

EXHIBIT D

Council Policy #CP-20 **Adopted 10/10/11 by Resolution 2011-44** *Amended ____ by Resolution ____*

SUBJECT: *Public Comment ~~d~~During City Council Meetings (Also refer to #CP-2, Section I; #CP-16)*
~~Citizen Communications~~

POLICY STATEMENT: The City Council *desires to hear from members of the public on issues affecting City business. City Council* recognizes the need to adopt a policy that sets forth a procedure that ~~applies to~~ *allows members of the public to express their comments and concerns regarding City business, while balancing the need to run orderly and efficient meetings*~~citizen communications in the conduct of City Council meetings~~. This policy is intended to establish such rules and regulations for providing the public with a reasonable opportunity to be heard as provided by Section 4.24 of the City Charter.

A. The public may comment only during the following periods: (1) "Citizen Communication" during regular City Council meetings; (2) on specific ordinances and resolutions during the time set aside for public comment on that item; and (3) public hearings at the appropriate time. Public comment is not permitted during study sessions or special meetings, unless specifically stated on the agenda.

~~A. Each agenda for regular meetings of the City Council shall contain an agenda item designated "Citizen Communications" in order to provide citizens an opportunity to address the City Council subject to the terms and conditions of this policy. No "Citizen Communications" will be allowed on study session items.~~

B. A Public Comment Roster shall be made available prior to each regular meeting of the City Council and any ~~citizen who~~member of the public who wishes to address the City Council; either under Citizen Communications or with regard to any item on the agenda except a study session agenda item; must complete the Public Comment Roster and submit it to the City Clerk with the printed name, signature and address of the ~~citizen~~person wishing to speak along with a short description of the topic or subject that will be addressed. ~~Citizens shall not be heard on study session items but shall wait to speak when the item is placed on an agenda as an action item.~~ Agendas and the Public Comment Roster shall clearly state that ~~citizens~~members of the public may not be heard on study session items. The requirement for signing the Public Comment Roster as to any specific item on the agenda may be waived by the Mayor or other Council member chairing the meeting if the number of ~~citizens~~members of the public wishing to speak with regard to that specific item makes it impractical to require each of them to sign the Public Comment Roster.

C. All speakers are encouraged to state their points as briefly and clearly as possible. Repetitious remarks shall be avoided and the Mayor reserves the right to terminate redundant comments. All remarks shall be addressed to the City Council and no member of the City Council or City staff shall be requested or expected to engage in discussions or debate with any speaker.

D. When the City Council is required to make a decision in a quasi-judicial proceeding,

each member of the City Council is legally required to be impartial and in order that all quasi-judicial hearings will be conducted in a fair and impartial manner, no evidence outside a hearing may be considered by the City Council in arriving at its decision. Therefore, if any member of the public wishes to speak regarding an issue that is or may be set for a public hearing, or is an issue that may require a quasi-judicial hearing for determination by the City Council, the member of the public may be advised to defer his or her remarks until the quasi-judicial hearing is held by the City Council.

E. "Citizen Communication." Each agenda for regular meetings of the City Council shall contain an item designated for "Citizen Communication" to provide members of the public an opportunity to address the City Council subject to the terms and conditions of this policy.

- a. Comments should be restricted to issues affecting City business and items within the purview of City Council to act.*
- b. Each speaker shall be limited to **three (3) minutes** with the right to extend the time for speaking to five (5) minutes with approval of the City Council. The time limit shall be monitored by a timer. Questions asked by the City Council and answers to such questions shall not be timed, but the chair, in his or her discretion, may limit further questions and discussion.*
- c. Speakers may not yield time to another speaker in order to increase the time available for an individual to speak.*
- d. Each speaker may only approach the podium to speak once during the entirety of the "Citizen Communications" period.*
- e. City Council members will not attempt to reach a solution to any issue presented during "Citizen Communication", but questions may be asked of member of the public during "Citizen Communication" to aid in clarification and determining a proper course of action. Unless the agenda is amended, Council will wait until administrative council business to make motions in response to public comment. To avoid the risk of an inaccurate or inadequate response to a concern, City Council members shall refer questions raised during "Citizen Communication" only to the City Manager or the City Attorney for a timely response. Appropriate follow-up will be provided by way of agenda items or reports given by the City Manager at an upcoming meeting of the City Council.*

F. Ordinances & Resolutions. The public may comment on ordinances and resolutions that are on the agenda for regular meetings that are not set for public hearings. After staff presentation on an agenda item, the Mayor will call upon any member of the public wishing to comment on the particular agenda item. These rules apply to any other public comment period that is not Citizen Communication or a public hearing.

- a. Comments should be restricted to the agenda item under consideration.*
- b. Each speaker shall be limited to **three (3) minutes** with the right to extend the time for speaking to five (5) minutes with approval of the City Council. The time limit shall be monitored by a timer. Questions asked by the City Council and answers to such questions shall not be timed, but the chair, in his or her discretion, may limit further questions and discussion. Speakers should not expect response.*
- c. Speakers may not yield time to another speaker in order to increase the time available*

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for an individual to speak.

d. Each speaker may only approach the podium to speak once during the agenda item.

~~B. The agenda item "Citizen Communications" is not intended to be used as a platform to express personal or political philosophies or messages that have little or nothing to do with the business and affairs of the City of Commerce City.~~

~~C. Although "Citizen Communications" should be acknowledged, neither the City Council nor the City staff shall be expected to respond immediately to matters raised in the "Citizen Communications". Unless the City Manager or the City Attorney has an answer readily available, City Council members will not attempt to reach a solution during "Citizen Communications" and will not engage in debate with citizens or other Council members during "Citizen Communications" but questions may be asked of citizens during "Citizen Communications" to aid in clarification and determining a proper course of action. Expressions of concern are appropriate. In order to avoid the risk of an inaccurate or inadequate response to a citizen concern, the members of the City Council shall refer questions raised during "Citizen Communications" only to the City Manager or the City Attorney for a timely response. Appropriate follow up will be provided by way of agenda items or reports given by the City Manager at the conclusion of "Citizen Communications" at an upcoming meeting of the City Council.~~

~~D. All speakers must stay on topic and are encouraged to state their points as briefly and clearly as possible. Repetitious remarks shall be avoided and the Mayor reserves the right to terminate redundant comments. Redundancies and repetitive remarks should be avoided.~~

~~E.~~

~~F. Each speaker under "Citizen Communications" shall be limited to three (3) minutes with the right to extend the time for speaking to five (5) minutes with approval of the City Council. The time limit shall be monitored by a timer. Questions asked by the City Council and answers to such questions shall not be timed but **the Mayor or other Council member chairing the meeting, or the parliamentarian**, in his or her discretion, may limit further questions and discussion.~~

~~G. All remarks shall be addressed to the City Council and no member of the City Council or City staff shall be requested or expected to engage in discussions or debate with any speaker.~~

~~H. Personal attacks, whether directed toward members of the City Council, City staff or fellow citizens, including the speaker, are prohibited.~~

~~I. The use of profanity or ethnic, racial or gender oriented slurs or any disorderly conduct is prohibited.~~

G. Public Comment during Public Hearings: Please see Council Policy # 22 for rules regarding procedures for quasi-judicial public hearings.

*a. Public comments during hearings shall be limited to **three (3) minutes**, with the exception of presentations by City staff and testimony from applicant(s) and the applicant's representatives.*

- b. *Speakers may not yield time to another speaker in order to increase the time available for an individual to speak.*
- c. *Each speaker may only approach the podium to speak once during the entirety of the public hearing.*
 - Council members shall not express an opinion on the merits of a case during a quasi-judicial hearing.*

~~The Mayor, or other Councilmember chairing the meeting, has the authority to order any person to terminate his or her remarks if the time allotted to such person has expired or if the speaker has violated any of the foregoing rules.~~

d.

~~When the City Council is required to make a decision in a quasi-judicial proceeding, each member of the City Council is legally required to be impartial and in order that all quasi-judicial hearings will be conducted in a fair and impartial manner, no evidence outside a hearing may be considered by the City Council in arriving at its decision. Therefore, if any citizen wishesresident wishes to speak regarding an issue that is or may be pending set for a public hearing, or may, with a reasonable probability, be pending as determined by the Mayor or other Councilmember chairing the meeting or the parliamentarian, or as anis an issue that may require a quasi-judicial hearing for determination by the City Council, the citizen mayresident may be advised to defer his or her remarks until the quasi-judicial hearing is held by the City Council.~~

H. The Mayor, or other Councilmember chair of chairing the meeting, has the authority to order any person to terminate his or her remarks if the time allotted to such person has expired or if the speaker has violated any of the foregoing rules.

J.I. Rules of public conduct identified in CP-#16 apply to all public comment.