



Legislation Details (With Text)

File #: 21-0313 **Version:** 1

Type: Report **Status:** Agenda Ready

File created: 2/24/2021 **In control:** Planning and Zoning Commission

On agenda: 3/3/2021 **Final action:** 3/3/2021

Title: Concur with staff's recommended options for public participation at PZC meetings held remotely

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/3/2021	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Concur with staff's recommended options for public participation at PZC meetings held remotely

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director; Pat Lord, Senior Assistant City Attorney

ENTITLEMENTS REQUESTED:

n/a

BOARD/COMMISSION REVIEW:

n/a

BACKGROUND:

At the February 16, 2021 City Council meeting, the Council adopted a resolution outlining the rules for public participation at City Council meetings while Council meetings are held remotely pursuant to Section 140/7(e) of the Illinois Open Meetings Act during the pendency of the Illinois gubernatorial disaster proclamation in response to the COVID-19 pandemic. The adopted resolution noted that Naperville Boards and Commissions may establish their own rules for public participation for their meetings.

Legal and Planning staff are recommending that the PZC clarify and streamline their rules for public participation at Planning and Zoning Commission meetings for new cases conducted remotely beginning at the April 8, 2021 PZC meeting. Current rules of participation shall apply to hearings opened before April 8th. Finally, these rules may be revisited in the future as the PZC returns to full in-person meetings.

DISCUSSION:

Public participation at the City of Naperville's open meetings must comply with the Illinois Open Meetings Act (OMA). Following the onset of the COVID-19 pandemic, the OMA was amended to allow public bodies to hold meetings electronically in order to mitigate safety concerns related to in-person gatherings.

The City desires to ensure that the options available for the public to address the PZC at open meetings are appropriately balanced against the ability to conduct efficient open meetings.

The current process providing for public participation at public hearings before the PZC includes:

- (1) emailed comments; and
- (2) an online speaker sign-up form allowing members of the public to select one of the following options:
 - (i) "in support" or "in opposition" statements;
 - (ii) written comments; and
 - (iii) verbal testimony.

The existing options have proven to be confusing, redundant, and time-consuming.

Recommended Streamlined Process During Remote Meetings:

For any new case considered by the PZC beginning on April 8, 2021 until the Naperville PZC resumes in-person PZC meetings, staff recommends simplifying the public participation process for PZC public hearings by streamlining the options to provide only for **emailed comments** and **verbal testimony**. This eliminates submission of individual positions "in support" or "opposition" and written comments, both of which are currently submitted through the online speaker sign-up

Reasons for Recommendations:

- The current online speaker sign-up option of allowing individuals to indicate that they "support" or "oppose" a particular case offers no substance. The position of an interested party is better and more thoroughly ascertained via live speaking or emailed comments. In addition, the position statement option has caused a lot of confusion among people using it who believe they are casting a "vote" on the pending case. Finally, many position statements have been submitted in error for cases other than the one that the interested party truly wishes to weigh in on.
- The email option for written comments provides more time for the comments to be reviewed by the PZC and the public in advance of the meeting. Also, having both options for submittal of written comments (by email in advance of the meeting and by written comment on the online speaker sign-up form) has caused confusion since participants sometimes submit the same comments using both options and are uncertain as to whether their comments will be posted or read into the record. Finally, since emailed written comments are available for review, they will not be read into the record during the PZC hearing.

Conclusion:

The recommendations above are compliant with the Open Meetings Act requirements for public meetings conducted remotely and will assist the PZC to conduct meetings efficiently and in a manner that allows ample opportunity for public access and input.