



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: May 10, 2024

Re: Ordinance 2024-13 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Amending BMC 2.04.380 (Order of Business at Regular Sessions)

Synopsis

This ordinance amends BMC 2.04.380 entitled "Order of Business at Regular Sessions," which sets forth the order of items on the Council's Regular Session agenda. It reduces the standard speaker time limit applicable to Reports from the Public and Additional Reports from the Public from five minutes to three minutes and removes a provision allowing the presiding officer to reduce this time allotment based on the number of people wishing to speak.

Relevant Materials

- Ordinance 2024-13
- Rules for Making Public Comment – incorporating changes proposed by the ordinance with additional revisions suggested by staff
- Indiana House Enrolled Act 1338

Summary

Ordinance 2024-13 proposes to amend Bloomington Municipal Code [Section 2.04.380](#) (Order of business at regular sessions). This section sets out both the normal order of business at regular session meetings as well as time limits that apply to two opportunities for general public comment on matters of community concern – "Reports from the Public" and "Additional reports from the public".

The Council convened a work session on April 30, 2024 for the purpose of discussing its rules and practices for taking public comment. At that work session, many members indicated a desire to establish a standard time limit of three minutes that would apply to speakers commenting during the two opportunities for general public comment, as well as to speakers commenting on agenda items.

Currently, members of the public speaking during one of the two general periods of public comment are allowed five minutes, but that time may be reduced by the presiding officer if numerous people wish to speak. When the Council offers an opportunity for public comment on agenda items (typically legislation), the recent practice has been to allow speakers three minutes.



Ordinance 2024-13 would reduce the time limit applicable to the two general periods of public comment from five minutes to three minutes and would remove the provision allowing the presiding officer to reduce the time allotment based on the number of people who wish to speak.

Accompanying this ordinance is a document called *Rules for Making Public Comment on Agenda & Non-Agenda Items*, which is a revised version of the Council's current [Rules for Making Public Comment](#). The current rules were adopted and put into practice by the Council in 2010, when the Council last revised its Order of Business. A former Council Rules Committee report and supporting materials that led to the Council adopting the current rules are contained in an [August 4, 2021 meeting packet](#). The rules are intended to be an at-a-glance guide for members of the public speaking at a Council meeting. Since 2010, the guide has been distributed at meetings and posted on the Council's website.

If the Council adopts Ordinance 2024-13, it may then wish to consider adopting the revised rules for public comment included herein. The revisions would reflect the changes made by Ordinance 2024-13, but would also incorporate provisions that have recently been added to state code via [House Enrolled Act 1338](#) (to take effect July 1, 2024). This bill states that public governing bodies may adopt procedures that provide for the presiding officer to issue warnings to an attendee who disrupts a meeting or violates the body's rules or policies. Upon receiving three warnings, the attendee may be asked to leave the meeting or may be removed by a law enforcement officer. Immediate removal would be allowed if necessary to maintain order or ensure the safety of others, if the attendee commits a criminal offense, or if the attendee violates adopted Council rules or policies governing the conduct of the meeting.

These procedures largely reflect existing practice, but make more explicit the scenarios that might lead to removal of a meeting attendee. These rules would be posted in a visible area at the entrance to the Council Chambers and would be published on the Council's website. There is minimal to no direct fiscal impact associated with this ordinance.

Contact

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