

Proposed City of Lee's Summit Rules of Public Participation, Decorum, and Civility

I. Purpose and governing principles

- A. The City of Lee's Summit welcomes robust public participation, disagreement, criticism, and debate concerning City government.
- B. Civility is a shared expectation that participants will permit others to speak and the public body to conduct its business. Civility is not a requirement that a person express approval, deference, politeness, or agreement with City officials.
- C. These rules shall be administered without regard to a speaker's identity, residency, affiliation, position on an issue, or viewpoint.
- D. No person shall be stopped, ruled out of order, denied an opportunity to speak, or removed solely because the person's remarks are critical, accusatory, emotional, offensive, profane, embarrassing, or directed toward an identifiable public official.
- E. The City may regulate the time, place, manner, and subject of public participation and may address conduct that materially disrupts a meeting.

II. Applicability and controlling authority

- A. These rules apply to the City Council, Council committees, and City boards, commissions, and authorities subject to the Missouri Sunshine Law.
- B. When a statute, the City Charter, the Unified Development Ordinance, or a duly adopted quasi-judicial hearing procedure imposes a different or more specific requirement, that requirement controls.
- C. A body may adopt supplemental procedures appropriate to its duties, provided that the procedures are written, publicly available, reasonable, and viewpoint neutral.

III. Material disruption defined

- A. "Material disruption" means conduct that actually prevents or substantially interferes with:
 - 1. The ability of the body or audience to hear a recognized speaker;
 - 2. The ability of the body to deliberate or proceed through its agenda;
 - 3. Safe access to the chamber, aisles, exits, podium, or seating; or
 - 4. The maintenance of immediate physical safety.
- B. Material disruption may include:
 - 1. Speaking repeatedly without being recognized;

2. Continuing to speak after the applicable time has expired and after being directed to yield;
3. Repeated or sustained shouting, chanting, use of a sound-producing device, or other noise that prevents the meeting from being heard;
4. Repeatedly interrupting another recognized speaker or the body's deliberations;
5. Blocking an aisle, exit, podium, camera area, or another person's movement;
6. Approaching the dais, staff work area, or another participant in a physically threatening manner;
7. Engaging in violence, attempting violence, damaging property, or creating an objectively reasonable immediate safety risk; or
8. Refusing, after a specific warning, to comply with a lawful direction narrowly intended to end identified disruptive conduct.

C. The following, standing alone, do not constitute material disruption:

1. Criticizing the policies, decisions, motives, competence, honesty, performance, or conduct of the City, its officials, or its employees in general;
2. Naming or referring to an identifiable official;
3. Using offensive, insulting, emotional, harsh, sarcastic, or profane language;
4. Speaking forcefully or displaying emotion;
5. Expressing a viewpoint previously expressed by another person;
6. Wearing a button or displaying a silent sign that does not obstruct anyone's view or movement.

IV. Registration and speaker order

- A. A person may register online before the meeting or submit a speaker card in person until the applicable comment period or agenda item begins.
- B. Registration shall request only:
 1. The name and general address of the speaker;
 2. The agenda item or general City subject to be addressed; and
 3. An organizational affiliation, when the person chooses to provide one.
- C. A home street address, telephone number, email address, and residency declaration shall not be required as a condition of speaking. The City may request such information voluntarily for follow-up or administrative purposes, but it shall not be announced or displayed publicly without the person's consent.
- D. Residency shall not determine eligibility or speaking order.

- E. Speakers shall be called according to a neutral system announced in advance, ordinarily registration order or agenda-item order. The chair may not select or reorder speakers according to their anticipated position or viewpoint.
- F. A legal name, address, oath, or earlier registration deadline may be required when necessary for sworn testimony, a contested case, or reliable operation of remote-hearing technology.

V. General public comment

- A. Each regular Council meeting shall include a general public-comment period unless an emergency or controlling law makes doing so impracticable.
- B. During general public comment, a person may address:
 - 1. A matter appearing on the meeting agenda; or
 - 2. A matter reasonably related to the operations, services, policies, jurisdiction, or governance of the City.
- C. Matters assigned to a separately noticed sworn or quasi-judicial hearing shall be heard under the rules governing that hearing.
- D. Each speaker shall receive three minutes.
- E. A visible timer shall be used. Time shall begin after the speaker reaches the microphone and shall be paused during:
 - 1. Questions or interruptions by members of the body;
 - 2. A ruling or warning by the chair;
 - 3. A technical problem not caused by the speaker; or
 - 4. An accommodation-related delay.
- F. General public comment is principally an opportunity for the body to receive information. Members are not required to answer questions or debate the speaker. The chair may refer a matter to staff or permit brief clarifying questions after the speaker completes the remarks.
- G. A speaker's time may not be transferred to another person except under the standardized group-representative procedure in subsection VII.

VI. Opportunity to be heard on proposed ordinances

- A. Before final passage of a proposed ordinance, the agenda and meeting procedure shall provide interested persons a meaningful opportunity to be heard by the Council.
- B. The opportunity may occur through general public comment, item-specific comment, or a public hearing, provided that:
 - 1. The opportunity occurs before final passage;
 - 2. The proposed ordinance is within the announced scope of permissible comment; and
 - 3. The opportunity is reasonably apparent from the agenda or meeting procedure.
- C. When no prior qualifying opportunity has been provided, the chair shall invite comment before the Council proceeds to final passage.
- D. An ordinance shall not be placed on a consent agenda or handled under another procedure that effectively eliminates the Charter-required opportunity to be heard.

VII. Public hearings

- A. The notice or agenda for a public hearing shall identify the subject of the hearing and any special procedures, including individual time limits and the manner for submitting written testimony.
- B. Unless controlling law or a hearing notice provides otherwise:
 - 1. Members of the public shall receive three minutes each;
 - 2. An applicant or petitioner shall receive up to 15 minutes for an opening presentation and five minutes for rebuttal;
 - 3. A staff presentation is not public comment and may receive reasonable time necessary to explain the application, governing criteria, and staff recommendation; and
 - 4. The chair may adjust the applicant's or staff's presentation time before testimony begins, based on the complexity of the matter, and shall state the reason for the adjustment.
- C. Forty-five minutes may be used as a public-testimony planning target, but not as an absolute cutoff.
- D. When the number of registered speakers makes completion within the planning target unlikely, the chair may reduce individual public testimony equally to no less than two minutes after announcing the reduction before testimony begins.
- E. If speakers legally entitled to be heard remain after the available meeting time:

1. The body shall extend the hearing; or
 2. The body shall continue the hearing to a date, time, and place certain in accordance with applicable notice requirements.
- F. A hearing shall not be closed solely because the planning target has expired while eligible speakers remain.
- G. Group representation shall be voluntary. A representative may receive up to ten minutes when at least four registered speakers identify that representative and voluntarily waive their individual speaking opportunities. The same procedure shall be available to all organizations and viewpoints.
- H. Written testimony shall be accepted under a reasonable, publicly announced deadline and included in the meeting record. Written testimony supplements, but does not replace, an oral opportunity when the Charter or applicable law requires an opportunity to be heard.
- I. A speaker may not be stopped solely because another speaker presented a similar argument. In an adjudicative or quasi-judicial proceeding, the presiding officer may limit genuinely cumulative evidence under specific, pre-announced evidentiary rules, but shall not exclude a position merely because other witnesses expressed it.

VIII. Topic relevance

- A. Comments during an agenda item or public hearing must reasonably relate to that item.
- B. General public comments must reasonably relate to City operations, services, policies, jurisdiction, or governance. A reasonable connection shall be sufficient; the chair shall not require the speaker to adopt the City's characterization of the issue.
- C. When comments appear unrelated to the permitted subject, the chair shall:
1. Identify the announced subject;
 2. Ask the speaker to explain or return to the connection; and
 3. Allow a reasonable opportunity to do so.
- D. The chair may direct the speaker to yield only when the comments remain persistently outside the permitted subject after a relevance reminder and specific warning.
- E. A comment does not become irrelevant merely because it criticizes an official's motives, conduct, judgment, or implementation of the matter under consideration.

IX. Speaker conduct

- A. A speaker shall wait to be recognized and ordinarily speak from the designated microphone or accessible speaking location.
- B. Remarks shall be addressed to the body through the chair for purposes of orderly administration. This requirement does not prohibit naming, quoting, criticizing, or discussing an individual official.
- C. A speaker shall:
 - 1. Observe the announced time limit;
 - 2. Avoid materially interrupting another recognized speaker;
 - 3. Remain outside the dais and staff work areas unless invited;
 - 4. Keep aisles and exits clear; and
 - 5. Comply with lawful directions addressing identified disruptive conduct.
- D. No speaker shall be required to apologize, retract criticism, change a viewpoint, or substitute more polite language as a condition of continuing.

X. Audience conduct

- A. Audience members shall not engage in sustained or repeated conduct that prevents the meeting from being heard or materially delays its progress.
- B. Brief applause, laughter, or other short reactions are permitted. The chair may ask the audience to stop when reactions become sustained, repeated, intimidating through physical conduct, or materially interfere with the next speaker or the body's business.
- C. Silent signs, buttons, clothing, and other non-obstructive displays are permitted. Displays may not block another person's view, obstruct cameras, occupy an aisle, separate seats or other areas, or be inserted or attached to City property without permission.
- D. Electronic devices shall be silenced. A device may be used to record, take notes, display a silent message, or assist a person with a disability so long as it does not materially disrupt the meeting.

XI. Recording and distribution of materials

- A. Members of the public and news media may record an open meeting.

- B. The City may establish neutral equipment placement rules to protect aisles, exits, accessibility, sightlines, and the operation of City recording equipment. Such rules shall not depend on the recorder's identity, purpose, or viewpoint.
- C. Handouts shall be provided to the City Clerk or designated staff for distribution. A person shall not approach the dais to distribute materials unless invited.
- D. Electronic materials may be subject to content-neutral requirements regarding file format, cybersecurity, size, and submission deadlines.

XII. Responsibilities of the chair, members, and staff

- A. The chair shall administer these rules neutrally, consistently, and with the least restrictive intervention reasonably sufficient to maintain order.
- B. The chair shall not interrupt a speaker to dispute the speaker's facts, conclusions, criticism, or viewpoint.
- C. Members shall not interrupt a recognized speaker except to raise a point of order, request clarification through the chair, or address an immediate safety issue.
- D. Questions should ordinarily be asked after the speaker's remarks. The speaker's timer shall be paused during any member's question and the answer to that question.
- E. Members and staff shall not ridicule, heckle, threaten, or retaliate against a person for protected participation or criticism.
- F. Rules of order governing members of the body shall be enforced separately from rules governing the public. A member's disruption may be addressed through a point of order, ruling of the chair, appeal, recess, censure, or another procedure authorized by the Charter and applicable law.

XIII. Graduated enforcement

Except when immediate action is reasonably necessary to prevent violence or an immediate physical safety risk, the following sequence shall be used:

1. **Reminder.** The chair briefly states the applicable rule.
2. **Specific warning.** The chair identifies the specific conduct, explains how it is disrupting the meeting, and directs the person to stop the conduct.

3. **Direction to yield or cease.** If the conduct continues, the chair directs the speaker to yield the floor or the audience member to cease the conduct.
4. **Recess.** When practical, the chair may call a short recess to de-escalate the situation.
5. **Removal.** Removal may be directed when the person continues the identified material disruption after warning or when immediate removal is reasonably necessary for physical safety.

Additional requirements:

- A. The chair shall make clear that the warning or removal is based on conduct, not viewpoint.
- B. The timer shall be paused while the chair gives a reminder, warning, or ruling.
- C. Removal shall ordinarily be limited to the remainder of the meeting.
- D. The chair shall use removal of the individual rather than clearing the entire room unless broader action is necessary because multiple people are materially disrupting the meeting or an immediate safety condition requires evacuation.
- E. A person removed from a meeting may submit written comments for the meeting record, subject to the same reasonable submission rules applicable to others.
- F. The City Clerk shall document a removal, including the rule invoked, the conduct identified, warnings given, and the duration of removal.
- G. A direction by the chair to remove a person is not, by itself, a direction to arrest or issue a citation. Law-enforcement personnel retain independent responsibility to determine whether legal grounds exist for further enforcement action.

XIV. Prospective restrictions

- A. Removal from one meeting shall not automatically prohibit attendance at a future meeting.
- B. Any restriction on future in-person attendance shall be handled through a separate written process and shall require:
 1. Specific findings based on documented conduct, not speech or viewpoint;
 2. An objectively reasonable continuing safety or disruption concern;

3. A restriction limited in duration, location, and scope;
 4. Notice and a meaningful opportunity to contest the restriction;
 5. Review by the City Attorney; and
 6. A reasonable alternative for observation and participation, such as remote attendance or written comments, when legally and practically available.
- C. A prospective restriction shall not be used as punishment for criticism or other protected speech.

XV. Accessibility and remote participation

- A. The City shall provide reasonable accommodations for disability, language access when required, and other access obligations under applicable law.
- B. A person shall not lose a speaking opportunity because additional time is needed to use an accommodation.
- C. When remote public participation is offered, remote speakers shall receive the same time and be subject to the same topic and disruption rules as in-person speakers.
- D. A remote participant may be muted or disconnected only for conduct that would justify ending an in-person speaker's remarks, for failure to complete a required oath in a sworn proceeding, or for a technical condition that prevents orderly participation.

XVI. Publication, training, and review

- A. The City shall publish:
1. The complete rules;
 2. A one-page public summary;
 3. Registration instructions;
 4. Applicable time limits;
 5. Accommodation instructions; and
 6. The chair's standard opening and warning language.
- B. The rules shall be available at the meeting entrance and linked from each public meeting agenda.

- C. Chairs, clerks, senior staff, and law-enforcement personnel assigned to meetings shall receive periodic training concerning the Sunshine Law, the First Amendment, de-escalation, disability access, and these rules.
- D. The Council shall review the rules at least once every two years and after any significant judicial decision or documented enforcement problem.