



## Legislation Details (With Text)

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**File created:** 1/9/2019      **In control:** City Council  
**On agenda:** 1/15/2019      **Final action:**  
**Title:** Presentation of Existing Council Rules of Business and Discussion of Potential Amendments.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 1 - Rules of Business Potential Changes Combined with Appendices, 2. 2 - Disorderly Conduct ordinance amendment draft v.6 031418

Date	Ver.	Action By	Action	Result
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**City Council Meeting Date:** January 15, 2019

**To:** Mayor and City Council

**From:** Ben Martig, City Administrator

Presentation of Existing Council Rules of Business and Discussion of Potential Amendments.

### Action Requested:

Discussion only.

### Summary Report:

Staff is intending to provide a brief overview of the adopted Rules of Business of the City Council. They are attached as a reference.

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.

Councilor DeLong expressed interest in additional language being added to this section. Additional language for discussion has been added prohibiting items from being added to the consent agenda after the initial agenda is distributed. This additional language is shown highlighted in the attached Rules of Business. If this is added, staff proposes discussion on whether there can be limited exceptions.

#### Questions

Adds deadlines for Council questions to Monday at Noon. This is an attempt to better manage questions in preparation of the supplemental memo. The supplemental memo has a 12 Noon deadline on staff. These items were added due to issues with concerns of information coming in close to the meeting for the Council as well as improve staff efficiency related to agenda work.

#### 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.

#### 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.

Councilor DeLong expressed interest in clarifying the language proposed for this section. Alternate language for discussion is shown highlighted in the attached Rules of Business.

#### Rules of Order

The proposed addition to the Rules of Order 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.

#### Rules of Decorum (see additional attachment)

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 provision is taken directly from the League of Minnesota Mayor's handbook as an option to consider for Rules of Decorum. This proposed amendment would clarify the unwritten expectations that are already in place and establish more transparency and disclosure to the public related to expectations of communications during an open meeting. If someone needs to communicate due to family or other issues during the meeting, they can simply excuse themselves and step out of the room.

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 will also be brought forward at the January 22, 2019 meeting for consideration. A copy of the draft ordinance is attached for your information.

Staff is also reviewing the overall documents related to changing language to try to be consistent throughout (example: use of “City Council” versus “councilmembers”). Minor administrative edits such as these will be included in the final redline for the end of January. Additionally, there may be corresponding revisions to the public guide and other appendices to be made consistent with any changes the Council may make in the Rules of Business.

**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.