

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2012 - 31

A RESOLUTION OF THE NEDERLAND BOARD OF TRUSTEES ADOPTING BY REFERENCE RULES OF PROCEDURE

WHEREAS, pursuant to C.R.S. § 31-15-201, the general administrative powers of the Town of Nederland ("Town") are vested in the Town Board of Trustees ("Board"); and

WHEREAS, the Board, on June 5, 2012, reviewed proposed changes to Chapter 2 of the Nederland Municipal Code, concerning Administration and Personnel; and

WHEREAS, as a part of that review, the Board recognized the need to adopt Rules of Procedure to govern administrative matters that are not legislative and therefore not required to be codified; and

WHEREAS, the Board, on June 5, 2012, directed Town staff to draft a Rules of Procedure document, which the Board now wishes to formally approve and adopt.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:

Section 1. The Board of Trustees hereby adopts the attached Rules of Procedure by reference.

Section 2. This Resolution shall take effect immediately upon adoption.

RESOLVED, APPROVED and ADOPTED this 13th day of November, 2012

TOWN OF NEDERLAND

By: _____

Mayor Joe Gierlach

ATTEST:


Teresa Myers, Town Clerk





NEDERLAND BOARD OF TRUSTEES RULES OF PROCEDURE

RULE I PURPOSE

These Rules of Procedure are to govern the actions of Town of Nederland Board of Trustees in the conduct of its business and serve as a reference in resolving procedural issues. Upon taking office, all Trustees shall review and become familiar with the Rules of Procedure.

RULE II CONDUCT OF BOARD OF TRUSTEES MEETINGS

A. Regular Meetings/Business Meetings/Work Sessions – Scheduling

1. Regular meetings of the Nederland Board of Trustees shall consist of “business meetings” and “study sessions” also known as “work sessions”. As a general proposition, business meetings will be held at 7:00 p.m., on the first and third Tuesday of each month and work sessions will be held as determined necessary and set by the Mayor and Town Administrator. Generally, all such meetings shall be held in the Multi-purpose Room at the Nederland Community Center.

2. **Business meetings** present the appropriate forum for formal Board of Trustees action. Business meetings shall also provide an opportunity for general public input and comment as well as scheduled public hearings. Proclamations, public recognitions and awards are appropriate to business meetings as are committee reports from Board of Trustees Members.

3. **Work sessions** will provide the Board of Trustees with an opportunity to explore and discuss in detail matters that have been placed on the work session agenda. Members of the public, speakers, or persons (not including Town staff or consultants) presenting information to the Board of Trustees at work sessions shall be allowed to address the Board of Trustees only with the approval of the majority of the Board of Trustees present at the work session or as previously approved by the Mayor or a majority of Board of Trustees present when setting the agenda for such sessions. Work sessions shall also be utilized to review and establish upcoming agendas for both work sessions and business meetings. No final action shall be taken at work sessions.

4. **Special meetings** may be either business meetings or work sessions. The Town Clerk may call a special meeting on the request of the Mayor or any two (2) members of the Board of Trustees with at least 48 hours written notice to each Trustee and the Town Administrator, served personally or left at such person’s usual place of residence. Any

Trustee may waive notice of the meeting, and a Trustee's presence shall constitute a waiver of notice of the meeting. No business may be conducted at a special meeting except that specifically provided for in the notice.

5. **Emergency meetings** may be called by the Mayor or any two (2) Board of Trustees members in the event of an emergency that requires the immediate action of the Board of Trustees in order to protect the public health, safety and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded.

B. Attendance at Board of Trustees Meetings

1. It shall be the responsibility of each Board member to contact the Town Clerk, Town Administrator, or Mayor as soon as it is known that such member will not be in attendance at a meeting of the Board of Trustees. In the event a Board member is not in attendance at a meeting, such absence shall be considered excused, unless any Board member objects to the excusal of such absence. In the event of objection, the Board of Trustees shall determine by majority vote whether the absence is excused or unexcused. In the event a Board member is absent for three (3) regular meetings in a two-year term, any absence thereafter shall be considered unexcused unless the Board of Trustees has previously approved the extended absences.

2. When a member's absence from a meeting is declared unexcused by the Board of Trustees, at the next succeeding regular meeting attended by the unexcused member, the member may explain the reason for the subject absence and request that the Board of Trustees reconsider its determination. Such reconsideration may occur upon the concurrence of a majority of the Board of Trustees present.

3. More than three (3) unexcused absences within a two-year term may subject a Trustee to disciplinary action by a majority vote of the rest of the Board.

C. Attendance at Other Entity Meetings and Social Gatherings.

1. The Town may be represented by its elected officials at meetings of other entities, including, without limitation, intergovernmental organizations, neighborhood organizations, business and service organizations, and other organizations or groups with whom the Town has a relationship.

2. Trustees may attend social gatherings or meetings of other groups without the public notice required by the Open Meetings Law, C.R.S. § 24-6-401, et seq., however public

notice must occur when three or more Trustees attend and the meeting is convened to discuss public business.

D. Board of Trustees Packets/Agenda Items

1. Board of Trustees' agendas shall be posted to the Town of Nederland website, at Town Hall, and at the Nederland Post Office at least two (2) days preceding the Board of Trustees business meeting or special meeting. Packets, containing the agenda and applicable documents, will be posted to website at least 24 hours in advance and usually on the Friday prior to the Tuesday regular meeting.

2. Trustees will be notified of the packet's posting via email. Each Trustee is responsible for thoroughly reviewing all material within the packet prior to the applicable meeting. If a Trustee has a question or issue for the Town staff, the Trustee should attempt to contact the administrator, appropriate staff member or attorney within a reasonable time prior to the meeting, when possible, so he/she may prepare a response or be prepared to respond.

3. Direction for preparation of an agenda item shall require at least a majority of Trustees present to direct staff to expend substantial time on any matter. The preparation of agenda items that require significant staff time, as determined by the Town Administrator, must be approved by a majority of the Trustees present. The Mayor may set the order of the agenda. As standard procedure, agenda items should not be added or deleted after the agenda has been finalized by the Town Clerk's office, but such may occur with the consent of the Mayor and in accordance with applicable laws such as open meetings notice requirements.

4. The Mayor may delegate to the Town Administrator the preparation of the Board of Trustees agenda. The agenda may be modified by the Mayor or Town Administrator within twenty-four (24) hours of a meeting or work session, subject to compliance with legal notice requirements and notice to Trustees (such as personal, written, telephonic and electronic communications). A Trustee may request the Mayor or Town Administrator to modify the agenda, subject to the discretion of the Mayor or Administrator to comply with such request.

5. Items for inclusion on the agenda shall be submitted to the Town Clerk no later than six (6) days prior to a business meeting or work session.

6. Members of the public may petition the Mayor and Town Administrator to have an issue placed on the agenda by submitting a form available from the Town Clerk. Acceptance of such potential agenda item is at the discretion of the Mayor and Town Administrator.

E. Mayor's Duties

1. The Mayor shall, at the designated date and time, call the Board of Trustees to order and upon ascertainment of a quorum proceed with business.

2. As the Board of Trustees chair, the Mayor is responsible for conducting the meeting in an orderly and democratic fashion, and

- a) Shall decide all questions of order, subject to a member's right to appeal to the Board of Trustees as a whole;
- b) May speak to points of order in preference to other Trustees;
- c) May respond to from the podium;
- d) Shall appoint, where applicable, all advisory groups, such as committees and task forces, whether standing, joint or special, unless Nederland Municipal Code provides otherwise;
- e) May call a recess at any time during a meeting to determine a rule of order or at the request of a majority of the Board of Trustees or for the convenience of Trustees or staff.
- f) Ensure that all discussions are related to the topic at issue.
- g) Shall announce the result promptly upon completion of every vote.
- h) Shall sign all ordinances and resolutions passed by the Board of Trustees.

3. Cancellation of Meetings

The Mayor may cancel or reschedule any regular meeting with at least 48 hours notice to Trustees, except that at least one (1) regular meeting shall be held per month.

4. Removal for Disorderly Conduct.

In the event any person(s) interrupts the business of the Town Board of Trustees or causes a disorder, the Mayor may require such person to cease such behavior and/or leave the Board of Trustees meeting room. Should such person fail to comply, the Mayor may request a police officer be summoned and have such person removed.

5. In the absence or inability of the Mayor to serve, the Mayor Pro Tem shall preside and have all powers and duties of the Mayor.

F. Members' Duties

1. In order for the Board of Trustees to conduct official business, either the Mayor or the Mayor Pro Tem must be present to chair the meeting.

2. Trustees should be on time for all meetings and promptly return from any recess or break.

RULE III ORDER OF BUSINESS

A. Business Meetings

1. After the Mayor's Call To Order, the Board of Trustees will generally consider business in the following order:

- a) Roll Call
Following Roll Call, the Mayor will announce whether a quorum is present.
- b) Consent Agenda (Warrants, Minutes, and Previously discussed business)
Includes items that can be approved without discussion or debate and are usually approved by unanimous vote. Prior to the motion to approve, a Board member may request removal of an item on the Consent Agenda. Items removed will be considered in the order they appeared on the agenda.
- c) Staff Reports (second meeting of the month)
- d) Mayor and Trustee Reports (second meeting of the month)
- e) Public Comment
- f) Information Items (Reports, Proclamations, Recognitions and Awards)
- g) Action Items (Approval of Ordinances, Resolutions, Town projects, Town policies, Contracts, etc.)
- h) Discussion Items (Discussion of future Action Item topics, without formal action taken)
- i) Other Business (New business, Updates to previous reports, etc.)
- j) Adjournment

2. At 10:00 p.m., if the regular meeting of the Board of Trustees has not adjourned, the Board of Trustees shall follow these procedures:

- a) All agenda items not previously considered shall be continued to an hour and day set by the Board of Trustees; or
- b) The Board of Trustees may vote for a thirty-minute extension of the proceedings, but may not continue for more than two (2) thirty-minute extensions.

3. Trustees should limit discussion of Other Business to a brief review of the matter. If a majority of Trustees request that formal action be taken, the matter shall be placed on the agenda for a future work session or business meeting. At such work session or business meeting, Trustees may discuss the specific details of the matter.

B. Work Sessions

After the call to order, Board of Trustees will generally consider business in the following order:

1. Roll Call
2. Work Session Agenda Items
3. General Comments of Board of Trustees/Staff
4. Adjournment

C. Executive Sessions

1. Executive sessions are held in accordance with state statute and permit an affirmative vote of two-thirds of a quorum present to call an executive session at either a regular or special meeting. No formal action can occur at an executive session. The motion for executive session shall describe as specifically as possible the subject of the executive session so long as such description does not disclose any information that would potentially harm the public interest.

2. Only the following matters may be discussed at an executive session:
 - a) The purchase, acquisition, lease, transfer or sale of any real, personal or other property interest;
 - b) Conference with the Board's attorney for the purpose of receiving legal advice on specific legal questions;
 - c) Matters required to be kept confidential by federal or state law;
 - d) Details of security arrangements or investigations;
 - e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiation and instructing negotiators;
 - f) Personnel matters, unless the employee requests an open meeting;
 - g) Consideration of documents protected by the Open Records Act; and
 - h) Other matters allowed by state law.

D. Modification of Order of Business

Unless an objection is raised by a Trustee, the Mayor may proceed out of order or return to a matter previously considered. In case of objection, the agenda's order or reconsideration of a matter will not be changed unless approved by a majority of Board of Trustees present. A Trustee may move to consider an item out of order, with the approval of the Mayor.

E. Quorum

A quorum shall be a majority of the members of the Board of Trustees in office at the time for the transaction of business at all Board meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting for not longer than one (1) week. For meetings at which less than a quorum is in attendance, a majority of the members present are authorized to send the Town Marshal or other person for the absent members, as such majority of members may agree.

F. Public Participation

Regular Board meetings and study/work sessions are open to the public. At regular Board meetings, provision is made for public comment so interested individuals or spokespersons for various organizations may present their views directly to the Board of Trustees. The time limits for procedures in this Section may be suspended for any agenda item by majority vote of the quorum present.

1. Members of the public shall have the opportunity to comment on certain matters before the Board. Each person shall first sign a public comment sheet listing his name, address, and identifying the issue on which he would like to comment. Public comment sign-up sheets shall be prepared by the Town Clerk and placed at the entrance to the Board chambers.

2. Public comment to the Board of Trustees on other than agenda items is scheduled at the beginning of each formal Board meeting and shall be scheduled for a total period not to exceed thirty (30) minutes without approval of a majority of the Board members present.

3. The presiding officer will call each individual listed, who will have three (3) minutes to address the Board of Trustees. Individuals who have registered to comment on a subject may cede a portion or all of their time to another individual; however no individual may speak for more than six (6) minutes. All individuals or spokespersons desiring to address the Board of Trustees on any agenda item or other business must state name and general address before offering their comments.

4. Individuals who are not registered or have additional comments will be allowed one (1) minute to address the Board of Trustees on any item following the registered listing call.

5. All individuals shall observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room by the Town Marshal.

6. Persons other than members of the Board of Trustees and Town officers shall not be permitted to address the Board of Trustees except upon recognition by the presiding officer. If anyone other than a Town official desires to speak to a member of the Board of Trustees while the Board is in session, the member, if agreeable to the request and upon approval of the presiding officer, shall rise and retire to the rear of the Board chambers or elsewhere until the conversation is finished.

7. Unsigned communications shall not be introduced to the Board of Trustees.

RULE IV RULES OF SPEAKING/DECORUM

A. Recognition

1. No Trustee shall speak until such member has addressed and/or been recognized by the Mayor.

2. When recognized by the Chair, a member's comments shall be confined to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote. All discussion shall occur only upon recognition of the presiding officer.

3. When a Trustee is speaking, no other Trustee shall interrupt or conduct a private conversation.

B. Decorum

1. All Trustees shall be familiar with and at all times abide by the *Nederland Board of Trustees' Code of Conduct*.

2. No Trustee may leave the meeting while a meeting is in progress without the request and permission of the Mayor. In such event, the Mayor may delay Board of Trustees action or proceed without the absent member(s) unless the matter before Board of Trustees is quasi-judicial. Failure to obtain permission shall result in the Trustee's accrual of an unexcused absence.

3. No Trustee shall engage in conversation or commit any other act tending to distract the attention of Board of Trustees from the business before it.

4. When speaking or debating, Trustees shall confine their remarks to the question under discussion or debate and shall not engage in discussion directed to personal matters or issues. Trustees shall respect the divergent opinions and comments of others and shall not engage in personal, verbal attacks or comments or behavior disrespectful of each other,

staff, or other persons. All discussion shall occur only upon recognition of the presiding officer.

C. Right of Appeal

Any member may appeal to the Board of Trustees from a ruling of the presiding officer. If the appeal is seconded, said member making the appeal may briefly state a reason for the same, and the presiding officer may briefly explain the basis for said officer's 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 "Yes," the ruling of the Chair is sustained; otherwise it is overruled.

D. Limitation of Debate

No member of the Board of Trustees shall be allowed to speak more than once upon any one (1) subject until every other member choosing to speak shall have spoken, and no member shall speak more than twice upon any one (1) subject, nor for a longer time than ten (10) minutes, without consensus of the Board of Trustees.

E. Conflict of Interest

In the event that the Mayor or a Board member has a conflict of interest that requires disclosure pursuant to state law, such person shall disclose such interest, in writing or during a meeting, as soon as the conflict of interest is known. If the Mayor or a Board member has a conflict of interest which such person has not disclosed, such a conflict may be addressed by any other Board member, and the Board of Trustees may determine by a majority of those present that a conflict of the Mayor or a Board member exists. If the Mayor or a Board member has a conflict of interest, whether self-disclosed or determined by the Board of Trustees, such person shall abstain from voting on the issue. If the vote of a member is necessary to obtain a quorum or otherwise enable the Board of Trustees to act, the member may vote only after disclosure in the office of the Secretary of State as provided by state law.

F. Recesses

1. In the Mayor's sole discretion, the Mayor may call a recess at any time during a formal Board meeting.
2. During a recess:
 - a) Board members may discuss procedures for considering a particular substantive issue before them;
 - b) Three or more Board members shall not convene and discuss substantive issues before them, including through electronic means;

- c) Board members shall not take formal votes, make final policy decisions or take any other formal action; and
- c) No one shall be excluded from Board of Trustees discussions involving a sufficient number of members to constitute a quorum.

RULE V VOTING

A. Voting Generally

1. Every Trustee, including the Mayor, must vote unless: a) the matter concerns Trustee's own conduct; b) Trustee has a conflict of interest, which, by applicable law, requires Trustee to abstain from voting. In those instances, the Trustee shall not participate in the discussion of the issue. The failure to vote when required to do so shall be considered an affirmative vote.

2. Votes may be taken either by voice vote or by roll call vote. A voice vote is achieved by asking those in favor of an item to indicate such as a group and then by asking those in opposition to an item to likewise indicate as a group. A roll call vote is achieved by having each board member individually indicate his vote either in favor of or in opposition to the item. All votes are announced by the Mayor with the assistance of the Town Clerk, if necessary.

3. Roll call votes are recorded in the minutes and indicate the names of the Board members who voted in opposition. Any Board of Trustees member may call for a roll call vote at any time.

4. The order of a roll call vote shall rotate with each vote taken.

5. All ordinances, resolutions and order for the appropriation of funds require an affirmative vote of a majority of the Town Board through a roll call vote. All other actions may be approved by a majority of those present. No votes may be taken unless a quorum is present.

6. In case of a tie vote on any motion, the motion shall be considered defeated. In the event an applicant/proponent is present for the matter in question, the Mayor may, prior to calling for a vote, ask such individual whether, because an even number of Town Trustees are present, the applicant/proponent wishes to continue the matter until all members of Board of Trustees are present. The decision of the applicant/proponent shall be determinative. In the event the applicant/proponent is not present, Trustees present shall decide whether to proceed on the item despite the presence of an even number of Trustees.

B. Voting Requirements

Matters coming before the Board of Trustees shall be subject to the following voting requirements:

<u>Situation</u>	<u>Votes Required for Passage</u>
To pass any ordinance	Majority of the quorum present. A roll call vote is required.
To pass an ordinance as emergency ordinance or to call a special election	Vote of three-fourths of all members of the Board. A roll call vote is required.
To pass a resolution	Majority of quorum present.
To appoint officers	Vote of a majority of all members of the Board in office at the time. A roll call vote is required.
Motions/resolutions involving Town funds	Majority of quorum present. A roll call vote is required.

C. Making Motions

Any Board of Trustees action, which requires a vote, must be preceded by a motion by a Trustee. All motions presented by any Trustee require a second. The Mayor shall be entitled to participate in the discussion of motions, and may make or second a motion. Motions are generally introduced by voice. However, if the motion is long or involved, motions may be put into writing. Any Trustee may demand that a motion be put into writing.

D. Presentation and Disposition of Motions

The following steps shall be taken for the presentation and disposition of motions:

1. The presiding officer recognizes a Board member.
2. The Board member proposes a motion.

3. Another Board member seconds the motion.
4. The presiding officer may cause the motion to be restated.
5. The Board debates/discusses the motion (amendments to the motion or other substitute motions may be made during the debate/discussion).
6. At the conclusion of the debate/discussion, the presiding officer may cause the motion to be restated.
7. Vote is taken and the presiding officer announces the result of the vote.

E. Types of Motions

The following motions are the most commonly used:

1. Motion to amend: A motion to amend may take the form of inserting, striking out or striking out and inserting words, sentences, or paragraphs. A motion to amend must be pertinent to the main motion. It is proper to make a motion to amend an amendment. Motions shall be discussed in the reverse order from which they were proposed.

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be heard unless otherwise agreed by the member making the first amendment. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

2. Motion to continue: A motion to continue has the effect of moving an item to a future agenda. The motion shall include the date to which the item is being continued.

3. Motion to lay on the table: This motion is used to set aside an item currently under discussion for a more pressing matter. It is not used to “kill” an item. Once the more pressing matter has been disposed with, a motion to take from the table is in order. This motion shall be made at the same Board meeting or at the next Regular Board meeting.

4. Motion to postpone to a definite time or indefinitely: Approval of this motion effectively “kills” the item. If the motion fails, discussion on the motion and a vote can be had. All motions to postpone, excepting a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal questions shall be declared lost. Reconsideration of a Motion postponed indefinitely shall require the affirmative vote of a majority of the Board.

5. Motion to move the previous question: This motion is used to cut off debate and to bring an immediate vote on the pending motion. This motion cannot be made while a Board member has the floor. The motion requires a second, cannot be debated, and requires a two-thirds vote to approve. A vote is first taken on the motion; if successful, debate is halted and a vote on the main motion is made. If the vote on the motion to move the previous question fails, debate on the main motion may continue.

6. Motion to reconsider: Any action taken by the Board may be reconsidered. A motion to reconsider must be made at the same meeting at which the action occurred or at the next following regular meeting. The motion must be made by a Board member who voted on the prevailing side and he shall so state that in his motion. A vote is then taken on the motion to reconsider. The passage of a motion to reconsider suspends all action on the original motion. The original question is then placed before the Board in the exact form it was in when previously adopted. Once the vote is taken and the results determined, no further reconsideration can be granted without unanimous consent of the Board.

In the event a contract has been signed by the Mayor or other legal obligations made or entered into with Board of Trustees approval, a motion to reconsider may be made at any time before the final adoption.

In the event a quasi-judicial matter is to be reconsidered, the applicable notice requirements shall be followed and the reconsideration of the original question shall be postponed to a future business or special meeting. The notice shall inform the public when the original question is to be reconsidered. In the event the reason supporting the reconsideration motion is based upon new information or evidence, the Board of Trustees shall reopen the public hearing to take evidence on the narrow issue of the new information or evidence. In such circumstance, staff shall be directed to make a good faith effort to notify, in writing, all persons who testified at the original public hearing of the date and time for the continued public hearing.

In the absence of new or additional evidence or information, the Board of Trustees shall not reopen the public hearing for purposes of additional public testimony. The matter shall be scheduled for a future business or special meeting.

7. Motion to refer: If a Board member believes more information is needed before a decision can be made, such member may move to refer the item to a board or commission for further study. The motion should identify the board or commission as well as instructions regarding actions to be taken by that body and when a report should be made to the Board. This motion should not be used to receive further information from staff. In that case, a motion to continue should be made.

8. Motion to adjourn: 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 an 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.

F. Precedence of Motions

When a main motion is before Board of Trustees, no subsidiary motion shall be entertained except: (a) to fix the hour of adjournment, (b) to adjourn, (c) to lay on the table, (d) for the previous question (which is essentially a demand that the vote be taken on the

motion at hand), (e) to postpone to a certain day, (f) to refer, (g) to amend, and (h) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend and a motion to postpone indefinitely, shall be put to vote without debate.

G. Withdrawal of Motion

Any motion may be withdrawn by the mover with the consent of the Board of Trustees.

H. Division of Question

If the question contains two or more divisible propositions, the Mayor may divide the motion.

I. Motions Out of Order

The Mayor may at any time, unless overridden by a majority vote of the member's present, permit a Trustee to introduce an ordinance, resolution, or motion out of the regular order of the agenda.

J. Procedure in Absence of Rule

In the absence of a rule to govern a point of procedure, reference shall be to *Robert's Rules of Order*. The principles and provisions of *Robert's Rules of Order* shall apply only to the extent that they are appropriate to a governing assembly such as Board of Trustees, with consideration being given to the size of Board of Trustees, as well as its political and legal status.

RULE VI MISCELLANEOUS

A. Confidentiality

It shall be a conflict of interest and a violation of this policy for any member of the Board of Trustees to disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Board of Trustees determines that such disclosure should be made.

A decision to breach confidentiality, or to waive a privilege, such as the attorney-client privilege, shall only be made by Board of Trustees acting as a whole, whenever the confidentiality requirement or the privilege applies to the Town as a whole or to Board of Trustees as a whole. Any Trustee who individually breaches such confidentiality, or who purports to waive such a privilege will be considered to be acting outside the performance of Trustee's authority, and will be subject to any consequential liability for such act.

B. Protest

Any Board of Trustees member shall have the right to express dissent from or protest against any ordinance or resolution of the Board of Trustees, and have the reason therefor entered upon the record. Such dissent or protest must be filed in writing, couched in respectful language, and presented to the Board of Trustees not later than the next regular meeting following the date of passage of the objectionable ordinance or resolution.

RULE VII ORDINANCES AND RESOLUTIONS

A. Introduction

All ordinances and resolutions, except emergency ordinances, shall be introduced to the Board of Trustees in printed or written form at least forty-eight (48) hours prior to the meeting. Emergency ordinances shall be introduced to the Board of Trustees and in the meeting in printed or written form.

B. Review

All proposed ordinances shall be reviewed by the Town Attorney and bear the Attorney's certification that they are in correct form. The Town Administrator shall attach to each proposed ordinance a brief digest of the provision thereof, and where it is proposed to amend an existing ordinance. The digest shall show the name of the department or party at whose request the proposed ordinance was prepared.

C. Reading of Ordinances and Resolutions

Ordinances shall be read in full or by title only where copies are available to the Board of Trustees and those in attendance and may be amended prior to adoption. After proper publication, the ordinances will be in effect thirty (30) days following adoption with the exception of ordinances that are repealed prior to the thirty-day limit. All ordinances adopted containing an emergency clause are effective immediately.

D. Amendment of Ordinances

If an ordinance is proposed as an amendment to a previously adopted ordinance, it shall be reported as an amending ordinance. An amending ordinance shall be accompanied by an exhibit showing the part of the original ordinance to be amended, properly identified by page, section or paragraph referenced to the original ordinance, and having a line drawn through the part stricken out and that part added shown in italics or in a different colored ink or underscored.

E. Report by Committee

All matters referred to committee or advisory board must be reported by the committee or board within the time frames specified by the Board of Trustees upon referral. If not reported as above provided, any member of the Board of Trustees may call the

document out of committee by notifying the Town Clerk and Mayor in open session of said member's intention. It shall then be the duty of the Clerk to place the document before the Board of Trustees for consideration at the next succeeding meeting without any further reference.

RULE VIII PUBLIC HEARINGS

A. General

1. This Rule shall apply to all Town Boards conducting public hearings, including the Board of Trustees, the Planning Commission, and the Board of Zoning Adjustment.

2. All persons desiring to speak before a Town Board conducting a public hearing shall sign up to be heard prior to the hearing's commencement. All persons speaking before a Town Board at a public hearing shall provide their names and addresses.

B. Public Hearing Procedures on Land Use Matters

1. The meeting shall be chaired by the Mayor or board chairperson. The hearing shall be conducted in accordance with the procedures set forth in Chapters 16, 17, and 18 of the Nederland Municipal Code. The purpose of such Code provisions is to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing. The Mayor/Chairperson has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.

2. The Mayor/Chairperson shall cause all such persons to promise and agree that all statements and evidence they present shall be the truth.

3. Any person speaking may be questioned by a member of the board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.

4. When the number of persons wishing to speak may unduly prolong the hearing, the Mayor/Chairperson may impose a time limit upon each speaker.

5. Town staff's duties are to enter, as part of the record, a copy of the matter's public notice; all application documents for the proposed project and copies of any other information and documents that are an appropriate part of the public hearing record; to provide a synopsis or summary of the issues before the board including issues considered in prior public meetings/hearings of boards and/or commissions; make recommendations as to the matters to be determined by the board; and answer specific questions as requested by the board or the parties to the hearing.

6. The property owner, applicant or proponent or representative(s) of the project/issue before the board, shall present evidence and describe the nature of the

request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the Town staff.

7. All testimony in support, or opposition, or questions shall be directed through the Mayor/Chairperson, who will direct the appropriate person to respond.

8. The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.

9. If final action is not to be taken at the same time as the public hearing, the Mayor/Chairperson will advise the audience/public when the matter will be considered.

10. If a board member is absent during a public hearing, he/she shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by the board because of the absence of a member to enable him/her substantial time to review the record.

11. The essence of the following shall be presented by the Mayor/Chairperson at the outset of the public hearing:

“We welcome your comments and input. Because we will strive to proceed through the public hearing in a timely manner, we require that all persons observe the following procedures with respect to comments and testimony:

When you are recognized to speak, please approach the podium and state your name and address. All comments and testimony shall be made from the podium, no comments or testimony shall be presented from the audience.

Comments and testimony are to be directed to the board. Dialogue and inquiries from the person at the podium to members of staff or the seated audience is not permitted. Inquiries that require staff response will be referred to staff by the Mayor/Chairperson.

It is our desire to give everyone an opportunity to speak and be heard in a timely manner and within an atmosphere of respect and diplomacy. These procedures are to foster that atmosphere. Thank you for your cooperation, and we look forward to hearing your comments.”

C. Non-Land Use Public Hearing Procedures

Persons wishing to speak may do so whether in favor, opposed or neutral. No specific order of those in favor or in opposition will be used.

With the advice of the Town attorney, the Mayor/Chairperson shall conduct the hearing in such manner as to provide for free speech and expression of opinion of all

persons speaking, subject only to the limits of courtesy and respect to other persons and their opinions as long as the subject is related to the issue or the public hearing. Notwithstanding these purposes, the Mayor/Chairperson has the authority to limit comments to a reasonable length of time.

Any person speaking may be questioned by members of the board or by the Town staff.

The Mayor/Chairperson shall rule upon all disputed matters or procedures.

D. Liquor License Hearing Procedures

The Nederland Board of Trustees sits as the Nederland Liquor Licensing Authority and hears licensing, suspension, and revocation cases.

The meeting shall be chaired by the Mayor. The hearing shall be conducted in accordance with the procedures set forth in statute and regulations. The purpose of such laws and regulations is to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing. The Mayor has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.

The Mayor shall cause all such persons to promise and agree that all statements and evidence they present shall be the truth.

Any person speaking may be questioned by a member of the Board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.

When the number of persons wishing to speak may unduly prolong the hearing, the Mayor may establish a time limit upon each speaker.

Town staff's duties are to enter, as part of the record, a copy of the matter's public notice; all application documents for the proposed project and copies of any other information and documents that are an appropriate part of the public hearing record; to provide a synopsis or summary of the issues before the Board including issues considered in prior public meetings/hearings of boards and/or commissions; make recommendations as to the matters to be determined by the board; and answer specific questions as requested by the board or the parties to the hearing.

The liquor license applicant shall present evidence and describe the nature of the request. The burden of presenting the case for the applicant is upon such applicant or its representative, not the Town staff.

All testimony in support, or opposition, or questions shall be directed through the Mayor, who will direct the appropriate person to respond.

The liquor license applicant will be afforded an opportunity for brief rebuttal statements/evidence following public input.

If a member of the Board is absent during a public hearing, he/she shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by the board because of the absence of a member to enable him/her substantial time to review the record.

The essence of the following shall be presented by the Mayor/Chairperson at the outset of the public hearing:

“This is a public hearing before the Nederland Board of Trustees, sitting as the Nederland Liquor Licensing Authority, on an application for a new (type of license) liquor license, submitted by (name of applicant) for the premises with a street address of (physical address of establishment) within the Town of Nederland.

Before the hearing begins, I will outline the manner in which the hearing will be conducted and the order in which we would receive testimony. Does the Board have any questions about the process for this hearing before I begin?

Although the Authority is acting as a judge of this case, I note for the applicant and members of the public that strict rules of evidence do not apply. Any evidence that is relevant to the matter at hand may be considered by this Authority. It is then up to each member of the Authority to determine the credibility and weight of all such evidence as it relates to their decision. As Chair, I may limit testimony or evidence determined to be irrelevant, repetitive or cumulative.

The order of this public hearing will be as follows:

1. This Authority will accept the preliminary investigation reports and findings of Town staff. The Town Clerk will provide this information.
2. The applicant may present an opening statement (if any).
3. The applicant will present its request to the Authority. Prior to excusing the applicant's witnesses, cross-examination shall be permitted in the following order:
 - a. Authority members
 - b. Any other party in interest.
4. The Town may present evidence and witnesses (if any). Prior to excusing the Town's witnesses, cross-examination shall be permitted in the following order:

- a. The applicant or its representative
- b. Authority members
- c. Any other party in interest.

5. Any “party in interest” may present evidence and testimony. Before excusing witnesses, cross-examination of interested parties and their witnesses shall be permitted in the following order:

- a. The applicant or its representative
- b. Authority members

*Under the Colorado Liquor Code, a “party in interest” includes:

- An adult resident of the relevant neighborhood;
- An owner or business manager of a business located in the relevant neighborhood;
- A representative of a school located within 500 feet of the premises for which the license is under consideration.

*Under Nederland Municipal Code Section 6-32, the relevant neighborhood is the entirety of the Town.

6. The applicant may then present any rebuttal evidence it wishes to; the Town may then also provide rebuttal evidence, if any.

7. The applicant is then permitted to give a closing statement, if s/he chooses.

Throughout this process, the Authority may ask questions.

After all evidence and testimony has been received, I will close the public hearing. The Authority will then begin its deliberations on this application. The Authority will make a decision by motion and roll call vote.

[OPENING THE HEARING]

“I now open the public hearing on an application for a new (type of license) Liquor License, submitted by (name of applicant) for the premises with a street address of (physical address of the premises), Nederland, Colorado. I invite the Town Clerk to provide the Authority with the Town’s preliminary investigation reports and findings.”

[After the Town Clerk is done, invite the applicant to make an opening statement (# 2 above); then follow the order of testimony in # 3 through 7 above]

“Not hearing any more evidence to be brought before the Authority on this matter, I now close the public hearing. Liquor Authority, you may begin your deliberations.”

[When the Authority appears to be done with deliberations, the Mayor may call for a motion if no one makes one without prompting.]

**RULE IX
AMENDMENT/SUSPENSION OF RULES**

A. Amendment of the Rules

These rules may be amended or new rules adopted by a majority vote of all Trustees. Any such amendments shall be submitted in writing at a business meeting or work session preceding formal action to amend. The amendments shall be placed on the discussion agenda of a subsequent business meeting with a resolution. This requirement may be waived by unanimous consent with a recorded vote of all Trustees present.

B. Suspension of the Rules

Any provision of these rules not governed by the Municipal Code may be temporarily suspended at any meeting of Board of Trustees by a majority vote of all Trustees. The vote on any such suspension shall be entered upon the record. When making a motion to suspend the rules, the Trustee shall specify which rule or part of such rule being temporarily suspended and the purpose for which the rule is to be suspended.