

Legistar ID No.:

2020-0159

AGENDA REQUEST FORM

FOR: Council Meeting of March 3, 2020

FROM: Council Member Matthew Petty

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL TO LIMIT PUBLIC COMMENTS TO THREE MINUTES EACH AND RECOGNIZE THE STATUTORY READING REQUIREMENT FOR ORDINANCES MAY BE DISPENSED WITH A SINGLE MOTION TO SUSPEND OR DISPENSE WITH THE RULE

APPROVED FOR AGENDA:



City Council Member
Matthew Petty

2-18-2020

Date



City Attorney Kit Williams
Approved as to form

February 13, 2020

Date

14-55-202. Reading requirement.

(a) All bylaws and ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days unless two-thirds ($\frac{2}{3}$) of the members composing the municipal council shall dispense with the rule.

(b) In a city with a population of less than fifteen thousand (15,000) persons in the most recent federal decennial census, if the ordinance under consideration has been submitted to and approved by the electors of the municipality and is being amended, repealed, or otherwise altered by the municipal council, then the ordinance shall be fully and distinctly read on three (3) different days not less than twenty-eight (28) days apart.

History. Acts 1875, No. 1, § 86, p. 1; C. & M. Dig., § 7502; Pope's Dig., § 9562; A.S.A. 1947, § 19-2402; Acts 2017, No. 1052, § 1.

Amendments. The 2017 amendment added the (a) designation; and added (b).

CASE NOTES**Resolutions.**

Annexation of lands from a city to a municipality, at the request of the lands' owners, was not invalid due to a failure to read the annexation resolutions on three different days or to publish the resolutions because (1) the resolutions were not gen-

eral, as the resolutions encompassed only annexed areas, and (2) the resolutions were not permanent, as the resolutions were terminable without repeal. *City of Rockport v. City of Malvern*, 2012 Ark. 445, 424 S.W.3d 870 (2012).

14-55-203. Voting requirements for passage — Effective dates.

(a) On the passage of every bylaw, ordinance, resolution, or order to enter into a contract by the council of any municipal corporation, the yeas and nays shall be called and recorded.

(b) To pass any bylaw, ordinance, resolution, or order, a concurrence of a majority of a whole number of members elected to the council shall be required.

(c)(1)(A) The effective dates for ordinances of a general or permanent nature and other local measures of a general or permanent nature of cities of the first class, cities of the second class, and incorporated towns shall be upon publication or posting as is otherwise required by law, but not before ninety-one (91) days after passage by the governing body of the city or town.

(B) In the event that the governing body of the city or town has by ordinance fixed the deadline for filing referendum petitions upon ordinances or other local measures at not less than thirty (30) days nor more than ninety (90) days after passage of an ordinance or measure, then the effective date shall be the day next following the deadline fixed in the ordinance.

(C) An ordinance containing an emergency clause shall go into effect immediately upon passage or at the time specified by the emergency clause, regardless of publication or posting, but an emer-

considered, Government Channel announcements and presentation, and agenda copies available at City Council meetings.

7. Presentation of Agenda Items at City Council Meetings

a. Agenda Items not Included Within the Tentative Agenda Packet.

(1) Staff Agenda Items. If the City staff requests to “walk-on” an agenda item for the City Council Agenda during the City Council Agenda Session, the memo from the City staff shall begin with a clear and compelling reason why this proposed agenda item could not have been included within the Tentative Agenda and cannot wait for City Council consideration at a later City Council meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda.

(2) Council Member Agenda Items. Council Members should also strive to include any agenda item a Council Member wishes the City Council to consider within the Tentative Agenda. If that is not possible, the Council Member should explain during the Agenda Session why the proposed agenda item should be included in the Final Agenda rather than postponed to the next meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda.”

b. Agenda Additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting’s agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

c. Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

d. Unfinished Business and New Business.

(1) Presentations by Staff and Applicants. Agenda items at a City Council meeting shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

(2) Public Comments. Public comment at a City Council meeting shall be allowed for all members of the audience on all items of unfinished and new business and subjects of

Current Rule

public hearings. Speakers shall be limited to a maximum of (5) five minutes so that all other citizens desiring to speak on that agenda item or a later item will not be unnecessarily inconvenienced. By a majority vote of the Council Members present and voting, this time limitation may be altered for a specific agenda item.

A simple majority of the Council Members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk's office no later than 9:00 A.M. on the day of the City Council meeting.

Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the City Council. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Council Member and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to a Council Member or city staff member except through the Mayor.

- e. **Courtesy and Respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

8. **Smoking Prohibited.**

There will be no smoking allowed in the City Council Chambers during City Council meetings.

9. **Cell Phones and Pagers.**

Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

D. PROCEDURES AND PARLIAMENTARY RULES

1. Agenda

The City Council's agenda order shall be coordinated by the Mayor. All items for discussion or action at the regular council meeting shall be included in a Tentative Agenda provided to City Council prior to an Agenda Session where the City Council shall determine the final arrangement of the Agenda. Any item the Mayor or a Council Member wishes to include on the Final Agenda that was not included on the Tentative Agenda may only be added to the Final Agenda during the Agenda Session. At the regular meeting of the City Council, the Council, by majority vote, may rearrange the order of the Agenda. An item may be added to the Agenda at the City Council meeting only by a Motion to Suspend the Rules.

2. Precedence of Motions

The City Council shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's 'Procedural Rules for Arkansas Municipal Officials.' In the event a matter is not covered by the 'Procedural Rules for Arkansas Municipal Officials,' the most recent edition of Robert's Rules of Order shall apply. On questions of appeal, a majority of those present is required to overturn a ruling by the chair."

3. Motions to be Stated by the Chair/Withdrawal

When a motion is made and seconded, it shall be stated by the Mayor before debate. After being stated by the Mayor, a motion may not be withdrawn by the mover without the consent of the member seconding it and approval of the City Council.

4. Reconsideration

After the decision of any question, any member of the prevailing side may request a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

5. Readings

All ordinances shall be read aloud at three different meetings unless the City Council votes to suspend the rules.

The following guidelines for reading ordinances are recommended:



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Communications Director

FROM: **Kit Williams**, City Attorney

DATE: **February 26, 2020**

RE: **Additional time limitation proposals for Rules of Order and Procedure of the City Council**

Pursuant to comments and requests made at the Agenda Session yesterday afternoon, I have drafted a possible amended Resolution incorporating the other changes suggested by the City Council. This amended Resolution is attached for your review and may be included within the Final Agenda Packet.

The new changes suggested by the City Council would (in addition to the currently proposed changes):

- (1) Limit presentations by the agenda applicant to ten minutes unless extended by unanimous consent of the City Council;
- (2) Allow a public speaker additional time by unanimous consent or majority vote.

If these changes are what you would like to incorporate into your *Rules of Order and Procedure*, then someone needs to request the current proposal be amended to this amended Resolution when this agenda item is read by Mayor Jordan. Please let me know if there are any problems with or needed changes to this newly proposed amended Resolution.

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE *RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL* TO LIMIT **APPLICANT PRESENTATIONS TO TEN MINUTES**, PUBLIC COMMENTS TO THREE MINUTES EACH AND RECOGNIZE THE STATUTORY READING REQUIREMENT FOR ORDINANCES MAY BE DISPENSED WITH A SINGLE MOTION TO SUSPEND OR DISPENSE WITH THE RULE

WHEREAS, permitting five minutes for all members of the public to speak about an agenda item has resulted in numerous lengthy meetings requiring some members of the public to wait until midnight or later to speak to an issue being considered by the City Council; and

WHEREAS, shortening the time limit from five minutes to three minutes would allow all members of the public a better and more reasonable opportunity to express their support, opposition, or concerns relating to agenda items being considered by the City Council; and

WHEREAS, state law allows “two-thirds (2/3) of the members composing the municipal council (to) dispense with the rule” requiring ordinances to “be fully and distinctly read on three (3) different days”; and

WHEREAS, some uncontroversial ordinances should be able to be moved to their final reading by a single motion to suspend or dispense with the rule rather than the two motions the City Council has used for over a quarter century.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends A.7.d (2) **Public Comments** by amending the five minute limitation for public speakers to three minutes and by repealing its last sentence and replacing it with the following: “By unanimous consent or a majority vote of the Council Members present and voting, this time limitation may be altered for the speaker on this specific agenda item.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends A.7.d. (1) by repealing and deleting its third sentence and replacing it with a new third sentence as follows: “An agenda applicant (contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, is limited to a ten minute presentation unless extended by the unanimous consent of the City Council, but may be recalled later by a City Council Member to answer questions.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends D.5. **Readings** by adding a sentence after “All ordinances shall be read aloud at three different meetings unless the City Council votes to suspend the rule,” as follows: “The City Council may suspend or dispense with rule and move immediately to the final reading (without first moving to the second reading) by moving to “dispense with rule and move to the final reading.”

PASSED and **APPROVED** this 3rd day of March, 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

considered, Government Channel announcements and presentation, and agenda copies available at City Council meetings.

7. Presentation of Agenda Items at City Council Meetings

a. Agenda Items not Included Within the Tentative Agenda Packet.

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(2) Council Member Agenda Items. Council Members should also strive to include any agenda item a Council Member wishes the City Council to consider within the Tentative Agenda. If that is not possible, the Council Member should explain during the Agenda Session why the proposed agenda item should be included in the Final Agenda rather than postponed to the next meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda.”

b. Agenda Additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting’s agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

c. Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

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Notes on public meeting rules

Matthew Petty, Ordinance Review Committee, 3/11/2020.

These notes are in the form of pseudo-legislation. No recommendation has been made on any item.
Provided for discussion at the next public meeting of the

1. Create a signup sheet procedure for public speakers on each agenda item.
2. Reduce default speaker's time to three minutes. Councilmembers may still ask brief questions of any speaker during the comment period.
 - a. Alternative: five minutes, displayed as a three minute countdown and then continuing to count negative for two additional minutes. *Note: this would not require a change to our procedural rules.*
3. Memorialize an Overview period during which
 - a. Legislation sponsors and/or presenting staff have 10 combined minutes to introduce the item.
 - b. If there is an individual or private sector applicant, he or she or representatives have 10 minutes to present their case.
4. Both before public input and after, Councilmembers, other City officials, and assigned staff have 10 minutes to raise issues, ask questions, and argue opinions. Total: 20 minutes each, including questions and answers.
5. All types of speakers referenced above may have their time extended by unanimous consent, or a majority vote if any voting member objects.
6. With respect to amendments, amendments will not receive public comment by default. Instead, any Councilmember may motion to allow public comment. The motion may be approved by unanimous consent, or a majority vote if any voting member objects.
 - a. Option: all speakers shall be limited to three minute comments with respect to amendments. Perhaps, in addition, the motioner and seconder each get an opportunity to rebut.
7. (NEW) Establish a series of statements to enumerate prior to public comment in order to better contextualize the rules for more effective engagement.
 - a. At the beginning of the meeting
 - i. The number of agenda items should be stated, and then the number of old business items and the number of new business items.
 - ii. The default amount of time for public comments should be stated.
 - iii. It should be said that groups of likeminded attendees should be encouraged to choose a spokesperson.
 - iv. It should be said the convention of the Council is to grant additional time to people with specialized knowledge or experience who are also well-prepared.
 - b. At the beginning of each agenda item
 - i. The number of speakers signed up to speak should be stated.
 - ii. Speakers should be guided to state their opinions clearly and concisely.
 - iii. The remaining rules should be explained much as they are now.

Branson, Lisa

From: CityClerk
Sent: Tuesday, May 26, 2020 2:00 PM
To: Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle
Cc: ptt@prodigy.net; pete012639@yahoo.com
Subject: FW: City Council Agenda Session, May 26, 2020

Kara,

Please distribute these comments on the draft Agenda for the City Council Meeting next Tuesday, June 2, 2020, to the Mayor, City Attorney and City Council Members:

1. Unfinished Business Item B.1 (Regulation of Single Use Disposable Bags) should be deferred until normal public comment and discussion are possible. More importantly, given the present COVID-19 contagion, single-use bags may be cleaner and safer than re-useable bags brought in from cars and homes. Again, ultimately I support strong restrictions on all plastic waste that is not readily biodegradable, but this is not the time to implement a broad-ranging policy with minimal public comment, particularly one which may be less safe for the public.
2. Unfinished Business Item B.2 (Amend Rules of Order and Procedure) should also be deferred until normal public comment and discussion are possible. This is COMPLETELY unnecessary at this time. I watch the City's meetings on Zoom and I have heard no more than two comments on any one item, and NO comments on the vast majority of items. Zoom is enough of a disincentive/obstacle to public involvement during the COVID-19 contagion. On the one occasion where I wanted to comment I was not able to do so. More importantly, public comment is a fundamental and critical issue in the public interest, one which should be addressed only after normal procedures are in place allowing in-person public involvement.
3. New Business Item C.10 (Boundaries for an Entertainment District) and Item C.11 (First Outdoor Refreshment Area) -- These are issues which are hardly critical at this time, but which by their nature will affect the public generally. These can wait until normal City Council procedures are in use.
4. New Business Item C.12 (Professional Fund-Raising Company for City Parks). This smells like hiring another consultant, as though we need to spend even more tax dollars on yet another "Beltway Bandit", especially when City revenues are no doubt already depressed. Parks are a core City function. Public parks should be funded under the general budget from general revenues. They no doubt could be if so much money were not being squandered on artsy-fartsy extravagances, which should be funded by charitable donations from patrons of the arts and user fees. The City government has this backwards, contrary to the public interest. Acknowledge the current crisis: Defund the froofroo, and pay for parks without wasting tax money on another middle-man.

Thank you.

Pete Tonnessen
3500 Hearthstone Drive
Fayetteville, AR 72764
Cell 719-338-7329



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: Ordinance Review Committee

CC: Mayor Jordan
Other City Council Members
Susan Norton, Chief of Staff

FROM: Kit Williams, City Attorney

DATE: May 22, 2020

RE: **Approved and Revised Resolution to Change *Rules of Order and Procedure***

The Ordinance Review Committee met again this morning and approved a slight revision of a Resolution that I had drafted to try to effectuate their proposed changes to the *City Council Rules of Order and Procedure*. I had suggested this revision, but after further consideration, the revision shown on the "Approved" Resolution (attached) made an already long sentence of your *Rules of Order and Procedure* into an 88-word behemoth so long and complex as to be almost indecipherable. Although the attainment of "indecipherable" status for a document is often the crowning glory for a government lawyer, I decided to forgo that accomplishment at this time and redrafted the language into my revised version (also attached).

I believe that the Committee wishes the Resolution to be tabled at your June 2d meeting because of the already lengthy agenda and so the other council member as well as the public will have a chance to see their proposal without having to make a quick decision and vote. This should be discussed during the Agenda Session. Have a pleasant Memorial Day weekend.

Approved by Ordinance Review Committee
5-22-2020

RESOLUTION NO. _____

A RESOLUTION TO AMEND *THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL* TO REQUIRE THE PUBLIC TO SIGN IN TO SPEAK, TO LIMIT CITY STAFF AND APPLICANTS' PRESENTATION TIME TO TEN MINUTES EACH, TO ONLY ALLOW PUBLIC COMMENT FOR AMENDMENTS BY CITY COUNCIL APPROVAL, AND TO MAKE OTHER CHANGES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §A. City Council Meetings 7.d(1) Presentation by Staff and Applicants by changing its title to "Overview Period" and by adding a final sentences as follows: "City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §A. City Council Meetings 7.1(2) Public Comments and enacts a replacement (2) Public Comments as follows:

"(2) Public Comments. Public Comments at a City Council Meeting shall be allowed for all members of the audience who sign up prior to the beginning of the agenda item being opened for public comment at the City Council Meeting to speak about any subjects of public hearing and/or about certain items of unfinished and new business except for any proposed amendments which may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers shall be limited to a maximum of five (5) minutes to be broken into segments of three and two minutes. If public comment is allowed for an amendment, speakers will only be allowed to speak for three (3) minutes. The City Council may still allow a speaker some additional time by unanimous consent or majority vote."

PASSED and APPROVED this 2nd day of June, 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION TO AMEND *THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL* TO REQUIRE THE PUBLIC TO SIGN IN TO SPEAK, TO LIMIT CITY STAFF AND APPLICANTS' PRESENTATION TIME TO TEN MINUTES EACH, TO ONLY ALLOW PUBLIC COMMENT FOR AMENDMENTS BY CITY COUNCIL APPROVAL, AND TO MAKE OTHER CHANGES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

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Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §A. City Council Meetings 7.1(2) Public Comments and enacts a replacement (2) Public Comments as follows:

"(2) Public Comments. Public Comments at a City Council Meeting shall be allowed for all members of the audience who have signed up prior to the beginning of the agenda item they wish to address being opened for public comment. Speakers shall be limited to a maximum of five (5) minutes to be broken into segments of three and two minutes. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. If public comment is allowed for an amendment, speakers will only be allowed to speak for three (3) minutes. The City Council may allow both a speaker additional time and an unsigned-up person to speak by unanimous consent or majority vote."

PASSED and APPROVED this 2nd day of June, 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

DRAFT MINUTES

Ordinance Review Committee Meeting

May 22, 2020

1. Call to Order

A virtual meeting of the Ordinance Review Committee was held via Zoom on May 22, 2020 at 11:15am with City Attorney Kit Williams and members of IT staff present in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Committee Chair Kyle Smith called the meeting to order. Committee members Matthew Petty, Sloan Scroggin, and Kyle Smith were present remotely. Also present were City Attorney Kit Williams, City Council Members Teresa Turk and Sonia Gutierrez, Public, and Press.

2. Minutes

Council Member Petty moved to *approve the minutes of the May 8, 2020 meeting*. **Council Member Scroggin** seconded the motion. Motion passed 4-0.

3. Proposed changes to the Rules or Order and Procedure of the Fayetteville City Council **City Attorney Kit Williams** presented the resolution drafted from motions on May 8.

Council Member Marsh and **Council Member Petty** discussed the intent of the language describing the count-down timer procedure as adjusted to accommodate technical limitations.

The committee discussed preferences for sign-up deadlines and how to allow speakers who wish to speak after the deadline. There was consensus that the Mayor and Clerk should manage the specifics of the process with strong preference for the deadline as late in the discussion of an item as is feasible. Paper and electronic registration were both considered.

Council Member Petty requested the minutes clearly reflect our intent that the public speaker timer be administered such that the time articulated in the resolution is clearly visible, despite the technical details being omitted from the proposed changes. The motions approved motions from the previous meeting will be provided to the City Council for reference during discussion.

Council Member Marsh recommended discussions with the administration regarding procedural specifics include an agreement to the rules of the meeting so that the mayor may save time by reading them once without repeating for each comment period.

Council Member Smith suggested holding the item for consideration until the City Council resumes regular in-person operations.

Council Member Petty reminded the committee that the updated proposal now consists of procedural changes with no reduction in the allowable speaking time. Public comment has been consistently received to shape the proposal and implementing changes during online meetings will allow easier transition when we return to the Council Chambers.

4. Adjournment

The meeting was adjourned at approximately 12:35 pm.

DRAFT MINUTES

Ordinance Review Committee Meeting

May 22, 2020

Adopted motions from the Ordinance Review Committee meeting of May 8, 2020:

- to affirm the committee intent
 - to establish a sign-up procedure for speakers on each agenda item. **Motion passed 3-0.**
 - ~~○ to change the timer displayed for public comment to begin at three minutes counting down to zero and continuing to count negative for two additional minutes. Motion passed 3-0.~~
 - This was determined not technically feasible with our current software.
- to recommend amending the City Council's rules and procedures
 - to recognize an "overview period" during which legislation sponsors and/or presenting staff have 10 minutes combined to introduce an agenda item, unless an extended time limit is requested and agreed upon at agenda session, with private applicants receiving an additional 10 minutes to present their case. **Motion passed 3-0.**
 - to allow extending any time limits by unanimous consent, or a majority vote if any voting member objects. **Motion passed 3-0**
 - such that amendments do not receive a separate public comment period unless a motion to allow comment is approved by unanimous consent or majority vote. **Motion passed 3-0.**
 - to limit public comment on amendments to 3 minutes. **Motion passed 3-0.**
- that a series of statements should be made at the beginning of a meeting and each agenda item to better establish the rules of procedure and decorum and to encourage a more efficient meeting; and that the Committee directs Council Member Petty to work with staff to develop those statements. **Motion passed 2-1.**

MINUTES

Ordinance Review Committee Meeting

May 8, 2020

1. Call to Order

A virtual meeting of the Ordinance Review Committee was held via Zoom on May 8, 2020 at 11:15am with City Attorney Kit Williams and members of IT staff present in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Committee Chair Kyle Smith called the meeting to order. Committee members Matthew Petty, Sloan Scroggin, and Kyle Smith were present. Also present were City Attorney Kit Williams, City Council Members Teresa Turk and Sonia Gutierrez, Public, and Press.

2. Minutes

Council Member Petty moved to *approve the minutes of the March 10, 2020 meeting as prepared by Chairman Smith*. **Council Member Scroggin** seconded the motion. Motion passed 3-0.

3. Proposed changes to the Rules or Order and Procedure of the Fayetteville City Council

Council Member Smith reviewed the history of the item's prior discussions and delays due to COVID-19 social distancing requirements, and reviewed the process for public comment and committee discussion via Zoom.

Council Member Petty presented his itemized notes as an inventory of the discussion and sentiments from the previous meeting. He identified consensus items from prior discussion and presented alternatives for items where consensus had not been clearly reached.

He also introduced a set of informational statements for the Mayor to share throughout a council meeting to help assist the public in anticipating how long a meeting may take before reaching an agenda item of interest.

Council Member Scroggin expressed support for speaker signups and discussed sign-up deadlines. He supported the shortened time limit for public comment; establishing a limit for presentations by sponsors, staff and applicants; extending time by unanimous consent when possible; and a three-minute limit for all speakers when addressing amendments, due to the opportunity to speak again on the item as a whole.

Council Member Smith supports speaker signups but expressed concern for the logistics of managing a sign-up list when people may desire to sign up at the meeting. He suggested an opportunity for people who have not signed up to speak at the end of the list for up to 90 seconds to accommodate members of the public who may not have planned in advance but wish to respond to discussion they have heard. He favored Option 2A from Councilmember Petty's notes formally leaving the public comment limit at 5 minutes and adjusting the timer and messaging to encourage 3 minute comments. He supported limiting time for presentations. He opposed any limits on speaking time for members of the city council.

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Council Member Turk opposed speaker signups due to logistical challenges she has experienced with similar approaches in other public meetings. She favored Option 2A and suggested a trial period. She supported limiting time for presentations. She retracted her prior support for limiting speaking time for council members. She supported 3-minute limits for public comment on amendments, but not for council members.

Council Member Petty clarified the intent of the informational statements is to educate the public about the city council process, assist attendees in anticipating time to an agenda item, and encouraging groups of like cause to organize their comments with consideration for everyone's time.

Council Member Gutierrez does not want to shorten public comment time but is willing to try Option 2A. She suggested an online sign-up management system utilizing an iPad in the room. She suggested including a polling option for the public to indicate their position for, against, or other on items they are speaking for.

Rob Qualls share his research of the practices of other cities. He encouraged the Council to continue accepting remote comments after resuming in-person meetings. He spoke against limiting council member speaking time. Prior written communication is not always as effective as speaking in public or receipt is not always acknowledged. He supports the proposals for comment on amendments to reduce confusion among the public.

Council Member Petty moved to *affirm the committee intent to establish a sign-up procedure for speakers on each agenda item*. **Council member Scroggin** seconded the motion. Motion passed 3-0.

Council Member Petty moved to *affirm the committee's intent to to change the timer displayed for public comment to begin at three minutes counting down to zero and continuing to count negative for two additional minutes*. **Council Member Scroggin** seconded the motion. Motion passed 3-0.

Council Member Petty moved to *recommend amending the City Council's rules and procedures to recognize an "overview period" during which legislation sponsors and/or presenting staff have 10 minutes combined to introduce an agenda item, unless an extended time limit is requested and agreed upon at agenda session, with private applicants receiving an additional 10 minutes to present their case*. **Council Member Scroggin** seconded the motion. Motion passed 3-0.

Council Member Petty moved to *recommend amending the City Council's rules and procedures to allow extending any time limits by unanimous consent, or a majority vote if any voting member objects*. **Council Member Smith** seconded the motion. Motion passed 3-0

Council Member Petty moved to *recommend amending the City Council's rules and procedures such that amendments do not receive a separate public comment period unless a*

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May 8, 2020

motion to allow comment is approved by unanimous consent or majority vote. **Council Member Scroggin** seconded the motion. Motion passed 3-0.

Council Member Petty moved to *recommend amending the City Council's rules and procedures to limit public comment on amendments to 3 minutes.* **Council Member Scroggin** seconded the motion. Motion passed 3-0.

Council Member Petty moved that *the committee resolve that a series of statements should be made at the beginning of a meeting and each agenda item to better establish the rules of procedure and decorum and to encourage a more efficient meeting; and that the Committee directs Council Member Petty to work with staff to develop those statements.* **Council Member Scroggin** seconded the motion. **Council Member Smith** expressed reservation about writing a script for the mayor. **Council Member Petty** shared some of the history about how the mayor's current customs developed over time with feedback from council members. The motion passed 2-1.

4. Adjournment

The meeting was adjourned at approximately 12:16 pm.

Minutes prepared by Chairman Kyle Smith

Council Member Petty's working notes from the meeting are attached for reference.

Approved May, 22, 2020

MINUTES

Ordinance Review Committee Meeting

March 10, 2020

1. Call to Order

A meeting of the Ordinance Review Committee was held on March 10, 2020 at 6:40 pm in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Committee Chair Kyle Smith called the meeting to order. Committee members Sarah Marsh, Matthew Petty, Sloan Scroggin, and Kyle Smith were present. Also present were Mayor Lioneld Jordan, City Attorney Kit Williams, City Council Member Teresa Turk, Public, and Press.

2. Election of Chair:

Council Member Marsh nominated Kyle Smith. There were no further nominations and Kyle Smith was unanimously re-elected as Chair for 2020.

3. Minutes

Council Member Petty moved to approve the minutes of the November 6, 2019 meeting. Council Member Marsh seconded the motion. Motion passed 4-0.

4. Proposed changes to the Rules or Order and Procedure of the Fayetteville City Council

Council Member Petty presented for discussion a proposal to reduce default public comment time from 5 minutes to 3 minutes and to simplify the procedure for extending a speaker's time. Also offered for discussion were 10-minutes limits for applicants and council members sponsoring ordinances, 10-minute limits to council member speaking time, and aggregate "bulk" time limits for all speakers addressing each agenda item.

He explained the purpose of the changes is to improve the efficiency of council meetings, but the specific time limits are up for discussion.

Council Member Scroggin expressed concern about bulk limits preventing some members of the public from speaking at all and supported 10 minute limits for council member speaking times.

Council Member Marsh suggested implementing a line up process to reduce waiting time between speakers. She preferred moving to moving through three readings by unanimous consent.

Council Member Smith said he was considering per-speaker time limits. He supports for a limit for applicant presentations, and wants processes that extend speaking time to minimally interrupt the speaker's flow. He did not support bulk time limits for agenda items or limits on council member speaking time.

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City Attorney Williams described the difference between public comment and council member responsibilities and advised against limiting council member speaking times.

Council Member Smith inquired if the timer software could be configured to count the other direction for council members so they would know how long they've been speaking. He supported a queuing procedure to expedite

Council Member Marsh suggested a sign-in system to assist the City Clerk in accurately recording names and addresses of public participants.

Council Member Turk said residents do not want their time reduced and suggested further research to determine if the majority of speakers are using the entire time. Three minute time limits are too short when speakers are nervous. She expressed support for improving efficiency with a queue and establishing an applicant time limit. She opposes a bulk time limit.

Mayor Jordan explained his experience managing public comment with the wait time between speakers. He agrees with Kit Williams about council member speaking time because the Mayor shouldn't be interrupting council members to stop their speaking. He does not favor bulk time limits, but prefers individual speaker limits of whatever limit the council prefers.

Council Member Marsh listed various ways the public can provide input through electronic and written communication and other meetings as well as speaking at a council meeting. She supports three minute speaker limits so that residents don't have to sit through as long a meeting waiting for later agenda items to come up.

Council Member Scroggin said we already have a time limit. Finding the appropriate time limit is a balance between an individual's ability to speak at the moment and their opportunity to speak before midnight. Some people have missed important agenda items because they had to leave during earlier items.

Mayor Jordan said if we set the limits, we should stick with them instead of setting a custom of always extending time beyond the limit.

Rob Qualls spoke as a member of the public about when he chooses to speak at public meetings instead of just sending comments in email. The end of last year had a lot of meetings with multiple complex issues that brought many people to speak. He does not support shortening time limits because everyone should not be penalized because some people come just to use all their time. It is difficult to prepare a short speech ahead of time when an applicant's presentation or amendment brings large amounts of new information, so sometimes longer time is needed for the public to express their thoughts.

Council Member Smith questioned how we could reduce repetitive comments, or more effectively address small issues like Brooks-Hummel Nature Preserve in the context of larger items like the Active Transportation Plan.

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Rob Qualls suggested establishing different time lengths for different items at agenda session depending on anticipated public interest.

Mayor Jordan asked if staff would be subject to the same time limit as an applicant. **Council Member Petty** said yes, and **Mayor Jordan** was fine with that.

Mayor Jordan asked for clarity on the process for taking public comment on amendments. Some are small corrections to typos, some are consensus changes based on staff work, and others are substantive policy changes.

Council Member Smith suggested typos and sponsor's amendments to clarify or incorporate updated work on a proposal should not include public comment, but items of substance should. He would support shorter time limits for public comment on amendments.

Council Member Petty said we do not need public comment on every amendment. He suggested motions to amend include a call for public comment. That would allow council discretion to know the difference between substantive amendments and minor or consensus amendments.

Council Member Marsh suggested amendments could include an option to waive public comment. **City Attorney Williams** and **Council Member Petty** engaged in a discussion about whether that should be two votes or a single motion.

Council Member Scroggin expects council members will be unlikely to take a political position against public comment for controversial items.

Mayor Jordan described the confusion that can result when the public is invited to speak on a written amendment that they haven't had an opportunity to read.

Council Member Petty presented a scenario where the council is taking action in response to discussion that has already occurred.

Council Member Smith preferred to include public comment decisions in the motion and second, rather than listing types of amendments that would or would not receive comment so that the responsibility lies with the council rather than forcing the mayor to rule on the category an amendment fits.

Council Member Turk expressed concerns about the public perception of waiving comment. She suggested a review period for any changes after we have adjusted to a new process.

Council Member Scoggin reminded the committee that the rules and procedures are reviewed every year.

Council Member Petty requested another committee meeting so that he could work with the City Attorney's office to revise written proposals to incorporate this discussion before the

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March 10, 2020

committee votes on support statements for line-item changes. **City Attorney Williams** concurred. **Council Member Petty** summarized his task list as follows:

- Time limits on public input
 - Inquiring with City Clerk about technical options.
- Limit sponsor & applicant time to 10 minutes
- Ordinance Consent Agenda section for uncontroversial ordinances by unanimous consent
- Time limits on council member speaking time
- Rules for granting extensions
- Speaker sign-up and line-up
- Motions on amendments to include taking or not taking public comment

He noted the impact of how we phrase things and would like further consideration into whether motions include waiving comment or include taking comment.

Council Member Turk suggested establishing a cut-off time for the end of meetings.

Council Member Petty spoke of the need for leadership to make changes to the rules successful.

Council Member Marsh opposed an arbitrary meeting end time, but wanted meetings to keep meetings moving so council members can give it their all even in long meetings. Faster-paced comments will help council members stay attentive. She expressed concern for members of the public who aren't able to attend late meetings due to work or child care.

Council Member Scroggin concurred about the decline in cognitive capacity in council members and planning commissioners when meetings go past 11:00pm.

Mayor Jordan will coach staff to limit presentations to ten minutes. The committee discussed using agenda sessions to agree on longer staff presentation times for complex items.

No official action was taken at this time pending a follow up meeting.

5. Adjournment

The next meeting was scheduled for March 31st after Agenda Session in room 326 of the Administration Building.

The meeting was adjourned at approximately 8:00 pm.

Minutes prepared by Chairman Kyle Smith

Approved May 8, 2020