

RESOLUTION #R-15-2022

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. 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 shall be

limited to items not listed on the regular agenda. Public comment or testimony for all matters on the regular agenda will occur at the time such matter comes before the City Council. No citizen shall be allowed to provide public comment or testimony more than once on the same matter during the same meeting.

b. 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.

c. 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.

d. 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.

e. Council members' reports and/or new business shall be the last item on the agenda at the first regular meeting of each month. At the second regular meeting each month, Council members' new business shall be after the Public Comment and consent portions of the agenda and Council members' reports shall be the last item on the agenda h. Each Council member presenting new business shall identify to the City Manager each new business item the member wishes to discuss and include a brief summary of the item by a deadline of Friday at 5 p.m. prior to the regular meeting at which the item is to be raised. New business may be added by a Council member after the deadline, if the City Manager determines that exigent circumstances exist. Council member reports shall be limited to five (5) minutes per Council member. Council member new business shall be limited to ten (10) minutes per item.

f. 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. Any material provided by the public 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 5 p.m. on the Friday 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.

g. Any member of Council may participate remotely in a City Council meeting as needed as determined by the member seeking to participate remotely.

h. 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 citizen must appear in-person or by Zoom with video at a regular or special City Council meeting in order to provide public comment during the meeting. Email will not be read into the record as public comment, but will be included in the packet as set forth in 3.f.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. Citizens who speak at a City Council meeting shall complete a form that identifies the citizen's name and city of residence and allows the citizen to provide optional contact information. Only residents of Larimer County, citizens owning property in Loveland, or citizens with business interests in Loveland shall participate in public comment. Persons wishing to speak should raise their hands at the appropriate time in the agenda and shall be recognized by the Mayor. The City Council requests that each person addressing the City Council clearly provide his or her name and city of residence.

b. Citizens 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. Citizens 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.

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 citizens 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 citizen 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 General 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 citizens raise 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 not be permitted at City Council study sessions or on City Council procedural changes. Public comments shall not be permitted 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 citizens 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 TIME LINE 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 prior to accepting public comment or testimony on the matter and then read again immediately 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. Deliberation.

When a motion before Council is subject to deliberation by members of Council, 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.

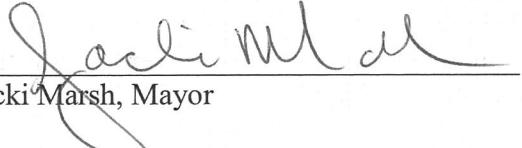
8. Miscellaneous

- 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. Automatic Re-Appointment of Council Members to Boards and Commissions. A member of city Council currently serving as a liaison or member on a board or commission by City Council appointment is automatically re-appointed to continue to serve in such liaison or member capacity, coincident with the City's biennial election, unless a member of Council resigns, declines reappointment or is removed by a majority of the entire City Council.
- 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.

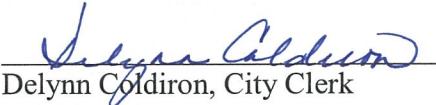
Section 2. This Resolution repeals and supersedes Resolutions #R-13-98, #R-17-2000, #R-7-2016, #R-53-2016, #R-87-2016, #R-33-2017, #R-125-2017, #R-17-2019, #R-7-2022 and all previously adopted Council Rules of Procedure.

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

ADOPTED this 1st day of March, 2022.


Jacki Marsh, Mayor

ATTEST:


Delynn Coldiron, City Clerk

APPROVED AS TO FORM:


Moses Garcia, City Attorney



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