RESOLUTION NO. 7315

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, ESTABLISHING RULES AND PROCEDURES GOVERNING MEETINGS OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, DURING THIS TIME OF DECLARED EMERGENCY, EXTENDING SUCH RULES TO GOVERN CERTAIN MEETINGS OF ADVISORY AND SUBORDINATE BOARDS OF THE CITY, AND TEMPORARILY SUSPENDING THOSE RULES AND PROCEDURES, AS SET FORTH AT RESOLUTION NO. 7213, THAT ARE IN CONFLICT HEREWITH, UNTIL SUCH TIME AS ALL EMERGENCY ORDERS OF THE STATE OF KANSAS AND THE DOUGLAS COUNTY, KANSAS, HEALTH DEPARTMENT HAVE BEEN RESCINDED OR HAVE EXPIRED.

WHEREAS, on July 18, 2017, the Governing Body of the City of Lawrence, in order to promote effective governance and professional administration and in order to ensure equity, transparency, and efficiency, adopted City of Lawrence, Kan., Res. No. 7213 (July 18, 2017), establishing certain rules and procedures governing meetings of the Governing Body;

WHEREAS, on March 12, 2020, the Governor of the State of Kansas issued a “State of Disaster Emergency Proclamation” related to the novel coronavirus (COVID-19) pandemic;

WHEREAS, on March 22, 2020, the Douglas County, Kansas, Health Department issued a declaration of emergency, as amended, related to the novel coronavirus (COVID-19) pandemic;

WHEREAS, pursuant to Executive Orders issued by the Governor of the State of Kansas and orders issued by the Douglas County, Kansas, Health Department, citizens of Lawrence, Kansas, are ordered, among other things, during this emergency, to remain at home except when participating in essential activities, to refrain from meeting in groups exceeding ten persons, and to maintain social distancing of at least six feet from one another;

WHEREAS, it is the goal of the Governing Body, in order to promote the health, safety, and welfare of the residents of Lawrence, Kansas, to comply with all orders of the State of Kansas and the Douglas County, Kansas, Health Department;

WHEREAS, it is also the goal of the Governing Body to continue to conduct the business of the City of Lawrence, Kansas, in a manner that is fair, transparent, and efficient, in compliance with the Kansas Open Meetings Act of 1972, codified as amended at K.S.A. 75-4317 et seq., and in accordance with directives of the Kansas Attorney General; and

WHEREAS, in order to meet all of those goals, the Governing Body finds that it is, therefore, in the best interests of the City to adopt certain rules and procedures that will govern meetings of the Governing Body during this time of emergency and to suspend temporarily those portions of Resolution No. 7213 that are in conflict herewith.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: CITY COMMISSION MEETINGS.
(a) **Meetings to Continue to be Open the Public.** In accordance with the Kansas Open Meetings Act of 1972 ("KOMA"), codified as amended at K.S.A. 75-4317 *et seq.*, all meetings of the Governing Body shall, as provided herein, continue to be open to the public. From time to time, as may be necessary, the Governing Body may, in accordance with state law, recess into a closed or executive meeting.

(b) **Remote, Electronic, or Virtual Meetings.** The Governing Body may conduct Regular Meetings, Special Meetings, and Work Sessions remotely, electronically, or virtually, or in person with limited physical access of the public, or a combination thereof, so long as such meetings or work sessions are held in compliance with KOMA, pursuant to rules and regulations enunciated through directives issued by the Kansas Attorney General, and in accordance with this Resolution.

(c) **Public Access to Remote, Electronic, or Virtual Meetings.** All Regular Meetings, Special Meetings, or Work Sessions that are conducted remotely, electronically, or virtually, or in person with limited physical access of the public, or a combination thereof, shall be made accessible to the general public through television, over the internet, and by telephone. Only those persons without access to television, the internet, and telephone, shall be permitted to physically come to the lobby of City Hall and -- with strict adherence to the ten-person rule, social distancing, and all other rules of the State of Kansas and the Douglas County, Kansas, Health Department -- observe and listen to the meeting or work session on television. Those persons with access to television, the internet, or telephone are strongly encouraged to remain at home and to observe or listen to the meeting or work session over those platforms. The City Clerk shall, in advance of each meeting or work session, post on the City website how the general public may access the meeting or work session through television, over the internet, and by telephone.

(i) **Additional Rules for Listening by Telephone.** Any person wishing to listen to a meeting or work session over the telephone must register with the City Clerk, over the telephone, no later than 24 hours before the commencement of the meeting or work session. At that time, the City Clerk will give such registrants instructions on how to call in and listen to the meeting or work session. During the meeting or work session, each person, listening over the telephone, shall, if possible, **MUTE** their telephone transmitter or, at least, cover the telephone transmitter so that there will be no background noise that will or would disrupt the meeting.

(d) **General Public Comment.** The Governing Body shall continue to accept General Public Comment, as follows: All General Public Comment shall be made in writing, shall state the name and address of the person submitting it, and shall be transmitted to the City Clerk electronically, by United States Mail, or by submission through the City's Utility Drop Box. To be included in the Agenda Packet for a meeting or work session, written General Public Comment must be received by the City Clerk at least 24 hours in advance of the meeting or work session. Any General Public Comment received after
that time will be forwarded to the Governing Body after the meeting and will be included in the Agenda Packet for the subsequent meeting or work session. Any General Public Comment that does not include the name or address of the person submitting it will not be forwarded to the Governing Body and will not be included in any Agenda Packet.

(e) **Public Comment on Agenda Items.** The Governing Body shall accept public comment on Agenda items, only as follows

(i) **Legislative Items.** For all legislative items (*i.e.*, items for which the Governing Body will not be accepting live public comment), all public comment must be submitted **in writing** and shall be transmitted to the City Clerk electronically, by United States Mail, or by submission through the City’s Utility Drop Box. To be included in the Agenda Packet for a meeting, written public comment must identify the person making the comment, must disclose his or her telephone number or email address, and must identify the agenda item for which the public comment is offered, and must be **received** by the City Clerk at least 24 hours in advance of the meeting or work session. Any public comment received after that time-frame will be forwarded to the Governing Body after the meeting. Any public comment that does not include the name or contact information of the person submitting it will not be forwarded to the Governing Body.

(ii) **Quasi-judicial Items.** For all quasi-judicial items (*i.e.*, items for which the Governing Body will be accepting live public comment), the Governing Body will accept public comment, as follows:

(A) Each person wishing to provide public comment on such items are strongly encouraged to make such comment **in writing**, by delivering such public comment to the City Clerk, electronically, by United States mail, or by submitting it through the City’s Utility Drop Box. To be included in the Agenda Packet for a meeting, written public comment must identify the person offering public comment, his or her address or telephone number, and the agenda item for which public comment is offered. Such public comment must be **received** by the City Clerk at least 24 hours in advance of the meeting. Any public comment received after that time-frame will be forwarded to the Governing Body after the meeting. Any public comment that does not include the name or contact information of the person submitting it will not be forwarded to the Governing Body.

(B) While the Governing Body strongly encourages public comment on these agenda items to be made **in writing**, it will accept limited live public comment. Each person wishing to provide live public comment on an agenda item for which the Governing Body is accepting limited live public comment, **must** register with the City Clerk, electronically, by telephone, by United States Mail, or by submission to the
City's Utility Drop Box, stating such person's name, email address or telephone number, and the item to which such person would like to provide public comment. To be permitted to make live public comment on an agenda item for which the Governing Body is accepting live public comment, the City Clerk must receive said registration no later than 24 hours before the commencement of the meeting.

(C) The Mayor, or other Presiding Officer, shall, during the time for public comment on an agenda item for which the Governing Body is accepting public comment, identify, from the list the persons who have registered with the City Clerk, the person who has the floor. Once so identified, the person with the floor shall identify herself or himself and shall then have three minutes to make live public comment on the agenda item for which public comment is being accepted. Each person who has registered shall be given the floor for three minutes to provide public comment.

(D) Such live public comment shall be made electronically over the internet or by telephone. The City Clerk shall, in advance of each meeting, make known to those who have registered to make live public comment how to make live public comment over the internet and by telephone. Each person, when they do not have the floor and are not speaking, shall MUTE their computer microphone or telephone transmitter so that there will be no background noise that will or would disrupt the meeting.

(E) For those persons without access to the internet or a telephone – and only such persons – the City will provide a method at City Hall for such person to make live public comment. Again, for persons attending City Hall to observe or to participate in a meeting, the City shall enforce strict adherence to the ten-person rule, social distancing, and all other emergency rules issued by the State of Kansas or the Douglas County, Kansas, Health Department.

(f) Agendas. Copies of the Agenda shall be posted on the City's website, shall be made available by e-mail to those persons signing up with the City Clerk for e-mail distribution, and shall be posted on the front doors (on the south side) of City Hall in advance of each meeting or work session.

SECTION 2. Advisory and Subordinate Boards of the City. The preceding rules and procedures shall apply to any advisory and subordinate board of the City that conducts a meeting while this Resolution is in effect. However, in such cases, all written public comment and any registration for live public comment -- for quasi-judicial hearings for which the Board will accept live public comment -- shall be made to the Department Director or to the Secretary of the Board, rather than to the City Clerk. All other rules and procedures of this Resolution shall be in effect and shall apply to advisory boards and subordinate boards of the City.
SECTION 3. Parts of Resolution 7213 Temporarily Suspended. All parts of Resolution 7213 that are in conflict with Section 1 of this Resolution are temporarily suspended until such time as all emergency proclamations and orders of the State of Kansas, and the Douglas County, Kansas, Health Department have been rescinded or have expired. All other provisions of Resolution 7213 governing quorum, decorum, and the order of meetings, to the extent that they are not in conflict herewith, shall remain in full force and effect.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 14th day of April, 2020.

APPROVED:

[Signature]

Jennifer Ananda, J.D., M.S.W., Mayor

ATTEST:

[Signature]

Sherri Riedemann, City Clerk

APPROVED AS TO FORM:

[Signature]

Toni R. Wheeler, City Attorney