

ORDINANCE NO. 1162

AN ORDINANCE OF THE CITY OF FORT MORGAN, COLORADO, ADOPTING THE COUNCIL RULES OF PROCEDURE.

WHEREAS, the City Charter declares that the City Council's "powers shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as shall be provided by ordinance." Charter Art. IV, Sec. 4(c); and,

WHEREAS, the City Council previously adopted the Council Rules of Procedure, to establish and codify the rules of procedure for Council; and,

WHEREAS, the most recent version of these rules was adopted on April 2, 2012; and,

WHEREAS, there have been technological advances and implementation of technology since the previous adoption of the Council Rules of Procedure; and,

WHEREAS, City Council has now recommended minor changes be made to the Rules of Procedure to further facilitate Council business.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

SECTION 1. The Council Rules of Procedure, City of Fort Morgan, Colorado, which are set forth in Exhibit A attached hereto and incorporated herein by this reference, are hereby amended accordingly.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 18th day of November, 2014.

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John Brennan
John Brennan
City Clerk

**PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED** this 2nd day of December, 2014.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John Brennan
John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1162** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 18th day of November, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of November, 2014, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 2nd day of December, 2014. Within five (5) days after its final passage, said **Ordinance No. 1162** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John Brennan
John Brennan
City Clerk



COUNCIL RULES OF PROCEDURE CITY OF FORT MORGAN, COLORADO

Charter Authority

Purpose and Declaration of Policy

- | | |
|---------|---|
| Rule 1 | Meetings |
| Rule 2 | Consent Agenda |
| Rule 3 | Conduct of Meetings |
| Rule 4 | Conflicts of Interest |
| Rule 5 | Role and Responsibilities |
| Rule 6 | Attendance |
| Rule 7 | Compliance and Enforcement |
| Rule 8 | Amendments |
| Rule 9 | Effective Date and Term |
| Rule 10 | Communication with Staff |
| Rule 11 | Council Conduct with Boards and Commissions |
| Rule 12 | Budget Process |

Council Rules of Procedure

Charter Authority

“The council shall consist of the Mayor elected at large and two councilmembers from each ward chosen by the electors of such ward. It shall be the judge of the election and qualification of its own members, *shall determine its own rules of procedure*, may punish its members for violation of such rules and may compel the attendance of members.” (Article III, Sec. 1, *Charter of the City of Fort Morgan* (2008); emphasis added) Upon adoption by the Council, the following set of rules shall be in effect until such time as they are amended or new rules are adopted in the manner provided by these rules.

Purpose and Declaration of Policy

The proper operation of democratic government requires that elected officials be independent, impartial and responsible to the people; that government decisions and policy be made within the proper channels of the governmental structure; that public office not be used for personal gains; and that the public have confidence in the integrity of its government. In recognition of these goals, these **Rules of Procedure** for all elective officers of the City of Fort Morgan are hereby adopted. The purpose of these **Rules of Procedure** is to establish guidelines for ethical standards of conduct for all such officers by setting forth those acts or actions that are compatible with the best interest of the City and by directing disclosure by such officers of private financial or other interests in matters affecting the City. By eliminating conflicts of interest and providing a guide for their conduct in City matters, the City Council hopes to promote the faith and confidence of the citizens in their government.

The holding of a public office is a public trust created by the confidence which the electorate has in the integrity of its elected officials. Elected officers serve their government in a fiduciary capacity and must not bestow special consideration upon any person or group, but should carry out their official duties for the benefit of all the people of the City of Fort Morgan. These elective officers have sworn an oath to uphold the Constitution of the United States, the Constitution of the State of Colorado and the *Charter* and ordinances of the City of Fort Morgan.

The citizens of Fort Morgan have adopted the principles of the Manager-Council form of city government and to that end have declared that the principles of that form of government require that the City Council appoint the principal employees of the City to administer the administrative functions of the City, subject to the City Council’s direction, free from the direction of any individual member of the City Council in the day-to-day administrative operations of the City. The citizens of Fort Morgan have granted all policy-making and legislative power to the City

Council which shall act as a body. Except by City Council delegation, no member of the City Council has any authority to exercise the power of his or her office except as set forth in the City *Charter* and *Municipal Code*. (The Manager-Council form of government also requires an informed Council and therefore, it is consistent with the Manager-Council form of government for members of the Council to inquire of appointed officials as provided for in the *Charter* for the purpose of obtaining information.) Finally, the purpose of these **Rules of Procedure** is to provide clear conduct guidelines and necessary enforcement procedures, and to fully implement the provisions of Article III Sec. 1 of the *Charter of the City of Fort Morgan* (2008).

The City Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the City of Fort Morgan. In all cases, this common goal should be acknowledged even as members of the Council may “agree to disagree” on contentious issues. These **Rules of Procedure** are established to make public meetings and the process of governance run smoothly. Governance of the City relies on the cooperative efforts of the members of the Council, who set policy, and the City Staff, who implement and administer those policies.

Rule 1 Meetings

The regular term of office of all elective officers of the City of Fort Morgan shall commence on the second Tuesday of January next after their election (Sec. 17, Article VIII, *Charter of the City of Fort Morgan* (2008)). An Organizational Meeting of the Council shall be held on the second Tuesday of January in every even-numbered year for the purpose administering an oath of office to newly elected members of the Council, appointing the principal employees of the City, and confirming the Mayoral appointments required to the various Boards and Commissions of the City. Each council at its first regular meeting, and thereafter when a vacancy in the office shall occur, shall elect one of the councilmembers Mayor Pro Tem (Article III, Sec. 2, *Charter of the City of Fort Morgan* (2008)). At some time before the Organizational Meeting the Council will conduct a mock City Council meeting with the new Council members and training will be presented by the City Manager and City Attorney. Each time a new member of City Council is appointed as the result of a vacancy the City Council will schedule a meeting for Council training.

City Council Regular Meetings. City Council shall meet the first and third Tuesday of each month at City Hall at the hour of 6:00 p.m., or at a time as otherwise determined by the City Council. (Article III, Sec. 3, of the *Charter*; Sec. 2-14, *Fort Morgan Municipal Code* (2008)).

1. Regular Meeting. During the Regular Meeting, City Council will consider action on old and new business items and may take action on any item

placed upon the agenda. There is no requirement that action be taken, and any item may be postponed to a subsequent agenda either by action of the Council or direction of the Mayor. Any such meeting of the City Council at a time other than on the first and third Tuesday of each month shall be considered a Special Meeting of the City Council, and may be called or scheduled by the City Council or the Mayor in accordance with the requirements of the *Code* (Sec. 2-2-30 (b), *Fort Morgan Municipal Code* (2010)). An ordinance may be read, approved or passed at a Special Meeting.

2. Work Session. Work sessions will be held as needed and determined by the City Council. Work sessions are held for the purpose of reviewing single issues, such as the budget. Normally, work sessions will be held on the Tuesdays when there is no Regular Meeting being held. No action or decision regarding a policy issue may be taken at a work session. However, the Council may direct appointed officials to prepare information for a discussion and possible decision at a regular meeting.

3. Retreats. Retreats may be scheduled at any time by the City Council. Retreats are for the purpose of discussing broad policy issues and to provide an opportunity for the City Council and Appointed Officials to communicate about important topics facing the City. No action or decision regarding a policy issue may be taken at a retreat. However, the Council may direct appointed officials to prepare information for a discussion and possible decision at a regular meeting.

The Mayor shall meet and/or confer with the City Manager, City Attorney, and any other appointed officials necessary to prepare and give notice of the Agenda for each Meeting.

1c. Public Hearings. Shall be scheduled and notice thereof published as required by law to invite citizen comments on a specific subject. The Mayor shall direct the City Manager to prepare an Agenda for the Public Hearing to establish the order in which issues will be considered, including objections to the action proposed. The Clerk is responsible for making a record of the Public Hearing. The Mayor shall conduct the Public Hearing as hearing officer and shall rule on all matters which arise during the Public Hearing. If necessary, Special Counsel shall be designated to advise the Mayor during the Public Hearing. Time limits may be established by the Mayor for each speaker. Persons who wish to speak at a Public Hearing shall first state their name and address. Members of the Council shall not express opinions during a Public Hearing, except to ask pertinent questions of a speaker or the City Staff. The Mayor is authorized to require that all public officials and citizens conduct themselves in a civil and businesslike manner. Disruptive behavior or personal attacks shall not be permitted during the Public Hearing. Members of the public who do not conduct themselves properly

after a warning during a Public Hearing may be banned from further testimony or removed from the Council Chambers. Members of the Council should also refrain from arguing or debating with the public during a Public Hearing. The Chief of Police or his designee may be authorized by the Mayor to remove any person who is disrupting a Public Hearing. Any Public Hearing may be continued to a future date and time without requiring publication of additional notice. After the adjournment of the Public Hearing, the Council, Enterprise Board, Local Licensing Authority or Board of Adjustment shall determine what action if any, shall be taken.

1d. Executive Sessions. May be convened upon motion and the affirmative vote of two-thirds of the quorum present. An Executive Session may only be held at a Regular or Special Meeting and in accordance with the provisions of C.R.S. § 24-6-402. The topic for discussion in the Executive Session shall be announced to the public, including a specific citation to the provision of C.R.S. § 24-6-402(4) 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. The form of the Motion for an Executive Session shall be set forth in the Agenda for the Meeting from which the Executive Session will be called and that Motion shall be read in full at least once before a member makes a motion for an Executive Session. The substance of this Motion shall also be as set forth in the Executive Session Motion Form attached hereto as Exhibit "B". No formal action shall be taken in an executive session to adopt a proposed policy, position, resolution, rule, regulation, or ordinance. Performance Reviews of individual appointed officials shall be conducted by the Council as a personnel matter in executive session, unless the employee whose performance is being reviewed has requested discussion in an open meeting; unless otherwise requested, the attendance of the appointed official shall not be required. Executive Sessions shall not be open to the public. A script of the announcements to be made at the beginning and at the end of the Executive Session by the Presiding Officer shall be prepared by the Clerk in advance. The form and substance of these announcements shall be as set forth in Exhibit "B", attached hereto, as appropriate in the circumstances. These announcements shall be made at the beginning and at the end of the Executive Session by the Presiding Officer. At the conclusion of the Executive Session, the Council may return to the open meeting and may act on any matter as is deemed appropriate or adjourn the Meeting as provided in Exhibit "B". The confidentiality of the matters discussed in Executive Session shall be preserved by all persons present. Other procedures for the Executive Session shall be as provided in Exhibit "B".

1e. Administrative Hearings/Appeals. The Council from time to time shall meet in quasi-judicial proceedings to hear evidence related to code violations or appeals. When such a hearing or appeal is scheduled the Council shall direct the City Attorney to hire or otherwise obtain conflict-free legal counsel to represent the Council on legal issues related to the process. Where a member of City

Council has questions concerning the process of the hearing they shall meet with the City Attorney and educate themselves on what constitutes appropriate conduct for members sitting as judges in these meetings.

1f. Journal of Proceedings. An account of all proceedings of the Council meetings shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council. (Article III, Sec. 4, *Charter of the City of Fort Morgan* (2008)).

- a. The minutes for Council meetings should be primarily a record of the action taken at a meeting, not what was said by members of the Council. The minutes shall contain a separate paragraph for each subject matter and, at a minimum, reflect each subject or item considered and the language of and disposition of each motion, resolution, ordinance, or matter on which action is taken. With respect to annexation and zoning hearings, considerably more detail may be needed. The minutes shall be the official record of the proceedings at Regular Meetings. The minutes may be corrected or amended after they have been approved, if an error or material omission is reasonably established.

Rule 2 Consent Agenda

The Consent Agenda allows the Council to approve several items of routine business with one vote. Items presented by Staff at a work session may include a recommendation, if appropriate, that the item be included on the Consent Agenda for approval at a Regular Meeting. If appropriate documentation is presented in the packet for an appointment to a Board or Commission, such an item may be included on the Consent Agenda for a Regular Meeting without further presentation or discussion at a work session, unless discussion is requested by a member of the Council. The Council shall determine those items to be included as consent items on the Agenda for any regular session of a Regular Meeting. After the City Clerk reads the Consent Agenda, all of the consent items shall be voted on as a group. If the vote to approve the consent items is not unanimous when they are voted on as a group, each item shall be voted on separately. If a Council Member requests discussion or requests that any item(s) be removed from the consent items, such item(s) shall be acted upon after consideration of the remaining consent items by the Council. The individual items will then be considered for adoption.

Consent Agenda items may include, but are not limited to:

- Approval of the Minutes of prior meetings;
- Receipt and referral of applications and scheduling of public hearings;

- Approval of Liquor License Renewals, if no violations have been noted;
- Approval of bids or contracts previously presented in a work session;
- Approval of payment of the monthly bills;
- Approval of appointments to Boards and Commissions;
- Approval of a Resolution previously presented in a work session;
- Approval and passage of an Ordinance on second reading, if such Ordinance passed unanimously on first reading and if no amendments are required, and publication will be by title only.

The consent items will be listed as separate items on the Agenda for the Regular Meeting with the following explanation for the general public:

“All matters listed under Item _____, Consent Agenda, are considered to be routine business matters by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.”

Rule 3 Conduct of Meetings

A majority of the members of the Council shall constitute a quorum to do business (Article III, Sec. 3, *Charter of the City of Fort Morgan*, (2008)).

In all executive and legislative matters coming before it, the Council shall act only by ordinance, resolution or motion. Every member, when present, must vote, and every resolution and motion shall require for passage a majority vote of the Council members present. (Article III, Sec. 4, *Charter of the City of Fort Morgan*, (2008)). An exception to the requirement to vote applies to council members who are excused from voting on a particular issue due to a conflict of interest as outlined in Rule 4 of these Rules of Procedure.

Every ordinance shall require on final passage the affirmative vote of **four members of the Council**. (Article III, Sec. 4, *Charter of the City of Fort Morgan*, (2008); emphasis added).

All contracts involving in the aggregate an expenditure of ten thousand dollars or more that correlate with a budget line item that was appropriated by the City Council in the adopted budget shall be ratified by Resolution (Article III, Sec. 4, *Charter of the City of Fort Morgan*, (2008)).

Every proposed ordinance before its final passage shall be read in at least two Regular Meetings of the Council, may be amended on its first and second readings, and be published in full at least once in a newspaper of the City at least ten days before its final passage (Article III, Sec. 4, *Charter of the City of Fort Morgan*, (2008)). Ordinances may be read by title only and summarized where a copy of the proposed ordinance has been made available to each member of the City Council in advance of the Regular Meeting. After proper publication, an ordinance shall be referred to by title only on second reading.

Voting on motions shall be by ayes and nays, unless a roll call is requested by any member of the Council. Voting on ordinances and resolutions shall be on the voting light system available in Council Chambers. Each member of the Council shall activate either a “yes” vote or a “no” vote from his or her seat and the City Clerk shall light the votes once each Member has voted. The votes shall be announced by the City Clerk and entered upon the Minutes of the meeting. If the voting light system is not available, a roll call vote shall be conducted by the City Clerk by first calling on each councilmember in a rotational order.

In case of a tie vote on any motion or resolution, the motion or resolution shall be considered lost.

In the event an applicant or proponent is present for the matter in question on which an even number of Members would be voting, the Mayor shall ask such individual whether because an even number of Council Members are present, the applicant or proponent wishes to continue the matter until all members of the Council are present. The City Council shall have the final decision to continue a hearing based upon the attendance of an even number of Council members at the meeting.

Rule 4 Conflicts of Interest

Charter Authority: “The elective officers of this city under this *Charter* shall be the mayor and councilmembers, and these shall be the only officers of this city.” (Article V, Sec. 1, *Charter of the City of Fort Morgan* (2008))

Members of the Council shall work for the common good of the people of the City of Fort Morgan and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council. In accordance with the law, members of the Council shall disclose investments, interests in real property, sources of income, employment and gifts and they shall excuse themselves from the room and from participating in deliberations and decision-making where a conflict of interest may exist.

A member of the Council who has a conflict of interest in any matter proposed or pending before the Council shall disclose the conflict of interest to the other members prior to action on the matter by the Council. The member shall be

excused from voting on any matter on which he or she has a conflict of interest. The member who has the conflict of interest shall refrain from attempting to influence the other members of the Council who are or will be voting on the matter. The member excused from voting because of a conflict of interest shall leave his or her seat during the deliberations and the vote on the matter. These provisions concerning disclosure and stepping down shall be in addition to any requirement of state law.

Members of the Council shall not attempt to individually direct City Staff on employment matters, awarding of contracts, selection of consultants, processing of development applications, or the granting of City licenses or permits.

A member of the Council shall not use his or her official position to secure a special privilege, exemption or service for himself or herself or for others, nor shall any member of the Council seek or grant any special consideration, treatment or advantage to or for any citizen beyond that which is generally available to every other citizen. This provision shall not be interpreted to prohibit or hinder a member from presenting citizen concerns to the Council or to City Staff and requesting a response to the citizen concern.

A member of the Council who, in the course of his or her private business, desires to enter into a contract with the City, or who has such a contract at the time he or she takes office, shall disclose such contract to the other members of the Council and shall require that such contract receive the approval of the Council at a Regular Meeting. If the member's interest is disclosed, if the City's procurement policy has been followed, and if the contract is in the best interest of the City, the Council may approve the contract for the City. The member shall not vote on any contract in which he or she has a financial interest and shall not attempt to influence the other members of the Council or the City Staff in the process of awarding the contract.

A member of the Council shall not take any special advantage of services or opportunities for personal gain, by virtue of his or her public office, that are not available to the public in general. Members shall refrain from accepting any benefit or promises of future benefits which compromises their independence of judgment or action or gives the appearance of such compromise.

A member of the Council shall not use public resources not available to the public in general, such as City Staff time, equipment, supplies or facilities, for private gain or personal purposes, except for privileges generally available or granted to employees of the City.

Employment. It is in the interest of the City of Fort Morgan to hire the most qualified people to work at the City. Due to the potential conflict of interest that exists when a Council member applies for an open position with the City, any councilmember that intends to apply for an open position must resign his/her council seat at the next regular meeting after an application is submitted. If an

employee is elected to City Council they must resign their position with the City at the first regular meeting after they take office.

Rule 5 Roles and Responsibilities of the Mayor, Mayor Pro Tem, and all of the Members of the Council

The **Mayor** of the City of Fort Morgan is,

- Elected at large and shall reside in the City (Article II, *Charter of the City of Fort Morgan* (2008));
- A member of the Council and is required to vote on every motion, resolution and ordinance that comes before the Council (Article III, Sec. 4, *Charter of the City of Fort Morgan* (2008));
- Required to sign all ordinances and resolutions within three days after their final passage (Article III, Sec. 5, *Charter of the City of Fort Morgan* (2008));
- When present, shall preside at all meetings of the Council (Article IV, Sec. 1, *Charter of the City of Fort Morgan* (2008));
- Recognized as the head of the City Government for all ceremonial and dignitary purposes, by the courts for serving civil process, and by the state and federal governments for purposes of military law. (Article IV, Sec 2(a), *Charter of the City of Fort Morgan* (2008));
- Empowered to administer oaths (Article IV, Sec. 2(c), *Charter of the City of Fort Morgan* (2008));
- Required to sign all warrants, contracts, bonds or other instruments requiring the signature of the Mayor (Article IV, Sec. 2(b), *Charter of the City of Fort Morgan* (2008));
- Charged with such powers and as responsibilities as may be provided by ordinance (Article IV, Sec. 2(e), *Charter of the City of Fort Morgan* (2008));
- Authorized to make appointments to various boards and commissions, subject to confirmation by the Council;
- Empowered to call a Special Meeting of the Council (Sec. 2-14(b)(2), *Fort Morgan Municipal Code* (2008));
- The designated representative of the Council to speak and correspond with others on behalf of the Council concerning the official City position in matters that have been considered by the Council;

- Authorized to sign documents on behalf of the City;
- Authorized to act as liaison between the Council and members of the City Staff;
- The person who leads the Council in its governance of the City.

The Mayor Pro Tem of the City of Fort Morgan is,

- A member of the Council elected at the first regular meeting after the Organizational Meeting and thereafter when a vacancy in the office shall occur (Article III, Sec. 2, *Charter of the City of Fort Morgan* (2008));
- Empowered to act as Mayor and to exercise all the powers and responsibilities of the Mayor during the absence of, or the inability of the Mayor to act (Article IV, Sec. 3, *Charter of the City of Fort Morgan* (2008));
- Authorized to chair Council meetings at the request of the Mayor.

All members of the Council have,

- The right and the duty to vote on every motion, resolution or ordinance that comes before the Council (Article III, Sec. 4, *Charter of the City of Fort Morgan* (2008));
- Equal powers in acting as a member of the Council and all should be treated with equal respect;
- The obligation to prepare in advance and be familiar with issues on the Agenda in order to participate in any meeting of the Council;
- The obligation to stay focused and to act efficiently during public meetings by honoring the efforts by the Mayor to focus discussion on current Agenda items;
- To make sure that informational materials provided to one member will be provided to all members of the Council so that all have equal access to the same informational materials;
- The obligation to make no promises or commitments on behalf of the Council or the City, either overtly or implicitly;
- An obligation to support the formal actions of the Council, and the official position of the City, even if the member voted in the minority;

- Before sending correspondence, the obligation to check with the Mayor to determine if an official City response has already been sent or is being prepared;
- The right to express a personal point of view in their individual correspondence, but shall not make any reference therein to their official position as Mayor, Mayor Pro Tem or Councilmember;
- Unless directed to do so by the Council or unless compelled to do so by operation of law, an obligation not to knowingly disclose information which he or she knows or reasonably should know is confidential information, regardless of the source of the information;
- An obligation not to knowingly use or disclose any confidential information gained in the course of or by reason of his or her official position and which has not been made public in order to advance his or her financial interests or to further the financial interests of any family member or any other purpose;
- The obligation to serve as a model of leadership and civility to the community;
- The obligation to inspire public confidence in Fort Morgan government by demonstrating honesty and integrity in every action and statement.

Rule 6 Attendance

Charter Authority: The council “may compel the attendance of members.” (Article III, Sec. 1, *Charter of the City of Fort Morgan*, (2008)).

Governance of the City requires that all of the elected or appointed members of the Council attend all Regular Meetings of the Council in order to fulfill each member’s obligation to the citizens of the City to fully participate in the process of government. The Council must have a quorum to do business. Each member of the Council has an obligation to his or her fellow members to be informed and attend the Regular Meetings of the Council. As a courtesy and when time permits, a member shall notify the Mayor or the City Clerk that he or she will not be able to attend a Meeting. The Council may determine whether an absence is excused or unexcused based upon the information provided by the Mayor or City Clerk. Unless otherwise determined by a vote of the Council, each absence shall be noted as “excused” by the Clerk in the Minutes. Any member of the Council shall have the right at the meeting at which the absence occurs to move for a determination that the absence is “unexcused”. If such a motion is seconded, a roll call vote shall be taken and if a majority votes in favor of the motion, the

absence shall be noted by the Clerk as “unexcused” in the Minutes. Repeated failures to attend Regular Meetings of the Council may be cause for the Council to declare a vacancy in the office of the absent member.

Should the attendance of any member of the Council become an issue, the Council shall first review the member’s history of attendance since becoming a member of the Council based upon the records of the City Clerk. The Council may consider issues related to the member’s physical or mental health, if appropriate. If a member of the Council is found to have violated the provisions of this **Rule** because of the number of excused or unexcused absences, or both, the Council may declare the member’s position vacant by motion and the affirmative vote of at least four (4) of the remaining members of the Council. If a vacancy is so declared, the Council shall appoint an eligible person to fill such vacancy in accordance with the provisions of Sec. 3, Article II of the *Charter*.

Rule 7 Compliance and Enforcement

The Council may sanction any member whose conduct does not comply with these **Rules of Procedure**. Sanctions may include a reprimand or a formal censure of the member by the Council. Declaration of a vacancy may result from a violation of **Rule 6, Attendance**.

If a violation of these **Rules of Procedure** is alleged to have occurred it shall be reported to the Mayor, or to the Mayor Pro Tem if the member alleged to be in violation is the Mayor. If deemed necessary by the Mayor, or the Mayor Pro Tem, he or she may request an outside agency or special counsel to investigate the allegation(s), and shall make a written report of his or her findings to the Council. Special Counsel, if hired to undertake the investigation, shall make a recommendation to Council concerning the alleged violation. The member shall have the opportunity to respond to the allegation during a public meeting or in writing to other members of the Council. Thereafter, if there is a reasonable basis to believe a violation has occurred, the matter may be placed on the Agenda for discussion at a Regular Meeting.

At the Regular Meeting, the Council shall review the investigative report and the findings of the investigator concerning the alleged violations(s). The member shall have the opportunity to rebut the allegation(s) through his or her own statement, the testimony of other witnesses or by the presentation of documentary evidence. The member may be represented by legal counsel of his or her choice and at his or her own expense. Upon motion made, seconded and passed by a majority vote of the other members of the Council, a member may be sanctioned as herein provided. If the motion fails or a motion is passed stating that there has been no violation of these **Rules of Procedure**, then the member shall be deemed not to have been in violation of these **Rules**, and any attorney’s fees paid by the member shall be reimbursed by the City.

A violation of these **Rules of Procedure** shall not be considered a basis for challenging the validity of a Council decision or determination.

The City Clerk shall provide a copy of these **Rules of Procedure** to any person who may request a petition of nomination for a position on the Council.

Rule 8 Amendments

These **Rules of Procedure** may be amended or new rules adopted by Ordinance passed by a majority vote of all members of the Council. Any such amendment shall be submitted in writing at a work session or a Meeting preceding formal action to amend. The proposed amendment(s) shall then be placed on the next Agenda for approval.

Rule 9 Effective Date and Term

These **Rules of Procedure** are hereby declared to be effective as of date of adoption in 2014, and shall be in effect until such time as the Rules are rescinded, amended or new rules are adopted by Ordinance. Any rescission or amendment shall not change any of the requirements of the *Charter* or *Municipal Code*, or State or Federal law.

Rule 10 Communication with Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

10a. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with City staff.

10b. Channel communications through the appropriate senior City staff. Questions and requests for information should be directed only to the City Manager, City Attorney, Municipal Judge, Fire Chief or their designees. All appointed officials shall provide a memo to Council at the organizational meeting held after each election detailing their preference and guidelines regarding communication with their respective employees. The City Manager should be copied on or informed of any request to Department Heads. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Manager or the affected appointed official for direction.

10c. Respect the City Manager's work program. Councilmembers are encouraged to continually share ideas, suggestions, and feedback. The time and

resources needed to develop and implement these ideas and suggestions, however, can sometimes compete with the time and financial resources needed to fulfill Council's established goals and priorities. To assist in balancing these competing requests, Councilmembers should consider handling petitions, generally categorized, as follows:

1. Routine requests for action or information made directly to staff. For routine requests for action (i.e. reports of property nuisance or safety concerns), Councilmembers should depend on staff to respond by contacting the City Manager's Office with information about the request. This type of request can be forwarded to the City Manager at any time rather than waiting for a formal referral at a Council meeting.
2. Significant requests requiring Council consensus.
 - a. Requests for additional information or reports that may take more than one hour to fulfill should be presented as a formal petition at a Council meeting so the information project, or modification of current reporting practices, can be considered by the Council as a whole and agreed upon as something that merits an investment of staff time.
 - b. Policy or program modifications. Requests to research and analyze the viability of new or modified legislation, policies, or programming should be presented as a formal petition at a Council meeting so the matters can be considered by the Council as a whole and agreed upon as something that merits an investment of staff time.

10d. Refrain from soliciting political support from staff. Refrain from soliciting any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from city staff at work. Staff certainly may, as any other citizen, support political candidates away from the workplace. The City will distribute campaign literature to City employees at work if it arrived by mail and includes the employee's department/division in the mailing address. The City as an employer, however, prefers that personal mail for employees, including campaign material, be sent to their home address.

10e. Do not get involved in administrative functions. Avoid any staff interactions that may be construed as trying to shape staff recommendations. Councilmembers shall refrain from coercing staff in making recommendations to the Council as a whole.

10f. Do not attend staff meetings unless requested by staff. Even if the Councilmember does not say anything, the Councilmember's presence may imply

support, show partiality, intimidate staff, or hamper staff's ability to do its job objectively.

10g. All Councilmembers should have the same information to make decisions. Council may expect that staff will make every attempt to provide each member of Council with the same information (i.e. requests made of staff for information will be distributed to all; correspondence to one Councilmember will be distributed to all).

10h. Whistleblower. In the event a Councilmember is approached by an employee with concerns that there is an illegal activity, including the alleged violation of City policy¹, the member shall direct that complaint to the Mayor. The Mayor will provide the information to the appropriate appointed official for investigation. If the complaint is made against an appointed official, then the Mayor shall determine what action should be taken. Where the Mayor desires legal advice he or she should use the City Attorney, or if the complaint is against the City Attorney, then he or she has the authority to obtain outside legal counsel to assist with investigation and advice.

RULE 11 Council conduct with boards and commissions.

The City Council has established several Boards and Commissions as a means of gathering more community input. People who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

11a. Maintain an active liaison relationship. Appointed Council liaisons are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission.

11b. Attending board meetings, generally. Councilmembers may certainly attend any board or commission meeting, which are open to any member of the public. Remember, however, that a Councilmember's presence can affect the conduct of the meeting and limit the board's role and function.

1. Any comments made at a meeting of a board for which the Councilmember is not an appointed liaison should be identified as the Councilmember's personal views or opinions and not the official position of the Council.
2. Since the attendance of three or more Councilmembers constitutes a legal Council meeting, timely public notification must be prepared and posted for all Board and Commission meetings.

¹ Violations of the personnel policy shall be enforced by the City Manager, or City Attorney.

11c. Limit contact with Board and Commission members to questions of clarification. It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. To clarify a position taken by a board, Councilmembers should contact staff.

11d. Boards are advisory to the Council as a whole. The Council as a whole, and not individually, appoints individuals to serve on boards and any removal of a boardmember is also Council's responsibility as a group. Appointments should be based solely on established diversity goals and membership parameters. An appointment should not be used as a political "reward."

11e. Be respectful of diverse opinions. A primary role of the City's boards is to represent many points of view in the community and to provide Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful of all persons serving on boards.

11f. Keep political support away from public forums. Boardmembers may offer political support to a Councilmember but only in a forum outside the official duties of the board. Conversely, Councilmembers may support boardmembers who are running for office but not in an official forum in their capacity as a Councilmember.

11g. Concerns about an individual Board or Commission member should be pursued with tact. Inappropriate behavior by a boardmember should be brought to the attention of the Mayor by the Council representative or any member on that board or commission. The Mayor shall contact the chairman of the board and they shall determine what action should be taken to address the behavior. If the behavior continues, the Chairman shall forward the matter to Council to consider whether the member should be removed from the Board, pursuant to 11h below.

11h. Procedure for appointing and removing members of Boards and Commissions. Unless otherwise specified in state statutes all persons selected to serve on a City Board and/or Commission shall be appointed as follows:

1. The City Clerk shall cause notice of vacancy to be published to the public, after he/she is notified of a vacancy by the director appointed to oversee the Board or Commission. Notice and publication requesting applicants shall be given by any means determined appropriate by the City Clerk. However, publication must run at a minimum of two weeks.

2. After the deadline to submit applications has passed, the Clerk shall forward all applications to the Councilmember appointed to sit on the Board or Commission. The Councilmember shall then review the applications, confer with the board or commission at a publicly noticed meeting regarding the applicants, and make recommendations to City Council through the City Clerk.

3. The City Clerk shall then take the Councilmember's recommendation and put it in memo format and forward the recommendation and all of the applications to the other members of City Council.

4. The Mayor shall then cause the vacancy to be placed as an item for consideration by City Council on a City Council meeting agenda. The City Council will then consider and discuss all applications and the recommendations provided by the City Clerk at a public meeting.

5. If a member of a board violates the bylaws of the board, City *Charter*, City law or policy, state law, or if the behavior of a board member impedes the function and purpose of the board, he/she shall be subject to removal by the Council. Removal by Council shall be done by a majority vote of the Council, after a recommendation by the board is made to City Council for removal of the member.

6. A member of a board or commission who is elected to the City Council before the expiration of his or her term on the board or commission must resign the position on the board or commission before being sworn in as a member of the City Council.

11i. Appointment of Council Members to Boards and Commissions. At the organizational meeting after each election, or at the time of vacancy, the Mayor shall appoint a member of council as liaison for each of the Boards or Commissions not regulated by state statute.

RULE 12 Budget process.

Council shall meet annually to adopt the budge of estimated amounts required to pay the expenses of the City. (Article VI, Sec. 9, *Charter of the City of Fort Morgan*, (2008)). In order to establish appropriate oversight of the expenditures of the public's money each member's involvement in the process is important and essential. The proposed budget process shall be determined by the City Manager, and he shall present a unitary budget to the Council.

12a. Budget Calendar. The City Manager shall present a budget calendar for Council's consideration no later than the first regular meeting in March. Council shall consider the proposed calendar, and if it is acceptable action may be taken to adopt the calendar at that same meeting. The calendar that is adopted by Council shall comply with all deadlines set in the *Charter* and by the Council. The calendar shall also include proposed meeting dates for budget presentations and deadlines for requesting additional information regarding the budget.

12b. Budget Objections. Each appointed official shall have the right to submit his/her own proposed budget if he/she does not agree with the budget allocations

presented by the City Manager. At the time the City Manager presents the budget to City Council, the presentation shall include a cover sheet with the position of each appointed official's signature. Each Appointed official shall either agree or disagree with their portion of the budget being presented by the City Manager. City Council shall then allow a presentation of the appointed official's justification of his/her proposed budget for his/her department before the final budget is passed.

12c. Budget Committees. Upon the City Manager's submission of the proposed budget the Mayor may assign members of Council to committees made up of two (2) members, to review the budget and provide feedback to the entire Council before the final budget can be considered for passage.

12d. Budget Presentations. The City Council shall determine what parts of the budget require clarification and additional justification. If any part of the budget needs clarification, or if the Council needs additional information, it shall direct the City Manager to prepare that information for the entire Council. The deadlines for providing the information shall be set by Council.

12e. Schedule of Fees. City Council shall consider the proposed schedule of fees for all general fund services that charge fees at the same time as the budget. This Schedule of Fees shall be submitted to City Council at a time determined by the Manager in the Budget Calendar. Council, at its discretion may request a written report from the City Manager on how the Fees will impact the budget of the various departments.

RULE 13 Council's Use of Technology

Councilmembers have been provided various technological tools by the City for the purpose of increasing efficiency and communication. All Councilmembers should be aware of the implications of the Colorado Open Records Act and Open Meetings act, and should not use technology in a way that would allow or propagate communication that should be held in public and should not contain communication that is offensive, derogatory, unprofessional, or violative of these rules or other laws. Councilmembers' email and tablets may be open to public inspection under the Colorado Open Records Law.

13a. Tablets Generally. Tablets are property of the City. Councilmembers shall report any damage to tablets to the I.T. Department as soon as possible so that an insurance claim or repairs can be made. Councilmembers shall, as directed, return tablets to the I.T. Department for service and/or repair as soon as possible. At the end of a Councilmember's term, the retirement of the technology, or upon leaving office, Councilmembers have the option to purchase the tablet at the fair market value of the product at that time.

13b. Use of Tablets. Tablets are designated for official City business and should not be regularly used for personal business. Tablets are not to be used for

communication in a way that implicates the Colorado Open Meetings and/or Records Acts. This includes but is not limited to sending instant messages, texting, sending emails to communicate with individuals and other Councilmembers during a Council meeting.

13c. Email. All Councilmembers will be assigned a City of Fort Morgan email address and should use this address for official City business and communications only. Councilmembers should be careful not implicate the Colorado Open Meetings law by sending or “replying all” to multiple members of Council.

Certified By:



City Clerk