

AGENDA REQUEST

FOR: COUNCIL MEETING OF NOVEMBER 1, 2011

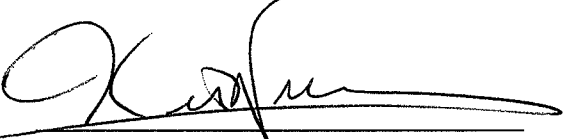
FROM:


KIT WILLIAMS, CITY ATTORNEY
SONDRA SMITH, CITY CLERK
DON MARR, CHIEF OF STAFF

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:


A Resolution To Amend The Rules Of Order And Procedure Of The Fayetteville City Council To Clarify The Procedure Of Presenting Agenda Items During City Council Meetings

APPROVED FOR AGENDA:

 _____	<u>10-11-11</u> Date
City Attorney	

 _____	<u>10-11-11</u> Date
City Clerk	


 ENTERED
 Des
 10-11-11

 _____	<u>10-11-11</u> Date
Chief of Staff	


 ENTERED
 10/11/11
 PK

 _____	<u>10/11/11</u> Date
Mayor	

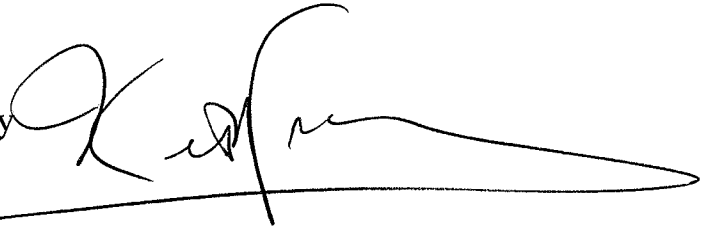
Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney



DATE: October 11, 2011

RE: Clarification of Rules of Order and Procedure concerning order of agenda item presentation and disallowing members of the public to use electronic visual aide presentations

Pursuant to the Chief of Staff's presentation at the Agenda Session and the Mayor's and Aldermen's comments, Don, Sondra and I have drafted an amendment to your Rules of Order and Procedure #A. 6. **Public Notification and Participation**. First, we broke up this too long and too many subjects subsection into two: 6. **Public Notification** and 7. **Presentation of Agenda Items**. I only slightly redrafted **Public Notification**.

In **Presentation of Agenda Items** subsection (a), I presented what has been your unwritten policy for adding an item to your Agenda during a City Council meeting including the necessity for the statutory two-thirds vote to suspend the rules. In subsection (b) I explained your established policy for Consent Agenda items.

Subsection (c) is for old and new business items. We broke it into two parts. The first is for presentations by city staff and the Agenda item applicant which allows the use of electronic visual aides and requires the applicant (city contractor, rezoning or development applicant) to present its proposal before the public comment period.

The second part is for Public Comments and does not allow electronic visual aides to be presented. The public may continue to submit photos, petitions, etc. to you at the meeting through the City Clerk. It also provides that the public should submit materials to the City Clerk's Office by 9:00 A.M. of the day of the meeting if the public desires that the City Clerk's Office reproduce such materials before the meeting for you.

Finally subsection (d) *Courtesy and respect* is only a slight redrafting of the existing language which now applies to everyone and requires that someone ruled out-of-order by the Mayor for violating your rules must leave the podium.

We recommend that the City Council approve these amendments to Rule A. **City Council Meetings, 6. Public Notification and Participation.**



www.accessfayetteville.org

MEMORANDUM

TO: City Council

THRU: Mayor Lioneld Jordan

FROM: Sondra Smith
Don Marr
Lindsley Smith

RE: Staff Recommendation for Public Comment Period Audiovisual Use

DATE: September 8, 2011

Fayetteville has an enviable reputation for open, vigorous, and robust public debate that assures the expression of diverse viewpoints and opinions on issues of public concern. The Mayor and City Council welcome and encourage community participation in all public meetings, and we appreciate local residents who share their views on public business before the Council. Our process has been for the Mayor, Staff, Council or any Elected Official to place an agenda item before the City Council. The meetings are then broken into various steps per agenda topic: Those areas are:

- Agenda Item Introduced (Read by the Mayor and City Attorney)
- Staff Report, and Supplemental Presentations to facilitate understanding of the proposed agenda item. (Most often presented by Staff, but sometimes deferred to a Service Provider and/or Contractor to highlight Services Offered, Performance, or Report on Project Progress, and other times deferred to a Developer/Engineering Firm/Architect to review a proposed Development Project or Re-Zoning Request.)
- Council Questions
- Public Comment Period with Council Questions
- Council Discussion
- Council Vote

This memo addresses specifically the Public Comment Period. Some cities have imposed limits on public comment during City Council meetings. North Little Rock, for example, requires speakers to register in advance of meetings and limits each speaker to three minutes. Other cities limit total public comment to 30 minutes on any agenda item. We have not done that, because we are dedicated to open government and the full expression of all points of view on any issue.

To assure that as many citizens can speak as desire to do so and that all opinions are considered, we have adopted Rules that allow meetings of the City Council to effectively conduct City business in a fair and timely manner, while assuring that residents attending meetings of the City Council can be heard in a fair, impartial and respectful manner, free from abusive, distracting, intimidating, or dilatory behavior.

We value the voice of our citizens directly communicating their opinions and concerns. Of course, if a resident is unable to attend a meeting or would rather not give testimony at the meeting, he or she is encouraged to mail, fax, or email a letter or statement to be distributed to the Mayor and each member of the City Council for their consideration. Additional data can be attached or submitted in advance of meetings, including charts, graphs, photographs, or other audiovisual and digital formats.

Citizens choosing to address the Council directly during meetings can also submit supporting materials to the Council *in advance*, but the public comment period is reserved for citizen comments to the Mayor and Council, rather than playing audiotapes, videotapes, slide presentations, compact disks, digital video disks, or other materials that distract from testimony and disrupt or delay the timely presentation of views. Citizens wishing to share such materials can provide sufficient copies to the City Clerk for advance distribution to the Mayor and Council members.

Should the Council agree with these points, I will be glad to request the City Attorney to draft a Resolution reflecting your consensus on this issue.

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE
OF THE FAYETTEVILLE CITY COUNCIL TO CLARIFY THE PROCEDURE
OF PRESENTING AGENDA ITEMS DURING CITY COUNCIL MEETINGS

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 Rule A. 6. **Public Notification and Participation** by repealing it in its entirety and enacting a replacement Rule A. 6. **Public Notification** and Rule A. 7. **Presentation of Agenda Items** as shown below:

“6. Public Notification

The City will go further than legally required in order to inform citizens of the items to be considered by the City Council. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, Government Channel announcements and presentation, and agenda copies available at City Council meetings.

“7. Presentation of Agenda Items

(a) *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.

(b) *Consent Agenda.* Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman 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.

(c) *Old business and new business.*

(i) *Presentations by staff and applicants.* Agenda items 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 an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

(ii) *Public comments.* Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but 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 Aldermen. 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 Aldermen 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 an Alderman or city staff member except through the Mayor.

(d) *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.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby renumbers current subsections 7. and 8. of Rule A. **City Council Meetings** to 8. and 9.

PASSED and **APPROVED** this 1st day of November, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Current Rules

**RULES OF ORDER AND PROCEDURE
OF THE FAYETTEVILLE CITY COUNCIL**

A. CITY COUNCIL MEETINGS

1. Regular Meetings

The City Council shall meet in regular session on the first and third Tuesday of each month at 6:00 P.M. When a holiday or general election occurs on any such Tuesday, the regular meeting shall be held on the following Thursday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the City Council in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of City Council meetings shall be in the City Council Chambers in the City Administration Building unless another place has been previously set by the City Council.

3. Special Meetings

Special meetings may be called by three or more Aldermen or by the Mayor. Notification of a special meeting, including specific items to be considered, shall be at least two hours prior to the meeting. Such notification shall be by personal service to each member or by telephone, specifying time and place of meeting.

4. Executive Session

An executive session may be requested by any member of the City Council or the Mayor. A majority vote by the City Council is required to convene in executive session. Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

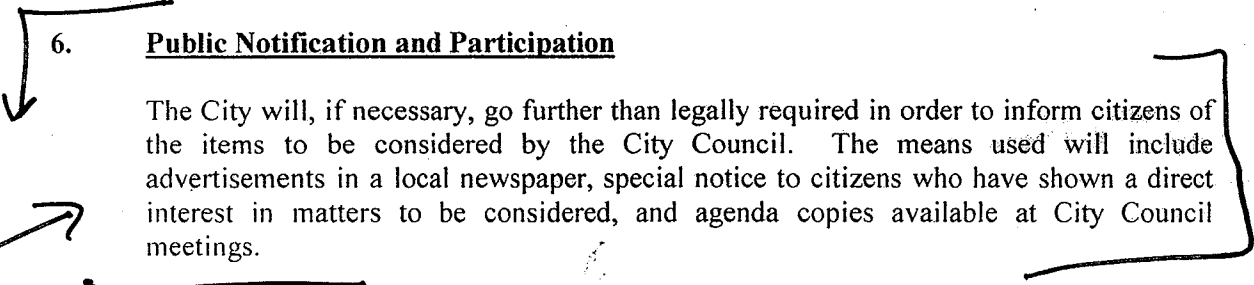
5. Quorum

A majority of the City Council shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting shall be sufficient to pass procedural motions except a Motion to Suspend the Rules which requires six affirmative votes. Ordinances and Resolutions require five affirmative votes to pass.

6. Public Notification and Participation

The City will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the City Council. The means used will include advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, and agenda copies available at City Council meetings.

To
be
Amended



To be Amended →

Members of the audience will be offered an opportunity to speak on all questions before the City Council. Any public member 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 Aldermen. All remarks shall be addressed to the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be asked an Alderman or city employee except through the Mayor.

All members of the public are requested to accord the utmost courtesy to members of the City Council, to other members of the public appearing before the City Council and to city staff, and are asked to refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

7. **Smoking Prohibited**

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

8. **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 in Room 326.

B. DUTIES AND PRIVILEGES OF ALDERMEN AT CITY COUNCIL MEETINGS

1. **Seating**

Members shall occupy the respective seats in the City Council Chambers assigned by position number. The Mayor (or Assistant Mayor in the Mayor's absence) shall be seated near the center of the Aldermen's table.

2. **Conduct**

During City Council meetings, City Aldermen shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Mayor or the rules of the City Council.

Every member of the City Council desiring to speak shall address the chair and, upon recognition by the Mayor, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A City Council member once recognized shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.