



CITY COUNCIL
RULES OF PROCEDURE
and
PROCEDURAL GUIDELINES

EFFECTIVE MARCH 19, 2024

RULES OF PROCEDURE

Rule 1. MEETING SCHEDULE

- A. The City Council (the “Council”) shall meet in the Council Chambers at 6:30 p.m. or as set by vote from time to time by the City Council, but in no case later than 7:00 pm, in a workshop meeting (“Workshop”) and/or regular session meeting (“Business Meeting”) on the first and third Tuesday of each month, and at such other times as it may be called, pursuant to Section 3.5(5) of the City Charter. In establishing the agenda for each meeting, and in conducting the meeting, the City Council shall endeavor to ensure that no meeting of the Council shall proceed past 10:00 p.m. Accordingly, the City Clerk shall provide a verbal notice of the time to the Council at or about 9:30 p.m. In the event of any objection by any single member of the Council to proceeding with the meeting past 10:00 p.m., the meeting shall continue past 10:00 p.m. only upon the affirmative vote of a majority of members present at the meeting.

The City Council may meet at other times for the purpose of holding a Workshop or Business Meeting. When a meeting of the Edgewater Liquor Authority and the City Council are scheduled on the same evening, the meeting of the Edgewater Liquor Authority shall begin at 6:00 p.m., and the meeting of the City Council shall begin promptly thereafter.

- B. The Mayor may cancel, reset or amend the starting time of any meeting of Council, so long as at least one regular meeting is held each month in accordance with Section 3.5(1) of the City Charter.
- C. In order to expedite the seating of newly elected City officials, a Business Meeting of the City Council shall be held at 6:30 p.m. on the first Tuesday following the certification of election results. If this meeting falls on an official holiday, a Business Meeting shall be held on the following Tuesday at 6:30 p.m.
- D. Meetings of the Council may be conducted in whole or in part by audio or audio/visual communications, and meetings may be conducted by any combination of some (or all) persons attending the meeting personally, and some (or all) others attending virtually through audio or audio/visual means if, subject to normal technical difficulties, all members of the Council and the public can hear one another and can hear and/or read all discussion, testimony and documentary evidence and to the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some or all members of the City Council may participate by audio or audio/visual means of communication, the right of the public to attend the meeting from another location, and the information necessary to allow for such participation. The Mayor or other Chair of the meeting has the discretion to temporarily suspend a meeting for an announced period of time to attempt to correct any problems with remote audio or audio/video access to the meeting.

All meetings, including Workshops, shall be recorded by both audio and video means, excepting only when technical difficulties render such recording(s) impossible.

Participation in a meeting by audio or audio/visual means in accordance with this Rule 1.D. shall constitute attendance at a meeting within the meaning of any Charter provision that concerns attendance at meetings

Rule 2. VOTING

- A. Pursuant to Section 6.2(2) of the City Charter, every ordinance, other than an emergency ordinance, requires the affirmative vote of the majority of the members of Council present on the first reading, and the affirmative vote of four (4) members of Council for passage on final reading.
- B. Pursuant to Section 6.5(7) of the City Charter, emergency ordinances shall require five affirmative votes.
- C. Pursuant to Section 6.2(3) of the City Charter, resolutions and motions require the affirmative vote of a majority of the Council members present.
- D. Any Councilmember shall be permitted to explain his/her vote.
- E. A Councilmember may change his/her vote before the result has been announced, but not thereafter; provided, however, that a Councilmember may change his/her vote upon reconsideration by the Council as a whole.
- F. Any Councilmember absent from a public hearing shall not vote on matters regarding said public hearing, unless such Councilmember has listened to the tapes of the portions of the public hearing that he/she has missed, but any Councilmember who is absent from a Business Meeting shall vote on the minutes of the meeting missed, except when any part of the minutes reflect the discussion or decision of a matter for which the Councilmember had recused himself or herself due to a conflict of interest.
- G. Council members shall not attend any quasi-judicial hearing of any lower tribunal of the City where the lower tribunal considers any matter which may be submitted to Council through the legal process or an appeal unless the Councilmember is a party to that action; provided, however, that if a Council member does attend such a hearing, he or she shall recuse himself or herself from consideration of the matter should it come before the Council.
- H. Voting shall be by ayes and nays, or the equivalent thereof as may be determined by Council.
- I. Except for an emergency ordinance, with respect to any ordinance that has not previously been considered in a Workshop, any two members of Council may cause the ordinance to be considered in a Workshop prior to its second reading for final passage.

Rule 3. ORGANIZATION

- A. At the first Business Meeting following certification of the election results in an election year or at the first Business Meeting following his or her appointment to office, the Mayor shall appoint a Mayor Pro Tempore who shall assume all of the duties of the Mayor in the case of

the Mayor's absence. Thereafter, any change in the Mayor's appointment of the Mayor Pro Tempore shall be made at a Business Meeting of the Council.

- B. City Council Appointees (City Manager, City Attorney, and Municipal Judge) shall be reviewed or evaluated by the Council consistent with Charter requirements and, in any event, not less than every two (2) years for the Municipal Judge and annually for the City Attorney and City Manager.

Rule 4. MAYOR AND MAYOR PRO TEMPORE

- A. The Mayor shall take the chair promptly at the time the Council is to convene, call the Council to order, and upon ascertainment of a quorum, and proceed with business.
- B. The Mayor shall possess the following powers and perform the following duties:
 - 1. The Mayor shall assist the City Clerk, the City Manager and the City Attorney in preparing the Council Agenda prior to the delivery of packets.
 - 2. The Mayor shall preserve order and decorum and have direction of the Council Chambers, and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, shall have the power to order the same to be cleared and shall have the authority to appoint a police officer of the city or other person as a temporary Sergeant at Arms for the purpose of preserving order in and near the chambers.
 - 3. The Mayor shall decide all questions of order, subject to a Councilmember's right to appeal to the Council as a whole for a contrary determination by majority vote.
 - 4. The Mayor may speak to points of order in preference to the Council member raising the point of order, and shall rule on the point of order. In ruling on a point of order that is subject to reasonable debate, the Mayor shall err on the side of protecting the rights and privileges of members of the Council.
 - 5. Subject to the veto power set forth in Section 2.6 of the City Charter, the Mayor shall sign all ordinances and resolutions passed by the Council, and the same shall be attested by the City Clerk.
- C. In the absence of the Mayor, or upon his/her inability to serve, or upon request of the Mayor, the Mayor Pro Tempore shall preside and shall have all of the powers and authority of the Mayor.
- D. For brief periods during meetings, the Mayor may designate any Councilmember to preside in the temporary absence or inability to act of either the Mayor or Mayor Pro Tempore and such designation shall be conclusive upon the question as to the temporary absence or inability to act of either the Mayor or Mayor Pro Tempore.

Rule 5. ATTENDANCE

- A. If, at the convening of the meeting, the Mayor and Mayor Pro Tempore are absent, then the City Clerk shall call the meeting to order, and the first order of business thereafter shall be the election by all Council members present of a Councilmember who shall preside over the Council meeting during such time as the Mayor and Mayor Pro Tempore are absent and who shall have all authority of the Mayor with respect to the conduct of the meeting.
- B. If it is necessary for a Councilmember to be absent from a scheduled Business Meeting or Workshop, it is the responsibility of that Councilmember to notify the Mayor or the City Clerk prior to the convening time of the meeting.

Rule 6. ORDER OF BUSINESS

I. Business Meetings:

The principal purpose of a Business Meeting is to consider and take formal action concerning matters that have come before the Council for formal action.

- A. The Council shall be called to order.
- B. Following the call to order, the roll shall be called and the names of those Council members present and absent recorded in the minutes.
- C. The Pledge of Allegiance will be recited.
- D. If a quorum is present, the Council shall then consider business in the following order:
 - 1. Consent agenda, including approval of minutes and approval of agenda;
 - 2. Public comment (on non-agenda items);
 - 3. Communications from the City Manager, staff and boards and commissions;
 - 4. Presentations and Awards;
 - 5. Resolutions (except those that are approved on consent);
 - 6. Ordinances – First Reading (Public Testimony);
 - 7. Ordinances – Second Reading (except those that are approved on consent);
 - 8. General Business (except those matters that are approved on consent);
 - 9. Mayor and Council comments;
 - 10. Discussion of upcoming agendas; and

11. Adjournment.

- E. The Mayor may, unless objection is raised by any Councilmember, proceed out of order to any order of business or return to an order not previously acted upon. In case of objection, the order may not be changed unless approved by a majority vote of the Council members present. Any Councilmember or member of the public may, prior to a vote on the consent agenda, request that any item(s) be taken off of the consent agenda and acted upon separately. Upon any such request, the item(s) may be taken off of the consent agenda upon approval by a majority vote of the Councilmembers present.
- F. Previous notice of motions or of matters desired for discussion at a future Council meeting shall be provided during that portion of each meeting that is set for the discussion of upcoming agendas. Best efforts shall be made in order that Council packets will be completed and delivered to the Mayor and Council members by 5:00 p.m. on the Friday immediately before the Council meeting. The City Manager, with the consent of the Mayor, shall be allowed to add items to upcoming agendas. If practicable, the City Manager's agenda item request should be made during a Council meeting as part of the discussion of upcoming agendas. No item placed on an Agenda, or to be placed on an Agenda pursuant to the City Council Work Schedule, shall be removed without the Council's or Mayor's approval.
- G. At any Business Meeting, any Councilmember may, as a matter of personal privilege, speak for a period not longer than five minutes upon such matters as may collectively affect the Council, its rights, its dignity and the integrity of its proceedings, or the rights, reputation and conduct of its individual Council members in their respective official capacities only.
- H. Motions for action on any consent agenda that includes an ordinance shall recite the title to the ordinance in full.

II. Workshops

The principal purpose of a Workshop is to consider and discuss, but not take formal action concerning, matters that may come before the Council for formal action thereafter.

- A. The Council shall be called to order.
- B. Following the call to order, the roll shall be called and the names of those Council members present and absent recorded by the City Clerk or his or her designee.

- C. If a quorum is present, the Council shall then consider business in the following order:
1. Public comment (unless a public comment period was provided at the first of two serial meetings in accordance with part III below, in which event public comments shall be taken in the second meeting only upon request).
 2. General Business
 3. Mayor and Council comments (unless a comment period was provided at the first of two serial meetings per part III below, in which event such comments shall be taken in the second meeting only upon request).
 4. Discussion of upcoming agendas
 5. Adjournment.
- D. The Mayor may, unless objection is raised by any Councilmember, proceed out of order to any order of business or return to an order not previously acted upon. In case of objection, the order may not be changed unless approved by a majority vote of the Council members present.
- E. Previous notice of motions or of matters desired for discussion at a future Council meeting shall be provided during that portion of each meeting that is set for the discussion of upcoming agendas. Best efforts shall be made in order that Council packets will be completed and delivered to the Mayor and Council members by 5:00 p.m. on the Friday immediately before the Council meeting. The City Manager, with the consent of the Mayor, shall be allowed to add items to upcoming agendas. If practicable, the City Manager's agenda item request should be made during a Council meeting as part of the discussion of upcoming agendas. No item placed on an Agenda, or to be placed on an Agenda pursuant to the City Council Work Schedule, shall be removed without the Council's or Mayor's approval.
- F. No formal or official action shall occur at any Workshop, including but not limited to the adoption of any proposed policy, position, resolution, rule or regulation. This rule shall not, however, prevent action by Council or the Mayor as to procedural questions that arise during a Workshop that concern the conduct of the meeting.
- G. At any Workshop, any Councilmember may, as a matter of personal privilege, speak for a period not longer than five minutes upon such matters as may collectively affect the Council, its rights, its dignity and the integrity of its proceedings, or the rights, reputation and conduct of its individual Council members in their respective official capacities only.

III. Serial Workshop and Business Meetings

In the event that the Council holds a Business Meeting and a Workshop on the same day, and one such meeting is immediately followed by the other such meeting: (1) the Pledge of Allegiance need only be conducted at the beginning of the first meeting held; and (2) public comments and Mayor and Council comments need only be conducted at the first meeting held, and the discussion of upcoming agendas need only be conducted at the end of the second meeting held. In the event that the Council, acting as the Local Licensing Authority, holds a meeting of the Local Licensing Authority immediately before or immediately after a Business Meeting and/or a Workshop, the Pledge of Allegiance need only be conducted at the beginning of the first meeting held.

IV. Public comment (on non-agenda items)

Public comment on non-agenda items at Council meetings shall be permitted as follows:

- A. First priority shall be given to individuals who register in advance with the City Clerk's Office. The City Clerk's Office shall prominently advertise and provide access to an on-line registration form on the City's web site. The registration instructions shall clearly state the timeframes and deadlines to sign up for public comment, but in no event shall the registration period last less than six (6) hours. At the Council meeting, registered public commenters shall be called upon in the order in which they register.
- B. Second priority shall be given to individuals physically present at the Council meeting who request to provide comment after the registered public comment period has concluded. No individual will be recognized to provide public comment virtually unless such person registers in advance in accordance with Section IV.A. above.
- C. Before speaking, each person providing public comment must provide their first and last name and whether or not they reside in Edgewater. Registered public commenters must also provide this information in the on-line registration form. Individuals who attempt to register without this information or with identifying information that is clearly false or fictitious shall not be permitted to register or speak.
- D. Public comments shall be limited to a maximum of three (3) minutes per speaker. This maximum per comment period may be amended in a uniform manner by the Mayor or other Chair of the meeting, given the reasonably projected time limit of the particular meeting and its agenda contents. The City shall use its best efforts to give each speaker a clear visual representation of their time limit in real-time, including a count-down or other warning system when the speaker's time is about to expire. At the conclusion of a speaker's allotted time, their microphone or speaker may be disabled/muted. Excepting commenters who are allowed to provide public comment in writing as a reasonable accommodation, speakers shall not be permitted to provide public comment in writing. Consistent with this policy, "chat" functions and similar features shall be disabled or removed from virtual meeting access platforms.

Rule 7. AMENDMENT OF RULES AND GUIDELINES

These rules and guidelines, or any part thereof, may be amended, repealed, altered, suspended or rescinded by the affirmative vote of four Council members, which shall be done at a Business Meeting of Council for any permanent amendment, repeal, alteration, suspension or rescission, and may be done at any meeting of the Council for any amendment, repeal, alteration, suspension or rescission made for purposes of that meeting only.

PROCEDURAL GUIDELINES

Guideline 1. MOTIONS

- A. No motion shall be debated until it has been seconded and submitted by the Mayor to the Council.
- B. Any motion may be withdrawn or modified by the movant, with the consent of the second at any time before amendment, decision or voting.
- C. The form of motion shall be substantially as follows:
 - 1. First reading of Ordinance: “I move that Ordinance No., Series of..., (read title of ordinance), be passed on first reading and ordered published in full as required by law.”
 - 2. Final reading of Ordinance: “I move that Ordinance No...., Series of..., (read title of ordinance), be passed on final reading and ordered published as required by law.”
 - 3. Adoption of resolution: “I move that Resolution No.... be adopted.”
 - 4. To amend an ordinance: “I move to amend Ordinance No...”
 - 5. To override veto: “I move that Ordinance No..., Series of ..., be passed notwithstanding the veto of the Mayor.”
 - 6. Suspension of Rules of Procedure: “I move that the Rules of Procedure and Procedural Guidelines be suspended in order to...”
 - 7. Reconsideration: “I move that be reconsidered.”

Guideline 2. QUESTIONS OF ORDER

Questions of order shall not be debatable except in the course of an appeal from the decision of the Mayor.

Guideline 3. APPEAL

- A. An appeal may be taken from any decision of the Mayor in which event the Councilmember appealing shall state his/her reason therefore, to which the Mayor may respond.

- B. A motion to appeal shall be debatable.
- C. Such appeals shall be acted upon immediately and no motion, other than a motion to adjourn, shall be entertained until the question: “Shall the decision of the Mayor be overruled?” is decided by the vote of all Council members present.
- D. The affirmative vote of a majority of the Council members present shall be necessary to overrule a decision of the Mayor.

Guideline 4. DEBATE

- A. No Councilmember shall speak debate, give a notice, make a motion, submit a report, or for any other purpose shall proceed until he/she has addressed the Mayor and has been recognized.
- B. When two or more Council members speak at once, the Mayor shall name the one who shall speak first.
- C. When a Councilmember is speaking, no other Councilmember or other person shall entertain any private discourse.
- D. No Councilmember shall be permitted to speak more than once on any subject until every Councilmember desiring to be heard has been allowed to speak.

Guideline 5. DECORUM

All Council meetings are open to the public, and public participation is welcomed at Council meetings, personally and virtually, during the time and in the manner set forth in these rules. The Council recognizes that the presentation of public comment on non-agenda items during regular Council meetings is one of several ways to communicate with Council members (other available means including email, telephone, text, mail, etc.), ensuring that the public has a variety of adequate avenues to convey comments to Council.

The intent of these rules is to:

- (a) provide a safe and secure setting for the Council, the public, and City staff to attend to the City’s business;
- (b) enable Council to conduct its deliberative process without interruption in a manner that can be heard and viewed by all in attendance, personally or virtually, and recorded for the simultaneous or later viewing or listening by the public;
- (c) ensure that the public has a full opportunity to be heard, personally or virtually, during public hearings and comment periods in a manner that is respectful, orderly and efficient while allowing the speaker to address any subject matter they wish to bring to Council’s attention during non-agenda public comment (excepting only unlawful speech, such as threatening or inciting speech);

- (d) limit interruptions, unreasonable delay or duplication of comments, presentation or discussion;
 - (e) develop an atmosphere of civility that is respectful of diverse opinions.
- A. No Councilmember shall walk across or out of the chambers while the Mayor is putting the question or other form of business to Council.
 - B. No Councilmember shall engage in conversation or commit any other act tending to distract the attention of the Council from the business before it.
 - C. Council members and other speakers, when speaking or debating before the Council, shall confine their remarks strictly to the question under discussion or debate, avoiding discussion directed to unrelated personal matters or issues.
 - D. No Councilmember or attendee at a Council meeting shall threaten or attempt to intimidate any other person, nor disrupt, disturb or otherwise impede the orderly conduct of the meeting, including failing to obey any lawful order of the presiding officer to be seated, to refrain from addressing Council until an appropriate time, or to leave the meeting room.
 - E. All Councilmembers and attendees shall silence their cell phones or any other electronic device so as to avoid disrupting the meeting.
 - F. For purposes of this Guideline 5 and Guideline 5.5, “attendees” at a meeting of the Council shall mean and include both individuals attending in person, and those attending through virtual means.

Guideline 5.5 ENFORCEMENT OF RULES OF DECORUM. The presiding officer is responsible for maintaining the order and decorum of meetings, but these rules are in addition to the authority held by any peace officer in attendance.

- A. If an attendee fails to follow any part of Guideline 5, the presiding officer may order the attendee out of the meeting room or virtual location.
- B. The presiding officer may interrupt any speaker who is violating the rules of decorum or otherwise disrupting a meeting.
- C. The presiding officer should attempt to provide a verbal warning to any attendee that is violating the rules of decorum, but the warning is not required as a condition of removing the meeting room or virtual location or if there is an imminent threat of danger.
- D. If an attendee is removed from the meeting room or virtual location, the attendee may not attend any remaining portion of the meeting from which the attendee was removed without permission granted upon motion adopted by a majority vote of the Councilmembers in attendance.
- E. In addition to any other authority, the presiding officer may call a recess during which time members of the Council may be instructed by the presiding officer to leave the meeting room or virtual location.

- F. If necessary for the safety of the Council and public, the presiding officer may order the meeting room cleared of all attendees, in which event the meeting may continue only if the proceedings are available to the public through virtual means.

Guideline 6. PROTEST

Any Councilmember has the right to protest any action of the Council, stating the reason therefore, and have the same entered in the minutes, provided such reasons do not impugn the motives or personal character of any Councilmember.

Guideline 7. AMENDMENT

Any ordinance or resolution shall be subject to amendment at any time before final passage.

Guideline 8. RECONSIDERATION

- A. Immediately after a question has been decided by the Council, any Councilmember recorded as having voted with the prevailing side may move to reconsider.
- B. Such Councilmember may move to reconsider at the same meeting, or at the next meeting date of Council; provided however, that no reconsideration of a vote on an ordinance shall be allowed if the ordinance has taken effect.

Guideline 9. TABLED OR POSTPONED ORDINANCES

- A. Any ordinance which has been tabled may be put upon the floor for consideration by a motion, properly seconded, and the affirmative vote of a majority of the Council members present.
- B. Any ordinance which has been postponed or tabled to a date certain shall be placed upon the agenda of that meeting.

Guideline 10. VETOED ORDINANCES AND RESOLUTIONS

- A. In the event of a veto by the Mayor, as allowed by law and exercised pursuant to Section 2.6, Article II of the City Charter, the veto message of the Mayor shall be read by the City Clerk.
- B. Consideration of the ordinance or resolution shall be as follows:
 - 1. A motion that the ordinance or resolution be passed notwithstanding the veto of the Mayor. The affirmative vote of at least five (5) members of Council shall be required for the adoption of such motion;
 - 2. A motion to refer the ordinance or resolution to the Council or a committee or commission for further study; or
 - 3. A motion to postpone consideration of the ordinance or resolution to a day certain.

Guideline 11. COURSE OF ORDINANCES AND RESOLUTIONS

The course of every ordinance and resolution shall be as follows:

- A. Any Councilmember may request that an ordinance or resolution be prepared; so long as the request is made at a Regular Session of the Council or a Workshop.
- B. A draft of the ordinance or resolution shall be presented to the Council.
- C. The ordinance or resolution, together with any changes that come from committee, shall be submitted to the City Attorney for legal review.
- D. The City Attorney shall review all ordinances or resolutions prior to being placed upon the agenda.
- E. Any ordinance may be read by title only, provided that a general summary of the ordinance is read, or that the title constitutes such a general summary, and at least one copy of the entire ordinance is available for the public unless otherwise specifically requested by a Councilmember to be read in full.

Guideline 12. PUBLIC HEARINGS

- A. During a public hearing before the City Council:
- B. Before any speaker addresses Council, the Mayor may announce a time limitation and all registered speakers shall adhere to such limitations.
- C. The Mayor shall not permit any speaker to speak for longer than the time limitation except upon the affirmative vote of the majority of the Council members present.
- D. Notwithstanding the foregoing, any person may address Council as provided in the meeting agenda.

Guideline 13. CONFIDENTIALITY

- A. Each Councilmember shall respect the confidentiality appropriate for issues of a sensitive nature, such as personnel or legal matters. Any Councilmember who discusses a confidential matter publicly, or with a person who is not entitled to know about the matter, will be deemed to be derelict in his or her duties within the meaning of Section 3.6(1)(b) of the City Charter.
- B. A decision to breach confidentiality, or to waive a privilege such as the attorney-client privilege, shall only be made by the Council acting as a whole, whenever the confidentiality requirement or the privilege applies to the city as a whole or to the Council as a whole. Any Councilmember who individually breaches such confidentiality, or who purports to waive such a privilege, will be considered to be acting outside the performance of the Councilmember's authority.

Guideline 14. EXECUTIVE SESSION. Pursuant to Section 3.4(3) of the Charter, Council may meet in an executive session for the purposes of considering matters permitted by state

statute to be considered in executive session, and must enter into an executive session according to the procedures set forth In Title 24, Article 6, Part 4 of the Colorado Revised Statutes, as amended from time to time.

1. Entering into an executive session requires a motion that cites the specific provision of Section 24-6-402(4) that authorizes the Council to meet in executive session.
2. Entering into an executive session requires that the particular matter to be discussed be identified in as much detail as possible without compromising the purpose of the executive session.
3. Entering into an executive session requires the affirmative vote of two-thirds of the quorum present.

Guideline 15. OTHER MATTERS

- A. At each Business Meeting, all city officials and employees shall dress in attire appropriate to the dignity and decorum of the meeting.
- B. Any matter not covered by these rules or guidelines shall be governed by the decision of the Mayor based, to the extent practicable, upon Robert's Rules of Order, newly revised, as may be amended from time to time, and subject to the right of appeal by any Councilmember as provided for in these rules and guidelines.
- C. Any concern or complaint of a member of the Council about another member of the Council, the City Manager, or the City Attorney may be brought to the Ombudsperson (the first point of contact) under the City's Ombuds Program that has been established to initially address complaints of workplace misconduct or ethics violations.