



TO: Honorable Mayor and Council
FROM: Steve Kemp, City Attorney
RE: Public Comment on First Reading
DATE: May 4, 2018

At the May 1, 2018 council meeting, a citizen made a comment that the Littleton City Charter permitted discussion of proposed matters on a first reading. It is my opinion that the City Council is limited pursuant to the Littleton City Charter on first reading to three items:

1. Approve Introduction of the Ordinance, Section 40(c)
2. Direct the publication of the Ordinance as Introduced, Section 40(d)
3. Set a day, hour and place for a public hearing on the Ordinance as introduced, Section 40(d)

It is important to look at the history of first reading by legislative bodies. A first reading is when a bill is introduced to a legislative body. In the United States, the title of the bill is read and immediately assigned to a committee. The bill is then considered by committee between the first and second readings. This process is common in the United States and other British influenced systems.¹ In most state legislatures amendments may only be considered after second reading, where the legislation is considered substantively for the first time.

Both Arvada and Denver follow this process. In Arvada, the ordinance is introduced for approval or rejection on a first reading by vote of the City Council. The public hearing and discussion occurs on second reading.² In Denver, the City Secretary reads the title of the Ordinance on First Reading at the council meeting, after which the council president refers the ordinance to a subcommittee.³

The model city council procedures published by the League of Oregon Cities and Towns provides an excellent discussion of this process.

1. An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
 - a. A public hearing on the ordinance be held
 - b. Refer the ordinance to committee for review and recommendation
 - c. Refer the ordinance to the city manager for further revision

¹ Historically, this has been referred to as the Westminster System where the British Parliament is located.

² Arvada, Colorado, City Council Rules of Procedure

³ Denver, Colorado, City Council Rules

- d. Pass the ordinance to a second reading; or
 - e. Reject the ordinance in whole or in part.
2. All ordinances when introduced for first reading shall be identified by title and calendar of first reading and may be passed to a second reading as a group without further reference.

The process currently used in Littleton is consistent with the language of the charter and the obvious intent of the authors to adopt the Westminster system. For the council to institute a process of discussing the substance of ordinances on first reading is contrary to the intent of the authors and the charter.⁴ It is understood that in the past, the city council may not have followed this process, to the extent that occurred it is not consistent with the Westminster system adopted in the city charter.

⁴ Nothing prevents inclusion of a short summary of the ordinance in the council communication, such a process is used in both Arvada and Denver