



**FUNDAMENTALS
AND
PRACTICALITIES
(Nuts and Bolts)**

**2021
Colorado Municipal Clerks Institute
(Virtual)**

Agenda

- **History of the City Clerk (Part 1)**
- **Records (Part 1)**
- **Navigating the Colorado State Statutes (Part 1)**
- **Meetings, meetings, and more meetings (Part 2)**
- **CMC/MMC Certification (Part 2)**

Meetings, Meetings, and More Meetings



Board Meetings

- **What constitutes a meeting?**
- **Why are meetings required?**
- **Open meetings – always?**
- **Notice IS required.**
- **Minutes are required too!**

Executive Session

Executive Session - CRS 24-6-402. Topics that may be considered include:

- **Purchase, acquisition, lease, transfer or sale of any real, personal or other property interest**
- **Conference with an attorney for the purpose of receiving legal advice**

Executive Session

- **Confidential matters under federal or state law**
- **Specialized details of security arrangements or investigations**
- **Matters involving negotiations or negotiators**
- **Personnel matters**

Parliamentary Procedure

Quorum – the minimum number of members who must be present at the meetings of a deliberative assembly for business to be legally transacted.

Rules of Order – written rules of parliamentary procedure adopted by an assembly. Most often Robert's Rules are used.

Parliamentary Procedure

Let's talk about motions. Main motions are the means by which business is brought before the assembly.

Subsidiary motions assist the assembly in treating or disposing of a main motion.

Handling a motion the correct way!

A member makes the motion.

Another member seconds the motion.

The Chair states the question on the table.

Members debate the question.

The Chair puts the question to a vote.

The Chair announces the results of the vote.

Common Customs

Members should address only the Chair and refer to each other by title through the Chair.

No member should speak until recognized by the Chair.

The maker of the motion has the right to speak first in debate.

Common Customs

No member should speak more than twice in a debate on a motion and should not speak a second time until all other members have had a chance to speak once.

Speakers should always yield the floor to the chair.

Agendas

The heading for each meeting agenda should contain the following items:

- **The name of the body holding the meeting**
- **The type of meeting (regular, special, study)**
- **Date and time of the meeting**
- **Address of the place where the meeting is held**

Agendas

The body of the agenda should contain the following items:

- **Call to order**
- **Roll Call**
- **Approve of previous meeting minutes**
- **Ceremonies and presentations**
- **Public comment**
- **Consent calendar/agenda**

Agendas

- **Public hearings**
- **Unfinished business**
- **Council/staff reports**
- **Ordinances**
- **Resolutions**
- **Executive session**
- **Adjournment**

Minutes

Definition:

Minutes are the record of the proceedings of a deliberative body. They should contain a record of what was done at the meeting, NOT what was said by the members.

Minutes

Standard content:

- **Date, time and place of the meeting**
- **Type of meeting**
- **Names of Board/Council members and other municipal officials in attendance**
- **Note late arrivals and early departures**
- **Approval of last meeting's minutes**

Minutes

- **Introduction of Ordinances and Resolutions**
- **Record of public hearings**
- **Vote of Board/Council members, including dissenting votes**
- **Time of adjournment**
- **Signature of Clerk**

Types of Minutes

Verbatim: Every word is recorded. Expensive and time consuming. Recommended by virtually no one.

Action: Only the motion, maker of the motion and the vote are recorded. This is legal in most states. Recommended by some of the experts

Types of Minutes

Synopsis/Summary: Comments are condensed and included in the minutes along with the maker of the motion and the vote. This is the most common type used, and is preferred by Boards/Councils.

Fundamentals and Practicalities

Part III – Assessment

Meetings, Meetings, and More Meetings

Part III – Assessment

Meetings, Meetings and More Meetings

What is the definition of Minutes?

How many officials need to be present to be a public meeting?

Give two reasons to hold an Executive Session.

What are the three types of Minutes?

Why should your Council/Board adopt Parliamentary Procedures?

How is business brought to the table for discussion?

Resolutions and Ordinances



Resolutions and Ordinances

Resolutions fall between motions and ordinances in formality and dignity. No public hearing is required. Resolutions are effective immediately.

Ordinances are the highest and most authoritative form of action. They are used to enact law prescribing a general rule of conduct which citizens are expected to follow.

Resolutions and Ordinances

When to use an Ordinance:

- To amend/repeal another ordinance
- When adopting regulations involving persons or property that impose a penalty
- When leasing, purchasing or selling real property
- Adopting a code by reference
- Granting a franchise

Resolutions and Ordinances

When to use a Resolution:

- To establish or update fees for services
- To accept grants
- To award contracts
- When designating the place of Board/Council meetings or the posting of notices

Resolutions Outline

- **Assign a number**
- **Establish a title – it should be succinct and describe the information in the document**
- **Preambles (Whereas) may be included but are not required**
- **Create the enacting clause.....Be it Resolved**

Resolutions Outline

- **When a resolution authorizes a contract or agreement, include a copy of that document with the resolution, or reference the location of the document (usually in the Clerk's office)**
- **Establish the effective date – usually it is immediately**
- **Signature and attestation lines**

Ordinance Outline

- **Assign a number**
- **Establish a title – again, remember that this is done by the Municipal Attorney**
- **Establish the preambles (Whereas)**
- **Include the language to be adopted**
- **Review the effective date**
- **Signature and attestation lines**

Ordinance Outline

Adopting a Code by reference 31-16-201

- **These statutes may be superceded by a Home Rule Charter or an ordinance**
- **Introduced, followed by two notices of public hearing – at least 15 days and 8 days before the hearing**
- **Hold the public hearing**
- **Final publication**

Golden Rules for Drafting Ordinances and Resolutions

- **A well-drafted ordinance requires little punctuation**
- **Short sentences eliminate excessive punctuation**
- **Use definitions sparingly and make use of existing definitions**
- **Be as specific as possible when establishing penalties**

Golden Rules for Drafting Ordinances and Resolutions

- **Develop consistency by following procedural rules relating to amendments, additions and repeals**
- **Develop techniques to use less language**
- **When possible, the ordinance should amend, add or repeal provisions of only one chapter of the Code or one of the basic resolutions of the city**

Publication Requirements

Basic requirements for ordinances are contained in CRS 31-16-105

These apply to all ordinances of a general or permanent nature or those imposing fines, penalties or forfeitures

Publications must be made in a newspaper of general circulation in the municipality 10 days before the hearing

Publication Requirements

In towns, publication is generally required only once – after adoption

In cities, the two reading procedure requires publication in full at least 10 days before the second reading (31-16-105/106), and publication by title only after final adoption. The second publication may be in full at the discretion of the Board/Council.

Publication Requirements

Any municipality may ask the voters at a regular election or a special election to meet these requirements by publishing by title only

Remember that home rule municipalities look to their Charter and ordinances for specific publication requirements

Effective Dates and More

Ordinances generally do not become effective until at least 30 days after post-adoption publication (31-16-105)

Ordinances calling special elections and emergency ordinances require a $\frac{3}{4}$ vote of the members of the governing body

Effective Dates and More

The enacting clause for ordinances is prescribed in 31-16-102 and should appear in every ordinance

Ordinances must be recorded in a book and authenticated by signature of the presiding officer and the clerk (31-16-105)

Fundamentals and Practicalities

Part IV – Assessment

Resolutions

Ordinances

Publications

Part IV – Assessment

Resolutions and Ordinances

Name two things you may adopt by Resolution.

What is the main difference between a Resolution and an Ordinance?

Who in your municipality signs ordinances? Who attests them?

When do Resolutions become effective?

How soon before a public hearing do you have to publish notice of the hearing?

When does an ordinance become effective?

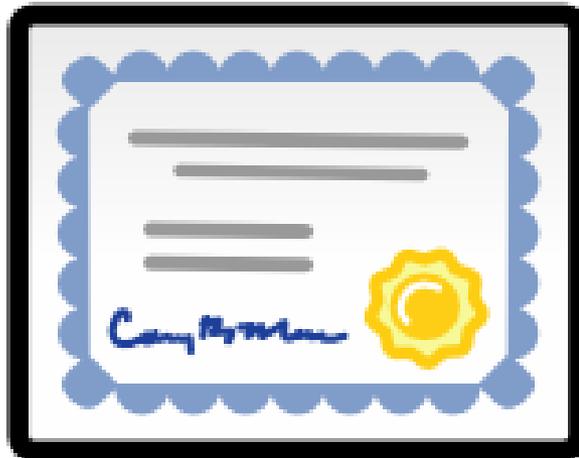
What is the retention schedule for resolutions and ordinances?

What is one “Golden Rule” for writing resolutions and ordinances?

**COLORADO MUNICIPAL CLERKS ASSOCIATION
CMCA**

**INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS
IIMC**

RESOURCES



CMC Certification

Certified Municipal Clerk

The following are eligible for CMC certification:

Municipal Clerks; City Secretaries; Recorders; Legislative Administrators; Directors of Corporate Services or individuals who serve an elected legislative government body in an administrative capacity with management responsibilities

CMC Certification

General Management; Records Management; Elections; Meeting Administration; Human Resources Management; Financial Management; Management of Bylaws, Articles of Incorporation, Ordinances or other Legal Instruments; and Custody of the Official Seal and execution of official documents

CMC Certification

Forms, qualifications and fees available at www.iimc.com

Requirements for certification:

- **Be a member of IIMC for two full years prior to applying for certification**
- **Affirm and practice the IIMC Code of Ethics**
- **Furnish a letter of sponsorship from a Clerk member of IIMC**

CMC Certification

Requirements for certification:

- **Attain 60 points in education and 50 points in experience**
- **Education – Completion of a three year Institute program**
- **Experience – Years as Municipal Clerk; other administrative positions held; IIMC & Municipal Clerk related conferences; educational courses**

MMC Certification

Master Municipal Clerk

Forms, qualifications and fees available at
www.iimc.com

**Maintain continuous IIMC membership and
reaffirm and practice IIMC Code of Ethics**

**84 points in educational components and 20
points in professional/social contributions**

Resources

It is impossible for clerks to know everything! However, it is expected!

- The person sitting next to you
- Resource Guide
- International Institute of Municipal Clerks – IIMC
- Colorado Municipal Clerk’s Association – CMCA - ListServe
- Colorado Municipal League – CML
- DOLA – Division of local government



Thanks for coming!

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