

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 16th day of September 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 39
INTRODUCED BY
COUNCIL MEMBER WARD**

A BILL FOR AN ORDINANCE
AMENDING ENGLEWOOD
MUNICIPAL CODE BY ADOPTING BY
REFERENCE 2023 BOB'S RULES OF
ORDER AND AMENDMENTS
THERE TO, TO ESTABLISH
PROCEDURAL RULES FOR CITY
COUNCIL MEETINGS.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.engagewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: SEPTEMBER 18, 2024
Official Website of the City of
Englewood, Colorado

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. 39
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL CODE BY ADOPTING BY REFERENCE 2023 BOB'S RULES OF ORDER AND AMENDMENTS THERETO, TO ESTABLISH PROCEDURAL RULES FOR CITY COUNCIL MEETINGS.

WHEREAS, Efficient and well-run public meetings are a necessity for local government to assure all scheduled business is accomplished, voices are equally heard, and differences of opinion are aired amicably; and

WHEREAS, Englewood City Charter Section 27 provides that "Council shall by ordinance prescribe the rules of procedure governing meetings"; and

WHEREAS, on the 2nd day of April, 2018, City Council adopted Ordinance No. 5, Series of 2018, approving the use of the 2013 version of Bob's Rules of Order as City Council's procedural rules; and

WHEREAS, the City Council of the City of Englewood has reviewed the 2023 version of Bob's Rules of Order, and desires to implement it, with amendments, to provide a simplified set of rules of parliamentary procedure to more effectively manage local government meetings and decision-making.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Englewood Municipal Code ("EMC") § 1-5-2-8 is hereby amended to read as follows (new provisions underlined; deleted provisions ~~struck through~~):

1-5-2-8: - Rules of Debate and Parliamentary Procedure.

A. ~~Presiding Officer. The Mayor or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the presiding officer.~~ Adoption by Reference. There is hereby adopted by reference Bob's Rules of Order for Colorado Local Governments (Robert Widner, 2023 edition), available to the public for inspection at the office of the City Clerk and with amendments provided in this section.

B. Rule 1.4 shall be supplemented to include: Upon recusal, the Member may not leave the room. If recusal leaves less than a quorum eligible to vote on the item, the matter should be tabled to the next regular meeting at which a quorum of members is available to decide the matter, unless timely action is required.

~~*Getting the Floor.* Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.~~

C. Rule 1.5 is amended to state: A motion is required for the Body to initiate discussion, but the Presiding Officer has discretion to waive this rule to expedite discussion and decision-making.

~~*Interruptions.* A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined and if in order, he shall be permitted to proceed.~~

D. *Privilege of Closing Debate.* Rule 5.6 is amended to state: The Presiding Officer shall offer the Moving Member the first and last opportunity to speak to a debatable motion. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

~~*E. Motion to Reconsider.* A motion to reconsider any action taken by the Council may be made at any time, subject only to the following limitations. Passage of an ordinance may be reconsidered at any time prior to its the time such ordinance becomes effective . Any action of the Council having as its ultimate purpose the vesting of any contractual or quasi-contractual right may be reconsidered at any time before the actual vesting of such right. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.~~

F. *Remarks, Entered in Minutes.* Rule 7.10 is added to state: Immediately after the vote on a debatable motion: (a) a Council Memberman may request through the presiding officer, the privilege of having an abstract of their comments and/or (b) the Presiding Officer may request an abstract of all comments, be his statement on any subject under consideration by the Council entered into the minutes. The requested abstract shall be added to minutes, unless a majority of the Body present objects. If the Council consents thereto, such statement shall be entered in the minutes.

~~*G. Synopsis of Debate.* The Clerk may be directed by the presiding officer, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.~~

~~*H. Rules of Order.* There is hereby adopted by reference by the City of Englewood, Colorado, for the purpose of establishing rules of procedure for governing meetings in accordance with Charter Section 27 Bob's Rules of Order_2013), as written and distributed by Robert C. Widner 13133 E. Arapahoe Road, Suite 100, Centennial, Colorado 80112. Bob's Rules of Order (2013), including those amendments set forth below, shall govern the procedure of the meetings of the City Council in all cases where applicable and where not inconsistent with the Charter or the rules and procedures herein fixed by the Council or other provisions of this Code. One (1) copy of Bob's Rules of Order [version 1-18], with amendments as adopted, shall be provided to each member of the City Council, the City Manager, the City Attorney, and the City Clerk upon adoption, and at the first meeting in January thereafter, and shall also be made available to the public for inspection at the office of the City Clerk, and may be posted to the City's website with the permission of the author. All amendments as set forth herein shall be incorporated into Bob's Rules of Order (2013) and known as " Bob Rules of Order [version 1-18]".~~

~~Version numbers shall be updated to correspond to each modification to the rules of order adopted by the City Council. Amendments to Bob's Rules of Order (2013) shall be as follows:~~

F. Rule 13.1 is added to state:

~~1. Inclusion of a privileged motion entitled "Point of Decorum".~~

Purpose

~~a. A Point of Decorum allows a Member to ask the Body is a request of a member, requiring a second, for the body as a whole to review an act of a Member for conformance with the Rules of Decorum, as such rules have been established, and adopted by, the body as a whole. It shall require approval by a majority of the quorum present. It shall not be debatable. b. An example of the use of a point of decorum shall also be included.~~

Requirements and Limitations

<u>Type of Action</u>	<u>Point of Decorum</u>
<u>When in Order?</u>	<u>At any time</u>
<u>Floor Required?</u>	<u>No</u>
<u>Second Required?</u>	<u>Yes</u>
<u>Debatable?</u>	<u>No, but the Moving Member may make a brief statement of reason with reference to the adopted Rules of Decorum, and the Subject Member may briefly reply.</u>
<u>Subject to Motion to Amend?</u>	<u>No</u>
<u>Friendly Amendment Possible?</u>	<u>No</u>
<u>Vote Required?</u>	<u>Majority of Quorum</u>
<u>Subject to Motion to Reconsider?</u>	<u>Yes</u>

Commentary

A Point of Decorum is a request by a Member to ask the Body as a whole to determine compliance by another Member with the Body's adopted Rules of Decorum, including delay, interruptions, and refusal to obey the orders of the City Council or the Presiding Officer. Unlike the other Points, a second is required; and it is subject to a Motion to Reconsider.

The Point in Practice

The following exchange is an example of the proper use of a Point of Decorum:

Background: The Body is engaged in discussion on a pending motion, when Member B interrupts Member A to dispute a statement.

Member A: "Point of Decorum."

Member C: "Second."

Presiding Officer: "Member A has raised a Point of Decorum, seconded by Member C. Member A, please briefly state the reason."

Member A: "According to our adopted Rules of Decorum, other than to make a privileged motion, no member of the City Council shall interrupt another member. Member B interrupted me, violating the Rules of Decorum."

Presiding Officer: "Member B, do you have a brief response?"

Member B: "I admit that I interrupted Member A, and I apologize for that."

Presiding Officer: Takes a vote, and if a majority of quorum votes in favor, the Presiding Officer sustains the Point of Decorum, and reminds Members they must obtain the Floor prior to speaking.

~~2. Modification of the rule regarding abstention. Abstentions. Abstentions shall not be counted as either a vote in favor or against the proposition before the body.~~

~~• A member declaring a conflict of interest in regard to a matter pending before the body and thereafter abstaining from the discussion and vote may not leave the room and does not change quorum for purposes of establishing a valid meeting of the body.~~

~~• If, after a member declares a conflict of interest, the remaining members of the body eligible to act upon the matter do not equal a quorum, the matter should be tabled to the next regular meeting at which a quorum of members is available to decide the matter, unless immediate action is necessary and proper. This rule shall be construed to weigh against allowing less than a quorum of the membership to act upon a matter before the body.~~

G. Rule 22 is amended to authorize debate on a Motion for Executive Session, but only to determine whether the subject is appropriate for executive session, and without disclosing confidential information.

Section 2. General Provisions

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within E.M.C. § 1-4-1.