

## RESOLUTION #R-51-2024

### A RESOLUTION APPROVING RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO

**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 (“Rules of Procedure”); and

**WHEREAS**, City Council desires to provide Rules of Procedure governing City Council meetings.

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

**Section 1.** The Rules of Procedure of the City Council of the City of Loveland are hereby amended and restated by the City Council to read in full as follows:

#### 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 guiding the conduct of business at meetings of the City Council; provided that the City Council’s decisions on rules of procedure shall always take precedence, subject to the City Charter and applicable federal and state law. Note: When any action at a City Council meeting appears to be inconsistent with these adopted procedures, the discussion is beyond the scope of the matter before the City Council, or any person is acting out of order, a Council member may raise a “Point of Order” to have the Mayor address the conduct.

#### **2. Meeting Times.**

a. City Council regular meetings, special meetings and study sessions shall begin at 6 p.m. and end on or before 10:30 p.m., but may be extended to a specific time, by increments of time or by agenda item by a 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. A Council regular and special meeting should not be scheduled on the same day as a general statewide election, regular or special City election, or the biennial caucus, subject to the City Charter requirement of two regular meetings each month.

#### **3. Public Meeting Format.**

a. Opening of the meeting. The City Clerk shall report the presence or absence of members of Council in lieu of roll call. The City Manager shall designate no more than two proclamations to be made at regular meetings. Guest speakers invited to speak to City

Council shall be available to respond to questions by members of Council after speaking. Detailed procedures for the conduct of City Council regular and special meetings will be incorporated into each agenda and available online and at the meeting for members of the public, but will not be read aloud.

b. Public comment or testimony shall occur during the Public Comment portion of the meeting held at the beginning of each regular or special meeting. Public comment or testimony during the Public Comment portion of the regular or special meeting may address any topic other than ordinances listed on the regular agenda or matters for which a public hearing is required. Public comment or testimony for ordinances or matters for which a public hearing is required on the regular agenda will occur at the time such matter comes before the City Council. No person shall be allowed to provide public comment or testimony more than once on the same matter during the same meeting. Members of the public will be asked to make comments in a manner that promotes civil discourse.

c. Only a Council member may move a matter from the consent agenda to the regular agenda. Any member of the public may move a quasi-judicial matter from the consent agenda to the regular agenda. Matters moved from the consent agenda will be taken up in the order in which they originally appeared on the consent agenda immediately after the completion of the regular agenda.

d. It is the policy of the City Council to consider all matters on the agenda prior to the conclusion of a regular or special meeting. Some matters may be postponed to later meetings in the interest of time, but all will be addressed in some manner.

e. 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 the City Council. The Mayor shall ask those participating in disruptive private conversations to discontinue their conversations or to leave the room.

f. Council Member Comments and Reports.

At each regular meeting of the month, Council Member Comments shall be included as a portion of the agenda that precedes the Public Comment portion of the agenda. Each member shall have one opportunity to comment for up to 2 minutes.

At the first regular meeting of the month, Council Member Reports and Comments shall be included in the Reports portion of the agenda. Each member shall have one opportunity to comment for up to 5 minutes.

At the second regular meeting of the month, Council Member Reports shall be included as a portion of the agenda that follows the Public Comment portion of the agenda. Each member shall have one opportunity to comment for up to 5 minutes.

g. New Business. Council members' new business shall be heard after the Public Comment and Consent Agenda portions of the agenda of each regular meeting. Each Council member presenting new business shall identify to the City Manager the new business item the member wishes to discuss and include a brief summary of the item by a deadline of Thursday at noon prior to the regular meeting at which the item is to be raised. Each member is limited to presenting one new business item each month. New business may be added by a Council member after the deadline if the City Manager determines that exigent circumstances exist. Council member new business presentation and discussion shall be limited to thirteen (13) minutes per item with five minutes allocated to the presentation and one minute allocated to each of the other eight members for comment. A vote shall be permitted on any motion made during the new Business Portion of the agenda.

h. Agenda Items.

- I. Consistent with these Rules, the City Manager shall set and publish an agenda for each City Council meeting.
- II. A majority of members of Council, by motion at a meeting, may direct the City Manager to place a particular item on an upcoming City Council regular meeting agenda.
- III. Rule of Four. Without a motion, any Council member may indicate, to the City Manager, the Council member's interest in: (1) considering a particular matter at a future City Council meeting; or (2) obtaining information that requires significant City staff time or resources, as determined by the City Manager. The Council member should communicate any such indication of interest to all other Council members. Such indication of interest should briefly describe the item with sufficient detail to understand the intent of the item. No Council member's indication of interest or lack of interest should include discussion or argument on the substance or merits of the item.

Indication to the City Manager by at least four Council members of interest in considering a particular item demonstrates sufficient interest for the City Manager to create a scorecard for City Council review regarding the impact of the request that includes the resources to fulfill the request, the fit with the City existing plans and priorities, the effect on other projects and efforts. The Scorecard shall be presented to City Council as soon as practicable.

If after receipt and review of the scorecard City Council determine that the request should be fulfilled, City Council must approve the request by a motion with at least 5 council members voting in support of the motion and should identify the priority of the request.

- Based on City Council's direction the City Manager will (1) place the item on the agenda for a study session, regular or special meeting, or (2) devote City staff time and resources to develop a response regarding the item. In scheduling the item, the City Manager shall consider, among other pertinent factors: the urgency of the item, staff preparation time required to advise the Council and appropriate notice to the public. No Rule of Four action shall be permitted during the Public Comment portion of the agenda.
- On an annual basis Council shall review a list of all Rules of Four that have not been completed to determine the continued interest or need for any incomplete Rule of Four.
- IV. Material Offered by the Public or a member of Council. Any material provided by the public or a member of Council to supplement public comment or testimony on an agenda item or during the Public Comment portion of the regular or special meeting shall be provided to the City Clerk's Office by a deadline of no later than noon on the Thursday prior to regular or special meeting that addresses such agenda item. Material provided by such deadline will be placed into the agenda packet and distributed to Council members. Material provided to the City after such deadline will be added to the electronic agenda packet and emailed to all Council members after such regular or special meeting and will not be distributed to or reviewed by Council members prior to the meeting.
- V. City Staff Responses. Any written response by City staff to questions from a Council member on an agenda item shall be included in the electronic agenda packet and emailed to all Council members prior to the regular or special meeting that addresses such agenda item to the extent practicable. Council members should strive to provide questions to City staff as soon as possible to ensure that City staff are able to respond timely and all Council members have an opportunity to review any City staff response.
- h. Any member of Council may participate remotely in a City Council meeting as needed as determined by the member seeking to participate remotely.
- i. After recognition by the Mayor, a member of Council may seek information or clarification on the topic of discussion directly from the City Manager, City Attorney, Municipal Court Judge, or other member of Council without separate recognition by the Mayor for the individual responding.

#### **4. Public Comment.**

- a. A member of the public may provide public comment or testimony in person or remotely (Zoom, telephone, or other similar methods) at a regular or special City Council meeting or a City Council study session. Email will not be read into the record as public comment,

but will be included in the packet as set forth in 3.h.IV. above. Any email received through the City Clerk's Online public comment form will be automatically distributed to all members of Council upon receipt by the City of such form.

i. A person who wishes to speak at a City Council meeting during the Public Comment portion of the meeting should register by completing an electronic or paper form that identifies the person's name and city of residence and that allows the person to provide optional contact information. Electronic registration must be completed no later than noon on the day of the City Council Meeting. The City Clerk will collect paper forms prior to the start of the meeting and provide the electronic and paper forms to the Mayor. The Mayor will call first for public comment from each person who completed the paper form and followed by each person who completed the electronic form. If time remains, the Mayor will then call for public comment by any person who did not complete the form.

ii. Registration shall not be required for any person who wishes to speak at a City Council meeting during the Regular Agenda portion of a City Council meeting.

iii. Only residents of Larimer County, persons owning property in Loveland, or persons with a stated business interest in Loveland shall participate in public comment. The City Council requests that each person addressing the City Council clearly provide his or her name and city of residence, and make comments in a manner that promotes civil discourse.

b. Members of the public will be treated with respect at all times. Persons addressing the City Council will be permitted to sit down once Council members have had any questions answered. Members of the public need not remain at the podium while Council members make comments. The City 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. Except in response to proclamations or awards, and except individuals in the act of providing public comment or testimony, the Mayor shall manage City Council meetings to ensure that residents or visitors in attendance demonstrate decorum by discouraging and curtailing clapping, outbursts, or other audible acclamations or criticisms of matters before the City Council. Members of Council should similarly refrain from clapping or outbursts other than in response to proclamations or awards.

c. Public comments or testimony shall be limited to three minutes per person with total public comment during the Public Comment portion of the meeting limited to a maximum of sixty (60) minutes and no set time limit for total public comment for regular agenda items. Persons representing at least five other persons in attendance shall be allowed a maximum of ten minutes to speak to an item on the regular agenda during the Regular Agenda portion of the meeting. Each person who cedes speaking time to another should stand and state his or her name and city of residence prior to public comment or testimony by the designated speaker. A person who cedes speaking time may not provide public comment or testimony on the matter for which the time was ceded. Speaking time may not

be aggregated as outlined above for public comment during the Public Comment portion of the meeting. In the interest of time, Council shall have the discretion of further limiting the time for public comment or testimony.

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 or testimony of any person or Council member to the topic currently under City Council consideration, and shall address each form of public comment only one time during the Public Comment portion of the agenda and for each regular agenda item, e.g., in-person and Zoom.

f. Individuals may address the City Council on the topic of their choice during the Public Comment portion of the meeting. Silence is accepted as a form of public comment.

g. When a member of the public raises specific concerns during the Public Comment portion of the meeting, Council may ask questions only for clarification purposes and may refer the matter to the City Manager for follow-up. Council will not try to “solve” the problem at the meeting.

h. Public comment shall be permitted at City Council study sessions; provided that the public comment occurs after the staff presentation of each study session item, but is limited to no more than fifteen (15) minutes per study session item, and is further limited to 3 minutes per person, and is related to the specific study session item. Public comments shall not be permitted on City Council procedural changes or for items in the No Action Items portion of the agenda unless City Council by majority vote allows such comment.

## **5. Public Hearing Format.**

a. The initial public hearing on any quasi-judicial or other matter requiring a public hearing 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 of ordinances on first reading on the regular agenda, 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 at least five other persons in attendance 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 TIMELINE FOR PUBLIC HEARINGS:

I. Annexation/Planned Unit Development (“PUD”) Application

*Week 1: Planning Commission public hearing 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 hearing 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.*

## **6. Motions.**

- a. Any motion made by a Council member during the regular agenda shall be read immediately following the Mayor's introduction of the agenda item and again prior to a vote by Council members when, in the judgment of the Mayor, there is a significant lapse of time between the time the initial motion is made and the vote by Council members occurs.
- b. No motion shall be permitted during the Public Comment portion of the agenda.

## **7. Questions and Deliberation.**

Following the presentation of any agenda item, each member of Council shall be limited to three minutes of open dialogue, at a time, on a rotational basis, for unlimited rounds, with other members, to ensure that all members are able to participate. For purposes of this Rule 7, "open dialogue" shall mean Councilmembers are permitted to engage with, ask questions of, and generally have a conversation with other Councilmembers, City staff, or any presenters of the agenda item.

When a motion before Council is subject to final deliberation by members of Council and the public hearing is otherwise closed, no member shall speak more than twice on the motion, and each speech shall have a maximum time of five (5) minutes. Clarifying questions shall not count as speaking time.

## **8. Miscellaneous**

- a. Notification of Colorado Open Records Act Requests. The City Manager shall establish a procedure to inform City Council on a regularly occurring bases of Colorado Open Records Act requests and other informational request by members of Council and the public.
- b. Appointment of Council Members to Boards and Commissions. City Council shall appoint any members of Council who wish to serve as a liaison, member, or alternate



position on a board or commission generally following the Viva Voce nomination process of Robert's Rules of Order; provided that a member may only nominate one person at a time and the members shall vote once on all nominees for each position. The nominee with the most votes for the board or commission position at issue will be appointed to such position.

c. Authority of Council Member Alternates to Vote. When City Council appoints a member of Council as a voting member to a board or commission and appoints another member as an alternate, such alternate member is authorized to vote in the absence of the primary member appointed by City Council, subject to any rules and regulations of such boards or commissions. In the event City Council appoints more than one alternate member, City Council shall designate the order of voting authority.


d. Photographs and recording. Any person may record a public meeting or take photographs at a City Council meeting; provided that such person does not disrupt the public meeting.

e. Execution of Resolutions. The signing of resolutions is a formal and required process, as follows: After adoption of a resolution by the City Council, the Mayor shall have five (5) business days to sign such resolution. If the Mayor does not sign such resolution within that time limit, then the Mayor Pro Tem shall have the subsequent three (3) business days to sign such resolution. If the Mayor Pro Tem does not sign such resolution within that time limit, then a council member that voted for the approved resolution shall sign such resolution.

**Section 2.** This Resolution repeals and supersedes Resolutions #R-13-98, #R-17-2000, #R-7-2016, #R-53-2016, #R-87-2016, #R-33-2017, #R-125-2017, #R-17-2019, #R-7-2022, #R-15-2022, #R-12-2023 B, Supplemental or Amended Rules to Resolution #R-12-2023, and #R-5-2024, and all previously adopted Council Rules of Procedure.

**Section 3.** This Resolution shall be effective as of the next regular City Council meeting.

ADOPTED this 7<sup>th</sup> day of May, 2024.

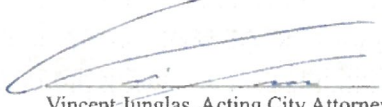
  
\_\_\_\_\_  
Jacki Marsh, Mayor

ATTEST:

  
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Belynn Coldiron, City Clerk



APPROVED AS TO FORM:



Vincent Junglas, Acting City Attorney

**A RESOLUTION APPROVING RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO**

