votes shall be eliminated from consideration on each successive ballot. The mayor shall announce the winner immediately following each vote. (Charter, §4.4)

The mayor pro tem shall preside as mayor during the temporary absence of the mayor. In case of vacancy in the office of mayor, the council shall select from its members a mayor, who shall perform all duties and have all powers of the mayor until the next regular municipal election. (Charter, § 4.8)

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 council members. 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. APPOINTMENT 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 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, § 7.1)

Each council member shall not dictate or interfere with the duties of any City employee subordinate to the City manager. Each council member shall deal with such employees solely through the City Manager. City council members should go the City Manager first with any issue, question, or request for information before reaching out to directors or other City staff. (Charter, § 7.4)

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 meetings and perform such other and further duties in the meeting as may be ordered by the presiding officer, city manager, or city council.

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.

Each council member shall not dictate or interfere with the duties of any City employee subordinate to the City Attorney. Each council member shall deal with such employees solely through the City Attorney. City council members should go the City Attorney first with any issue, question, or request for information before reaching out to any City Attorney staff.

I. ATTENDANCE BY OFFICERS AND EMPLOYEES

The head of any department, or any officer or employee of the city, when requested by the city manager, shall attend any regular or special meeting, executive or study session, and confer with city council on all matters relating to the city.

J. SERGEANT-AT-ARMS

The city manager or presiding officer shall direct that the chief of police or uniformed member of the police department 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.

K. PROCESS FOR CONSIDERATION OF CHALLENGES TO THE QUALIFICATIONS OF THE MAYOR/COUNCILMEMBERS TO HOLD OFFICE

Upon the receipt of a protest or other challenge under §2-4-10(C) of the Brighton Municipal Code, the City Council shall implement the following procedures, or any modifications thereof as deemed appropriate under the circumstances and approved by a majority of the City Council prior to the initiation of the consideration:

- (i) Allow the City Council, at its discretion, to make a finding solely on the basis of the documents submitted and written arguments without holding a hearing, if it determines that there is no significant discrepancy in the facts as presented by the protestor and the person who is the subject of the protest; and the City Council determines that no additional information is required in order to render a decision. Notwithstanding the foregoing, the person against whom the protest is filed retains the right to request a hearing, which shall be open to the public.
- (ii) Require the City Council to hold hearings on protests at meetings which are open to the public, which protests have not been dismissed pursuant to subparagraph (c)(4)(i) above.
- (iii) Allow any person who is the subject of a protest to designate legal counsel if he or she wishes to be represented, to present evidence, and to cross-examine witnesses.
- (iv) Provide that the City Council deliberations on protests may be conducted in executive session.
- (v) Allow the City Council to dismiss a protest if the person who submitted it does not appear at the hearing scheduled therefor, provided, the rules shall require the City Council to schedule the hearing at a time that is reasonably convenient to both the person who submitted the protest and the subject of the protest.
- (vi) Require the City Council to base a finding that the Mayor or Councilmember is not qualified to serve as required by the Charter, upon clear and convincing evidence.
- (vii) Require that findings be made only by a majority of the participating members of the City Council, including the Mayor.
- (viii) The City Council shall appoint and retain special counsel to provide legal advice to the City Council in relation to the hearing and consideration of the

protest and for the preparation of all findings and decisions of the City Council.

- (ix) The City Council may appoint and, if necessary, retain, an investigator to undertake such tasks as may be required to facilitate the City Council's consideration of the protest. Depending upon the nature of the protest, said investigation may be conducted by the Brighton Police Department.
- (x) In order to resolve any protest filed under the provisions of this Section, the City Council shall have the power to subpoena witnesses pursuant to Rule 4 of the Colorado Rules of Civil Procedure, administer oaths and require the production of evidence. At the hearing on the protest, the City Council shall receive such evidence as may be offered by the Councilmember(s) affected by such protest and the person(s) filing the protest, and such other evidence the City Council may consider relevant and necessary to a determination of the protest. Within no more than forty-five (45) days from the date of filing of the notice of protest, the City Council shall mail, by certified mail, return receipt requested, written findings to all members of the City Council and to the person filing the protest. The City Council shall pass upon the validity of all objections and protests, whether of form or substance, and the City Council's decisions upon matters of form shall be final. The City Council's decisions upon matters of substance shall be open to review if prompt application is made to the district court of Adams County, as provided in C.R.S. §31-10-1401, but the remedy in all cases shall be summary, and the decision of the district court shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any proceeding in a summary way.
- (xi) The Mayor or Councilmember(s) who is the subject of the protest challenging the qualifications of the Mayor or Councilmember shall not participate or vote in the hearing and decisions made regarding the protest, except as a respondent and witness therein.

RULE 6. DUTIES AND PRIVILEGES OF COUNCIL MEMBERS

A. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal of city council. If a member transgresses the rules of city council, the presiding officer shall call such member to order.

No council member or the mayor shall arrive or attempt to participate in a city council meeting with signs of being under the influence or intoxicated, such signs include but are not limited to, stumbling, slurred speech, weaving or almost falling over. The majority of the members of council present may have the council member removed in cases where the mayor or a council member is showing obvious signs of being intoxicated or under the influence and is unable to perform their duties with decorum and civility.

City council members agree that decorum involves remaining at the dais except when needing to attend to personal needs or an emergency.

B. SEATING ARRANGEMENT

Council members shall occupy the respective seats in the city council chamber assigned by the mayor.

C. RIGHT OF FLOOR

When recognized by the presiding officer, a councilmember shall confine himself 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 or her 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 council members 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 council members 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. DISCLOSURE OF KNOWN OR POTENTIAL CONFLICT OF INTEREST

Any councilmember with a known potential conflict of interest in an item before City Council must disclose the nature of the conflict. This includes, but is not limited to, financial interests of self or relative. Council members with a potential conflict of interest must certify on a disclosure form, obtained from the City Clerk, that they will refrain from attempting to influence the decisions of any other member of Council and that he or she will not vote on the matter.

H. PROHIBITING SEXUAL HARASSMENT AND DISCRIMINATION.

The Mayor and Council members shall follow the City Employee Handbook insofar as it applies to them, including but not limited to, non-discrimination and sexual harassment prohibitions. City Council members recognize that they are leaders, and as such, role models. City council encourages respectful debate and discourages discriminatory language or actions. City council members may not discriminate or sexually harass employees, and if such concerns arise, the City Manager may take any action necessary to limit contact or remove the employee from having interactions with such council member.

I. DUTY TO REPRESENT THE CITY ON BOARDS AND COMMISSIONS

Each council member and the Mayor have a duty to represent the City on boards and commissions, either as a direct appointee or as an alternate. Any member who cannot attend their assigned board or commission meeting will notify the alternate and seek to have the alternate attend. Each council member may be appointed to a minimum of two boards and commissions, either as the primary or alternate. The Mayor will seek preferences and availability or scheduling conflicts from city council members prior to making such appointments.

J. EXPECTATIONS

City council members will be prepared for meetings. City Council members will be respectful to each other and to the public. City Council members will make fair decisions based upon the information presented at the meeting and in the packet.

No member of Council or Council appointee shall state a position or policy of the City until said position or policy has been adopted by affirmation or resolution of Council. No restraint on individual expression is hereby intended, so long as the narrator clearly indicates that the position expressed is his or her individual opinion and not the position or policy of the City.

RULE 7. CITY COUNCIL CHAMBER

A. CITY COUNCIL CHAMBER

The city council chamber shall be under the supervision and control of the city manager's office when city council is not in session.

B. ACTIVITY PROHIBITED IN CITY COUNCIL CHAMBER AND THAT PORTION OF CITY HALL WHICH IS VISIBLE FROM CITY COUNCIL CHAMBERS

Signs and placards are prohibited in city council chamber. Any person who brings a sign or placard into city hall which can be seen from city council chamber or who displays a sign or placard from the audience area of the council chamber shall be ordered to remove it by the presiding officer. Should any person in possession of a sign or placard fail to remove it upon an order by the presiding officer, the presiding officer is authorized to direct the city manager to cause the sergeant-at-arms or a police officer of the city to remove any such person from the city hall and a police officer may issue such person a citation for a violation of statute or ordinance if applicable.

C. REMOVAL FOR DISORDERLY CONDUCT

In the event any person(s) interrupts the business of the city council or causes 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 city manager to have 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. 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 council members. 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. This requirement may be waived only by unanimous consent, with a recorded vote of all council members 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 council members. 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.