



Legislation Text

File #: 19-676, **Version:** 1

City Council Meeting Date: January 22, 2019

To: Mayor and City Council

From: Ben Martig, City Administrator

Consider Approval of Amendments to Council Rules of Business and Appendices.

Action Requested:

The Northfield City Council approves a motion amending the attached City Council Rules of Business and related Appendices.

Summary Report:

The City Council reviewed the proposed changes to the City Council Rules of Business and related Appendices on January 15, 2019. Staff has incorporated feedback received from the Council into the attached documents. Proposed revisions including alternate language as requested at the work session is noted below.

The following are some notes on the proposed revisions for consideration:

Remote Attendance

Establishing a deadline consistent with staff procedures on notice list preparation for the week. Six days in advance (Wednesday typically) is the recommendation of a deadline for the notice.

Consent Agenda

Clarification of removing items from the consent agenda. No change to the practice as recently interpreted by the City Attorney but clarified as there had been past questions on the existing language.

There is a provision requesting to notify the Mayor, City Administrator and City Clerk the Monday prior to the meeting to allow for time for preparation of the item both for staff and for other council members to be able to take additional review of the question or concern. However, the provision does still allow it to be removed no later than the approval of the agenda.

Three options have been added related to additions to the consent agenda after the initial agenda has been distributed. Council should note which option they are choosing when motion to approve is made.

Questions

Adds deadlines for Council questions to Monday at Noon. This is an attempt to better manage questions in preparation of the supplemental memo. Additional language was added to clarify if council would like a written answer from staff in response to their questions they should be submitted by Monday at Noon. There is a staff deadline to distribute the supplemental memo by 12 Noon on the day of the meeting. A sentence was added noting the supplemental memo will be added to the website as soon as it is distributed to Council. This sentence was already proposed to be added to page 8 under

City Council Packets.

Public Comment

Provides clarifying language to existing policy and practice that the public comment section will not include responses to questions. The process to respond is clarified in the proposed amendment. Staff is working on revising the sign up cards to include information about submitting questions.

Public Hearing Procedure

Staff is recommending an amendment to the public input section to receive the public's input prior to Council questions. Hearings are scheduled and Council questions can get lengthy. The change will allow public to comment to be respectful of their time in case they are not able to attend for a longer period. Questions or clarifications of the Council are still maintained just after the public input section and prior to closing the public hearing.

Role of the City Attorney

City Attorney Hood reviewed the Rules of Business and recommended these revisions. The provision does add the ability to give the City Attorney some limited direct discussion with individuals of the City Council without notice requirements under the guidelines included in the proposed revisions.

Rules of Order

The proposed addition to the Rules of Order c. relates to clarification on voting at Council meetings. This clarification was requested by Council. The language was written by City Attorney Hood and modeled after language from the League of Minnesota Cities.

The proposed addition to Rule 3. that "a resolution or ordinance shall be considered passed if it receives a majority vote of all council members (4), unless otherwise required by law" Both City Charter Sect. 4.5 and City Code Sec. 2-59 reference a majority of all members for approval of any ordinance or resolution unless a larger number is required by statute or charter. A majority of all members is 4.

Rules of Decorum

The Rules of Decorum is an exhibit within the Rules of Business. There is a proposed addition to restrict use of electronic communications of the City Council. This original proposed language has been modified to reference communications between the City or third parties about the business of the meeting during a public meeting.

All of the other proposed additions/changes and Citizen Participation Guide are related to the Supreme Court's declaring a portion of the disorderly conduct statute unconstitutional. As background, the Minnesota Supreme Court held that a provision in the disorderly conduct statute (Minn. Stat. Sec. 609.72, subd. 1(2)) prohibiting disturbing public meetings was unconstitutionally broad under the First Amendment (See, State v. Hensel, 901 N.W.2d 166 (Minn. 2017)). City Attorney Hood has proposed these changes. A revision to the City Code Section 50-86 - Disorderly Conduct is also on this agenda for consideration of first reading.

Staff reviewed the overall documents related to changing language to try to be consistent throughout. The term City Council was used to replace councilmembers where applicable to be inclusive of all members. Additionally, there were corresponding revisions to the public guide and other appendices to be made consistent with changes in the Rules of Business. Staff also created the attached draft timelines chart and updated the sign up card to include information on submitting questions as requested.

Alternative Options:

Staff welcomes feedback on the proposed revisions as well as any suggestions on other areas that were not proposed for amendment.

Financial Impacts:

Not applicable.

Tentative Timelines:

January 22, 2019 - Council consider any amendments to the Rules of Business. If not approved, existing Rules of Business will stay in place.