



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: City Clerk and Law

To: City Council

From: City Manager & Staff

Council Meeting Date: November 18, 2019

Re: Update to R188-81 – Rules for public hearings and comments before the City Council

Executive Summary

Potential updates to R188-81, which sets forth the rules for public hearings and comments before the City Council.

Discussion

R188-81 reaffirmed R179-77 and has not been reviewed or updated since April 20, 1981. Comments at the September 16, 2019 meeting suggested a desire to update those rules.

Item 3. Speakers are currently required to provide their name and address prior to speaking. Having the address allows Council to know whether the speaker resides in the City and where in proximity to a particular project or voiced concern the speaker resides in order to properly weigh the comments made during the meeting. It also helps the City Clerk correctly identify and spell the name of the speaker for the minutes.

Discussion at the September 16, 2019 meeting suggested further discussion was warranted to determine whether or not speakers should be required to state their address due to privacy concerns. Options mentioned included a sign-up sheet where the speaker provides the speaker's printed name and address prior to speaking, asking the speaker to spell their name prior to speaking, and/or asking the speaker to identify whether they reside within the city of Columbia and in which ward.

Item 4. This item provides that public comment by any one person is limited to five minutes. Based on verbal history from former City Counselor Fred Boeckmann, the practice to limit public comment by any one person to three minutes occurred over 30 years ago, likely between April of 1981 and August of 1986. Staff cannot find where the reduction for any individual speaker from five minutes to three minutes was ever memorialized by formal action of the City Council. The practice has also been for any person speaking on behalf of a group to be allowed to speak for five minutes. A formalized written record of the five minute "speak on behalf of a group" rule has not been found either.

Item 5. This item lists the types of comments which are out of order by a speaker. It has been suggested that the use of profanity be included as a comment the chair may rule as out of order.

Item 8. This item discourages smoking and requires smokers to utilize ashtrays. It may be deleted since smoking is prohibited in the building and is addressed in the City Code.



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In addition to these items, **Item 7**, which provides for removal of any person who refuses to leave the Council Chamber when ordered to do so, should be improved upon so it is gender neutral.

Other items the Council may wish to consider in any update to R188-81 are as follows:

- A rule addressing demonstrative outbursts from members of the audience during public comment, such as shouting, clapping, cheering, or booing.
- A statement by the speaker as to whether or not the speaker is a paid representative or receiving any type of compensation for their comments or attendance.
- The total public comment time allowed for each agenda item upon which a vote is to be taken. For example, some municipalities provide a total of 15 minutes of public comment per agenda item.
- The total amount of time a single individual may engage in public comment at any particular meeting. For example, New Orleans limits any speaker to a total of 6 minutes per Council meeting and allows the speaker to divide up their time among council agenda items in increments of not less than one minute per item.
- Whether or not a public comment card needs to be completed prior to the start of the meeting or if it may be completed before or after speaking. For example, several municipalities require any person wishing to speak during a public comment period on an agenda item to complete and submit a card within five minutes of the call to order of the meeting.
- If a public comment card is adopted, whether the speaker should sign a statement affirming that their testimony made before the Council is true and correct.
- General guidance as to whom the speaker should address the speaker's comments, whether or not the speaker should expect to have questions answered during the council meeting, whether or not to limit speaking only on agenda items and discourage the use of public comment as a time to promote business and/or political candidacies. Examples from other communities such as Bloomington, IL, New Florence, OR, and other municipalities can be provided.
- Whether a speaker may yield their time to another person.
- Whether to provide for special circumstances in which the Council may establish longer and/or shorter time limits for speakers.
- Whether to provide for an established adjournment time. For example, the City of Palm Springs, CA has established an adjournment time of 11:00 pm with the Council



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pausing at 10:00 pm to determine which agenda items will be considered before the 11:00 adjournment time and which items will be continued to a subsequent meeting.

Staff is open to any and all suggestions and would welcome feedback from the Council to draft an updated Resolution.

Once updated and adopted by Council, Staff will post a copy of the resolution on the city's website where it is relevant and easy to find.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Primary, Secondary Impact: Secondary, Tertiary Impact: Tertiary

[Comprehensive Plan Impacts:](#)

Primary Impact: Primary, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Legislative History

Date	Action
May 2, 1977	R179-77 - Adopting rules for public hearings and comments before the City Council.
April 20, 1981	R188-81 – Reaffirming rules for public hearings and comments before the City Council.

Suggested Council Action

Provide guidance as to suggested changes and then direct staff to bring forward a resolution with the suggested changes for Council consideration.

REP104-19 Potential Update to R188-81 - Rules for public hearings and comments before the City Council.

Mayor Treece suggested codifying their current practice, some of which was at odds with the 1981 resolution, and included the three-minute time limits for individuals and five minutes for organizations if requested. He stated he wanted to remove the requirement that a person speaking state their address as technology today allowed people to see where someone lived and know they were not home. He thought a form could be filled out at the time the speaker spoke or after providing public comment with a name and address to assist the City Clerk in identifying the speaker for the purposes of the minutes. If they were paid to represent an organization, he suggested that be included as well. They could also address other decorum issues, such as signs, demonstrations of support or opposition, profanity, etc. or leave that at the discretion of the chair now. Mr. Skala understood it was at the discretion of the chair, but noted it would not be a bad idea to have some rules codified. He also felt signs and demonstrations were appropriate outside of the Council Chamber. Mayor Treece did not feel they should obstruct someone's vision.

Mayor Treece thought having a hard cap on the adjournment of meetings would be manipulated.

Mr. Skala stated he thought things had improved a great deal as they had not gone terribly late recently. He felt the Interim City Manager had contributed to that positive outcome.

Mr. Trapp thought the approach suggested by Mayor Treece made sense. He noted he was unsure about the five minutes for organizations because that was elastic. He suggested they try to define it. He wondered if they wanted to limit it to one speaker for and one speaker against because it was sometimes nice to allow an applicant with a complex project with five minutes instead of three. He pointed out almost everyone represented an organization. It was not a huge problem, but if they were going to codify it, he suggested limiting it. Mayor Treece asked if he wanted it to be three minutes for everyone. Mr. Trapp stated he would be okay with that or one for and one against. Mayor Treece pointed out they did not always have people speak in order of in favor or against as everyone seemed to want the last word.

Mayor Treece commented that he thought it had worked well for people to sign up ahead of time when the Unified Development Code (UDC) had been addressed, but people had tended to wait until the end to sign up then too.

Mr. Skala thought three minutes for everyone was fine, and if someone wanted to announce they were with an organization or ask people to stand in support, they had that option within the three minute period. Mayor Treece commented that he would rather not contract anything at this time. He would prefer to codify what they were currently doing.

Mr. Trapp understood they would drop the item referencing smoking. Mayor Treece stated that was correct.

Mr. Thomas suggested they include a prohibition on personal attacks as there had been a few of those, and it was hard to stop without a written rule. Mr. Pitzer pointed out it was actually already included and read that portion of the resolution. Mr. Thomas

thought that might be good enough and asked Mayor Treece to refer to it if he detected someone was making a personal attack.

Mr. Pitzer pointed out he agreed with Mr. Thomas as there had been a political candidate that had launched a campaign via his comments, which he did not feel was appropriate.

Mr. Pitzer commented that he agreed with the justification for not requiring an address, but felt it was helpful to know if someone was a resident of the City and directly affected or impacted by a particular project. He was not sure how to balance that. If it was provided on the form mentioned, it was not something they would have in real time.

Mayor Treece thought from an advocacy perspective, it would be more compelling for the person providing public comment to actually state where in proximity to the project they lived.

Mr. Skala understood people could provide the ward in which they resided, but a lot of people really did not know their ward.

Mr. Pitzer commented that one of the ideas he thought was interesting was limiting the total amount of speaking time for single speakers. He felt it could be something more than three minutes and could be allocated however the person chose throughout the course of the meeting. He also believed all comments should be directed to Council and not to staff. He noted one of them could choose to ask staff to respond if they wanted. He pointed out there had been some awkward interactions with speakers questioning staff members, which he did not feel was appropriate.

Mayor Treece stated he agreed in terms of comments being directed toward the Council. With regard to the clock, he felt the chair should be in control of it and was not sure someone should yield their time to someone else in the audience. He also did not want to cap the number of times someone spoke as Columbia had an active and engaged citizenry that was interested in more than one issue. Mr. Thomas thought it would be difficult to track as well.

Mayor Treece asked for a draft resolution to come back to Council incorporating the comments heard tonight. Ms. Amin understood the Council wanted the draft to come back as a report. Mayor Treece stated that was correct. Mr. Skala suggested a template be provided for a sign in form as well.