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CLEVELANDERS FOR PUBLIC COMMENT STATEMENT ON COUNCIL'S PROPOSED RULES FOR PUBLIC COMMENT

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(CLEVELAND--SEPTEMBER 20, 2021)--Council members will have the opportunity to approve Procedures for Public Comment on Monday, September 20 at the regular City Council meeting.

On August 18, 2021, Council voted to change to its rules to provide a regular public comment period at Council meetings. The rule as originally introduced provided that public comment would occur in accordance with the procedures put forth by the Clerk of Council. The rule was amended to require that a majority of Council approve the procedures for public comment.

In February of 2021, Clevelanders for Public Comment (CPC) provided a proposed ordinance for public comment to Cleveland City Council members. The CPC proposal was drafted based on best practices, vetted for compliance with the First Amendment, and reviewed and endorsed by hundreds of people. The Council President has not acknowledged that this competing proposal exists.

Differences between the proposed public comment process and what Clevelanders for Public Comment have proposed include:

- The CPC proposal provides a consistent, transparent process for providing public comment at Committee meetings and hearings. The procedures proposed by Clerk of Council establish a public comment period and procedure for Council meetings but does not change public comment procedures for Council Committee meetings and hearings.

- The CPC proposal provides a 30-minute public comment period where each person has up to three minutes to comment but as many people may comment within that window as is possible. The procedures proposed by the Clerk of Council limits public comment to 10 total people.
- The CPC proposal allows a person to sign up for public comment up to the start of the Council meeting. The procedures proposed by the Clerk of Council allows a person to sign up for public comment up until 2 PM on Monday before a 7 PM Monday meeting.
- The CPC proposal provides that “Those who timely submitted their public comment form to the Clerk of Council but are unable to address Council during the public comment period due to an expiration of the public comment period will have first priority to address Council at the next Regular Council meeting.” The procedures proposed by the Clerk of Council do not include this provision.
- The CPC proposal limits people to making a comment only once every thirty (30) days. The procedures proposed by the Clerk of Council do not include this provision.

Additional comparisons between the Procedures proposed by Clerk of Council and the CPC proposal are outlined below:

Public Comment at Council Meetings

Who may address Council

Procedures proposed by Clerk of Council	Any person
CPC Proposal	Members of the public.

At what point in the meeting does Council accept public comments

Procedures proposed by Clerk of Council	Fifth in the meeting. After roll call of members, prayer, pledge of allegiance, and disposal of the journal of the preceding meeting and before reports and communications from the Mayor.
CPC Proposal	At the beginning of the Council meeting but only when quorum is present, and quorum must be maintained. The public comment period lasts until everyone who signed up to speak has done so, or for thirty (30) minutes, whichever comes first (although Council may choose to extend the public comment period). This allows for the public to address Council prior to Council making any decisions about a matter on the agenda, and it ensures that the public is engaged by at least a majority of the City Council.

For how long may a person address Council

Procedures proposed by Clerk of Council	Each person may address Council for up to three minutes per person and may not yield their time to other speakers.
CPC Proposal	Each person may address Council for up to three minutes per person.

How many people may address Council at a meeting, in what order

Procedures proposed by Clerk of Council	The presiding officer will call speakers to the podium. The rules do not address what order they will be called in. Up to 10 people total may speak.
CPC Proposal	People are called in the order in which their public comment forms are received by the Clerk of Council, with city of Cleveland residents first recognized and introduced and non-residents of the city of Cleveland subsequently recognized and introduced. . People who signed up but are unable to address Council during the meeting due to lack of time will be given priority at the next regular Council meeting. No limit on the number of people who may address Council, but a thirty-minute time limit.

What can a person comment be about

Procedures proposed by Clerk of Council	No limit on topic. Speakers must only address the comment they signed up to speak about.
CPC Proposal	Any agenda items and subjects that concern the legislative, administrative, public affairs of the City. People addressing Council must limit their comment to the subject indicated on the public comment form submitted to the Clerk of Council.

How do people sign up to address Council (during and after COVID-19)

Procedures proposed by Clerk of Council	Any person wishing to participate in public comment must register using a form made available and provide their name, Ward/neighborhood or City of residency, phone number, email address, topic to be addressed, and whether the person is being paid to speak and/or is representing an organization. The registration form must be submitted via email, US mail, personal delivery, or on a website (under development and likely ready in
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	November 2021). Registrations are accepted between 12 PM the Wednesday before a meeting and 2 PM on Monday before a 7 PM Monday Council meeting. Any person who needs language or accessibility assistance must submit the request at least three business days in advance of the meeting they wish to comment at.
CPC Proposal	People who want to address Council during the public comment period must complete a public comment form and file it with the Clerk of Council. The form must be available online and in hard copy and in both English and Spanish. A person may file their public comment form starting one week before they wish to address Council until the scheduled start of the public comment period. The public comment form will request the name, address and organization (if applicable) of the person addressing Council and the subject. Any material or information to be distributed to Council must be submitted with the public comment form.

Decorum surrounding public comment

Procedures proposed by Clerk of Council	Members of the public are prohibited from engaging in behavior that is disruptive or distracting or that substantially and unreasonably interferes with the business of Council and the safe and orderly use, operation or administration of Council chambers. Speakers shall not use indecent or discriminatory language, must address Council as a body, may not engage in electioneering for any candidate or specific ballot issue, endorse or promote any product or service, and shall not wear any clothing that promotes a candidate, campaign, issue, product, or service. The presiding officer will maintain order and anyone who violates the procedures will not be allowed to speak.
CPC Proposal	People addressing Council shall maintain the order of the meeting, and shall not engage in any conduct that disrupts, disturbs, or otherwise impedes Council's ability to conduct its business. If the Presiding Officer determines that these rules are not being followed one warning will be given. The Presiding Officer has the discretion to preserve the order and decorum of the public comment period, but must be viewpoint-neutral. If the rules continue to be violated after one warning, the Presiding Officer may revoke the individual's privilege to address Council at the meeting, but the violator may submit comments in writing instead.

Changing the rules

Procedures proposed by Clerk of Council	Rules can be changed in accordance with the Rules of Council.
Cleveland (Proposed)	Council cannot use the rules to waive the requirement to have public comment as set forth in Section (a). Council may temporarily vary or waive the specific requirements set forth in Section (a)(1) or (a)(2) by issuing rules approved by at least a majority of Council.

Public Comment at Committee Meetings and Hearings

Who may address Council

Procedures proposed by Clerk of Council	Persons desiring to be heard by a committee of Council
CPC Proposal	Members of the public.

At what point in the meeting or hearing does a Committee accept Public Comments

Procedures proposed by Clerk of Council	Not indicated in the rules.
CPC Proposal	For agenda items, the Chair can decide if the public should comment before or after the Committee has discussed the items. For matters relevant to the committee but not on the agenda, people may comment at the end of the Committee's regular business.

For how long may a person address the Committee

Procedures proposed by Clerk of Council	Not indicated in the rules.
CPC Proposal	Three minutes, unless otherwise determined by the Chair. But public comment time must be uniform for all people for any given issue.

How many people may address the Committee, in what order.

Procedures proposed by Clerk of Council	Not indicated in the rules.
CPC Proposal	No limit on how many people may comment. People are called in the order in which their public comment forms are received by the Clerk of Council, the Chair may choose to group commenters on a certain agenda item.

What a person's comment can be about

Procedures proposed by Clerk of Council	Matters to be considered by that committee
Cleveland (Proposed)	Agenda items and matters relevant to the Committee's purpose.

How do people sign up to address the Committee (during and after COVID-19)

Procedures proposed by Clerk of Council	Persons must make a request to the committee Chair, in advance, for the opportunity to be heard. Approval of such a request is at the discretion of the committee Chair.
CPC Proposal	People who want to address a Committee must complete a public comment form and file it with the Clerk of Council. The form must be available online and in hard copy. A person may file their public comment form starting one week before they wish to address the Committee until the scheduled start of the Committee meeting or hearing. The public comment form will request the name, address and organization (if applicable) of the person addressing the Committee and the subject. Any material or information to be distributed to the Committee must be submitted with the public comment form.

Decorum surrounding public comment

Procedures proposed by Clerk of Council	Not indicated in the rules.
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CPC Proposal	People addressing a Committee shall maintain the order of the meeting, and shall not engage in any conduct that disrupts, disturbs, or otherwise impedes the Committee’s ability to conduct its business. If the Chair determines that these rules are not being followed one warning will be given. The Chair has the discretion to preserve the order and decorum of the public comment period, but must be viewpoint-neutral. If the rules continue to be violated after one warning, the Chair may revoke the individual's privilege to address the Committee at the meeting or hearing, but the violator may submit comments in writing instead.
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Background on CPC’s efforts can be found here: [CPC News](#)

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