

**CITY OF BROKEN BOW  
ORDINANCE NO. 1208**

**AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING SECTION 33.09: PUBLIC PARTICIPATION; PROVIDING RULES OF CONDUCT FOR THE AUDIENCE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:**

**Section 1.** That Section 33.09 of the Municipal Code be amended to read as follows:

**§ 33.09 PUBLIC PARTICIPATION.**

(A) Subject to this subchapter and the Open Meeting Act, the public has the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed sessions called pursuant to § 33.07, may be videotaped, televised, photographed, broadcast or record by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of division (A) above for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, television, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(C) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall the body require that the name of any member of the public be placed on the agenda prior to the meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(D) No public body shall, for the purpose of circumventing this subchapter or the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(E) No public body shall be deemed in violation of section if it holds its meeting in its traditional meeting place which is located in the state.

(F) No public body shall be deemed in violation of this section if it holds a meeting outside of the state if, but only if, a member entity of the public body is located outside of the state and the other requirements of Neb. RS 84-1412 are met.

(G) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(H) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open

Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

(Neb. RS 84-1412)

(I) At the discretion of the presiding officer, any person may address the Council, on any agenda item; however, questions to City ~~officials or~~ staff, other speakers, or members of the audience are not permitted ~~without the permission of the presiding officer. and will not be answered.~~

(J) Any person wishing to address the Council shall first come to the podium and state their name and address. Remarks shall be limited to five minutes unless extended or limited by the Presiding Officer or majority vote of the Council. No person will be permitted to address the Council more than once during discussion of a particular agenda item, ~~unless permitted by the presiding officer.~~ Rebuttal comments are not ~~allowed, unless permitted by the presiding officer.~~ Profanity or raised voice is not permitted. Applause, booing, or other indication of support or displeasure with a speaker is not permitted. Any person violating these rules may be removed from the meeting.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.** This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 27<sup>th</sup> day of August, 2019.

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Jonathon Berghorst, Mayor

ATTEST:

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Stephanie M. Wright, City Clerk