



PUBLIC COMMENT STATUS UPDATE:

**COUNCIL PRESIDENT KELLEY CONTINUES TO BLOCK
PUBLIC COMMENT**

CONTACTS:

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(CLEVELAND—May 13, 2021)—Despite strong support from grassroots groups as well as nine members of Cleveland City Council, President Kevin Kelley continues to stonewall.

The contempt for the resident-led coalition -- Clevelanders for Public Comment -- and Kelley's heavy handed maneuvers to impede substantive reform was on display on Monday, May 10, at Council's Rules and Operations Committee meeting.

Kelley refuses to acknowledge or engage in a conversation about the substantive public comment policy crafted by Clevelanders for Public Comment member, Jessica Trivisonno.

His bureaucratic attack on public comment has occurred in three stages: (1) ignore the movement, (2) block the introduction of a public comment ordinance supported by a majority of Council members, and (3) pretend he has embraced the movement while proposing a policy that undermines the reform designed to democratize the practices of City Council.

This is a policy supported by a majority of members of Council. Trivisonno explained that the policy proposed by Clevelanders for Public Comment "has been vetted, tested at the City Club, and has received widespread support from residents, advocacy groups, the media and nine members of City Council."

Instead of adopting the proposal, he said he will have council attorneys draft a rule that neuters public comment and fails to leverage the widely vetted and supported policy drafted by Trivisonno.

TIMELINE	
January 29, 2021	Open letter to Council President Kelley signed by residents of all 17 wards, calling for reforms to democratize City Council, most important instituting public comment
February & March	Multiple attempts to follow-up with Council President Kelley including requesting a meeting -- no response
April 8	Council President Kelley announces he's running for mayor and is asked at his announcement about public comment during his press conference and provides a response about open records rather than public comment
April 9	Council President Kelley responds to January 29th letter with an undated response explaining that public comment will be researched by Council's "policy cluster" Kelley does not acknowledge or respond to the research or proposed ordinance offered by Clevelanders of Public Comment
April 12	Seven (7) members of Council (McCormack, B. Jones, Polensek, Santana, Spencer, Kazy and Slife) hold a press conference on the steps of City Hall announcing support for the ordinance proposed by Clevelanders for Public Comment
April 20	Two additional members of Council sign on in support of proposed public comment ordinance (J. Jones & Conwell) bringing support of the Clevelanders for Public Comment proposal to a majority on Council
April 21	Cleveland.com and The Plain Dealer editorial in support of public comment Let the people be heard at Cleveland City Council meetings . "The model ordinance from Trivisonno and Clevelanders for Public Comment hits all the high notes."
May 2	Crain's Cleveland editorial in support of public comment and the work of Clevelanders for Public Comment Speak out . "The work of Clevelanders for Public Comment has gone beyond just raising awareness of the need for comment. A proposed public comment ordinance drafted by Cleveland resident Jessica Trivisonno has won broad support from activist groups, and, as Cleveland.com reported, it now appears to have the backing of at least nine of council's 17 members."

Key Differences between Clevelanders For Public Comment Proposal & Council Proposal

Council proposals to limit public comment to items on Council's Agenda.

Agendas are often not posted in a timely manner, which will make it difficult for people to sign up to comment on agenda items prior to a meeting. Further, public comment should not be limited to agenda items because it would prevent people from addressing important topics related to city business.

The policy we've proposed allows comment on matters on the agenda and subjects that concern the legislative, administrative, or public affairs of the city. This approach is narrow enough so people could not address any random topic, but broad enough so people could address important issues not on the agenda. For example, if someone wanted to address homeless shelters, a city-wide minimum wage, or share an exciting new grant opportunity, they would not be able to do so because those items would not be on the agenda. The 30-minute total cap on public comment and 3-minute time limit on an individual comment also ensure that people are not able to comment indefinitely. Further, the rules we have proposed limit someone from signing up more than once every 30 days, which makes the policy more equitable.

Council proposed to limit public comment to residents of Cleveland and business owners.

The policy we have proposed allows any member of the public to address Council, but prioritizes residents' comments before comments from non-residents. We can think of countless examples of non-residents who have a stake in the City and who should be able to address Council - such as the owner of a new business that hasn't opened yet, someone who works in Cleveland but doesn't live or have a business here, or someone who serves on a Commission but isn't a resident of Cleveland or a business owner.

Council is proposing the public comment period apply only to Council meetings, not to committee meetings.

The public comment process should apply to committee meetings to ensure a clear, uniform process for all committees. Since public comment is already permitted at committee meetings and hearings, formalizing the process makes it clear for those wishing to address a committee.

Why is an ordinance preferable to a rule change for public comment?

The council rules can be suspended by a majority of members of council. If public comment was enacted using a *rule*, council could forgo a public comment at any given meeting if they so choose.

An *ordinance* can not be suspended by council members, which would ensure public comment occurs at every meeting. Further, passing legislation will embed the public comment process within the ordinances of city council and would be more difficult to reverse in the future.

"Although we believe the policy should be enacted as an ordinance as opposed to a rule, we think it's more important that a fair, transparent, inclusive policy--one that has teeth--is adopted which could occur using a rule or an ordinance," said Michelle Jackson, Ward 4.

Clevelanders for Public Comment sent a draft Rule Amendment to the Chair of the Operations Committee that integrates Council staff's recommendations and the policy proposed by Clevelanders for Public Comment and highlights the few provisions that conflict.

"We hope Council will start with the draft rule revisions we provided instead of asking council attorneys to spend their valuable time re-drafting the rules," Nora Kelley, Ward 17.

While the Operations Committee considers public comment implementation, Clevelanders for Public Comment will continue to advocate for the introduction of the proposed Public Comment Ordinance which has been blocked by Council President Kevin Kelley.

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