

From: [Linda](#)
To: [All Alders](#)
Subject: Legistar 71317
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Legistar 71317 would not permit public comment when the Council has heard public comment on a matter at a previous meeting and the matter has been referred for discussion and action only, except if 2/3 of the Council agrees to allow additional public comment.

This might make sense if the referral is to the next Council meeting. But take, for example, Legistar 63902 (the upzoning ordinance) which had a public hearing on 3/30/21 and was ultimately referred to the 6/1/21 Council meeting. During this two-month gap, Alders may well forget points made during public testimony at the original meeting. But, in this case, even more importantly, 8 new Alders were elected – Alders who had not heard the original testimony.

In addition, there would likely need to be more clarity on Alder motions. Again using Legistar 63902 as an example:

- The motion made per the “action details” section of the Legistar record was “Recess the Public Hearing and Refer to a future Meeting to Adopt to the COMMON COUNCIL.”
- The “action” section of the Legistar record states “Refer to a future Meeting to Adopt.”
- The Council meeting minutes say “Recess Public Hearing and Refer ...”
- On the 6/1/21 agenda, 63902 was listed under “Recessed Public Hearings.”

So was the motion one to recess the public hearing (and continue the public hearing at a subsequent meeting), or one to refer for adoption (with no additional public comment)? Will the person preparing the agenda only look at the “action” section of the Legistar record and assume a matter with “Refer to a future Meeting to Adopt” automatically means no additional public comment? The 2/3 vote to continue public testimony is excessive. Currently, Legistar 71082 proposes to repeal protest petitions and originally would have required a 2/3 Council vote on all rezonings. At Plan Commission last night there was much discussion about how super majorities are not required except in exception circumstances, such as a budget amendment, and that a rezoning does not rise to this level of scrutiny. Does allowing additional public testimony rise to this level of scrutiny, or should a simple majority suffice?

At a minimum, I urge you to remove the 2/3 vote requirement.

Linda Lehnertz