

TOWN OF ERIE
COLORADO

TOWN COUNCIL
RULES OF ORDER
&
PROCEDURE



1. AUTHORITY AND PURPOSE

- 1.1 These Rules of Order and Procedure ("Rules") may be temporarily suspended by a majority vote of the Council members present. When making a motion to suspend these Rules, a Council member shall specify which rule, procedure or part thereof is being temporarily suspended, and the purpose for which the rule is to be suspended. The vote on any suspension shall be entered upon the record.
- 1.2 These Rules may be amended or new rules may be adopted by a majority vote of the Council members.

2. MEETINGS OF THE TOWN COUNCIL

- 21 **Regular Meetings:** The Town Council of the Town of Erie ("Council") shall meet in regular session on the second and fourth Tuesdays of each month beginning at 6:30 p.m. All Regular Meetings shall be held in the Council Chambers unless otherwise determined by the Council. The agenda for Regular Meetings shall be primarily devoted to the transaction of Town business requiring formal voting by the Council.
- 22 **Pre-Meeting:** Prior to the convening of a regular Council meeting, the Council may meet to review that night's agenda.
- 23 **Special Meetings:** Special Meetings are those held at any other time other than the date of the Regular Meetings, and are for the purpose of transacting limited municipal business that cannot otherwise be transacted in a timely fashion at a Regular Meeting. Such municipal business must be included in the notice of the meeting. Special Meetings may be called as follows: by the Mayor; at the verbal or written request of 3 members of the Council; or by the Town Manager. Notice of the Special Meeting shall be in writing to each of the members of the Council, and such written notice may be via electronic means including e-mail and facsimile. A Special Meeting may also be called by a motion at a Regular Meeting, and with the approval of a majority vote of the Council.

24 Study Sessions: The Council may meet in a Study Session, to be held on a date requested by the Town Manager, for the purpose of receiving reports and updates and discussing Town business. No decisions can be made nor may any actions be taken at a study session. All actions taken and all decisions made must be approved at either a Regular or Special Meeting. Study Sessions are open to the public; however, no testimony or comments shall be received from the public at these meetings unless the presiding officer otherwise directs at the Study Session. A Council member may attend a Study Session by electronic means if they are unable to attend in person.

3. COUNCIL MEETING PARTICIPANTS

3.1 Mayor: The Mayor shall preside over meetings of the Council. The Mayor shall have the right to speak and to vote as any other member of the Council. Duties of the Mayor as presiding officer include:

- a. Open the meeting at the appointed time, and call the meeting to order.
- b. Announce the business coming before the Council in accordance with the agenda-and introduce items of business.
- c. Control the proceedings of the meeting and recognize Council members, staff and members of the public who are entitled to the floor.
- d. State or cause to be stated and put to a vote all questions that legitimately come before the Council and announce the results of the vote. Although not prohibited, the presiding officer generally does not propose a motion.
- e. Enforce the Council's rules relating to debate, order, and decorum at meetings.
- f. Decide all questions of order.
- g. Adjourn the meeting.

3.2 Mayor Pro Tem: At the first meeting following each election, the Council shall elect from within its membership a Mayor Pro Tem, who shall

become the acting Mayor in the absence of the Mayor, with the same duties and responsibilities of the Mayor.

- 3.3 Temporary Chair:** In the event both the Mayor and the Mayor Pro Tem are absent from a meeting, the Town Clerk shall call the Council to order and call the roll. If a quorum is present, the Council shall elect by a majority vote a Temporary Chair who will preside over the meeting until the arrival of the Mayor or the Mayor Pro Tem, at which time the Temporary Chair shall relinquish the chair upon conclusion of the business immediately before the Council.
- 3.4 Council members:** All Council members have the right to full participation in all meetings. Council members are expected to attend all Regular Meetings, Special Meetings and Study Sessions.
- 3.5 Absences:** In the event a Council member will be absent, the Council member should notify the Mayor or the Town Clerk as soon as possible prior to the Council meeting.
- 3.6 Executive staff:** The Town Manager and the Town Attorney, or their designees, shall attend all meetings of the Council. They shall have the ability to take part in all discussions of the Council, but shall have no votes. The Town Attorney, upon request of the Council, shall provide either a written or oral opinion on questions of law.
- 3.7 Town Clerk:** The Town Clerk, or designee, shall attend all meetings of the Council and shall keep the official minutes of proceedings and perform other such duties as may be requested by the Council.
- 3.8 Other Municipal Employees:** The head of any department or any employee of the Town, as directed by the Town Manager, shall attend meetings of the Council.

4. AGENDA & NOTICE OF MEETINGS

- 4.1 The agenda** shall be set by the Mayor and Town Manager. Items to be included on the agenda may be submitted by the Mayor, members of the Council, the Town Manager, or by staff. Council members wishing to place an item on the agenda must first consult with the Mayor; an

item may be placed on the agenda at the direction of a majority of the Council at a meeting or Study Session.

- 4.2** The Town Clerk shall maintain an “Advance Agenda” listing the meeting schedule and issues the Town Manager anticipates presenting to the Council at each meeting. The Town Clerk shall update the Advance Agenda at least bi-weekly and shall provide an electronic copy of the most recent update at least 5 days prior to each Council meeting.
- 4.3** The Town Clerk shall prepare all agendas upon the direction of the Town Manager.
- 4.4** At any point in the Council meeting, any Council member, when recognized by the presiding officer or when in possession of the floor, may request that a new item (not currently on the agenda) be placed on the current Council meeting agenda or on a future agenda. Such a request shall be made in a formal manner, such as: “I request_____be placed on the agenda for (this) (the next) (a specific future) meeting.” If a second is obtained, then a discussion and vote shall be taken on the Council Member’s request. If a majority of those Council Members present vote in the affirmative, then the request shall be granted
- 4.5** No later than Friday preceding the Regular meeting, the Town Clerk will publish on the Town’s website a packet including the agenda for the next meeting showing the order of business. Unsigned written or anonymous communications shall not be included in the packet.
- 4.6** Included in the packet will be a summary of items expected to come before the Council at its next Regular meeting and the information prepared and compiled by Town staff for each item.
- 4.7** A notice of meeting shall be published on the Town's website at least 24 hours prior to a Regular Meeting, Special Meeting or Study Session. Any other notice allowable by law shall be permissible. Notices shall be published as designated by the Council by resolution at the beginning of each calendar year.
- 4.8** In the event that an Executive Session will be held at a time other than in conjunction with a Regular or Special Meeting, notice of such

Executive Session and its purpose shall be published on the Town's website at least 24 hours prior to the meeting.

4.9 Proclamations. Procedure and policy for placing a proclamation on the Council agenda is as follows:

PURPOSE:

- a. Ceremonial and used for recognition for local person, event, etc.
- b. To honor persons or groups who impact the Town.
- c. Nationally recognized events or activities with local interest.
- d. Non-controversial and non-political.
- e. Should not be subject to strong differences of opinion in the community.
- f. Should not have policy implications.
- g. Should not contain facts and figures that need to be verified.

PROCEDURE:

- a. Proclamations require a Council sponsor - staff will work with the Council to see who will sponsor.
- b. A draft shall be submitted at least 2 weeks prior to the Council meeting – the Town may edit the draft.
- c. Staff circulates the proclamation to the Council prior to scheduling so the Council can advise staff of any objection.
- d. If no objections, the proclamation will be scheduled.
- e. When applicable, a representative should be there to accept the proclamation.

5. MEETING PROCEDURES

5.1 The order of business shall be as follows (unless modified by a majority vote of the Council members present):

- a. **Call to Order**
- b. **Pledge of Allegiance and Roll call**
- c. **Approval of Agenda.** The Town Manager will advise Council members of items which need to be added to or deleted from the agenda, Council members may request addition or removal of agenda

items at this time. Amendments to the order of business or the agenda must be approved by a majority of the Council members present.

d. **Election Related Actions.** After each municipal election, the newly elected members shall be sworn in by the Town Clerk, the Council shall elect the Mayor Pro Tem, the Council shall appoint the Town Officers (Town Manager, Town Attorney, Town Treasurer and Town Clerk) and the Town Clerk shall swear in said Officers.

e. **Consent Agenda.** The Town Manager will put on the Consent Agenda items for Council approval without discussion or debate. Prior to the motion to approve, a Council member may request removal of an item on the Consent Agenda. Items removed will be considered under “General Business” in the order they appeared on the agenda.

f. **Public Comment.** This period is the opportunity for members of the public to comment for up to 3 minutes on any matter not on the agenda or scheduled for public hearing or public comment. The Council shall not take action on items not on the meeting agenda. However, the Council may direct that issues raised during this period be considered on a subsequent agenda, and simple questions may be answered at the presiding officer’s direction. To ensure the Council is able to consider issues already on the meeting agenda, if public comment during this period takes more than 45 minutes, the presiding officer may defer additional public comment to the end of the meeting or to a subsequent meeting.

g. **General Business.** Under this agenda category the Council shall consider Proclamations, Appointments, Presentations, Resolutions, Ordinances and other matters. The order of matters shall be that most conducive to public involvement and the efficient use of the Council’s, presenter’s and Town staff’s time.

h. **Staff Reports.** Information or staff items that do not require action by the Council.

i. **Council Reports** Information sharing, appointments and discussion of items not on the agenda.

j. **Executive Session** (as needed). An Executive Session may be scheduled anywhere on the agenda as determined to be appropriate by the Council.

k. **Adjournment.**

5.2 Public Comment Procedures.

a. In addition to the period reserved for public comment on matters not on the agenda, members of the public shall have the opportunity to comment on Resolutions and Ordinances, and other matters before the Council as determined by the presiding officer or applicable law, during the time designated for Public Comment on that matter and when recognized by the presiding officer. Each person shall first sign a public comment sheet listing their name, address, telephone number, and the specific agenda item on which they want to comment. Public comment sheets will be prepared by the Town Clerk.

b. The Town Clerk will deliver the comment sheets to the presiding officer, who will call the names of the persons who indicated they wished to speak in the order they signed up.

c. Prior to making comments, each person will, for the record, give their name and address. If they neglect to do this, the Town Clerk will ask for this information.

d. Each person will be permitted to speak during the designated times for Public Comment for a period of time not to exceed three (3) minutes. The Town Clerk will operate the speaker's timing system and monitor the speaker's time. The timing system will not apply to Council members, Town staff, or presentations by applicants or petitioners.

e. Order:

i. The presiding officer reads title of ordinance or resolution into the record.

ii. Staff presentation.

iii. Applicant/petitioner presentation.

iv. Public comment.

- v. Public comment closed.
- vi. Council deliberation.
- vii. Council motion and action.

5.3 Electronic Participation: No Council member may attend a Regular Meeting or Special Meeting or an Executive Session by electronic means, including by telephone, computer or any other device except as provided by the Town's Remote Meeting Policy.

5.4 Executive Sessions: All information and discussions taking place in an Executive Session shall remain confidential and shall not be released in any form, repeated or shared, by any participant in the Executive Session unless by a vote of the majority of the Council, at which point, the participants are released from the confidentiality requirement set forth herein.

5.5 Meeting Minutes: The Town Clerk shall prepare meeting minutes, which shall be primarily a record of the action taken at the meeting, not what was said by members of the Council. The minutes shall contain a separate paragraph for each item or subject matter, and should reflect each item considered and the disposition of each motion or matter on which action is taken. Comments by Council members or the public may be summarized. The minutes may be corrected or amended by motion of a Council member. If the correction is minimal or insubstantial (incorrect spelling, etc.), it is preferable to contact the Town Clerk prior to the meeting. A corrected copy of the minutes shall then be prepared for approval by the Council at its meeting.

5.6 Recess: The presiding officer may call a recess not to exceed (20) minutes at any time during a meeting to determine a rule of order or at the request of a majority of the Council. The presiding officer may call a recess at any time between items of business.

6. VOTING

6.1 Votes may be taken either by voice vote or by roll call vote. A voice vote is achieved by asking those in favor of an item to indicate such as a group and then by asking those in opposition to an item to likewise

indicate such as a group. A roll call vote is achieved by having each Council member individually indicate their vote either in favor of or in opposition to the item. All votes are announced by the Mayor with the assistance of the Town Clerk, as necessary.

- 6.2** Roll call votes are recorded in the minutes and indicate the names of the Council members who voted in opposition. Any Council member may call for a roll call vote at any time.
- 6.3** The order of a roll call vote shall rotate with each vote taken, with the exception that the presiding officer shall always cast the last vote of the roll call.
- 6.4** All ordinances, resolutions, and orders for the appropriation of funds require an affirmative vote of a majority of the Council. Executive Sessions require an affirmative vote of $\frac{2}{3}$ of the quorum present, and emergency ordinances require an affirmative vote of $\frac{3}{4}$ of the entire Council. All other actions may be approved by a majority of those present. No votes may be taken unless a quorum of 4 Council members is present, except a vote to continue the meeting and all agenda items to a date certain.
- 6.5** All ordinances and resolutions approving the expenditure of funds require a roll call vote.
- 6.6** No Council member may abstain from voting, except if they indicate a conflict of interest, as defined by state law or the Erie Municipal Code. In that case, the Council member should state the conflict, step down from the Council platform and leave the chambers during the discussion and vote. If any Council member attempts to abstain in any other circumstance, the refusal shall be counted as an affirmative vote.
- 6.7** In case of a tie vote on any motion, the motion shall be considered defeated.

7. MOTIONS

- 7.1** All matters before the Council shall be introduced by motion. A motion refers to a formal proposal by a Council member upon which the Council

may take action. Motions are generally introduced by voice. However, if the motion is long or involved, motions should be put in writing. Motions shall be put in writing if requested by two (2) Council members.

7.2 All motions must be seconded in order for discussion to occur.

7.3 The following steps shall be taken for the presentation and disposition of motions:

- a. The presiding officer recognizes a Council member.
- b. The Council member proposes a motion.
- c. Another member seconds the motion.
- d. The presiding officer may cause the motion to be restated.
- e. The Council debates/discusses the motion (amendments to the motion or other substitute motions may be made during the debate/discussion).
- f. At the conclusion of the debate/discussion, the presiding officer may cause the motion to be restated.
- g. Vote is taken and the presiding officer announces the results of the vote.

7.4 The following motions are the most commonly used:

a. **Motion to amend:** A motion to amend may take the form of inserting, striking out or striking out and inserting words, sentences, or paragraphs. A motion to amend must be pertinent to the main motion. It is proper to make a motion to amend an amendment. Motions shall be discussed in the reverse order from which they were proposed.

b. **Motion to continue:** A motion to continue has the effect of moving an item to a future agenda. The motion shall include the date to which the item is being continued.

c. **Motion to lay on the table:** This motion is used to set aside an item currently under discussion for a more pressing matter. It is not used to “kill” a matter. Once the more pressing matter has been disposed with,

a motion to take from the table is in order. This motion shall be made at the same Council meeting or at the next Regular or Special Meeting.

d. **Motion to postpone indefinitely:** Approval of this motion effectively “kills” the item and no further discussion can be held. If the motion fails, discussion on the motion, and a vote, can be had. Reconsideration of a Motion postponed indefinitely shall require the affirmative vote of a majority of the Council.

e. **Motion to move the previous question:** This motion is used to cut off debate and to bring an immediate vote on the pending motion. A Motion to move the previous question requires a two-thirds ($\frac{2}{3}$) vote of those present to prevail. This motion cannot be made while a Council member has the floor. A vote is first taken on the motion; if successful, debate is halted and a vote on the main motion is made. If the vote on the motion to move the previous question fails, debate on the main motion may continue.

f. **Motion to reconsider:** Any action taken by the Council may be reconsidered. A motion to reconsider must be made at the same meeting at which the action occurred, or at the next following Regular or Special meeting. The motion must be made by a Council member who voted on the prevailing side and that Council member shall so state that in the motion. A vote is then taken on the motion to reconsider. The passage of a motion to reconsider suspends all action on the original motion. The original question is then placed before the Council in the exact form it was in when previously adopted. Once the vote is taken and the results determined, no further reconsideration can be granted.

7.5 Any motion may be withdrawn prior to a vote on that motion with the concurrence of the person seconding the motion.

7.6 When a main motion is before the Council, no other business or motion may be brought before the Council except for a secondary or subsidiary motion as follows: (a) motion to amend, (b) motion to continue, (c) motion to lay on the table, (d) motion to postpone indefinitely, (e) motion to move the previous question, or (f) motion to refer. These subsidiary motions [(a) through (f)] shall have precedence in the order indicated.

8. CHAMBERS

- 8.1** The Council Chambers shall be under the supervision and control of the Town Clerk when the Council is not in session.
- 8.2** The Chambers shall be used primarily for the transaction of public business of the Town.
- 8.3** Members shall occupy seats in the Chambers as assigned to them by the Mayor, except that the Mayor Pro Tem shall occupy the seat immediately to the right of the Mayor. New seat assignments shall be made after each regular municipal election.
- 8.4** The Chief of Police, or their designee, shall maintain the peace in the Chambers.
- 8.5** Smoking is prohibited in the Chambers and all areas of Town Hall.