

AGENDA
LOVELAND CITY COUNCIL WORK SESSION
SATURDAY, JANUARY 23, 2016
GROUP PUBLISHING BUILDING
1515 CASCADE AVENUE
LOVELAND, COLORADO 80538

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8:00 A.M. Meeting

1. Call to Order
2. City Council Workshop Discussion

5:00 P.M. ADJOURN

To: City Council
From: Tami Yellico, City Attorney & Terry Andrews, City Clerk
Date: January 23, 2016
RE: City Council Rules and Procedures

Mayor and Council,

Please find attached information related to City Council meeting procedures, which has been a topic of discussion at recent Council meetings. Included with this memo is the recently updated "City Council Meeting Governance Rules", along with a possible alternative to *Robert's Rules of Order of Order* relative to motions and other Council procedures for your information.

- 1) "City Council Meeting Governance Rules" was compiled from the City Charter, State Statutes Resolutions #R17-2000 and #R7-2016 and consensus of Council at their 2014 Retreat.
- 2) At the Colorado Municipal League's Annual Conference, a presentation is typically made by Robert Widner, a municipal attorney, regarding the types of City Council rules that allow for running effective council meetings. Colorado local governments enjoy broad authority to craft rules to govern their day-to-day affairs and their local meetings. Mr. Widner's premise is that an efficient and well-run meeting allows all scheduled business to be accomplished, voices to be equally heard, and differences of opinion to be aired amicably. He concludes that while *Roberts Rules of Order* may work for large meetings of many types, but it is not as effective for local governments due to its sheer volume (the latest version being 669 pages) and complexity, which make it unreasonable for all meeting participants to fully comprehend and gain a working knowledge of *Roberts Rules of Order*.

Mr. Widner prefers a simplified set of rules better suited to manage local government meetings and decision-making within Colorado ("Bob's Rules"). He recommends that available motions that are adopted by a governing body be pared to fewer motions and the motions that are essential to advance the goal of running an efficient public meeting. The general rules governing a meeting that Mr. Widner proposes (with minor adjustments in accordance with City Charter provisions), as well as a list of essential motions, is attached by way of further explanation.

Staff will be available at the January 23, 2016 City Council Work session to answer questions.

City Council Meeting Governance Rules

| SUBJECT | SUMMARY | REQUIREMENT | STATUTE/CHARTER/MUNI CODE/OTHER |
|---------------------------|---|---|---|
| GENERAL | Regular Meetings twice a month | Council shall meet regularly at least twice each month. | Charter 4-1 (a) |
| GENERAL | Rules and Procedures/ establish Time and Date | Council rules setting the day and hour of its regular meetings and procedures. Held at 6:30 p.m. Rules set out in Resolution 17-2000 are adopted in addition to Robert's Rules of Order. *Temporary until January 2018 Regular meetings will start at 6:00 p.m. | Charter 4-1 (a)/ Resolution 17 2000. Sect 1/ Resolution 7- 2016. Sect 1 & 2 |
| GENERAL | Minutes | Written minutes regular and special meetings retained in the records of the City | Charter 4-1 (b) C.R.S. 24-6-402(2)(d) |
| Special meetings | Calling | Called by the City Clerk on the request of the Mayor and any 3 Council members | Charter 4-2 (a) |
| Special meetings | Special meeting notice | 24 Hours after written notice to each member of Council, served personally or left at their usual place of residence. (The notice need not be left if the member has waived the notice in writing) (affidavit) | Charter 4-2 (b) |
| Special meetings | actions to be noticed | Council shall not take action on any item of business unless it has been stated in the notice of the meeting | Charter 4-2 (c) |
| GENERAL | Quorum | A majority of the members of the Council holding office at the time shall be a quorum for the transaction of business at all Council meetings. | Charter 4-3 |
| GENERAL | Meetings to be public | All reg and spec meetings shall be open to the public and persons shall have a reasonable opportunity to be heard. | Charter 4-4 (a) C.R.S. 24-6-402(2)(b) |
| Public Comment | Meetings shall be open w/ opp for public to be heard | All reg and spec meetings shall be open to the public and persons shall have a reasonable opportunity to be heard. Citizens shall not be required to fill out a form requesting to speak but should raise their hands at the appropriate time in the agenda and shall be recognized by the Mayor. | Charter 4-4 (a)/ Resolution 17 2000, Sect 3/ C.R.S. 24-6-402(2)(b) |
| Special meetings | Meeting Notice | Notice regular and special meeting posted 24 hours before meeting. Agenda information to the extent available. | Charter 4-4 (b) |
| GENERAL | Meeting Notice | Full and Timely Notice of regular meeting posted 24 hours in advance of the meeting. Agenda information to the extent available. | Charter 4-4 (b)/ C.R.S. 24-6-402(2)(c) |
| Council Actions | Voting must occur at a noticed regular or special meeting | No formal action, no final policy decision, no rule, regulation, resolution, ordinance and no action approving a contract or calling for the payment of money, shall be adopted or approved except at a regular or special meeting. | Charter 4-4 (c) |
| Executive sessions | Vote Requirement | Subject to these requirements a meeting may be recessed into an executive session by the affirmative vote of two-thirds of the member of the Council present (9=6, Councilors 8=6, 7=5) | Charter 4-4 (c) |

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| Executive sessions | Executive Session purposes | Executive Session may be called for the following purposes only: (1)negotiation; (2) acquisition or disposal of property if an unfair advantage exists; (3)attorney client privilege; (4) personal safety of Council or security of City property; (5) personnel matters; (6) additional matters as permitted under State statute re: mtgs of local public bodies. | Charter 4-4 (c), (1)-(6); C.R.S. 24-6-402 (4) |
| Executive sessions | subject stated in motion | The general subject matter of any executive session shall be stated in the motion calling for the executive session, including the specific citation of the state statute that allows the executive session. | Charter 4-4 (d); C.R.S. 24-6-402 (4) |
| Executive sessions | Executive Session information confidential | Except as authorized by City Council, as required or permitted by judicial order, or as otherwise required or permitted by law, no participating in any executive session shall reveal information gained as a result of the session. | Charter 4-4 (e) |
| Council Actions | Type of Action | Council actions by ordinance, resolution, or motion, recorded in the minutes of the meeting. Council may select the appropriate form for its action, except where a particular form is required by Charter. | Charter 4-5 |
| Council Actions | City records | A true copy of every ordinance and resolution as adopted shall be numbered and retained in the records of the City. | Charter 4-5 |
| Council Voting | non ordinance vote | Resolutions and motions shall require majority of Council present, except as otherwise provided in the Charter. | Charter 4-6 (b) |
| Council Voting | voting prohibition | Councilors may not vote on any matter concerning their own conduct or where a conflict for that Councilor may exist. | Charter 4-6 (c) & (d); 5-1 |
| Council Voting | abstention | Except for Charter 4-6 (c) & (d) each member of Council who is present shall voter on each matter. Any refusal shall be recorded as an affirmative vote. | Charter 4-6 (e) |
| Council Voting | Recorded in minutes | Each member's vote on an ordinance or resolutions shall be recorded in the minutes. | Charter 4-6(a) |
| Public Comment | Consent Agenda | Matters pulled from Consent will be taken up on the order in which they originally appeared on the consent agenda immediately after the consent agenda has been passed. | Resolution 17-2000, Sect 11 |
| GENERAL | Meeting Length | Policy of Council is to consider all matter on the agenda prior to conclusion of the meeting. Some matters may be postponed to later meetings into the interests of time, but all will be addressed in some fashion. There is no rule or policy that the meeting should end at 10:30 pm or any other predetermined time and no motion to extend the meeting is necessary or in order. *Temporary until January 2018 - Meetings shall end at 10:30 p.m. unless Council by majority present approve 30 minutes increments past that time by motion. This requirement is in place until January 1, 2018. | Resolution 17-2000, Sect 12/Resolution 7-2016. Sect 1 & 2 |
| Public Comment | Meeting continuance | If a public hearing becomes over lengthy, council may continue it to the next meeting. Special meetings shall not be held specifically for public hearings. | Resolution 17-2000, Sect 14 |

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| Public Comment | Resolving citizen comment concerns | When citizens raise specific concerns during the open portion of the meeting Council will ask questions for clarification purposes and refer the matter to the city manager for follow-up, not "solve" the problem at the meeting. | Resolution 17-2000, Sect 10 |
| Public Comment | Public Hearings | During public hearings on first reading: applicants shall be granted a total of 40 minutes in which to present the application (for initial presentation and/or rebuttal) The applicant must indicate how he intends to use his time. | Resolution 17-2000, Sect 13 |
| Public Comment | Public Comment / Decorum | Citizens will be treated with respect at all times. Council encourages all persons making public comments to maintain a sense of decorum and conduct themselves in a manner respectful of the rights and feelings of others. The Mayor is free to limit the physical conduct or activity of any person or Council member if such conduct or activity impairs the efficient function of Council. The Mayor shall ask those participating in disruptive private conversation to discontinue their conversations or to leave the room. | Resolution 17-2000, Sect 5 & 15 |
| Public Comment | Speaker time limit | Citizen comments shall be limited to three minutes per person, unless otherwise agreed by motion of Council. During public hearings, persons representing more than four others shall be allowed a maximum of ten minutes to speak. Council shall have the discretion of further limiting the time for public comment. | Resolution 17-2000, Sect 6 |
| Public Comment | Speakers recognized by Mayor | Any person or Council member wishing to speak shall do so only after being recognized by the Mayor; The Mayor shall limit comments of any person to the topic currently under Council consideration (exception is under the open portion of the meeting). | Resolution 17-2000, Sect 7 & 8 |
| Public Comment | Public comment on all agenda items | Council has requested that public comment be heard on all items on the agenda. | Council Retreat 2014 |
| Public Comment | Process to be followed in presentation of each agenda item: | <ul style="list-style-type: none"> a) City Staff presentation description, analysis and Council questions for clarification & staff recommendations b) Presentation from non-staff applicants if applicable and Council questions for clarification; c) Motion and second; d) Public comment taken e) Quasi-judicial matter - rebuttal by applicant or appellant f) Council discussion, including more detailed questions from Council g) Council vote | Council Retreat 2014 |

“BOB’S RULES” RECOMMENDED MOTIONS

| MOTION | Requires Floor? (Recognized by Presiding Officer) | Second Required? | Debatable? | Vote Required |
|--|--|-----------------------------|---|--|
| Point of Order | No | No | No | - |
| Point of Information | No | No | No | - |
| Point of Appeal (to appeal the Presiding Officer's decision) | No | No | Yes | Majority of quorum present |
| Motion to Recess | Yes | Yes | No | Majority of quorum present |
| Motion to Appeal Decision of the Presiding Officer | Yes | Yes | Yes | Majority of quorum present |
| Motion for Executive Session | Yes | Yes | Yes, provided that the debate does not disclose confidential information | 2/3rds of quorum present |
| Motion to Close Debate | Yes | Yes | No | 2/3rds of quorum present |
| Motion to Postpone Indefinitely | Yes | Yes | Yes | Majority of quorum present |
| Motion to Continue Matter Before City Council to Date Certain | Yes | Yes | Yes | Majority of quorum present |
| Motion to Amend (a Main Motion) | Yes | Yes | Yes | Majority of quorum present |
| Motion to Adjourn | Yes | Yes | Yes | Majority of quorum present |
| Motion to Reconsider | Yes | Yes | Yes to explain or justify reconsideration | 2/3rds of quorum present |
| Motion to Postpone Agenda Item | Yes | Yes | Yes | Majority of quorum present |
| Any Main Motion | Yes | Yes | Yes | Majority of quorum present unless otherwise required by law, rule, or regulation. |

| LOCAL GOVERNMENT COMMON AUTHORIZED EXECUTIVE SESSION TOPICS | STATUTORY CITE (Colorado Revised Statutes) |
|--|--|
| The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest. | C.R.S. § 24-6-402(4)(a) |
| Discussion of specific legal questions with the attorney who represents this public body for the purposes of receiving legal advice. | C.R.S. § 24-6-402(4)(b) |
| Matter(s) required to be kept confidential by the following federal or state law, rule or regulation but you must identify the specific citation to the law, rule, etc.) | C.R.S. § 24-6-402(4)(c) |
| Specialized details of security arrangements | C.R.S. § 24-6-402(4)(d) |
| Determining positions relative to matters that may be subject to negotiations ; developing strategy for negotiations; and instructing negotiators. | C.R.S. § 24-6-402(4)(e) |
| <p>Personnel matters, (for matters pertaining to an employee and for which the employee has consented to the discussion in executive session)¹ Personnel matters do NOT include:</p> <ul style="list-style-type: none"> • Personnel policies that do not require discussion of matters personal to any particular employee; • Matters for which the subject employee(s) has requested an open meeting; and • Discussions concerning members of this public body or any elected official, or the appointment of a person to fill the office of a member of this public body or an elected official. | C.R.S. § 24-6-402(4)(f) |
| Consideration of documents subject to the mandatory nondisclosure requirements of the Colorado Open Records Act² , except work product and privileged governmental or deliberative process records that do not otherwise qualify for an executive session. | C.R.S. § 24-6-402(4)(g) |

¹ This does not mean that he employee that is the subject of the meeting has a right to attend – only that the employee would rather the body not discuss the matter in open session.

² C.R.S. 24-72-101, *et.seq.*

Bob's General Rules Governing the Meeting (Attachment to Bob's Rules)

- Floor Required to Address Body. Except when raising a Point (Point of Order, Point of Information, or Point of Appeal), a Member must first be recognized by the Chairperson and be given the floor in order to address the Body.
- Time Limit for Floor. A Member's right to the floor should be limited to five (5) minutes. A Member may request that the Chairperson Grant additional time. Such request should customarily be granted by the Chairperson unless the Chairperson determines that other Members are waiting to be recognized to obtain the floor or that meeting efficiency necessitates that the requested extension be denied. When one Member is denied a request for an extension of time to speak, no other Member shall be granted an extension of time for the same agenda item.
- Limitation on Obtaining Floor. A Member should only speak once to any motion under debate until such time that all others seeking the floor have been provided an opportunity to speak to the motion.
- No Interruptions or Side Discussions. In order to maintain a clear recorded meeting record, only one person shall speak at any one time. Interrupting a person who has the floor or engaging in side discussions while another person has the floor is out of order.
- Second Required for Debate. All motions must receive a second before debate or discussion may begin. A second does not connote approval of the motion but only that the Member offering the second supports fuller discussion of the motion.
- Chairperson Discretion. The Chairperson may independently decide to deviate from the Rules of Order in order to increase meeting efficiency and to best enable full and informed discussion of a matter before the Body. However, such independent action by the Chairperson remains subject to a Point of Order and Point of Appeal through which a Member can bring the meeting into full compliance with the Rules of Order.
- Voting:

Vote Requirement. A majority vote of the quorum present is required for any motion unless a different requirement is set by these Rules of Order or by applicable law. For example, a supermajority (2/3rds of quorum present) is required for a Motion to Call the Question pursuant to these Rules of Order and a supermajority (2/3rds of the members of Council present) is required for a motion for executive session pursuant to section 4-4 (c) of the City Charter .

Aye or Nay Vote Required. A vote of aye or nay (or another form of affirmative or negative declaration such as "yes" or "no") shall be taken upon motions. Every Member, when present, must vote aye or nay unless:

- (1) The Member is excused by the Chairperson due to the Member's declaration of a conflict of interest in accordance with the requirements of section 5-2 of the City Charter ; or
- (2) Any matter concerning the member's own conduct.

No Abstention. An unexcused member's vote to "abstain" or other similar declaration other than "aye" or "nay" shall be recorded as an "aye" vote on the pending motion or matter, according to section 4-6(e) of the City Charter

No Explanation of Vote. Members shall not explain their vote except during discussion and deliberation prior to the calling of the vote on the question. Any attempt to explain a vote or to condition the vote immediately prior to casting the vote is out of order.

DRAFT

Possible Projects and Topics for Council Workshop Discussion

Non-Capital Projects

- (1) Discussion and direction on economic development, particularly the extent the Council is willing to go on incentive packages
- (2) The RTA initiatives and in particular the cumulative impact on our community.
- (3) Development Services and if we want our community to be below average, average, or excel as a community where businesses want to locate and builders want to build. Residential-Commercial- Retail. This would also include discussion on various incentive tools at our disposal.

Major Capital Projects that are not Budgeted or Planned in the 10-Year CIP

Museum Expansion

New Recreation Center

Branch Library

HIP Streets Downtown

Pulliam Building

Fire Station 10

Fire Training Facility

Highway 287 Strategic Plan Projects

City Council Chambers Building

Airport Tower

Airport Terminal

Airport Development Infrastructure

Transportation:

- Additional Highway 34 capacity
- Taft Avenue Widening
- 402 Widening and Improvement
- 71st Street/County Road 30