



CITY COUNCIL REPORT

Date July 22, 2010

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: July 12, 2010 City Council Meeting - Public Comment – Maryann Bernardi

Background:

- Maryann Bernardi was in attendance for the N. Study Session portion of the July 12, 2010 Regular City Council Meeting. At the conclusion of the N. portion of the Agenda. The Mayor questioned whether Council should entertain Public Comment. City Manager Szerlag reported that the meeting was a Regular Council meeting and that Public Comment was handled earlier in the meeting. Pursuant to the City Council's Rules of Procedure, Item 6, Regular Council Meeting Order of Business, Public Comment was taken earlier in the meeting. City Attorney Bluhm commented, when solicited for input by the Mayor, that Council could entertain Public Comment if they so desired.
- The Manager and Attorney correctly responded in practice and in procedure. City Council in the matter of public comment during a Regular meeting. Stating that public comments are provided in the Order of Business as Agenda Item F. Council can however, suspend City Council Rules of Procedure Rule Number 6 and amend the order of business to allow for Public Comment to occur during any portion of the agenda.
- Unfortunately, the second Public Comment opportunity at the Regular meeting of July 12, 2010 occurred without a suspension of the Council's Rules of Procedure and was therefore out of order. There is no apparent legal implication associated with this exception; however it is a deviation of both the Council's Rules of Procedure and Council's practice of following the established Regular Meeting Order of Business.