

Proposed Policy Wording for Public Comment Period

TO: Mayor and Board of Commissioners
CC: Hazen Blodgett, Town Manger
DATE: January 9, 2019
FROM: Becky Hawke, Assistant Town Manager

Background/Issue:

During the Mini Planning Conference on December 8, 2018, the Town Board discussed the Town's current Code of Ethics for Elected Officials. When reviewing language within the existing policy, the conversation expanded to include the conduct of speakers during the Public Comment period at regular Town Board Meetings.

In a 6-1 vote, the Town Board approved a motion to adopt language from the Town of Matthews Code of Ethics for Elected Officials to be read prior to every Public Comments period at regular Town Board Meetings.

Further discussion ensued and concerns were expressed that reading the wording from the Code of Ethics could be received as overly negative and restrictive, potentially resulting in a chilling effect on members of the public wishing to speak.

As this was not the desire of the Board, another motion was made to rescind the prior vote related to the specific language that was to be read. This motion passed 7-0 and there is currently no approved measure in place to read anything prior to the Public Comment period at regular Town Board Meetings.

Instead, the Town Board directed staff to draft language for them to consider that is intended to remind public commenters of the order and decorum that is desired during public meetings without discouraging commenters from addressing the Board.

To assist in gathering examples used in other municipalities, an inquiry was made on a UNC School of Government Listserv regarding what policies were currently in place elsewhere. The 19 responses received from across the state are included in Appendix A at the end of this memo for further review.

Proposal/Solution:

The following wording is proposed for the Mayor to read prior to each Public Comment period at regular Town Board Meetings:

During Public Comments we will strive to uphold each citizen's First Amendment right to free speech – and insure a level of order and decorum to the meeting. With this in mind, we ask that all speakers be respectful and refrain from defamation of character.

Anyone who has signed up to speak is asked to come forward when their name is called and state their name and address for the record. Each speaker will have up to four minutes to address the entire Board with their comments. The Board does not generally respond directly to comments made or answer impromptu questions. Instead, staff members have been directed to take notes and follow-up, as necessary. Discussion between speakers and audience members is also not permitted.

Fiscal Impact:

N/A

Recommended Motion/Action:

Consider the information and draft language provided. If desired, this item can be placed on a future Board Meeting Agenda for consideration of action at that time.

Appendix A: Responses Received to Inquiry on UNC School of Government Clerks Listserv Regarding Existing Public Comment Policies in Other Municipalities

Note: The manner the public comment policy is delivered (e.g. read aloud; printed on an agenda; etc.) is listed when it was indicated by the responding municipality. For brevity and ease of comparison, only applicable portions of longer documents have been included. Responses have otherwise been provided below in alphabetical order.

Cape Fear Public Utility Authority (printed policy – complete document available):

10. Speakers will not discuss matters regarding the candidacy of any person seeking public office, including the candidacy of the person addressing the Board.

11. Speakers will be courteous in their language and presentation. Profanity and personal attacks will not be tolerated.

Davidson (read by Mayor):

We will strive to uphold each citizens First Amendment right to free speech. Going forward, we will strive to manage our meetings and insure a level of civility and decorum. We ask that all speakers be respectful, adhere to the three-minute time limit and refrain from sharing hurtful words about our fellow citizens.

Hobgood (Public hearing policy [not public comment] – complete document available):

We request that each speaker limit their comments solely to the issue at hand and not direct comments toward specific individuals. In the interest of time, please do not repeat facts or issues covered by previous speakers.

Fletcher (#1 – printed on comment signup sheet, #2 - posted policy [complete document available]):

1. We will strive to uphold each citizens First Amendment right to free speech. We will ensure a level of civility and decorum. We ask that all speakers be respectful and adhere to the three-minute time limit. Council is not expected to debate/discuss issues during public comment.
2. The Mayor may rule out of order any comments that are rude, inappropriate, or intended to harass any person or group of people and is authorized to take reasonable and appropriate measures to ensure compliance with these rules.

Liberty (printed policy - complete document available):

4. Comments are to be directed to the Council as a whole and not to an individual Council or Staff member
6. Speakers must be courteous in their language and presentation
7. Council reserves the right to have a speaker removed for any of the following:
 - a. Discriminatory or abusive language
 - b. Discussion of current or anticipated legal matters
 - c. Any other violation of the policy

Manteo (read by Town Manager):

Members of the public are invited to address the Board of Commissioners on any topic. Please come forward to the podium and identify yourself so that your statements can be taped (3 minutes per person; 5 minutes per group). If anyone wishes to speak later in the meeting on a listed agenda item, please state your name and the agenda item and you will be recognized at that time. Action on items brought up during the Public Comment period will be at the discretion of the Board. Public Comment is not intended to require the Board to answer any impromptu questions. Speakers will address all the comments to the Board as a whole and not one individual Commissioner. Discussions between speakers and members of the audience will not be allowed.

Martin County (written public comment procedures – complete document available):

5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual commissioner. Discussions between speakers and members of the audience will not be allowed.

6. Speakers will be courteous in their language and presentation.

9. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Board; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; matters which are the subject of public hearings.

Morrisville (printed policy – complete document available)

[See their eComment portal. They have a good policy that encourages public input.]

- Speakers should be courteous in their language and presentation
- Public comments are not the only opportunity to address the Council. Input is strongly encouraged. Speakers are encouraged to directly contact Council Members and/or staff with any questions or comments. Town Council may be contacted as a group by e-mailing TownCouncil@TownofMorrisville.org.

Mount Airy (read by Mayor):

This is an opportunity for anyone in the audience to address the board. Please come up to the podium, state your name, address, and whether or not you reside in the city limits. You will be given three minutes to make your comments and the City Clerk will ring the bell to signal when your three minutes are up. I ask that you state your thoughts, facts, and opinions in a respectful manner. This shall not include name calling or defamation of anyone's character. After the public forum is closed, all items on the agenda will be for board discussion only—the audience will not be recognized for comments. I now declare the public forum open.

Nag's Head (read by Town Attorney):

Speakers are asked to direct comments to the full Board rather than individual Commissioners or staff persons. Discussion between speakers and members of the audience is not permitted. The Board ordinarily does not answer questions during public comment.

Randolph County (printed policy - complete document available):

Speakers will be courteous in their language and presentation. Speakers should not discuss matters which concern the candidacy of any person seeking public office or matters in current or anticipated litigation.

Rockingham County (portions read by County Manager; complete document available):

Remarks shall be addressed directly to the Board of Commissioners and not to staff, the audience or media.

Any speaker who wishes to speak shall sign in on the sign-up sheet with a specific topic and comment on that specific topic so that a series of topics are not commented on due to potential time constraints and so that everyone who wishes to speak has that opportunity.

Speakers appearing before the Board of Commissioners will not be allowed to:

- Campaign for public office
- Promote private business ventures
- Or use language of a personal nature which insults or demeans any person or which, when directed at a public official, is not related to his or her official duties.

Southern Shores (printed on comment signup sheet and also read aloud by Mayor as needed):

We encourage your public comments. All speakers must recognize the utmost importance of maintaining the decorum of Town meetings and of the need for all to have an opportunity to speak in a timely and uninterrupted manner. Please limit your comments to 3 minutes and speak courteously and respectfully to the Council as a whole. The 3 minute time allotted is your time to speak. You may choose to use all of it or less, but it is not transferrable to anyone else. Public comment is your opportunity to provide input on Town matters. It is not meant to be a dialogue exchange between you, members of the Council, or others in the audience

Surf City (printed on agenda):

We ask that all in attendance please set your cell phones to silent or vibrate mode. The Council offers the public an opportunity to speak during the meeting. Comments should be limited to three minutes each and must be directly issue-oriented with agenda items for this meeting, or an issue upon which the Council has control.

Citizen speakers will be acknowledged in the order in which they sign up to speak and will address all comments to the Board as a whole and not one individual Council member. Speakers will address the Council from the speaker's podium at the front of the room and will begin their remarks by stating their name and address. Discussions between Speakers and members of the audience will not be allowed. Public comment is not intended to require the Council to answer any impromptu questions. Speakers are expected to be civil in their language and presentation. Any comments where the primary purpose is to promote business or candidacy shall not be allowed.

In accordance with the Council's adopted Rules of Procedures, Councilmembers shall reserve responses, if any, for the Council Forum on the agenda.

Wadesboro (printed policy – complete document available):

- Public comment is not intended to require the Board to answer any impromptu questions. The Board is not obligated to respond to any speaker. Action on items brought up during the Public Comment Period will be at the complete discretion of the Board.
- Speaker will address all comments to the Board as a whole and not one individual member or individual Town staff member.
- Discussions between speakers and members of the audience will not be allowed.
- Any applause will be held until the end of the Public Comment Period. The audience should not be disruptive during the Public Comment Period.
- The Mayor may otherwise act to maintain order and decorum during the public comment period.

Warren County (written policy – complete document available):

- Any group of people who support or oppose the same position should designate a spokesperson.
- Please address only those items which might not have been addressed by a previous speaker.
- Order and decorum will be maintained.
- This is not a question and answer session.

Watauga County (read by Chairman):

Comments are to be directed to the Board as a whole. The forum is intended to provide the Board of Commissioners an opportunity to hear citizens. It is not intended to subject the Board to answering impromptu questions. Citizens will be expected to be civil in their language and presentation and not to engage in slander or name-calling.

During the 60-minute open forum, speakers should not discuss any of the following:

- a. Matters which concern the candidacy of any person seeking public office, including of the person addressing the Board;
- b. Matters in current or anticipated litigation.

Weddington:

We ask the audience, as well as the speakers, to maintain order and decorum in your conduct throughout the Public Comment period. That being said, speakers may not engage in slander, name calling, personal attacks or threatening or otherwise aggressive speech or behavior that the Town Council reasonably believes will imminently result in a disruption of the meeting.

Williamston (printed policy – complete document available):

6. Speakers will be courteous in their language and presentation.

8. Any applause will be held until the end of the Public Comment Period.

10. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Board; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; matters which are the subject of public hearings.