



ADDENDUM I

COMMITTEE OF THE WHOLE AGENDA

MAY 19, 2014

ADDITION TO AGENDA

Item 4A. Public Comment Ordinance Discussion. (*Revised memo and Ordinance*)



FOR COUNCIL: May 19, 2014

SUBJECT: Proposed Text Amendment to Chapter 2. Administration regarding Public Comment at Council Meetings

RECOMMENDATION: Recommend that the proposed Text Amendment be placed on a future City Council Regular Meeting Agenda.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: The Illinois Open Meetings Act provides “any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” 5 ILCS 1/2.06(g). In a request for review letter on public comment at the City’s previous Administration and Finance Committee, the Public Access Counselor’s office concluded the Committee was required to provide an opportunity for public comment at all future committee meetings subject to any reasonable rules that are consistent with Section 2.06(g). Although the City now allows public comment at all committee meetings, the City Code provides for public comment only at the first regularly scheduled meeting of the month. The proposed ordinance provides there will be a fifteen (15) minute public comment period at every regularly scheduled meeting of the City Council, including special City Council meetings where there is an action item on the agenda. It also provides public comment is limited to three (3) minutes per person, comments may not be threatening and disorderly conduct is prohibited. Finally, it provides that individuals may submit written comments to the City Clerk at least twenty-four (24) hours before a meeting and said comments will be copied and provided to Aldermen or alternatively that comments may be emailed to the City Council.

This matter was tabled for further discussion at the meeting on April 28, 2014. In addition, some questions were raised about discrepancies between the public comment set forth in this ordinance as compared to public comment during commission meetings in Section 85. This ordinance applies solely to City Council meetings and has a slightly different set of rules, including that public comment is toward the beginning of the meeting as opposed to the end. This allows citizens to comment on an issue prior to a vote being taken on the item. There is no requirement that the rules be identical as they are for different types of meetings and serve different types of needs.

The Council will need to make a Motion to Revive Consideration at the time that this item is placed on a Regular City Council Meeting Agenda. This motion is in order at any time within 100 days after the day of the vote to defer consideration, i.e. table. The last Regular Council Meeting Agenda for this item to appear would be July 28, 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

A handwritten signature in black ink, appearing to read "David A. Hales". The signature is fluid and cursive, written over a white background.

David A. Hales
City Manager

Attachments: Attachment 1. Ordinance Amending the Public Comment Rules for the City of Bloomington

ORDINANCE 2014 - __

AN ORDINANCE AMENDING THE PUBLIC COMMENT RULES
FOR THE CITY OF BLOOMINGTON

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That Chapter 2, Article II, Section 17(5) of Bloomington City Code, 1960, as amended, shall be further amended as follows (unless otherwise noted, additions are indicated by underlines; deletions indicated by strikeouts):

- (5) Public Comment.
- (a) A public comment period not to exceed fifteen (15) minutes will be held during ~~the first~~ every regularly-scheduled City Council meeting of each month, as well as all special City Council meetings where there is an action item on the agenda, not including closed session. Written comments may also be submitted to the City Council by filing same with the City Clerk at least 24 hours prior to the start time of the meeting. Said written comments shall be copied and distributed to each member of the City Council by the City Clerk prior to the start of the meeting. The City Council also accepts comments via e-mail to citycouncil@cityblm.org.
- (b) Anyone desiring to address the City Council must complete and submit a public comment card available in the City Council Chamber up to fifteen (15) minutes prior to the start of the meeting. The person must include his or her name and contact information.
- (c) ~~There shall be a maximum of five (5) speakers in any public comment period. In the event more than five (5) public comment cards are submitted, the Mayor shall randomly select the five (5) speakers.~~ Comments are limited to three (3) minutes per speaker. The comment cards shall be randomly drawn by the City Clerk, in front of at least one member of the City Council, to determine the speaking order and the City Clerk shall announce the order of the names drawn. After 15 minutes of public comment, the public comment period shall be closed. A speaker cannot give his or her allotted minutes to another speaker to increase that person's allotted time.
- (d) Speakers will be acknowledged by the Mayor and shall address the City Council from the podium and not approach the City Council or City staff. Speakers will begin their statement by first stating their name and address for the record.

- (e) Statements are to be directed to the City Council as a whole and not to individual Council members. Public comment is not intended to require Council members or staff to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.
- (f) After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.
- (g) Any person who engages in threatening or disorderly behavior when addressing the City Council shall be deemed out-of-order by the presiding officer and their time ceased to address the City Council at said meeting.

SECTION 4. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 5. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 6. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 7. This ordinance shall be effective immediately after the date of its publication as required by law.

SECTION 8. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this _____ day of May, 2014.

APPROVED this _____ day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk