

RESOLUTION NO. 085
OF THE BOARD OF COMMISSIONERS OF THE
FORT COLLINS URBAN RENEWAL AUTHORITY
ADOPTING RESTATED AND AMENDED RULES OF
PROCEDURE FOR THE CONDUCT OF BOARD MEETINGS

WHEREAS, the Fort Collins Urban Renewal Authority was established in 1982 by the City Council of the City of Fort Collins in Resolution 82-10 (the "Authority") under and in accordance with the Colorado Urban Renewal Law, C.R.S. § 31-25-101, et seq. (the "Urban Renewal Law"); and

WHEREAS, the Authority is authorized in C.R.S. § 31-25-105(1)(a) of the Urban Renewal Law to make and adopt bylaws, orders, rules and regulations in furtherance of its powers and activities; and

WHEREAS, in the exercise of this authority, the Board adopted bylaws in Resolutions No. 006 in 2006, No. 042 in 2012 and No. 085 in 2018, all of which state that the Board's meetings "shall be conducted with such meeting schedules, procedures and rules of order as the Board may adopt, in its discretion" (collectively, the "Bylaws"); and

WHEREAS, in the exercise of its authority under the Urban Renewal Law and as contemplated in the Bylaws, on October 23, 2012, the Board of Commissioners of the Fort Collins Urban Renewal Authority (the "Board") adopted Resolution No. 043 adopting and approving Rules of Procedure to govern the conduct of the Board's meetings (the "2012 Rules of Procedure"); and

WHEREAS, on November 5, 2013, the Board adopted Resolution No. 064 amending and replacing the 2012 Rules of Procedure with a new set of Rules of Procedure (the "2013 Rules of Procedure"); and

WHEREAS, because of the recent appointment of four new commissioners to the Board as required by the Urban Renewal Law, Authority staff is recommending several amendments to the 2013 Rules of Procedure to take into account these new appointments and to make other clarifying changes to them; and

WHEREAS, attached as Exhibit "A" and incorporated by reference are the Rules of Procedure staff is recommending be adopted by the Board (the "2018 Rules of Procedure") as a restatement and amendment of the 2013 Rules of Procedure; and

WHEREAS, the Board finds and determines that restating and amending the 2013 Rules of Procedure by the adoption of the 2018 Rules of Procedure is in the best interest of the Authority and necessary for the Board's proper and efficient administration of the Authority's operations, urban renewal plans and proceedings.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY as follows:

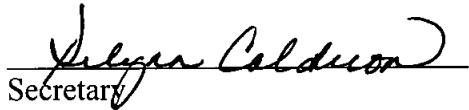
Section 1. The Board hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Board hereby approves and adopts the 2018 Rules of Procedure as a restatement and amendment of the 2013 Rules of Procedure. The 2018 Rules of Procedure, as here adopted, are intended to supersede and replace in all respects the 2012 and 2013 Rules of Procedure.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 9th day of July, A.D. 2018.


Chair

ATTEST:


Secretary



RULES OF PROCEDURE
GOVERNING THE CONDUCT
OF FORT COLLINS URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS MEETINGS
(Adopted July 9, 2018)

Section 1. Notice of Meetings.

The bulletin board in the lobby of City Hall West, 300 LaPorte Avenue, is hereby designated as the proper place for posting of notice of any meetings of the Fort Collins Urban Renewal Authority ("Authority") Board of Commissioners ("Board"), and meetings of any committees or other bodies of the Board, for which public notice is required by law to be given.

Section 2. Order of Business.

a. Board business shall be conducted in the following order:

- (1) Call Meeting to Order
- (2) Roll Call
- (3) Authority Executive Director's Agenda Review
- (4) Opportunity for Commissioners to Pull Consent Items
- (5) Opportunity for Citizens to Pull Consent Items
- (6) Citizen Participation
- (7) Citizen Participation Follow-up
- (8) Consent Calendar
- (9) Consent Calendar Follow-up
- (10) Staff Reports
- (11) Commissioner Reports
- (12) Commissioner-Pulled Consent Items
- (13) Items Needing Individual Consideration
- (14) Citizen-Pulled Consent Items
- (15) Other Business
- (16) Adjournment

b. Items not on the consent agenda shall be considered according to the following procedure, except as otherwise determined by the Chair to be appropriate:

- (1) Presentation by Authority staff and/or project applicant (as determined by the Chair and in the order most suitable for an understandable presentation of the item)

- (2) Citizen Participation
- (3) Commissioner Questions
- (4) Motion
- (5) Discussion
- (6) Vote on Motion

Section 3. Time and Length of Meetings.

- a. Board meetings will take place when scheduled by the Chair.
- b. Board meetings will begin at the time specified for each scheduled meeting.
- c. No more than one (1) short break, for a time period specified by the Chair, will be planned per meeting. All commissioners and staff will return to their seats at the conclusion of any such break. The Chair will resume the meeting at the prescribed time.
- d. Each Board meeting will end no later than two hours after it was begun, except that: (1) any item of business commenced before the meeting has lasted two hours may be concluded before the meeting is adjourned and (2) the Board may, by majority vote, extend a meeting for the purpose of considering additional items of business, until no later than 12:00 a.m. Any matter which has been commenced and is still pending at the conclusion of the Board meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Board, will be continued to the next Board meeting and will be placed first on the discussion agenda for such meeting.

Section 4. Citizen Comment.

- a. Comment During Citizen Participation. During the "Citizen Participation" segment of each meeting, citizen comment will be allowed on matters of interest or concern to citizens other than items to be considered by the Board under the discussion agenda for that night's meeting.

A maximum of three (3) minutes will be allowed per speaker. In order to determine the actual amount of time to be allotted to each speaker, the Chair will ask for a show of hands by all persons intending to speak. If the number of persons intending to speak is more than six (6), the Chair will shorten the allotted time in order to allow as many people as possible to address the Board within a reasonable period of time given the scheduled agenda.

b. Comment on Agenda Items. Citizen input will be received with regard to: (i) each item on the discussion agenda, (ii) each item pulled from the consent agenda, and (iii) any item that is addressed by formal Board action under the "Other Business" segment of the meeting that may directly affect the rights or obligations of any member of the general public. Such citizen input will be permitted only once per item regardless of the number of motions made during the Board's consideration of the item.

The time limits for individual citizen comments regarding agenda items will be established by the Chair prior to each such item. In order to determine the amount of time to be allotted to each speaker, the Chair will ask for a show of hands by all persons intending to speak to the item. If the number of persons indicating an intent to speak to an item is six (6) or less, each speaker will generally be allowed three (3) minutes. If the number of persons indicating an intent to speak to an item is seven (7) or more, each speaker will generally be limited to two (2) minutes per item. However, the Chair may increase or decrease the time limits per speaker as he or she deems necessary to facilitate the Board's understanding of the item, or to allow the Board to consider and act upon the item in a timely fashion.

c. Time Limits Subject to Modification by the Board. Any determination of the Chair with regard to the foregoing time limits may be overridden by a majority vote of the Board.

d. Manner of Addressing the Board. Comment and testimony are to be directed to the Board. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.

e. Yielding the Lectern. Each speaker shall promptly cease his or her comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.

f. Yielding of Time. No speaker may yield part or all of his or her time to another, and no speaker will be credited with time requested but not used by another.

g. Expressions of Support or Opposition. Members of the audience shall not engage in expressions of support or opposition that disturb, disrupt, or impede the meeting or any recognized speaker, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out or yelling.

h. Signs and Props. Signs and props no larger than 11" x 17" are permitted in the Board meeting. Such signs or props must be held directly in front of one's body so as not to impede the view of others. Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business. Signs or props may not be left unattended anywhere in the Board meeting. Signs or props attached to sticks, poles, or other objects are prohibited in the Board meeting.

i. Distribution of Literature. Distribution of fliers or other literature is permitted in the public lobby areas of the building in which the Board meeting is being held, but only if such building is open for a public event. Distribution of fliers and other literature is permitted on the public sidewalks and grounds around the building where the Board meeting is being held. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.

j. Video and Audio Recording. Video and audio recording by the press or other members of the public is permitted in the Board meeting only if the person making the recording is seated in the meeting, standing in a side aisle, or standing in the back of the meeting behind all seated persons.

Section 5. Authority of Chair to Maintain Order and Decorum.

As the presiding officer, the Chair may order the removal from any meeting of the Board of any person who significantly and intentionally such meeting by failing to comply with the requirements of the presiding officer in maintaining order during the meeting.

Section 6. Commissioner Questions and Debate.

Commissioner questions and debate regarding an agenda item will occur immediately following citizen input and prior to entertaining any main motion related to the item. Except when raising a point of order, commissioners seeking to ask questions or participate in debate will do so only when called upon by the Chair. The Chair may limit or curtail questions or debate as he or she deems necessary for the orderly conduct of business, except as overridden by a majority of commissioners present and voting, pursuant to a point of order. No commissioner will speak to an item more than once until all other commissioners have had an opportunity to be heard.

Section 7. Basic Rules of Order.

The following commonly used rules of order will govern the conduct of Board business. Except as specifically noted, all motions require a second. These rules of order are based upon Robert's Rules of Order Newly Revised as modified to reflect the specific needs of the Board (For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, under the Board's Bylaws all motions of the Board, except a motion to go into executive session or a motion to amend the Board's Bylaws may be adopted upon approval of a majority vote of the members present at a meeting.)

For any question of procedure not addressed by these rules, reference shall be made to Robert's Rules of Order for clarification or direction. In the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order, Robert's Rules of Order, Colorado statutes and the Board's Bylaws, the provision that controls shall be determined in this order: (1) the Colorado statutes; (2) the Board's Bylaws; (3) these rules of order; and (4) Robert's Rules of Order.

A. MAIN MOTIONS

Main motions are used to bring business before the Board for consideration and action. A main motion can be introduced only if no other business is pending. All main motions require a second and may be adopted by majority vote of those commissioners present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting. A main motion may be made by any commissioner, including the Chair. It is debatable and may be amended.

B. SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it.

1. Motion to Amend.

A motion to amend, once seconded, is debatable and may itself be amended once. However, a "secondary amendment," which is a change to a pending "primary amendment," cannot be amended. The point of a motion to amend is to modify the wording - and, within certain

limits, the meaning - of a pending motion before the pending motion itself is acted upon. Therefore, once a motion to amend has been seconded and debated, it is decided before the main motion is decided. Certain motions to amend are improper. For example, an amendment must be "germane" to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied. Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Board during the same session. "Friendly" amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before a vote is taken on the main motion.

2. Withdrawal or Modification of a Motion.

In the brief interval between the making of a motion and the time when the Chair places the motion before the Board by stating it, the maker can withdraw or modify the motion. After a motion has been seconded and stated by the Chair it belongs to the Board as a whole and the maker must request the Board's permission to withdraw or modify his or her motion.

3. Motion to Lay on the Table.

A motion to table is intended to enable the Board to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen. By adopting a motion to lay on the table, a majority has the power to immediately halt the consideration of a question, since a motion to table is neither debatable nor amendable.

4. Motion to Postpone Indefinitely.

A motion to postpone indefinitely is, in effect, a motion that the Board decline to take a position on an agenda item or main motion. Its adoption kills the agenda item or main motion for the duration of the meeting and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences. It is debatable but not amendable.

5. Motion to Postpone to a Certain Time (or Definitely).

This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred. This motion can be debated only to the extent necessary to enable the Board to determine whether the main question should be postponed and, if so, to what date or time. Similarly, it is amendable only as to the date or time to which the main question should be postponed.

6. "Calling the Question".

"Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end. Instead, if any commissioner objects to ending the debate, the Chair should ask if there is a second to the motion and, if so, he or she must immediately take a vote on whether to end debate. The motion is not debatable or amendable.

C. INCIDENTAL MOTIONS.

These are motions which usually apply to the method of conducting business rather to the business itself.

1. Point of Order.

If a commissioner thinks that the rules of order are being violated, he or she can make a point of order, thereby calling upon the Chair for a ruling and an enforcement of the regular rules. Such a motion takes precedence over any pending question out of which it may arise. *This motion does not require a second.* It is not amendable and, technically, it is not debatable. However, with the Chair's consent, the member raising the point of order may be permitted to explain his or her point. In response to a point of order, the Chair can either immediately rule, subject to appeal to the Board, or the Chair can refer the point of order to the judgment of the Board, in which case the point becomes debatable. In making his or her ruling, the Chair can also consult the parliamentarian, if there is one, or can request the advice of one or more experienced commissioners. However, no commissioner has the right to express an opinion unless requested to do so by the Chair. When the Chair has made a ruling, any two commissioners can appeal the ruling (one commissioner stating the appeal and the other seconding it). When an appeal is taken, the matter is decided by majority vote of the Board. A tie vote sustains the decision of the Chair. If a point of order is to be

raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Motion to Divide a Question.

If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question. This motion, if seconded, takes precedence over the main motion and is not debatable. However, the motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment, in which case the amended form of the motion, if seconded, would be decided first. Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

3. Motion to Suspend the Rules.

When the Board wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action. This motion can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of Colorado statute, the Board's Bylaws, or other applicable law. This motion is neither debatable nor amendable.

D. RESTORATIVE MOTIONS

These are motions that bring a question again before the Board for its consideration.

1. Motion to Take from the Table.

The object of this motion is to take from the table and make pending again before the Board a motion or series of adhering motions that previously had been laid on the table. This motion is neither debatable nor amendable. When a question is taken from the table, it is before the Board with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider.

This motion enables a majority of the Board to bring back for further consideration a motion that has already been voted on. This motion is in order only if made on the same date that the vote to be reconsidered was taken. The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote. This motion can be made only by a member who voted with the prevailing side. When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, he or she can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion. This motion is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered. It is not amendable. The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Board in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted.

By means of the motions to rescind or to amend something previously adopted, the Board can change an action previously taken or ordered. This motion is debatable and amendable. In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any commissioner, regardless of how he or she voted on the original question. The effect of passage of this motion is not to place the matter back before the Board as it was just prior to a vote being taken. Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used. For that reason, this motion should not be made if third parties have relied to their detriment on the previous action.

E. PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else.

1. Motion to Adjourn.

A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time. Such a conditional motion is not privileged and is treated just as any other main motion. A conditional motion to adjourn at or to a future time is always out of order while business is pending. However, an unconditioned, privileged motion to adjourn takes precedence over most other motions. The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess.

A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion. A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.