



Agenda Item Report

City Commission - Sep 20 2022

Department

City Clerk

Staff Contact

Sherri Riedemann, City Clerk

Recommendations

Consider adopting Resolution No. 7451 amending rules and procedures governing meetings of the governing body.

Executive Summary

At their August 9, 2022 meeting, the City Commission directed staff to return with proposals regarding operations of City Commission meetings to enable the Commission to be more efficient. On September 13, 2022 meeting staff provided a history of current meeting procedures, meeting procedures of peer cities, and presented a draft resolution for the Commission's consideration. The Commission directed staff to bring back the draft Resolution with recommendations on general public comment, decorum language, and the consent agenda. Based on the Commission's discussion, staff recommends the following:

General public comment:

Added 30-minute time limit and advanced sign-up requirement.

Agenda template will be updated to hear general public comment at the beginning of the agenda.

Decorum language:

Updated language.

Consent agenda:

Agenda template will be updated to include a separate consent agenda for items that require a public hearing.

Alignment to Strategic Plan

Commitments in support of the outcome areas

Fiscal Impact

This action does not impact the City financially.

Action Requested

Adopt Resolution No. 7451.

Previous Agenda Reports:

[August 9, 2022](#)

[April 5, 2022](#)

[March 9, 2021](#)

[February 2, 2021](#)

[July 18, 2017](#)

Attachments

[Presentation - Added 09/20/22](#)

[Draft Resolution No. 7451 - Added 19/16/22](#)

General public comment

- Move to beginning of agenda
- 30-minute cap
- Sign-up required

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A specified start and end time is not recommended at this time.

Decorum language:

Members of the public are encouraged to act with decorum and to address the Governing Body and each other with respect. The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, and speeches so disruptive of the proceedings that the business of the City is substantially interrupted. It shall be the duty of the presiding officer to preserve order and decorum. Any member of the public engaging in disruptive behavior that interferes with the Governing Body's ability to conduct the business of the City may, after a warning, be subject to removal from the meeting.



Consent Agenda

Add a separate consent agenda for items that require a public hearing.

- Commissioners can pull items from both consent agendas
- Only items on the public hearing consent agenda will be open to live public comment
- Items moved to the regular agenda by a Commissioner would be open to live public comment
- Written public comment allowed on all consent items

RESOLUTION NO. 7451

**A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS,
AMENDING RULES AND PROCEDURES GOVERNING
MEETINGS OF THE GOVERNING BODY OF THE CITY OF
LAWRENCE, KANSAS, AND REPEALING RESOLUTION NO.
7424.**

WHEREAS, the Governing Body of the City of Lawrence, Kansas, is committed to effective governance and professional administration;

WHEREAS, the Governing Body recognizes that rules and procedures governing meetings of the Governing Body will assist the Governing Body in achieving those goals and in conducting the business of the City in a more efficient manner;

WHEREAS, on March 9, 2021 in order to meet those goals,, the Governing Body adopted City of Lawrence, Kan., Res. No. 7355 (Mar. 9, 2021), establishing certain rules and procedures governing meetings of the Governing Body;

WHEREAS, on July 6, 2021, the Governing Body adopted City of Lawrence, Kan., Res. No. 7388 (July 6, 2021), establishing temporary rules and procedures governing meetings of the Governing Body during the aftermath of the declared novel coronavirus (COVID-19) emergency;

WHEREAS, on April 5, 2022, the Governing Body adopted City of Lawrence, Kan., Res. No. 7424 (Apr. 5, 2022), repealing various temporary rules and procedures that governed meetings of the Governing Body during the aftermath of the declared novel coronavirus (COVID-19) emergency and established permanent rules and procedures governing meetings of the Governing Body;

WHEREAS, the Governing Body recognizes that continued review and updates to the rules and procedures governing meetings of the Governing body are essential to meeting those goals;

WHEREAS, the Governing Body is committed to conducting the business of the City in a manner that is fair, transparent, and efficient and, therefore, urges staff to continue to review and to recommend updates to meeting procedures; and

WHEREAS, the Governing Body finds that it is, therefore, in the best interest of the City to amend the current rules and procedures governing meetings of the Governing Body to ensure equity, transparency, and efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: MEETINGS; GENERAL RULES.

- (a) **Meetings to be Open to the Public.** In accordance with the Kansas Open Meetings Act of 1972, codified as amended at K.S.A. 75-4317 *et seq.*, all meetings of the Governing Body shall be open to the public. In order to increase access to public meetings for all persons, the Governing Body may conduct public meetings in person, remotely, electronically, virtually, or any combination thereof. Please note, however, that the

primary format for accessing meetings of the Governing Body is in person. The City Clerk shall, in advance of each meeting, post on the City website how the general public may access that meeting. Although additional formats may be offered as alternatives to in-person attendance at meetings, please be aware that the City cannot and does not guarantee remote, electronic, or virtual access to meetings.

- (b) **Regular Meetings.** The Governing Body conducts regular meetings on the first, second, and third Tuesdays of each month. At its discretion, the Governing Body may, at any preceding public meeting, by an affirmative vote of a majority of the members of the Governing Body present and voting, suspend any regular meeting, change its date or time, or move its location.
- (c) **Special Meetings.** A call signed by a majority of the members of the Governing Body shall be sufficient warrant for a special meeting. Special meetings shall be open to the public.
- (d) **Joint Meetings; Listening Sessions.** The Governing Body may meet with other governing bodies or meet to accept public comment on a matter or matters at such time and at such location as deemed appropriate, provided that such meetings are open to the public.
- (e) **Executive Sessions.** From time to time, as may be necessary, the Governing Body may, in accordance with state law, recess into a closed or executive meeting.
- (f) **Quorum.** A quorum is required before the Governing Body may take any binding action. Three members of the Governing Body shall constitute a quorum. No ordinance shall be passed except upon an affirmative vote of three members of the Governing Body.
- (g) **Mayor to Preside.** The Mayor shall preside at all meetings of the Governing Body. If the Mayor is absent, incapacitated, or otherwise unable to perform the duties of office, then the Vice-Mayor shall be the presiding officer. In the absence of the Mayor and Vice-Mayor, the Governing Body shall choose a presiding officer from among the members present.
- (h) **Right to the Floor.** Any member of the Governing Body wishing to speak shall first be recognized by the presiding officer. If a particular item is being considered by the Governing Body, then members of the Governing Body are encouraged to confine their remarks to the item then under consideration.
- (i) **Decorum.** Members of the Governing Body are encouraged to act with decorum and to address each other and the public with respect. During a meeting, it shall be the duty of the presiding officer to preserve order and decorum. Any member of the Governing Body engaging in disruptive behavior that interferes with the Governing Body's ability to conduct the

business of the City may, after a warning, be subject to removal from the meeting.

- (j) **Recess.** A recess of the commission may be declared by the presiding officer at any time.
- (k) **Adjournment.** Meetings shall adjourn no later than 11:00 o'clock p.m., except that any business commenced before that time may be concluded after that time before the meeting is adjourned. Additionally, by a majority vote of the members of the Governing Body present and voting, meetings may be extended for a specific period of time. In the absence of a vote to extend, the meeting shall adjourn and all remaining business, if any, shall be continued either to the next regular meeting of the Governing Body or to an alternate date and time as determined by the Governing Body.
- (l) **Questions of Order.** The City Clerk, or designee, shall answer all questions of order which may arise during a Meeting.
- (m) **Photography; Recording.** Persons may take photographs and may make audio or video recordings of any open public meeting but said activities shall neither disrupt the meeting nor interfere with the Governing Body's ability to conduct business.
- (n) **Sound Emitting Devices.** Persons attending meetings are encouraged to silence or mute any device or instrument capable of emitting an audible sound or tone before entering the meeting room.

SECTION 2: SAME; AGENDA

- (a) **Agendas Made Available to the Public.** If the City prepares an agenda for a regular meeting, special meeting, joint meeting, or listening session, then the agenda outline coversheet shall be made available to the public.
- (b) **Order of Business, Amended or Suspended.** By a majority vote of the members of the Governing Body present and voting, the order of business established by any agenda may be amended to add or delete items as appropriate, may be amended to rearrange items as appropriate, or may be suspended in its entirety to consider other matters as appropriate. The Governing Body may recess into a closed or executive meeting, in accordance with state law, at any time during the course of any meeting.
- (c) **Consent Agenda.** If the City prepares an agenda, then the City may identify a portion of the agenda as the consent agenda. All items listed on the consent agenda, unless removed from the consent agenda, will be considered under one motion and will be approved by one motion. The City may identify certain items on the consent agenda as not being subject to public discussion and such items may not be removed from the consent agenda for public discussion unless so removed by a member of the Governing Body. The City may identify certain items on a consent agenda as being subject to public discussion. If public discussion is desired on any such item by a member of the Governing Body or by a member of the

public, then that item will be removed from the consent agenda and will be placed on the regular agenda, unless the Governing Body decides to take action on that item immediately.

- (d) **Work Sessions.** If the City prepares an agenda and identifies a portion of the agenda as a work session, then the Governing Body shall take no binding action on those items listed on the work session and may also decline to take public comment on those items.

SECTION 3: SAME; PROCEDURE

- (a) **General Order of Business.** Generally, each item considered by the Governing Body will proceed as follows:
 - (1) The presiding officer introduces the item. If the item involves the exercise of a quasi-judicial authority, then members of the Governing Body disclose any *ex parte* communications.
 - (2) City staff and/or the applicant/appellant presents the item and makes a recommendation to the Governing Body.
 - (3) The Governing Body directs questions, if any, to City staff and/or the applicant/appellant.
 - (4) Upon the request of the presiding officer, the Governing Body receives public comment. (See Section 5, *infra*).
 - (5) City staff and/or the applicant/appellant responds to public comment and makes closing comments, if any.
 - (6) The Governing Body discusses, debates, and deliberates on the item.
 - (7) The presiding officer calls for a motion on the item.
 - (8) The presiding officer calls for discussion on the motion, if any.
 - (9) The presiding officer calls for a vote on the motion and announces the result of the vote to the City Clerk and the public.
- (b) **Amendments to General Order of Business.** At its discretion -- but only to the extent that it does not contravene due process -- the Governing Body may amend, may rearrange, may suspend, or may supplement the foregoing general order of business to meet the needs of the Governing Body with respect to the item being considered.

SECTION 4: SAME; MOTIONS

- (a) **Action by Motion.** Except in those cases where state law does not require action to be taken by motion, no action may be taken by the Governing Body except upon a motion.

- (b) **Seconds to Motions.** Before a motion may be considered by the Governing Body, it must receive a second from a non-moving member of the Governing Body. If there is no second to a motion, then the motion dies without a second and may not be considered by the Governing Body.
- (c) **One Motion.** Only one substantive motion may be pending on the floor at any one time. A motion must be withdrawn or advanced to a vote before another substantive motion may be introduced.

SECTION 5: SAME; PUBLIC COMMENT.

- (a) **Public Comment.** The Governing Body shall accept General Public Comment and Public Comment on Agenda Items as follows:
 - (i) Each person wishing to provide public comment in writing, shall deliver such public comment to the City Clerk. To be included in the Agenda Packet for a meeting, written public comment must identify the person offering public comment, said person's address or telephone number, and the agenda item for which public comment is being offered or whether it is being offered as general public comment. Any public comment that does not include the name or contact information of the person submitting it will not be forwarded to the Governing Body. Such public comment must be received by the City Clerk by 12:00 p.m. the day of the meeting. Any public comment received after the deadline will not be posted and there is no guarantee that such comments will be considered.
 - (ii) Each person wishing to provide live public comment is encouraged to make such public comment in person at the location advertised by the City Clerk. If the City provides remote, electronic, or virtual options for providing live public comment, then the City Clerk shall, in advance of each meeting, post on the City's website how to provide such public comment. Please note that the primary format for providing live public comment is in person. The City cannot and does not guarantee remote, electronic, or virtual access to meetings.
 - (iii) As noted below, public comment is limited to three minutes and should be limited to issues and items germane to the business of the Governing Body.
- (b) **Addressing the Governing Body.** Persons making public comment are encouraged to sign in on the form provided for such purpose and to state, for the Governing Body and the public, their names and addresses. Persons making public comment shall address all comments and questions to the Governing Body.

- (c) **Time Limits.** Public comment will be limited to three minutes. The City Clerk may utilize a timing device to help with the fair and transparent measurement of time. The City Clerk will notify the Mayor when the allotted time has elapsed. The presiding officer shall have the duty of enforcing the time limit. Requests for additional time may be granted at the discretion of the presiding officer. Time may not be transferred from one member of the public to another.
- (d) **General Public Comment.** Each persons wishing to provide General Public Comment are required to sign up in advance of the meeting following the procedures outlined on the meeting agenda. When the presiding officer asks for General Public Comment, persons are encouraged to speak on items that are not scheduled for discussion on any agenda prepared for that meeting. As a general practice, the Governing Body will not discuss or debate those items, nor will the Governing Body make decisions on items presented during General Public Comment. General public comment should be limited to issues and items germane to the business of the Governing Body.
- (i) **Live Streaming and Rebroadcasts of General Public Comment.** If the City provides live streaming of a public meeting or posts copies of a previous public meeting for rebroadcast or for viewing, then the City generally will not include, in the live streaming or in any posted copy, General Public Comment. If General Public Comment is live-streamed, then the City may redact General Public Comment for any rebroadcast or posting of that public meeting.
- (ii) **Time Limits.** The general public comment section of a meeting will be limited to thirty minutes. Each individual will be limited to three minutes. The City Clerk may utilize a timing device to help with the fair and transparent measurement of time. The City Clerk will notify the Mayor when the allotted time has elapsed. The presiding officer shall have the duty of enforcing the time limit. The time allowed for general public comment may be extended the discretion of the presiding officer.
- (e) **Other Public Comment.** When public comment is sought on an item being considered by the Governing Body, persons may comment on that particular item at that time. Persons will be limited to addressing the Governing Body one time on that particular item, unless otherwise allowed by the presiding officer. Public comment on specific items shall be germane to the item being discussed.
- (f) **Decorum.** Members of the public are encouraged to act with decorum and to address the Governing Body and each other with respect. The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, and speeches so disruptive of the proceedings that the business of the City is substantially interrupted. It shall be the duty of the presiding officer to preserve order and decorum. Any member of the public engaging in

disruptive behavior that interferes with the Governing Body's ability to conduct the business of the City may, after a warning, be subject to removal from the meeting.

- (g) **Communication with the Governing Body.** Nothing in this section shall be construed to limit a person's ability to contact members of the Governing Body about matters of public concern.

SECTION 6. REPEAL. City of Lawrence, Kan., Res. No. 7355 (Mar. 9, 2021), City of Lawrence, Kan., Res. No. 7388 (July 6, 2021), and City of Lawrence, Kan. Res. No. 7424 (Apr. 5, 2022), are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this Resolution supersede those resolutions and replace them in their entirety.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 13th day of September 2022.

APPROVED:

Courtney Shipley
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Randall F. Larkin
Acting City Attorney