



Legislation Details (With Text)

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On agenda: 12/5/2023 **Final action:**
Title: Approve the recommendation to: (1) extend the speaker sign-up deadline to 5 pm; (2) continue to allow the submission of written comments; and (3) include a call-in option as an alternative to online registration for speaker sign-ups

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Date	Ver.	Action By	Action	Result
12/5/2023	1	City Council	directed staff	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Approve the recommendation to: (1) extend the speaker sign-up deadline to 5 pm; (2) continue to allow the submission of written comments; and (3) include a call-in option as an alternative to online registration for speaker sign-ups

DEPARTMENT: City Manager’s Office

SUBMITTED BY: Pam Gallahue, PhD, Deputy City Manager and Marcie Schatz, Assistant to the City Manager

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

Public participation must comply with the Illinois Open Meetings Act (OMA) and the rules set forth for public participation in the Naperville Municipal Code.

The OMA mandates that agendas for public bodies must be posted at least 48 hours in advance of the meeting.

For decades, the City has exceeded the OMA requirement and posted City Council agendas a full six days before the meeting.

The OMA also holds that “any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” As such, the City established rules that appropriately balance the opportunity for the public to address elected officials with the ability to

conduct efficient open meetings.

Similar to agenda posting, the public participation rules provided in the City's Municipal Code have been in place for decades and, until November 2019, only allowed in-person speaker sign-up for City Council meetings from 6:30 pm - 6:55 pm the day of the meeting.

November 2019

In February 2017, the City began transitioning to a new agenda management system. As part of the transition, staff thoughtfully planned to discontinue in-person speaker sign-up and replace it with an electronic speaker sign-up option that would open six days prior to the meeting at the time the agenda was published.

Having an online speaker sign-up was seen as a convenience to participants that wanted to address the Council but could not, or did not want to, be at the Municipal Center between 6:30 pm and 6:55 pm. The online speaker sign-up also added flexibility for parties interested in speaking on items later in the agenda. Lastly, the list of in-person speakers was mailed only to media, City Council, and staff. Having an online speaker sign-up would allow increased meeting transparency as the list of speakers would be posted to the City's website hours prior to the meeting.

After testing and piloting different solutions, staff implemented online speaker sign-up in November 2019. The option for the public to submit a position statement of "support" or "opposed" was also introduced. Speaker sign-up closed at 5 pm which not only eliminated the need for overtime but also ensured the timely start of Public Forum and/or early agenda items as the complete speaker sign-up list could be reviewed and compiled.

April 2020

Following the onset of the COVID-19 pandemic in 2020, the OMA was amended to allow public bodies to hold meetings electronically in order to mitigate safety concerns related to in-person gatherings.

Accordingly, the City modified its online speaker sign-up rules to accept written comments until 5 pm and read the comments into the record during the meeting. Like the list of speakers and position statements, the written comments were posted to the City's website at 5 pm for public review.

December 2020

At its meeting on December 15, 2020, the City Council passed ordinance 20-144, which amended the Municipal Code to require a Council member to make a disclosure if a meeting participant had contributed more than \$750 to a Council member's Council or Mayoral campaign. The new regulations created a need for Council members to be able to review the identity of public participants prior to a Council meeting in order to determine whether a disclosure was necessary.

February 2021

Under New Business at its February 2, 2021 meeting, the City Council directed staff to draft a resolution clarifying rules for public participation during present and future remote Council meeting environments necessitated by the COVID-19 pandemic.

On February 16, 2021, the City Council unanimously adopted resolution 21-03 which stated that, beginning with the March 2, 2021 meeting, written comments would no longer be read into the record. Because staff would no longer be reading the written comments, the speaker sign-up and written comment deadline was moved from 5 pm to 4 pm to give Council members time to review

written comments prior to the beginning of the meeting.

June 2021

After several months of City Council meetings being held in remote and hybrid environments, full in-person meetings resumed in June 2021 and the public participation rules remained in effect.

November 2023

On November 7, 2023, following the repeal of the campaign contribution disclosure ordinance, City Council directed staff to present an opportunity for Council to extend speaker sign-up deadlines.

DISCUSSION:

Staff has reviewed the history of speaker sign-up options and recommends the following:

- 1) Return speaker sign-up deadline to 5 pm on the day of the Council meeting
 - a. This recommendation is consistent with Council direction in Resolution 21-03.
- 2) Continue to accept written comments (with the same 5 pm deadline)
 - a. The submission of written comments has been an effective and efficient public participation tool. Staff recommends Council continue to allow the submission of written comments with the same deadline as is imposed for speaker sign-up. Accepting written comments until 5 pm provides sufficient time for Council members to read the comments prior to beginning the closed or open session of the meeting. Having a single deadline also minimizes confusion and promotes meeting efficiency allowing a comprehensive list of speakers/comments to be compiled and distributed prior to the beginning of the meeting.
- 3) In addition to online speaker sign-up, promote a call-in sign-up option as an alternative (with the same 5 pm deadline)
 - a. It is not uncommon for the Community Services Department to field calls asking about signing up to speak prior to Council meetings, but staff has not specifically promoted calling in advance as an acceptable method to sign up to speak. Officially recognizing call-in speaker sign-ups as an alternative to online sign-up will add a traditional, non-technical sign-up mechanism for speakers.

Upon Council approval, staff will prepare a resolution reflecting the changes to the public participation rules for Council adoption at a future meeting.

FISCAL IMPACT:

N/A