



**MEETING OF MAY 16, 2023**

**TO:** Mayor Jordan and City Council

**THRU:**

**FROM:** Kit Williams, City Attorney

**DATE:**

**SUBJECT: Amend City Council Rules of Order & Procedure Regarding Public Comment**

---

**RECOMMENDATION:**

Council Member Berna is sponsoring a resolution to amend the City Council Rules of Order & Procedure to reduce the allowed speaking time for the public from 5 minutes to 3 minutes and to remove the requirement that speakers sign up to speak.

**BACKGROUND:**

**DISCUSSION:**

**BUDGET/STAFF IMPACT:**

**ATTACHMENTS:** Agenda Request Form



## DEPARTMENTAL CORRESPONDENCE



OFFICE OF THE  
CITY ATTORNEY

TO: **Mayor Jordan**  
**City Council**  
**City Clerk Treasurer Kara Paxton**

**Kit Williams**  
*City Attorney*  
**Blake Pennington**  
*Assistant City Attorney*  
**Jodi Batker**  
*Paralegal*

CC: **Susan Norton**, Chief of Staff

FROM: **Kit Williams**, City Attorney

DATE: **May 8, 2023**

**RE: Resolution to change public comment limitations to three minutes**

Council Member Berna has requested a Resolution to change the public comments from five minutes to three minutes during City Council meetings. The Council retains the power to grant further time by unanimous consent or majority vote.

I suggested that the Resolution also remove the seldom used requirement added during the pandemic that someone wishing to speak on an agenda item had to sign up before the public comments are allowed on the agenda item or this member of the public was barred from speaking. This was somewhat controversial when first proposed but passed by a majority vote of the Council. It was used for a while with the Council always allowing a speaker who had not signed up to go ahead and address the Council if that speaker asked for an exception.

This rule was proposed in an attempt to speed up the Council meetings. However, since persons who failed to sign up ahead of time had to specifically request that the City Council give unanimous consent or vote to allow the nonsigner to speak, it appears to have actually slowed down the meeting. No sign-up list had been required for decades of public comment, and it appears that a sign-up list is not really needed nor effective in speeding up the meetings. Therefore, I recommend that requirement be removed from your Rules.

Council Member Berna plans to walk this onto the Agenda Session tomorrow for next week's meeting.

**AGENDA REQUEST FORM**

**FOR: Council Meeting of May 16, 2023**

**FROM: Council Member Scot Berna**

**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

A RESOLUTION TO AMEND RULE A.7. d. (2) PUBLIC COMMENTS TO REDUCE THE ALLOWED SPEAKING TIME FOR THE PUBLIC FROM 5 MINUTES TO 3 MINUTES AND TO REMOVE ANY REQUIREMENT FOR SPEAKERS HAVING TO SIGN UP BEFORE THE ITEM IS OPENED FOR PUBLIC COMMENT

**APPROVED FOR AGENDA:**

Approved by email  
City Council Member  
Scott Berna

May 5, 2023  
Date

[Signature]  
City Attorney Kit Williams  
Approved as to form

May 5, 2023  
Date

## Williams, Kit

---

**From:** Berna, Scott  
**Sent:** Friday, May 05, 2023 8:20 PM  
**To:** Williams, Kit  
**Subject:** Re: 3 minute time limit for public comment

I can sign on Monday or you can use my email. I have notified all council members of my walk on item

Scott Berna  
Ward 3 Position 1  
Fayetteville City Council

On May 5, 2023, at 5:25 PM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Scott,

Do you want to sign and return the agenda request form to me or let your email approval stand for your request? This cannot be placed on the tentative agenda. You will have to walk it on to the Final Agenda at the Agenda Session. I will send it out to the council on Monday.

Kit

**From:** Berna, Scott <scott.berna@fayetteville-ar.gov>  
**Sent:** Friday, May 05, 2023 5:07 PM  
**To:** Williams, Kit <kwilliams@fayetteville-ar.gov>  
**Cc:** Pennington, Blake <bpennington@fayetteville-ar.gov>  
**Subject:** Re: 3 minute time limit for public comment

I am good with this.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO AMEND RULE A.7. d. (2) **PUBLIC COMMENTS** TO REDUCE THE ALLOWED SPEAKING TIME FOR THE PUBLIC FROM 5 MINUTES TO 3 MINUTES AND TO REMOVE ANY REQUIREMENT FOR SPEAKERS HAVING TO SIGN UP BEFORE THE ITEM IS OPENED FOR PUBLIC COMMENT

**WHEREAS**, to better ensure that all members of the public will have a reasonable time to address the City Council at a more reasonable hour of the meeting, the allowed speaking time for each member of the public wishing to address the Council should be reduced to three minutes; and

**WHEREAS**, the fairly new change instituted to require every speaker having to be “signed up prior to the beginning of the agenda item they wish to address being opened for public comment” was confusing to the public, did not speed up the meeting, and has not been enforced for a long time, and therefore should be removed as a requirement for a member of the public to address the Council in person.

**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 the *Rules of Order and Procedure of the Fayetteville City Council A.7.d.(2) **Public Comments*** by repealing it in its entirety and replacing it as follows:

**“Public Comments.** The public shall be allowed three minutes to address the City Council during a public hearing or about any item on New or Unfinished Business which is then being considered. The City Council by unanimous consent or majority vote may allow a speaker additional time. Speakers present in the Council Chambers shall be recognized prior to speakers participating by electronic means. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. As part of a person’s public comments allowed above, a speaker may use electronic visual aids.”

**PASSED and APPROVED** this 16<sup>th</sup> day of May, 2023.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**KARA PAXTON**, City Clerk/Treasurer

Existing Rule

(2) **Public Comments.** Public comment 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 present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of five (5) minutes to discuss the agenda item being considered by the City Council. 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. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their five (5) minutes presentation period concerning the agenda item being considered by the City Council.

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 comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. 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.

10. **Virtual City Council Meetings Authorized**

After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings.



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Legislation Text

---

**File #:** 2023-751

---

### **Amend City Council Rules of Order & Procedure Regarding Public Comment**

A RESOLUTION TO AMEND RULE A.7. D. (2) PUBLIC COMMENTS TO REDUCE THE ALLOWED SPEAKING TIME FOR THE PUBLIC FROM 5 MINUTES TO 3 MINUTES AND TO REMOVE ANY REQUIREMENT FOR SPEAKERS HAVING TO SIGN UP BEFORE THE ITEM IS OPENED FOR PUBLIC COMMENT

**WHEREAS**, to better ensure that all members of the public will have a reasonable time to address the City Council at a more reasonable hour of the meeting, the allowed speaking time for each member of the public wishing to address the Council should be reduced to three minutes; and

**WHEREAS**, the fairly new change instituted to require every speaker having to be “signed up prior to the beginning of the agenda item they wish to address being opened for public comment” was confusing to the public, did not speed up the meeting, and has not been enforced for a long time, and therefore should be removed as a requirement for a member of the public to address the Council in person.

**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 the *Rules of Order and Procedure of the Fayetteville City Council* A.7.d.(2) **Public Comments** by repealing it in its entirety and replacing it as follows:

“**Public Comments**. The public shall be allowed three minutes to address the City Council during a public hearing or about any item on New or Unfinished Business which is then being considered. The City Council by unanimous consent or majority vote may allow a speaker additional time. Speakers present in the Council Chambers shall be recognized prior to speakers participating by electronic means. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. As part of a person’s public comments allowed above, a speaker may use electronic visual aids.”