

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-107**

**A RESOLUTION OF THE TOWN OF LYONS APPROVING AMENDMENTS
TO THE LEGISLATIVE POLICY CONCERNING QUASI-JUDICIAL PROCEDURES
AND OTHER MISCELLANEOUS AMENDMENTS**

WHEREAS, the Board of Trustees of the Town of Lyons ("the Board") is authorized to adopt policies and regulations concerning the conduct of Town officers and employees; and

WHEREAS, on December 3, 2018, the Board adopted the Legislative Policy of the Town of Lyons; and

WHEREAS, in Resolution 2018-113 approving the Legislative Policy, the Board recognized that such policies and procedures may require future revision to better serve the Town's needs or to comply with federal, state, or local law and regulations as may be amended; and

WHEREAS, the Board desires to adopt revisions to the Legislative Policy as reflected in **Exhibit 1** – Redline of the Legislative Policy, attached hereto and incorporated by reference, primarily to enact a policy for quasi-judicial procedures; and

WHEREAS, the Board desires to adopt the Revised Legislative Policy attached hereto as **Exhibit 2** and incorporated by reference.

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

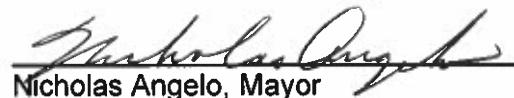
Section 1. The foregoing recitals are incorporated herein by reference.

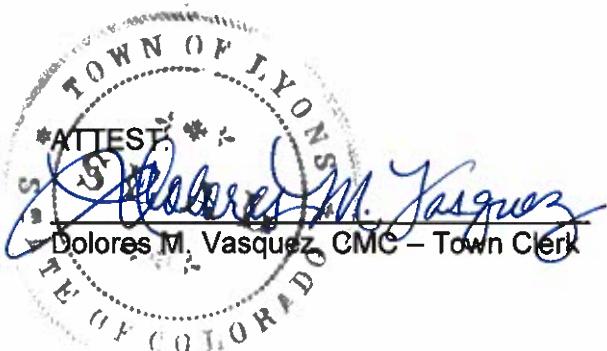
Section 2. The Board of Trustees hereby approves the revised Lyons, Colorado Board of Trustees Policy – Legislative Policy of the Town of Lyons as set forth in **Exhibit 1** attached hereto.

Section 3. This resolution shall take effect immediately upon its approval by the Board of Trustees.

ADOPTED THIS 18th DAY OF OCTOBER 2021

TOWN OF LYONS, COLORADO


Nicholas Angelo, Mayor



Attachments:

Exhibit 1 – Redline of the Legislative Policy

Exhibit 2 – Lyons, Colorado Board of Trustees Policy – Legislative Policy of the Town of Lyons (Clean).

EXHIBIT 1



Lyons, Colorado Board of Trustees Policy ***Legislative Policy of the Town of Lyons***

Table of Rules

SUBJECT	PAGE
<u>RULE 1 ORDER OF BUSINESS</u>	<u>23</u>
<u>RULE 2 BASIC PARLIAMENTARY PROCEDURE</u>	<u>32</u>
<u>RULE 3 ADDRESSING THE BOARD OF TRUSTEES</u>	<u>23</u>
<u>RULE 4 GENERAL DISCUSSION</u>	<u>32</u>
<u>RULE 5 CITIZEN PARTICIPATION</u>	<u>23</u>
<u>RULE 6 METHOD OF VOTING</u>	<u>34</u>
<u>RULE 7 ABSTAINING FROM VOTE</u>	<u>34</u>
<u>RULE 8 TEMPORARY CHAIRMAN</u>	<u>34</u>
<u>RULE 9 RIGHT OF FLOOR</u>	<u>35</u>
<u>RULE 10 RIGHT OF APPEAL</u>	<u>45</u>
<u>RULE 11 MAKING MOTIONS</u>	<u>45</u>
<u>RULE 12 PRECEDENCE OF MOTIONS</u>	<u>45</u>
<u>RULE 13 MOTION TO ADJOURN, POLICY OF ADJOURNMENT</u>	<u>45</u>
<u>RULE 14 MOTION TO LAY ON TABLE</u>	<u>45</u>
<u>RULE 15 DIVISION OF QUESTION</u>	<u>45</u>
<u>RULE 16 MOTION TO AMEND AN ORDINANCE OR RESOLUTION</u>	<u>45</u>
<u>RULE 17 MOTION TO POSTPONE</u>	<u>46</u>
<u>RULE 17.5 MOTION INSTRUCTING THE TOWN ADMINISTRATOR OR TOWN ATTORNEY</u>	<u>56</u>
<u>RULE 18 VOTING REQUIREMENT</u>	<u>56</u>
<u>RULE 19 RECONSIDERATION</u>	<u>56</u>
<u>RULE 20 ANONYMOUS COMMUNICATIONS</u>	<u>56</u>
<u>RULE 21 AMENDMENT OF RULES</u>	<u>56</u>
<u>RULE 22 RESOLUTIONS</u>	<u>56</u>
<u>RULE 23 REPRESENTING TOWN</u>	<u>56</u>
<u>RULE 24 AGENDA</u>	<u>57</u>
<u>RULE 25 MEETINGS</u>	<u>67</u>
<u>RULE 25.5 EXECUTIVE SESSIONS</u>	<u>67</u>
<u>RULE 26 QUASI-JUDICIAL PROCEDURES</u>	<u>9</u>
<u>RULE 27 BOARDS</u>	<u>89</u>
<u>RULE 278 ROBERT'S RULES OF ORDER</u>	<u>810</u>
<u>RULE 289 ENFORCEMENT</u>	<u>810</u>

RULE 1 ORDER OF BUSINESS. In accordance with Lyons Municipal Code ("LMC") Section 2-2-140, the order of business for Lyons Board of Trustees ("Board of Trustees" or "the Board") meetings shall be set by ordinance and may be amended by a majority vote of the Board.

RULE 2 BASIC PARLIAMENTARY PROCEDURE.

A. The Mayor is elected by the people to serve as a voting member of Board of Trustees, and unless otherwise disqualified, must vote on all questions, even those appealing the ruling of the Chair. The Mayor, Mayor Pro Tem, or other designated Board member in their absence shall, however, serve as the presiding officer or Chair in the conduct of meetings.

B. Motions may be amended only to the third degree, that is, only one amendment to an amendment is permitted. A substitute motion is considered an amendment.

RULE 3 ADDRESSING THE BOARD. At all times, the discussions and motion of the Board of Trustees and remarks of members of the public shall be directed to the Chair and shall be preceded by recognition from the Chair.

RULE 4 GENERAL DISCUSSION.

A. Limitation on Debate: A Trustee shall be permitted to speak only once on the subject under discussion, limited to the matter at hand, until all other members of the Board desiring to speak have been heard. Once all members of the Board have been heard, the Chair may call on Trustees who have already spoken on the matter. The Chair may set a time limit on any such discussion of members of Board.

B. If a matter requires a vote by roll call, it shall not be in order for members of Board to explain their vote during the roll call. Such explanation is, however, permitted during the discussion of the question.

RULE 5 CITIZEN PARTICIPATION.

The Town of Lyons encourages citizen participation in its meetings. Any person may speak to the Board on any matter at a regularly scheduled public meeting, whether scheduled for public hearing or not. If a meeting is held in-person, The Town Clerk shall prominently post a speakers' list form within the Board of Trustees Chambers, at least ten (10) minutes before each Board meeting. Immediately before "Audience Business", the Clerk will tally the number of speakers for "Audience Business" and submit the list to the Chair. Speakers have the right to speak at scheduled public hearings, and during the Audience Business segments of Board meetings. Except for scheduled public hearings, those wanting to speak shall list their names on a speakers' list, showing the topics (including agenda item number(s), if any) on which they want to speak. At the "Audience Business" portion of the meeting, the Chair shall call to speak

those listing consent agenda and general business items, and topics not on the Board meeting agenda. Speakers shall address other matters as the Chair recognizes them at public hearings, or upon the Chair's request for additional speakers during "Audience Business." Speaking at the Chair's request requires no listing on the speaker's list.

A. The Chair, consistent with these Rules, may regulate the time for public participation, and may require that each speaker's comments pertain to the subject under discussion. The Chair may restrict cumulative or redundant presentations. Speakers may not assign their time to others.

B. No speaker shall speak longer than four (4) minutes, except:

1. A staff member making a presentation to the Board;
2. A party to a quasi-judicial proceeding making a presentation to the Board;
3. Others invited by the Board or Town Administrator to make presentations, or to answer Board questions; and
4. When the Board suspends these Rules.

C. Those attending Board meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Board of Trustees. The Chair may take any reasonable steps to maintain the order and dignity of Board meetings.

RULE 6 METHOD OF VOTING. Except as otherwise provided by the LMC or Board Motion, voting on all matters shall be recorded electronically in the Board's Chambers. Each Trustee shall activate his or her private voting switch prior to the Chair activating the master switch. The Clerk shall announce the result of the ballot, which shall be placed in the minutes of the meeting by the Clerk.

RULE 7 ABSTAINING FROM VOTE. If a Trustee has a personal, financial, or other conflict of interest, or other appearance of impropriety which would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Trustee to require abstention, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by the Board, and the abstaining Trustee shall then physically remove himself from the Board Chambers. Upon full disclosure of the basis for announced abstention, the requesting Trustee may, however, choose not to recuse his or herself if the conflict of interest is not personal or financial. Any Trustee may request that the Board vote on the propriety and necessity of abstention by his or herself or by another Trustee.

RULE 8 TEMPORARY CHAIR. In the case of the absence of the Mayor and Mayor Pro Tem, the Clerk shall call the Board to order and call the roll of the members. If a quorum is found to be present, Board shall proceed to elect, by a majority vote of those

present, a Chair of the meeting, to act until the Mayor or Mayor Pro Tem appears.

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

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

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

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

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

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

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

RULE 16 MOTION TO AMEND AN ORDINANCE OR RESOLUTION. A motion to amend an ordinance or resolution shall be made with such specificity to ensure that Town staff can accurately make the amendments. Where appropriate, the motion to amend will state the words proposed to be stricken out and those to be inserted and

include reference to the applicable page(s) in the Board agenda packet where such amendments are to be made.

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

RULE 17.5 MOTION INSTRUCTING THE TOWN ADMINISTRATOR OR TOWN ATTORNEY. Unless such duty is imposed by the LMC or Colorado law, direction to the Town Administrator or Town Attorney to take action on behalf of the Board can be made at any time if approved by the majority of the quorum of Board made at a regular or specially called meeting, or at a study session of Board, unless such direction is intended to implement the final action or position of the Town, in which event such direction shall be given at a regular or specially called session of Board which is duly noticed.

RULE 18 VOTING REQUIREMENT. Every participating member of Board shall be required to vote, unless excused for cause by consent or vote of the Board.

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

RULE 20 ANONYMOUS COMMUNICATIONS. Unsigned written or anonymous communications shall not be introduced or considered by the Board.

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

RULE 22 RESOLUTIONS. All resolutions considered by Board shall be in written form. Any member of Board wishing to introduce a resolution which has not been previously reduced to writing, may request the indulgence of the Chair for ten minutes to allow him or her to prepare his or her resolution in written form. Upon the resolution thus being presented in writing, it may then be put to a vote of Board.

RULE 23 REPRESENTING TOWN. No member of Board, employee of the Town, or inferior Board, Committee, or Commission appointee shall state a position or policy of the Town until said position or policy has been adopted by affirmation or resolution of Board. No restraint on individual expression is hereby intended, so long as the narrator clearly indicates that the position expressed is his or her individual opinion and not the position or policy of the Town.

RULE 24 AGENDA

A. The Agenda shall be set by the Town Administrator and may be augmented or modified by the Mayor. Individual Trustees may request that the Mayor place items on the Agenda by directly contacting the Mayor or by requesting that items be placed on the Agenda during Trustee reports. In the event the item has not been placed on the Agenda after such a request has been made, the Agenda may also be augmented by majority vote of the Board to direct the Town Administrator to place an item on a future Agenda. A motion to conduct such a vote shall be made during Trustee reports and shall not be debatable. The Agenda shall be made available to the public upon request and shall generally be distributed immediately prior to each meeting.

B. Members of Board shall generally be provided the agenda and work packet no later than the Friday preceding any regularly scheduled meeting. Agenda items and substantive information not involving unforeseen emergency and not included in the packet as timely provided shall not be considered unless Board, by motion, determines to consider same, which motion shall not be debatable.

RULE 25 MEETINGS.

A. Regular Board meetings shall take place in accordance with LMC Section 2-2-110(a).

B. Board workshops may occur prior to regularly scheduled Board Meetings or as otherwise needed with proper public notice. As applicable, rules of procedure workshops shall be the same as for regular sessions. Except motions instructing the Town Administrator or Town Attorney, the Board shall take no final or official action at workshops.

C. Special Board meetings shall take place in accordance with LMC Section 2-2-110(b).

RULE 25.5 EXECUTIVE SESSIONS.

A. A confidential Executive Session may be requested by the Mayor, a member of Board, the Town Administrator, or the Town Attorney, to discuss any of the following (set forth in State of Colorado Sunshine Law):

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no Executive Session shall be held for the purpose of concealing the fact that a Trustee has a personal interest in such purchase, acquisition, lease, transfer, or sale;
2. Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an Executive Session of the Board is not sufficient to satisfy

the requirements of this subsection;

3. Matters required to be kept confidential by federal or state law or Rules and Regulations;
4. Specialized details of security arrangements or investigations;
5. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
6. Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting;
 - a. The provisions of this paragraph 6 shall not apply to discussions concerning any member of the Board, any elected official, or the appointment of a person to fill the office of a Trustee or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.
7. Consideration of any documents protected by the mandatory nondisclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act".

B. Notice of the request for an Executive Session shall be delivered to each member of Board, the Town Attorney, and the Town Administrator at least 24 hours in advance of the Board session at which an Executive Session will be requested. The Notice shall be in writing and contain a brief statement of the matter to be discussed during the Executive Session. The Notice may be delivered electronically, in person, or otherwise in writing reasonably calculated to reach the Trustees at least 24 hours in advance of the Executive Session

C. A request to meet in Executive Session must be voted on and approved by a 2/3 majority of the Trustees present before the session is commenced. The motion shall set forth the matter to be discussed during the Executive Session, including specific citation to the provision of this Rule and Colorado Revised Statutes authorizing the Board to meet in an Executive Session, and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized. Prior to the time the Board convenes in Executive Session, the Mayor shall announce the specific citation to the provision of this Rule authorizing the Executive Session as enumerated in Subsections A.1. through A.7. of this Rule.

D. The Board shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public. Discussions that occur in an Executive Session shall be recorded by

making an audiotape recording, according to C.R.S. 24-6-402(2)(II)(A) and (B).

E. The record of an Executive Session of the Board of Trustees recorded pursuant to this Rule shall be retained for ninety days after the date of the Executive Session.

F. The Mayor shall act as the liaison for those present at the Executive Session. The Mayor shall be responsible for any public statements about the subject matter of the Executive Session.

RULE 26 QUASI-JUDICIAL PROCEDURES.

A. In addition to the Board of Trustees, Rule 26 shall be applicable to any Board or Commission required to conduct a quasi-judicial public hearing.

B. As soon as practicable following receipt of an application requiring a quasi-judicial hearing, the Town Clerk or other Town Staff shall notify the appropriate members, the Town Attorney, and the Town Administrator of the receipt of a quasi-judicial application.

C. Upon receipt of notice of an application requiring a quasi-judicial hearing, members of the body required conduct the quasi-judicial shall refrain from considering any "ex parte communications" concerning the application. The prohibition on ex parte communications specifically includes, but is not limited to, electronic communication from the public or applicant received by body members. In the event such electronic communication(s) are received, the body member shall forward the communication(s) to the Town Clerk for inclusion in the public record and disregard the contents of the communication until provided as part of the public record at the public hearing by the Town Clerk. If the applicant or the public wishes to provide non-electronic ex parte communications to a body member, the member shall disregard the information and direct the individual to either attend the public hearing on the application or to submit their information to the Town Clerk at least three (3) days prior to the public hearing on the application.

D. Quasi-judicial hearings shall be conducted in accordance with the provisions of LMC Chapter 2, Article 4.

E. The Town shall make publicly available on the Town's website information on quasi-judicial procedures and how the public may properly participate in quasi-judicial hearings. Such information may be updated from time to time by the Town staff or at the direction of the Board of Trustees.

RULE 26 BOARDS. In addition to criteria outlined in the LMC for specific boards, committees, and commissions the Board may adopt policies regarding boards, committees, and commissions by motion which will be recorded as an amendment to this policy.

RULE 27 ROBERT'S RULES OF ORDER. Unless the procedures are specifically set forth herein, Robert's Rules of Order, Newly Revised, shall govern the procedures applicable to all Board meetings.

RULE 28 ENFORCEMENT. Conduct which violate the provisions of this policy may have their conduct referred to the Board of Trustees, sitting as the Board of Ethics, for consideration under the Town of Lyons Code of Ethical Standards.

APPROVED BY THE BOARD OF TRUSTEES

December October 183, 20212018.

EXHIBIT 2



Lyons, Colorado Board of Trustees Policy
Legislative Policy of the Town of Lyons

Table of Rules

SUBJECT	PAGE
<u>RULE 1 ORDER OF BUSINESS</u>	3
<u>RULE 2 BASIC PARLIAMENTARY PROCEDURE</u>	3
<u>RULE 3 ADDRESSING THE BOARD OF TRUSTEES</u>	3
<u>RULE 4 GENERAL DISCUSSION</u>	3
<u>RULE 5 CITIZEN PARTICIPATION</u>	3
<u>RULE 6 METHOD OF VOTING</u>	4
<u>RULE 7 ABSTAINING FROM VOTE</u>	4
<u>RULE 8 TEMPORARY CHAIRMAN</u>	4
<u>RULE 9 RIGHT OF FLOOR</u>	5
<u>RULE 10 RIGHT OF APPEAL</u>	5
<u>RULE 11 MAKING MOTIONS</u>	5
<u>RULE 12 PRECEDENCE OF MOTIONS</u>	5
<u>RULE 13 MOTION TO ADJOURN, POLICY OF ADJOURNMENT</u>	5
<u>RULE 14 MOTION TO LAY ON TABLE</u>	5
<u>RULE 15 DIVISION OF QUESTION</u>	5
<u>RULE 16 MOTION TO AMEND AN ORDINANCE OR RESOLUTION</u>	5
<u>RULE 17 MOTION TO POSTPONE</u>	6
<u>RULE 17.5 MOTION INSTRUCTING THE TOWN ADMINISTRATOR OR TOWN ATTORNEY</u>	6
<u>RULE 18 VOTING REQUIREMENT</u>	6
<u>RULE 19 RECONSIDERATION</u>	6
<u>RULE 20 ANONYMOUS COMMUNICATIONS</u>	6
<u>RULE 21 AMENDMENT OF RULES</u>	6
<u>RULE 22 RESOLUTIONS</u>	6
<u>RULE 23 REPRESENTING TOWN</u>	6
<u>RULE 24 AGENDA</u>	7
<u>RULE 25 MEETINGS</u>	7
<u>RULE 25.5 EXECUTIVE SESSIONS</u>	7
<u>RULE 26 QUASI-JUDICIAL PROCEDURES</u>	9
<u>RULE 27 BOARDS</u>	9
<u>RULE 28 ROBERT'S RULES OF ORDER</u>	10
<u>RULE 29 ENFORCEMENT</u>	10

RULE 1 ORDER OF BUSINESS. In accordance with Lyons Municipal Code ("LMC") Section 2-2-140, the order of business for Lyons Board of Trustees ("Board of Trustees" or "the Board") meetings shall be set by ordinance and may be amended by a majority vote of the Board.

RULE 2 BASIC PARLIAMENTARY PROCEDURE.

A. The Mayor is elected by the people to serve as a voting member of Board of Trustees, and unless otherwise disqualified, must vote on all questions, even those appealing the ruling of the Chair. The Mayor, Mayor Pro Tem, or other designated Board member in their absence shall, however, serve as the presiding officer or Chair in the conduct of meetings.

B. Motions may be amended only to the third degree, that is, only one amendment to an amendment is permitted. A substitute motion is considered an amendment.

RULE 3 ADDRESSING THE BOARD. At all times, the discussions and motion of the Board of Trustees and remarks of members of the public shall be directed to the Chair and shall be preceded by recognition from the Chair.

RULE 4 GENERAL DISCUSSION.

A. Limitation on Debate: A Trustee shall be permitted to speak only once on the subject under discussion, limited to the matter at hand, until all other members of the Board desiring to speak have been heard. Once all members of the Board have been heard, the Chair may call on Trustees who have already spoken on the matter. The Chair may set a time limit on any such discussion of members of Board.

B. If a matter requires a vote by roll call, it shall not be in order for members of Board to explain their vote during the roll call. Such explanation is, however, permitted during the discussion of the question.

RULE 5 CITIZEN PARTICIPATION.

The Town of Lyons encourages citizen participation in its meetings. Any person may speak to the Board on any matter at a regularly scheduled public meeting, whether scheduled for public hearing or not. If a meeting is held in-person, The Town Clerk shall prominently post a speakers' list form within the Board of Trustees Chambers, at least ten (10) minutes before each Board meeting. Immediately before "Audience Business", the Clerk will tally the number of speakers for "Audience Business" and submit the list to the Chair. Speakers have the right to speak at scheduled public hearings, and during the Audience Business segments of Board meetings. Except for scheduled public hearings, those wanting to speak shall list their names on a speakers' list, showing the topics (including agenda item number(s), if any) on which they want to speak. At the "Audience Business" portion of the meeting, the Chair shall call to speak

those listing consent agenda and general business items, and topics not on the Board meeting agenda. Speakers shall address other matters as the Chair recognizes them at public hearings, or upon the Chair's request for additional speakers during "Audience Business." Speaking at the Chair's request requires no listing on the speaker's list.

A. The Chair, consistent with these Rules, may regulate the time for public participation, and may require that each speaker's comments pertain to the subject under discussion. The Chair may restrict cumulative or redundant presentations. Speakers may not assign their time to others.

B. No speaker shall speak longer than four (4) minutes, except:

1. A staff member making a presentation to the Board;
2. A party to a quasi-judicial proceeding making a presentation to the Board;
3. Others invited by the Board or Town Administrator to make presentations, or to answer Board questions; and
4. When the Board suspends these Rules.

C. Those attending Board meetings shall refrain from disruptive, vulgar or abusive language, applause, heckling or other actions that interfere with the orderly function of the Board of Trustees. The Chair may take any reasonable steps to maintain the order and dignity of Board meetings.

RULE 6 METHOD OF VOTING. Except as otherwise provided by the LMC or Board Motion, voting on all matters shall be recorded electronically in the Board's Chambers. Each Trustee shall activate his or her private voting switch prior to the Chair activating the master switch. The Clerk shall announce the result of the ballot, which shall be placed in the minutes of the meeting by the Clerk.

RULE 7 ABSTAINING FROM VOTE. If a Trustee has a personal, financial, or other conflict of interest, or other appearance of impropriety which would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Trustee to require abstention, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by the Board, and the abstaining Trustee shall then physically remove himself from the Board Chambers. Upon full disclosure of the basis for announced abstention, the requesting Trustee may, however, choose not to recuse his or herself if the conflict of interest is not personal or financial. Any Trustee may request that the Board vote on the propriety and necessity of abstention by his or herself or by another Trustee.

RULE 8 TEMPORARY CHAIR. In the case of the absence of the Mayor and Mayor Pro Tem, the Clerk shall call the Board to order and call the roll of the members. If a quorum is found to be present, Board shall proceed to elect, by a majority vote of those

present, a Chair of the meeting, to act until the Mayor or Mayor Pro Tem appears.

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

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

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

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

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

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

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

RULE 16 MOTION TO AMEND AN ORDINANCE OR RESOLUTION. A motion to amend an ordinance or resolution shall be made with such specificity to ensure that Town staff can accurately make the amendments. Where appropriate, the motion to amend will state the words proposed to be stricken out and those to be inserted and

include reference to the applicable page(s) in the Board agenda packet where such amendments are to be made.

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

RULE 17.5 MOTION INSTRUCTING THE TOWN ADMINISTRATOR OR TOWN ATTORNEY. Unless such duty is imposed by the LMC or Colorado law, direction to the Town Administrator or Town Attorney to take action on behalf of the Board can be made at any time if approved by the majority of the quorum of Board made at a regular or specially called meeting, or at a study session of Board, unless such direction is intended to implement the final action or position of the Town, in which event such direction shall be given at a regular or specially called session of Board which is duly noticed.

RULE 18 VOTING REQUIREMENT. Every participating member of Board shall be required to vote, unless excused for cause by consent or vote of the Board.

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

RULE 20 ANONYMOUS COMMUNICATIONS. Unsigned written or anonymous communications shall not be introduced or considered by the Board.

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

RULE 22 RESOLUTIONS. All resolutions considered by Board shall be in written form. Any member of Board wishing to introduce a resolution which has not been previously reduced to writing, may request the indulgence of the Chair for ten minutes to allow him or her to prepare his or her resolution in written form. Upon the resolution thus being presented in writing, it may then be put to a vote of Board.

RULE 23 REPRESENTING TOWN. No member of Board, employee of the Town, or inferior Board, Committee, or Commission appointee shall state a position or policy of the Town until said position or policy has been adopted by affirmation or resolution of Board. No restraint on individual expression is hereby intended, so long as the narrator clearly indicates that the position expressed is his or her individual opinion and not the position or policy of the Town.

RULE 24 AGENDA

A. The Agenda shall be set by the Town Administrator and may be augmented or modified by the Mayor. Individual Trustees may request that the Mayor place items on the Agenda by directly contacting the Mayor or by requesting that items be placed on the Agenda during Trustee reports. In the event the item has not been placed on the Agenda after such a request has been made, the Agenda may also be augmented by majority vote of the Board to direct the Town Administrator to place an item on a future Agenda. A motion to conduct such a vote shall be made during Trustee reports and shall not be debatable. The Agenda shall be made available to the public upon request and shall generally be distributed immediately prior to each meeting.

B. Members of Board shall generally be provided the agenda and work packet no later than the Friday preceding any regularly scheduled meeting. Agenda items and substantive information not involving unforeseen emergency and not included in the packet as timely provided shall not be considered unless Board, by motion, determines to consider same, which motion shall not be debatable.

RULE 25 MEETINGS.

A. Regular Board meetings shall take place in accordance with LMC Section 2-2-110(a).

B. Board workshops may occur prior to regularly scheduled Board Meetings or as otherwise needed with proper public notice. As applicable, rules of procedure workshops shall be the same as for regular sessions. Except motions instructing the Town Administrator or Town Attorney, the Board shall take no final or official action at workshops.

C. Special Board meetings shall take place in accordance with LMC Section 2-2-110(b).

RULE 25.5 EXECUTIVE SESSIONS.

A. A confidential Executive Session may be requested by the Mayor, a member of Board, the Town Administrator, or the Town Attorney, to discuss any of the following (set forth in State of Colorado Sunshine Law):

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no Executive Session shall be held for the purpose of concealing the fact that a Trustee has a personal interest in such purchase, acquisition, lease, transfer, or sale;
2. Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an Executive Session of the Board is not sufficient to satisfy

the requirements of this subsection;

3. Matters required to be kept confidential by federal or state law or Rules and Regulations;
4. Specialized details of security arrangements or investigations;
5. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
6. Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting;
 - a. The provisions of this paragraph 6 shall not apply to discussions concerning any member of the Board, any elected official, or the appointment of a person to fill the office of a Trustee or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.
7. Consideration of any documents protected by the mandatory nondisclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act".

B. Notice of the request for an Executive Session shall be delivered to each member of Board, the Town Attorney, and the Town Administrator at least 24 hours in advance of the Board session at which an Executive Session will be requested. The Notice shall be in writing and contain a brief statement of the matter to be discussed during the Executive Session. The Notice may be delivered electronically, in person, or otherwise in writing reasonably calculated to reach the Trustees at least 24 hours in advance of the Executive Session

C. A request to meet in Executive Session must be voted on and approved by a 2/3 majority of the Trustees present before the session is commenced. The motion shall set forth the matter to be discussed during the Executive Session, including specific citation to the provision of this Rule and Colorado Revised Statutes authorizing the Board to meet in an Executive Session, and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized. Prior to the time the Board convenes in Executive Session, the Mayor shall announce the specific citation to the provision of this Rule authorizing the Executive Session as enumerated in Subsections A.1. through A.7. of this Rule.

D. The Board shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation or formal action at any session closed to the general public. Discussions that occur in an Executive Session shall be recorded by

making an audiotape recording, according to C.R.S. 24-6-402(2)(II)(A) and (B).

E. The record of an Executive Session of the Board of Trustees recorded pursuant to this Rule shall be retained for ninety days after the date of the Executive Session.

F. The Mayor shall act as the liaison for those present at the Executive Session. The Mayor shall be responsible for any public statements about the subject matter of the Executive Session.

RULE 26 QUASI-JUDICIAL PROCEDURES.

A. In addition to the Board of Trustees, Rule 26 shall be applicable to any Board or Commission required to conduct a quasi-judicial public hearing.

B. As soon as practicable following receipt of an application requiring a quasi-judicial hearing, the Town Clerk or other Town Staff shall notify the appropriate members, the Town Attorney, and the Town Administrator of the receipt of a quasi-judicial application.

C. Upon receipt of notice of an application requiring a quasi-judicial hearing, members of the body required conduct the quasi-judicial shall refrain from considering any "ex parte communications" concerning the application. The prohibition on ex parte communications specifically includes, but is not limited to, electronic communication from the public or applicant received by body members. In the event such electronic communication(s) are received, the body member shall forward the communication(s) to the Town Clerk for inclusion in the public record and disregard the contents of the communication until provided as part of the public record at the public hearing by the Town Clerk. If the applicant or the public wishes to provide non-electronic ex parte communications to a body member, the member shall disregard the information and direct the individual to either attend the public hearing on the application or to submit their information to the Town Clerk at least three (3) days prior to the public hearing on the application.

D. Quasi-judicial hearings shall be conducted in accordance with the provisions of LMC Chapter 2, Article 4.

E. The Town shall make publicly available on the Town's website information on quasi-judicial procedures and how the public may properly participate in quasi-judicial hearings. Such information may be updated from time to time by the Town staff or at the direction of the Board of Trustees.

RULE 26 BOARDS. In addition to criteria outlined in the LMC for specific boards, committees, and commissions the Board may adopt policies regarding boards, committees, and commissions by motion which will be recorded as an amendment to this policy.

RULE 27 ROBERT'S RULES OF ORDER. Unless the procedures are specifically set forth herein, Robert's Rules of Order, Newly Revised, shall govern the procedures applicable to all Board meetings.

RULE 28 ENFORCEMENT. Conduct which violate the provisions of this policy may have their conduct referred to the Board of Trustees, sitting as the Board of Ethics, for consideration under the Town of Lyons Code of Ethical Standards.

APPROVED BY THE BOARD OF TRUSTEES

October 18, 2021.