



Legislation Details (With Text)

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Agenda Date: 07/20/2021

Subject:

Discussion on possible amendments to City Council's Legislative Rules as a result of lessons from the Pandemic

Prepared By: Mark Relph, City Manager

PURPOSE:

Discussion and direction for potential changes to the City Council's Legislative Rules

PRESENTATIONS:

Staff Presenter(s): Mark Relph, City Manager,
Reid Betzing, City Attorney

Additional Presenter(s): N/A

SUMMARY:

The city council has adopted legislative rules (Rules) that in part “. . . , shall govern all meetings and proceedings of the city council, boards, commissions, and authorities and the order of business, and the conduct of the mayor, city council and board and commission members and persons in attendance at such meetings¹.”

This briefing by staff and subsequent discussion and direction by council is intended to review a series of issues including continuation of electronic or telephonic meetings (e.g. Zoom, Teams Meetings, or a hybrid meetings that include in-person and electronic) and under what conditions. If there is direction to make changes, then staff would return at a future regular meeting to consider formal action.

PRIOR ACTIONS OR DISCUSSIONS:

On March 20, 2020 city council amended the Rules to allow for city council to appear electronically and telephonically in the event of a public emergency and to limit public comment.

ANALYSIS:

Staff Analysis

The city council amended the Rules in March of 2020 to allow for electronic meetings and thereby maintain continuous operations of the city during the COVID-19 pandemic. We are now in a period of transition back to pre-pandemic operation. This briefing and discussion is intended to reflect back to the time of the pandemic and discuss what lessons have we learned with electronic meetings and communications and whether there is a future for such practices and if so, under what conditions.

It is important to remember that the action the council may consider would then be extended to all the boards and commissions. Attached to this staff communication is the status of our boards and commissions in their efforts to return to in-person meetings. While the boards and commissions were not surveyed, it does appear a willingness for all of them to return to in-person meetings now that the public health emergency is being more effectively managed.

If electronic meetings are continued, then some of the issues that might be considered include:

- Are in-person meetings required unless specific conditions are met?
- Would this allow for someone to attend a meeting if they are on vacation, off-site but on city business, or some other circumstance?
- Should there be some minimum notification to the Mayor and City Manager?
- The council's Rules are intended to apply to all other boards and commissions. Should there be more flexibility with other boards? For example, the Next Generation Advisory Committee is a larger member board than others and may have some preference for maintaining electronic meetings to encourage greater attendance.
- Would these changes be permanent or need to be reassessed at a point in the future?
- How will we address virtual/hybrid meetings, in-person meetings, and attendance for virtual visitors?

Local and state governments, plus the private sector are now having similar discussions across this nation. In many cases, the reason to continue such practices is probably because it provides another opportunity for how the public, our citizens, can not only engage the policy discussions of the council and other boards, but it is also a new and preferred opportunity to conduct business for some.

One lesson staff has learned was the need and flexibility for this organization to rapidly adjust our in-person operations for conducting business, to a more electronic format of engagement. The CARES Act allowed this city to make a series of investments to help facilitate a new way of doing business, which included "Zoom" rooms to meet with consultants and clients, electronic payments systems across multiple operations including our Municipal Court, new online building plan submittals and inspection systems to name a few. All of this would suggest our citizens may be looking for other opportunities beyond in-person interactions to conduct business, perhaps electronic meetings are another new public expectation.

The city council has the ability to make changes, additions ". . . , at any regular or special meeting of the city council for which the proposed changes have been publicly posted at the same time the agenda for the meeting is posted by an affirmative vote of at least four members of the entire council. Changes and/or additions shall be effective at the next regular or special meeting²."

Council Goal, Objective, and/or Guiding Principle

Goal 3: Good Governance; Objective 1: High Performing Organization

Fiscal Impacts

Providing the level of service for electronic meetings through the pandemic was a considerable effort of resources and personnel. This was a unique circumstance, but that same level of service simply cannot be maintained after an examination of current resources. If council does wish to maintain some level of electronic meetings and depending upon the magnitude, staff would have to evaluate the details to decide what, if any, additional resources may be required.

Alternatives

Varied, but note staff recommendation if this policy is to remain within existing resources.

STAFF RECOMMENDATION:

If the council does wish some level of continued electronic services and not add additional resources, then staff would recommend the following:

- Require public comment to be in person and the continued use of the expanded comment opportunity per our web pages.
- Limit council, board, and commission use of hybrid meetings to when weather conditions make in-person meetings very difficult.
- In some cases, there may be a unique circumstance for a city consultant to access a meeting electronically, but the preference should be in-person.

REFERENCES:

¹City Council Legislative Rules Section I(a) Rules of Order and Business Adopted; Purpose

²City Council Legislative Rules Section V Changes/Additions