

To: Board of Trustees of the Champaign Public Library

From: Kathryn Cataldo, Asst. City Attorney

Best Practices in Public Meetings

As part of a larger project, the City's legal department is providing a refresher on best practices at public meetings to its Boards and Commissions, in particular for public comment. The attached guidance may be helpful and of interest to you as Board members of the Library.

Some primary takeaways I found interesting from the attached guidelines are:

1. Utilize established and consistent parameters for public comment.
Note: The Board's existing bylaws set public comment at 5 minutes per person.
2. Set expectations on public comment at the outset. For example, a statement inviting the public to speak, establishing the time limit, and requesting that the speaker state his or her name and city of residence prior to speaking.
3. Public comment provides input to a public body's decisionmaking; no individual member of the public themselves participates in decisionmaking.
4. In general, it is best not to respond to public comment, including entering into back-and-forth exchanges, which are better suited for personal discussions.

Please do not hesitate to reach out with questions or comments if you have them.

Kathryn



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Don't get into back-and-forth exchanges during public comment

By Ann Macfarlane (https://jurassicparliament.com/author/ann-macfarlane/) | March 6, 2018 | 6



(https://jurassicparliament.com/cheat-sheet-language-tips-meeting-management/microphone_321/)When city councils, school boards or other public bodies hold their meetings, it is usual to reserve a time in the meeting for members of the public to speak to their elected officials. One common name for this is the public comment period. We strongly recommend that elected officials should not get into back-and-forth exchanges with members of the public during the public comment period.

Whose meeting is it anyway?

In most states of the union, members of the public are authorized by state law to attend local government meetings. These laws may be called "sunshine acts" or "open public meeting acts." States usually allow members of the public to address their elected officials on matters of concern during the meetings. But though the local government meetings are HELD IN PUBLIC, they are not MEETINGS OF THE PUBLIC. The meetings belong to the local government body that is meeting.

What is the purpose of the public comment period?

The purpose of the public comment period is for members of the public to inform the governing body of their views. This is an important function and it is critical for the elected officials to listen with care to the public, and to consider what they hear in their deliberations. It is also critical for the elected officials to convey to the public that they care! Don't follow the example of a certain county in my home state of Washington, where the elected officials wander out to get coffee or check their cell phones while the public is speaking.

Why the public comment period is not a chance to dialogue

While listening with attention is critical, we believe that it is best not to enter into dialogue with the public during the meeting. It is highly challenging to give accurate responses on critical and complex issues on the spot. We have seen too many instances where the discussion degenerates into a back-and-forth exchange that ends up creating more heat than light. To use a slang expression, sometimes the meeting goes "down the tubes" and never really recovers. This can lead to a fraught atmosphere at future meetings, public outrage, and a general loss of confidence in the board or council.

What should you say?

In general, it is best not to respond at all to public comment. However, the chair may provide brief factual information, if appropriate. This must not degenerate into lecturing or criticism.

The best approach is for the chair to say, "Thank you for your comment" to each speaker. Keep a warm and pleasant expression if the speaker was complimentary, or a neutral face if not, and then move on to the next speaker. Don't play favorites with the public, and do your best to treat all speakers the same. Be sure to observe any time limits consistently.

How can you appear interested and concerned if you can't answer?

It isn't easy, but the chair and the members of the public body convey interest and concern by their body language. Ideally they should listen to each person speaking as if there were no one else in the room.

<https://jurassicparliament.com/public-comment/>

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Structuring the public comment period

You can also take structural steps to let the public know how much you care. We recommend:

- Announcing the policy at the beginning of each meeting, so people know they won't be getting answers to their questions or concerns during the public comment period.
- Providing a handout on the policy, including an invitation to submit comments in writing and other ways to make your views known.
- Having a staff person available so people with specific concerns can convey them, to be addressed after the meeting by the appropriate party.
- Establishing other channels to connect with your public, such as community forums, personal discussions, "coffee with the mayor," a form on your website, surveys, etc.

More information

Guidelines for Public Comment in Local Government (<https://wp.me/p67tAz-wT>)

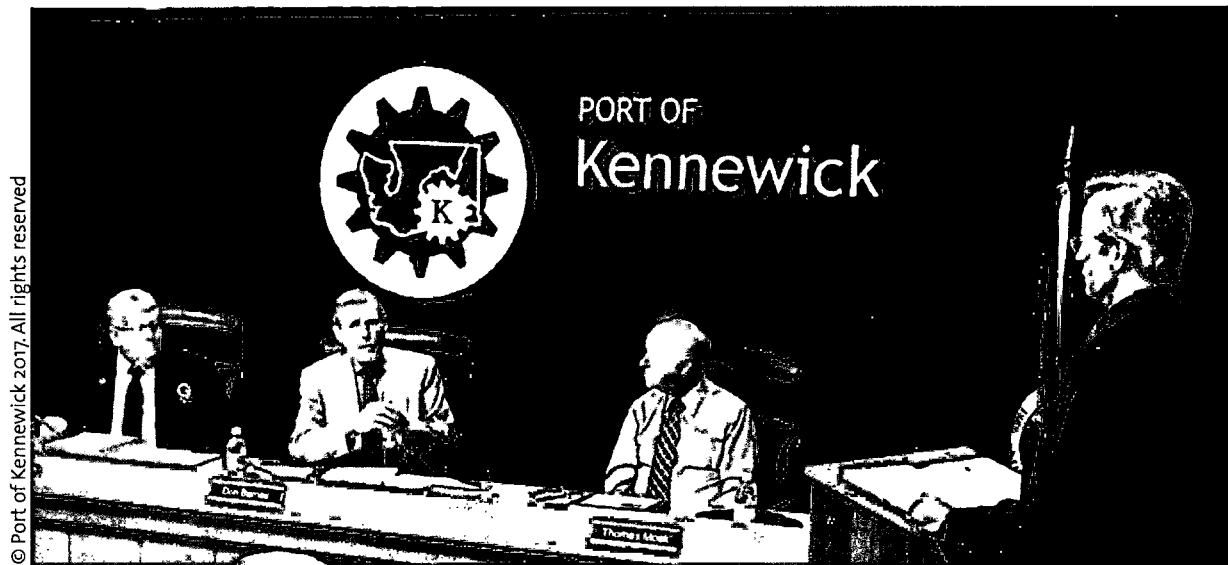
Don't include detailed public comment in meeting minutes. (<https://wp.me/p67tAz-wp>)

Download our Citizen's Guide for short and reader-friendly explanation of many aspects of local government meetings. Citizen's Guide to Effective Public Meetings (<https://jurassicparliament.com/citizens-guide/>)

Conclusion

With proper preparation and consistent implementation, the public comment period can be an important part of your meetings and help you serve your constituency well.

Guidelines for Public Comment in Local Government



The public comment period is an essential part of local government meetings. These are our guidelines for public comment periods in local government. They refer to ordinary business and work or study meetings of councils, boards and committees. Public hearings and quasi-judicial hearings are governed by different rules.

It is important for elected officials and for the public to be very clear about the purpose of the public comment period. This is an opportunity for members of the public to inform the governing body about their views. The meeting itself belongs to the governing body. The public does not PARTICIPATE in the decision-making. Instead, it PROVIDES INPUT to the governing body, which takes the input into consideration in making its decisions.

A governmental body must craft its requirements with care in order to to preserve the free speech rights of its citizens. If questions arise about the public comment period, consult your attorney. State law and regulations and your specific bylaws or rules of procedure have higher standing than Robert's Rules of Order, other parliamentary authorities, or these guidelines.

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► **TIME CONSIDERATIONS**

1. Establish specific periods for public comment during your meetings, in a way that is consistent with your community's expectations and customs.
2. Set a length of time by which each period will conclude, unless the council votes to extend it.
3. Set a time limit for each individual to speak.
4. Speakers may not give their time to other people.

► **WRITTEN GUIDELINES**

5. Provide printed copies of the guidelines and expectations.
6. Review the guidelines at the beginning of each comment period if necessary, and explain that this is the time for citizens and residents to express their views in order to inform the council. Explain that the council will not engage in dialogue with the public during this time.
7. The council has the right to set limits on what subjects may be addressed, how long public comment will be, and how many times people may speak. All such limits must be viewpoint neutral: they must not favor one point of view over another.

► **DURING PUBLIC COMMENT**

8. Check your state law as to whether you may require speakers to give their name and address.
9. Require all speakers to address their remarks to the chair.
10. Require all speakers to keep to the time limits. It is important to be consistent for the appearance of fairness. Some jurisdictions provide a visible public timer, so the speaker knows how much time is available.
11. The chair should thank each speaker, whether positive or negative.
12. In general, it is best not to respond at all to public comment. However, the chair may provide brief factual information, if appropriate. This must not degenerate into lecturing or criticism.
13. The chair must not under any circumstances enter into back-and-forth exchanges with the public. See our blog entry below for more information.
14. We recommend using surnames to address speakers. If you use first names for some speakers, use them for all.
15. Councilmembers refrain from speaking during this portion of the meeting.
16. Have staff ready to note input or questions from the public and to provide responses at a later date. Do not call on staff to give public answers on the spot.

► **BEHAVIORAL EXPECTATIONS**

17. Model courtesy and respect and encourage members of the public to do the same.
18. The public has the right to make critical and harsh remarks. Courts have consistently found that public bodies may not require members of the public to follow the rules of decorum that apply to council members themselves. (See our blog entry below for more information on decorum rules.)
19. Members of the public do not have the right to disrupt the meeting. However, mere words most likely do not constitute a disruption in themselves. All concerned should become familiar with case law on this point, and be able to determine when conduct becomes truly disruptive.
20. The council may prohibit demonstrations (booing, hissing, clapping). These can be chilling to discourse and inhibit free speech, both on the part of the elected officials and of the public.

21. Consult with your attorney and develop an action plan for steps to take in case of disruption. The League of California Cities has excellent material available on their website. In cases of serious disruption, state law may allow you to adjourn the meeting to a different location.
22. Be very cautious about ordering a disruptive member of the public to leave the meeting. It may be advisable to give three warnings to cease from the disruptive behavior before taking any action. Consult with your attorney before doing this.

► **RESPONSIVENESS TO THE PUBLIC**

23. The body language and manner of the chair and other elected officials are critical to running successful public comment sessions. Councilmembers should listen to each person speaking as if there were no one else in the room.
24. Councilmembers should keep an interested expression on their faces and refrain from checking electronic devices, whispering to each other, or otherwise demonstrating lack of interest in what the public is saying.
25. It is helpful to see oneself on video in order to gauge the impression given to the public. We recommend a facial expression that projects warmth and genuine interest. If a speaker is highly negative, it is appropriate to keep a neutral, serious expression. Do not frown, grimace, sigh, or roll your eyes.
26. It is vital for elected officials to be responsive to their public, and to appear responsive. Given the limitations on the public comment period, we recommend establishing other channels to connect with your public, such as community forums, personal discussions, “coffee with the mayor,” a form on your website, surveys, etc.

► **OTHER CONSIDERATIONS**

27. The council has the right to invite anyone to speak whom it wishes to hear from at other times than the public comment period. This is done by unanimous consent or a majority vote.
28. Provide clearly marked paper inviting individuals who are not heard during the public comment period due to time constraints to provide written comment for the council.
29. We recommend that detailed public comment should not be included in the minutes. It is sufficient to say, “Public comment was given.” See our blog entry below for more information.

► **SAMPLE POLICY**

- Now is the time to hear from our public. We welcome your comments which are very important to us. Note that all comments are limited to three minutes.
- As a reminder, please go to the podium to comment. It is helpful for the council if you would give us your name. Please address your remarks to the chair.
- Note that we will not be entering into dialogue at this time. The purpose of this agenda item is for YOU, the public, to inform US, the council, about your views.
- If members of the public have factual questions, staff will be glad to address them. Please speak with the executive assistant who is seated next to the dais.

More information:

- Don't get into back-and-forth exchanges during public comment
- Don't include detailed public comment in meeting minutes
- Citizen's Guide to Effective Conduct of Public Meetings
- Inappropriate remarks on local government councils

Do you have feedback on these guidelines for us? We are always eager to improve our publications. Visit our website at www.jurassicparliament.com/category/effective-local-government for much more information on local government issues. Contact us at info@jurassicparliament.com or 206-542-8422 with your suggestions. We look forward to hearing from you!

Guidelines for Public Comment in Local Government

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