

AGENDA ITEM: 1
MEETING DATE: 7/5/2016
TO: City Council
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico, City Attorney



TITLE: A RESOLUTION RESCINDING ALL PRIOR RESOLUTIONS CONCERNING THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AND ADOPTING CONSOLIDATED RULES OF PROCEDURE

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution as submitted.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration

SUMMARY:

This is an administrative item placed on the July 5 agenda at City Council's request to update its rules on public comment. The proposed resolution also rescinds and replaces three resolutions to consolidate the rules governing City Council meetings into one resolution.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

At the June 28, 2016 special meeting, City Council directed staff to place the topic of Council meeting procedure for public comments on the July 5, 2016 agenda.

Current Council policy is set forth in the three resolutions governing Council meetings, R-13-98, R-17-2000, and R-7-16.

The proposed resolution will rescind and replace these three resolutions to consolidate the rules governing City Council meetings into one resolution. The only change to the existing rules contained in the proposed resolution is to the public comments section 4.c, which limits comments to three minutes per person, or a maximum of ten minutes if a person is representing four or more persons. This is the same standard Council already has for public hearings. The proposed resolution also includes reformatting and added subject matter headings for increased clarity.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Resolution

RESOLUTION #R-____-2016

A RESOLUTION RESCINDING ALL PRIOR RESOLUTIONS CONCERNING THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AND ADOPTING CONSOLIDATED RULES OF PROCEDURE

WHEREAS, Section 4-1 of the Home Rule Charter of the City of Loveland provides that City Council shall prescribe by rules the procedures governing its meetings; and

WHEREAS, City Council previously adopted Resolutions #R-13-98, #R-17-2000 and #R-7-2016 regarding the Rules of Procedure governing City Council meetings; and

WHEREAS, prior revisions to the Rules of Procedure are hereby incorporated, consolidated and attached hereto as **Exhibit A**; and

WHEREAS, Resolutions #R-13-98, #R-17-2000 and #R-7-2016 are hereby rescinded and replaced by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO THAT:

Section 1. That the following Rules of Procedure of the City Council of the City of Loveland are hereby adopted by the City Council:

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF LOVELAND

1. **Robert's Rules of Order.** Robert's Rules of Order are adopted as the rules governing the conduct of business at meetings of the City Council with the following exception:
 - a. The motion to reconsider a matter shall be allowed if the motion is made at the next regular meeting of the Council by a person who initially voted with the prevailing side. If a Council member wishes to bring a subject back at a later time, the member must secure the concurrence of three other members to place it on the agenda. Council members will respect one another and the process by not repeatedly raising issues disposed of at earlier meetings.

2. **Meeting Times.**
 - a. City Council regular meetings shall begin at 6 PM and end on or before 10:30 PM, but may be extended by increments of thirty minutes by a voice vote of a majority of Council members present. The City Manager shall publish an estimated start time for the consent agenda and each item on the regular agenda.
 - b. Study Sessions shall begin at 6:30 p.m.

3. **Public Meeting Format.**
 - a. Matters pulled from the consent agenda will be taken up in the order in which they originally appeared on the consent agenda immediately after the consent agenda has been passed.

- b. It is the policy of the City Council to consider all matters on the agenda prior to the conclusion of a regular meeting. Some matters may be postponed to later meetings in the interest of time, but all will be address in some manner.
- c. 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 conversations to discontinue their conversations or to leave the room.

4. Public Comment.

- a. Citizens who wish to speak at a City Council meeting shall not be required to fill out a form requesting to speak. Persons wishing to speak should raise their hands at the appropriate time in the agenda and shall be recognized by the Mayor.
- b. Citizens will be treated with respect at all times. Persons addressing Council will be permitted to sit down once Council members have had any questions answered. Citizens need not remain at the podium while Council members make comments. The 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.
- c. Citizen comments shall be limited to three minutes per person. Persons representing more than four others shall be allowed a maximum of ten minutes to speak. In the interest of time, Council shall have the discretion of further limiting the time for public comment.
- d. Any person or Council member wishing to speak shall do so only after being recognized by the Mayor.
- e. The Mayor shall limit the comments of any person or Council member to the topic currently under Council consideration.
- f. Individuals may address the Council on the topic of their choice during the citizen comment portion of the meeting.
- g. 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. Council will not try to “solve” the problem at the meeting.

5. Public Hearing Format.

- a. It shall be the policy of the City Council to permit comment on legislative matters on the first reading of an ordinance. The initial public hearing on any quasi-judicial matters will be scheduled to coincide with the first reading of any ordinance associated with the matter for which the hearing is to be conducted. In addition, a public hearing shall be held at the same time as the second reading of any ordinance involving a quasi-judicial matter. The public hearing on second reading need not be separately noticed if the public hearing has been continued for the date of the first reading. Members of the

public will be permitted to provide additional, non-repetitive testimony at the public hearing on second reading and the applicant shall be given an opportunity to respond. In situations where an annexation ordinance and a zoning ordinance for the same property are being considered together, a single public hearing shall be held on both first and second readings at which members of the public may address the issues concerning the annexation and provide testimony concerning the zoning ordinance. A copy of a model schedule for the timing of public hearings and first and second readings of ordinances involving annexation of land and approval of zoning matters is attached hereto and incorporated herein by reference.

- b. During public hearings on first reading, applicants shall be granted a total of forty minutes in which to present the application. The applicant may use the forty minutes for their initial presentation, for rebuttal or for some combination of the two. The applicant must indicate at the beginning of his or her presentation how he or she wishes to use the allotted time. At the beginning of the applicant's presentation, the Mayor will ask the applicant or its representative how they wish to allocate the time.
- c. During public hearings, persons representing more than four others shall be allowed a maximum of ten minutes to speak. In the event a public hearing becomes overly lengthy, Council may continue it to the next meeting; special council meetings will not be held specifically for public hearings.

d. MODEL TIME LINE FOR PUBLIC HEARINGS

I. Annexation/POD Application

- Week 1: Planning Commission public bearing to consider Annexation and PUD General Development Plan (*full staff report and presentation - recommendation to Council*).
- Week 2: Council consideration of Resolution of Substantial Compliance (setting public hearing date concerning the property's eligibility for annexation)
- Week 3 or 4: Planning Commission approval of prior meeting minutes
- Week 9: Council regular meeting; public hearing concerning eligibility for annexation; consideration of Resolution finding Eligibility for annexation; first reading of Annexation Ordinance; public bearing concerning zoning; first reading of PUD Zoning Ordinance, and General Development Plan (*full staff report and presentation*). It is the practice of the City Council to combine the testimony for the public hearing concerning the annexation issues and the zoning issues.
- Week 11: Council regular meeting; public hearing concerning Annexation Ordinance and PUD Ordinance; second reading of Annexation Ordinance; second reading of PUD Zoning Ordinance.

Week 13: Effective Date of Annexation and Zoning Ordinances

II. PUD Application

- Week 1: Planning Commission public hearing to consider PUD General Development Plan (*full staff report and presentation - recommendation to Council*).
- Week 3: Planning Commission approval of prior meeting minutes
- Week 4: Council regular meeting; public hearing to consider zoning ordinance; first reading of PUD Zoning Ordinance, and General Development Plan (*full staff report and presentation*)
- Week 6: Council regular meeting; public hearing concerning PUD Ordinance; second reading of PUD Zoning Ordinance
- Week 8: Effective date of PUD Zoning Ordinance
- NOTE: Times may differ based on regular meeting schedule of the City Council and number of Tuesdays in a given month.

Section 2. That Resolutions #R-13-98, #R-17-2000 and #R-7-2016 are hereby rescinded and replaced by this Resolution.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.

Adopted this ____ day of _____, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney