



Office of the Mayor

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: September 14, 2021

Item Number: # 39

Item Description: Open Government Commission Recommendations to City Council Regarding Teleconferenced Meetings

Submitted by: Mayor Arreguin

The Mayor would like to thank the Open Government Commission for their thoughtful recommendations on improving public participation in virtual meetings. Over a year ago, the City was forced to transition to virtual meetings through teleconference and videoconference due to Shelter in Place restrictions and to minimize the spread of COVID-19. While implementation of virtual meetings has generally been successful, there is always room to revisit and adjust procedures.

While it is still unclear when cities will be required to conduct in-person meetings, it is likely that city meetings will be conducted in a hybrid format – involving in-person and virtual participation. If the Governor extends the provisions of Executive Order N-29-20 past September 30, 2021, or state legislation allows for fully virtual meetings, the City of Berkeley can continue to conduct meetings of all legislative bodies remotely. Either way adjustments to rules governing virtual meetings in Appendix C of the City Council Rules of Procedure are appropriate.

Some of the OGC recommendations have already been analyzed or implemented by City staff. Regarding OGC Recommendation # 1 “**clearly define how the order of public speakers is determined and maintain a speaker’s queue visible to members of the public**”, there is no feasible method to show the speakers queue in a Zoom webinar format as stated in the “City Manager” section of Item # 39.

Regarding OGC Recommendation # 2 “**require that addendums to agenda items be made accessible to the public on the City Website as soon as they are made available to members of City Council**” this has already been implemented by the City Clerk.

However, in the spirit of enhancing public participation and improving the facilitation of meetings, the Mayor would like to propose the following modifications to the OCG recommendation (additions are in **bold underline** and deletions in ~~strikethrough~~):

Refer to the City Manager to draft and bring back amendments to the City Council Rules of Procedure and Order to implement the following rules for meetings conducted through teleconference and videoconference (as summarized in the attached amendments to Appendix C):

Establish City Council practices for holding public meetings via teleconference technologies:

(1) in order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time;
~~clearly define how the order of public speakers is determined and maintain a speaker's queue visible to members of the public~~

(2) clearly outline the process by which a speaker may cede time to another speaker;

(3) strike the requirement that Councilmembers offer words of support, encouragement or appreciation to the public and City staff at the outset of the meeting;

(4) clarify that moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the City Council;

(5) clarify that the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council; and

(6) modify the temporary rules around speaker time for Public Comment on Non-Agenda Matters to align with speaker time limits pre-pandemic (Two minutes if 5 or fewer speakers, one minute if there are more than five speakers).

~~And (3) require that addendums to agendized items be made accessible to the public on the City Website as soon as they are made available to members of City Council.~~

APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY

Mayor and Councilmember Speaking Time on Agenda Items

~~At the outset of the meeting, each Councilmember will have one minute to offer words of support, encouragement or appreciation to the public and City staff.~~

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

Procedure for Pulling Items from Consent or Information Calendar

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

Public Comment Speaking Time

With the exception of prescribed times in the Rules of Procedure for public hearings, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. ~~Yielding of time to other speakers is not permitted for regular meetings of the City Council.~~ Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. ~~Each speaker shall have two minutes.~~ The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.