

The logo for the City of Red Wing features a stylized red wing graphic to the right of the text "City of RED WING". The word "City of" is in a smaller font, "RED" is in a large serif font, and "WING" is in a large serif font with a registered trademark symbol. Below the logo, the text "CITY COUNCIL MEETING STAFF REPORT" is centered in a bold, sans-serif font.

CITY COUNCIL MEETING STAFF REPORT

To: City Council Members and Mayor
From: Chris Heineman, City Council Administrator
Meeting Date: July 27, 2026
Agenda Item Number: 9.B.

Title and Purpose

Options to the Public Comment Period.

This agenda item addresses the City Council's Rules of Order, Section 9: Public Comment, in response to a City Council Agenda Item Request, and provides potential changes to the public comment process, including the prohibition on personal attacks at City Council meetings.

Attachments

1. City Council Rules of Order & Procedure

Background

Council Member Beise submitted an Agenda Item Request form asking the Council to consider changes to the Public Comment portion of meetings so that the presiding officer does not have to read names aloud, and secondly, to revisit what is allowed and not allowed during Public Comment. During the June 22 meeting, the Council voted to bring this forward to an upcoming agenda, and staff have prepared this report in response to that request.

Section 9 of the City Council's Rules of Order and Procedure governs Public Comment. Under the current rules, the Public Comment period occurs near the beginning of each regular meeting, and each person may speak once for up to three minutes on non-agenda topics and once for up to three minutes on agenda items. All meetings in which action is taken are video or audio recorded, which currently includes the Public Comment portion of the meeting.

Section 9. 1(e) of the Rules of Order and Procedure prohibits speakers from making allegations, charges, or complaints against City employees or community members during Public Comment. Some comments made during recent Public Comment periods have become more personal in nature. Earlier this year, a resident challenged the statement that introduces Public Comment, which advises that comments directed at an identifiable individual are not permitted, whether or not the person is named, asserting that the restriction was unlawful. In response, the City temporarily paused enforcement of this provision pending legal review by the City Attorney. The City Attorney's opinion, dated July 7, 2026, concludes that the City may continue to enforce a prohibition on personal attacks during Public Comment, provided the rule is applied equally to all individuals rather than only City employees and community members. The Council is now asked to determine whether they would like to resume enforcement of this rule.

Discussion

Prohibition on Personal Attacks

Section 9(e) of the Rules of Order and Procedure prohibits speakers from making allegations, charges, or complaints against City employees or community members during Public Comment. The City Attorney's office reviewed the current procedure and provided a legal opinion advising that the City may continue to prohibit personal attacks during Public Comment. The City Attorney does, however, recommend that the rule be revised to apply to all individuals rather than only City employees and community members. The City Attorney provided the following recommended revisions for the City Council to consider:

Section 9. 1(e): Public Comment

Speakers may not make **personal attacks** ~~allegations, charges, or complaints~~ against any **individual, including, but not limited to, City employees, elected or appointed City officials,** or community members. **The purpose of this limit is to maximize citizen participation and to allow the Council to transact public business in an orderly, effective, efficient and dignified manner.** If a person wishes to make an allegation or to file a charge or complaint against an employee, the person should do so with the Council Administrator in writing or in a private meeting, or with the individual designated in City policy to receive the allegation, charge, or complaint. **If a person wishes to make a complaint against an elected or appointed City official, the person should do so with the Council President in writing or in a private meeting.**

Meeting Decorum

The Council may also wish to add general decorum standards to the Rules of Order to help keep meetings focused on City business. For example, the rules could ask the audience to refrain from clapping, cheering, booing, and/or other reactions during or after any comment. When some speakers draw a reaction and others don't, it can feel uneven, put pressure on the person at the podium, and shift the overall tone away from a business meeting. The language below is provided for the Council's consideration.

Section 9: Public Comment

Audience members at City Council meetings are not allowed to clap, cheer, yell, or boo during the meeting, including during the Public Comment period.

Modify the Format of Public Comment

The Council may wish to consider the format of the Public Comment period. The following alternatives carry different tradeoffs between public access, meeting efficiency, and transparency:

1. Maintain the current Public Comment format. The Council could decide to make no change to the structure of Public Comment and instead focus on tightening the rules to provide greater clarity and enforceability in prohibiting personal attacks and maintaining decorum.
2. Move the non-agenda segment of the Public Comment period to the end of the meeting. This preserves residents' opportunity to speak on any topic and ensures that the Council's business gets completed first. However, this option severely curtails

engagement because residents are forced to wait until the end of a meeting.

3. Eliminate the Public Comment segment that allows non-agenda items. This option limits comments to items already before the Council. It keeps comments on topics within the Council's authority but reduces residents' ability to raise new concerns directly with the Council at a City Council meeting.
4. Eliminate Public Comment altogether. There is no legal or statutory requirement to provide a Public Comment period at City Council meetings, other than a formal Public Hearing, so the City Council could choose to remove Public Comments entirely from their meetings. Residents could still contact their Council members through other channels such as emails, phone calls, website submissions, etc. This option decreases the number of contentious exchanges during meetings but also significantly reduces resident engagement and removes an existing avenue for public participation.

Financial Plan and Impact

There is no direct fiscal impact associated with amending the Rules of Order and Procedure.

Alternatives

Format of Public Comment

1. Maintain the current Public Comment format.
2. Amend Section 9 to move the non-agenda portion of the Public Comment period to the end of the meeting. Language would be as follows:

Each person is allowed one time of up to three minutes to speak on ~~any non-agenda topics, and one time of up to three minutes to speak on any agenda items.~~ **Agenda-item comments will be taken during the Public Comment period toward the beginning of the meeting. Non-agenda items will come first. Non-agenda comments will be taken after the General Business portion of the meeting. agenda items will follow.** Separate sign-up sheets will be available in the lobby.

3. Amend Section 9 to eliminate non-agenda items from Public Comment. Language would be as follows:

Each person is allowed one time of up to three minutes to speak on ~~any non-agenda topics, and one time of up to three minutes to speak on any agenda items.~~
A ~~separate~~ sign-up sheets will be available in the lobby.

4. Amend Section 9 to eliminate Public Comment altogether. This would mean dissolving Section 9, including 9.2, which covers public comment after a public hearing at an Advisory Planning Commission meeting.

Personal Attacks Prohibition

Adopt the recommended language that enforces the prohibition on personal attacks, adding language recommended by the City Attorney.

Meeting Decorum and Enforcement

Modify the Public Comment rules to include no clapping, cheering, booing, and/or other changes identified by the City Council

Recommended Action