CITY COUNCIL CITY OF LONGMONT, COLORADO RULES OF PROCEDURE TABLE OF RULES

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<u>RULE 1 ORDER OF BUSINESS</u>. The following orders of business shall apply to meetings of Council, unless it is specifically determined by majority vote of Council that a different order is on any occasion required to serve the convenience of the public attending:

REGULAR SESSIONS

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. CHAIR REMINDER TO PUBLIC THAT:
 - 1. those wishing to speak at "First Call Public Invited To Be Heard" shall add their names to the list since only those on the list will be invited to speak at the first session; and
 - 2. speakers who do not place their names on the list will have the opportunity to speak at public hearing items for that evening (if pertinent to the public hearing topic) or at "Final Call Public Invited To Be Heard" (any item).
- D. CORRECTION AND APPROVAL OF REGULAR MEETING MINUTES
- E. AGENDA REVISIONS, SUBMISSION OF DOCUMENTS, AND MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS
- F. CITY MANAGER'S REPORT
- G. SPECIAL REPORTS AND PRESENTATIONS
- H. FIRST CALL PUBLIC INVITED TO BE HEARD
- I. CONSENT AGENDA AND FIRST READING, BY TITLE, OF ORDINANCES
- J. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER
- K. CARRY-OVER BUSINESS AS IDENTIFIED FOR PRIORITY PLACEMENT
- L. ITEMS REMOVED FROM CONSENT AGENDA
- M. GENERAL BUSINESS
- N. OTHER BUSINESS
- O. FINAL CALL PUBLIC INVITED TO BE HEARD
- P. MAYOR AND COUNCIL COMMENTS
- Q. CITY MANAGER REMARKS
- R. CITY ATTORNEY REMARKS
- S. ADJOURN

STUDY SESSIONS

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS
- D. PUBLIC INVITED TO BE HEARD
- E. GENERAL BUSINESS
- F. MAYOR AND COUNCIL COMMENTS
- G. CITY MANAGER REMARKS
- H. CITY ATTORNEY REMARKS
- I. ADJOURN

RULE 2 BASIC PARLIAMENTARY PROCEDURE.

- A. The Mayor is elected by the people to serve as a voting member of Council, and unless otherwise disqualified, must vote on all questions, even those appealing the ruling of the Chair. The Mayor, Mayor Pro Tem, or other designated Council member in their absence shall, however, serve as the presiding officer or Chair in the conduct of meetings.
- B. Motions may be amended only to the third degree, that is, only one amendment to an amendment is permitted. A substitute motion is considered an amendment.

<u>RULE 3 ADDRESSING THE COUNCIL.</u> At all times, the discussions and motion of the Council and remarks of members of the public shall be directed to the Chair, and shall be preceded by recognition from the Chair.

RULE 4 GENERAL DISCUSSION.

- A. Limitation on Debate: A member of Council shall be permitted to speak only once on the subject under discussion, limited to the matter at hand, until all other members of the Council desiring to speak have been heard. The Chair may set a time limit on any such discussion of members of Council.
- B. If a matter requires a vote by roll call, it shall not be in order for members of Council to explain their vote during the roll call. Such explanation is, however, permitted during the discussion of the question.

RULE 5 PUBLIC PARTICIPATION.

A. The Longmont Charter, § 3.9, guarantees Longmont residents and employees a reasonable opportunity

to be heard at each regular and special City Council meeting. To implement that right, any person may speak to the Council on any matter, whether scheduled for public hearing or not, except as otherwise limited below. The City Clerk shall prominently post a speakers' list form outside the Council Chambers, at least fifteen minutes before each Council meeting. Immediately before the "First Call - Public Invited to Be Heard", the Clerk will tally the number of speakers for "First Call - Public Invited to Be Heard" and submit the list to the Chair. Speakers have the right to speak at scheduled public hearings, and during the "public invited to be heard" segments of Council meetings. Except for scheduled public hearings, those wanting to speak shall list their names on a speakers' list, showing the topics (including agenda item number(s), if any) on which they want to speak. At the "First Call - Public Invited to Be Heard", the Chair shall call to speak those listing consent agenda and general business items, and topics not on the Council meeting agenda. Speakers shall address other matters as the Chair recognizes them at public hearings, or at "Final Call - Public Invited to Be Heard" (regular session meetings only). Speaking at a called public hearing and at "Final Call - Public Invited to Be Heard" (regular session meetings only) requires no listing on the speaker's list.

- B. During the "public invited to be heard" segments of Council meetings and to ensure due process protections, City Council may prohibit public statements on upcoming matters where Council may hold a quasi-judicial hearing. The Chair has the discretion to direct a speaker to terminate all remarks on upcoming matters where the Council may hold a quasi-judicial hearing. A speaker prohibited from making a statement on such a matter may speak at any public quasi-judicial hearing on that matter. Alternatively, prior to any public quasi-judicial hearing, a speaker may submit written materials to the City staff assigned to the matter for inclusion in the administrative record that Council will consider when making its decision.
- C. During "First Call Public Invited to Be Heard", only Longmont residents with a Longmont address and employees of the City of Longmont will be heard. Anyone present may speak during "Final Call Public Invited to Be Heard" and on public hearing matters.
- D. The Chair, consistent with these Rules, may regulate the time for public participation, and may require that each speaker's comments pertain to the subject under discussion. The Chair may restrict cumulative or redundant presentations. Speakers may not assign their time to others.
- E. No speaker shall speak longer than three minutes, except:
 - 1. A staff member making a presentation to the Council;
 - 2. Others invited by the City Council or City Manager to make presentations, or to answer Council questions; and
 - 3. When the Council suspends these Rules.
- F. Those attending Council meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Council. The Chair may take any reasonable steps to maintain the order and dignity of Council meetings.

<u>RULE 6 METHOD OF VOTING.</u> Except as otherwise provided by Charter or Council, voting on all matters shall be recorded on the electric ballot board in Council Chambers. Each Council member shall activate his or her private voting switch prior to the Mayor activating the master switch. The Chair shall announce the result of the ballot, which shall be placed in the minutes of

the meeting by the Clerk.

RULE 7 ABSTAINING FROM VOTE. If a member of Council has a personal, financial or other conflict of interest, or appearance thereof which would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Council member to require abstention, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by Council, and the abstaining Council member shall then physically remove himself or herself from the placement of Council sitting as a body. Upon full disclosure of the basis for announced abstention, the requesting Council member may, however need not, request that the Council vote on the propriety and necessity of abstention.

<u>RULE 8 TEMPORARY CHAIR.</u> In the case of the absence of the Mayor and Mayor Pro Tem, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, Council shall proceed to elect, by a majority vote of those present, a Chair of the meeting, to act until the Mayor or Mayor Pro Tem appears.

<u>RULE 9 RIGHT OF FLOOR.</u> When recognized by the Chair, a member of Council shall confine himself or herself to the question under debate, and in order to ensure the dignity of the proceedings, avoid personal insult and refrain from impugning the motives of any fellow Council member's argument or vote.

<u>RULE 10 RIGHT OF APPEAL.</u> Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his or her ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Aye," the ruling of the Chair is sustained, otherwise it is overruled.

<u>RULE 11 MAKING MOTIONS.</u> The presiding officer will have the same rights and privileges of making motions as any other members. A majority vote of those in attendance, unless otherwise noted, shall decide all questions. No motion for formal final action or for establishing a position of the City shall be made during Mayor and Council comments.

<u>RULE 12 PRECEDENCE OF MOTIONS.</u> When a question is before the Council, no motion shall be entertained except: (a) to fix the hour of adjournment, (b) to adjourn, (c) to recess, (d) to lay on the table, (e) for the previous questions, (f) to postpone to a certain day, (g) to refer, (h) to amend, and (i) to postpone indefinitely. These motions shall have precedence in the order indicated. The following motions shall NOT be debatable: "Call for Motion", "Motion to Adjourn" and "Motion to Table."

<u>RULE 13 MOTION TO ADJOURN, POLICY OF ADJOURNMENT.</u> A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

In order to facilitate the convenience of the public and Council, whenever practicable, it shall be the policy of Council to adjourn at 11:00 P.M., and that items not under present consideration be continued and not be called for consideration after such hour.

<u>RULE 14 MOTION TO LAY ON TABLE.</u> A motion to lay on the table shall preclude all amendments or debates of the subject under consideration. The motion to lay on the table carries no time element. A tabled motion can be called from the table at any time.

<u>RULE 15 DIVISION OF QUESTION.</u> If the question contains two or more divisible parts or propositions, the Chair may, on its own motion or upon request of any member of Council, divide the same.

RULE 16 MOTION TO AMEND AN ORDINANCE OR RESOLUTION. A motion to amend an ordinance or resolution shall be made with such specificity to ensure that City staff can accurately make the amendments. Where appropriate, the motion to amend will state the words proposed to be stricken out and those to be inserted, and include reference to the applicable page and line number(s) in the Council agenda packet where such amendments are to be made.

<u>RULE 17 MOTION TO POSTPONE.</u> A motion to postpone definitely carries a time limit to a date certain, can be debated as to the merits of postponement, and may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

RULE 17.5 MOTION INSTRUCTING THE CITY MANAGER OR CITY ATTORNEY. Unless such duty is imposed by the Charter, ordinances of the City or otherwise by operation of law, direction to the City Manager or City Attorney to take action on behalf of the City Council shall be made pursuant to motion duly made, seconded, and approved by the majority of the quorum of Council made at a regular or specially called meeting, or at a study session of Council, unless such direction is intended to implement the final action or position of the City, in which event such direction shall be given at a regular or specially called session of Council.

<u>RULE 18 VOTING REQUIREMENT.</u> Every participating member of Council shall be required to vote, unless excused for cause by consent or vote of the Council.

<u>RULE 19 RECONSIDERATION.</u> After the decision on any question, any member who voted with the prevailing side may move to reconsider the decision at the same meeting or at the next meeting at which Rule 25 permits final or official action on the subject question.

<u>RULE 20 ANONYMOUS COMMUNICATIONS.</u> Unsigned written or anonymous communications shall not be introduced or considered by the Council.

<u>RULE 21 AMENDMENT OF RULES.</u> Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular session and shall be acted upon no sooner than at the next meeting of Council as an agenda item or new business. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of Council.

<u>RULE 22 RESOLUTIONS.</u> All resolutions considered by Council shall be in written form. Any member of Council wishing to introduce a resolution which has not been previously reduced to writing, may request the indulgence of the Chair for ten minutes to allow him or her to prepare his

or her resolution in written form. Upon the resolution thus being presented in writing, it may then be put to a vote of Council.

<u>RULE 23 REPRESENTING CITY.</u> No member of Council, employee of the City, or Council appointee shall state a position or policy of the City until said position or policy has been adopted by affirmation or resolution of Council. No restraint on individual expression is hereby intended, so long as the narrator clearly indicates that the position expressed is his or her individual opinion and not the position or policy of the City.

RULE 24 AGENDA

- A. Consistent with Rule 1, the Agenda shall be set by the City Manager and may be augmented or modified by the Mayor. The Agenda may also be augmented by majority vote of the City Council to direct the City Manager to place an item on a future Agenda. The Agenda shall be made available to the public upon request, and shall generally be distributed immediately prior to each meeting.
- B. One copy of the agenda and work packet (excluding information regarding personnel or other material constituting legally privileged communications) shall be sent to the Public Library for public information.
- C. Members of Council shall generally be provided the agenda and work packet no later than the Tuesday preceding any regularly scheduled meeting. Agenda items and substantive information not involving unforeseen emergency and not included in the packet as timely provided shall not be considered unless Council, by motion, determines to consider same, which motion shall not be debatable.

RULE 25 MEETINGS.

- A. The regular session for the City Council shall be set for the second and fourth Tuesdays of each month at 7:00 P.M.
- B. Study sessions shall be set for the first, third and any fifth Tuesdays of a month at 7:00 P.M. In the interest of efficiently conducting Council business, the Mayor or City Manager may, with reasonable advance notice to the Council and the public, cancel any study session. As applicable, rules of procedure for study sessions shall be the same as for regular sessions. Except motions instructing the City Manager or City Attorney, the Council shall take no final or official action at study sessions.
- C. On Tuesday nights, the period of time between 5:30 P.M and 7:00 P.M. is generally reserved for City Council executive sessions, pre-sessions, or meetings with other governmental entities. The City Manager may schedule a meeting during this reserved time period by providing notice in compliance with the Open Meetings Law.
- D. At least twenty-four hours before each meeting, the City Manager or the Manager's designee shall post, in the designated public place or places within the city, notice of the meeting. At the first regular meeting of each calendar year, the Council shall, by motion, designate the place or places for posting. Postings shall include specific agenda information where possible.

RULE 25.1 EXECUTIVE SESSIONS.

- A. A confidential Executive Session may be requested by the Mayor, a member of Council, the City Manager, or the City Attorney, to discuss any of the following (set forth in State of Colorado Sunshine Law):
 - 1. The 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 City Council has a personal interest in such purchase, acquisition, lease, transfer, or sale;
 - 2. Conferences with an attorney for the City for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an Executive Session of the City Council is not sufficient to satisfy the requirements of this subsection;
 - 3. Matters required to be kept confidential by federal or state law or Rules and Regulations;
 - 4. Specialized details of security arrangements or investigations;
 - 5. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
 - 6. a. 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;
 - b. The provisions of paragraph a of this paragraph 6 shall not apply to discussions concerning any member of the Longmont City Council, any elected official, or the appointment of a person to fill the office of a member of the Longmont City Council or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.
 - 7. Consideration of any documents protected by the mandatory nondisclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act".
- B. Notice of the request for an Executive Session shall be delivered to each member of Council, the City Attorney and the City Manager at least 24 hours in advance of the Council session at which an Executive Session will be requested. The Notice shall be in writing and contain a brief

statement of the matter to be discussed during the Executive Session. The Notice may be delivered electronically, in person, or otherwise in writing reasonably calculated to reach Council members at least 24 hours in advance of the Executive Session

- C. A request to meet in Executive Session must be voted on and approved by a 2/3 majority of the Council members present before the session is commenced. The motion shall set forth the matter to be discussed during the Executive Session, including specific citation to the provision of this Rule authorizing the Council to meet in an Executive Session, and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized. Prior to the time the Council convenes in Executive Session, the Mayor shall announce the specific citation to the provision of this Rule authorizing the Executive Session as enumerated in Subsections A.1. through A.7. of this Rule.
- D. The Council shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public. Discussions that occur in an Executive Session shall be recorded by making an audiotape recording, according to C.R.S. 24-6-402(2)(II)(A) and (B).
- E. The record of an Executive Session of the City Council recorded pursuant to this Rule shall be retained for ninety days after the date of the Executive Session.
- F. The Mayor shall act as the liaison for those present at the Executive Session. The Mayor shall be responsible for any public statements about the subject matter of the Executive Session.

RULE 25.2 ELECTRONIC PARTICIPATION FOR MEETINGS.

- A. City Council may conduct meetings by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"), for certain emergency and non-emergency situations subject to this Rule.
 - 1. City Council may conduct meetings with Electronic Participation during a declared state of emergency in accordance with sections 2.12.040 and 10.08.180 of the Code.
 - 2. City Council may conduct meetings with Electronic Participation during nonemergency situations after a determination of good cause by motion at a prior meeting.
 - 3. A City Council meeting conducted with Electronic Participation pursuant to this Rule shall be deemed to be held at temporary City Hall for purposes of Charter 3.9.
- B. City Council meetings that are held by telephone or other electronic means of participation must comply with the following conditions:
 - 1. All members of City Council can hear or otherwise communicate with one another and the meeting participants, and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;
 - 2. Video-conferencing is utilized as the first tool for participating in meetings electronically for members of City Council, with a telephone connection as a back-up;

- 3. All parties with a legal interest are allowed to speak or otherwise participate in the meeting;
- 4. Members of the public participating in or monitoring the meeting can hear or read all discussion, testimony and votes;
- 5. All votes are conducted by roll call or, if voting software is utilized, the outcome of the vote and the names of those dissenting should be verbalized by the chair;
- 6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and
- 7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that the meeting will occur electronically, and the right of the public to participate in or monitor the meeting electronically. City Council shall use best efforts to provide the public a reasonable opportunity to be heard electronically.
- C. If City Council holds a meeting by telephone or other electronic means of participation, the entire Council must participate in the meeting electronically.
- D. The City should adhere to the following technical considerations during Council meetings that are held electronically:
 - 1. The City shall initiate any electronic meeting;
 - 2. In the event a meeting is disconnected, the City Clerk or designee shall make a reasonable amount of attempts to re-initiate the meeting connection. If such attempts are unsuccessful, the meeting shall be considered adjourned;
 - 3. If a member of City Council is disconnected from a meeting, the member shall contact the City Clerk or designee to ask to be readmitted to the meeting;
 - 4. The City Council may discontinue the use of electronic participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection or connection by other electronic means is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance. The meeting may proceed after the electronic participation is discontinued only if there is a quorum; and
 - 5. If connection of a member of the City Council fails or is discontinued by Council, then such member attending electronically will be listed as "absent" for that portion of the meeting.
- E. The City shall provide reasonable accommodation and shall waive or modify provisions of this Rule to provide members of the City Council with disabilities full and equal access to City Council meetings.

RULE 26 FINANCES. The City will pay or reimburse Council members for necessary bona fide expenses incurred in service on behalf of the City if authorized, itemized and maintained as a matter of Public Record. The City will pay or reimburse Council members for travel expenses and mileage allowance according to the City's generally applicable policies governing employee travel expenses and mileage allowance. In addition, if a Council member attends a conference, convention, seminar or similar function where spouses customarily accompany attendees, the City will pay for the spouse's conference registration and the room rate differential from a single to a double room. All Council member and spouse's extracurricular activities and spouse's meals are the responsibility of the Council member.

<u>RULE 27 BOARDS.</u> In addition to criteria outlined in the City Charter and the Longmont Municipal Code for specific boards and commissions, the Council may adopt policies regarding boards and commissions by motion which will be recorded in this rule of procedure. The following policies have been adopted by Council and apply to all City board and commission appointments made by City Council:

- A. All board and committee vacancies will be announced through the local news media before appointments are made.
- B. No board or commission member appointed by City Council shall serve on more than one board at any one time.
- C. Except for the Master Board of Appeals, no board or commission member appointed by City Council shall serve more than two consecutive terms in office.
- D. All board or commission members appointed by City Council shall remain a resident of the City during the term of their appointment.
- E. All board or commission candidates shall have been both a resident of the City of Longmont and registered to vote in the City of Longmont for at least one year immediately prior to their appointment to a City board or commission.
- F. All boards and commissions will be asked to interview all board applicants determined to be eligible by the City Clerk's Office in accordance with these Rules, including incumbent applicants, and provide a written recommendation for which applicants Council should interview for the announced vacancies on the board. These interviews shall:
 - 1. Last no longer than 30 minutes.
 - 2. Be facilitated by the staff liaison to the board. Ultimate recommendations shall be made by the board as a whole. Boards may choose to form a Nominating Committee comprised of two members of the board and facilitated by the staff liaison to conduct applicant interviews, but the final recommendation(s) shall be made by the board as a whole.
 - 3. Be recorded with video and audio whenever possible. Recordings shall be retained in accordance with the City's adopted Municipal Records Retention Schedule.
 - 4. Be completed within the timeframe specified by the City Clerk's Office, provided that each board shall have no less than four weeks to complete their interviews and provide their recommendation(s).

- 5. Be conducted utilizing the pre-defined applicant questionnaire and ranking rubric for each board. Scoring sheets for each applicant interviewed using the ranking rubric shall be submitted to the City Clerk's Office together with the written recommendation from the board for which applicants Council should interview.
- G. All boards and commissions will submit applicant interview questions to the City Clerk's Office for Council's consideration. Final interview questions for the Council interview will be decided upon by the Council liaison with input from the staff liaison and board chair.
- H. Any applicant who is re-applying for their position who has had three or more unexcused absences during their current term on the board will not be interviewed.
- I. To be considered for an interview, all board applicants, including applicants applying for the first time and applicants who are re-applying, must submit a complete application and must have previously attended a meeting of the board for which they are applying.
- J. When there are fewer applications than seats available, Council may make re-appointments based solely on applications without requiring an interview of applicants.
- K. Advisory board applicant interviews conducted by City Council will be 10-15 minutes long and commission applicant interviews will be 15-20 minutes long and may be held in-person or virtually.
- L. City Clerk's Office shall maintain an updated board and commission application form that clearly states the criteria for consideration and informs applicants that Council makes much of their decision to appoint applicants based on applications themselves.
- M. In the event a board member accumulates three unexcused absences, the board upon which the member sits may recommend removal of the member to Council.

<u>RULE 28 ROBERT'S RULES OF ORDER.</u> Unless the procedures are specifically set forth herein, Robert's Rules of Order, Newly Revised, shall govern the procedures applicable to all City Council meetings.

Amended on August 8, 2023; June 6, 2023; December 20, 2021; July 28, 2020; April 9, 2019; February 13, 2018;

August 9, 2016; January 12, 2016; February 24, 2015; December 20, 2011; October 25, 2011; March 23, 2010.

APPROVED AS TO FORM:	
Engene Men	08/23/2023
CITY ATTORNEY	DATE
Cristi Campbell	08/23/2023
PROOFREAD	DATE
APPROVED AS TO FORM AND SUBSTANCE:	
6 100	

08/23/2023

ORIGINATING DEPARTMENT

DATE

CA File: 19-000249