

Fort Collins City Council Agenda

Special Meeting

5:00 p.m., Monday, March 18, 2024

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

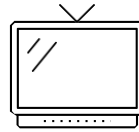
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.



There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers.
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas.
Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda
to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office
at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.



City Council Special Meeting Agenda

March 18, 2024 at 5:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Melanie Potyondy, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins &
via Zoom at
<https://zoom.us/j/98241416497>

Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Comcast

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Heather Walls
Interim City Clerk

SPECIAL MEETING

5:00 PM

Called by the Mayor on March 13, 2024

A) CALL MEETING TO ORDER

B) PLEDGE OF ALLEGIANCE

C) ROLL CALL

D) CONSIDERATION OF ITEMS IDENTIFIED IN THE CALL OF SPECIAL MEETING

1. Items Relating to the Conduct of City Council Meetings.

A. Resolution 2024-026 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

B. First Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.

The purpose of this item is to update Council meeting rules to reflect and clarify desired procedures including:

- Expressly allot time for public comment, with options for Council to consider, such as allotting one hour unless the Mayor or Council acts to extend that or continue public comment later in the meeting;
- Expressly allowing the Mayor, or Council by majority vote, to relocate a Council meeting that will be or is being prevented from proceeding due to circumstances in Council Chambers, including shifting the Council to a location where all public participation is remote only, with a forty-five minute delay before resuming;
- Upon the adoption of the Ordinance, allowing Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode; and
- Expressly allowing Council to set Rules of Procedure that limit public comment to only items scheduled on the agenda, if it desires to do so at some point in the future.

E) ADJOURNMENT

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

March 18, 2024



AGENDA ITEM SUMMARY

City Council

STAFF

Rupa Venkatesh, Assistant City Manager
Heather Walls, Interim City Clerk
Carrie Daggett, Legal

SUBJECT

Items Relating to the Conduct of City Council Meetings.

EXECUTIVE SUMMARY

A. Resolution 2024-026 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

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- Expressly allowing Council to set Rules of Procedure that limit public comment to only items scheduled on the agenda, if it desires to do so at some point in the future.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

Council has previously adopted Council meeting Rules of Procedure that were last updated in July 2022. In addition, the City Code provides fundamental requirements and limits on the conduct of Council meetings that were last updated in October 2021, as Council was increasingly shifting back to in-person meetings while adding remote public participation. The shift to remote participation by Council and the public was initiated in March 2020, in light of the COVID-19 pandemic and local emergency.

Experience with these provisions and procedures in recent months has highlighted the need for additional flexibility to manage disruption of meetings and utilize remote technology to allow Council to carry out its business.

To allow Council to respond to circumstances in which an unmanageable number of disruptive attendees, or other circumstances such as environmental or other conditions, prevent Council from proceeding with its meeting in its regular location, the proposed Rules of Procedure and City Code provisions allow for Council to:

- Allot time for public comment, with options for Council to consider, such as allotting one hour unless the Mayor or Council acts to extend that or continue public comment later in the meeting;
- Relocate a Council meeting that will be or is being prevented from proceeding due to circumstances in Council Chambers, including shifting Council to a location where all public participation is remote only, with a forty-five minute delay before resuming;
- Upon the adoption of the Ordinance, attend and vote remotely if a meeting has been relocated to a remote mode; and
- Set Rules of Procedure that limit public comment to only items scheduled on the agenda if it desires to do so at some point in the future.

Other minor revisions are as shown in the Council meeting rules and Ordinance.

Staff is also working on developing protocols and plans for managing the relocation of a Council meeting and disruptive persons or crowds who appear at Council meetings.

CITY FINANCIAL IMPACTS

No significant costs have been identified.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

No board/commission/committee recommendations have been requested or made.

PUBLIC OUTREACH

No public outreach has been completed.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Ordinance for Consideration
4. Meeting Rules- redlined
5. Presentation

RESOLUTION 2024-026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AMENDED RULES OF PROCEDURE GOVERNING
THE CONDUCT OF CITY COUNCIL MEETINGS AND COUNCIL
WORK SESSIONS

A. The City Council has previously adopted certain Rules of Procedure Governing the Conduct of City Council Meetings (the “Rules of Procedure”), which Rules of Procedure have been amended from time to time by the Council, most recently in July 2022 with the adoption of Resolution 2022-068.

B. The Rules of Procedure are intended to promote the orderly and efficient conduct of the meetings and ensure fair treatment of members of the public wishing to comment for Council’s consideration.

C. The City Council wishes to further amend the Rules of Procedure to more specifically provide a means for managing meetings when there is an unruly and disruptive crowd at the meeting or when the volume of general public comment expected will preclude the Council from reasonably carrying out its meeting.

D. The City Council expects to also consider amendments to the City Code that more fully enable remote meetings by the Council and by the public, and the proposed Rules provide a means for implementing amendments of that sort.

E. The City Council wishes to clarify that any scheduled agenda items that are not considered due to the adjournment of a meeting prior to completion of the meeting agenda.

F. The revision of the Rules of Procedure to address the issues noted herein, as set forth in Exhibit “A,” will improve the conduct of Council meetings and provide clarity for the public.

G. The City Council believes that such rules and regulations are in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The revised Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions (“Rules of Procedure”), attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby adopted by the City Council.

Section 2. The aspects of the Rules of Procedure that allow for remote participation by Councilmembers shall not go into effect unless and until Council amends the City Code to allow for remote attendance and voting at Council meetings.

Section 3. That the Rules of Procedure shall supersede all previous rules of procedure that have heretofore been adopted by the City Council including, but not limited to, Resolution 2022-068.

Passed and adopted on March 18, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 18, 2024
Approving Attorney: Carrie Daggett

Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions

Adopted March 18, 2024

Section 1. Attendance and Participation in Regular or Special Council Meetings.

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described below):
 - (A) Proclamations and Presentations. (Prior to the meeting)
 - (B) Call Meeting to Order
 - (C) Pledge of Allegiance

- (D) Roll Call
 - (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
 - (F) Community Reports
 - (G) Public Comment on Any Topics or Items or Community Events (including requests by commenters for removal of items from Consent Calendar for individual discussion) [OPTIONS FOR CONSIDERATION: 1. (A total of one hour will be allotted for Public Comment, unless Council by majority vote extends the time. Additional public comment on general comment will resume after completion of the Consent and Discussion items, if time allows.) **OR** 2. (The Mayor will allot a specified amount of time for Public Comment no less than [fill in amount] in length and may allow for resumption of Public Comment after completion of the Consent and Discussion items, if time allows.)
 - (H) Public Comment Follow-up
 - (I) Councilmember Removal of Items from Consent Calendar for Discussion
 - (J) Adoption of Consent Calendar
 - (K) Consent Calendar Follow-up
 - (L) Staff Reports
 - (M) Councilmember Reports
 - (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
 - (O) Consideration of Items Planned for Discussion
 - (P) Resumed Public Comment (if applicable)
 - (Q) Other Business
 - (R) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):
- (A) Call Meeting to Order
 - (B) Pledge of Allegiance
 - (C) Roll Call
 - (D) Consideration of Items Identified in the Call of Special Meeting
 - (E) Adjournment

- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of a Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less (“Quasi-judicial Rezonings”), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
 - (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
 - (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.
- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.

- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

Section 3. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

Section 4. Public Comment During Regular and Special Council Meetings.

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
 - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system.
 - (2) Each speaker will only be allowed to speak one time during Public Comment.
 - (3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

- b. **Comment on Agenda Items.** Council will receive public comment during consideration of individual action items, including 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.
 - (1) Each speaker will only be allowed to speak one time to comment on any particular agenda item.
 - (2) A speaker who addresses Council during general public participation about a particular agenda item will not be entitled to speak again as part of Council’s consideration of that particular item.
 - (3) Comments given during the comment period for an agenda item must pertain to the item under consideration.
 - (4) The Council may, but is not required to, receive public comment in connection with procedural matters and motions.
 - (5) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.
- c. **Decorum; Scope and Type of Comments Allowed.**
 - (1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember’s official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
 - (2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.
 - (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council’s completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited.

- (4) Speakers shall avoid lengthy repetition of comments already provided.
 - (5) The comment forum is provided to address Council on the designated topics only and may not be used for comment or speech not germane to the designated topic. Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.
- d. Process and Time Limits for Speaking.
- (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as “raising a hand” using remote technology.
 - (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council’s understanding of an item.
 - (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
 - (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
 - (5) Generally, speakers will be called in the order they appear on the sign-up list for speaking.
 - (6) The Mayor will allow those signed up to speak regarding a Consent Calendar item to speak prior to those signed up to speak regarding non-agenda-related matters, if there are speakers who will not be allowed to speak due to time constraints.
 - (7) [KEEP IF OPTION 2 SELECTED ABOVE] The Mayor, or Council by majority vote, may allow Public Comment to resume prior to the Other Business segment of the meeting agenda if some speakers were not allowed to speak under general Public Comment and if time reasonably allows.
- e. Yielding the Lectern. Each speaker shall promptly cease their 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 their time to another speaker, and no speaker will be credited with time requested but not used by another.

- g. **Public Presentation Materials and Evidence.** The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
- (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
 - (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. **General Comment, or Expressions of Support or Opposition.** Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. **Signs and Props.**
- (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.
 - (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.

- (3) 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.
 - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
 - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. 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.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
- f. **Cellphone and Pagers.** The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
- g. **Impacts to Public Property.** Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
- h. **Leaving the Meeting.** Meeting attendees leaving the meeting before it has been adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the

Council.

Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

Section 8. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. 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 may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, 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 a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council 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 Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.

- A main motion is debatable and may be amended.

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. All subsidiary motions require a second to proceed.

1. Motion to Amend. 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.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- 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 Council 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 formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by "friendly" amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. 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.

- A motion to postpone definitely must be seconded to proceed.

- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion 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 motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.
- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion 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.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

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.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

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

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A "point of order" takes precedence over any pending question out of which it may

arise *and does not require a second.*

- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- 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. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.

3. 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.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- 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 to the motion to divide, 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.

4. Motion to Suspend the Rules. When the Council 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.

- A motion to suspend the rules 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 the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council 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 Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council 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 Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- 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.

- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider 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.
- A motion to reconsider 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 Council 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 Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted 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 member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly 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, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

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 that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- 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.
- An unconditional, 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 is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - 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.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

ORDINANCE NO. 039, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CITY CODE TO PROVIDE ADDITIONAL
PROCEDURAL OPTIONS FOR THE CONDUCT OF CITY
COUNCIL MEETINGS

- A. Division 2 of Article II of Chapter 2 of the City Code contains provisions relating to attendance at and conduct of City Council meetings.
- B. The City Council most recently updated the provisions of that Division in October 2021, at which time Council enacted provisions addressing the use of remote technology, updating the structure of public comment at Council meetings, and clarifying the process for removing items from the Consent Calendar, among other revisions.
- C. Experience with these provisions and procedures in recent months has highlighted the need for additional flexibility to manage disruption of meetings and utilize remote technology to allow the Council to carry out its business.
- D. Council desires to revise the Code to implement updated procedures and allow additional flexibility as needed, as more specifically described in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-26 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-26. Definitions.

For purposes of this Division, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

...

Meeting shall mean any gathering of a quorum or three (3) or more members, whichever is fewer, of the City Council or any Council committee, at which any public business is discussed or at which any formal action may be taken but shall not mean any chance meeting or social gathering at which the discussion of public business is not the central purpose. Electronic mail communications to or from City Councilmembers shall not constitute meetings of the City Council, or of a Council committee, **except as provided by applicable Colorado open meetings law** ~~unless a quorum or three (3) or more members of the City Council, whichever is fewer, arrange in advance to simultaneously communicate by electronic means.~~

Present and voting shall mean physically present while participating in a Council regular or special meeting. However, in the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers shall be considered present and voting when participating using remote technology, and may fully participate and vote in that meeting using remote technology.

For the purpose of any Council committee meeting, *present and voting* shall mean either being physically present ~~at~~while and participating in a meeting or participating in a meeting using remote technology.

Using remote technology shall mean conducting or participating in any meeting by electronic means, provided any participating Councilmember:

- (1) Appears using electronic means that include both full audio and video capability to enable hearing and seeing comment, testimony, discussion and action taken by the Councilmember, other Councilmembers present, and the public observing the meeting; and
- (2) Appears live on camera and is audible in the meeting to those observing the meeting when establishing a quorum, when speaking and when voting.

Section 2. Section 2-28 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-28. Regular meetings.

...

(b) The place of such meeting shall be the Council Chambers of the City Hall unless the City Council, by majority action of a quorum of its members, directs that a meeting be held elsewhere. In the event circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location or to a remote meeting using remote technologies, or may shift all public viewing and participation to remote technology. In the case of any such location change, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast. The meeting must then, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. When a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 3. Section 2-29 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (e) which reads in its entirety as follows:

Sec. 2-29. Special meetings.

...

(e) In the event circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the location stated in the call of a special meeting, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location or to a remote meeting using remote technologies, or may shift all public viewing and participation to remote technology. In the case of any such location change, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast. The meeting must then, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. When a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 4. Section 2-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-30. Meeting agenda.

(a) The City Manager shall, in consultation with the Mayor and the Mayor Pro Tem, prepare the agenda for all regular and special meetings of the City Council. The agenda shall include all items requiring City Council action and may, but shall not be required to, include time for public comment on items not related to the meeting agenda. Whenever possible, there shall be submitted with the agenda all facts necessary for the City Council to properly study the item and make a decision. To this end, the City Manager may include his or her recommendation on items to be considered.

...

(d) Any interested party may request, at any time prior to action by the City Council on the consent calendar, that the City Manager or a Councilmember remove a specified item from the consent calendar to be considered as a separate item by the City Council. Prior to action by the City Council on the consent calendar, the presiding officer of the City Council shall confirm whether the City Manager or any Councilmember desires to remove any item or items from the consent calendar, and the presiding officer shall place such item on the agenda for that meeting at an appropriate place for separate action. After removal of all items for which a request was made for removal, the City Council shall consider the remaining items on the consent calendar by one (1) motion. The vote of each City Councilmember on the motion to approve the consent calendar shall be considered a vote on each individual item on the consent calendar.

(e) The City Council may from time to time adopt such meeting rules and rules of procedure as Council deems appropriate, consistent with this Division and other applicable laws.

Section 5. Section 2-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-32. Open meetings/notice of meetings.

(a) Except as otherwise provided in § 2-31, all meetings of the City Council and all meetings of City Council committees shall be open to the public. **This requirement may be met by allowing physical public access to a meeting or by providing free public access to a meeting through remote technology or by a combination of these means of access.**

(b) Any meeting of the City Council at which any formal action could occur or at which a majority or quorum is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. For purposes of this Subsection, full and timely notice of regular and special Council meetings shall be accomplished by compliance with the provisions contained in **this Division** ~~Subsections 2-28(a) and 2-30(b) and § 2-34~~, as applicable.

...

Section 6. Section 2-34 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (4) which reads in its entirety as follows:

Sec. 2-34. Place of posting.

The public meetings page on the City's website at <http://fcgov.com>, is designated as the proper place for the posting of public notice of:

...

(4) Any alternative location for a regular or special Council meeting relocated in accordance with Subsection 2-28(b) or 2-29(e).

Introduced, considered favorably on first reading on March 18, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Carrie Daggett

Rules of Procedure

Governing the Conduct of City Council Meetings and Work Sessions

Adopted _____, 2024
Resolution 2024-xxxx

Section 1. Attendance and Participation in Regular or Special Council Meetings.

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

~~Council may authorize additional use of remote technology through the adoption of an ordinance (such as Ordinance No. 079, 2020, regarding the COVID-19 emergency) or through modification of the City Code.~~

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.

- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.

- a.d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described in ~~Subsection 2.c, 2.d, 2.e or 2.f,~~ below):

- (A) Proclamations and Presentations. (Prior to the meeting)
- (B) Call Meeting to Order
- (C) Pledge of Allegiance
- (D) Roll Call
- (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
- (F) Community Reports
- (G) Public Comment on Any Topics or Items or Community Events (including requests by commenters for removal of items from Consent Calendar for individual discussion) [OPTIONS FOR CONSIDERATION: 1. (A total of one hour will be allotted for Public Comment, unless Council by majority vote extends the time. Additional public comment on general comment will resume after completion of the Consent and Discussion items, if time allows.) OR
2. (The Mayor will allot a specified amount of time for Public Comment no less than [fill in amount] in length and may allow for resumption of Public Comment after completion of the Consent and Discussion items, if time allows.)
- (H) Public Comment Follow-up
- (I) Councilmember Removal of Items from Consent Calendar for Discussion
- (J) Adoption of Consent Calendar
- (K) Consent Calendar Follow-up
- (L) Staff Reports
- (M) Councilmember Reports
- (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
- (O) Consideration of Items Planned for Discussion
- (P) Resumed Public Comment (if applicable)
- (Q) Other Business
- (RQ) Adjournment

b. Special Council meetings shall be conducted in the following order (except for special items described in ~~Subsection 2.e, 2.d, 2.e or 2.f,~~ below):

- (A) Call Meeting to Order
- (B) Pledge of Allegiance

- (C) Roll Call
 - (D) Consideration of Items Identified in the Call of Special Meeting
 - (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of a Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less (“Quasi-judicial Rezonings”), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
- (1) Announcement of Item;
 - (2) Consideration of any procedural issues;
 - (3) Explanation of the application by City staff;
 - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
 - (5) Public testimony regarding the application;
 - (6) Rebuttal testimony by the applicant/property owner;
 - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
 - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
 - (2) Staff Presentation for Agenda Item;
 - (3) Presentation by each person who timely filed a Protest;
 - (4) Councilmember questions of City staff and the protesting parties; and
 - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.

- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

Section 3. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

Section 4. Public Comment During Regular and Special Council Meetings.

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
 - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system.
 - ~~(1)~~(2) Each speaker will only be allowed to speak one time during Public Comment.

- (3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

b. Comment on Agenda Items. Council will receive public comment during consideration of individual action items, including 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.

(1) Each speaker will only be allowed to speak one time to comment on any particular agenda item.

(2) A speaker who addresses Council during general public participation about a particular agenda item will not be entitled to speak again as part of Council’s consideration of that particular item.

~~(2)~~(3) Comments given during the comment period for an agenda item must pertain to the item under consideration.

(4) The Council may, but is not required to, receive public comment in connection with procedural matters and motions.

(5) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.

c. Decorum; Scope and Type of Comments Allowed.

(1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember’s official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.

(2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.

- (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited.
- (4) Speakers shall avoid lengthy repetition of comments already provided.
- (5) The comment forum is provided to address Council on the designated topics only and may not be used for comment or speech not germane to the designated topic. Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.

d. Process and Time Limits for Speaking.

- (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as "raising a hand" using remote technology.
- (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council's understanding of an item.
- (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
- (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
- ~~(5)~~ After speakers physically present at the meeting have spoken, the presiding officer will ask those participating remotely who had indicated they wish to speak to provide their comments. Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- ~~(6)~~ The Mayor will allow those signed up to speak regarding a Consent Calendar item to speak prior to those signed up to speak regarding non-agenda-related matters, if there are speakers who will not be allowed to speak due to time constraints.
- ~~(5)(7)~~ [KEEP IF OPTION 2 SELECTED ABOVE] The Mayor, or Council by majority vote, may allow Public Comment to resume prior to the Other Business segment of the meeting agenda if some speakers were not allowed to speak under general Public Comment and if time reasonably allows.

- e. Yielding the Lectern. Each speaker shall promptly cease their 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 their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. Public Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:
 - (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
 - (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
 - (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting

room (collectively referred to as the “Meeting Room”), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.

- (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
 - (3) 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.
 - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
 - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. 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.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
- f. **Cellphone and Pagers.** The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
- f.g. **Impacts to Public Property.** Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
- g.h. **Leaving the Meeting.** Meeting attendees leaving the meeting before it has been

adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

Section 8. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. 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 may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, 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 a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

MAIN MOTIONS

- Main motions are used to bring business before the Council 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

Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.

- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

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. All subsidiary motions require a second to proceed.

1. Motion to Amend. 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.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- 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 Council 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 formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by "friendly" amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion

unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. 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.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion 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 motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.
- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion 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.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

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.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

INCIDENTAL MOTIONS.

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

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second.*
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
 - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
 - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
 - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
 - No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
 - When an appeal is taken, the matter is decided by majority vote of the Council.
 - A tie vote sustains the decision of the presiding officer.
- 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. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.

3. 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.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- 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 to the motion to divide, 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.

4. Motion to Suspend the Rules. When the Council 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.

- A motion to suspend the rules 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 the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

RESTORATIVE MOTIONS

These are motions that bring a question again before the Council 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 Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council 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 Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- 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.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider 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.
- A motion to reconsider 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 Council 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 Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted 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 member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly 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, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.

- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

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 that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- 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.
- An unconditional, 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 is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
 - 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.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.



City Council Meeting Rules of Procedure Updates

Rupa Venkatesh

Assistant City Manager

Heather Walls

Interim City Clerk

Council Meeting Rules of Procedure - Proposed Changes

Potential Options for Public Comment

1. A total of one hour will be allotted for Public Comment, unless Council by majority vote extends the time. Additional public comment on general comment will resume after completion of the Consent and Discussion items, if time allows.
2. The Mayor will allot a specified amount of time for Public Comment no less than [X time] in length and may allow for resumption of Public Comment after completion of the Consent and Discussion items, if time allows

Other Options?

Council Meeting Rules of Procedure – Event of Disruption

In the event of a disruption, the proposed changes would allow Council to:

1. Adjourn the meeting to a different location; and/or
2. Shift all public attendance to remote; or
3. Shift to a fully remote meeting (after the Ordinance is in effect)

Code Provisions about the Conduct of Meetings

1. Allows Council to fully participate remotely in and vote remotely in a Council meeting if the meeting has been declared a fully remote meeting due to actual or expected disruption;
2. Adds express Code language to support the Rules of Procedure; and
3. Expressly allows the Council in its Rules to limit public comment to only items on the agenda (this is not executed in the current set of proposed rules).

Next Steps

Section D, Item 1.



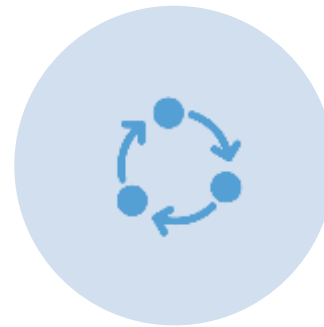
March 18 – Resolution to adopt updated Rules of Procedure. These will go into effect immediately.



March 18 – First Reading of Ordinance related to Code Provisions



April 2 – Second Reading of Ordinance related to Code Provisions



April 12 – Ordinance goes into effect