

DATE: July 19, 2011
STAFF: Steve Roy

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

19

SUBJECT

Resolution 2011-060 Amending the Rules of Procedure Governing the Conduct of City Council Meetings.

EXECUTIVE SUMMARY

This Resolution would amend the rules of procedure that govern the conduct of City Council meetings with regard to citizen comment during the Citizen Participation segment of the meetings. The 30-minute time limit that currently exists for the Citizen Participation segment of the meetings would be eliminated and certain topics would be specified as not being appropriate for comment during that portion of the meeting: matters on the discussion agenda for the meeting and quasi-judicial matters.

BACKGROUND / DISCUSSION

Since 2003, the Council has conducted its meeting under rules of procedure that govern the length of meetings, citizen comment, Council questions and debate, and basic rules of order. The rules relating to citizen comment during the Citizen Participation segment of the meetings state that such comment will be limited to a total of 30 minutes. Over recent years, the practice has been to allow all citizens who wish to comment to do so, subject to limits on the amount of time that each citizen may speak. That time limit depends on the number of speakers. In order to conform this portion of the rules to the current practice, the Resolution would eliminate the 30-minute overall time limit.

In addition, the Resolution would clarify the topics that are appropriate for comment by citizens under this segment of the meeting. The first clarification is that comment is not permitted on matters that will be addressed later in the meeting as part of the discussion agenda for the meeting. The second is that comment is not permitted on quasi-judicial matters that may in the future be considered by the Council during an appeal. The reason for this second clarification is twofold. First, quasi-judicial matters must be decided solely on the basis of the information that is provided to the original decision maker at a public hearing held for that purpose. To respect that requirement, comments made to the Council by citizens at a regular Council meeting would have to be transcribed and submitted to the decision maker for consideration at the quasi-judicial hearing so that all parties directly affected by the decision could be made aware of the comments and have an opportunity at the hearing to respond to them. In addition, the Council must remain impartial if it is to hear an appeal of the original decision makers' decision. Comments made during Citizen Participation may compromise the Council's impartiality if the matter addressed by the citizens later comes to the Council on appeal.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

RESOLUTION 2011-060
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE RULES OF PROCEDURE GOVERNING THE
CONDUCT OF CITY COUNCIL MEETINGS

WHEREAS, the City Council has previously adopted rules of procedure governing the conduct of City Council meetings (the “Rules of Procedure”); and

WHEREAS, the City Council wishes to amend Section 3a of the Rules of Procedure dealing with citizen comment so as to eliminate the 30-minute time limit that currently exists for the Citizen Participation segment of the Council meetings and to clarify the topics that are appropriate for citizen comment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the following revised rules governing the conduct of all regular City Council meetings are hereby adopted by the City Council:

Section 1. **Order of Business.** Council business shall be conducted in the following order:

- Proclamations and Presentations. (Prior to the meeting)
- Pledge of Allegiance
- Call Meeting to Order
- Roll Call
- Citizen Participation
- Citizen Participation Follow-up
- Agenda Review
- Consent Calendar
- Consent Calendar Follow-up
- Staff Reports
- Councilmember Reports
- Items Needing Individual Consideration
- Pulled Consent Items
- Other Business
- Adjournment

Section 2. **Length of Meetings**

- a. Council meetings will begin precisely at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:30 p.m. or such earlier time as may be necessary in order for the presentation of proclamations to end by 6:00 p.m.

- b. No more than two (2) ten-minute breaks will be planned per meeting. All Councilmembers and staff will return to their seats in the Council Chambers at the conclusion of each ten-minute break. The Mayor will resume the meeting at the prescribed time.
- c. Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.

Section 3. Citizen Comment.

- a. ~~Up to thirty (30) minutes will be allowed for citizen comment during the “Citizen Participation” segment of each meeting.~~ **During the “Citizen Participation” segment of each meeting, citizen comment will be allowed on matters of interest or concern to citizens other than the following:**
 - (1) **items to be considered by the City Council under the discussion agenda for that night’s meeting;**
 - (2) **quasi-judicial matters that may be the subject of future consideration by the City Council on appeal from a City board or commission or other decision maker.**

A maximum of five (5) minutes will be allowed per speaker. In order to determine the actual amount of time to be allotted to each speaker, the Mayor 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 Mayor will shorten the allotted time in order to allow as many people as possible to address the Council. ~~within thirty (30) minutes.~~

- b. 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 Council 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 Council’s consideration of the item.

- c. The time limits for individual citizen comments regarding agenda items will be established by the Mayor prior to each such item. In order to determine the amount of time to be allotted to each speaker, the Mayor 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 twelve (12) or less, each speaker will generally be allowed five (5) minutes. If the number of persons indicating an intent to speak to an item is thirteen (13) or more, each speaker will generally be limited to three (3) minutes per item. However, the Mayor may increase or decrease the time limits per speaker as he or she deems necessary to facilitate the City Council's understanding of the item, or to allow the Council to consider and act upon the item in a timely fashion.
- d. Any determination of the Mayor with regard to the foregoing time limits may be overridden by a majority vote of the Council.

Section 4. Council Questions and Debate.

Council 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, Councilmembers seeking to ask questions or participate in debate will do so only when called upon by the Mayor. The Mayor 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 Councilmembers present and voting, pursuant to a point of order. No Councilmember will speak to an item more than once until all other Councilmembers have had an opportunity to be heard.

Section 5. Basic Rules of Order.

The following commonly used rules of order will govern the conduct of City Council business. Except as specifically noted, all motions require a second. These rules of order are based upon Robert's Rules of Order Newly Revised and have been modified as necessary to conform to existing practices of the Council and to the requirements of the City Charter. 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, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference shall be made to Robert's Rules of Order for any needed 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 or Robert's Rules of Order and the City Charter or City Code provisions, the City Charter or City Code provision shall prevail.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of July A.D. 2011.

Mayor

ATTEST:

City Clerk