City of Louisville
COLORADO • SINCE 1878

Building Code Board of Appeals

Agenda

January 14, 2026
City Hall, Council Chambers
749 Main Street
2:00 PM

Members of the public are welcome to attend and give comments remotely; however, the in-person meeting may continue even if technology issues prevent remote participation.

Join Zoom Meeting
https://louisvilleco.zoom.us/j/82010792826

Meeting ID: 820 1079 2826

One tap mobile
+17193594580,,82010792826# US
+12532050468,,82010792826# US

Meeting ID: 820 1079 2826

Find your local number: https://louisvilleco.zoom.us/u/kd2K8OHkqO

The Board will accommodate public comments during the meeting. Anyone may also email comments to the Board prior to the meeting at Building@LouisvilleCO.gov.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. 2026 Election of Officers

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303 335-4574 or ClerksOffice@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4574.

5. 2026 Meeting Calendar approval

6. Posting Location approval – the approved posting locations are City Hall, Library, PD/Court, Rec Center and City website.

7. Approval of Meeting Minutes from 6.11.25

8. Public Comments on Items Not on the Agenda

9. Discuss Ban on Junipers and Clarifying Amendments to Chapter 15.70 – Fire Hardening Code for Structures

10. Discussion Items for Next Meeting

11. Adjourn

City of Louisville
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Building Code Board of Appeals

Meeting Minutes

June 11, 2025
City Hall, Council Chambers
749 Main Street
2:00pm

Call to Order – Chair Mason Gatto called the meeting to order at 2:06pm.

Roll Call was taken and the following members were present:

Board Members Present:
Matt Berry
Mason Gatto
Peter Geise

Board Members Absent:
Steve Knapp
Steve Norwood

Staff Members Present:
Chad Root, Chief Building Official
Jenny Lane, Senior Permit Technician

Approval of Agenda –

Approved by all members.

Public Comments on Items Not on the Agenda

None.

Approval of Meeting Minutes from 5.12.25

Approved by all members.

Discuss potential discrepancies between the 2024 IECC and the 2024 IBC/IRC

This meeting was requested by the BCBOA to go over discrepancies between the 2024 ICC codes, before the Board is comfortable recommending the 2024 IECC code.

Root provided an update on the 2024 Codes. 2024 codes are one of the better code cycles since all the codes are cohesive and work together since there was a lot of scrutiny on these codes because of federal lawsuits where the code for the IRC and IECC had to postpone publication until after the lawsuit. Typically each committee works on their section (IBC, IRC, IECC, etc) which can create discrepancies, but with the extra scrutiny on these codes, it is more cohesive than in previous cycles. Root reiterated that Shauna Mozingo and Hope Medina did not see any large discrepancies.

City Council will have a study session on 8/26/25. The Board's concerns and recommendations are:

- Study session will be for all the codes, not just the energy code. Root believes the energy code will be the main focus, and maybe some focus on fire sprinklers.
- **Root** believes they may want to amend some items like all electrification and stricter greener means above the code, and they might push for the Cohort version.
- Consensus between Root and the Board is still that the 2024 IECC adopted as is, would be the best option as far as feasibility, compared to the cohort's version of the energy code.
- There is concern from the Board over discrepancies that could exist if there are a lot of amendments, since it could conflict with code straight from the 2024 code books.
- Only amendment Root would suggest to the 2024 IECC would be to have minimum R-values in a table to ensure that the overall performance will meet specific performance targets.
- Denver is staying with their 2021 IECC. Root confirmed that no other municipality has adopted the cohort version and some of the reasons are due to the cost of implementing the cohort version.
- One issue with staying with the 2021 IECC code as the City has adopted is that there are a few items that violate Federal standards (pre-emption).
- The **Board** discussed the State adopted code IECC Appendix CK Colorado Model Electric and Solar Ready Code-Commercial and Appendix RM Colorado Model Electric and Solar Ready Code-Residential

which are two codes created and adopted by the State of Colorado. Root explained that the State codes are aligned with the 2024 ICC codes but would take precedence anyway.

- It will make a more positive environmental impact to work with the code rather than circumvent it.

The Board's concerns with the cohort version of the 2024 IECC, or more restrictive Energy Code amendments:

- Most mechanical contractors are working without a permit or on weekends to avoid having to pull a permit and comply with an all-electric requirement with residential and commercial jobs. Homeowners will use non-qualified people to move gas lines without a permit, or moving electrical outlets, which creates a dangerous situation, and then it is not inspected to ensure safety which comes with a building permit.
- The City of Boulder requires all electrification, so for example, if someone moves a gas stove with a kitchen remodel that they will have to switch to electric, along with potential costs to upgrade their electrical panel, but if they kept it in the same place, it could remain gas.
- With more restrictive code requirements for energy, the cost of implementation increases, which also eliminates the feasibility of affordable housing.
- All board members have spoken with contractors and property owners who have said they are not getting permits for the work and they would rather risk getting caught than try to meet the code, which is difficult or cost-prohibitive.

Root asked for direction from the Board, three codes, which to recommend to City Council:

A. 2024 IECC straight from the book.
B. 2021 energy code as is already in place.
C. Cohort 2024 version of energy code (Board and Root agree it is not the best to adopt; too difficult to enforce).

Root pointed out that the City's building department now requires the Energy Rater to fill out a checklist to ensure compliance with the energy code and that it is being inspected by the energy rater to ensure all the documentation matches what is in the field.

Root talked about the different State codes with the Board and the requirements regarding energy code, EV charging, carbon, recycling, and green codes and

how the State is developing these codes, that the City will need to adopt them when new codes are adopted by the City.

The **Board** spoke about the environmental impact of construction and the waste and material costs of it. Berry explained that it would be important to understand where the interest is for environmental concern:

A. Immediate energy consumption (R value, efficiency of appliances, etc)
B. Carbon impact of implementation; throwing away perfectly good appliances to meet new energy code even if the appliances are working and also truly looking at entire process from start to finish for construction materials – spray foam insulation, from the manufacturing of the chemicals, transporting the chemicals, the waste that must be cut at the end and thrown away.

Motion:

With no concern over discrepancies between the codes, the BCBOA would recommend the 2024 IECC code as written. Given evidence from the past, adopting the as-written 2024 IECC energy code will result in higher compliance than adopting a highly manipulated code, such as the cohort version.

- All approved
- Motion passes

Fire Hardening

No spray-on material allowed per the Fire Hardening Code, as written. Root explained that per the IBC, it is allowed, but with the City Council requirements, he cannot approve it. Root explained that there may be some contractors who might appeal to the Board to challenge the decision.

Discussion Items for Next Meeting

None.

Adjourn – The meeting was adjourned at ____3:38pm_____.

ITEM: Ban on Junipers and Clarifying Amendments to Chapter 15.70 – Fire Hardening Code for Structures

SUMMARY:
Included for review and recommendation to City Council are updates to Louisville Municipal Code (LMC) Chapter 15.70 – Fire Hardening Code for Structures. The proposed amendments include:

- Clarifying the specific rating requirement for siding, eaves, decks, and fences to be a Class A rated material based on ASTM E84 or UL 723 rating standards.
- Adding a ban on the planting of new junipers.

BACKGROUND AND ANALYSIS:

Clarification of Class A Rating Standards
The City adopted LMC Chapter 15.70 by Ordinance No. 1884, Series 2024, which established minimum building code standards for fire hardening of structures applicable to all new development in the city. The ordinance is intended to address resilience to conflagration fires, whether the fire spreads from a wildland area or starts elsewhere in the city.

The ordinance requires a maximum flame spread index (FSI) material rating of 25 or better for siding, eaves, decking, and fences, but does not address the maximum smoke development index (SDI) requirement of 450 typically required for a Class A rated material. This has resulted in the submittal of permit applications that include materials meeting an FSI exceeding 25, but not meeting the SDI requirements, and thus are not Class A rated. Staff recommends amending the code to specify that these materials be Class A based on ASTM E84 or UL 723 rating standards to take into account the SDI standards.

Juniper Ban
At their December 16, 2025 meeting, City Council requested that an ordinance be drafted for consideration that would ban planting of junipers as part of any new development in the City. Junipers contain volatile resins and oils that ignite easily and burn hot compared to other vegetative fuels. Junipers also tend to have low branches creating ladder fuels and tend to accumulate dry dead needs inside and below the plant further adding to fire risk.

The ordinance, as drafted, would ban all species of junipers anywhere in the city associated with new development. Existing junipers could be maintained but could not be replanted or replaced with other juniper species.

Staff is not aware of any other communities that have a city-wide ban on junipers. The City of Boulder recently banned the planting of new junipers in specifically designated

areas under their Wildland Urban Interface (WUI) code where wildfire danger is elevated. Boulder is considering a city-wide ban on junipers, but has not yet adopted one.

The current draft of the ordinance would ban junipers anywhere in the city. Alternatives could include only banning junipers withing a specified distance of primary structures. For example, many WUI codes define three areas of "defensible space" around a structure with different landscaping restrictions within each zone. The recently adopted Colorado Wildfire Resiliency Code includes three defensible space zones: Immediate Zone (0-5 feet); Intermediate Zone (5-30 feet); and Expanded Zone 30-100 feet). For example, the City could consider banning junipers within the first 5 feet of a structure or first 30 feet of a structure but still allow junipers outside of these zones.

BCBOA Recommendation
LMC Sec. 15.56.010 requires that the Building Code Board of Appeals (BCBOA) review and make a recommendation to the City Council on the adoption of any building codes or building code amendments. Therefore, these amendments are being presented to the BCBOA for review and staff requests that a formal motion be made with a recommendation on adoption of the drafted ordinance amendments.

ATTACHMENTS:
1. Redline of Draft Amendments

Chapter 15.70 - FIRE HARDENING CODE FOR STRUCTURES

Sec. 15.70.010. - Applicability.

This chapter provides minimum city-wide building and construction standards for residential and commercial structures in order to decrease threats from wildfires and the spread of fire between structures. ~~The requirements set forth in this chapter shall apply to all new construction, additions, and replacement of building materials, except as set forth in section 15.70.030~~

Sec. 15.70.020. - Construction standards.

The requirements set forth in this section shall apply to all new construction, additions, and replacement of building materials, except as set forth in section 15.70.030.

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A. *Class A roof coverings* tested with ASTM E108 or UL 790 are required on all new structures, additions and replacement roofs where the replaced roof is 50 percent or greater. Examples of class A roof coverings include metal, membrane, asphalt, tile, clay, concrete, stone and slate shingles.

B. *Fire resistant siding and eaves* are required on all new structures, additions and where 50 percent or more of the siding or eave is replaced. Siding and eaves shall be fire and ignition resistant with a ~~maximum flame spread rating of 25 or less~~Class A rating (ASTM E84 or UL 723). Heavy timber and log construction is also acceptable.

C. *Fire and ignition resistant deck surface, steps and guardrails* are required on all new decks and all replacement decks, steps and guardrails. The deck surface, step surface and guardrails shall be fire and ignition resistant with a Class A rating (ASTM E84 or UL 723).~~maximum flame spread rating of 25~~. For decks six feet or lower to the ground, the surface below the deck shall be gravel placed over a sheet of six millimeter plastic or concrete slab to prevent vegetation growth under the deck.

D. *Fire and ignition resistant fencing within five feet of a structure.* New construction and all replacement fences within five feet of the structure must be fire and ignition resistant with a Class A rating (ASTM E84 or UL 723).~~maximum flame spread index of 25~~.

E. *Roof/attic vents, crawlspace vents and solar panel screens.* New structures and all replacement vents shall have the following:

1. One-eighth-inch metal mesh for attic vents, roof vents, eave vents and foundation vents. Mechanical and plumbing vents do not need to be screened.
2. If solar panels on the roof are screened with metal mesh, then the screen must be removable to clean out debris from under panels.

F. *Metal gutters with gutter guards.* New structures and replacement gutters shall be made of metal and shall have an approved ignition resistant means to prevent accumulation of debris in gutters.

Sec. 15.70.030. ~~—~~ Exemptions to construction standards.

Exemptions from the requirements of ~~this chapter 15.70~~Sec. 15.70.020 are as follows:

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A. *Historic home exemption.* Historic homes and buildings may be exempted by the building official from roofing or siding requirements, or both, of this chapter if the building official finds there is no practical means to meet the intent of the chapter while maintaining historic features.

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B. Commercial structures that are fully sprinklered and are in compliance with NFPA-13 and are located greater than 35 feet from the property line are exempt from the requirements of this chapter.

C. *Temporary structures.* Permitted temporary structures, such as tents and membrane structures, are exempt for a period of time not to exceed 180 days.

D. The building official may approve alternative methods or materials in which the material does not ignite (e.g. metal, concrete, or stone) or ~~demonstrating~~it is demonstrated that a method or material has the

equivalent of a Class A rating (ASTM E84 or UL 723). ~~class A or a flame spread of 25 or less in lieu of the requirements of this chapter.~~

Sec. 15.70.040 – Prohibition on planting junipers

A. Planting or installation of any species of juniper (Juniperus spp) is prohibited.

B. Any existing species of juniper that have been planted or installed prior to the effective date of this ordinance may be maintained but may not be re-plated, relocated, or replaced with another juniper species.

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City of Louisville

Open Government & Ethics Pamphlet 2026

This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville. This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk's Office, 749 Main Street, Louisville, Colorado, and on the City's web site at www.LouisvilleCO.gov. This pamphlet is also provided to every member of a public body at that body's first meeting each year.

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Citizen Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, and of appointed Boards and Commissions, are open to the public and include an opportunity for public comments. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

City Council Meetings:

- Regular meetings are generally held the first and third Tuesdays of each month at 6:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Special meetings or Study sessions are generally held the second and fourth Tuesdays of each month at 6:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Regular meetings include remote participation option via Zoom, are broadcast live on Comcast Channel 8, and are available on the City's website 48 hours after the meeting;
- Special meetings and Study Sessions also include remote participation option via Zoom and are available on the City's website 48 hours after the meeting
- Unless it is an emergency session, agendas are posted a minimum of 72 hours prior to the meeting.

Meeting Agendas for City Council meetings, other than emergency special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at www.LouisvilleCO.gov

Meeting packets with all agenda-related materials for regular meetings are available 72 hours prior to each meeting and may be found at these locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions by registering for eNotifications on the City's web site at www.LouisvilleCO.gov. Meeting minutes of meetings are available in the City Clerk's office and on the City's website (www.LouisvilleCO.gov) once they are approved.

Information about City activities and projects, as well as City Council decisions, is included in the quarterly *Lantern* newsletter, mailed to all City residents and businesses. Information is also often included in the monthly eNewsletter.

Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Councilmembers is available at www.LouisvilleCO.gov as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center. You may email the Mayor and City Council as a group at Council@LouisvilleCO.gov

Mayor's Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City's website (www.LouisvilleCO.gov).

Mayor and City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk's Office, at ClerksOffice@LouisvilleCO.gov or 303.335.4574.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City's Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.)

The City's Boards and Commissions are:

- Board of Adjustment
- Building Code Board of Appeals
- Cultural Advisory Board
- 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 information, meeting agendas, and schedules are available on the City's website (www.LouisvilleCO.gov). Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting at these locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

Copies of meeting packets containing agenda- related materials are available at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street;
- City Clerk's Office, City Hall, 749 Main Street
- City web site at www.LouisvilleCO.gov

Planning Commission

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission makes a recommendation of approval or denial to the City Council for all land use proposals.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month.
- Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed.
- Study Sessions are held occasionally as needed.
- Regular meetings include a remote participation option via Zoom, are broadcast live on Comcast Channel 8, and are available on demand on the City's website.

Open Government Training

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

Open Meetings

The City follows the Colorado Open Meetings Law ("Sunshine Law") as well as additional open meetings requirements found in the City's Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a "public bodies" for ease of reference). Important open meetings rules and practices include the following:

Regular and Special Meetings

All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public.

All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public. Meetings may be held electronically under specific circumstances.

All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- On the City web site at www.LouisvilleCO.gov

Study Sessions

Study sessions are also open to the public however, study sessions have a limited purpose:

- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings. If a person believes in good faith that a study session is proceeding contrary to these limitations, they may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
- A written summary of each study session is prepared and is available on the City's website.

Executive Sessions

The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City's rules regarding executive sessions include the following:

Timing and Procedures

The City Council and City Boards and Commissions may hold an executive session only at a regular or special meeting. No formal action of any type, and no informal or "straw" vote, may occur at any executive session. Rather, formal actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

Authorized Topics

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

Ethics

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards in state law. Louisville's position on ethics is perhaps best summarized in the following statement taken from the City Charter:

Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed

to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.

The City's Code of Ethics (Sections 5-6 through 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

Conflicts of Interest

One of the most common ethical rules visited in the local government arena is the "conflict of interest rule." While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an "interest" that will be affected by his or her "official action," then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An "interest" is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an "interest" does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member's only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an "interest" does not include a stock interest of less than one percent of the company's outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated. In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, "official action" for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and "quasi-judicial" proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Conflicts

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member's action on a contract with that entity.

Gifts and Nepotism

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the "occasional nonpecuniary gift" of $15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official's or employee's official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or employee shall be responsible for employment matters concerning a relative. Nor can they influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

Other Ethics Rules of Interest

Like state law, Louisville's Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a "revolving door" rule that prohibits elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5-9 of the Code of Ethics.

Disclosure, Enforcement, and Advisory Opinions

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person's employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City's best interest.

Citizens are encouraged to contact the City Clerk's Office with any questions about the City's Code of Ethics or to request a copy. A copy of the Code is also available at the City's website (www.LouisvilleCO.gov).

Other Laws on Citizen Participation in Government

Preceding sections of this pamphlet describe Louisville's practices intended to further citizen participation in government. Those practices are intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

Initiative and Referendum

The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

Public Hearings

In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council's initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new liquor licenses. Anyone may provide comments during these hearings.

Public Records

Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City's public records, except for police records which are handled by the Police Department. The City maintains a public policy on access to public records, which includes a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records or for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City's website (www.LouisvilleCO.gov). In addition to posting agenda-

related material, the City maintains a communication file (email) for the City Council which is available on the City's website (www.LouisvilleCO.gov).

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of City facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City's website (www.LousivilleCo.gov) for information, and to contact the City with any questions regarding City records.

Public Involvement Policy

Public participation is an essential element of the City's representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

Guiding Principles for Public Involvement

Inclusive not Exclusive - Everyone's participation is welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

- *Voluntary Participation* - The process will seek the support of those participants willing to invest the time necessary to make it work.
- *Purpose Driven* - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.
- *Time, Financial and Legal Constraints* - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.
- *Communication* - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.
- *Adaptability* - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.
- *Access to Information* -The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.
- *Access to Decision Making* - The process will give participants the opportunity to influence decision making.
- *Respect for Diverse Interests* - The process will foster respect for the diverse values, interests and knowledge of those involved.
- *Accountability* - The process will reflect that participants are accountable to both their constituents and to the success of the process.
- *Evaluation* - The success and results of the process will be measured and evaluated.

Roles and Responsibilities - City Council

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

Roles and Responsibilities - City Staff and Advisory Boards

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure the Guiding Principles direct their work. In addition to the Guiding Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

All Participants

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively,
- offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2025

City of Louisville
COLORADO • SINCE 1878

BOARD & COMMISSION

RULES OF PROCEDURE

Adopted November 6, 2023 – by Resolution No. 66, Series 2023

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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.