



**City of Bloomington
Office of the Common Council**

Memorandum

To: Councilmembers
From: Stephen Lucas
Date: 30 April 2024
Re: Review of current Council rules and practices related to public comment; First Amendment considerations

Currently, the City Council provides two opportunities for public comment on non-agenda items during its Regular Session meetings. Speakers are allowed up to five minutes to speak on any matter of community concern. Over time, the nature and positioning of public comment has shifted. A history of the Council's Regular Session Order of Business is below. Prior to 1985, comment was allowed both at the beginning and at the end of the meeting. From 1985-1992, comment was only provided at the end of the meeting. In 1992, the Council passed [Ordinance 92-04](#) to again allow for comment at both the beginning and at the end of the meeting, which is still the case.

On August 4, 2010, the Council considered a Rules Committee report and recommendations, which are included herein. This report was the culmination of discussions by the former Rules Committee over the course of several meetings. Through this report, the Council learned of permissible and impermissible regulations that could be applied to periods of general public comment.

The report was adopted by the Council on August 4, 2010 (the relevant portion of meeting minutes are included herein) and was followed by the adoption of [Ordinance 10-14](#) in September 2010, which is the last amendment to the Council's Order of Business. After adoption of this report, the Council also began publishing its [Rules for Making Public Comment](#), a document published on the Council webpage and made available in paper copy at Council meetings.

Beyond the two opportunities for general public comment, the Council's current practice is to generally offer opportunities for public comment on each item of legislation appearing on the Council's agenda, except for items listed for first reading. When opportunities for public comment are offered, members of the public are able to speak either from the dais in the Council Chambers or via Zoom, if attending remotely. The opportunity for members of the public to participate in meetings electronically is part of the [Council's Electronic Meetings Policy](#), adopted in 2021.

As noted in the 2010 Rules Committee Report, the Council creates a limited public forum when it offers opportunities for public comment at its meetings. In a limited public forum, the government may put certain restrictions on speech. However, any restrictions must be viewpoint neutral and reasonable in light of the forum. In past cases (some dealing with public meetings, others addressing different contexts), courts have upheld rules that regulate the subject matter (comments limited to agenda items), class of speakers (e.g., residents), time allowed (per speaker and/or overall time), frequency of speaking, and manner in which speakers are recognized (for example, through pre-registration or a lottery system). In addition, Courts have also allowed rules that prohibit the use of language that would incite an immediate breach of the peace (fighting words), disruptive speech (that would interfere with the conducting of business), obscenities, extended discussion of irrelevancies, and personal attacks against private individuals unrelated to the City.

The Council's current rules cover many of these types of speech and mention that a person who violates the rules will be declared out of order by the Chair and may be removed from the meeting if they persist in violating the rules. This is legally permissible so long as their removal is because they are disrupting or threatening to imminently disrupt the meeting, *not* because of the content or viewpoint of their message. Courts have held that council meetings have a purpose and agenda to be addressed, which justifies putting in place content-neutral public comment rules that allow for removal from a meeting for disruptions, usually after one or more warnings.

Given the 14-year gap since the Council last had a major revision to its Order of Business and to the rules applicable to public comment (aside from allowing electronic public comment), this topic is likely ripe for reconsideration.

1979 Order of Business (adopted via [Ordinance 79-97](#))

- (1) Roll call;
- (2) Messages from council members;
- (3) Messages from the mayor;
- (4) Reports from city bodies;
- (5) Petitions and communications from the public;
- (6) Second readings of legislation in the following order:
 - a. Committee report on proposed legislation with synopsis and fiscal impact statement;
 - b. Statement by sponsor of legislation;
 - c. Opening comments by council members
 - d. Statement by person or groups directly affected by legislation;
 - e. Comments from the public;
 - f. Debate and vote by council members;
- (7) First readings of ordinances;
- (8) Approval of minutes;
- (9) Adjournment.

1985 Order of Business (adopted via [Ordinance 85-02](#))

- (1) Roll Call;
- (2) Agenda Summation;
- (3) Approval of Minutes;

- (4) Reports from:
 - a. Councilmembers
 - b. The Mayor and City Offices
 - c. Council Committees
- (5) Legislation for Second Readings and Resolutions
- (6) First Readings
- (7) Privilege of the Floor (This section of the agenda will be limited to 45 minutes maximum, with each speaker limited to five minutes.)
- (8) Adjournment

1992 Order of Business (adopted via [Ordinance 92-04](#))

- (1) Roll call;
- (2) Agenda Summation;
- (3) Approval of minutes;
- (4) Reports from:
 - (A) Councilmembers,
 - (B) The Mayor and city offices,
 - (C) Council Committees,
 - (D) Public;
- (5) Legislation for second readings and resolutions;
- (6) First Readings;
- (7) Privilege of the floor (this section of the agenda will be limited to twenty-five minutes maximum, with each speaker limited to five minutes);
- (8) Adjournment.

2010 Order of Business (adopted via [Ordinance 10-14](#))

- (1) Roll call;
- (2) Agenda summation;
- (3) Approval of minutes;
- (4) Reports (A maximum of twenty minutes is set aside for each part of this section.):
 - (A) Council members,
 - (B) The mayor and city offices,
 - (C) Council committees, and
 - (D) Public*;
- (5) Appointments to Boards and Commissions;
- (6) Legislation for second readings and resolutions;
- (7) First readings;
- (8) Additional Reports from the Public* (A maximum of twenty-five minutes is set aside for this section of the agenda.);
- (9) Council Schedule;
- (10) Adjournment.

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Rules Committee Report – August 4, 2010

Members of the Committee

Tim Mayer, Councilmember-at-Large, Chair
Mike Satterfield, District 3
Steve Volan, District 6
Brad Wisler, District 2

Regina Moore, City Clerk, Secretary

Staff

Dan Sherman, Council Administrator/Attorney
Stacy Jane Rhoads, Council Deputy Administrator/Researcher

Inception and Purpose

Council President Piedmont-Smith called for the Council Rules Committee to convene with the aforementioned members and with Councilmember Mayer serving as Chair. Its primary task was to explore ways the Council might regulate public comment during Regular Session on non-agenda items.

Relevant Documents

- Proposed Rules for Public Comment Entitled “Reports from the Public: Making Comment on Non-Agenda Items” (*attached – with amendments proposed by staff in highlights*);
- BMC 2.04.380 – Order of Business (at Regular Sessions) (*attached - with draft revisions highlighted.*)
- Rules Committee Recommendations from 2008 (2008 Rules) (*attached*);
- Compilation of Council Ordinances Regulating Public Conduct During Meetings (*Available in the Council Office*);
- Table of Practices and Experience of Other Cities Around the Country (*attached*);
- Memorandum Regarding Constraints on Public Comment on Non-Agenda Items (*A Deliberative Document*);
- Draft Advice for the Chair – In the Event of Disruption (*Available in the Council Office*); and
- Memoranda of Meetings (*Available in the Council Office*)

Meetings

The Committee met on three occasions in the Council Library:

March 30, 2010 from 12:00 p.m. to 1:05 p.m.

Present: Councilmembers: Mayer, Satterfield and Volan;
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads
Public: Mike Malik, H-T

April 20, 2010 from 12:00 p.m. to 1:10 p.m.

Present: Councilmembers: Mayer, Satterfield and Volan;
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads

May 5, 2010 – *Cancelled due to a lack of a quorum.*

May 11, 2010 from 12:00 p.m. to 1:05 p.m.

Present: Councilmembers: Mayer, Satterfield and Wisler;
Staff: Dan Sherman and Stacy Jane Rhoads
Public: Mike Malik, H-T

Summary of Deliberations

Current Rules and Practice in Regard to Public Comment on Non-Agenda Items:

Currently the City Council provides two opportunities during its Regular Sessions where members of the public may speak for no more than five minutes on items that are not on the agenda. BMC 2.04.380, which outlines the order of business at Regular Sessions, provides for such public comment early in the agenda under Reports from the Public and late in the agenda under Privilege of the Floor (where a maximum of 25 minutes is set aside for those comments). According to the ordinance that last amended that provision (Ord 92-04) and Rules Committee Recommendations adopted by the Council on August 6, 2008 (2008 Rules), the Presiding Office is charged with keeping speakers within a 20-minute time period set aside for Reports from the Public. The above code provision also allows the Council to amend the agenda by a majority vote.

With the help of memory from Councilmember Mayer, who served on the Council in the mid-1980s, and Council records (see the Compilation available in the Council Office), the Committee learned that, since 1979, the Council has provided for public comment on non-agenda items at two points on its Regular Session meetings, except for the years 1985 – 1992, when it was only permitted late on the agenda. That exception was driven by a period where the early public comment (mostly in regard to PCBs) took hours to hear and delayed the consideration of previously scheduled legislative items.

Possible Goals of Regulation: Members of the Committee suggested what regulation of public comment on non-agenda items might accomplish:

- Make public comment more meaningful for the public by providing a positive direction for matters of concern to the community;
- Balance the Council’s interest in conducting efficient, orderly and dignified meetings with the rights of those who wish to speak before the Council; and
- Prevent disruptions.

Legal Limits on Regulation of Speech During This Portion of the Regular Session Agenda:

Calling upon a Memo prepared by Stacy Jane Rhoads and approved by the Council Attorney, the Committee learned that it may not be able to achieve all of its goals, given the limits on the regulation of speech at these occasions on our agenda. In brief, it learned the following:

- The Council has created an opportunity for the public to address the Council on non-agenda items when it had no statutory or constitutional obligation to do so. By providing this opportunity to speak, Council created a limited public forum where it may limit the subject matter and class of speakers who may address the Council as long as those parameters are view-point neutral and reasonable in light of the purpose of the forum. The requirement of viewpoint neutrality prevents the Council from suppressing speech that should otherwise be sorted out by the public through the “market place” ideas. The requirement that the parameters be reasonable in light of the forum ties our decision on the scope of the forum to the purpose for which it was created – which is to provide members of the public with an opportunity to communicate with their elected officials (and the public) about matters of community concern. Any limits on public comment must strike a balance among the right of the Council to maintain order, the rights of the speaker and the rights of others participating in this forum.

With that in mind the Committee heard about measures limiting public comment on non-agenda items that the Council may and may not take:

Measures the Council May Not Take – The Council may not:

- Narrow the scope of the forum to exclude speaker and/or subject matter view points (by, for example, only allowing one side of an issue to be expressed);
- Narrow the speakers to only those “sponsored” or “endorsed” by Council members; and
- Bar the playing of musical instruments or other forms of symbolic expression.

Measures the Council May Take – The Council may:

- Eliminate it entirely;
- Limit its subject matter (The Council already does this, for example, by prohibiting comment on agenda items);
- Limit the class of speakers (for example, to City residents or tax payers);
- Limit the frequency of public comment (to, for example, once a month or some other interval);
- Limit the overall time set aside for it;
- Move it to the end of the agenda;
- Limit the time given to each speaker and the frequency the speaker may speak;

- Require registration of speakers
- Limit number of speakers
- Limit speakers by lottery
- Prohibit disruptive speech – including speech that went beyond the time limit or was unduly repetitious,;
- Prohibit the use of fighting words;
- Prohibit obscenity;
- Prohibit personal attacks on private individuals unrelated to city business (City officials and staff must tolerate criticism about their roles in City government and the conduct of City business.)

Summary of Discussion on Measures to Limit Public Comment on Non-Agenda Items

The Committee discussed some of these possible measures in light of the law and in light of practices of other communities (See Table of Practices and Experience of Other Cities Around the Country). Following is a summary of the significant aspects of those deliberations:

- **Limiting Subject Matter of Comment Period (No Change)** Speakers, in general, have used these two occasions for comment on non-agenda items to announce events and awards for non-profits, accomplishments of members of the community, raise issues about City policies and neighborhoods, and talk about State and federal policies that affect this community. In recent years, some speakers have become regulars who address a larger audience via cable services and the internet on matters that, at times, are entirely personal and non-governmental in nature. The Committee learned that other communities have agenda items for “communications,” “petitions,” and “public comment” that serve a similar purpose. They also limit this comment period to matters of “municipal,” “governmental,” or “community” concern. While renaming “Reports from the Public” and “Privilege from the Floor” might help focus comments, that action alone would probably not change the range of comments the Council presently receives. The Committee discussed narrowing the public comment to matters of City governance, but did not adopt such language out of concern that it might discourage comment the Council would have benefitted from hearing. Therefore, the Committee left the purpose of these occasions as they are: opportunities for the public to communicate with their elected officials (and the public) about matters of *community concern*.
- **Moving this Comment Period to the End of the Agenda (No Change)** Speakers typically address the Council early rather than later on the agenda. The Committee discussed, but declined to recommend, returning to the practice during 1985-1992, when public comment occurred at the end of the meeting. One reason it did not pursue this option, was that the opportunity to speak early in the agenda is more convenient and predictable (usually occurring within a half-hour of the start of the meeting) than at the end of the meeting, and that pushing it back might deter comment that the Council would otherwise hear. Some of that problem could be alleviated by having Council members provide this information during Reports from Council Members (which occurs early in agenda).

- Limiting the Overall Time Set Aside for this Comment Period (No Change)**
 At present, a maximum of 45 minutes is set aside for comment on non-agenda items: 20 minutes under Reports from the Public and 25 minutes under Privilege of the Floor. The Committee discussed, but declined to recommend, shortening these periods or shifting some time from the early to the later part of the agenda. A couple of reasons underpinned their decision. First, the 20-minute period at the front of the meeting seemed a reasonable period of time to hear this kind of comment without overly delaying action on other items previously placed on the agenda. Second, although the 45-minute allotment for this form of public comment exceeded the individual 20-minute allotments for Reports from the Council, Mayor and Committees (See 2008 Rules – attached), there was some sentiment that it would appear unfair to give speakers less time than the others at the beginning of the meeting.
- Limiting the Period of Time Given to Each Speaker (No Change) and the Number of Times the Speaker May Speak (Change)** Currently speakers may speak for five minutes at each of the two comment periods. The Committee decided to keep the five-minute limitation on a comment, but recommended that speakers be given a choice of speaking at one or the other opportunity for public comment, but not both. Despite the fact that many communities limited comments to three minutes, the Committee kept the five-minute allotment for each speaker because that time frame was adequate for speakers to deliver their message and that any reduction would not result in significant shortening of the comment period. (See below for discussion on handling a multitude of speakers.) In that regard, the Committee acknowledged that the 2008 Rules discouraged the use of series of speaker to make a longer than five-minute presentation. The Committee also was disinclined to allow one speaker to cede their time to another. In regard to the other recommendation, the Committee favored the reduction in the number of times a speaker may speak in order to avoid repetition and shorten the meetings. Please note that other communities have limited such comment to once a month and once every three months.
- Requiring Registration of Speakers – Limiting Number of Speakers – Providing for Lottery to Select Speakers – Not Recommended (No Change)** Except on rare occasions, when a multitude of speakers are expected, the Council does not require speakers to sign-in before speaking. The Committee learned that, in some other communities, the Council requires speakers to sign-up in advance of the meeting in order to speak. The Committee discussed, but declined to recommend, this procedure for a number of reasons. First, the Clerk suggested that it would create an unnecessary obstacle for speakers as well as an additional burden for staff. She assured the Committee that she is currently able to obtain the names of speakers without using a list. Second, the sign-up system was often used in conjunction with a rule that limited the number of speakers and selected speakers on a first-come, first-serve basis or, in one instance, by lottery. Unlike those communities, the Committee concluded that this Council rarely sees more speakers than would use up the 20- or 25- minute comment period. And, when that appears likely, the President has handled the situation by asking for a show of hands and parceling out the time per speaker so that the Council does not go over the time limit.

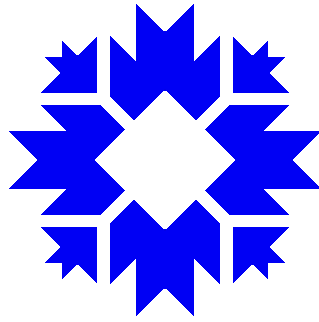
- **Prohibiting Disruptive Speech, Fighting Words, Obnoxious Language (When Not in Context of Political Speech), and Personal Attacks Against Private Individuals Unrelated to City Business (Change)** – Occasionally speakers are repetitious, go over their time allotments, try to enter into an exchange with the Council (which isn't permitted per 2008 Rules), use obnoxious language not in the context of political speech, or engage in personal attacks on matters unrelated to City business. All of this conduct can be prohibited by the Council in the interest of running orderly and efficient meetings. The Committee recommended that staff prepare a "Reports from the Public: Making Comment on Non-Agenda Items" to be circulated among Committee members and Council and eventually adopted by the Council. This public comment sheet would provide rules of conduct that comport with the First Amendment and be made available to the public online and at meetings.

Council Approach to Disruptive Speakers The Committee also briefly discussed how the Council should address disruptive speakers and asked staff to prepare a sheet offering advice to presiding officers when dealing with unruly ones. The Committee learned about how our code and Roberts Rules of Order address removal of speakers. BMC 2.04.030 gives the Sergeant of Arms (who is the Chief of Police or his designee) the duty to remove persons from the Chambers under direction of the Presiding Officer. Roberts Rules of Order provides for removal of persons after warnings and as a last resort, where the Chair "should take necessary measures to see that order is enforced, but should be guided by a judicious appraisal of the situation." Roberts' also cautions about the use of force and the prospect of litigation even if the removal was justified and suggests arranging in advance for the police to be present. Staff provided a draft "Notes on Removal of Persons from Council Chambers" (Available in the Council Office) which provided a preface, sample script and a comment that stressed the importance of getting the speaker's attention, pointing out the violation, and trying to guide the speaker into compliance.

Recommendations of the Committee:

The Committee Recommends that:

- 1) **The Council Adopt Rules for Public Comment that Comport with the First Amendment and Set Forth What the Speakers May and May Not Do Entitled "Reports from the Public: Making Comment on Non-Agenda Items")** (*attached – with additional changes proposed by staff.*)
- 2) **The Council Amend BMC 2.04.380 - Order of Business (at Regular Sessions) to Reflect the Changes Proposed in the Regular Session Agenda (To be done in September – Early draft attached)**
- 3) **Staff prepare a sheet to advise Presiding Officers on the Removal of Persons from Council Chambers (Draft available in the Council Office)**
- 4) **The Council Adopt the Report**



REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS

The Bloomington Common Council greatly values the voices of its citizens and welcomes public comment on non-agenda items **of community concern**¹ at two points on its *Regular Session* agenda. Citizens may make general comments at either the beginning of the meeting under *Reports from the Public* (limited to a total cumulative time of 20 minutes) or at the end under *Additional Reports from the Public* (limited to a total of 25 minutes).

In order to conduct meetings in the most effective manner possible, the following rules apply:

- 1) At each meeting, citizens may speak at only *one* of the two opportunities for public comment, but not both.
- 2) Citizens are limited to one report, not to exceed five (5) minutes. If there are many people who wish to speak during one of the public comment periods, the Chair may reduce the time allowed for each individual.
- 3) When giving your report, please state your name for the record and speak directly into the microphone.
- 4) All reports must be made from the podium; speakers may not approach the Council dais without permission of the Chair.
- 5) **Reports are intended to be statements from speakers; speakers may not engage the Council in a question-and-answer exchange during the Reports from the Public periods.**²
- 6) The City Council encourages civility in public discourse and requests that speakers refrain from **profanity,**³ **threatening language “fighting words” (language which would incite an immediate breach of the peace),**⁴ **disruption**⁵, undue repetition, **extended discussion of irrelevancies,** **defamation**⁶, and personal attacks against private individuals unrelated to the operation of the City.

These rules are intended to foster a fair, respectful and productive meeting. Any person who violates these rules will be declared out of order by the Chair. A person who persists in violating these rules may be removed from the meeting.

¹ Intended to further clarify the scope of this limited forum.

² This addition just reduces to writing the Council’s current practice.

³ While the Council hopes that speakers will refrain from profanity, it cannot prohibit expletives that are coupled to political speech. Should profanity ensue, the Chair could ask the speaker not to cuss (perhaps reminding the speaker that children might be watching the meeting at home), but can’t prohibit it.

⁴ Must rise to the level of “fighting words” -- words likely to incite immediate combat; mere “threatening language” does not rise to that level.

⁵ The word “disruption,” does not provide much guidance. Since the actions listed in rule 6) illuminate “disruptive,” action, the word was eliminated.

⁶ This is unnecessary since the rules don’t allow “personal attacks against private individuals unrelated to the operation of the City.” Citizens can levy verbal attacks against elected officials and staff related to their work as City employees. Furthermore, defamation usually has to be determined by a court after the fact; Council should not be positioned with determining what is or what is not “defamation” at the front end.

**Excerpt of Bloomington Municipal Code 2.04-380
Entitled “Order of Business” (at Regular Sessions)**

2.04.380 Order of business.

Deleted: ¶

(a) The council shall transact its business in the following order, but it may by majority vote amend the normal order of business or time limits set forth below:

- (1) Roll call;
- (2) Agenda summation;
- (3) Approval of minutes;
- (4) Reports (A maximum of twenty minutes is set aside for each part of this section.);

Deleted: from

- (A) Council members,
- (B) The mayor and city offices,
- (C) Council committees,
- (D) Public (Speakers may speak only once, for no more than five minutes, on matters not on the agenda during the two parts of the agenda where there are Reports from the Public. The Presiding Officer may reduce the individual time limits to accommodate an excess of speakers);

- (5) Legislation for second readings and resolutions;
- (6) First readings;

(7) Additional Reports from the Public (A maximum of twenty-five minutes is set aside for this section of the agenda.);

Deleted: . (7) Privilege of the floor (this section of the agenda will be limited to twenty-five minutes maximum, with each speaker limited to five minutes

(8) Motions Regarding the Council Schedule

(9) Adjournment.

Deleted: ¶

(b) Whenever possible, brief comments or questions concerning a statement made by a council member or any other person shall be made and addressed before further discussion proceeds, but more extensive discussion may occur later when the member raising the objection or question has been recognized to speak.
(Ord. 92-4 § 1, 1992; Ord. 85-2 § 1, 1985).

A Comparative Review of "Public Comment" on Non-Agenda Items at City Councils around the Country

	Time Limit/Speaker (minutes)	Total Comment Allowance	Where on Agenda	Registration Required	Other Limits	Televised	Frequency of Meetings	Website
College-Driven Metros								
Ann Arbor, MI	3	Max. 10 speakers (2 alternates)	Beginning and End	Yes (only for comment at beginning, not end). Regis. begins at 8a day of meeting.	Speakers are not permitted to sign up for other individuals or grant their time to an alternative speak	Yes	Twice/month	http://www.a2gov.org/government/citycouncil/Pages/Home.aspx
Athens-Clarke County	3 (Only once/meeting)	No	End	No	Citizens may sign up in advance to speak for 10 minutes on Zoning issues only.	Yes	Twice/month	http://www.athensclarkecounty.com/commission/
Austin, TX	3	Max. 10 speakers	~Middle (Meeting runs 10a-7p; Public Comment @Noon.)	Yes (Must sign up a week in advance. Can be done in person or by calling or e-mailing clerk.) Name of speaker and subject matter listed on the Agenda.	Citizens may donate speaking time to another for a max. of 15 minutes	Yes	Every week	http://www.ci.austin.tx.us/cityclerk/edims/council_meeting_info_center.htm
Champaign, IL	5 (group presentation limited to 10 minutes)		End	No		Yes	Twice/month	http://ci.champaign.il.us/city-council/how-to-address-your-city-council/
Urbana, IL	5		Beginning	Yes	Comment only at Committee of the Whole meetings.	Yes.	Every week	http://www.city.urbana.il.us/
College Station-Bryan, TX	3	At Mayor's discretion	Middle	Yes	Citizens may only comment during Regular Meetings, not during Workshop Meetings	Yes.	Twice/month	http://www.cstx.gov/index.aspx?page=34
Gainesville, FL	5(3 if more than 4-5 people)	No, but they try to limit total time to 30-45 min.	Middle & End	No, but there may be times when those wishing to address the Commission will be asked to fill out speaker's request cards		Yes	Twice/month	http://www.cityofgainesville.org/GOVERNMENT/MayorCityCommission/tabid/362/Default.aspx
Lafayette, IN	3	None	End	No		No - live on website	Meets once/month (for regular meeting and once for caucus)	http://www.lafayette.in.gov/council/
Lawrence, KS	Reasonable time limits for presentations and comments may be imposed	None	End	No		Yes	Every week	http://www.ci.lawrence.ks.us/commissioners
Tallahassee, FL	3	None	End	Yes		Yes	Twice/month	http://www.talgov.com/commission/index.cfm
Iowa City, IA	5	None	Middle (and end if more time is needed)	No		Yes	Once/month	http://www.icgov.org/default?id=1114
State College, PA	3-5 depending on # of speakers	None	Beginning	Preferred, but not required.		Yes	3x/month	http://www.statecollegepa.us/index.aspx?NID=32
Greenville, NC	3	30 minutes	End	Yes (just at some point before the meeting). If time remains after all registered speakers have commented, those who did not sign up may comment, until the allotted 30 minutes runs.	General public comment on non-agenda items provided at the meeting on the second Thursday of the month.	Yes	Every week	http://www.greenvillenc.gov/departments/mayor_city_council/information/default.aspx?id=6002
Madison, WI	3	Max. 10 speakers	Beginning	Yes	Also requires registration on Agenda items	Yes	Twice/month.	http://www.cityofmadison.com/council/
Muncie, IN	No time limit	None	End	No			Once/month	http://www.cityofmuncie.com/index/office/citycouncilmembers.asp
Corvallis, OR		30 minutes	Beginning (and end if more time is needed)	No		Yes.	Twice/month at Noon and 7pm	http://www.ci.corvallis.or.us/index.php?option=com_content&task=view&id=92&Itemid=54

	Time Limit/Speaker (minutes)	Total Comment Allowance	Where on Agenda	Registration Required	Other Limits	Televised	Frequency of Meetings	Website
Flagstaff, AZ	3		Beginning and End	Yes	May speak only three times during a meeting. At discretion of chair, if more than 10 people wish to speak to the same issue, they may appoint a representative who may speak no more than 15 minutes.	Yes	Every week	http://www.flagstaff.az.gov/index.aspx?NID=39
Ithaca, NY	3	None	Beginning	Yes		Yes	Once/month	
Columbia, MO	3-5 depending on # of speakers	Max. 30 min.	Both	Yes	May only speak every other month.	Yes		http://www.gocolumbiamo.com/Council/index.php
Ames, IA	5		Middle	No	Limited to issues of "city business" other than those items listed on the agenda.	Yes	Regular Sessions twice/month wherein public comment is provided	www.cityofames.org
Fort Collins-Loveland, CO	No general comment allowed. Comment only on an agenda item or an item addressed by formal Council action under "Other Business" that affects the rights and obligations of any member of the public. 5 minutes is provided. (Time may be reduced if more than 6 people wish to make comment.) Total public comment time is limited to 30 minutes. Registration required.					Yes	Regular Sessions twice/month wherein public comment is provided	http://www.fcgov.com/council/
Boulder, CO	3	Max. 45 min.	Beginning	Yes	First come, first served. Citizens may not "pool" time. If there are more speakers than the 45 minute-max. provides for, the Mayor may decide to let people speak at the very end of the meeting.	Yes	Twice/month	http://ci.boulder.co.us/

Other Communities

Berkeley, CA	2	Beginning: Max 10 minutes (5 speakers drawn via lottery) End: No max., but President may limit speech to 1 min depending on # wishing to speak	Beginning and End	Registration required only for those wishing to speak at the beginning of the meeting	For lottery, must submit name to clerk right before start of meeting.	Yes	2-3x/mo (else: committee)	http://www.cityofberkeley.info/ContentDisplay.aspx?id=21090
Portland, OR	3	~Max 15 minutes (5 speakers)	Beginning	If a large number of people are expected, yes (sign up starts 1/2 hour before meeting)		Yes	Every week	http://www.portlandonline.com/auditor/index.cfm?&a=9113&c=27481
Seattle, WA	No general comment allowed. Full Council allows only comment on agenda items. Follows committee structure. Topical general non-agenda comment (e.g., built environment, labor, energy, finance, etc.) provided therein. Comment at full council limited only to agenda items. At full council, the public must register in advance. Comment limit is 2 minutes. Total time allotted to comment on agenda items is 15 minutes.					Yes	Every week	http://www.seattle.gov/council/
Cambridge, MA	No general comment is allowed. Comment is only allowed on agenda items. Comment is limited to 3 minutes/speaker. All public comment on agenda items is located at the beginning of the agenda. A maximum of 120 minutes is provided for all public comment on agenda items. The long comment time is to allow ample space for the public to speak to a contentious issue. The Cambridge City Clerk says that Council meetings used to run from 5:30p - Midnight. Once it implemented its 3 minute, agenda-item only rule and moved all this public comment to one part of the meeting (rather than allowing public to speak on agenda items as they arise) their meeting length has been cut substantially. As the Clerk put it, "We want people to be awake when they are making decisions."					Yes	Every week	http://www.cambridgema.gov/ccouncil2.cfm?article_id=10&tnltext=About%20the%20Council
Olympia, WA	3	30	Beginning	Yes (sign up starts 1/2 hour before meeting)	Issues limited to those relating to city business. Cannot donate time.	Yes	Every week	http://www.ci.olympia.wa.us/city-government/city-council-and-mayor/city-council-contact-and-meet-us.aspx

	Time Limit/Speaker (minutes)	Total Comment Allowance	Where on Agenda	Registration Required	Other Limits	Televised	Frequency of Meetings	Website
Other Indiana Communities								
Anderson, IN	10	None	Beginning (Letter required) and End	Must submit a letter explaining subject of comments before the meeting to speak at beginning		No (cable provider dropped service)	Once/month	http://www.cityofanderson.com/citycouncil/
Carmel, IN	At Council's discretion	None	Beginning	Yes, must submit card by 6 p.m. (start of Council meetings)		Yes	Twice/month	http://www.ci.carmel.in.us/government/civicalendar/councilschedule10.html
Evansville, IN	At Council's discretion	None	End	Yes, must fill out slip and turn it in before making comments		Yes	Every week	http://www.evansvillegov.org/Index.aspx?page=41
Fort Wayne, IN	No time limit	None	End	None	Citizens may comment on non-agenda items only during Regular Sessions, held the 2nd and 4th Tuesdays of the month	Yes	First 4 Tues. of month	http://www.cityoffortwayne.org/city-council.html
Greenwood, IN	At Mayor's discretion	At Mayor's discretion	End	No		No	Twice/month	http://www.greenwood.in.gov/council/
Hammond, IN	3	None	End	Must sign in before meeting		No (cable provider dropped service)	Twice/month	http://www.gohammond.com/web/citycouncil.phtml
Indianapolis, IN	Council rarely allows comments on non-agenda items, and to do so, a citizen must get approval from Council Chair before a meeting. Comments on agenda items are limited to ~3 min.					Yes	1-2/month	
Kokomo, IN	At president's discretion	None	Beginning	No		Yes	Twice/month	http://www.cityofkokomo.org/main.asp?SectionID=7&TM=20832.3
Richmond, IN	At president's discretion (Usually 5 minutes)	At president's discretion	Beginning or End (depending on content)	Must gain approval from Council President in advance (usually a week before meeting)		Yes	Twice/month	http://richmondindiana.gov/content/category/10/81/129/
South Bend, IN	3	None	End	No		No	Twice/month	http://www.southbendin.gov/city/common_council/rules_procedures.asp
Terre Haute, IN	3	30	Beginning	No	Public comments on non-agenda items are allowed only at Regular Meetings (2nd Thursday)	No, but could be in future	Twice/month	http://www.terrehaute.in.gov/departments/city-council
West Lafayette, IN	At Mayor's discretion	None	End	No	Public comments are allowed only during Council Meetings (not during the pre-Council Meetings)	No (cable provider dropped service)	Twice/month	http://www.city.west-lafayette.in.us/department/?fDD=12-0



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Susan Sandberg, President
Re: Recommendations from the Rules Committee
Date: April 16, 2008

The Council Rules Committee has met a number of times since the beginning of the year and has a few recommendations that Councilmember Sandberg may institute as President. These recommendations relate to the conduct of our meetings and, in some cases, are intended to bring the Council closer to the procedures set forth in Robert's Rules of Order (*RRO*) which, according to BMC 2.04.080, serve as the rules of procedure unless some other procedure is required by federal, state or local law. In other cases, the recommendations offer suggestions for moving the Reports section of the Regular Sessions along so that the Council gets to the items requiring action in a timely manner. Both categories might also be considered "best practices."

1 Formality. *RRO* is built upon a formality of communication intended to "maintain the chair's necessary position of impartiality and help preserve an objective and impartial approach, especially when serious divisions of opinion arise." *RRO, Newly Revised – 10th Edition, p. 21-22*

a) Presiding Officer as Hub. One key to this formality is the role of the presiding officer as hub for all communications between members and between members and staff and the audience. Please note that the presiding officer refers to the President of the Council during Regular and Special Sessions and the Chair during Committees of the Whole. According to *RRO*, members may only speak after being recognized by the presiding officer and then may only make a request of another person present through the presiding officer. *Id. p. 23*. This means that a request for further information from staff would begin with a phrase something like the following: "Madame /Mr. President/Chair, may I ask a question of Mr./Ms. _____?"

b) Use of Title and Surname. Another key to this formality is the manner in which members address each other as well as staff and members of the audience. In an effort to avoid unnecessary personal conflict, *RRO* prohibits members from addressing another member by their name and from attacking another member's motivations. As a matter of practice, we diverge from the former rule by allowing Council members to address each other, staff, and members of the public by name. However, in order to promote impartiality and avoid the appearance of favoritism, the Committee recommends that everyone be addressed by their title or last name. This would mean that any request of one Council member to another would begin with a phrase something like the following: "Madame / Mr. President, I wonder whether Councilmember X, has thought of the implications of his remarks." Although it will no doubt sound stilted at times, the Committee and President are asking members to keep this manner of speaking in mind when making remarks in future meetings.

2. Designated "Secunder" In order to improve the flow of the introduction of business, the Committee thought it would useful for the Vice President to act as the designated seconder of the routine motions to introduce and read the synopsis of agenda items. However, in the event the Vice

President was not willing to make the motions – as can happen with amendments and other controversial actions - then he or she would need to alert the President in advance.

3. Council Member Questions – Guidelines on Serial Questions. Council members are given an opportunity to ask questions of the petitioner and staff before the matter is open for comment from the public. The Committee recommended that the presiding officer recognize Council members who would then be limited to one question and a follow-up after which the presiding officer would be able to recognize another member who could do the same and so on, until all the questions were exhausted. This should help spread the questions around, encourage better preparation for meetings, and discourage comments (“quomments”) and “rhetorical” questions on matters well covered in the Council material.

4. Reports – Time Limits The Committee also looked at the “Reports” section of Regular Session agenda which is codified in BMC 2.04.380. This section was last changed in 1992 in order to allow public comment on non-agenda items to occur earlier in the meeting which, for the previous four years or so, had been limited to the end of the meeting. (See Ord 92-04) While not codified, much of the understanding about Reports was set forth in the Whereas clauses of that ordinance. Here are some of those understandings and proposals for how the Council may revive them now:

a) **20 Minutes Per Category** - The time taken in Reports, although important, should not cause undue delay for petitioners and public who come to speak about legislation ready for final action that evening. For that reason, each category – Council members, Mayor, Committees, and Public – were to last no more than 20 minutes, with speakers speaking no more than 5 minutes a piece and the President being responsible for enforcing these limits.

This assumed that the majority of Council members, for example, would not take the full 5 minutes (or else it would take the Council a full 45 minutes to work through that one category). The Committee suggested that members who wanted to address a matter for more than 5 minutes – to report on a conference, controversy, or other matter, for example – could contact the President who would consult with the Council Administrator/Attorney (CAA) regarding the whole agenda and decide whether there was time for one and then direct the CAA to insert it as a bullet-point or Special Report under Reports from Council members.

b) **Committee Reports** – This category has been used for a Council member who wanted to report on the work of a Board or Commission he or she belonged to and also for Boards and Commissions who wanted to present a Report – sometimes an annual report – when the Mayor did not wish to sponsor the presentation or to cede time for it. Occasionally, due to the breadth or complexity of the subject and because speakers continued beyond the time limit or arranged for a cohort to carry on the presentation after the initial 5 minutes was through, these presentations have taken more than the allotted time. Here the Committee suggests that presenters be urged to file something in writing and limit their comments to no more than 5 minutes and be discouraged from spreading their presentation over more than one speaker.

c) **Public Reports** – Sometimes there are one or two people from the public who want to speak for more than 5 minutes or there is a long line of people who want their turn at the microphone and don’t want to wait until the end of the meeting to have their say. In some instances - especially if they have A/V presentations – the speakers approach the Council Office in advance to try out their presentation and are told about our procedures and encouraged to follow them. In others, the Clerk or Council Admin/Attorney approach members of the audience to welcome them to the Chamber and explain how and when they may address the Council. On occasion, however, we hear from speakers who have to be informed by the President of the rules in regard to public comment.

Here, the Committee suggested that the Presiding Officer, Clerk and Council Office Staff encourage speakers to follow the 5-minute rule and that staff prepare a brochure for the public to read

at Council meetings which sets forth that and other rules. One of the recommended practices would be to instruct speakers from the public who have A/V presentations to notify the Clerk or Council Office in advance of the meeting in order to assure that time is not wasted setting up the equipment. Members of the public who have not done so would be asked to make their presentation at the end of the meeting when other members of the public have already conducted their business and would not be held up by the delay.

5. Meetings - Starting On Time The Committee also noted that meetings often start after 7:30 p.m. and recommended that all involved - Council members, Clerk and staff - be ready to start meetings at the scheduled time. In accordance with *RRO* and as a courtesy to the public in attendance and those viewing from their home, the presiding officer may start the meeting once the time of the meeting arrives and a quorum is present.

In the Council Chambers of the Showers City Hall on Wednesday, August 4, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
August 4, 2010

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: none

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

The minutes of March 3, 2010 and July 14, 2010 regular session meetings were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer noted the recent passing of former city council member Sherwin Mizell.

REPORTS:
COUNCILMEMBERS

He commented that the temperature on his thermometer was 100 today, and advised citizens to make sure any outdoor pets were attended to.

Mike Satterfield noted that the air conditioning was working well in City Hall.

Andy Ruff reminded citizens that it was time for citizens to make their feelings about the proposed I-69 highway known to INDOT. He said the portion that would go through western Monroe County was particularly problematic locally, adding that when the community had car washes to fund public education programs while billions of dollars were spent on an unneeded highway, a travesty was committed. He noted that there were major corridors and bridges in the state that were closed because of lack of funding for repairs and maintenance. He advocated upgrading US 41 at a fraction of the cost and with less negative impact, and use the remaining money to repair roads and bridges in need of repair.

He also said, that despite his practice of biking everywhere, even in the summer, the recent heat wave made him more aware of what people around the world who have no access to air conditioned environments must feel.

Susan Sandberg congratulated Tina Peterson, Executive Director of the Foundation of the Monroe County Community Schools for work on the All for All campaign that helped restore the extra curricular activities in the school system. She said the campaign was a monumental effort of the entire community. She noted that extra curricular activities were not "extra," but basic to teaching critical thinking skills, working in groups, finishing projects and putting imaginations to work.

Sandberg noted Arts Week 2011 was accepting grant applications for innovative collaborative projects with a deadline of September 10, 2010. She said the theme for 2011 was Arts Teach and noted the irony of speaking of this in the same report as the All for All campaign mentioned above. She gave the website: artsweek.indiana.edu.

Brad Wisler noted that Bloomington was the hot spot for technology and start-up culture in the Midwest, because 'geeks' from across the country would be in town from September 9th – 12th to attend The Combine, an event that would bring together folks in creativity, community, culture, capital and code to learn, network and be inspired with talks and workshops related to entrepreneurship, product development, design, marketing, social media, blogging, coding, personal branding, business development and community. He said tickets were available as well as sponsorships and volunteer opportunities. He said the website was: thecombine.org.

Dave Rollo reported that global petroleum resource limits, peak oil and many more limits are becoming apparent, so it was not enough just to switch to alternative energy, because there would ultimately be failure unless the human impact on the biosphere was reconciled with global limits.

He said there were several articles which illustrated this: The Impending Peak and Decline of Petroleum Production: an Underestimated Challenge for Conservation of Ecological Integrity in Conservation Biology, was a call to ecologists to include peak oil within their analyses that said, “presently most widely used global scenarios of environmental change do not incorporate resource limitations including those of millennium eco assessment and the IPPC on climate change... the development of resource constraint scenario should be addressed immediately. We urge politicians, corporate chief executives, thought leaders, and citizens to consider this problem seriously because it is likely to develop into one of the key environmental issues of the 21st century.”

Also, he said that Lloyds of London reported Sunday, July 11, 2010 in The Guardian Newspaper that Lloyds insurance market and highly regarded Royal Institute of International Affairs known as the Chatham House said “Britain needs to be ready for peak oil and disrupted energy supplies at a time of soaring fuel demand in China and India.” It repeated warnings from professor Paul Stevens, a former economist from Dundee University that “lack of oil by 2013 could force the price of crude above \$200 per barrel.” It is currently about \$80.

Finally, Rollo said that Bill McKibben in the journal *Nature*, determined that a 40% decline in phytoplankton over the past century was attributable to global warming and that there was an urgency for policy makers, and provided the context for decisions that were made here in this body as well as every level of government. Phytoplankton is the basis of the food chain, and 40% decline is hugely significant. It was attributed to stratification of the ocean, meaning there was not adequate mixing, therefore there were not enough nutrients upwelling from the deep ocean. He said he was sure there would be more about this in the future. It seemed to jive well with the policies of interest to the council regarding sustainability, peak oil, and climate change.

There were no reports from the Mayor or other city offices.

It was moved and seconded to adopt the report from the Rules Committee.

Chair of the Rules Committee Tim Mayer summarized the charge of the committee along with providing the outline of the meetings, names of committee members and the overall activities of the committee. He said the main topic was to explore how the council might regulate public comment during regular session meetings on non-agenda items. He noted that Bloomington was a very forward thinking community and that government officials wanted to hear from the public, and valued public comment and first amendment rights. He said that staff researched what other city councils in the state and nation do with regard to non-agenda public comments. He said about half have comments at the end of the meeting only. He noted that there was no statute that would require public non-agenda comments at meetings, but it had been the Bloomington city council’s intention to provide for comments at both early and later parts of the meeting. He said the proposal of the rules committee was that the council would continue the practice of allowing the public to speak at the beginning or at the end of the meeting. He added that there would be only one opportunity per person, either at the beginning or the end, and the time would be apportioned by the council president.

COUNCILMEMBER Comments
(cont'd)

MAYOR and CITY OFFICES

COUNCIL COMMITTEES

- Rules Committee

He asked Council Attorney/Council Administrator Dan Sherman to discuss "Reports from the Public: Making Comment on Non-Agenda Items" and some of the reasoning and statutes that formed the basis for that document. Sherman said the document would be available online and to the public at meetings and would articulate existing practices for public comment. He asked that the council adopt the guide to public comment. He said it would prohibit disruptive behavior that would prevent the orderly conduct of council business. He noted staff suggestions were incorporated into the guide, which included the standard of 'matters of community concern,' an explanation of what was meant by disruptive speech, noted that the comment section was not a give-and-take session and the consequences of not following these rules. He noted that there was no mention of profanity, as he said that profanity coupled with political speech was protected speech, but said that the chair could guide the speaker. He noted, too, that threats that were focused toward the future were not immediate and therefore not a basis for prohibition.

It was moved and seconded that the council accept the guidelines for public comment as presented at this meeting.

Piedmont-Smith asked for questions for the rules committee members or Sherman.

Mayer asked if the Report was enforceable at the meeting where it would be adopted. Sherman said that a few minor changes would need to be made to the Bloomington Municipal Code, but the majority could be enforced at that meeting.

Rollo said that he was surprised that profanity was protected speech. Sherman said it was protected when coupled with political speech. He said that members of the public could address the council on matters of community concern and that was inherently political speech. Rollo asked about the fact that the meeting was broadcast live. Sherman said that the meeting was a limited public forum, and that the comment from the public was part of that agenda, and that if there was a need to make profane statements in that regard, they could. He said it could not be prohibited, but the chair could guide the person into another way of phrasing the comment.

Sandberg was concerned about pejorative language against any group and asked if that was protected speech. Sherman said it was protected.

Sturbaum asked about a statement, "I don't like what you're doing and I'm going to shoot you." Sherman noted questions to be asked as to protection: Is it going to disrupt the forum? Does it amount to a clear and present danger? Is it likely to occur? Is it imminent? He said that public officials have to have a thick skin, and unless a threat as Sturbaum stated was likely to occur or imminent, it was considered protected. Sturbaum inferred that it was a judgment call. Sherman said that the elements of that judgment were 'likely' and 'imminent.'

Ruff asked if the rules were intended to prevent disruption, how speech that could be disruptive might be considered protected. He specifically asked about comments that might be directed against a group of people. He also asked why, when trying to create a safe, comfortable, civil environment to conduct business, the council had to wait until a disruption happened to take action. Sherman said that the purpose of the rules was to balance the council's interest in conducting efficient, orderly and dignified meetings with the rights of those who wish to speak before the council. Sherman added that the barring of speech only could happen when it was actual, and not just anticipated.

Rules Committee Report
REPORTS FROM THE PUBLIC:
MAKING COMMENT ON NON-
AGENDA ITEMS

Ruff asked if, when speech led to an actual disruption, at a subsequent meeting the same situation started to devolve, did the council have to wait for the actual disruption to occur before taking action. Sherman said yes. He said that speakers could not be barred from speaking based on a past disruption and it was considered a form of prior restraint.

Ruff noted that other communities' public comment segments allowed much less than five minutes to speak. Sherman said that was correct. Ruff noted also that the major change of substance considered in this report and guide was the limiting of one period with a maximum of five minutes to any one speaker per meeting. Sherman agreed.

Piedmont-Smith asked if a person was removed from the chambers for violating the rules in the scenario that Ruff had described, and the next week the same person started along that same path, the council had to wait for the actual disruption before action could be taken. She said she thought that was overly cautious. Sherman said that unless the council was presented with a clear and present danger, the speech would be protected. He said that the disruption could trigger the chair asking for the removal of the person. He said that if this continued for a number of times, the chair might consider offering the opportunity for the police to arrest the speaker for the crime of 'disrupting a lawful assembly.' He said he didn't think that crime had been applied to a city council meeting, but that would be shifting the issue to the courts. He said the basis for the arrest would be a Class B Misdemeanor.

Sherman noted that the chair had responsibility for preserving decorum and in the above instance could tell the speaker their words could lead to violence and to stop. He said it should then be announced that if they continued on that line, the chair would ask the sergeant-at-arms to remove them from the chamber. Piedmont-Smith clarified that there didn't have to be an actual fight to say something that would incite an immediate breach of the peace. Sherman agreed, but again reiterated that there had to be likely and imminent, a clear and present danger.

Mayer added that the comparative review of public comment indicated that some communities only allowed three minutes of public comment, asked speakers to sign in at the beginning of the meeting, or pre-register ahead of time. He said Bloomington offered ample opportunity for citizens to address the council, with respect to first amendment rights.

Sandberg noted the council had always had a call for respectful discourse. She wanted to make sure that citizens understood this change was not about not criticizing the council, decisions made by the council or problems in the city. She reiterated that what was being changed at this meeting was that a person speaking on non-agenda items would get one and only one opportunity to do so, even though there were still two comment periods during the meeting.

Sherman said she was correct on the change. He reiterated again that the council meetings were considered a limited public forum, a classification by the law that determined what type of speech was allowed and what regulations applied. He said when defining the boundaries of the forum or rules of the council, they must be viewpoint neutral and reasonable in light of the purpose of the forum.

Sandberg noted that the council expected speakers to be courteous and respectful of the opinion of others, and asked if that was not part of the new guidelines. Sherman said that the rules called for a civil forum and also at what point speech would be prohibited, and that there was a difference between the two issues.

It was moved and seconded that Item 6 in the document REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS be amended.

Piedmont-Smith read changes to guidelines for speaking at council meetings she would like considered.

Sturbaum asked if Piedmont-Smith would consider putting in the words 'threatening language.' She said that would need to be another amendment to be addressed separately.

Satterfield asked Sherman if he removed the words "threatening language" for a reason. Sherman said he did. Satterfield asked if that reasoning would apply to the word "obscenity." Sherman said it wouldn't.

Piedmont-Smith said that obscenity was defined as (1) language that the average person, using the standards of the community in which the expression is made, would find that it appealed to a morbid or shameful interest in sex, (2) language that depicted or described sexual conduct in a patently offensive manner and (3) language that lacked serious literary, political, artistic or scientific value. She added that this had been determined by the Supreme Court as something that can be limited. Sherman agreed.

Wisler asked if each clause should begin with a verb. Piedmont-Smith suggested adding a semicolon and re-read the amendment.

Mayer asked if undue repetition would include a repetition of a website address within one comment period or in repeated meetings. Piedmont-Smith said it would have to be repetitive within one comment period.

Piedmont-Smith asked if comments on reports were subject to the same time limits as public comment on legislation. Sherman noted that some other reports such as the sidewalk report or the Jack Hopkins funding came from committee reports and had public comment, but said it was the call of the chair, and suggested that due to the nature of the report, it might be warranted.

Volan said, while it might not be in order to take public comment on a report, it would be ironic to not have comment on a report about public comment. He suggested opening the floor to public comment on the amendment and the report.

Piedmont-Smith called for public comment on the amendment to the REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS. She asked the clerk to make copies of this change to distribute to the public.

Marc Haggerty said he didn't mind signing in. He said that the wording 'encouraging' and 'requesting' was fine with him.

The amendment received a roll call vote of Ayes: 9, Nays: 0.

Piedmont-Smith called for public comment on the document REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS as amended.

Marc Haggerty spoke of the history of the council public comment period during meetings. He spoke of *Hess v. Indiana*, 414 U.S. 105 (1973) in which a City of Bloomington court decision was overturned by the US Supreme Court in an issue of free speech, although the speech

Amendment to REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS. The City Council encourages civility in public discourse and requests that speakers refrain from language which would incite an immediate breach of the peace; refrain from undue repetition, extended discussion of irrelevancies, obscenities and personal attacks against private individuals unrelated to the operation of the City.

occurred on the street, not in the council chamber. Haggerty said he had been a victim of some charges made by citizens in the public comment segment of the council meetings, but preferred to not prohibit speech. He spoke of the PCB discussions of the 1980s and said the discussion was swayed considerably by citizen disruptions during meetings of the Bloomington City Council.

Mayer thanked the committee for its work. He specially thanked the staff for their considerable work and extensive research. He said the first amendment and freedom of speech was a prickly issue as some may be offended by any speech.

The motion to adopt the guidelines **REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS** as amended received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the report from the Rules Committee be accepted.

Adoption of the Rules Committee Report.

Marc Haggerty noted that this might be a question to continue to another meeting given interest by the public.

Ruff noted he had always voted against the limiting of public comment when instances arose during controversial issues. He said he was confident that the adoption of this report and guidelines would not unduly limit the public's ability to speak at council meetings.

Mayer noted that at one time there was only one comment period at council meetings, either at the beginning or at the end of the meeting. He said that two periods were now the norm, but that this rule change would not affect the number of opportunities for the public to speak, but limit the number of times a person could speak at one meeting. Piedmont-Smith thanked Haggerty for his recall of the social justice issue. She said that the rules would not be a hindrance to the exercise of free speech in Bloomington.

The motion to accept the Rules Committee report was approved by a voice vote.

David R Grubb spoke of his long time interest in community growth and protection of the environment.

PUBLIC INPUT

Marc Haggerty suggested that the Criminal Justice Coordinating Council have public comment at their meetings. He said at present they did not, and there was no way to speak to judges in a public manner at this time such as the city council. He said they should listen to citizens' concern about running the jail and the justice system.

It was moved and seconded that Chad Roeder and Michael Wallis be appointed to the Bloomington Platinum Bike Task Force. The motion was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Kent McDaniel be reappointed to the Public Transportation Corporation.

Volan moved and it was seconded that the above appointment be tabled. Piedmont-Smith asked Volan to explain his motion. Volan said he had talked to Mr. McDaniel earlier in the day, but that at least one other committee member had not had time to talk with him about his work on the Public Transit Board. Volan also said he had more questions and concerns to discuss.