

ORDINANCE NO. 4042-A

AN ORDINANCE AMENDING THE MUSKOGEE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II, MUNICIPAL GOVERNMENT ORGANIZATION, SECTION 2-29 TITLED, "COUNCIL PARTICIPATION GUIDELINES AND RULES OF DECORUM"; MODIFYING MEETING SCHEDULE; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Muskogee City Council recognizes the value of and wants to encourage the open discussion of all points of view regarding issues which come before it; and

WHEREAS, it is not the intent of the Muskogee City Council to unreasonably impede a citizen's right to freedom of speech or right to participate in a City Council Meeting; and

WHEREAS, the Muskogee City Council realizes it must maintain order and proper decorum to conduct its meetings and provide an atmosphere which invites the public to participate in its meetings; and

WHEREAS, disruptive, monopolizing, unruly, insulting, or disrespectful behavior towards Councilors, speakers, or others is not constructive discourse and hampers the free and meaningful exchange of ideas; and

WHEREAS, this ordinance sets forth the parameters of acceptable behavior and is meant to encourage and enhance citizen participation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THAT ARTICLE II OF THE MUSKOGEE CITY CODE BE AND THE SAME IS HEREBY AMENDED SECTION 2-29 TO READ AS FOLLOWS:

Section 1. That Sec. 2-29. - Citizen participation guidelines and rules of decorum is hereby amended to read as follows:

- (a) *[Purpose.]* The City of Muskogee values your opinion and invites you to address the city council on any matter of interest to you or your community. Towards that end, the governing body seeks to be available and approachable for citizen input. Rules of decorum exist that are used to govern time, place and manner of expression to ensure orderly conduct of business and responsiveness to your concern.

- (b) *Basic requirements.*

- (1) While the council is in session, all persons are charged with preserving order and decorum. While civic participation and debate are welcome and encouraged, derogatory personal, impertinent, or slanderous remarks, or becoming unduly boisterous is not.
 - (2) Every person desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under consideration, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate:
 - a. We may disagree, but we will be respectful of one another.
 - b. All comments will be directed to the issue at hand.
 - c. Personal attacks shall be avoided.
 - d. Display of placards, banners and signs by the public must not exceed 2 ft. X 3 ft. in size and shall not be permitted if same block or interfere with the ability of others to observe the proceedings.
 - e. Obscene and inappropriate language shall be avoided
 - f. Each person's opinions and ideas are valuable and their right to present them shall be respected
 - (3) Where applicable, these rules shall apply to all City Council, Public Works, Finance Meetings and any other bodies comprised solely of elected council members. Where applicable, these rules shall apply to all Municipal Committee meetings, with the committee chairperson serving as the presiding officer.
- (c) *Duties of presiding officer.* The Mayor (or in the Mayor's absence, the Deputy Mayor) shall be the presiding officer of the council. In the absence of the mayor and the Deputy Mayor, the city clerk or deputy city clerk shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the council who are present. Upon the arrival of the mayor or the Deputy-Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the council. The presiding officer shall preserve order and decorum at all meetings of the council, announce the council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the council as a whole shall decide the question by majority vote.

(d) *Addressing council from floor.*

1. **DURING PUBLIC COMMENT PERIOD**

Maximum Time: 3:00 minutes

Public comment period will only be held during regularly scheduled meetings of the Public Works Committee and City Council prior to an executive session or absent executive session, as the last item on the agenda. Any persons desiring to address the Council during the public comment period shall sign-in on a form provided by the City Clerk, providing their name, address and supplemental information; specify the issue they wish to address and secure permission from the presiding officer. A person will not be allowed to speak without having signed in at least fifteen (15) minutes prior to the beginning of the meeting. Persons addressing the Council should, upon recognition by the presiding officer, approach the microphone, give their name, and address in an audible tone of voice for the record at the conclusion of which the speaker's time will begin. Such person shall be entitled to speak only one time on any one subject. Any remarks shall be addressed to the Council as a whole and not to any individual member. Each speaker is only entitled to the time for which he or she has signed up and may not reserve or transfer his or her time to any other speaker. If a speaker fails to follow the rules of decorum, the presiding officer may terminate the remainder of the speaker's allotted time.

Speakers may supplement their remarks with written or accompanying materials which must be submitted to the City Clerk at the time of signing in to speak. If written materials are submitted it is suggested that twelve copies be made available. Submitted materials may not be returned. Generally, matters presented which require further investigation or information shall be referred to staff, and if Council determines that action is required, the item may be placed on a future agenda. Council members will not comment on remarks made during the public comment period.

2. **DURING PUBLIC HEARING (WHEN SET AS REQUIRED BY STATE LAW AND MUNICIPAL CHARTER OR SPECIFICALLY SET ON MOTION OF THE COUNCIL) OR DURING AGENDA ITEM COMMENT**

Maximum Speaking Time: 5:00 minutes followed by a maximum of 5:00 minutes for Council Member questions of speaker

Any persons desiring to address the Council during the public hearing for an agenda item or agenda item comment shall sign-in on a form provided by the City Clerk, providing their name, address and supplemental information; specify the agenda item they wish to address and secure permission from the presiding officer. Remarks shall be directed to the matter being considered. A person will not be allowed to speak without having signed in at least fifteen (15) minutes prior to the beginning of the meeting, or by the motion of a Council member and affirmative vote of the Council. Persons addressing the Council should, upon recognition by the presiding officer, approach the microphone and give their name and address in an audible tone of voice for the record at the conclusion of which the speaker's time will begin. Such person shall be entitled to speak one time only on any one subject. All remarks shall be addressed to the Council as a whole and not to any individual member. No person other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the presiding officer. Each speaker is only entitled to the time for which they have signed up and may not reserve or transfer their time to any other speaker. If the speaker fails to follow the rules of decorum the presiding officer may terminate the remainder of the speakers allotted time.

The Council may ask questions of the speaker for the purpose of clarification but shall not enter into a debate of the issue. Council will refrain from asking questions of the speaker until the conclusion of the speaker's presentation. Speakers may supplement their remarks with written or accompanying materials which must be submitted to the City Clerk at the time of signing in to speak. If written materials are submitted it is suggested that twelve copies be made available. Submitted materials may not be returned.

3. **DURING SET AGENDA PRESENTATION**

Maximum Time will be set by the sponsoring Council Member not to exceed 30:00 minutes

Citizens may request a Council member place an item on the agenda for discussion. If the matter is placed on the agenda, the issue will be introduced by the sponsoring Council member and upon the conclusion of the introduction the presiding officer will recognize the Citizen making the presentation. Interaction by Council members with the presenter and use of electronic media and visual aids is allowed.

(e) *Electronic media, visual aids and special accommodations.*

Use of Electronic media and visual aids is limited to presentations of agenda items and shall not be used during public hearing, agenda comment or public comment periods. Any person wishing to make use of audio or visual records during the course of their presentation to Council, or requiring special accommodations such as use of City equipment, alteration of the layout of Council chambers, or staff assistance, shall notify the City Clerk with such request at least 3 business days prior to the scheduled meeting time. The decision to grant or deny such requests shall be at the sole discretion of the presiding officer.

The foregoing shall not apply to accommodations required as a result a disability as defined by the Americans with Disabilities Act of 1990, as amended.

(f) *Enforcement.*

1. The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the council chambers.

2. Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to remove from the council chambers any person in the audience who uses boisterous or profane language, or language tending to bring the council or any council member into contempt, or any person who interrupts and refuses to keep quiet or take a seat when requested to do so by the presiding officer, refuses to abide by the rules of decorum or otherwise disrupts the proceedings of the council.

3. Any such individual removed from the meeting shall be required to leave the public property upon which the meeting is held, including any

adjacent parking lots, and not re-enter thereon for three hours after the meeting is adjourned.

SECTION 2: REPEALER. All ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

SECTION 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS _____ Day of March, 2018.

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this _____ day of March, 2018.

ROY D. TUCKER, CITY ATTORNEY