



**TOWN COUNCIL**  
**Work Session**  
**Town Hall**  
**November 15, 2012**  
**6:00 PM**

1. Call to Order: Roll Call
  
2. Order of Business
  - A. Citizen Participation Guidelines
  - B. Consent Agenda
  - C. Future Meetings
  
3. Motion to Adjourn

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Citizen Participation Guidelines		<b>AGENDA DATE:</b> November 15, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Review Draft Guidelines for Citizen Participation		<b>ITEM NUMBER:</b> 2A
	<b>ATTACHMENTS:</b> Information from VML, Draft Guidelines for Citizen Participation, Guidelines/Policies from Other Localities		<b>FOR COUNCIL:</b> Action ( ) Information ( X )
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Most localities have guidelines in place for citizen participation at meetings. The only procedures currently practiced at Cape Charles' meetings are the requirement for citizens to sign up to speak and the three (3) minute time limit per speaker.

This issue was initially introduced to Council at the September 13, 2012 Regular Meeting. Council opted to schedule a work session to review and discuss the development of guidelines in detail.

**DISCUSSION:**

Guidelines adopted by other jurisdictions in Virginia were reviewed by staff for Council consideration and information / guidelines from the other localities are attached for review.

The Mayor can control the meeting based on his/her grant of authority under the Town Charter, but it is also good practice to have standard guidelines.

**RECOMMENDATION:**

Staff recommends Council review and discuss the draft guidelines for approval at a future meeting.

money shall be passed except by a recorded affirmative vote of a majority of all of the council members. The constitution also provides that most types of property may not be sold by a locality except by an ordinance or resolution passed by an affirmative vote of three-fourths of all the council members.

The State and Local Government Conflict of Interests Act (Virginia Code, §§2.2-3100 and following; see chapter 5) provides that if, for conflict of interest reasons, the number of council members disqualified from voting leaves fewer than the number required by law to act on a matter, then the remaining members have authority to act by majority vote. When a unanimous vote of all members is required by law, this act permits a unanimous vote of the remaining members, if some are disqualified. The act also permits certain circumstances in which a council member, even if he or she has a conflict of interest, may vote on a particular matter if the member's vote is essential to reaching a majority vote as required by the constitution.

### **Public Hearings**

State law requires both advance public notice, usually through newspaper advertising, and a public hearing before councils may act on certain types of matters, including:

- Adoption or amendment of zoning or subdivision ordinances and comprehensive plans or elements thereof.
- Rezoning of property.
- Adoption of budgets.
- Imposition of taxes or a change in tax rates.
- Street or alley closings.
- Sale or lease of public property.

The notice requirement for these actions, and many others that require advance notice, vary widely.

The purpose of required public hearings is to allow citizens to address the issue, and to give council the opportunity to hear from citizens, before a vote is taken.

### **Citizens' Comments**

Most councils, also reserve time on their agendas for a citizens' comment period, during which time citizens can address the council on whatever topic they choose. It is wise to require those who wish to speak during the citizen comment period to sign up before that time on the agenda is reached. By doing so, the mayor or presiding officer can determine whether time limits on speakers (discussed below) may be needed. Scheduling the citizens' comment time near the end of the agenda, rather than at the beginning, helps ensure that the council can address adequately the business on the agenda.

While our system of government—with its belief in the robust, free exchange of ideas and the fundamental protections of the First Amendment—militates against a tightly controlled public discourse, reasonable and fairly applied rules help promote the free exchange of ideas. To help ensure efficient, orderly meetings that allow citizens who wish to speak a reasonable opportunity to do so, municipal councils have adopted a variety of applicable rules and procedures. Some of these rules include:

- A requirement that speakers register with the clerk (giving their name and address) before speaking.
- Time limits on speakers.
- Limits on the time set aside for comments.
- Prohibitions against booing, clapping, and other inappropriate behavior.

Some localities also have enacted security regulations such as requiring bags and containers to be subject to inspection before they can be carried into the council's chambers.

### **Time Limits**

In a 1991 lawsuit involving the City of Poquoson, a citizen challenged a five-minute limit imposed on her presentation to the city council (see the “resources” section at the end of this chapter for legal case citations). The citizen had been placed on the council's agenda, at her request, to complain about a building code violation for which she had been cited. (She was escorted from the podium when she ignored repeated requests to stop speaking after five minutes.) She had already spoken to the council at two earlier meetings during the citizens' comment period, when citizens were permitted to speak for three minutes.

The three-judge panel upheld the five-minute limit as being “entirely reasonable” since the speaker was speaking during the “regular” part of the meeting, during which business was to be transacted, finding that this time was not intended to provide a public forum for all comers. The court cited an earlier Florida case for the proposition that “citizens have no constitutional right to voice their views whenever and wherever they so desire.”

### **Limits On Speech Content**

Limits on the content of citizens' speech may be difficult to enforce. In a 2001 Virginia Beach court case, a citizen successfully challenged the validity of a school board bylaw that prohibited “personal attacks” during the public comment period of a school board meeting. The bylaw specifically prohibited “attacks or accusations regarding the honesty, character, integrity or other like personal attributes of any identified individual or group.” The court held that this part of the policy was unconstitutional.

The court found that, in permitting citizens' comments, the board had created a “limited public forum.” Since the board permitted positive as well as neutral

comment on individuals and groups, the court reasoned that the board could not limit public debate by prohibiting anything negative being said about them. The court cited a 1964 New York case that stated, "it is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions, and this opportunity is to be afforded for vigorous advocacy no less than abstract discussions."

Another court, however, in 1988 upheld a Richmond city council rule prohibiting "personal attacks" on council members during a citizens' comment period. (The rule also required citizens to speak only on "the services, policies and affairs of city government" and prohibited campaign speeches.) In upholding the rule, the court quoted from a case involving impertinent and lewd comments made by a student during a presentation at a school assembly, as follows:

The fundamental values of "habits and manners of civility" essential to a democratic society must, of course, include tolerance of divergent political and religious views, even when the views expressed may be unpopular. But these "fundamental values" must also take into account consideration of the sensibilities of others.... Even the most heated political discourse in a democratic society requires consideration for the personal sensibilities of the other participants and audiences.

In our nation's legislative halls, where some of the most vigorous political debates in our society are carried on, there are rules prohibiting the use of expression offensive to other participants in the debate. *The Manual for Parliamentary Practice*, drafted by Thomas Jefferson and adopted by the U.S. House of Representatives to govern the proceedings of that body, prohibits the use of "impertinent" speech during debate and likewise states that "no person is to use indecent language against the proceedings of the House." The Rules of Debate applicable in the U.S. Senate provide that a senator may be called to order for imputing improper motives to another senator or for referring offensively to any state. Senators have been censured for abusive language directed at other senators.

### **Employee Groups**

An employee association, the Henrico Professional Firefighters Association, was party to a court case in 1981 in which the court issued a ruling favorable to employee groups. In that case, the court held that when a governing body generally opens a portion of its meeting for individuals to discuss any relevant topic, it may not exclude representatives of employee groups from speaking when other individuals and representatives of non-employee groups are permitted to speak. This was found to be both an equal protection violation and a First Amendment deprivation of the employee association's rights.

### **Limits on Number of Times Citizens May Speak**

A Richmond city council rule limiting the number of appearances any one individual may make during the citizens' comment period within a defined period was also upheld in the 1988 case mentioned previously. At least one locality has established a limit on the number of times (three) an individual may address its governing body on the same topic within a year during the citizen comment period.

#### **The Public Right to Speak at Council Meetings: Observations**

- While council meetings must be open to the public (except for discussion of topics pursuant to the closed meeting provisions of the Freedom of Information Act), the public does not have a right to speak on every issue.
- Reasonable limits can be placed on the length of time that citizens speak, whether it's during a public hearing, a citizens' comment period, or the business portion of a meeting.
- During public hearings and the business portion of a meeting, the chair may, and should, require speakers to stick to the item under discussion.

### **Rules of Procedure**

State law and local charters define the broad parameters of the rules and procedures to be followed by a council during its meetings and in performing its legislative functions. Councils are usually authorized by their charter to adopt additional rules of procedure, which vary from one locality to another. Those adopted by the Roanoke city council, for example (reprinted in the "resources" section), are relatively simple. They cover such items as:

- Meeting schedule
- Special meetings
- Duties of the mayor and vice-mayor
- Order of business during regular meetings
- Consent agenda
- Public hearings
- Reconsideration of questions

Some councils adopt *Robert's Rules of Order Newly Revised* (10th edition) as general rules of parliamentary procedure. The advantage of adopting *Robert's Rules* is that the rules are commonly used and are probably familiar to most citizens. The disadvantage to using them is that they are complicated and designed to be used by large parliamentary bodies. They often do not work well with a small body such as a municipal council; for example, the presiding officer of the council has the right as an elected official to speak on matters, make motions, and

## **DRAFT Guidelines for Citizen Participation**

Town Council meetings are open to the public, except when the Council votes to confer on certain matters in closed session.

A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is a privilege provided to permit Cape Charles residents and property owners an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

### **Registering**

Persons having an interest in making comments to the Town Council during the Public Comment period must register on a sign-up sheet including their name and residential address, indicating the item on which they wish to speak. Speakers must choose whether to speak on Agenda item(s) or as a non-agenda speaker ~ but not both. The sign-in sheet is available at the main entrance to the Council meeting, and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

### **Regulations**

#### **Cell Phone and Recordings**

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be from the side aisles, back of the room or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder should take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting.

### **Speaking**

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall proceed to the speaker's podium and adjust the microphone to the level of their mouth. Speakers should speak into the microphone to insure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and address and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.

- Speakers shall address remarks to the Mayor and Members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- If a written statement or other supportive material is available, it should be delivered to the Town Clerk for the record.
- Speakers shall refrain from political statements, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.

### **Time limitations for remarks**

Speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded. Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes. The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently. After a speaker has concluded his or her remarks, the speaker should be seated.

### **Decorum and order**

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted at a Town Council meeting or within fifty (50) feet of the doorway to the meeting location.
- Items that may be disruptive to other attendees (e.g. noisemakers, etc.) are not permitted in the meeting room.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or City Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms, or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.

- Applause shall be permitted only during awards and presentations. At all other times a speaker may request an expression of consensus, support, or opposition by calling for a show of hands or for members of the audience to silently stand.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final.
- Furthermore, nothing herein shall be interpreted to prohibit speakers or any citizens from addressing oral or written comments or complaints on any subject to the Town Council, its constituent members, the Town Clerk, or Town administration, outside of the context or time frame of a Town Council meeting.

### **Town Council Response**

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council at its discretion may direct that matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens the Town Government.

**Thank you** for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.

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\*Public Participation and Public Hearings

- 1) A sign up register is to be provided for those wishing to address the Council and Mayor in the public participation section of the agenda. Each speaker addressing the Council shall give his name and address in an audible tone of voice for the record. All remarks shall be verbal and addressed to the Council and Mayor and not to any member thereof.
- 2) All persons wishing to speak should sign the register.
- 3) Speakers are requested to leave written statements and/or comments with the Town Clerk.
- 4) Decorum will be maintained. This includes a common courtesy from the audience, the staff, the Mayor and Council to the speaker and from the speaker to the audience, the Mayor, the Council and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.
- 5) Persons addressing the Council, including all representatives (including attorneys) of those persons wishing to address the Council and Mayor, shall be limited to three (3) minutes.
- 6) Persons addressing the Council and Mayor shall not use inappropriate language or verbally attack the Mayor or any Council member or any member of the public.
- 7) Any person whose behavior is disruptive shall be asked to leave the meeting room.
- 8) Persons may not question individual council members or staff members without unanimous consent of the Council.

- 9) Persons addressing the Council at a Public Hearing shall limit their comments to the issue of the Public Hearing.
- ✓10) A speaker may reserve their time, but shall not delegate their time to another speaker.
- 11) When the speaker's time is up, an audible signal will indicate that the speaker's time has lapsed. The speaker must relinquish the floor to the next speaker. Staff will notify the Mayor that the speaker's time has expired. Speakers continuing after time allotted shall be ruled out of order by the Mayor.

The Mayor has the right and duty to maintain proper order in accordance with these rules.

\* Time limits for presentations made by applicants or their representatives which are the subject of a public hearing will be determined by the Mayor and Council.

## **City of Williamsburg**

### **PUBLIC PARTICIPATION IN COUNCIL MEETINGS**

The City Code permits the public to speak during a Public Hearing or Special Privilege. No person other than a member of the Council or an officer of the City shall be allowed the privilege of speaking in a Council meeting unless by majority vote of the Council. Code Sec. 2-30.

The Council may permit persons to speak during an "open forum" session. At that time, such persons may address the Council on any topic. Whenever possible a "Speaker's Card," available at the entrance to the Council Chambers, should be completed and given to the Clerk of Council prior to the meeting.

Speakers will normally limit their remarks to three minutes, and speak only once until others who desire to speak have been heard. All speakers will only speak when recognized by the chair, and will address the chair. No dialogue between speakers shall be permitted.

### **COUNCIL MEMBER CONDUCT**

Every member who wishes to speak must first respectfully address the Chair, and not proceed until recognized by the Chair. He will confine himself to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor, and is entitled to close debate after each member who wishes to speak has been allowed to do so.

### **RULES OF CONDUCT FOR TV CAMERA CREWS IN COUNCIL CHAMBER**

To preserve Council Chamber decorum, and minimize Council and audience distractions, television cameras are to be confined to the area behind the bar. In special circumstances, the City Manager may permit a camera to be set up adjacent to the left front exit of the chamber.

Interviews in the chamber are permissible before and after meetings. However, no interview or live narration will be allowed in the chamber during the proceedings of a meeting. The Assistant City Manager will be responsible for informing camera crews of the rules of conduct upon their entering the chamber.

# City of Richmond

## Excerpts from Rules of Procedure for City Council

**Citizen Comment:** A time shall be established during each meeting of Council for citizens to address the Council on any item which is not on the agenda for that meeting. Citizen Comment is an opportunity for citizens to present comments and information to the Council. Council may request that the staff prepare a report or take other action in response to any citizen's comments; or Council may instead decide to put the matter on a subsequent agenda for further discussion or action or both,

The hearing of citizens concerning the services, policies and affairs of the City shall not exceed thirty minutes. Each citizen desiring to present any matter concerning such services, policies and affairs shall be allotted such time within the thirty-minute period as determined and allotted by the President of the Council, but not to exceed three minutes. Every citizen desiring to present a matter to the Council as herein specified shall, no later than 12:00 noon on the date of the meeting at which such citizen desires to be heard, make request to the City Clerk for an allotment of time. No citizen shall speak on any matter of business which is the subject of an ordinance or resolution included on Council's docket for that day.

Speakers shall supply the Clerk, when requesting time, a description of what their topic will be, their full legal name and address (including street name and zip code), and home and business telephone numbers, if applicable, and then they shall speak on that subject. Failure to stay on that topic will result in forfeiture of the remaining time that had been allotted to the speaker. No person who refuses to provide any of the information required by this paragraph shall be permitted to speak during the Citizen Comment period.

An individual may appear before the Council during the Citizen Comment period no more than four times per year and no more than once within a three-month period.

**Improper Comments and Conduct:** Persons appearing before the Council 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 official duties.

# **City of Richmond**

## **Consent Agenda**

Items listed on the Consent Agenda are considered routine and non-controversial. The consent agenda provides a method for the expeditious handling of items that do not require discussion and will be approved unanimously by a single roll-call vote of Council. The public may speak to any item on the Consent Agenda when the public comment period is announced by the president. Any person speaking to one or more items on the Consent Agenda will be allotted a total of three minutes.

## **Citizen Comment Period**

The Citizen Comment Period is an opportunity for citizens to address Council concerning the services, policies, and affairs of the city and to discuss issues not on the agenda for the business meeting. However, you must schedule your appearance with the Office of the City Clerk no later than 12 noon on the date of the meeting. Each speaker will be allotted three minutes to make their comments.

An individual may appear before Council during the Citizen Comment Period no more than four times per year and no more than once within a three-month period.

## **Guidelines for Citizen Participation \***

- The maximum time allotted to persons speaking to any matter under consideration by the Council shall not exceed 30 minutes for the proponents and 30 for the opposition.
- Speakers should state their full legal name, any organization(s) they represent and any economic or professional relationship(s) that would benefit by the adoption of the paper(s) they are addressing.
- Speakers will not be permitted to address or question the Chief Administrative Officer, the City Attorney, the City Clerk, or any staff member directly.
- Questions should be directed to the President, who may at their discretion, solicit a response.
- Applause is permitted during the Awards and Presentations Period only.
- Persons speaking to Agenda items shall be limited to three minutes. However, no individual from the public may speak for more than 10 minutes total during the business meeting.
- Citizens may express their views in writing in lieu of an oral presentation.

# **Town of Vinton**

## **Guidelines for Citizen Participation**

### **How to Request Placement on the Agenda**

If you would like to present matters of concern before the Town Council, please submit a completed Request to Appear Before the Town Council form to the town clerk at least five working days prior to the meeting. Citizens' concerns will be heard under the Citizens' Comments and Petitions item of the agenda.

### **Guidelines for Citizen Participation**

In addition to silencing cellphones, showing respect for all speakers, and allowing all opinions to be expressed in a tolerant atmosphere, please adhere to the following guidelines when presenting before the Town Council:

- Speak at the podium
- State your name and address and if you are representing a firm, a group, or a corporation
- Direct comments to Town Council members only
- Please limit speaking time to a maximum of three minutes
- Speak only once during a specific hearing or comment period

### **Restrictions**

The following actions are not allowed when appearing before the Town Council:

- Bring any animals into the Town Council's chambers (except for service animals)
- Campaign for public office
- Debate among the audience
- Engage in personal attacks
- Promote private business ventures
- Use profanity or abusive language

**REQUEST TO APPEAR BEFORE VINTON TOWN COUNCIL**

**MEETING DATE:** \_\_\_\_\_

**SUBJECT:** \_\_\_\_\_

I would like to be recognized by the Mayor during the meeting so that I may comment on the above subject matter. When called on, I will give my name and address for the record.

**I AGREE TO ABIDE BY THE FOLLOWING GUIDELINES:**

- Each speaker will be given the opportunity to speak whether speaking as an individual or representative of a group or organization. The Mayor may decide a time limit based on the number of citizens speaking on an issue.
- Each speaker will be limited to a presentation of their point of view only. Questions of clarification may be directed by members of Council.
- All comments must be directed to the Council. Debate between a recognized speaker and audience members is not allowed.
- Both speakers and the audience will exercise courtesy at all time. (No abusive language is allowed.)
- Speakers are requested to leave any written statements and/or comments with the Town Clerk.

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**PLEASE PRINT LEGIBLY AND GIVE TO THE CLERK**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

## City of Roanoke, VA

### GUIDELINES FOR CITIZEN PARTICIPATION

The Roanoke City Council aims to provide a high quality of service, in a safe and secure environment. In order to achieve this, the following behavior will not be accepted.

- Behavior which is disruptive and interferes with the process, function, and enjoyment of the meeting;
- Harassment or the threat of violence toward City Council, staff, or members of the public; and
- Use of mobile communication devices while in Council Chambers.

Your assistance will be greatly appreciated.

#### If you wish to address the Council:

Any person wishing to address Council will be required to call the City Clerk's Office prior to the Monday Council meeting, or register with the staff assistant at the entrance to the Council Chamber prior to commencement of the Council meeting. Once the Council meeting has convened, there will be no further registration of speakers, except for public hearing matters. If you would like your comments to be made a part of the record, please file a copy with the City Clerk.

A spokesperson may be named to present a group position, with others in agreement being recognized by standing. Council will try to hear everyone who wishes to speak on a subject, but occasionally discussion is limited because of time. On any single agenda item, one to four speakers will be allotted five minutes each and five or more speakers will be allotted three minutes each.

#### When you are called upon to speak, you are requested to:

1. Come to the speaker's podium.
2. State your name, address, the party that you represent and direct questions to the Mayor.
3. Address your remarks to the Mayor and Members of Council and not to the audience.
4. File all written statements, along with other documentation, with the City Clerk.

#### Persons appearing before Council will not be allowed to:

1. Campaign for public office.
2. Promote private business ventures.
3. Engage in personal attacks.
4. Debate among the audience.
5. Use profanity or abusive language.
6. Jeer, cheer, or applaud, except during ceremonial matters.

***Thank you*** for taking time to participate in your City Council meeting. The Mayor and Members of Council invite and encourage you to attend whenever possible because good government depends on the interest and involvement of citizens.

# City of Newport News

## Guidelines for Citizen Participation

Citizens are welcome and encouraged to both attend and participate in regular council meetings. If you are interested, please read all the sections below that discuss the process including registration and conduct.

Remember, Newport News City Council meets regularly 7:00pm on the second and fourth Tuesdays of each month in the City Council Chambers located behind City Hall at 2400 Washington Avenue.

### Registering:

Every item on the agenda of a regular meeting of Council is open to discussion by anyone attending the meeting. Persons having an interest in any agenda item who desire to comment, shall fill out a card with their name and residential address, indicating the item on which they wish to speak. Under the agenda item "Citizen Comments on Matters Germane to the Business of City Council", citizens may address City Council on matters not on the current agenda. The cards shall be available at the main entrance to the Council chambers and should be given to the City Clerk or her designated representative prior to the meeting. The Mayor will recognize speakers when the agenda item they are interested in is called. Speakers will be asked to approach the podium in front of City Council when their name is announced. Under agenda item, "Citizen Comments on Matters Germane to the Business of City Council," citizens may address City Council on any matters not listed on the agenda.

### Regulations:

- Cell Phone and Recordings
  - Ringers on cell phones or pagers shall be turned off during the time that persons are in the City Council Chambers.
  
- Taking of photographs and video or audio recordings, etc.
  - The taking of photographs and video or audio recordings of a speaker or the activities during a regular meeting of City Council shall be from the side aisles. During regular meetings of City Council, no flashes or lighting devices may be used by photographers or operators of video recording equipment.
  - During prefatory meetings of City Council, the taking of photographs and video or audio recordings of a speaker or the activities thereof are permitted from the center aisle; however, the photographer or recorder should take steps to avoid obstructing the center aisle for any length of time in such a manner as to prevent others from taking photographs, or to block the view of others attending the City Council meeting.

### Speaking:

When a speaker is called by the Mayor, the following is required:

- Speakers shall proceed to the speaker's podium and adjust the microphone to the level of their mouth. Speakers should speak into the microphone to insure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and address.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask

others from their group or organization to stand at their seats while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with speakers at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways of the City Council chambers. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.

- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe City Council should consider.
- If a written statement or other supportive material is available, it should be delivered to the City Clerk for the record.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.

**Limitations:**

Speakers shall confine their remarks to no more than five (5) minutes when addressing City Council on any agenda item. If the electronic device on the podium is available it will signify when five (5) minutes have concluded by lights that change from green, to yellow and finally red. If the electronic device is not available, speakers will be advised when their five (5) minutes have concluded. Speakers cannot "transfer" nor "designate" their time to another speaker in an effort to provide another speaker more than the allotted five (5) minutes on any agenda item. After a speaker has concluded his or her remarks, the speaker should return to his or her seat unless a member of City Council indicates that he or she has a question to address to the speaker.

**Decorum:**

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted in the Council chambers, the Council conference room, or the waiting area and corridors adjacent to the chambers and conference room or within fifty (50) feet of the doorway to the Council chambers, Council conference room, or the waiting area and corridors adjacent to the chambers, Council conference room, and the building containing the Council chambers.
- These regulations do not preclude speakers, when addressing City Council, from delivering to the Council members by way of the City Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these regulations preclude those addressing City Council from using a chart or graph during their verbal presentation.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or City Manager, one or more persons, including City police officers shall act as sergeant-at-arms or sergeants-at-arms at all City Council meetings. The sergeant-at-arms, or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council chambers, the Council conference room, and the waiting areas and corridors adjacent thereto, and shall prevent disorder or interruption of the business of City Council.
- Furthermore, nothing herein shall be interpreted to prohibit speakers or any citizens from addressing oral or written comments or complaints on any subject not germane to the

business of City Council, to City Council, its constituent members, the City Clerk, or City administration, outside of the context or time frame of City Council's regular, prefatory or special meeting(s).

The City Council hopes these Guidelines will encourage the greatest possible participation by citizens the City Government.

Thank you for your interest in our City Council meetings. Good, responsive government depends on the interest and involvement of all citizens.



AGENDA ITEM:

Public Comment

ITEM TYPE:

Public Comment

MEETING DATE:

August 28, 2012

CHAIRMAN'S OPENING STATEMENT FOR PUBLIC COMMENT PERIOD:

"At this time, the Board will hear Public Comment from those registered to speak. Please come to the Podium as I call your name, and please restate your name, mailing address and any organization you represent. Each speaker will have three minutes for comments beginning with the green light on the Podium, with 1 minute remaining when the green light begins blinking and 30 seconds remaining to conclude when the yellow light appears. Speakers are reminded that Board members and staff will not address questions or otherwise engage speakers during the Public Comment period."

RULES GOVERNING PUBLIC COMMENT PERIOD:

The following is excerpted from the By-Laws of the Washington County Board of Supervisors, Article 8., Conduct of Meetings of the Board of Supervisors):

8.7. A period for Public Comment shall be provided as part of the Agenda for the Board's regular monthly meetings. The Public Comment period is a privilege provided to permit Washington County residents or property owners an opportunity to address the Board on legitimate matters of county business. This period shall not extend beyond 7:00 p.m. and shall be governed by the following provisions:

a. The Public Comment period shall be strictly limited to three (3) minutes per speaker and restricted to residents of Washington County or owners of property located within Washington County. The matters on which speakers may address the Board shall be limited to legitimate matters of county business. No speaker shall engage in political statements, personal attacks upon members of the Board of Supervisors, county employees or officials, or any other person, nor are speakers entitled to use abusive language or discuss matters outside of the authority of the Board of Supervisors. Matters subject to a public hearing scheduled for the same meeting shall not be addressed during the Public Comment period. Violation of these rules shall enable the Chairman to rule the speaker out of order and by directive to have the speaker removed from the meeting, if necessary, and to take such other steps the Chairman deems appropriate, including bringing charges against the speaker in the name of the Board of Supervisors. Any speaker removed from the meeting once or ruled out of order twice within a twelve (12) month period shall have their privilege to speak before the Board during Public Comment suspended for one (1) year. The Chairman's decision to remove or rule a speaker out of order shall be final and unappealable.

b. All persons wishing to speak during the Public Comment period must register to do so on a sign-up sheet available immediately prior to and during the period. Speakers shall address the Board from the Podium upon recognition by the Chairman, whereupon they shall identify themselves, any title and organization they represent, and provide a mailing address. The Chairman at his discretion may provide a verbal advisory to a speaker at the Podium after two (2) minutes and thirty (30) seconds have elapsed to conclude comments. A timing device may also be used.

c. Board members or county employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. Matters raised during the Public Comment period may be discussed during Board Member Reports and the Board at its discretion may direct that such matters be placed on the Agenda of a future meeting.

d. The provisions of this subsection shall be stated on the Public Comment sign-up sheet. Speakers shall acknowledge their understanding and agreement to abide by these provisions by registering to speak.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Consent Agenda		<b>AGENDA DATE:</b> November 15, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Review information regarding the Consent Agenda		<b>ITEM NUMBER:</b> 2B
	<b>ATTACHMENTS:</b> Information from VML		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

According to the Virginia Municipal League (VML), the purpose of a consent agenda is to streamline meetings. The consent agenda combines routine or non-controversial business into one item that is voted on as a group with a single roll-call vote. Typical items handled in this manner are the approval of the minutes of previous meetings, approval of departmental reports, documents for information only, etc.

If Council wanted to discuss an item in the consent agenda, that item would be moved to an agenda item and considered separately.

**DISCUSSION:**

Information from the VML Handbook for Virginia Mayors and Council Members and the Handbook for Clerks is attached for review.

The Town Council agendas currently include the consent agenda section but we have not been using the procedure in the manner it was intended. This proposed change to our agenda format would help streamline many of the administrative or housekeeping matters and enable more time to be spent on issues of importance.

**RECOMMENDATION:**

Staff recommends Council review and discuss the consent agenda for possible implementation.

At the end of the agenda, the clerk may include a calendar showing the time and place of upcoming meetings, or specify the deadline for requests to have items included in the next agenda.

### **Format**

The agenda is often arranged in outline form, using roman numerals and letters of the alphabet to designate the main and second-level items, respectively. Some localities prefer a simpler consecutive list, using ordinal numerals (1, 2, 3). Whatever form is used, the clerk should make sure that all supporting materials are clearly marked to indicate the corresponding agenda item. Some clerks recommend placing an asterisk (\*) or bullet (•) in front of agenda items that have supporting materials attached. If supporting documents are supplied in printed form, they can be put in a three-ring binder, with tab markers corresponding to the numbers of agenda items.

Several sample agendas are included in the appendix.

### **Consent Agenda**

To streamline meetings, the consent agenda combines routine or non-controversial business into one item that is voted on as a group with a single roll-call vote of the governing body. Matters commonly handled this way include the minutes of previous meetings for approval, departmental reports, and documents submitted for information. Some localities may authorize the receipt and use of routine state appropriations through the consent agenda. To decide which items might be included in the consent agenda, the clerk and administrator/manager can review the meetings for previous months and pull out items that generated little or no discussion. If anyone at the meeting wants to discuss an item in the consent agenda, that item must be removed and considered separately.

### **'Paperless' Agenda Packets**

With the increasing availability of technology, some local governments are experimenting with paperless agenda packets, which are both collected and distributed by email. Typically, the clerk requests that the administrator/manager and department heads submit supporting documents for the agenda in the form of email attachments. (If the document is available only in hard copy, it can be transferred to a personal computer using a scanner.) Once the agenda is prepared, it is placed in an email message, along with the previously received attachments that contain supporting documents. This paperless agenda packet is then distributed electronically to council or board members, as well as to the administrator/manager, attorney, department heads, and others on the clerk's distribution list.

## APPENDIX H Sample Town Agenda

*Note: This agenda is included here as a sample document only, and is not intended to represent an actual meeting of the named town council. Some items have been abridged.*

To New Market Town Council  
Ripley R. Click, Mayor  
Donald M. Thompson, Vice Mayor  
Gary D. Comer, Councilman  
Donald R. Fuller, Councilman  
Harry L. Lam, Councilman  
Miller H. Roberts, Councilman  
Earl H. Shelton, Councilman

A regular meeting of the New Market Town Council will be held in the Council Chambers of the Arthur L. Hildreth, Jr. Municipal Building on Monday, \_\_\_\_\_, 20\_\_\_\_, at 7:30 pm.  
A full attendance is requested.

Brad Corcoran  
Town Manager

### TENTATIVE AGENDA

Consideration of:

- I. Call to Order and Establishment of a Quorum
- II. Pledge of Allegiance
- III. Invocation
- IV. Recognition of Visitors
- V. Consent Agenda
  1. Minutes for \_\_\_\_\_, 20\_\_\_\_
  2. Financial Statement for \_\_\_\_\_, 20\_\_\_\_
- VI. Public Hearings
- VII. Citizens' Comments and Petitions
- VIII. Announcements—Mayor Click
- IX. Town Manager
  - \* 1. Requests by the New Market Area Chamber of Commerce
  - \* 2. Appointment of Representative to the Shenandoah County Economic Development Partnership
  - \* 3. Appointment of Trustees to the New Market Area Library
  - \* 4. Town Manager's Report
  5. Request for Closed Meeting, Pursuant to Section 2.1-344A.7 of the 1950 Code of Virginia, as Amended, to Discuss Legal Matters related to Possible Litigation and Contractual Agreements with the Potomac Conference of Seventh-Day Adventists.
  6. Certification of Closed Meeting
  7. Other

\* Denotes that supporting documentation is included in the packet.

**X. Committee Reports**

1. Finance & Personnel
2. Water & Sewer
3. Public Safety
4. Streets, Property, & Power
5. Park & Recreation
6. Travel, Tourism, Economic Development, & Historical Preservation
7. Planning Commission

**XI. Mayor's Comment**

**XII. Council Comments**

**XIII. Adjournment**

Many Americans are at least slightly familiar with *Robert's Rules* because it is so widely used in this country. That is an advantage in adopting *Robert's* to cover the conduct of business.

*Robert's Rules* is a complicated set of rules running several hundred pages. Almost all of it is designed for large groups where informality and spontaneity must give way to fairly inflexible rules if the group is to accomplish anything. In a group of 30, a full set of rules is helpful; in a group of 100, it is highly desirable; in a group of 500, it is absolutely essential.

In contrast, a council is not a large group. *Robert's Rules* includes a more informal and relaxed set of rules for smaller bodies (*Robert's Rules*, 2000, pp. 470-71). Under this provision, most of the usual parliamentary rules apply but with several exceptions, particularly these:

- A member may speak without being recognized by the chair.
- No limit is placed on the number of times a person may speak.
- Motions need not be seconded.
- Informal discussion is permitted before a motion is made.
- The mayor can participate in discussion, make motions, and vote.

Thus a council has a choice between the familiar part of *Robert's Rules* or the less well-known part for smaller bodies. If you choose the rules just described for smaller bodies, you should note this in your organizing resolution. Or you can provide in the resolution that only some of these provisions, but not all, are included in your rules (you must specify which ones). If you choose the familiar portion of the rules, be aware that council deliberations will routinely violate *Robert's Rules*.

Regardless of the rules you choose, remember that a good set of rules is one that will help the council accomplish what it wants to do. If the rules are so complicated or rigid that they frustrate the members, or if they divert attention from substantive issues to procedural ones, they are not serving you well. If your council finds itself in a procedural impasse at a meeting, the best thing to do is back off, withdraw existing motions, and start again.

### **Agendas**

An agenda is a planning document, not a contract. It cannot bind the council if the majority wants to deviate from it. If it is constructed carefully, however, council members will find that it is in their best interest to stick closely to it. The quality of the meeting will depend heavily on the extent to which the members do their homework.

The basic purpose of a meeting is to reach sound policy decisions. A second purpose, almost as important, is to communicate with citizens in a way that will help them understand the options and (in the long run) participate in resolving problems. In working toward these goals, a council is often pulled between the demands of the moment and the needs of the future.

Here are some ways to emphasize policy discussion while minimizing the time spent on less important matters.

- A **consent calendar** includes items that are less important and seem to be free of controversy. Many are administrative or housekeeping matters. Before the vote, any council member may request the removal of an item from the consent calendar; that item is then discussed and voted on separately. The consent calendar is approved with a single motion and vote.
- Most councils have a **citizen comment time** when a citizen may bring up any matter of concern. Scheduling that time near the end of the meeting, rather than at the beginning, helps to ensure that the council will focus on general policy matters.
- The agenda for a regular meeting should include only those items ready for decision. Until the facts and significance of a case are known, a council meeting is not a good place to have a general discussion about how to dispose of a particular problem. In contrast to a regular meeting designed for decisions, a **work session** may include discussions of problems that are looming on the horizon but are not yet ready for resolution.

One goal in all meetings is 'no surprises.' An agenda should be distributed several days before a meeting, so that the council members have a chance to become familiar with all the items. Only subjects on the agenda should be considered at a meeting, except where an emergency exists. There is no emergency simply because a member is terribly anxious to get a non-agenda item approved.

### **The Business of the Meeting**

A council makes most of its policies by passing an ordinance or resolution. An *ordinance* is a local law, comparable to a statute at a state or national level. Ordinances set policies and regulate behavior, and they have a continuing effect (that is, they remain in force until they are changed). The Virginia constitution and laws contain numerous limitations on what kinds of ordinances can be passed by localities, and what procedures must be followed in passing those ordinances.

A *resolution* has a less permanent effect. For example, appointments, appropriations, and tax rates are valid for limited periods. Other resolutions have to do with the local government and its administration, but not with citizens generally. Resolutions have fewer limitations on the ways in which they must be considered and approved.

If an ordinance or resolution is generally favored by the council but is not yet in the kind of shape that makes council members comfortable about approving it, it is best to defer the matter so that additional work can be done on it before the next meeting. If the need for prompt action makes deferral unacceptable, a council may be able to suspend consideration of the matter while a small group of staff and interested persons try to write acceptable language, and then consider the matter again before the end of the meeting. The council itself should not try to

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Future Meetings		<b>AGENDA DATE:</b> November 15, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Discussion of the schedule for future Town Council meetings		<b>ITEM NUMBER:</b> 2C
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Currently, the Town Council Regular Meetings are scheduled for the second Thursday of each month. Agenda packets usually are sent out by Friday of the week prior to the meeting. The Freedom of Information Act requires the notice for the regular meeting notice to be posted three business days prior to the meeting.

**DISCUSSION:**

Several recommendations have been made regarding the timing of the regular Council meetings.

With the regular meetings scheduled for the second week of the month, many times, the cutoff for submission of monthly reports from the various departments, Boards and Commission fall on the last day of the previous month. This causes some difficulty for Departments, such as the Finance Department, regarding having to close out the previous month to run the reports to include in the Town Council Agenda packets. The Code Enforcement, Harbor and Police Department also experience difficulty providing the reports if due the end of the previous month or first few days of the current month.

The Town Council also holds their Work Sessions/Special Meetings on the fourth Thursdays of each month.

One solution would be to change the schedule to hold the Work Sessions on the second Thursday and the Regular Meetings on the fourth Thursday. This would allow sufficient time for the departmental reports to be finalized and the inclusion of summaries of the Boards and Planning Commission meetings and any action items resulting from their meetings.

**RECOMMENDATION:**

Staff recommends Council discuss the above issues for possible future implementation.