



LARIMER COUNTY POLICIES AND PROCEDURES

ADMINISTRATIVE POLICY AND PROCEDURE 100.7L

SUBJECT: RULES OF PROCEDURE FOR LARIMER COUNTY BOARD OF COMMISSIONERS

DATE: January 10, 2012

EFFECTIVE PERIOD: Until Superseded

REVIEW SCHEDULE: Every three years in December, or as needed

CANCELLATION: Administrative Policy and Procedure 100.7K, February 17, 2009

ENCLOSURE: None

REFERENCES:

- A. [Administrative Policy and Procedure 100.5](#)/Hearing Room Administrative Matters Agenda
- B. [Financial Policy and Procedure 320.2](#)/Travel and Employee Reimbursement Policy
- C. [Governance Policies Manual: Policy 1.2](#), Operating Principles
- D. [Administrative Policy and Procedure 100.4](#)/Preparation and Recording of Commission Minutes
- E. [Colorado Revised Statutes; Open/Public Records 24-72-204](#)
- F. [Colorado Revised Statutes; Open Meetings Law 24-6-402](#)

PURPOSE: To establish Procedures for the conduct of meetings of the Board of County Commissioners; provide reference for cross training and training new personnel.

SCOPE: This Policy and Procedure applies to the Board of County Commissioners and, where applicable, may be used as a guideline for meetings of boards, committees and commissions appointed by the Commissioners (reference C).

RESPONSIBILITY: The Chair of the Board shall preside at all meetings of the Board and at any joint meetings with Advisory Boards, committees or commissions, and shall take the Chair at the appointed hour and, after ascertaining that a quorum is present, shall call the Board to order.

- A. Quorum - a quorum of the Board consists of two elected Commissioners and is prerequisite to consider or transact business. A quorum for other boards and for committees and commissions is usually a majority of the membership or as otherwise prescribed in the organization's by-laws.

- B. Chair Pro Tem - In the absence of the Chair, the Chair Pro Tem shall preside at the meeting of the Board.

SPECIFIC REQUIREMENTS:

1. Regular meetings of the Larimer County Board of Commissioners shall be held Mondays, Tuesdays, Wednesdays, and Thursday s of each week, if possible (reference A, Section III, A).
2. Written notice of a special meeting shall be given by those responsible for its call to each member of the Board. Notice shall be posted in the location as designated in the **RESOLUTION DESIGNATING THE PUBLIC PLACE IN WHICH NOTICE IS POSTED OF MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS, adopted annually by the Board** 24 hours preceding the special meeting. In addition, notice will be provided to the media 24 hours prior to the special meeting (Section III, B, 1) and posted on the county website.

REVISION LOCATOR:

1. Section III, G (added)
2. Section IV, A
3. Section V, B
4. Section V, E, 2
5. Section V, H

POLICY AND PROCEDURE:

I. DUTIES OF PRESIDING OFFICER:

- A. The presiding officer may debate from the Chair, subject only to such limitations as imposed by these rules. The presiding officer may not initiate motions but may amend motions on the table.
- B. In Quasi-Judicial matters, the presiding officer should endeavor to separate the moderator role and the decision-maker role. During the first phase, the responsibility is to impartially run the meeting while evidence is being received. During the discussion phase, the presiding officer may debate equally with other members.
- C. The presiding officer shall carry out the policy decisions of the majority of the Board, and shall sign correspondence or documents as the presiding officer, which reflect the majority consent of the Board. Public information shall be given out in an objective manner to reflect majority views of the Board and, when applicable, minority views.
- D. The presiding officer shall adjourn the meeting after determining there is no further business the Board members wish to discuss at the meeting.

II. DECORUM AND ORDER:

- A. The presiding officer shall preserve decorum at all times during meetings and shall decide all questions of order subject to appeal by the Board (see Section IV, F).
- B. Board members shall be under the direction of the presiding officer and obey the rules of the Board (reference C).
- C. Board members shall preserve order and decorum at all times and shall refrain from remarks or statements as to the personalities or motives of other individuals.
- D. Board members shall accord the utmost courtesy to each other, County officials and members of the public attending the meetings of the Board (reference C).
- E. Members of the administrative staff and other County employees attending Board meetings shall be under the direction of the presiding officer and shall observe the same rules applicable to members of the Board.
- F. Members of the public, attending Board meetings, shall be under the direction and control of the presiding officer and shall observe the same rules applicable to members of the Board.
- G. The order of the published agenda will be maintained unless changed by a vote of the Board of County Commissioners.
- H. Before addressing the Board, each individual must come to the podium microphone, be recognized by the Chair, and state and spell his or her name for the record. Staff will provide assistance for any citizen who wishes to address the Board but is unable to come to the podium microphone.
- I. When the Chair determines that time limitations are necessary, reasonable time limits for presentations and comments will be imposed (reference A). Any limitations imposed will be announced by the Chair before any presentations on the item. Time limitations will be equitably applied.
- J. No person may disturb the assembly by any action without being recognized by the Chair. Courtesy shall be given to all speakers. Any person who makes personal, slanderous or disruptive remarks may be removed from the Board chamber by order of the presiding officer.
- K. Those presenting issues or comments shall be brief and avoid duplication. All remarks should be germane to the immediate subject.
- L. During public hearings and formal meetings, Board members shall address each other in a formal manner, referring to other Board members as 'Commissioner <last name>'. Staff and Commissioners' appointed officials shall be addressed by the Board and other staff in a formal manner, using the formal salutations, Mr. or Ms.. Staff shall address the Board as 'Commissioner <last name>'. Other participants in the meeting shall be addressed by

staff and by the Board in a formal manner, using the formal salutations, Mr. or Ms.. More familiar addressing may be used during general meetings or work sessions.

III. MEETINGS:

- A. REGULAR MEETINGS - The regular meetings of the Larimer County Board of Commissioners shall be held Mondays, Tuesdays, Wednesdays, and Thursdays of each week if possible.
1. When the fixed day for any regular meeting of the Board falls on a day designated by law as a legal holiday, the meeting shall be held on either the preceding or succeeding day, as sanctioned by the Board when the weekly Schedule is approved.
 2. *Except as otherwise provided in section III, D below, all meetings of the Board shall be open to the public at all times.*
 3. All meetings of the Board shall be held in the Commissioners' Conference Room in the Courthouse Offices Building unless otherwise specified in the Schedule (reference A, Section III, E).
- B. SPECIAL MEETINGS - Any two Board members may convene a special meeting of the Board to consider business that must be transacted before the next regular meeting.

Written notice of a special meeting shall be given by those responsible for its call to each member of the Board.

1. Notice shall be posted in the location as designated in the **RESOLUTION DESIGNATING THE PUBLIC PLACE IN WHICH NOTICE IS POSTED OF MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS, adopted annually by the Board**, 24 hours preceding the special meeting. In addition, notice will be provided to the media 24 hours prior to the special meeting and posted on the County website.
 2. The posting shall include specific agenda information where possible.
 3. Business considered or transacted at a special meeting of the Board shall be limited to those items specified in the notice.
 4. The provisions of section III, B #1 above, shall not be construed to apply to the day-to-day oversight of property or supervision of employees by County Commissioners (reference C).
- C. ADJOURNED MEETINGS - Any regular or special meeting of the Board may be continued or adjourned to a specific date.
1. Business at an adjourned meeting of the Board shall continue from the point where it was interrupted in the preceding regular or special meeting.

D. TYPES OF MEETINGS -

1. Formal Hearings and Meetings - Formal hearings and meetings are meetings held to make decisions, take public input, and to fulfill certain quasi-judicial or other statutory duties of the Board of County Commissioners. Formal hearings and meetings shall be held in the Commissioners' hearing room, or other place designated by the Board. Minutes shall be taken and recorded at all formal hearings and meetings (reference D). All formal hearings and meetings shall be advertised and open to the public (reference F) except as provided in Section III, E.
2. General Meetings - General meetings are meetings held by the Board to conduct the general business of the County and other administrative matters. Decisions may be made at general meetings. General meetings will be held in the Commissioners Conference room, or other place designated by the Board. Minutes shall be taken and recorded at all general meetings. All general meetings shall be advertised and open to the public except as provided in Section III, E.
3. Work sessions - Work sessions are less formal meetings at which policy and administrative issues may be discussed in an informal setting to allow complete examination and exploration of possible solutions and issues. No decisions will be made at work sessions. Minutes may or may not be taken during work sessions, at the discretion of the Board and/or the County Clerk and Recorder. All work sessions shall be advertised and open to the public except as provided in Section III, E.

E. EXECUTIVE SESSION -

1. By affirmative vote of a majority of the members present, the Board may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters:
 - a. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the Board has a personal interest in such purchase, acquisition, lease, transfer, or sale;
 - b. Conferences with an attorney for the Board for the purposes of receiving legal advice on specific legal questions;
 - c. Matters required to be kept confidential by Federal or State law or rules and regulations;
 - d. Specialized details of security arrangements or investigations;
 - e. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;

- f. Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee where all of the employees have requested an open meeting;
 - g. Consideration of any documents protected by the mandatory nondisclosure provisions of § 24-72-204, C.R.S., commonly known as the "Open Records Act" (reference E). These include records and files of Sheriff's investigations; personnel files, except applications and performance ratings; letters of reference; and confidential commercial and financial data.
2. Prior to the time the members of the Board convene in executive session, the Chair shall announce the general topic of the executive session as enumerated in Section III, E, #1, above.
 3. The Clerk to the Board shall attend executive sessions of the Board for the purpose of making an electronic recording of the meeting as stipulated in C.R.S. 24-6-402 (reference F). At the end of the executive session, the Board shall approve an affidavit stating that the recording is an accurate record of the subject matter of the executive session and that no other business was conducted in the executive session. The Clerk to the Board and the County Manager will store and dispose of all executive session tapes in compliance with C.R.S. 24-6-402 and as outlined in Administrative Policy and Procedure 100.4 'Preparation and Taping of Commission Minutes' (reference D).
 4. No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any executive session, which is not open to the general public.
- F. SPECIAL HEARINGS - In addition to those public hearings, which are required by State and/or local law, the Board by majority consent, may hold a special hearing.
- G. AGENDAS (reference A)
1. Staff is responsible for preparing and posting agendas for Board meetings.
 2. Any Board member may place an item on the agenda for discussion.
 3. Removal of an item from the agenda requires a majority vote of the Board.
 4. Any executive session agenda item must state the CRS section that authorizes the discussion in Executive Session, the general topic of the discussion, and whether or not a formal action in open session will follow the Executive Session.
 5. CONSENT AGENDA – The Consent Agenda is intended to allow the Board of County Commissioners to spend its time and energy on the other items on the agenda. Staff recommends approval of the Consent Agenda. The Consent Agenda consists of items of no perceived controversy and routine administrative actions.
 - a. Land Use Meetings – Anyone may request an item to be “pulled” off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately immediately after the Board takes action on the remainder of the Consent Agenda.

- b. Administrative Matters Meetings – Commissioners may request an item to be ‘pulled’ off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately immediately after the Board takes action on the remainder of the Consent Agenda.

IV. DUTIES AND PRIVILEGES OF MEMBERS:

- A. ATTENDANCE - All members of the Board shall attend all meetings of the Board, except that any Board member who is unable to attend a scheduled meeting of the Board shall notify the Chair or Chair pro-tem and the County manager at least one week in advance or as soon as possible in order to allow for any changes to the posted schedule if necessary.
 - 1. Remote attendance at meetings – At times it may be impossible or impractical for a Board member to be in physical attendance at a regularly scheduled meeting. A member of the Board may attend a meeting via an acceptable medium including interactive telephone, Internet, satellite audio or video conferencing or any other technology that enables the remote participant and all present at the meeting location to be clearly audible to one another, provided:
 - a. Remote attendance is acceptable to the majority of the Board of County Commissioners.
 - b. Remote participation in public meetings is allowable for the following reasons:
 - 1) personal illness
 - 2) personal disability
 - 3) emergency
 - 4) military service
 - 5) geographic distance
 - c. the Board member attending remotely attends and participates in the entire agenda item prior to voting on an issue.
 - d. Executive Session – A member participating remotely may participate in an executive session, but must state for the record, that he or she is alone and cannot be overheard. Alternatively, another person may be present with the member participating remotely if the Board votes to authorize it.
- B. PRIVILEGES - All members of the Board may move and debate, subject only to such limitations as imposed by these rules.
- C. VOTING - Every member of the Board who is present shall vote either 'aye' or 'no' on every question put before the Board, unless excused by the Board for special reasons.
 - 1. Any member of the Board who wishes not to vote on a matter shall declare his intention to abstain before the vote begins.
 - 2. The Deputy Clerk shall record all votes as unanimous or indicate the vote by Board member.

D. PERSONAL PRIVILEGE - The right of any member to address the Board on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned or impugned.

E. APPEAL THE RULING OF THE CHAIR - Any member may appeal to the Board on a ruling made by the presiding officer.

1. The member making the motion shall state briefly the reason for the appeal and the presiding officer shall explain the ruling. There shall be no debate by any other member of the Board on the appeal.

F. DISSENT AND PROTESTS - Any member of the Board shall have the right to express dissent, or to protest against any action taken by the Board and to have the reasons therefore entered into the record.

1. All dissent and protests from any member of the Board shall be made briefly during the meeting or may be submitted to the Board no later than the next succeeding regular meeting.

V. RULES OF DEBATE AND DISCUSSION:

A. OBTAINING THE FLOOR - Any member of the Board who wishes to put a proposal before the Board, or wishes to speak in debate, shall first obtain the floor through the presiding officer's recognition.

1. No member shall address the presiding officer or demand the floor while another member, who is in order, is speaking.
2. When recognized by the presiding officer, the member shall confine himself/herself to making a motion or to the question under debate.

B. MOTIONS - A motion may be withdrawn by the maker at any time before the question is called. Motions described below shall be governed by the following rules:

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| <u>Fix time at which to Adjourn</u> | <u>A</u> | |
| <u>Adjourn</u> | | |
| <u>Recess</u> | <u>A</u> | |
| <u>Continue or postpone to a date certain</u> | <u>A</u> | <u>D</u> |
| <u>Take under advisement</u> | <u>A</u> | <u>D</u> |
| <u>Amend a motion</u> | | <u>D</u> |
| <u>Friendly</u> | <u>No formal action required</u> | |
| <u>Unfriendly</u> | <u>A</u> | <u>D</u> |
| <u>Main Motion</u> | <u>A</u> | <u>D</u> |

A = Amendable

D = Debatable

- C. FIRST IN DEBATE - The maker of a motion is entitled to speak first in debate if the motion is debatable.
- D. LIMITATIONS ON DEBATE - No member of the Board shall speak more than once on a question until every other member who so chooses has spoken.
- E. VOTES TO REACH A DECISION -
 - 1. All decisions of the Board shall be made by either two affirmative or two negative votes. If this cannot be achieved due to the temporary absence of a third Board member, the matter will be tabled to a date when all Board members are present to vote.
 - 2. Where due to a conflict of interest, long term illness or other circumstances not of a temporary nature, only two Board members are qualified or available to act, all motions shall be made in the affirmative. Two votes in favor of the motion shall be required for the motion to pass. Two votes against the motion or a tie vote shall cause the motion to fail and shall be deemed a denial of the petition of application or a rejection of the proposed action.
- F. CONFLICT OF INTEREST - A Board member who has a personal or private interest in a matter proposed or pending before the Board shall disclose such interest to the Board, shall not vote on it, and shall not attempt to influence the decisions of other Board members in voting on the matter.
- G. RESOLUTION OF CONFLICTS OF INTEREST - Actual or alleged conflicts of interest of a Board member may be resolved only by the subject Board member. Conflicts are not subject to formal action or vote by the Board.
- H. METHOD OF DISCUSSION FOR HEARINGS AND FORMAL MEETINGS - The method of discussion during hearings and formal meetings shall be as follows:
 - 1. County Staff Presentation
 - a. Description and analysis
 - b. Recommendations
 - c. Board questions
 - 2. Petitioner Presentation (if applicable)
 - a. Board questions
 - 3. Public Comment Period - both for and against
 - 4. Public Discussion Closed
 - 5. Petitioner Rebuttal (if applicable)
 - 6. Staff clarifications (if requested by the Board)

7. Board Discussion
8. Motion entertained
9. Board Discussion on the Motion
10. Board Action
 - a. Approve
 - b. Deny
 - c. Table (to a date specific time)
 - d. Take under advisement

I. RECESSES OF THE BOARD - The Board may recess a meeting or hearing at any time during a hearing or meeting, upon consensus or by motion, except that recesses should be avoided if possible between section H 4 and H 10, to avoid the perception that the issue may be discussed by the Board during the recess prior to action.

VI. OFFICERS AND EMPLOYEES:

- A. DEPUTY COUNTY CLERK - The Deputy County Clerk shall attend all meetings and hearings of the Board as requested by the Board and/or the County Clerk and Recorder and shall keep and record the proceedings of said meetings (reference D).
- B. COUNTY ATTORNEY - Either the County Attorney or one of his deputies, shall attend all legally advertised hearings of the Board and other meetings as requested by the Board.
 1. Any member of the Board, at any time during the meetings, may call upon the County Attorney for an oral opinion.
 2. Requests for written opinions may be submitted in writing to the County Attorney at any time by any Board member. Copies of these requests and copies of the opinions rendered will distributed to each Board member in a timely fashion.
- C. ADMINISTRATIVE OFFICIALS AND EMPLOYEES - When requested by the Board, the head of any administrative department or any officer or employee of the County shall attend any meeting of the Board. Deputies or representatives may represent any of the individuals by securing approval of the presiding officer.

VII. OTHER MATTERS:

- A. Policy decisions of the Board of County Commissioners will be made in regular or special meetings of the Board and not by individual Commissioners.
- B. **PROCEDURE FOR PASSAGE OF RESOLUTIONS** - Any member of the Board or staff person who wants the Board to consider a Policy Resolution shall submit the Resolution in writing (in a form approved by the County Manager). The Board will consider the Resolution when scheduled, amend it; approve or deny it; or hold it over for more study to a specific date.
- C. **TRAVEL POLICY** - Members of the Board shall be compensated for mileage and other necessary expenses to carry out their duties at the prevailing rate for all other County employees by submitting a completed travel voucher (reference B). Each Commissioner may charge one out-of-state trip per calendar year on County business to public funds administered by the County, subject to budgeted and appropriated funds. Additional travel to represent the interests of the County, State, or Nation may be authorized by Resolution approved by the majority of the Board, providing existing budgets are available to meet the planned expenditures. Commissioner travel funded by another entity does not require prior approval of the majority of the Board.
- D. **COMMISSIONER VACATION POLICY** - Any Commissioner intending to take vacation time shall state his/her intent to the other Board members (reference C). Enough notice shall be given to allow for continuity of Board actions, determination of quorums, and proper scheduling of meetings. Whenever possible, at least two weeks notice prior to taking vacation time is encouraged.
 - 1. Vacation for the purposes of this Policy is defined as an absence by a Commissioner for personal purposes with the intent to be completely unavailable for the conduct of County business.

VIII. PARLIAMENTARY AUTHORITY/AMENDMENT TO RULES/SUSPENSION OF RULES:

- A. **MATTERS NOT COVERED BY THESE RULES** - Any matter which is not addressed specifically in these rules shall be governed by Robert's Rules of Order Newly Revised, 1970, wherever applicable and not in conflict with State or local law.
- B. **AMENDMENT TO RULES** - Any rule which does not have a basis in State or local law may be amended, or new rules may be adopted, by majority consent of the Board.
 - 1. Any such amendment or alteration to these rules shall be submitted in writing to the Board at a regular meeting and within ten (10) days and shall be placed on the Agenda under new business in accordance with reference A.
- C. **SUSPENSION OF RULES** - Any rule that does not have a basis in State or local law may be suspended for the duration of the meeting by a two-thirds vote of the Board.

Lew Gaiter III
Chair, Board of County Commissioners
(BOCC approval and signature – Consent Agenda – 01/10/2012)

Distribution:
All County Department and Elected Officials
Records Management SOP Manual (original)

FL/vl