

CITY COUNCIL CONFERENCE

September 11, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 11th day of September, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
ABSENT:	None
TARDY	Councilmember Spaulding

Item 1, being:

CONTINUED DISCUSSION REGARDING CITY COUNCIL MEETING PROCEDURES.

Mayor Rosenthal said the goal of discussing City Council (CC) meeting procedures is to help with creating an atmosphere during the CC meetings that does not impede anyone's freedom of speech and permits the meaningful exchange of ideas between Councilmembers, while allowing orderly and proper decorum. She said CC meeting procedures were discussed during Council's annual planning retreat on August 18, 2012, and again during a Council Conference on September 4, 2012. Mayor Rosenthal said several issues to consider were identified to include:

1. Should there be time limits for speakers, i.e., public, applicants, and Council?
2. Should there be a limit to the number of times someone may speak regarding the same agenda item?
3. Should public speakers be required to sign up prior to speaking?
4. Should the Council meeting start earlier?
5. Should Council meetings not consider new business/public hearings after a certain time?

Mayor Rosenthal said Staff researched other cities' CC meeting practices regarding time limits and signing up prior to CC meetings identifying the issue they wish to address, as well as additional procedures that have been adopted by cities in regards to meeting decorum. Mayor Rosenthal requested Ms. Brenda Hall, City Clerk, highlight what she learned from researching other cities, specifically about time limits, limits on number of times a person can speak, sign up procedures, and meeting start times.

Ms. Hall said she contacted nine cities in Oklahoma - Oklahoma City, Moore, Midwest City, Chickasha, Edmond, Stillwater, Muskogee, Bartlesville, and McAlester and six cities in other states - Columbia, Missouri; Lawrence, Kansas; Carrollton, College Station, and Freeport, Texas; and Spokane, Washington. She said all cities researched with one exception, required speakers to sign up prior to the meeting with their name, address, and the agenda item they wish to speak about including miscellaneous discussion. The sign up process varied from contacting the City Clerk's Office 24 hours in advance up to right before the CC meeting begins. Ms. Hall said comments in most cities were limited to three (3) minutes with some allowing up to five (5) minutes. One city limited speakers to three (3) minutes for consent docket items, but allowed up to five (5) minutes for off-consent items. Ms. Hall said all cities required comments be directed to the Mayor or to Council as a whole rather than an individual Councilmember or Staff member and most cities were consistent in that no tactics of defamation, intimidation, or personal attacks were allowed.

Additional noted practices consistent with some of the cities that addressed some of the concerns previously identified by Council include:

- Public comment must be related to municipal issues rather than State or Federal concerns or concerns outside the jurisdiction of the public body being addressed
- No public discussion on consent docket items – the item would have to be removed from consent to have public discussion.
- Questions asked during public comment (miscellaneous discussion) are followed up by Staff afterwards directly with the requesting party, either after the CC meeting or follow up via e-mail or memorandum. The dialogue does not take place during the CC meeting.
- Public/Council comments are received at the beginning of meeting with a specified time limit for the entire comment period. Time limits varied from five, fifteen, to thirty minutes total and the amount of time for each speaker would depend on how many speakers signed up. More speakers would get less time versus less speakers would get more time. This could facilitate some of the citizens who attend CC meetings and have to wait until the end of the CC meeting to make their comment(s) during miscellaneous discussion.
- Complex items generating significant public interest have a specified amount of time allotted, typically 30 minutes total for each side, i.e., applicants, proponents, and protestants. Group presentations may be allowed additional time with a designated spokesperson. Most policies included a provision to allow Council alter any of the policy rules with a majority vote.
- Councilmembers submit questions on agenda items prior to the meeting so that staff will be prepared to answer them. In the alternative, some Councils use the pre-meeting (Council Conference) to provide supplemental information and respond to questions on the agenda items. This policy helps the CC meeting process flow smoother.

Ms. Hall said requiring the speakers sign up prior to the CC meeting also helps Staff obtain the correct spelling and address for the speakers. Mayor Rosenthal said the Norman Planning Commission (PC) as well as the Norman Public School Board both currently have a sign up process that takes place before the meeting begins. Ms. Susan Connors, Planning and Community Development Director, said the current practice at the PC meetings does allow participants to speak after the meeting has started, but they are still required to sign in before speaking, regardless of whether the specific item they are wanting to comment on has begun or not. Ms. Hall said some cities allow participants who did not register beforehand to speak if time permits; however in those cases, the Chair had discretion to allow the additional speakers. To the contrary, some cities are strict and do not allow people to speak unless they have signed up prior to the meeting.

Mayor Rosenthal said the focus is not to make meetings shorter but to allow for a more efficient and productive meeting. She said during her eight (8) years on Council, meetings have gotten much longer over time. She felt the quality of both the discourse and decision making is not at its best late in the evening, i.e., 11:00 p.m., 12:00 a.m., or later. Councilmember Castleberry agreed and felt Council meetings needed to be productive meetings. Ms. Hall said a couple of the cities did have a cut off period, but other cities had policies stating at a *certain* time, typically 11:00 p.m., if several large items remain that are expected to take a lot of time, Council could determine whether to postpone the items, move them to the next scheduled Council meeting, or proceed and hear the items.

Councilmember Lockett suggested limiting comments and avoid repetitive comments. Councilmember Gallagher felt comments should have the same time limit for everyone and Council comments made at the end of the meeting should be limited as well. Councilmember Kovach suggested each item have a total of 30 minutes for proponents and a total of 30 minutes for protestants and applicants have 15 to 20 minutes. He said Council could adopt a policy which stated a separate public hearing would be held for controversial items which would allow more thorough discussion on the topic at the public hearing rather than at the Council meeting.

Mayor Rosenthal said it could be the Chair's discretion, depending on the item, to allocate a time limit. Councilmember Jungman said one way that people consider they have a voice is to show up in numbers, i.e., a large group attending a meeting when an agenda item concerns their neighborhood, and he did not want a time limit policy to keep these groups from coming to Council meetings. Councilmember Griffith felt a three (3) minute time limit is more than appropriate for a comment on an agenda item and felt the issue can be handled by asking speakers to avoid repetitive comments.

Councilmember Gallagher said 30 minutes for each side (pro/con) may be too long. Mayor Rosenthal agreed and felt it is possible for an applicant to make their presentation in 15 to 20 minutes, without taking away the time that applicants may need to respond to questions. Councilmember Castleberry, Lockett, and Williams agreed that applicants should be able to give a presentation in 10 minutes, but not limit the question and answer time.

Councilmember Lockett felt some topics or issues can take longer than others and suggested that Council consider using 15 minutes of the Council Conference meeting time to get answers to questions. Mr. Jeff Bryant, City Attorney, said the City Clerk's Office can note on the agenda that a portion of the Council Conference is dedicated for public questions related to the Council agenda on a specified date. Councilmember Kovach said another option might be to start Council Conferences at 4:30 p.m. instead of 5:30 p.m. and the regular Council meetings at 5:30 p.m. instead of 6:30 p.m., but Councilmember Lockett felt 4:30 p.m. may be too early for people who work until 5:00 p.m.

Mayor Rosenthal asked Council if there should be a policy limiting the *number of times* a person speaks regarding the same agenda item and/or motion? Council discussed and determined the public should only be allowed to speak or comment once regarding the same agenda item and/or motion. Councilmember Kovach felt Council should be allowed to speak at least twice during comments, the second time only after all other Councilmembers have spoken once, but Councilmember would not have limits regarding questions they ask. He said there have been many discussions where a point of clarification of a Councilmember comment was important and he felt Council comments, whether first or second, needed to be brief in order to keep the Council meeting flowing in an efficient manner.

Councilmember Kovach said he liked the idea of having people sign up before the meetings if they wish to speak on an issue and Councilmember Williams agreed stating the sign up process needed to be flexible. The consensus of Council was to require the public to sign up before the Council meeting but the process needed to be flexible to allow for exceptions, if needed.

Councilmember Kovach said Council needs rules and guidelines established so that the public will know and understand the process, as well as make the process easier for the Mayor and/or Chair so the meetings run smoothly. He said the policy should include a provision to allow Council to amend or suspend the rules and guidelines on an item if necessary and felt the policy should be adopted by resolution. Councilmember Castleberry said rules would be acceptable as long as there is flexibility and reminded citizens they can always contact Councilmembers via e-mail or telephone, if they would like to give their view or opinion on an issue. Councilmember Kovach agreed stating a good policy should include no repeat comments during the meeting. Councilmember Williams asked Mr. Harold Heiple, Attorney, how long it typically takes him to make a presentation before Council, and Mr. Heiple said applicants should be able to make a presentation in five (5) minutes, as long as the applicant is allowed more time to answer any questions. He said it may require five minutes for the applicant's attorney, five for the engineer, and five for the traffic engineer.

Mayor Rosenthal said Council also needs to discuss public comment regarding the consent docket and said Council can consider a five (5) minute time limit for off-consent items and three (3) minutes for items on the consent docket. Councilmember Kovach suggested a policy where Council would ask questions regarding consent items in advance of the Council meeting and should Council have additional questions about a consent item during the meeting the item could be removed from the consent docket.

Mayor Rosenthal asked about time limits on Councilmembers during miscellaneous discussion and Councilmember Griffith felt a three (3) minute time limit would be appropriate; however, there was no consensus on restricting Council comments.

Mayor Rosenthal asked if Council wanted to consider a certain time in the evening after which no new business or public hearing would be considered and Councilmember Gallagher was concerned if agenda items are continually postponed it would cause a backlog of items. Councilmember Castleberry said postponements could also cause a hardship for the applicants and Mayor Rosenthal agreed. Councilmember Griffith felt if guidelines are established for speaking time limits the issue of late night meetings will take care of itself.

Councilmember Gallagher suggested having weekly Council meetings and Councilmember Jungman agreed stating weekly meetings might be shorter versus longer meetings every other week. Mayor Rosenthal said weekly Council meetings would significantly increase the City Clerk's Office staff time and a lot of preparation goes into assembling the agenda docket and books. Councilmember Gallagher suggested that Council consider a 6:00 p.m. start time for Council meetings and Council agreed.

Mayor Rosenthal summarized tonight's discussions as follows:

- Council Conferences will begin at 5:00 p.m. instead of 5:30 p.m.;
- A portion of the Council Conference will be devoted for Council questions and/or clarification on consent docket items;
- Council meetings will begin at 6:00 p.m. instead of 6:30 p.m.;
- Citizens who wish to speak on any item on the agenda will be required to sign up prior to the meeting, with flexibility for Council to alter the rules;
- Citizens will be limited to speaking once per motion;
- Time limits will be a maximum of five (5) minutes;
- Council meetings will not have a specific cut off time; and
- Policies will be adopted by resolution.

Items submitted for the record

1. Council Meeting Procedures prepared by City Clerk's Office dated September 11, 2012

Participants in discussion

1. Ms. Brenda Hall, City Clerk
2. Mr. Jeff Bryant, City Attorney
3. Mr. Harold Heiple, Attorney

The meeting adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor