



BOARD & COMMISSION

RULES OF PROCEDURE

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RULES OF PROCEDURE FOR THE BOARDS AND COMMISSIONS OF LOUISVILLE, COLORADO

I. DEFINITIONS

“Advisory Board” means all of the following boards which are tasked with giving advice to the City Council as specified in their formation documents:

- Arts & Culture Advisory Board
- Historical Museum Advisory Board
- Library Board of Trustees
- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

“Charter” means the [Home Rule Charter of the City of Louisville, Colorado](#).

“Chair” means the member of the Board who presides over a meeting subject to Rule VII.B below.

“City” means the City of Louisville, Colorado.

“Code” means the Louisville Municipal Code.

“Board” means any of the following bodies:

- Arts & Culture Advisory Board
- Board of Adjustment
- Building Code Board of Appeals
- Historic Preservation Commission
- Historical Museum Advisory Board
- Library Board of Trustees
- Local Licensing Authority
- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Planning Commission
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

“Board Member” means each member of a City board.

“Electronic Participation” means attendance at a meeting by computer, telephone, or other electronic means.

“Entire Board” means all current members of a board.

“Member of the Board” means each board member.

“Quasi-Judicial Board” means any of the following boards which have specific legal decision-making authority under the Charter or Code:

- Board of Adjustment
- Building Code Board of Appeals
- Historic Preservation Commission
- Local Licensing Authority
- Planning Commission

“Rules” means the Board & Commission Rules of Procedure.

“Staff Liaison” means the City staff member assigned by the City Manager to assist the board and to ensure all rules and regulations are met.

II. AUTHORITY

The following Rules shall be in effect upon their adoption by the City Council until such time as they are amended or new Rules adopted.

In order to efficiently and effectively complete City business facing a Board, all meetings must be conducted in an orderly and respectful manner. These Rules are intended to provide guidelines for the procedures to be followed for the conduct of all Board meetings.

If any Rule, on its face or as applied, conflicts with applicable provisions of the [Home Rule Charter of the City of Louisville](#) or ordinances, those provisions shall apply and that Rule shall not. Nothing herein shall prevent a Board from adopting its own rules of procedure specific to its roles and responsibilities so long as they do not conflict with these Rules.

III. MEETING CIVILITY

- A. CIVILITY AMONG MEMBERS OF THE BOARD: The Board shall preserve reasonable order and decorum and confine members of the public to discussion of the questions under consideration.

During Board meetings, members shall preserve reasonable order and decorum and shall not delay or interrupt the proceedings or refuse to obey

the order of the Chair or the Rules. Every member of the Board desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine themselves to the questions under debate. Once recognized, no member of the Board shall be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another member.

- B. MEMBERS OF THE PUBLIC: Members of the public desiring to address the Board on any item on the agenda shall be recognized by the Chair, state their names, and are requested to state their place of residence (by city, town, or county of residence). Each member of the public shall speak in an audible tone for the record.

IV. **GENERAL RULES**

- A. LOCATION: All in-person Board meetings shall take place in a public building that is accessible to members of the public, with or without reasonable accommodation in accordance with applicable law.
- B. OPEN TO THE PUBLIC: All meetings, including those conducted by Electronic Participation pursuant to Section V.F, shall be open to the public. A Board may conduct executive sessions only in accordance with the Charter, Code, and applicable provisions of the Colorado Open Meetings Law.
- C. MEETING NOTICE: Notice for all meetings sessions shall be given as required by the Charter and as set by administrative rule. At the first regular meeting of every year, each Board shall designate the locations for posting of notices of its meetings.
- D. MINUTES: Minutes of each regular and special meeting shall be taken and retained permanently in the records of the City.
- E. QUORUM: A quorum is needed for the transaction of business at each meeting of a Board. A quorum shall be defined as a majority of the members of the Board holding office at the time of the meeting.
- F. ABSENCES: No member of the Board shall miss more than twenty-five percent (25%) of regular Board meetings during any calendar year. Missing more than twenty-five percent (25%) of meetings shall be cause for removal.
- G. APPLICABILITY OF THE OPEN GOVERNMENT POLICIES AND CODE OF ETHICS: Each member of the Board shall adhere to the City's Open

Government Rules and the Code of Ethics (Charter Section 5-6).

- H. DISCLOSURE OF INTEREST AND RECUSAL: Any member of the Board who has an interest in, or whose interest would be affected by, any proposed official action before the Board shall immediately and publicly disclose the nature and extent of the interest; shall not participate in any discussion or decision concerning the proposed action; shall not attempt to publicly or privately influence the Board, any public body, or any employee in connection with the action; and shall leave the room where the discussion or decision is taking place during the time the proposed action is being discussed and the decision is being made.
- I. CHAIR: The Chair is the member of the Board who presides over a Board meeting and shall do so according to these Rules and applicable law. The Chair serves as Chair of all Board meetings at which the Chair is present. In the Chair's absence, the Vice-Chair will serve as Chair. In the absence of the Chair and Vice-Chair, Board members will appoint one member to act as Chair for that meeting.

V. MEETINGS

- A. REGULAR MEETINGS: Each Board shall set a regular meeting schedule at the first meeting of each year identifying the date, time, and location of meetings.
- B. COMMITTEE MEETINGS: A committee meeting may be called if it can be properly noticed a minimum of 72 hours in advance. Committee meetings must meet all the same rules as a regular meeting.
- C. EXECUTIVE SESSIONS: A board may hold an executive session only for pending litigation and only with the City Attorney present.
- D. RESCHEDULING: A Board may reschedule meetings for dates and times outside its annual meeting schedule to avoid holidays, elections, and other matters, to achieve a quorum, or to allow for additional time for a meeting. To reschedule such meetings, the Board first must provide notice and approve of the proposal to reschedule.
- E. CANCELLATION: Any scheduled meeting may be cancelled by members or the Staff Liaison in the event there are no items for the board to discuss or in the event unforeseen emergent conditions exist which make conduct of the meeting impractical (for example, in the case of power outage) or travel to the meeting unduly hazardous (for example, in the case of blizzard conditions).

- F. **ELECTRONIC PARTICIPATION:** When it is feasible, an electronic attendance option shall be available for Board members, applicants, and members of the public including for quasi-judicial hearings. If it is not feasible due to technological or other reasons, the in person meeting shall continue if a quorum is present.
1. All meetings that have a remote attendance option will note that on the agenda and include information on the agenda about how to join the meeting electronically.
 2. Board members and members of the public attending electronically shall participate in the meeting under the same rules as those in the room.
 3. Public hearings on quasi-judicial matters may be taken during a meeting with Electronic Participation.
- G. **FULLY REMOTE MEETINGS:** The Staff Liaison with input from the board members may, in their discretion, change board meetings to a fully remote setting if needed. If a fully remote meeting is scheduled, it must be properly noticed as such and public access options must be provided on the meeting agenda.

VI. CHAIR AND VICE-CHAIR

- A. Each Board will elect a Chair and Vice-Chair at the first meeting of the year. The City recommends the Chair and Vice-Chair be rotated among Board members each year.
- B. The Chair shall preside over meetings of the Board when present and able to perform these responsibilities. The Chair shall have the same voting powers as any Board member.
- C. The Vice-Chair shall assume the duties of Chair when the Chair is absent or otherwise unable to perform the responsibilities of Chair.
- D. In the absence of the Chair and Vice-Chair, Board members will appoint one member to act as Chair for that meeting.

VII. MEETING PROCEDURE

A. PREAMBLE

1. A bedrock principle of a representative democracy is notice of impending governmental action and an opportunity for members of the public and their representatives to be heard. Principles of good government include deep respect for citizens; prudent stewardship of public resources, including the time of its citizens, staff members and appointed officials; direction that is clear and decisive; and decision making that is reasonably consistent, equitable, flexible, and transparent.
2. Through the application of these Rules, the City intends to ensure that it balances the principles described in the previous section in a way that ensures robust debate and accountability of City government to its residents. To that end, these procedures are not meant to be employed for the purpose of unreasonable rigidity, surprise, suppression of competing views, or needless prolonging of action.

B. CHAIR'S DISCRETION & RIGHT OF APPEAL The Chair shall have reasonable discretion in the application of these procedures subject to section XI.A.

C. AGENDAS: Each board will have a formal agenda for each meeting. The agenda will be set by staff for quasi-judicial boards and set by the chair in conjunction with the staff liaison for advisory boards. Each agenda will be posted as required prior to the meeting. Items cannot be added to the agenda at the meeting.

D. PUBLIC COMMENTS AT MEETINGS: All Board meetings, including Committee meetings, shall be open to the public. Members of the public shall have a reasonable opportunity to be heard at Board meetings.

The following provisions apply to any section of the agenda where public comments are allowed.

1. Members of the public desiring to address the Board on any item on the agenda shall be recognized by the Chair, state their name, and are requested to state their place of residence (by city, town, or county of residence).

2. Each board will have a section on its agenda for “Public Comments on Items Not on the Agenda.” Each speaker shall be limited to three (3) minutes.
 3. Each Board will permit public comment on any item at the time such item is being discussed by the Board. Each speaker shall be limited to three (3) minutes.
 4. Multiple citizens may designate someone to speak for them and aggregate their three-minute limit time up to a maximum of six (6) minutes of speaking time for their designated spokesperson. Those pooling their time must be physically present, identify themselves, and designate their spokesperson. A designated spokesperson may not speak for more than one group.
 5. The Chair, the Staff Liaison, or a designated board member shall enforce compliance with the time limits, and time shall be kept on a public comment clock.
- E. WRITTEN COMMUNICATIONS: Interested parties, or their authorized representatives, may address the Board by submitting written communication concerning any matter on the Board agenda. Such a written communication may be submitted by electronic mail or by addressing the communication to the Staff Liaison who will distribute copies to the Board. The communication will be entered into the record without the necessity of reading. A copy of the communication shall be posted at the meeting for the public to review. Anonymous written communications will not be accepted into the record.
- F. VOTING: For a motion to pass it requires the affirmative vote of a majority of the members of the Board present.

VIII. EXPECTATIONS OF STAFF LIAISON

A. COMMUNICATION:

1. The Staff Liaison will provide Board members with direct, open, and transparent communication about city priorities, projects, and budget.
2. The Staff Liaison will act as the conduit of information from the Board to City Council and from City Council to the board.
3. The Staff Liaison will respond to emails, phone calls, and text messages from Board members within two (2) business days and will

communicate with the Board members if a response will take more than two (2) business days.

B. **ADVOCACY:** The Staff Liaison will advocate ideas to City staff and leadership on the Board's behalf. The Staff Liaison will advocate for budget requests and CIP requests from the Board through the City's established budget process.

C. **MEETINGS:**

1. The Staff Liaison with input from the Board chair will create and publish meeting agendas and packets in accordance with bylaws, rules, and schedule established by the City Clerk's Office.
2. The Staff Liaison will work with the Chair to ensure meetings are concise and do not run exceedingly long and to ensure the discussion is limited to those items on the agenda.
3. The Staff Liaison will attend all meetings, to the best of their ability. If the Staff Liaison cannot attend a Board meeting, an alternate staff liaison will be appointed and the Chair will be notified in advance.

D. **COLLABORATION:**

1. The Staff Liaison will include Board members, when appropriate, in relevant projects and planning processes.
2. The Staff Liaison will include Board members on relevant communications, when appropriate, with outside organizations and individuals.

IX. EXPECTATIONS OF BOARD MEMBERS

A. **COMMUNICATION:**

1. There will be open and consistent communication between Board members and the Staff Liaison.
2. Board members will not speak on behalf of the Board unless specifically appointed to do so by the Board. Board members will include the Staff Liaison on all communications with outside organizations.

3. The Staff Liaison is the point of contact for all City operations related to the Board. The Staff Liaison will bring in any additional City staff as necessary for Board projects.
4. The Staff Liaison or the City's Communications Division will create all memos, marketing, and outreach materials for the Board. Board members shall not use City logos or letterhead without City approval.
5. Board members shall not create social media accounts on behalf of the Board or speak on social media on behalf of the Board or City.
6. Board members will only contact their Staff Liaison through a dedicated City email address, office phone, or cell phone (including texting) and will not contact the Staff Liaison through their personal emails, social media, or personal cell phones.

B. ADVOCACY:

1. Board members will go through proper channels when advocating for Board projects.
2. Board members will adhere to all regulations of the Fair Campaign Practices Act as they relate to City elections.

C. MEETINGS:

1. Board members will attend all meetings, to the best of their ability. If a Board member cannot attend a meeting, the member will send communication via email to the Staff Liaison with as much advance notice as possible.
2. If a Board member would like an item on an agenda, the member will reach out in advance to the Staff Liaison and the Chair. Topics not included on the agenda may not be discussed at a meeting per the City Charter.
3. Board members will meet all packet deadlines as established by the Staff Liaison and the City Clerk's Office. Items that are late may be postponed to a later meeting.

X. QUASI-JUDICIAL ACTIONS

A. PROCESS:

1. Quasi-judicial decisions are a determination of the rights, duties or obligations of a specific individual or entity. Board members making quasi-judicial decisions must do so based on the facts developed at a public hearing and through the application of presently existing legal standards of policy considerations of the facts.
2. Legally reversible decisions are almost always based on a lack of due process or procedural irregularities

B. DUE PROCESS: A quasi-judicial public hearing must include property public notice, a meaningful opportunity for interested parties to be heard, and basic fairness in procedure.

C. PREPARATION: Board members will review the meeting packet prepared by staff, understand the scope of the hearing, and be familiar with the relevant decision criteria in a case. Board members must act as impartial decision makers

D. EX PARTE CONVERSATIONS: Board members will not speak with one side or the other before or outside of the hearing process. This includes via email. Board members will disclose any unavoidable “ex parte” conversations and participate only if they are sure they can still make an unbiased decision.

E. CONDUCTING THE HEARING: Follow uniform/consistent steps for all hearings.

- Introduce Item
- Call for Disclosures
- Open Public Hearing
- Staff Report
- Applicant Presentation
- Public Comment
- Questions by Board members
- Close Public Hearing
- Deliberations
- Action

Once a hearing is closed the Board will not re-open it to hear only certain individuals, if a hearing is re-opened anyone who has not already spoken

may have the opportunity to speak.

If the Board holds and closes a hearing at one meeting and deliberates at the next, the Board cannot reopen the hearing without providing additional notice.

F. MAKING THE DECISION

1. Board members shall not make their decision on the basis of irrelevant criteria. Board members shall not base a decision on things a member “knows” but did not “learn” at the hearing. Board members will not participate in the decision if they cannot be fair and unbiased.
2. A Board members shall not participate in the decision if they did not participate in the entire hearing.

If a public hearing is opened and then continued to a later meeting, a member who missed the first meeting may review the video and all materials from the first meeting and then participate in the next one. This should be disclosed at the hearing.

3. Board members should ask for staff advice if they are unsure of the decision they are being asked to make or if they are unsure of the applicable legal criteria.
4. If appropriate, a Board may make a tentative decision and direct staff to prepare a draft written decision.

XI. PARLIAMENTARY PROCEDURE

- A. POINTS OF ORDER: The Chair shall determine all points of order, subject to the rights of any member of the Board to appeal to the Board, in which case the point of order shall be resolved by vote of a majority of the members of Board present.
- B. RIGHT OF THE FLOOR: Any member of the Board desiring to speak shall be recognized by the Chair.
- C. MOTIONS: Motions may be made by any member of the Board, including the Chair, provided that before the Chair offers a motion, the opportunity for making a motion should be offered to other members of the Board. Any member of the Board, other than the person offering the motion, may second a motion.

D. PROCEDURES FOR MOTIONS: The following is the general procedure for making motions:

1. Before a motion can be considered or debated it must be seconded; however, no action taken shall be invalidated simply because a motion was not properly made, seconded or recorded.
2. Once the matter has been discussed and the Chair calls for a vote, no further discussion will be allowed; provided, however, that members of the Board may be allowed to explain their votes.

E. DISCUSSION: Board members shall confine themselves to the question under discussion. All discussion must be germane to the agenda item.

F. MOTION TO END DEBATE: Any member of the Board may make a motion to end debate (also known as “calling the question”). If such a motion is made and seconded, the Chair shall immediately call for a vote on the motion. If the motion is not approved by 2/3 of the members of the Board present and voting, the Chair shall allow for debate to continue. If the motion is approved, the Chair shall call for a motion on the matter under consideration.

G. ALL MEMBERS MAY SPEAK: Each member of the Board shall have the right to speak and ask questions prior to a vote.

H. AFTER VOTING: Once a vote has been taken on a motion, there shall be no further discussion on that motion unless a motion to reconsider is properly made, seconded, and adopted.

XII. REMOVAL FROM BOARD

(City Council Resolutions No. 16, Series 2009 & No. 59, Series 2016)

A. The City Council greatly appreciates the contributions made by City residents who volunteer their time to serve on the City’s various boards and commissions. In order to help encourage citizens to volunteer and to promote an environment in which participation is productive and rewarding, the Council expects all board and commission members to work in a cooperative, constructive and civil manner.

B. To help maintain this environment the City Council has established that, during the term of office, a board member shall be removed only for cause. Cause shall include but not be limited to:

1. Violation of city or state ethics laws;

2. Conviction of a felony or of any other crime involving moral turpitude;
3. Absence from more than 25 percent of the regular meetings in any 12-month period;
4. Inefficiency, neglect of duty or malfeasance in office;
5. Knowing violation of any statute, ordinance, resolution, rule, policy or bylaw applicable to the board or commission;
6. Physical or mental disability rendering the board or commission member unable to perform his or her duties;
7. Knowing disclosure of confidential information, which is defined to mean information which is not available to the general public under applicable laws, ordinances and regulations, and which is obtained by reason of the board or commission member's position with the City;
8. Failure to maintain the qualifications of a board or commission member for the board or commission on which the member serves;
9. Behaving in a harassing, hostile, threatening or otherwise inappropriate manner, or unreasonably disrupting or interfering with the conduct of any meeting of a board or commission; or
10. Other grounds constituting cause as established by law.

C. The procedure for removal of a member of a City board or commission shall be as follows:

1. Any person who believes that there is cause to remove a member of a City board or commission as provided above shall present the evidence of such cause to the City Manager.
2. The City Manager (or their designee) shall review the evidence presented and conduct additional investigations as the City Manager deems necessary. If the City Manager determines there is sufficient evidence supporting further action, the City Manager shall contact the board or commission member who is the subject of the allegation, outline the allegation against the member and provide the member with an opportunity to respond to the allegation. After considering all information received, the City Manager shall make a

determination as to whether removal or other action is warranted.

3. If the City Manager determines there are grounds for removal, the City Manager shall present a proposed resolution for removal to the City Council for its consideration and action. The member shall be provided written notice of the grounds for removal and the time and place of the City Council's consideration of the matter, at which time the member may address the City Council regarding the grounds for removal. Removal of a member shall require the affirmative vote of a majority of the entire City Council.
4. A member may resign from a board or commission at any time by providing a written resignation letter to the Mayor or City Manager. A resignation is effective upon submission or such later date as stated in the resignation letter, without requirement for acceptance thereof.