

CITY OF BATAVIA

DATE: January 11, 2013
TO: Government Services Committee
FROM: Bill McGrath, City Administrator
SUBJECT: Policy for Public Speakers at Council Meetings

One of the hallmarks of government here in Batavia is the fact that the Mayor, Council, Committees and staff-run meetings have always been conducted in a manner which allows the greatest amount of public discourse.

There are different kinds of discourse, that related to getting information to staff while formulating recommendations, to Committees while considering actions to go to Council, and to Councils before final legislative action. There is also a benefit to the citizens themselves in hearing each other talk.

There is also communication which is in the form of statements to a public body whether or not related to legislation before the body. Batavia has always had a "Matters from the Public" as part of its meetings. Coincidentally, some cities have not, and a new statute just went into effect requiring that such an element be formally included in all agendas for public meetings, so you will now see that item explicitly contained in Committee agendas as well.

But the courts have long ruled that in order for the government to run smoothly, it is entitled to limit public participation to reasonable lengths of time, both as a group and as individuals. It is up to the body to determine what is reasonable under the particular circumstances, but most formal policies I have seen generally allow a limitation of remarks before Council to 5-7 minutes per person.

Given the unfortunate incident earlier this week, I think it would give the Mayor and Council another tool with which to make its governance more efficient if it adopted a policy in this regard. I would recommend that the Council adopt a policy of generally limiting individual public statements at City Council meetings to 7 minutes, with the body having the discretion to allow more time depending on the relevance of the issue to pending legislation, the desire of others to speak, remaining business on the agenda, and the duration of the meeting.

If approved, we would draft this into a resolution statement of policy and we would insert a brief description of the policy into our agendas as we have done with our Consent Agenda.

This matter will be on the Government Services Committee agenda for Monday, January 14 for discussion and possible recommendation to the full Council.

Please call with any questions. Thank you.

C: City Council
Department Heads