

SUBJECT

Resolution 2011-092 Further Amending the Rules of Procedure Governing the Conduct of City Council Meetings.

EXECUTIVE SUMMARY

This Resolution would further amend the rules of procedure with regard to comments by citizens during the Citizen Participation segment of Council meetings insofar as those comments are related to quasi-judicial matters. The language would be refined to state that comments would not be permitted on matters that are the subject of a pending application with the City when the approval or disapproval of the application is appealable to the City Council.

BACKGROUND / DISCUSSION

At its meeting on September 20, 2011, the Council approved certain changes to its rules of procedure for conducting Council meetings. One of those changes dealt with a citizen's ability to comment on quasi-judicial matters under the Citizen Participation segment of Council meetings. After considerable discussion and citizen input, the Council modified the language that had been proposed by staff so that citizens would be permitted to comment on land use proposals up to the point in time when a formal application for approval of the proposal was filed with the City. After that point in time, comments would not be permitted at Council meetings.

The language recommended by the City Attorney and adopted by the City Council on September 20th reads as follows:

Section 3. Citizen Comment.

- a. 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:
 - (2) a pending land use proposal that, if approved by the Planning and Zoning Board or hearing officer, would be subject to appeal to the City Council.

Upon further review, staff believes that there are two problems with this language. First, it fails to take into consideration other kinds of quasi-judicial decisions besides those dealing with land use proposals. Second, it is limited to situations in which a proposal is approved by the initial decision maker and does not address proposals that are not approved.

To address these concerns, staff is recommending that the language be further revised to read as follows:

Section 3. Citizen Comment.

- a. 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:
 - (2) ~~a pending land use proposal that, if approved by the Planning and Zoning Board or hearing officer, would be subject to appeal to the City Council~~ **matters that are the subject of a pending application with the City when the approval or disapproval of the application is appealable to the City Council.**

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

RESOLUTION 2011-092
OF THE COUNCIL OF THE CITY OF FORT COLLINS
FURTHER AMENDING THE RULES OF PROCEDURE GOVERNING THE
CONDUCT OF CITY COUNCIL MEETINGS

WHEREAS, on September 20, 2011, the City Council adopted Resolution 2011-091 making certain amendments to the rules of procedure for conduct at City Council meetings; and

WHEREAS, one of those changes pertains to the ability of citizens to comment during the Citizen Participation segment of City Council meetings about quasi-judicial matters; and

WHEREAS, the City Attorney recommends that the language adopted by the City Council on that subject be revised as shown below.

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

Section 3. Citizen Comment.

- a. 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) ~~a pending land use proposal that, if approved by the Planning and Zoning Board or hearing officer, would be subject to appeal to the City Council~~ **matters that are the subject of a pending application with the City when the approval or disapproval of the application is appealable to the City Council.**

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 a reasonable period of time given the scheduled agenda.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of October A.D. 2011.

Mayor

ATTEST:

Chief Deputy City Clerk