

**ORDINANCE NO. 1321
SERIES 2023**

**AN ORDINANCE AMENDING THE CITY OF CORTEZ CODE OF ORDINANCES,
CHAPTER 2, SECTION 2.3 – COUNCIL RULES OF PROCEDURE.**

WHEREAS, the City of Cortez Code of Ordinances, Chapter 2, Section 2.3, contains various rules of procedure for the conduct of City Council Meetings (the “Rules”); and

WHEREAS, City Staff has identified certain portions of the Rules that are in need of amendment or clarification based upon advancements in technology, best practices identified by other governmental entities, and internally recognized efficiencies.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT THE CITY OF CORTEZ CODE OF ORDINANCES, CHAPTER 2, SECTION 2.3, IS AMENDED AS FOLLOWS:

Section 2-3(d) is deleted in its entirety and replaced with the following:

(d)

Same—Notice. Notice of special meetings shall be in writing, shall be served by an appointed City official or her/his designee, and shall be served on each councilmember personally, or by leaving a copy of such notice at her or his usual place of business or residence, or by sending the Notice to the councilmembers at their official City email address.

Section 2-3(e) is deleted in its entirety and replaced with the following:

(e)

Presiding officer. The mayor, or in her or his absence, the mayor pro tempore, shall call the meetings of the council to order and preside at all meetings. In case of the absence of the mayor and the mayor pro tempore, the city clerk shall call the meeting to order, and if a quorum is present one of the councilmembers may be elected to preside at the meeting.

Section 2-3(f) is deleted in its entirety and replaced with the following:

(f)

Quorum. At all meetings of the council, four councilmembers shall constitute a quorum for the transaction of business, but a minority may adjourn from day to day until a quorum is in attendance.

Section 2-3(g) is deleted in its entirety and replaced with the following:

(g)

Call to order; roll call; order of business. At the hour appointed for the commencement of the meeting, the

meeting shall be called to order by the presiding officer. The city clerk shall then call the roll of councilmembers and note those present and those absent, after which the presiding officer shall announce whether a quorum is present. If a quorum is present the council shall proceed to do business. The council, by motion or resolution, may adopt an order of business from time to time.

Section 2-3(h) is deleted in its entirety and replaced with the following:

(h)

Questions of priority of business. All questions relating to the priority of business shall be decided by the presiding officer without debate.

Section 2-3(k) is deleted in its entirety and replaced with the following:

(k)

Taking and recording of vote. The vote on all ordinances, resolutions and motions shall be taken by yes and no votes and shall be entered by the Clerk in the minutes.

Section 2-3(l) is deleted in its entirety and replaced with the following:

(l)

Motions to adjourn. A motion to adjourn shall always be in order, shall have precedence over all other motions and shall be voted upon without debate.

Section 2-3(m) is deleted in its entirety and replaced with the following:

(m)

Appointment of committees. All committees shall be appointed by the council, unless otherwise ordered by the council.

Section 2-3(p) is deleted in its entirety and replaced with the following:

(p)

Standing committees generally. The standing committees, if any, shall be appointed annually at the first regular meeting after the election of officers and the person first named to the committee shall be the chairperson thereof. In the absence of such chairperson, or other inability to act, the second person named to the committee shall act as chairperson thereof. Standing and special committees may be created by motion or resolution of the council.

Section 2-3(q) is deleted in its entirety and replaced with the following:

(q)

Conduct of executive sessions. When the council is in executive session, the room shall be cleared of all persons except the councilmembers, the city manager and the city attorney; provided, that the council may ask the city manager and/or the city attorney to leave the executive session, and the council may authorize other designated persons to remain or attend some or all of an executive session. All matters discussed in executive session shall

be kept confidential unless the council, the Colorado Open Meetings Law, or a court order provides otherwise.

Section 2-3(r) is deleted in its entirety and replaced with the following:

(r)

Records of proceedings. The council shall cause a record of all council meetings to be kept, which, except for records or recordings of executive sessions, shall be open at all reasonable hours for inspection by the public as may be required by the Colorado Open Records Law.

Section 2-3(s) is deleted in its entirety and replaced with the following:

(s)

Applicability of Robert's Rules. Except as provided by the Charter or these *rules*, *Robert's Rules of Order*, shall serve as a guide to govern the proceedings of the council insofar as reasonably necessary and convenient. In order to efficiently address public business, a strict adherence to Robert's Rules of Order is not required or appropriate in all proceedings of the council. The council may, from time to time, adopt or amend by resolution its rules governing proceedings of the council as the council deems appropriate or necessary.

Section 2-3(t) is deleted in its entirety and replaced with the following:

(t)

Enforcement; penalty. The council shall make and enforce the *rules* of procedure and may compel their observance.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after second reading and final passage.

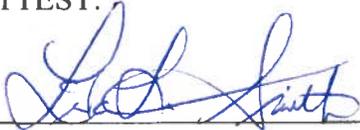
FIRST READING. This ordinance shall be considered first reading on the 13th day of June, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time this ordinance shall be read and the public hearing for the second or final reading of this ordinance shall be set.

PUBLIC HEARING. This ordinance shall be considered for second and final reading on the 11th day of July, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 13th DAY OF JUNE, 2023.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



RACHEL B. MEDINA, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 11th DAY OF July 9, 2023.

CITY OF CORTEZ

ATTEST:



LINDA L. SMITH, CITY CLERK



RACHEL B MEDINA, MAYOR

APPROVED AS TO FORM:



J. PATRICK COLEMAN, CITY ATTORNEY