

TOWN OF ERIE


COLORADO

BOARD OF TRUSTEES


RULES OF ORDER &

PROCEDURE





*This document
is intended to guide
the legislative activities
of the Erie Town Board.*



RESOLUTION NO. 03- 10

**A RESOLUTION ADOPTING RULES OF ORDER AND
PROCEDURE; AND, SETTING FORTH DETAILS IN
RELATION THERETO.**

WHEREAS, the Board of Trustees of the Town of Erie, Colorado wishes to adopt Rules of Order and Procedure for the orderly conduct of Board of Trustees meetings and the preparation of agendas for the Board of Trustees meetings; and

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town to adopt Rules of Order and Procedure.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF ERIE, COLORADO, AS FOLLOWS:**

Section 1. That the Rules of Order and Procedure, a copy of which is attached hereto and incorporated herein by reference, is hereby adopted.

Section 2. That adopting the Rules of Order and Procedure is found to be in the best interest of the Town of Erie, and necessary for the preservation of the public health and safety.

**ADOPTED AND APPROVED THIS 28TH DAY OF JANUARY, 2003, BY THE
BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.**

TOWN OF ERIE,
a Colorado municipal corporation

By: Barbara Connors
Barbara Connors, Mayor

ATTEST:

By: Teresa G. Andrews
Teresa G. Andrews, CMC, Town Clerk

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1. AUTHORITY AND PURPOSE

- 1.1 These Rules of Order and Procedure may be temporarily suspended by a majority vote of the Board members present. When making a motion to suspend these Rules of Order and Procedure, a Board 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 all Board members. Any such amendments shall be submitted to the Mayor, who shall place them on the agenda for the next regular meeting. This requirement may be waived by a majority vote of all Board members, with a recorded vote of all Board members present.

2. MEETINGS OF THE TOWN BOARD

- 2.1 **Regular Board meetings:** The Erie Town Board shall meet in regular session on the second and fourth Tuesdays of each month beginning at ~~6:30~~6:00 p.m. All meetings shall be held in the Town Board Chambers unless otherwise determined by the Town Board. The agenda for regular meetings shall be primarily devoted to the transaction of town business requiring formal voting by the Town Board.
- 2.2 Prior to the convening of a regular board meeting, the Town Board may meet to review that night's agenda.
- 2.3 **Special Board meetings:** Special meetings are those held at any other time other than the date of the Regular Board meetings, and are for the purpose of transacting limited municipal business that cannot otherwise be transacted in a timely fashion at a Regular Board meeting. Such municipal business must be included in the notice of the meeting.

2.4 Special Meetings: Special Meetings may be called as follows: 1. By the Mayor; 2. at the verbal or written request of three (3) members of the Board of Trustees; or 3. By the Town Administrator. Notice of the Special Meeting shall be in writing to each of the members of the Board of Trustees, 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 Board of Trustees Meeting, and with the approval of a majority vote of the Town Board of Trustees (Notice of a Special Meeting will be subject to notice requirement in Section 4.7).

2.5 Study sessions: The Town Board may meet in a study session, to be held on a date requested by the Town Administrator, 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 Board meeting. Study sessions are open to the public; however, no testimony or comments shall be received from the public at these meetings. A board member may attend a study session by electronic means if he or she is unable to attend in person. (Notice of a study session will be subject to the notice requirement in section 4.7.)

3. BOARD MEETING PARTICIPANTS

3.1 Mayor: The Mayor shall preside over meetings of the Town Board. The Mayor shall have the right to speak and to vote as any other member of the Town Board. 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 Town Board in accordance with the agenda; direct the Town Clerk to introduce items of business.

- c. Control the proceedings of the meeting and recognize board 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 board and announce the results of the vote. Although not prohibited, the presiding officer generally does not propose a motion.
- e. Enforce the Board'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 its election, the Town Board 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 Board to order and call the roll. If a quorum is present, the Town Board 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 Town Board.

3.4 Board members: All Town Board members have the right to full participation in all meetings. Board members are expected to attend all regularly scheduled board meetings and study sessions.

3.5 In the event of illness, board members should notify the Mayor or the Town Clerk as soon as possible prior to the Board meeting.

3.6 Town Board members who wish to be excused from a regular meeting should make this request as early as possible but no later than the Regular meeting preceding the anticipated absence. Emergency situations are exempt from this requirement.

- 3.7 Executive staff:** The Town Administrator and the Town Attorney, or their designees, shall attend all meetings of the Town Board. They shall have the ability to take part in all discussions of the Board, but shall have no votes. The Town Attorney, upon request of the Board, shall provide either a written or oral opinion on questions of law. ~~She/H~~e shall act as the Board's parliamentarian.
- 3.8 Town Clerk:** The Town Clerk, or designee, shall attend all meetings of the Board and shall keep the official journal of proceedings and perform other such duties as may be requested by the Board.
- 3.9 Other Municipal Employees:** The head of any department or any employee of the Town, as directed by the Town Administrator, shall attend meetings of the Town Board.

4. AGENDA & NOTICE OF MEETINGS

- 4.1 The agenda** shall be set by the Mayor and Town Administrator. Items to be included on the agenda may be submitted by the Mayor, members of the Town Board, the Town Administrator, or by staff. Board 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 Board at a meeting, or study session.
- 4.2** ~~The Town Clerk shall maintain A rough draft of the an "Advance aAgenda" listing the meeting schedule and issues the Town Administrator anticipates presenting will be submitted to the Board of Trustees 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 eachthe Board meeting.~~
- 4.3** The Town Clerk shall prepare all agendas upon the direction of the Town Administrator.
- 4.4** At any point in the Board of Trustees meeting, any Board Member, when recognized by the Mayor or when in possession of the floor, may request that a new item (not currently on the agenda) be placed

on the current Board 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 Board Member's request. If a majority of those Board Members present vote in the affirmative, then the request shall be granted

4.5 No later than Thursday preceding the Regular meeting, the Town Clerk will ~~have delivered to each Board member~~ publish on the Town's website a packet including the agenda for the next meeting showing the order of business, ~~related minutes~~. 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 Town Board at their next Regular meeting and the information prepared and compiled by Town staff for each item.

4.7 A notice of meeting shall be posted and published on the Town Website at least twenty-four (24) hours prior to a regular or special meeting. Any other notice allowable by law shall be permissible. Notices shall be posted at the location designated by the Town Board 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 Board meeting, notice of such executive session and its purpose shall be posted and published on the Town Website at least twenty-four (24) hours prior to the meeting. Executive sessions are closed to members of the press and the public.

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

PURPOSE:

- a. Ceremonial and used for recognition for local person, event, etc.
- b. Honor persons or groups who impact the Town of Erie.
- 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:

- h. Proclamations require a Board sponsor - staff will work with the Board to see who will sponsor.
- i. Submit a draft at least 2 weeks prior to the Board meeting - Town may edit.
- j. Staff circulates proclamation to Board prior to scheduling so they can advise staff of any objection.
- k. If no objections, proclamation will be scheduled.
- l. 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 Board members present):

- a. **Call to order** (by Presiding Officer)
- b. **Pledge of Allegiance and Roll Call**
- c. **Approval of the agenda.** The Town Administrator will advise Board members of items which need to be added to or deleted from the agenda, Board 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 Town Board present.
- d. **Consent Agenda items** (Includes items that can be approved without discussion or debate and are usually approved by unanimous vote). Prior to the motion to approve, a Board member may request removal of an item on the Consent Agenda. Items removed will be considered under ~~“General Business”~~the appropriate category of business in the order they appeared on the agenda.
- e. **Public Comment** (For discussion of any item not scheduled for

public hearing or public comment. No action is taken by the Board on items not previously on the agenda; however, issues raised may appear on subsequent agendas and simple questions may be answered at the Mayor's direction.)

- f. **Proclamations and Presentations** (Includes awards and special citations).
- g. **Resolutions** (The Town Clerk will assign a number to each resolution ~~prior to the meeting~~. This number will remain with the resolution at all times.)
- h. **Ordinances** (This item is for the approval of ordinances ~~on first and second readings~~.) The Town Clerk will assign a number to each ordinance ~~prior to the meeting~~. This number will remain with the ordinance at all times.
- i. **General Business** (this item is reserved for matters that are ready for Board action and do not fit into other categories.)
- j. **Staff Reports** (Includes information or staff items which require action by the Board.)
- k. **Board of Trustees Reports** (Includes items of information, appointments and discussion of items not on the agenda.)
- l. **Call for Executive Session** (on an as needed basis only). The order of the Executive Session may be changed on the agenda as determined to be appropriate by the Board.
- m. **Adjournment.**

5.2 Members of the public shall have the opportunity to comment on certain matters before the Town Board during the Public Comment portion of the meeting. Each person shall first sign a public comment sheet listing his name, address, telephone number, and if she/he is speaking on a specific item on the agenda and whether or not he or she favors the question. Public comment sheets will be prepared by the Town Clerk, ~~and separate sheets will be available for the "Consent Agenda", "Public Comment", each individual item listed under the headings "Second Readings of Ordinances" and any Public Hearings~~ as required by state statute or Town Ordinance. The Public Comment

portion of the meeting is generally intended for public comment on those items on the agenda that do not have a separate public hearing scheduled at the meeting.

- 5.3** The Town Clerk will deliver the comment sheets to the Mayor, who will call the names of the persons who indicated they wished to speak in the order they signed up.
- 5.4** Prior to making comments, each person will, for the record, give his name and address. If he neglects to do this, the Town Clerk will ask for this information.
- 5.5** Each person will be permitted to speak during the Public Comment portion of the meeting for a period of time not to exceed three (3) minutes. A total of forty-five (45) minutes shall be set aside for Public Comment. At the end of the 45 minutes, public comment shall be closed and if persons remain who desire to make public comments, such Public Comment shall be continued to the end of the agenda. The Town Clerk will operate the speaker's timing system and monitor the speaker's time. The timing system will not apply to board members, members of the administrative staff, or presentations by applicants or petitioners.
- 5.6** Public Hearings on ordinances and resolutions, if required by state statute or town ordinance will be conducted as follows:
 - a. ~~Town Clerk, or a person designated by the~~ The Mayor/Presiding officer; reads title of ordinance or resolution into the record
 - b. Staff presentation
 - c. Applicant/petitioner presentation
 - d. Public comments
 - e. Public discussion closed
 - f. Board discussion (may ask questions of applicant/-petitioner, those making public comments or staff)
 - g. Board motion and action

5.7 Public Hearings on ordinances, if required by state statute or town ordinance, will be held on the ~~first~~ reading of an ordinance.

5.8 All persons, including the applicant but excluding Town staff, wishing to provide evidence or testimony at a public hearing shall be sworn in prior to giving such evidence or testimony. This shall be done in the manner as follows.

Prior to opening the public hearing and taking evidence or testimony, the Mayor shall state the following: "Anyone wishing to address the Board of Trustees on this matter; please raise your right hand. Do you swear or affirm that the evidence and testimony that you are about to give is true?"

This procedure may be repeated as necessary in order to allow all those wishing to testify or give evidence to address the Board under oath.

5.9 No board of trustee member may attend a regular or special board of trustees meeting or an executive session by electronic means, including by telephone, computer or any other device. A board member must be present in person in order to participate and vote at a regular or special board of trustees meeting or to participate in an executive session.

5.10 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 town board. At which point, the participants are released from the confidentiality requirement set forth herein.

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 board member individually indicate his 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 board members who voted in opposition. Any Board of Trustee 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 Mayor 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 Town Board. (C.R.S. 31-16-103). All other actions may be approved by a majority of those present. No votes may be taken unless a quorum – four (4) board members is present.
- 6.5** All ordinances and resolutions that require the appropriations of funds or by which the board enters into a contract shall be voted on by asking each Board member individually whether he favors or opposes the ordinance or resolution.
- 6.6** No Board member shall be permitted to abstain from voting, except if he should indicate a conflict of interest, as defined in C.R.S. 31-4-104 (2) or Chapter 7 of the Erie Municipal Code. In that case, the Board member should state the conflict, step down from the Board platform and leave the chambers during the discussion and 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 Town Board shall be introduced by motion. A motion refers to a formal proposal by a board member upon which the Board 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) Board 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 board member.
- b. The board member proposes a motion.
- c. Another member seconds the motion.
- d. The presiding officer may cause the motion to be restated.
- e. The board 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 bill. 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 Board meeting or at the next Regular Board 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 Board.
- 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 Board 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 Board 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 Board member who voted on the prevailing side and he shall so state that in his 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 Board 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.
- g. **Motion to refer:** If a board member believes more information is needed before a decision can be made such member may move to refer the item to a board or commission for further study. The motion should identify the board or commission as well as instructions regarding actions to be taken by that body and when a report should be made to the Town Board. This motion should not be used to receive further information from staff. **In that case, a motion to continue should be made.**

h. **Any motion may be withdrawn** prior to a vote on that motion.

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 board of trustees, no other business or motion may be brought before the board of trustees 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. ORDINANCES & RESOLUTIONS

8.1 All ordinances and resolutions, except those appropriating funds, require an affirmative vote of the majority of the Town Board present in order to be adopted. Ordinances or resolutions for the purpose of appropriating funds require an affirmative vote of the majority of the Town Board.

8.2 For ordinances requiring a Public Hearings; a hearings will be held ~~on first reading~~ following appropriate notification. Ordinance adopted by reference will follow State Statute requirements found in C.R.S 31-16-205.8.3. Resolutions are effective upon passage. They are not published in the newspaper.

8.3 The Town Clerk is responsible for maintaining a public file of all ordinances and resolutions.

9. GENERAL RULES

9.1 The Town Board Chambers shall be under the supervision and control of the Town Clerk when the Board is not in session.

- 9.2** The Chambers shall be primarily used for the transaction of public business of the town. Exceptions shall be made by the Town Clerk in accordance with policies approved by the Board.
- 9.3** 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.
- 9.4** The Chief of Police, or her/his designee, shall be charged with maintaining the peace in the Chambers.
- 9.5** Smoking is prohibited in tThe Chambers and all areas of Town Hall ~~are smoke free. Smoking shall be prohibited.~~
- 9.6** The ~~P~~presiding ~~O~~fficer may call a recess not to exceed twenty (20) minutes at any time during a meeting to determine a rule of order or at the request of a majority of the Board. The presiding officer may call a recess at any time between items of business.
- 9.7** Each Board member shall be recognized by the presiding officer prior to speaking.
- 9.8** The Town Clerk shall maintain an account of all proceedings of the Board, which shall constitute the official record of the board. All public records shall be kept in accordance with Article 72, Title 24, C.R.S.
- 9.9** The Town Clerk shall prepare all minutes, which shall be primarily a record of the action taken at the meeting, not what was said by members of the Board. 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 board members and/or citizens may be summarized.
- 9.10** The minutes may be corrected or amended by motion of a Board 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 Town Board at their meeting.

10. AMENDMENTS

- 10.1 Resolution 08-65:** adopted and approved on the 27th Day of May, 2008 by the Town of Erie Board of Trustees amending Part 5 (Meeting Procedures) adding a new section “5.8.”
- 10.2 Resolution 09-86:** adopted and approved on the 26th Day of May, 2009 by the Town of Erie Board of Trustees amending “the regular board meeting start time to 6:30 p.m.
- 10.3 Resolution 09-103:** adopted and approved on the 23rd Day of June, 2009 by the Town of Erie Board of Trustees amending Part 4 (Agenda and Notice of Meetings) adding a new section “4.4.”
- 10.4 Resolution 11-18:** adopted and approved on the 25th Day of January, 2011 by the Town of Erie Board of Trustees Amending Certain Sections And Adding of New Sections To The Rules of Order And Procedure.
- 10.5 Resolution 13-46:** adopted and approved on the 26th Day of March, 2013 by the Town of Erie Board of Trustees Amending Section 2 repealing and replacing paragraph 2.4 “Special Meetings.”
- 10.6 Resolution 13-92:** adopted and approved on the 30th Day of July, 2013 by the Town of Erie Board of Trustees Amending Section 2 repealing and replacing paragraph 2.5 “Study Sessions” and Amending Section 5 repealing and replacing paragraph 5.9.
- 10.7 Resolution 17-34:** adopted and approved on the 28th Day of February, 2017 by the Town of Erie Board of Trustees Adding a new Paragraph 4.9 “Proclamations.

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*The Mayor and Board
of Trustees will work to
enhance Erie's quality
of by helping to foster
and facilitate a unique,
culturally rich, and
financially sound
community*
