Public Hearing Process Discussion

Definitions for Background Information:

Public Hearings

Public hearings are public-input meetings required by a specific statute, ordinance, or charter provision, and any notice requirements must be followed. A public hearing is a meeting where members of the public can express their opinions on a particular issue. Council members are there to regulate the hearing and make sure people who want to speak get an opportunity to do so. The Council does not deliberate or discuss matters during the public-hearing portion of a meeting; instead, it listens to the public. Examples of required public hearings include:

Street vacation. • Annexation by ordinance. • Approval of local improvement project to be paid for with special assessments. • Consideration of proposed special assessments. • Purchase and improvement of waterworks, sewers, drains, and storm sewers by storm sewer improvement districts. • Adoption of a resolution establishing a housing redevelopment authority. • Adoption of a resolution establishing an economic development authority. • Sale of port authority land. • Sale of EDA land. • Increase of EDA levy. • Continuation of a municipal liquor store after a net loss for two of three consecutive years. • Truth in taxation. • Adoption or amendment of zoning ordinance. • Subdivision applications. • Conditional use permits. • Adoption of a charter amendment by ordinance. • Adoption of interim ordinance that regulates, restricts, or prohibits a housing proposal. *(From League of Minnesota Cities, 2017)*

Public Forums

Public Forums are public-input events that are <u>not</u> mandatory and allow the public to share their opinions on a specific issue. Public forums can be helpful in raising concerns or nuances about an issue that the Council may not have considered. A public forum can be held at Council Chambers, either during or not during a government meeting, or it may be held off-site.

PLEASE NOTE: Some cities differentiate these two types of meetings by calling them "mandatory public hearings" and "non-mandatory public hearings." This, however, can be confusing. **For clarity, we are recommending that in Red Wing, public <u>hearings</u> always refer to public-input meetings that are <u>mandated,</u> and public <u>forums</u> are public-input meetings that are <u>not mandated</u>.**

Options for Council Workshop Discussion:

Option A:
Board and Commissions have a strong advisory role, and public input is often heard at the board/commission meetings. Council relies heavily on its board and commission members to listen to the public, look at all sides of an issue, and make recommendations to the Council.

In this option, the (required) public hearings and (non-required) public forums are held primarily, though not always, at the board/commission level. Council members listen, read, and learn about the public input from the board/commission level, and heavily consider the board/commission's recommendation. Residents can attend the Council meeting when a final decision is made, but they will not speak directly to the Council.

When an especially controversial topic arises, or one that has a high level of public feedback, the Council asks the appropriate board/commission to dig into the issue and decide a process for community feedback. (This happened when the Council recently asked the Human Rights Commission to create a process for looking at Ordinance 115.) All public input would be heard through that commission's hearing/forum opportunities (and Council members are always encouraged to attend). The board/commission brings that public-input information, along with a recommendation, to the Council for a decision. No public input would occur at the Council meeting.

Possible pros:

- Boards/commissions have more time than Council to delve into an issue at length so they are able to have a robust discussion that considers all sides.

- Council members can discuss and make an objective decision knowing and understanding the strong public input, but they're able to make a decision in an environment that is not highly emotionally charged in one direction or the other.

- Board/commission members are empowered to help look at tough issues so more residents may be encouraged to become board/commission members.

- Meetings are more efficient and less repetitious.

Possible cons:

- Residents in some situations will want to be heard verbally on the day a final decision is made (*Quick reminder: Residents are always able to contact their Council member(s) via email or phone at any time.*)

- Council may not always have all the information. Steps need to be in place to make sure Council is aware of everything that happened before the Council meeting so they can make an informed decision.

Option B:

Boards and commissions have a lesser role in government decisions. Public input often happens at both the board/commission meetings and the City Council meetings.

Here, City Council does not rely as heavily on their boards and commissions and often hears directly from the public verbally at City Council meetings. For instance, public input that happens at a required Planning Commission public hearing would be allowed to happen again at a City Council meeting on the same topic. Residents who come forward at a non-required public forum at a board/commission meeting, would be able to give the same testimony at a City Council meeting.

Possible pros:

- People talk directly to Council members on the same day as the decision.

- People who couldn't speak at a board/commission meeting could possibly attend the City Council meeting.

Possible cons:

- Residents have to attend two government meetings (instead of one) to make sure they are heard by both government bodies. This is more difficult for residents who work at night, are uncomfortable speaking in public, or who may feel intimidated in this setting.

- Boards/commissions can often get sidestepped in the process so members can feel non-productive (and fewer residents may sign up in the future).

- Lengthy, repetitive, and inefficient meetings for all parties.

NOTE:

In Option A or Option B, there will be times when additional information is learned about a subject in between a board/commission public-input meeting and the Council meeting where a final decision is made. Council members will have to weigh whether or not that topic goes back to the original board/commission for further public input and discussion, or whether to keep the topic at the Council meeting for a decision.

It is difficult to make a strong policy here because sometimes that information is an extremely small bit of detail, which likely may not warrant going back to the board/commission. Sometimes, however, it may be information critical to the overall decision. Council members may have to come to consensus on a case-by-case basis on whether or not to return the topic to the original board/commission for further discussion and public input, or carry on and make a decision at the present Council meeting with all the information they now have.

In addition, staff makes the following recommendations:

1) **Inform residents better on when mandatory Public Hearings and non-mandatory Public Forums are held**:

    a) Add space on the web site that shows dates and times of public hearings and shares information about public hearings (what is mandatory, etc.)

    b) Provide a link to public hearings in City Beat (along with other meeting dates & minutes)

    c) Continue (as by law) to send letters to all residences affected by a neighborhood issue

2) **When a topic is deemed to be especially controversial and/or has elicited more public interest than usual**, and the topic does not require a public hearing by law, City Council or the Advisory Board/Commission should recommend **holding an open forum to listen to the public further**. Public forums can occur in many forms; members can decide on the best format for the specific issue:

    a) Public Open House, Speaker Panel with Q&A, or public forum at a council/board/commission level so residents can voice their opinions (these do not have to be at City Hall)

    b) Tour of a space with the public, City Council, and/or Advisory Board/Commission members if a physical space is involved in the issue

3) **Replace current language on City Council agendas with proposed new language** that clarifies when and how residents speak at Council meetings. (See attached sheets.)

Recommendations for City Council Agendas

We make these agenda recommendations and clarifications because we believe it will be helpful to residents who attend City Council meetings, especially for those who choose to speak.

1. Call to Order

2. Pledge of Allegiance

3. Excusal of Members

4. Approval of Agenda

5. Proclamations and Recognitions

6a. Public Comment (for items not listed on the agenda)

6b. Presentations (from community groups or staff members not looking for action)
   We recommend separating the public comment and presentations sections so it's clearer to everyone when people in the audience get to speak. (i.e. presentations come <u>after</u> public comment)

7. Board and Commission Communication

8. Consent Agenda

9. Motions and General Business (Public Hearings at City Council are the first items here)

Below is the internal order we're recommending for pulled consent items and general business
We are not recommending this order be printed on the actual agenda.

1) Introduction of the item from Council Administrator or President (decide which one)
2) Short presentation/summary from Council Administrator or staff
3) Council asks questions or addresses concerns with staff member(s)
4) Public comment period on this specific topic
5) Council members discuss, make motion, and vote

RECOMMENDED REVISIONS TO LANGUAGE EDUCATING
THE PUBLIC ON SPEAKING AT COUNCIL MEETINGS

Current Language:

PUBLIC COMMENTS
NOTE: This time is reserved for public comments on matters not on the agenda. If a public comment is desired on an agenda item, please inform the presiding officer (Council President) or the Council Administrator before the meeting begins. Otherwise, please be prepared to promptly seek recognition when the agenda item is considered. All comments must be made from the lectern for no more than three minutes. Comments personally attacking individuals or entities may be ruled out of order and referred to the Council Administrator, City Attorney, or Council President for follow up.

Proposed Language
Please see attached sheet. This language would be available as a separate sheet in the lobby and also integrated into the agendas.

FOR ITEMS ON THE AGENDA:
If you wish to speak on an item **listed on the agenda**, please sign in on the sheet located in the lobby before the meeting starts, then wait until that agenda item is called. The Council President will announce when members of the public can share their input during that segment. (If you haven't signed in, you may need to raise your hand to be called.) When you approach the podium, begin by stating your name and address so we can follow up with you if needed. Please limit your time to **five (5) minutes or less** so all items on the agenda have time to be considered. Thank you for attending.

FOR ITEMS NOT ON THE AGENDA:
The public comment period at the very beginning of the meeting is intended to give people an opportunity to address issues **_not_** listed on the agenda. If you wish to speak during this time, please sign in on the sheet located in the lobby. The City Council President will begin the public comment period by calling your name and/or asking if anyone in the audience wishes to speak. Please raise your hand and you will be called to approach the podium. We ask that you begin by stating your name and address so we can follow up with you if needed. Please limit your time to **five (5) minutes or less** so all items on the agenda have time to be considered. Council members may discuss your topic during this period and will make a recommendation for follow-up. Thank you for attending.

Please remember: Comments personally attacking individuals or entities may be ruled out of order and referred the Council Administrator, City Attorney, or Council President for follow up.