

-DRAFT Missoula City Council Committee of the Whole Minutes

December 11, 2024

8:30 AM

Council Chambers (in person) or TEAMS (virtually)

Attend in person: City Council Chambers, 140 W Pine, Missoula MT

Members present: Amber Sherrill, Stacie Anderson, Mirtha Becerra, Bob Campbell, Daniel Carlino, Gwen Jones, Kristen Jordan, Eric Melson, Mike Nugent, Sandra Vasecka

Members absent: Sierra Farmer, Jennifer Savage

1. ADMINISTRATIVE BUSINESS

The meeting is called to order at 8:30 AM by Council President Sherrill.

1.1 Roll Call

1.2 Approval of the Minutes

1.2.1 Minutes from October 23, 2024

The minutes were approved as submitted.

2. PUBLIC COMMENT

No public commenters available for comment.

3. COMMITTEE BUSINESS

3.1 City Council Rule 2 Amendment Allowing Up To Three Minutes for Public Comment

Councilor Carlino introduces the item and discusses his preference for a standard of three minutes for public comment in each meeting. He discusses the potential for bias and supports a willingness to suspend these rules when the room is full of public commenters.

Committee Chair Sherrill takes questions from the committee.

Councilor Nugent asks how other local government bodies take public comment and if Councilor Carlino has done any other research in that realm.

Councilor Carlino does not have local research but references the state legislature.

Councilor Nugent asks if anyone else knows.

Committee Chair Sherrill advised would also like to know.

Councilor Becerra discusses predictability, and the equity involved in allowing more people to comment. She asks Councilor Carlino if we want to keep the three minutes to speak rule and people don't use all of their time or do we allow for discretion if there are

many people and we want to hear from as many people as possible. She asks Councilor Carlino how we reduce that conflict.

Councilor Carlino advised the decision to allow for a shorter period of time should be made as a council by suspending the rules and we should also schedule enough time for longer meetings. He advised three minutes seems to have worked so far.

Councilor Becerra advises this is exactly what we have done in that seeing a lot of public comment and limiting time for everyone.

Councilor Carlino prefers one person not be allowed to determine comment time and decide as a body.

Councilor Becerra clarifies that Councilor Carlino is okay with one person can extending the amount of time just not one person making the decision to decrease it.

Councilor Carlino reads his amendment aloud and clarifies certain points in the amendment.

Councilor Becerra advises that puts a lot of responsibility on the presiding officer to determine who should get more time due to being nervous and thinks making that decision is tricky.

Councilor Jones discusses that three minutes tends to be the norm, and a mayor in CA allows for three minutes unless there are more than 10 people speaking. Councilor Jones asks if Councilor Carlino spoke with the City Attorney as to what we are required to do in terms of public comment as a public body.

Councilor Carlino specifies his goal is to set a standard.

Councilor Jones clarifies that everyone gets the same amount of time and that is what we need to do to be legal. She discusses that long meetings lead to people leaving before City Council gets to speak to voice their opinions. She indicates there is a lot of repetition in public comment. If we go until three in the morning, then people aren't staying to hear what the councilors have to say.

Councilor Carlino would like the same amount of time but is willing to strike the last sentence in the amendment and indicates he wants to avoid potential bias.

Council Jordan spoke to the three-minute rule being something Mayor Engen put in place. She asks Councilor Carlino if he could explain how the rule change allows for more representation in that people will get more time to speak, we should decide as a body whether or not the time is reduced, and how each person is allowed their time even if it is repetitive.

Councilor Carlino clarifies leaving the decision up to one councilor to decide could lead to potential bias.

Councilor Jordan asks Councilor Carlino if the arguments against his proposal are actually for his argument and enhances his point.

Councilor Carlino wants to set a standard and is willing to strike the last sentence in the amendment.

Councilor Nugent discusses having more time with emailed questions and public comment on same day is not afforded the same due diligence. He asks if we have heard from anyone speaking with two minutes has felt like they haven't been heard.

Councilor Carlino discussed the length of the Urban Camping ordinance meeting with three minutes to speak and the length of the Committee of the Whole meeting (with the power outage) with two minutes to speak. He advised there was still time left over, and we could have allowed for three minutes.

Chair Sherrill clarifies what transpired during the Committee of the Whole meeting and that the comments were balanced on both sides.

Councilor Nugent spoke to the decision of the chair and council could overrule the decision of the chair if they didn't like it.

Chair Sherrill advised that was correct, with a 2/3rds majority vote.

Councilor Anderson discusses long meetings and there are opinions either way. She asks why, if we say at the beginning of the meeting, you have 'x' amount of time, then that does give everyone the same amount of time. This will give everyone an opportunity to observe deliberations and stay for the City Council vote.

Chair Carlino wants to set a standard for those who have their comments planned out ahead of time.

Councilor Anderson asks if there are other ways for public comment in ways that aren't limited, such as voicemail or email.

Councilor Vasecka makes the motion and makes a proposed amendment.

No public comment.

Council Comments:

Councilor Jordan asks Councilor Anderson and Councilor Nugent how they got to the place in ranking email and phone calls to be more important than public comment, and that we need to keep all those doors open for everyone.

Councilor Nugent advised his grandfather helped write the Montana State Constitution and he strongly believes in people's rights to public comment, rights, and will always protect them. There are more ways to make public comment than coming in and speaking in person. No one has come in to say they were somehow wronged by limiting public comment to two minutes. He discusses similar speaking opportunities of public commenters in other areas of the state.

Chair Sherrill clarifies the meeting the with the blackout was scheduled for five hours so we would have enough time. This is an important clarification.

Councilor Anderson advises Councilor Nugent's comments cover hers as well.

Councilor Vasecka discusses her objectives and reads her proposed amendment.

Councilor Carlino will accept Councilor Vasecka's amendment as friendly. He clarifies that constituents reached out to him and asked for three minutes to be standardized due to not being able reach their full comments.

Council Comments

Councilor Campbell speaks to the amendments and supports them. He speaks to the different types and varieties of public commenters. He discusses people wanting to be heard and three minutes is a reasonable amount of time. He speaks to inequity and situations he has observed.

Chair Sherrill does not agree or believe people are intentionally allowed go on beyond three minutes, and that she personally is big on using the timer as well as highly focused on equity. She agrees with Councilor Campbell that it is important.

Councilor Jordan agrees with Councilor Campbell in that she has seen bias and prejudice in public comment and suggests maybe personal lenses prevents others from seeing it. She speaks to public comment being important and this way everyone on council hears the same thing. She discusses how emails provide different information, and codifying this rule will provide predictability. She is in favor of the amendment and appreciates Councilor Vasecka bringing the amendment.

Councilor Carlino didn't mean for this item to be controversial and wasn't trying to accuse anyone of bias, just things it is unfair if people practice three minutes of public comment and then only get two minutes. He wants consistency, and states three minutes is a fair standard.

Chair Sherrill clarifies we did notice that meeting would be two minutes of public comment.

Councilor Jones comments this meeting serves to highlight to the community, if the room is filled due to a contentious item, then they might have to shorten their comments. She wants to address people going longer than three minutes and to say the Chair should cut a person off then that will affect the tenor of the meeting, the red/yellow/green timer light helps, but cutting people off is a good way to make people feel like they haven't been heard. The Chairs have always worked with that, and it is up to them to run a professional courteous meeting. She advises we hear more comments than any other city in Montana and believes this is a nonissue.

Councilor Nugent advised the City of Billings does three minutes of public comment but makes the commenters sign in ahead of time, and the Commissions of Helena only takes comments on actions items, and we shouldn't conflate a lack of public comment with the vote not going your way.

Councilor Vasecka is not sure if Mike looked that up or just knew that, but that rules should be written down on city website to give people the ability to know ahead of time is a game changer.

Councilor Nugent advised he looked at their previous agendas.

Chair Sherrill appreciates that the sponsor suggested he is not bringing this due to bias. She advises the Council intern reviews all the major cities in Montana and will provide a report later on but will have more full research done soon. She also advises since this is a rule change 2/3rds of the vote are required to pass.

The motion fails with 4-Yes votes and 6-No votes.

This item will move to Committee Reports on the next City Council agenda and Report Outs will move to the next Committee of the Whole meeting.

Councilor Campbell asks if people will have three minutes to speak to the item on Committee Reports next week.

Chair Sherrill advises the Mayor will decide that as she runs the City Council meetings, but that she normally allows for three minutes.

Councilor Nugent has point of clarification as to why the failed item needs to move to Committee Reports when all of Council is sitting on the Committee of the Whole.

Chair Sherrill will follow up.

Moved by: Sandra Vasecka

Adopt an amendment to City Council Rule 2 allowing up to three minutes per public comment.

AYES: (4): Bob Campbell, Daniel Carlino, Kristen Jordan, and Sandra Vasecka

NAYS: (6): Amber Sherrill, Stacie Anderson, Mirtha Becerra, Gwen Jones, Eric Melson, and Mike Nugent

ABSENT: (2): Sierra Farmer, and Jennifer Savage

Vote results: Failed (4 to 6)

Rule 2. Citizen Participation in Decision-making

Public comment shall be taken before the consideration of any final action at a City Council meeting, committee meeting or subcommittee meeting. In addition, each meeting agenda shall include an opportunity for public comment on public matters that are not on the agenda and are within the jurisdiction of the meeting body conducting the meeting. Public comment on agenda items must be germane to the business under consideration. ~~The Presiding Officer may reasonably limit audience participation at any time.~~ Public commenters shall be allowed three minutes of time to speak on the topic under consideration. ~~The Presiding Officer has the discretion to allow for extra time in the event the public commenter appears to have a disability that impacts their ability to speak or access the microphone or where the commenter was interrupted by sources outside their control.~~

When there is an unusually large public turnout, two-thirds of the members present and voting may suspend the rules to reduce the time limit

5. ADJOURNMENT

The meeting adjourned at 9:22 AM.