



AGENDA
CITY OF GLENWOOD SPRINGS
SPECIAL CITY COUNCIL WORK SESSION
JUNE 10, 2020
101 W. 8TH STREET
5:00 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*
The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

TIME	ITEM	ZOOM INSTRUCTIONS	ACTION
	1.	You are invited to a Zoom webinar. When: Jun 10, 2020 05:00 PM Mountain Time (US and Canada) Topic: 2020/06/10 Council Code of Ethics Meeting Please click the link below to join the webinar: https://us02web.zoom.us/j/84563142835 Or iPhone one-tap : US: +16699006833,,84563142835# or +12532158782,,84563142835# Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 Webinar ID: 845 6314 2835 International numbers available: https://us02web.zoom.us/j/84563142835	
TIME	ITEM	SPECIAL CITY COUNCIL WORK SESSION	ACTION
5:00pm - 8:00pm		Council Code of Conduct/Ethics	Information/Discussion

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CODE OF CONDUCT
City of Glenwood Springs
Discussion Draft - June 8, 2020
including Council Comments June 4, 2020
Prepared by Charlie Willman
Ward 3 Councilperson

I. Purpose:

City Council Member at all times are held to the highest standards. Council members are agents of the public purpose and hold office for the benefit of the residents of the City. Debate and presentation of opposing views is part of the democratic process but it shall be conducted in a professional manner and in a manner which promotes the overall strategic goals of the City.

Proper democratic government requires that City Council members be independent, impartial and responsible to the residents of the City. Council members should work collaboratively to find a common solution that is in the City's best interest. City Council makes decisions that impact on all the residents of the City and should direct its discussion to that end. Once a decision is made, the members of Council should support the Council and the City and move forward with that decision.

Council members must exhibit appropriate behavior at all times, whether during Council meetings or outside Council meetings. All decisions and policies are made through proper procedures and shall not be made in executive session or outside of a public meeting.

II. General Rules Regarding City Council Members

A. The Three R's regarding Council Members

1. **Role.** Each Council member must understand and carry out his/her role in City government
2. **Responsibility.** Each Council member must understand and carry out his/her responsibilities in City Government
3. **Respect,** Each Council member shall respect all others at all times.

B. Role.

1. Each Council member is elected to represent the residents of Glenwood Springs whether or not from an individual Ward. Each Council member is one of seven leaders of the City and has a duty to act in the best interest of the City at all times.

C. Responsibilities

1. Council members shall attend all regular and special meetings and work sessions of Council absent exigent circumstances.

2. Council members shall make his/her best efforts to attend all work sessions of council. Missing more than 10% of Council work sessions in any calendar quarter shall be a violation of this Code of Conduct.
 3. Council members shall be generally familiar with the City Charter and Municipal Code. If a matter comes before Council that impacts on the Charter or Code, The Council members must take the necessary time to understand that matter in context of the overall Charter and/or Code.
 4. Newly elected/appointed Council members shall attend and take part in orientation sessions so as to become familiar with City operations.
 5. Council members shall be prepared for every meeting and work session including reviewing all packet materials
 6. Council members must arrive promptly at all meetings and work sessions.
 7. Council members shall not text during meetings or work sessions except during recesses.
 8. Council members shall not work on personal - non City business - during meetings and work sessions except during recesses
 9. Council members shall be engage in the meeting and/or work sessions at all times including actively listening and participating in meeting.
 10. Council members shall not engage in side bar comments with other council members or staff during a meeting or work sessions except during recesses. Such comments could be a possible violation of open meetings law.
 11. Council members shall not leave the dias (or remote meeting visual presence) during a meeting or must not leave a work session without permission of Mayor/Chair except during recesses.
 12. Council members shall vote on all matters brought to a vote of the entire City Council unless excused from that portion of the meeting due to a conflict of interest. If a Council members announces "abstain" his/her vote should be considered an affirmative vote on the matter for which a vote is being taken
 13. During meetings and work sessions Council members shall follow adopted Rules of Procedure and this Code of Conduct at all times.
- D. Respect. Council members at all times shall
1. Be welcoming to speakers at all meetings at which the Public is participating.
 2. Be courteous to members of the Public at all times and to not make any inappropriate comments to members of the Public.
 3. Ask for clarification but do not debate with member of Public in any meeting.
 4. If a Council member disagrees with a comment/email/phone communication with a member of the Public, he/she shall explain his/her position clearly and without being argumentative argument.
 5. Shall not belittle, degrade or otherwise disparage other Council Members or Staff to members of the Public whether or not those comments are

made in meeting or outside of meeting. If a member of the Public expresses a concern about another member of Council or the Staff, the Council member shall advise that person that he/she will bring that concern to the attention of Council at its next regular meeting.

6. Shall respond to requests from a member of the Public in a prompt manner.
7. Use of social media by a Council member shall only represent that Council member's personal opinion and shall not be held out as representing the position of Council unless specifically authorized by Council. No Council member shall communicate with other Council members in social media which communications would violate Colorado's Open Meetings law. If a Council Member is using social media to discuss City business or affairs, the Council Member may not block any person's access to that social media account. Social media posts regarding City business or affairs cannot be deleted as that may be a violation of the Colorado's Open Records law. A Council member may not use social media to discuss matters which are likely to come before Council for decision as a quasi judicial matter. No Council member may otherwise violate this Code of Conduct while using social media.
8. Council members shall use the City email system for all City business. If a Council member receives an email on personal or other email that involves City business this shall be copied to that Council member's City email address.

III. General Decorum.

- A. During all meetings and at all other times, Council members shall follow the following Rules of Decorum
 1. All comments should be constructive.
 2. No personal attacks shall be made toward on other City Council members and/or City Staff.
 3. No belligerent, personal, impertinent, slanderous, threatening, abusive of disparaging comments.
 4. No shouting or threatening behavior.
 5. Shall not make any promises on behalf of the City Staff or Council.
 6. Shall refrain from engaging in any conduct which threatens the public confidence in the integrity of City government including but not limited to illegal conduct, conduct with puts self interest before public interest, willful or persistent failure to perform the duties of a City Council Member, or any other conduct involving a dereliction of a Council Member's duties.
- B. Council members shall direct all comments to Staff during City Council meetings shall be directed to the City Manager or City Attorney. Staff may be asked questions about matters being presented to Council by that particular staff

member. That staff member may be allowed to defer the answer to another staff person if appropriate or outside the expertise of the staff member responding to questions.

IV. Duty of Public during meetings

- A. Any member of the Public who makes belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments or who become disruptive during a meeting may be removed by the Mayor/Chair from the meeting.

V. Council Interactions with Staff.

- A. Council members shall
1. Treat all Staff as professionals.
 2. Limit contact with Staff, other than City Manager and/or City Attorney, unless the City Manager/City Attorney, authorizes such contact. A Council member may make reasonable inquiries of the City Manager, City Attorney or Municipal Judge and may also make reasonable inquiries of department heads so long as the City Manager is promptly advised of all inquiries to department heads.
 3. Insure that any materials requested from Staff shall be provided by Staff to all Council Members.
 4. Not disrupt Staff from doing their jobs. No Council member shall individually direct the City Manager, City Attorney or Municipal Judge to take or refrain from taking action. Such must be given by the Council as a whole.
- B. FROM WASHINGTON CODE:
1. Treatment. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
 2. Contact. Limit contact to specific city staff. Questions of city staff and/or requests for additional background information should be directed only to the department heads and/or city attorney. When in doubt about what staff contact is appropriate, council members should ask the city recorder for direction. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.
 3. Disruptions. Do not disrupt city staff from their jobs. Council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
 4. Criticism. Never publicly criticize an individual employee. Council should never express concerns about the performance of a city employee in

public, or to the employee directly. Comments about staff performance should only be made to the department head through private correspondence or conversation. Comments about staff in the office of the city attorney should be made directly to the city attorney.

5. Administrative Functions. Do not get involved in administrative functions. Council members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.
6. Correspondence. Check with city staff on correspondence before taking action. Before sending correspondence, council members should check with city staff to see if an official city response has already been sent or is in progress.
7. Attending Meetings. Do not attend meetings with city staff unless requested by staff. Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
8. Staff Support. Limit requests for staff support. Routine secretarial support will be provided to all council members. All mail for council members is opened by the city recorder's office, unless other arrangements are requested by a council member. Mail addressed to the mayor is reviewed first by the city recorder who notes suggested action and/or follow-up items.
9. Political Support. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from city staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

VI. Code of Conduct applies to Boards and Commissions,

- A. This Code of Conduct applies to all appointed members of Boards and Commissions
- B. Conduct during meetings
 1. Members of the Boards and Commissions shall attend all regular and special meetings of Boards and Commissions absent exigent circumstances. Missing more than one meeting in a calendar quarter may be grounds for removal from the Board.
 2. Council member(s) assigned as liaison to a Board or Commission shall attend all regular and special meetings of Boards and Commissions absent exigent circumstances. Missing more than one meeting in a calendar quarter is a violation of this Code of Conduct.

3. If a Council member will be missing a meeting he/she shall communicate with the alternate Council member to insure that a Council member is present at each meeting of a Board or Commission.
4. If a Council member cannot regularly attend the meetings of the Boards and Commissions to which he/she is assigned, he/she shall advise the Mayor who may appoint another Council member as the liaison.
5. Members of Boards and Commissions shall comply with this Code of Conduct.
6. Council members will be respectful of diverse opinions presented by members of the Boards and Commissions.
7. Council members do not speak for the Council at a meeting of a Board or Commission. Council members may indicate that his/her personal opinion and/or what he/she thinks Council may support or not support but the Council member must encourage the Board and Commission to make their independent recommendations to the Council. That is the purpose of the Boards and Commissions – to make recommendations to Council.

VII. Executive Sessions

- A. Purpose. Executive sessions are for purposes set forth in the Open Meetings law and include confidential attorney/client or other legal privilege.
- B. Non disclosure. Executive sessions are confidential discussions and no disclosure of matters presented or discussed during an executive sessions may be revealed by any Council member without permission of the entire Council granted during an open meeting of Council. A Council member may not disclose to any person, including but not limited to, spouses, friends, family, residents and/or other persons any confidential communication whether or not received in an executive session. It is a violation of a Council member's fiduciary duty to the City to violate this requirement of confidentiality
- C. Waiver of confidentiality. No council member can, by him/herself, waive these privileged communications. Only the Council, as a whole, can do waive the confidential nature of these communications.
- D. Scope of executive sessions. All discussion/presentation of materials must pertain to the announced matters at the commencement of session and must be matters for which executive sessions are allowed pursuant to the City Code and/or Open Meetings law
- E. Duty to limit scope. If matters occur during an executive session that are outside of scope of announced matters at the commencement of session or which violate City Code and/or the Open Meetings law, each Council member has an affirmative duty to immediately bring this to the attention of the Mayor during the executive session.

VIII. Remedies/Sanctions for violation of Code of Conduct

- A. Serious and/or continuing violations of this Code of Conduct should give rise to conscientious questions as to whether or not the Council Member should voluntarily resign.
 - B. Sanctions may include remedial or educational training on the subject of the violation intend to prevent future violations of this Code of Conduct.
 - C. If a Council member violates the Code of Conduct during a Council Meeting, either the mayor or another member of Council shall ask for “a point of personal privilege” and state the actual violation of the Code of Conduct. The Mayor shall determine the issue and if the Mayor finds the behavior violated the Code of Conduct, the Mayor shall ask the offending Council member to apologize. Egregious and continued inappropriate behavior during a meeting can result, with a two thirds vote of the members of council present, public censure by the Council and/or expulsion from the meeting at which the inappropriate conduct occurs.
 - D. If a Council member violates the Code of Conduct outside of a City Council meeting, the violation shall be brought to the Mayor’s attention by the City Manager, City Attorney or another City Council member. Any member of the public making such a complaint shall be directed to bring the complaint to the Mayor’s attention, The Mayor shall attempt to resolve this matter before the next regular or special city council meeting. The Mayor if the matter is not resolved to the satisfaction of the Mayor or to the satisfaction of the offending Council member, this shall be placed on the next regular City Council agenda, or on the agenda of special Council meeting. At that Council meeting, this matter shall be discussed and determined by the City Council who shall determine whether or not the offending City Council member shall be publicly censured or otherwise reprimanded. Such vote shall be by a vote of two thirds of the members of Council present at that meeting.
 - E. Violation of Executive Session. If a Council member violates the sanctity/confidentiality of an Executive Session, he/she may be publicly censored and may be asked to resign. If such conduct continues, the City Council may seek injunctive or other relief from the Courts. Any public censor or request for resignation shall be by a two thirds vote of the members of Council present at that meeting.
 - F. Violation of this Code of Conduct by an appointee of Council is grounds for removal from office and/or public censure which removal or censure may be made only by a two thirds vote of the members of City Council present at that meeting,
 - G. If the violation of the Code of Conduct is by the Mayor, all references to the Mayor above, shall instead refer to the Mayor Pro Tem.
 - H. The decision of the City Council is final on all sanctions for violation of the Code of Conduct.
- IX. Sanctions - Washington Code
- A. Sanctions.

1. **Public Disruption.** Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the council chambers
2. **Inappropriate Staff Behavior.** Council members should refer to the department head regarding city staff, or to the city attorney regarding city attorney's staff who does not follow proper conduct in their dealing with council members, other city staff, or the public. These employees may be disciplined in accordance with standard city procedures for such actions.
3. **Council Members' Behavior and Conduct.** City council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council, lose seniority or committee assignments (both within the city of Hubbard or with inter-government agencies) or have official travel restricted. Serious infractions of the code of ethics or code of conduct could lead to other sanctions as deemed appropriate by council.
 - a. Council members should point out to the offending council member infractions of the code of ethics or code of conduct. If the offense(s) continues, the matter should be referred to the mayor in private. If the mayor is the individual whose actions are being challenged, the matter should be referred to the council president.
 - b. It is the responsibility of the mayor to initiate action if a council member's behavior may warrant sanction. If no action is taken by the mayor, the alleged violation(s) can be brought up with the full council in a public meeting.
 - c. If violation of the code of ethics or code of conduct is outside of the observed behaviors by the mayor or council members, the alleged violation should be referred to the mayor. The mayor should ask the city recorder and/or the city attorney to investigate the allegation and report the findings to the mayor. It is the mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussion and counseling the individual on the violation(s); recommending sanction to the full council to consider in a public meeting; forming a council ad hoc subcommittee to review the allegation, the investigation and its finds, as well as to recommend sanction options for council consider. Videotaping of the complaint hearing should be used for a council ad hoc subcommittee.

X. Personal Expectations

A. Responsibility.

1. I understand that the community expects me to serve with dignity and respect and be an agent of the democratic process.
2. I avoid actions that might cause the public to question my independent judgment.

3. I do not use my office or the resources of the city for personal or political gain.
4. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its citizens.

B. Fairness.

1. I promote consistency, equity and non-discrimination in public agency decision making.
2. I make decisions based on the merits of an issue, including research and facts.
3. I encourage diverse public engagement in decision-making processes and support the right of the public to have access to public information concerning the conduct of the city's business.

C. Respect.

1. I treat my fellow city officials, staff, commission members and the public with patience, courtesy, civility, and respect, even when we disagree on what is best for the community and its citizens.

D. Integrity.

1. I am honest with all elected officials, staff, commission members, boards, and the public.
2. I am prepared to make decisions for the best interest of the public whether those decisions are popular or not.
3. I take responsibility for my actions even when it is uncomfortable to do so.

THIS DOCUMENT IS AN EXCERPT FROM A LARGER WORK UNDER PRODUCTION CONCERNING MEETING PROCEDURE FOR COLORADO LOCAL GOVERNMENTS. THE DOCUMENT IS INTENDED TO ACCOMPANY THE PRESENTATION OF MATERIAL AT THE COLORADO MUNICIPAL LEAGUE'S MAY 20, 2020 EFFECTIVE GOVERNANCE WEBINAR, DENVER, COLORADO.

Bob's Rules of Order

SIMPLIFIED PARLIAMENTARY RULES OF ORDER FOR COLORADO LOCAL GOVERNMENTS

Robert C. Widner

Attorney & Counselor at Law
Widner Juran LLP
Centennial, Colorado
rwidner@lawwj.com
www.lawwj.com

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Introduction

Efficient and well-run public meetings are a necessity for local government. An efficient and well-run meeting allows all scheduled business to be accomplished, voices to be equally heard, and differences of opinion to be aired amicably. Whether the meeting issues are deeply challenging and emotional or simply ministerial and non-confrontational, a well-run meeting leaves all participants feeling that the decisions made during the meeting are the product of fairness, equality, and respect. Poorly run meetings can undermine confidence in local government by allowing a perceived inequality among participants when engaged in debate and discussion, injecting conflict and argument between the participants, and adding confusion to the decision-making process and uncertainty in the eventual decision. A set of standardized rules of order or procedure which are both fully understood and routinely employed by meeting participants are a critical component to efficiency in meetings.

The seminal rules of meeting procedure, *Robert's Rules of Order*,¹ is perhaps the most widely known set of rules designed to facilitate and manage meetings. Beginning with the pocket handbook first published in 1878, and with significant rewriting and amendment since that time, *Robert's Rules of Order* has evolved into a challengingly complex tool for meeting management. *Robert's Rules* totals an astounding 716 pages.² No fewer than two dozen independent publications are available to help meeting participants better understand, decipher, and interpret *Robert's Rules* including a *Robert's Rules for Dummies* publication³ and a *Complete Idiot's Guide to Robert's Rules*.⁴ It may be unreasonable to expect all meeting participants to fully comprehend and gain a working knowledge of *Robert's Rules of Order*. Moreover, because effective meetings necessarily require meeting participants to equally understand the procedural rules governing the meeting, *Robert's Rules of Order* can prove to be an ineffective tool in conducting the meetings of local government.

Notwithstanding the unsuitability of *Robert's Rules of Order* to manage local government meetings, many communities incorporate *Robert's Rules* into their local meeting procedures by reference in local codes and policies. The incorporation of *Robert's Rules* into local government meeting procedures almost always results, not from an express acknowledgment that *Robert's Rules* will be suitable for use in the local government setting, but perhaps from a blind assumption that *Robert's Rules* will best guide meeting procedure because it is the most recognized set of procedural rules. Few people have fully read *Robert's Rules* and fewer know that *Robert's Rules* contain processes and procedures that Colorado local government might deem unacceptable.⁵

"*Bob's Rules of Order*" is intended as a simplified set of rules better suited to manage Colorado local government meetings and decision-making within Colorado. Although *Bob's Rules of Order* calls upon the basic concepts offered by *Robert's Rules*, *Bob's Rules of Order* pares down the

¹ Henry M. Robert III and others, *Robert's Rules of Order Newly Revised*, 11th ed. (Da Capo Press, 2011).

² Id. The total pages are inclusive of 92 pages of summary charts and indexes.

³ C. Allen Jennings, *Robert's Rules for Dummies*, (New Jersey, John Wiley & Sons Inc., 2016).

⁴ Nancy Sylvester, *The Complete Idiot's Guide to Robert's Rules*, (New York, Penguin, 2010)

⁵ For example, *Robert's Rules of Order* includes provisions for the summary imposition of penalties against members who breach *Robert's Rules*, up to and including expulsion from the meeting and removal from membership on the body. *Robert's Rules* authorize a process and imposition of penalties for undefined conduct and actions taken by members outside of meetings which is deemed unacceptable by the body. See Chapter XX, *Robert's Rules of Order*.

available motions to those essential to advance the goal of running an efficient public meeting for Colorado local government.

Legal Advice and Disclaimers

This handbook does not offer legal advice. This handbook is offered to assist local government when considering the creation or implementation of local rules of order that will become a helpful tool in conducting more efficient public meetings.

When deciding practice and procedures for meetings, local governments should always turn first to their local attorney. The local attorney is best suited to both understand the application of the laws affecting the local government and how to integrate the applicable law into the common or historic practice, procedures, and needs of the community. All legal advice involves an assessment of risk based on full knowledge of the law, the client, and the client's circumstances. Only the local attorney has the knowledge to best advise the local government in deciding the proper rules of order and procedure to govern meetings.

Local governments are bound by a myriad of different laws. In Colorado, a county differs in its legal authority to conduct government business from the authority granted a statutory municipality, and a statutory municipality is importantly different than a home rule municipality. Moreover, each local government maintains its own local set of laws which differ from other governments. In short, it is do a best practice to blindly apply the recommendations of this handbook without consulting local legal counsel.

Incorporating Bob's Rules into Local Practice

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Key Assumptions

Certain assumptions are incorporated into *Bob's Rules of Order*. Each of these assumptions are subject to rejection or modification in order to render *Bob's Rules* consistent with the local practices and procedures of the local government.

- ***The Chairperson Serves as the Parliamentarian:*** From time to time, decisions regarding the proper application of the Rules will be required. For example, a determination will need to be made that a particular motion is, or is not, out of order (*i.e.*, appropriate for presentation under the Rules). "Parliamentarian" is the customary term used to identify the person with a solid understanding of the meeting rules and who is authorized to render binding decisions on the applicable and proper procedure.

The practice in most government meetings is to assign the role of parliamentarian to the person in charge of the procedure and flow of the meeting – the chairperson. Because the chairperson holds the authority to conduct the general process of the meeting, it is seen as a consistent and logical practice to also require the chairperson to serve as the parliamentarian for the body.

In some local governments, the role of parliamentarian is assigned to the clerk, attorney, or other administrative support or staff person. This assignment of the role to a person other than the chairperson can prove challenging; the parliamentarian will be often be seen as “taking sides” on a ruling of procedure. Asking an administrative support or staff person to render a ruling between potentially conflicting positions held by governing body members who may control or supervise the administrative person is often seen as ill-advised and places the administrative person in an awkward position.

- ***Abstention from Voting is not Permitted – Conflicts of Interests:*** Whether a member is elected or appointed to serve, an underlying assumption is that the member will perform the duties assigned unless prevented by law. A member may desire to proclaim a right to “abstain” (not vote) due to a myriad of reasons which may include a simple desire to avoid the political baggage of being “placed on the record” in support or opposition of a proposition. Such an abstention for convenience constitutes a dereliction of the duty accepted by the elected or appointed member and, therefore, is not allowed by Bob’s Rules of Order. However, where a member is lawfully precluded from participation or voting, such as when the member faces a lawfully recognized conflict of interest, the member should recuse themselves from all participation in the matter and will not vote.

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Key Terminology

Amendment (or to Amend) - An amendment is a motion to change, to add words to, or to omit words from a pending main motion. The amendment is usually intended to clarify or improve the wording of the original motion and must, of course, be germane to that motion.

Body – The formally constituted organization commissioned with the obligation and duty to act on behalf of the local government.

Chairperson – The person appointed or elected to preside over the meeting.

Floor – The privilege or right to speak to the body.

Member – A person appointed or elected to hold office as a recognized participant of the body.

Motion – A formal proposal seeking specific action by the body typically preceded by the words “I move that ...” Motions are generally introduced by voice but may be presented in writing.

Moving Party – The Member presenting a motion or point for action by the body.

Out of Order – An act or action that fails to comport with these Rules of Order

Point – A declaration of a member addressed to the chairperson requesting to bring before the body a matter for immediate decision or resolution. There are three recognized points: (1) Point or Order; (2) Point of Information; and (3) Point of Appeal.

Second – An oral declaration by a Member to express that a motion offered to the body should receive debate or discussion.

General Rules Governing the Meeting

- Floor Required to Address Body. Except when raising a Point (Point of Order, Point of Information, or Point of Appeal), a Member must first be recognized by the Chairperson and be given the floor in order to address the Body.
- Time Limit for Floor. A Member's right to the floor should be limited to five (5) minutes. A Member may request that the Chairperson grant additional time. Such request should customarily be granted by the Chairperson unless the Chairperson determines that other Members are waiting to be recognized to obtain the floor or that meeting efficiency necessitates that the requested extension be denied. When one Member is denied a request for an extension of time to speak, no other Member shall be granted an extension of time for the same agenda item.
- Limitation on Obtaining Floor. A Member should only speak once to any motion under debate until such time that all others seeking the floor have been provided an opportunity to speak to the motion.
- No Interruptions or Side Discussions. In order to maintain a clear recorded meeting record, only one person shall speak at any one time. Interrupting a person who has the floor or engaging in side discussions while another person has the floor is out of order.
- Second Required for Debate. All motions must receive a second before debate or discussion may begin. A second does not connote approval of the motion but only that the Member offering the second supports fuller discussion of the motion.
- Chairperson Discretion. The Chairperson may independently decide to deviate from the Rules of Order in order to increase meeting efficiency and to best enable full and informed discussion of a matter before the Body. However, such independent action by the Chairperson remains subject to a Point of Order and Point of Appeal through which a Member can bring the meeting into full compliance with the Rules of Order.
- Voting:

Vote Requirement. A majority vote of the quorum present is required for any motion unless a different requirement is set by these Rules of Order or by applicable law. For example, a supermajority (2/3rds of quorum present) is required for a Motion to Call the Question pursuant to these Rules of Order and a supermajority (2/3rds of a quorum present) is required for a motion for executive session pursuant to the Colorado Open Meetings Law (C.R.S. § 24-6-402(4)).

Aye or Nay Vote Required. A vote of aye or nay (or another form of affirmative or negative declaration such as "yes" or "no") shall be taken upon motions. Every Member, when present, must vote aye or nay unless:

- (1) The Member is excused by the Chairperson due to the Member's declaration of a conflict of interest at the introduction of the agenda item or immediately upon discovery of a legally recognized conflict of interest; or
- (2) The Member is excused by the Chairperson because the member is without sufficient information upon which to enable an informed vote due to an absence at a prior meeting, e.g., the member did not attend the meeting for which meeting minutes are moved for approval.

No Abstention. An unexcused member's vote to "abstain" or other similar declaration other than "aye" or "nay" shall be recorded as a "nay" vote on the pending motion or matter.

No Explanation of Vote. Members shall not explain their vote except during discussion and deliberation prior to the calling of the vote on the question. Any attempt to explain a vote or to condition the vote immediately prior to casting the vote is out of order.

Meeting Notice, Minutes, and Recording of Meetings

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Chairperson's Privileges & Duties

- Chairperson to Direct Meeting. The Chairperson is privileged to act as the director of the meeting. The Chairperson shall seek to clarify the actions pending before the Body during the meeting and prior to a vote. For example, the Chairperson is encouraged to restate motions, announce expectations for the meeting agenda, and recommend to the Body the proper procedure or rules for a particular course of action. The Chairperson has a continuing right to the floor although, like any other member, shall be held to compliance with the Rules of Order.
- Chairperson as Parliamentarian. The Chairperson is the meeting parliamentarian and shall decide all questions of process and procedure. Such decisions are subject to appeal by a Point of Appeal. The Chairperson may consult with the Body's legal counsel or administrative staff to assist in rendering decisions regarding the application of the Rules of Order.
- Chairperson as Facilitator of Discussion. As the meeting director, the Chairperson should generally encourage and enlist other Members to propose or to second motions and to lead initial debate. Nevertheless, the Chairperson is entitled to the same rights as Members regarding the presentation of motions, seconding motions, and debate and may exercise such privilege as deemed appropriate by the Chairperson.
- Temporary Informal Recesses. The Chairperson may declare a temporary recess without motion or consent of the Body. However, no recess shall be declared which would interrupt a member who has properly secured the floor to speak.

Moving Party's Privileges

- At any time *prior to* receiving a second on a motion, the Moving Party may unilaterally withdraw or unilaterally amend a motion provided that the Moving Party has the floor. A motion, *once seconded*, belongs to the decision-making Body and the Moving Party's privileges are limited.
- The Moving Party retains the following limited privileges after the motion receives a second if the Moving Party has properly secured the floor to speak:
 - A. The Moving Party may speak to the rationale, purpose, meaning, or need of the motion prior to the opening of full debate to other members of the Body.
 - B. The Moving Party may withdraw his/her seconded motion unless an objection is raised by Point of Order. An objection to the Moving Party's withdraw of the seconded motion will summarily defeat the Moving Party's request to withdraw.
 - C. The Moving Party may accept a proposed amendment (a "Friendly Amendment") unless an objection is raised by Point of Order. An objection to a Friendly Amendment will summarily defeat the Moving Party's privilege to accept a Friendly Amendment and, in such case, a formal Motion to Amend would be in order.
 - D. During debate, to further explain or clarify the meaning, intent, or purpose of the motion or to otherwise respond to a Point of Information.

Classes & Priority for Points and Motions

There are three classes for motions and points: (1) Privileged; (2) Main; and (3) Subordinate. The class determines the priority or importance of the motion or point and, therefore, determines whether the motion or point is "in order" when made, i.e., if the motion or point proposed is appropriate for the Body to consider at the time it is presented.

- **PRIVILEGED** motions, which include all three Points, do not require a pending main motion on the floor and do not relate directly to a pending question. Privileged motions or points may be raised at any time. Privileged *points* do not require the floor; privileged *motions* require the floor. Privileged motions oftentimes involve an administrative or ministerial aspect of the meeting that needs to be resolved independently of the business then-pending before the Body. The following motions or points are recognized as privileged and are listed *in order of precedence*:
 - Point of Order
 - Point of Information
 - Point of Appeal
 - Motion to Recess
 - Motion for Executive Session

- A **MAIN** motion formally presents to the Body an item for action. A Main motion can be made only when no other motion is pending. If a Main motion is presented when another pending motion or point is before the Body, it is out of order.

Although there are as many Main motions as there are subject matters that a Body may consider, there are four (4) commonly recognized *specific* Main motions used in local government decision-making:

- Motion to Adjourn
 - Motion to Reconsider
 - Motion to Postpone an Agenda Item to a Date Certain
 - Motion to Postpone Indefinitely
- A **SUBORDINATE** motion is related to and supplements or builds upon the Main motion. A Subordinate motion must be dealt with before the Main motion can be voted on. A Subordinate motion is in order only when there is a pending main motion on the floor. Once a seconded Subordinate motion is pending on the floor, neither a MAIN motion nor another Subordinate motion is in order.

There are three (3) recognized Subordinate motions:

- Motion to Amend (a Main Motion)
- Motion to Continue Matter Before the Body to Date Certain
- Motion to Call the Question (Close Debate)

Points and Motions in Detail

A. Points

There are three "Points:" (1) Point of Order; (2) Point of Information; and (3) Point of Appeal. Points do not require a second. They are each "privileged" and may be raised at any time.

- **Point of Order** (or to "raise a question of order" as it is sometimes expressed), is an opportunity for a Member to express an opinion that the rules or procedures of the Body are being violated. The appropriate means of asserting such opportunity is for the member to wait for a break in the discussion and state "Point of Order" and wait to be recognized by the Chairperson. Any existing debate or discussion should cease. Upon the Chairperson's recognition, the member must succinctly state the general rule or procedure believed to be in violation. A point of order should not interrupt another speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered. For example:

Member Jones was granted the floor and proposed a motion to approve a site plan. Member Jones then proceeded to discuss the rationale for his motion.

Member Jones: [has the floor and is engaged in debate on a motion, he pauses in his debate]

Member Smith: "Point of Order."

Chairperson: "Excuse me a moment, Mr. Jones. The Chairperson recognizes Ms. Smith."

Member Smith: "I believe we are debating a motion that did not receive a second. I believe that this is out of order because a motion requires a second before debate."

Chairperson: "You are correct Ms. Smith, I do not recall a second was offered. Therefore, let us cease debate. Do I have a second on the motion? [A second is offered]. Thank you for your Point of Order, Ms. Smith. Mr. Jones, you have the floor and may commence debate."

- **Point of Information** is a *request to receive information* on a specific question, either about process, meeting conduct, clarification of a motion, or about a fact at any time during a meeting. A Point of Information is *not* an opportunity for a member to *provide* information to the Body and should never be used as a means of continuously interrupting the flow of debate. Using a Point of Information to provide information or to interrupt debate would be out of order.

As an example of the proper use of a Point of Information while the Body is engaged in debate on a seconded motion:

Member Quinn: [Has the floor and is offering her thoughts on a pending matter.]

Member Frank: "Madam Chairperson, Point of Information"

Chairperson: "Excuse me a moment, Ms. Quinn. The Chairperson recognizes Member Frank."

Member Frank: "Ms. Quinn said there are more than 5,000 vehicles passing through the Main Street intersection during the peak evening hours. But I recall that our Traffic Engineer stated earlier that the traffic count at the intersection during evening peak hours was only 1,500 vehicles. What is the correct number?"

Chairperson: "Let's have the Traffic Engineer provide us the accurate figure for traffic count."

Following the Traffic Engineer's advisement, Ms. Quinn again has the floor.

- **Point of Appeal** is a request of a member to challenge a decision of the Chairperson concerning the application of the Rules of Order. A Point of Appeal shall customarily be in order immediately following the Chairperson's decision and may be declared out of order and unavailable where the Body has relied upon the Chairperson's decision and continued the proceeding in reliance upon, or in accordance with, the Chairperson's decision. The member making the Point of Appeal may briefly state his or her reason for the Point, and the Chairperson may briefly explain his or her ruling, but there shall be no further debate on the appeal.

As an example of the use of a Point of Appeal when a motion is pending discussion:

Chairperson: "We have on the floor a Motion to Call the Question that was seconded." The vote on a Motion to Call the Question is not debatable and will require a majority vote of the quorum present."

Member Thomas: "Point of Appeal"

Chairperson: Mr. Thomas has raised a Point of Appeal. Mr. Thomas, you have the floor. What is your appeal?"

Member Thomas: I appeal the Chairperson's decision regarding the required vote on a Motion to Call the Question. A Motion to Call the Question requires a 2/3rds vote pursuant to our Rules of Order.

Chairperson: "My decision regarding the required vote is being appealed. I believe that closing debate is a rather simple matter only requiring a majority vote like a majority of all of our motions."

"We shall now vote on the appeal. Mr. Thomas appeals my decision regarding a vote on a Motion to Call the Question requires a simple majority of this quorum. Mr. Thomas asserts it should be a 2/3rds vote. The question we are now voting on is 'Shall the decision of the Chairperson be sustained?'"

[The Members vote to not sustain (they overturn) the Chairperson's decision.]

Chairperson: "My decision is overturned on appeal. I stand corrected and will now declare that the Motion to Call the Question requires a vote of 2/3rds of the members of the Body. Let us proceed to the consideration of the Motion to Call the Question."

B. Motions

• Motion to Recess (Privileged)

A Motion to Recess is intended to provide a temporary cessation in the meeting to accommodate matters such as restroom breaks or to consult with legal counsel or administrative staff. The motion should state approximate amount of time for the requested recess as a convenience to other members and the public in attendance. A second is required and the motion is not debatable and requires an immediate vote. A majority vote of quorum present required for approval.

As an example of a Motion to Recess, such motion might be stated as:

Member Thomas: "I move to recess our meeting for 15 minutes until 7:30."

Member Jones: "Second."

Chairperson: "We have a Motion to Recess on the floor to recess until 7:30. Because this motion is not debatable, would the clerk please call for the vote."

- **Motion to Adjourn (Main)**

Motion to Adjourn is available to cease further action of the Body and immediately terminate the meeting. A Motion to Adjourn is debatable and requires a majority vote of quorum present required. Caution should be exercised when presenting a Motion to Adjourn when items are pending on the agenda that required prior notice (such as public hearing publication or posting of property) because these matters must be properly continued to a future date or new notice published and/or posted.

As an example of a Motion to Adjourn, such motion might be stated as:

Member Thomas: "I move to adjourn this meeting."

Member Jones: "Second."

Chairperson: "We have a Motion to Adjourn on the floor. Member Thomas, did you want to speak to your motion or open any debate?"

Member Thomas: "Thank you. I believe the remaining items on our agenda are not important and it is already 11:00 p.m. I believe we are all tired and can no longer concentrate."

Chairperson: Any other debate? Seeing none, would the clerk please call for the vote. Please note that only a simple majority of our quorum present tonight is needed to adjourn."

- **Motion to Reconsider (Main)**

A Motion to Reconsider is an extraordinary motion that requires a degree of care in presenting and, if approved, care in processing the matter to be reconsidered. A successful Motion to Reconsider will effectively void the prior vote taken on the previously decided motion and cause the matter to be reopened for another motion and a new consideration.

A Motion to Reconsider is only in order at the same meeting at which the decision to be reconsidered was made or at the *next* regular meeting of the Body. The motion must be made by a member on the prevailing side of the original motion to be reconsidered. The required second on the motion need not be a member from prevailing side. The motion is debatable but only for the reasons to explain or justify reconsideration and not for the purpose of debating the merits of the original motion.

A supermajority vote of 2/3rds of the quorum present is required for approval. All proceedings, testimony, evidence, and debate on the matter presented during the initial consideration of the original matter will remain part of the official record; only the decision or vote taken is voided.

In the event of a successful Motion for Reconsideration, it is recommended that the reconsideration of the original matter be continued to a future date as opposed to being heard at the same meeting in which the Motion for Reconsideration was approved. This recommendation stems from the fact that the matter under reconsideration will likely require new public notice so that interested parties (and possibly an applicant whose rights are being decided) are apprised of the new consideration and can attend and participate in the new consideration. Even when a successful Motion for Reconsideration was presented in the same night as the matter subject to reconsideration, the parties present for the original matter may have departed the meeting after what appeared to those attending to be a final decision on the original motion. Fairness will often dictate that the reconsideration be scheduled for a future date.

As an example of the typical process surrounding a Motion to Reconsider, such motion might be stated as:

Member Thomas: "I move to reconsider our decision to approve Ordinance 14 which required all owners to keep their dogs on leashes at all times. I believe I can make this motion because I voted "yes" on the ordinance and it was approved at our last meeting."

Member Jones: "Second."

Chairperson: "We have on the floor a Motion to Reconsider Ordinance 14 concerning our new dog leash law. Please note that a Motion to Reconsider, if we approve it tonight, will reopen the consideration of Ordinance 14 and require new debate, a new motion, and a new vote. Member Thomas, did you want to speak to your Motion to Reconsider? Please note that you are free to discuss the reason why you wish to seek reconsideration but this is not intended to be a debate of the merits of Ordinance 14 at this time."

Member Thomas: "Thank you. I would like us to reconsider Ordinance 14 because upon reflection over the last week I believe the Ordinance may be too restrictive and we might want to consider allowing an exemption to the leash requirement for owners that can maintain control over their dogs by using voice command."

Chairperson: "Any other debate concerning whether we should reconsider Ordinance 14? Seeing none, would the clerk please call for the vote. Please note that this

Motion to Reconsider requires a supermajority of 2/3rds of the quorum present tonight to be approved. If approved, our administrative staff will need to schedule Ordinance 14 for discussion at a future date and provide or publish any required notices to the public concerning our reconsideration of Ordinance 14.”

- **Motion to Postpone an Agenda Item to Date Certain (Main)**

A Motion to Postpone an Agenda Item to a Date Certain pertains to a matter that is not presently on the floor but is scheduled for later consideration on the Body’s agenda. The motion must identify a date and time certain for the agenda item to be reset for Body consideration. If the Moving Party desires to *indefinitely* postpone an item, a Motion to Postpone indefinitely is the appropriate motion (see below). The Motion to Postpone an Agenda Item to a Date Certain is debatable. A majority vote of quorum present required for approval.

As an example of a Motion to Postpone an Agenda Item to Date Certain, such motion might be stated as:

Member Smith: “I move to Postpone Agenda Item 8 which pertains to funding of the repainting of the offices in City Hall to our meeting on August 15 at 7:00 p.m. here in our Council Chambers.”

Member Edwards: “Second.”

Chairperson: “We have a Motion to Postpone Agenda Item 8 which pertains to the funding of the repainting of the offices. This motion is debatable, so I would offer Mr. Smith and other Members an opportunity to comment on the motion”.

Member Smith: “I believe that this is not an urgent matter and, quite frankly, there are more pressing matters to fully consider tonight. The August 15 agenda looks like a light meeting.”

Chairperson: “Any other discussion? Seeing none, would the clerk please call for the vote.”

- **Motion to Postpone Indefinitely (Main)**

A Motion to Postpone Indefinitely will effectively kill a matter that is subject to the Body’s consideration (and is usually on the meeting agenda or scheduled on a future agenda). This motion will remove the matter from the Body’s consideration without full debate of the matter and without directly voting the matter down on the matter’s merits. It is most commonly used to eliminate a matter from the current and/or future agendas because there is insufficient interest on the Body to hear the matter. As a caution, a Motion to Postpone Indefinitely would not be appropriate where the item

involves a quasi-judicial matter for which an applicant has a right to a hearing and opportunity to be heard; legal counsel should be consulted regarding the use of this Motion for any quasi-judicial matter. The motion is debatable. A majority vote of quorum present required for approval. If approved, the matter will not be brought back to the Body unless the Body instructs that the item return for a future agenda.

As an example of a Motion to Postpone Indefinitely, such motion might be stated as:

Member Johnson: "I move to Postpone Indefinitely Agenda Item 2 which pertains to enacting a leash law for all cats in the town."

Member Samuels: "Second."

Chairperson: "We have a Motion to Postpone Agenda Item 2 indefinitely which pertains to our imposing a leash law on cats. This motion is debatable and requires a majority vote of the quorum present tonight. I would offer Ms. Johnson and other Members an opportunity to comment on the motion."

Member Johnson: "I have talked with many citizens about this proposal and believe that we are likely to be harshly criticized should be enact such an ordinance. So I think it is a waste of our time to continue to entertain this idea and I prefer just to eliminate the matter from tonight's agenda and our future consideration."

Chairperson: "Any other discussion? [Member Thomas requests floor] The floor recognizes, Mr. Thomas. Mr. Thomas you have the floor."

Mr. Thomas: "Thank you. Although I agree with Ms. Johnson about the public sentiment we are likely to hear about leashing cats, I think we should at least open the public debate and have the citizens comment to us directly. So I oppose the motion to postpone indefinitely."

Chairperson: "Seeing no other discussion, would the clerk please call for the vote."

[Vote fails to gain the required simple majority vote needed for a Motion to Postpone Indefinitely.]

Chairperson: "We do not have the required majority of the quorum so the offered motion is rejected or fails. We will consider the matter of leashing cats as our scheduled Agenda Item 2 tonight."

- **Motion to Amend (a Main Motion) (Subordinate)**

A Motion to Amend (a Main Motion) is applicable only to a Main motion on the floor. The motion must provide specificity as to the intended amendment. The motion is debatable. A majority vote of a quorum present required for approval. A motion to amend is not in order when another motion to amend is already pending (made and seconded) before the Body; e.g., the Body will deal with only one Motion to Amend at a time to avoid confusion.

As an example of a Motion to Amend a Main Motion, such motion might be stated as:

Member Smith: I move to Approve Ordinance No. 6 as presented to us tonight."

Member Jackson: "Second."

Chairperson: "We have a proper Motion on the floor that has received a second to approve Ordinance No. 6. Any discussion?"

Chairperson: "Yes, the Chair recognizes Mr. James. Mr. James, you have the floor."

Member James: "Thank you. I move to amend the motion offered by Ms. Smith to change the amount of the penalty for the first violation stated in Section 1-1-3 on page 3 of Ordinance No. 6 from the stated \$100 for the first offense to \$200 for the first offense."

Member Samuel: "Second."

Chairperson: "We have a Motion to Amend before us to change the penalty in Section 1-1-3 of Ordinance No. 6 from \$100 to \$200 for the first offense. We will take up the Motion to Amend first and decide that Motion before we consider the Main Motion. It is debatable and requires a simple majority vote. I see no one wishing to comment or debate the offered amendment to Ordinance No. 6. Would the clerk call for the vote on the Motion to Amend only."

[Motion receives majority vote of approval.]

Chairperson: "The Motion to Amend is approved so Ordinance No. 6 is now amended to change the penalty for a first offense to \$200. We next turn to the Main Motion to approve Ordinance 6, now as amended. Any debate on Ordinance No. 6 as amended? Seeing none, would the clerk please call for the vote of Ordinance No. 6 as it was amended."

- **Motion to Continue Matter to Date Certain (Subordinate)**

A Motion to Continue a Matter (that is before the Body) to a Date Certain postpones to holdover the current motion to a specific date, time, and place stated in the motion. Note that a motion to continue a matter without stating a date certain would operate more like a Motion to Postpone Indefinitely (see above) and would require the matter to be affirmatively requested by the Body for future consideration and reintroduced and, when required, new publication of notice of the hearing or discussion. The motion is debatable. A majority vote of a quorum present required for approval.

As an example of a Motion to Continue a Matter to a Date Certain, such motion might be stated as:

Member Smith: "I move to continue this matter under consideration to our meeting on February 23 at 7:00 p.m. here in our Council Chambers."

Member Edwards: "Second."

Chairperson: "We have a Motion to Continue this matter we are considering to a date and time certain, that being our meeting of February 23, at 7:00 p.m. here in our Council Chambers. This motion is debatable and only requires a majority of the quorum here this evening. I would offer Mr. Smith and other Members an opportunity to comment on the motion."

Member Smith: "I believe we need a continuation so that we can have a full opportunity to review the traffic study we received tonight. Without my detailed review of that study, I do not believe I am able to make an informed decision on the matter pending before us."

Chairperson: "Any other discussion? The Chair recognizes Ms. Hampton."

Member Hampton: "We have all had the traffic study for more than a month and we received a presentation on the study contents last week. With all respect to Mr. Smith, I believe a majority of us are fully informed and we can decide the issue tonight."

Chairperson: "Seeing none other request to debate, would the clerk please call for the vote."

- **Motion to Call the Question (Subordinate)**

A Motion to Call the Question (also more correctly phrased as to "Close Debate") will close further debate and require vote on the motion pending before the Body. The motion applies only to the motion on the floor. The motion is not debatable. Due to the fact that such a motion will forestall the Body's ability to discuss the merits of the pending matter, a supermajority

vote of 2/3rds of the quorum present is required for approval in order that the Body evidences a strong intent that continuing debate is not necessary to decide the matter.

As an example of a Motion to Call the Question (or Close Debate), such motion might be stated as:

[A debatable motion is pending before the Body and the Body is engaged in debate.]

Member Bernie: "I move to Call the Question."

Member Jones: "Second."

Chairperson: "We have Motion to call the Question which will, if approved, close all debate on the matter presently before us and require a vote. This motion is not debatable. This motion will require a supermajority of our quorum by 2/3rds. Would the clerk please call for the vote."

Chairperson: "The Motion to Call the Question is approved by a 2/3rds vote. Would the Clerk please call for the vote on the main motion."

- **Motion for Executive Session (Privileged)**

Executive sessions are expressly permitted by state law to allow the Body to discuss certain topics in a closed non-public setting. The most common authorized executive session topics for local government include:

- A. Purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale.⁶
- B. Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to qualify the executive session as a session involving legal advice.⁷
- C. Matters required to be kept confidential by federal or state law or rules and regulations. The Body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.⁸

⁶ C.R.S. § 24-6-402(4)(a).

⁷ C.R.S. § 24-6-402(4)(b).

⁸ C.R.S. § 24-6-402(4)(c).

- D. Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.⁹
- E. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.¹⁰
- F. Personnel matters *except if* the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.¹¹ However, you cannot hold an executive session for “personal matters” to discuss:
 - (i) an elected official or an appointed member of the Body;¹² or
 - (ii) the appointment of a person to fill an appointed¹³ or elective office; or
 - (iii) personnel policies that do not require the discussion of matters personal to particular employees.¹⁴
- G. Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act",¹⁵ except that all consideration of documents or records that are work product as defined in C.R.S. § 24-72-202 or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to state law.

Because the authorized purposes for executive session are limited and because errors in calling for an executive session *may* result in the session discussion becoming subject to public disclosure or actions, if any, invalidated, it is always advised to obtain legal advice regarding each motion.

Unlike other matters that will be open for public discussion, debated, and possibly decided by the Body, it is not necessary that the Executive Session be listed on the meeting agenda in advance. Oftentimes, the Body has no need for an executive session and the need arises during the

⁹ C.R.S. § 24-6-402(4)(d).

¹⁰ C.R.S. § 24-6-402(4)(e).

¹¹ C.R.S. § 24-6-402(4)(f)(I).

¹² C.R.S. § 24-6-402(4)(f)(II).

¹³ Id. A special statutory provision of the Colorado Open Meetings Law (C.R.S. § 24-6-402(3.5)) may authorize non-public executive sessions to conduct some of the business associated with selecting the chief executive officer (commonly considered as the “city manager” or “town administrator.”) Consult your local counsel to understand the steps necessary to hold these special forms of non-public public meetings.

¹⁴ C.R.S. § 24-6-402(4)(II).

¹⁵ Id.

meeting. For example, the need for legal advice may not be known until evidence or information is presented that give rise to a question requiring consultation with the Body's counsel.

The Motion for Executive Session must include the citation to Colorado Revised Statute subsection authorizing session and a brief description of subject matter.

The motion is debatable. However, care should be taken during debate to not disclose any confidential or sensitive information that might undermine the purpose of the executive session. For example, a town board member may state in debate during the public meeting that an executive session should be held to allow the council to decide "whether to spend up to \$2,000,000 on the acquisition of the vacant Thompson Property for a public park." Such public disclosure would essentially undermine the purpose of the executive session, that is, to give the town board the opportunity to determine negotiation strategy and the total amount willing to be paid to the seller for the Thompson Property. More appropriate would be to declare in debate that the executive session is needed to "allow the town board to decide the maximum amount the negotiation team can offer in negotiation."

Very importantly, a supermajority of 2/3rds of quorum present required for approval pursuant to the Colorado Open Meetings Law.

As an example of a Motion for Executive Session to obtain legal advice, such motion might be stated as follows:

Member Thomas: "I move to hold an executive session pursuant to C.R.S. § 24-6-402(4)(b) to receive legal advice on the right to impose a condition on the proposed rezoning application under discussion."

Member Jones: "Second."

Chairperson: "Is there any debate on this motion? Seeing none, would the clerk please call for the vote." Please note that the vote required for executive session is a 2/3rds of the quorum present tonight."

[Vote by the Body is taken and the vote is unanimous.]

Chairperson: "We are now authorized to enter into executive session."

The Location of Executive Session

***[Text Deleted from Original]

Confidentiality of Executive Sessions

***[Text Deleted from Original]

Who May Attend an Executive Session?

***[Text Deleted from Original]

Suspension of Rules

A. Chairperson May Suspend

Subject to challenge by Point of Appeal, the Chairperson may unilaterally elect to suspend operation of any rule provided by these Rules of Order; provided, however, that the Chairperson shall not be authorized to suspend or alter the vote required on any motion or matter.

B. Suspension of Rules

Any member may move to suspend the applicability of a rule of order by proposing a main motion; provided, however, that no motion may suspend or alter the vote required on any motion or matter. Such motion shall be presented only as a main motion which motion shall require a second, be subject to debate, and shall require a majority vote of the quorum present for adoption.

Summary of Requirements for Motions and Points

MOTION	Type	Second Required?	Debatable?	Vote Required
Point of Order	Privileged	No	No	No Vote Required
Point of Information	Privileged	No	No	No Vote Required
Point of Appeal (to challenge the Chairperson's decision)	Privileged	No	Only as needed to explain the Decision and the applicable Rule subject to challenge	Majority of quorum present
Motion to Recess	Privileged	Yes	No	Majority of quorum present
Motion for Executive Session	Privileged	Yes	No	2/3rds of quorum present
Any Main Motion	Main	Yes	Yes	Majority of quorum present unless otherwise required by law, rule, or regulation
Motion to Adjourn	Main	Yes	Yes	Majority of quorum present
Motion to Reconsider	Main	Yes	Yes	2/3rds of quorum present
Motion to Postpone an Agenda Item	Main	Yes	Yes	Majority of quorum present
Motion to Postpone Indefinitely	Main	Yes	Yes	Majority of quorum present
Motion to Amend (a Main Motion)	Subordinate (to a Main Motion)	Yes	Yes	Majority of quorum present
Motion to Continue Matter Before the Body to Date Certain	Subordinate (to a Main Motion)	Yes	Yes	Majority of quorum present
Motion to Call the Question (Close Debate)	Subordinate (to a Main Motion)	Yes	No	2/3rds of quorum present

Type	MOTION	Floor Required?	When in Order?	Second Required?	Debatable ?	Vote Required
Point	Point of Order	No	Any time	No	No	-
Point	Point of Information	No	Any time	No	No	-
Point	Point of Appeal	No	Immediately following decision	No	Yes	Majority of quorum
Main	Main Motion	Yes	When no other motion is pending	Yes	Yes	Usually majority. Depends on law or regulation Section 3.9
Main	Adjourn	Yes	When no motion pending	Yes	Yes	Majority of quorum
Main	Postpone (an item on the agenda)	Yes	When no motion pending	Yes	Yes	Majority of quorum
Subsidiary	Continue (a pending matter or pending motion)	Yes	When matter or motion is pending	Yes	Yes	Majority of quorum
Subsidiary	Close Debate	Yes	When motion pending	Yes	No	2/3rds of quorum
Subsidiary	Table	Yes	When matter or motion is pending	Yes	No	Majority of quorum
Subsidiary	Amend (a pending motion)	Yes		Yes	Yes	Majority of quorum

Type	MOTION	Floor Required?	When in Order?	Second Required?	Debatable ?	Vote Required
Privileged	Recess	Yes	Any time	Yes	No	Majority of quorum
Privileged	Executive Session	Yes	For Legal Advice: Any time For other reason: When no matter or motion pending	Yes	Yes, provided that the debate does not disclose confidential information	2/3rds of quorum
Privileged	Reconsider	Yes	When no matter or motion pending, and at either at the same meeting at which the decision to be reconsidered was made <i>or</i> at the <i>next</i> regular meeting of the body. Otherwise, such motion is unavailable and out of order.	Yes	Yes, as to reason but not to debate original motion	2/3rds of quorum