

024203
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Introduced by Treese
First Reading 4-6-20 Second Reading 4-6-20
Ordinance No. 024203 Council Bill No. B 89-20

AN ORDINANCE

enacting temporary rules for the submission of public comments on Council agenda items; providing an exception for public hearings required by state or federal mandates; providing an effective date and duration; providing an emergency clause for enactment on the day of introduction of the bill.

WHEREAS, Section 15 of the Columbia City Charter requires all persons interested in any council bill, other than an emergency bill, to be given the opportunity to be heard before the council in accordance with such rules and regulations as the council may adopt; and

WHEREAS, Section 2-47 of the City Code provides for removal from an item on the Consent Agenda by a member of the public and grants such member of the public the right to speak on any such item removed from the Consent Agenda; and

WHEREAS, the Council has previously adopted R101-14 and R181-81 relating to rules for public comment on agenda items together with other rules relating to common custom and practice which allow any person to speak for three (3) minutes prior to Council consideration of any bill, allow any individual to schedule a public comment and speak for five (5) minutes during scheduled public comment at the start of each council meeting, and allow for three (3) minutes by any person at the end of each council meeting during general comments by the public; and

WHEREAS, the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious communicable and dangerous disease and on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, due to the COVID-19 pandemic, there have been declarations of emergency enacted by the President of the United States, the Governor of the State of Missouri and the City of Columbia; and

WHEREAS, on March 25, 2020, due to presence of COVID-19 and the existence of community spread of the disease within the City, the Director of Public Health and Human Services issued a Stay at Home Order mandating all persons within the City of Columbia stay at home or at their place of residence except for carrying out Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations as more fully set forth in such order; and

WHEREAS, due to the ongoing and rapidly spreading COVID-19 pandemic, the Council finds it to be in the best interest of the health, safety and welfare of the citizens of Columbia to minimize the opportunity for community spread of the virus during City Council meetings by eliminating the requirement for individuals to appear before Council in person in order to provide public comment on an agenda item; and

WHEREAS, the Council further finds that the purpose of such public comment may be adequately achieved by alternative means that do not require the physical presence of an individual at a Council meeting; and

WHEREAS, the Council finds that requiring the submission of written comments by members of the public to the Council through the City Clerk at least three (3) hours prior to the start of the Council meeting and requiring the City Clerk to provide the written comments to the Council on or before the start of the meeting and to file such comments with the written agenda materials is a reasonable alternative to the allowance of verbal comments at the meeting during this state of emergency; and

WHEREAS, any citizen who is unable to communicate utilizing written communication may contact the City Clerk to request a reasonable accommodation; and

WHEREAS, the Council renews its commitment to transparency and openness in government and, barring any technological impediments, will continue to require all regular meetings of the Council be broadcast live for all citizens who desire to observe such proceedings remotely to be informed of its proceedings; and

WHEREAS, such meetings shall remain open to members of the public who desire to attend the meeting in person but such attendance shall be in conformance with Social Distancing Requirements established by the Director of Public Health and Human Services; and

WHEREAS, due to the COVID-19 pandemic the City Council finds it is necessary for the immediate preservation of public health and safety to enact such rules and regulations as an emergency ordinance on the day of introduction so that such rules may go into effect immediately.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Emergency clause, effective date and duration. Due to the community spread of the COVID-19 pandemic within the City of Columbia and for the immediate preservation of public health and safety this ordinance is enacted as an emergency ordinance within the meaning of Article II of Section 15 of the Home Rule Charter of the City. This ordinance shall go into effect immediately after its passage by six-sevenths (6/7) of the members of the City Council and shall remain in effect for so

long as the declared state of emergency exists within the City of Columbia due to the COVID-19 pandemic or this ordinance is repealed, whichever occurs first.

SECTION 2. Modification of manner in which public comments are received by Council. During the period of time this ordinance is in effect, all public comments desired to be made by a member of the public at a City Council meeting are hereby required to be submitted to the City Clerk's Office in written form at least three (3) hours prior to the time of the scheduled meeting. Unless requested by a member of City Council and authorized by vote of a majority of the Council, no member of the public will be authorized to make a verbal public comment at a Council meeting. Members of the public are encouraged to submit written public comments to the City Clerk electronically at cityclerk@como.gov.

Every written comment should contain the following information from the individual submitting the public comment: agenda item to which the public comment applies together with the name and address of the person submitting the public comment. Items that cannot be submitted electronically may be mailed or submitted as otherwise designated by the City Clerk, who may be contacted at 573-874-CITY (2489). Any citizen who is unable to communicate utilizing written communication may contact the City Clerk at least two (2) business days prior to the meeting to request a reasonable accommodation. The City Clerk shall provide each council member with a copy of such written public comments and shall file a copy of such comments with the agenda items for the council meeting for which the comments were submitted.

SECTION 3. Public hearing exception. This ordinance shall not apply to any public hearing which is mandated by state or federal law. Public comment received by a member of the public during any such public hearing shall follow Social Distancing Requirements as established by the Public Health and Human Services Director.

SECTION 4. Ordinance supersedes any prior code, policy or practice. To the extent any provision of the city code or prior policy or practice of the City Council is in conflict with this ordinance, the provisions of this ordinance shall supersede such provisions.

PASSED this 6th day of April, 2020.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor