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## **City of Gainesville Policy Program Preliminary Research & Analysis**

**TOPIC:** Improving Communication Opportunities between the  
Commission and the Community

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**REQUESTED BY:** City Commission

### **EXECUTIVE SUMMARY**

The Gainesville City Commission wishes to provide ample and a variety of opportunities for communication with the public. By increasing promotion of these opportunities, and transparency about what happens when communications are received, the Commission will improve public trust and meeting efficiency.

The following report explores all of the mechanisms available to the community when engaging with the City Commission and best practices in other jurisdictions, then offers options for improvement throughout.

### **HISTORY/BACKGROUND INFORMATION**

Community engagement is at the core of our form of government and public comment creates formal opportunities to provide input into actions contemplated by the City Commission. Some of the Commission's current practices are governed by state law, others are governed by local Resolution No. 190099, and still others have developed as informal practice over time.

<sup>1</sup> Updated to add weblinks at the end of the report, to include city attorney guidance on civility/decorum clauses, additional information about Alachua County's Board of County Commissioners, and for general updates and readability.

Florida Statute 286.0114(2) states that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission... This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting.”<sup>2</sup> Boards and commissions may create rules that guide this public comment process.

Local Resolution No. 190099 (7/18/19) establishes two opportunities for public input during Commission meetings: (1) General Public Comment and (2) Public Comment on Agenda Items. For both, speakers may use three minutes for their remarks, which must be addressed to the Commission as a body and not to any individual member thereof. General Public Comment is limited to issues not found on the meeting agenda and should last no more than 30 minutes for each period. Public comment at the end of the evening agenda is reserved for those who did not speak during a previous comment period, though the rules do allow “a person who has addressed the Commission during one public comment period in a meeting [to] be recognized by the presiding officer to speaker after other persons who have not spoken or given the opportunity... time permitting.”<sup>3</sup> Persons commenting on agenda items must limit their remarks to only the item being considered.

Civility and decorum is addressed by the Resolution and states that “[s]peakers at the podium addressing the Commission may use the City’s overhead projection system, as part of his/her comment as long as they are not obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval or disapproval, jeers or heckling are not permitting.” In the event of a disturbance or violation of the rules, the presiding officer may issue a warning and, if needed, shall direct the Sergeant-at-arms (here, the City Manager) to remove the violator from the room.

The research below is generally limited to other cities and municipalities in an effort to compare similarly-situated organizations. The Board of County Commissioners for Alachua County, however, sits just across the street from City Hall and community members might find themselves attending, and therefore comparing, the public meetings of each body. The County Commission’s Rules of Procedure became effective in 2016 and largely mirror city rules.<sup>4</sup> The rules indicate that at least one general public comment period will be made available at every meeting, although the county’s agendas tend to include between two and four, depending on the meeting’s structure. Speakers have a 3-minute limit and the Chair has the discretion to either extend or reduce time limits, based on the number of speakers. Anyone speaking within the definition of “lobbyist” must declare such when addressing the Board.<sup>5</sup>

Alachua County vests the Chair of the County Commission, as presiding officer, with the responsibility of “[p]reserving decorum and order, and in case of disturbance or disorderly conduct in the Board meeting room, may cause the same to be cleared or cause any disruptive individual to

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<sup>2</sup> [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0286/Sections/0286.0114.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.0114.html)

<sup>3</sup> <https://gainesville.legistar.com/View.ashx?M=F&ID=7549770&GUID=EB4DD8A4-B9BD-4A38-BADA-13272C825EC6>

<sup>4</sup> <https://alachuacounty.us/depts/hr/pages/PManual.aspx?nPolicyId=16-57>

<sup>5</sup> *Id.* at VI.B. 2 and 4

be removed.”<sup>6</sup> The Chair is also responsible for “expediting business in every way compatible with the rights of the Commissioners.”<sup>7</sup>

Section VIII of the Board of County Commissioners for Alachua County’s Rules of Procedure addresses “Citizen Input: Addressing the Board.” It begins by stating that, “[t]he Board recognizes [sic] public’s right to a reasonable opportunity to be heard and the value of citizens expressing their opinions to the operation of County government, and encourages citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.”<sup>8</sup> Sign-in and registration of public speakers may be required. The following is the County Commission’s expectation of decorum:

Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Board, or disturb any person having the floor. No person shall refuse to obey the reasonable orders of the Chair or the Board. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Board shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand may be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit.<sup>9</sup>

If a County meeting attendee is declared out of order by the presiding officer, the consequences nearly mirror those already held by the City Commission’s rules. The County Commission Chair will request that the attendee relinquish the podium or cease the disruption and, if they do not, the attendee is subject to removal from the room or premises and may be arrested. The same levels of escalation found in existing city rules are authorized by the county, except the latter states that, “the guidelines outlined [above] are for the benefit of the Board. No person is entitled to the procedures outlined above before removal from a meeting or a building or before being subject to arrest.”<sup>10</sup> As is presently the case in the City, the County Manager is the designated Sergeant-at-Arms during meetings and may direct the Sheriff’s Office to assist in performing these duties.

## **PRELIMINARY RESEARCH AND FINDINGS**

Healthy, productive, meaningful communication with the City Commission need not only occur from the podium during public meetings. By fostering the full spectrum of communication options, the Commission can meet the community where they are and remove barriers from their engagement. Early, earnest, and orderly communication also reduces frustration among community members who seek reassurance that their opinions have been heard and made part of the larger public record.

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<sup>6</sup> *Id.* at V.A.4

<sup>7</sup> *Id.* at V.A.6

<sup>8</sup> *Id.* at VIII.A.

<sup>9</sup> *Id.* at VIII.C.1.

<sup>10</sup> *Id.* at VIII.C.3.

The goal of this research was to find consistent and clear ways for the public to engage the Commission, and similarly consistent and clear workflows to manage this communication and ensure it is properly routed. As a wider goal, this research sought ways to build trust and minimize frustration so that the public understands that they don't need to appear at a public meeting in order to be heard. Therefore, this research looks at the range of methods for the community to engage the Commission's attention.

To provide adequate scope, 34 municipalities were studied in the preparation of this report. Twenty-one of them are Florida cities with populations exceeding 100,000 residents. Ocala was also included because of its proximity to Gainesville. The remaining studied jurisdictions are situated throughout the country and many are also homes to large universities.<sup>11</sup> Alachua County was also investigated for portions of this study, particularly those related to public participation in Commission meetings and the incorporation of written public comment into the record.

## **Generally**

To maintain high-level order, jurisdictions like Clearwater have a general policy that correspondence is responded to by the same method it was received. For example, letters are responded to by letter, emails are responded to by email, and phone calls receive a return call. Some jurisdictions have also created a communications policy whereby Commissioners agree to respond to or acknowledge incoming messages directed to them within a certain period of time.

## **Methods to Engage the Commission**

### **Telephone**

- **Now:** Members of the public may call and speak with or leave a message for a Commissioner.
- **Other Practices:** Madison, WI, has one hotline that the public can call to leave a message. These voicemails are distributed among all Commissioners at once.<sup>12</sup>
- **Recommendation Options:**
  - 1) No Changes to Current Practice, or
  - 2) Because the city's existing phone system already transcribes voicemails and sends them to the corresponding email boxes, the Commission could create a hotline that would automatically transmit messages to each Commissioner. It is not clear that this is a service that the community would find actually helpful at this stage but is worth remembering as a future option.

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<sup>11</sup> The studied jurisdictions are: Asheville (NC), Austin (TX), Bellingham (WA), Cambridge (MA), Cape Coral (FL), Cedar Rapids (IA), Charlottesville (VA), Clearwater (FL), Colorado Springs (CO), Coral Springs (FL), Durham (NC), Fort Lauderdale (FL), Gainesville (FL), Hialeah (FL), Hollywood (FL), Ithaca (NY), Jacksonville (FL), Lakeland (FL), Lawrence (KS), Madison (WI), Miami (FL), Miami Gardens (FL), Miramar (FL), Ocala (FL), Orlando (FL), Palm Bay (FL), Pembroke Pines (FL), Pompano Beach (FL), Port St. Lucie (FL), St. Petersburg (FL), Tallahassee (FL), Tampa (FL), West Palm Beach (FL), Winston-Salem (NC).

<sup>12</sup> [www.cityofmadison.com](http://www.cityofmadison.com)

### **Schedule an Appointment**

- **Now:** Members of the public may directly contact a Commissioner via any medium to request an in-person meeting. These requests are fulfilled based on a Commissioner’s individual availability and priorities.
- **Other Practices:** No jurisdictions have obviously unique systems in place for handling appointment requests and scheduling.
- **Recommendation Options:**
  - 1) No Changes Recommended to Current Practice, or
  - 2) Other changes as desired by the Commission

### **Write a Letter**

- **Now:** Letters addressed to an individual Commissioner are delivered directly. Letters addressed to the body are copied and distributed. Copies are also kept in a correspondence file by the Clerk’s office.
- **Other Practices:** In many jurisdictions, letters sent to the Commission commenting on an agenda item are incorporated into the record as public comment. When received by a certain date/time, they are attached in the backup. If not received by that deadline, they are distributed to the Commissioners directly, if possible, before the relevant business meeting.
- **Recommendation Options:**
  - 1) No Changes to Current Practice, or
  - 2) Create a clear pathway and policy for routing and recording of incoming mail. If a written letter containing public comment on an agenda item is received by the Commission or Clerk’s office 72 hours prior to the meeting being called to order, that letter will be incorporated into the meeting backup and provided to all Commissioners. Written public comment provided to the Commission within those 72 hours will be distributed to Commissioners and uploaded into the record as quickly as possible, though possibly after the meeting.

### **Email**

Presently, there are various routes for reaching Commissioners via email:

#### 1) Email to individual Commissioners

- **Now:** Each Commissioner maintains an @cityofgainesville.org email inbox and manages mail that comes directly to them. There is no standard system among Commissioners for acknowledging and responding to email, which leaves the public unclear about whether their messages were even received. Also, when multiple Commissioners are copied on the same message, a potential Sunshine issue arises when responding. The current practice is that one Commissioner will “reply all” in these circumstances and others may reply directly, as they choose.
- **Other Practices:** No jurisdictions have obviously unique systems in place for handling individual emails to Commissioners.

- Recommendation Options:
  - i. No Changes to Current Practice, or
  - ii. Commissioners could set an “auto-response” on their in-box to immediately notify senders that their message was received. The auto-response could include information on what the sender can expect next (i.e. under what circumstances and within what timing they should expect a personal response), and/or
  - iii. Commissioners might consider a policy by which they agree to respond to acknowledge incoming email within a particular amount of time.

## 2) Email to the Full Commission

- Now: The public may email one email address ([citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org)) to reach all Commissioners. The current practice is that one Commissioner will “reply all” in these circumstances and others may reply directly, as they choose. But, many messages receive no response or acknowledgement at all.<sup>13</sup> These practices heighten emotion among the public and should be proactively addressed.
- Other Practices: Many jurisdictions use a single method (either one email address or an online contact form) to reach the entire body with one message. In those cases, like in Clearwater (FL)<sup>14</sup> and Cambridge (MA),<sup>15</sup> the Mayor or presiding officer responds to correspondence addressed to the full body. Also, in Cambridge, those emails addressing an agenda item of business and received by a time certain prior to the Commission meeting, are incorporated into the record as public comment. Alachua County’s Commission uses this practice, as well.<sup>16</sup> Other jurisdictions, like Charlottesville (VA),<sup>17</sup> include the city manager and city clerk as recipients of messages received through this stream.
- Recommendation Options:
  - i. No Changes to Current Practice, or
  - ii. The Commission might consider a policy to ensure that each incoming message receives a response or acknowledgement within a particular period, and/or
  - iii. The Commission could replace [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org) with an online contact form (discussed in further detail below) which will allow routing and tracking of each message and its response. Moving away from the current email address and Outlook system management will provide a more streamlined and less congested way of managing these incoming messages, and/or
  - iv. Incorporate messages commenting on upcoming business agenda items into the record as written public comment.

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<sup>13</sup> A recent “snapshot” noted that of the 18 substantive constituent emails received through this inbox in one week, none had received any recorded responses.

<sup>14</sup> <https://www.myclearwater.com/home/showdocument?id=2082>

<sup>15</sup> <https://www.cambridgema.gov/~media/Files/citycouncil/20182019rulesadoptedon180129.ashx>

<sup>16</sup> For example: <https://alachuacofl.civicclerk.com/Web/GenFile.aspx?ad=21557> which is in the backup from this Agenda (item 12): <https://alachuacofl.civicclerk.com/Web/Player.aspx?id=470&key=-1&mod=-1&mk=-1&nov=0>

<sup>17</sup> <https://www.charlottesville.org/departments-and-services/departments-a-g/city-council/submit-a-comment-to-city-council>

### 3) Automatic Public Viewing of all Commissioner Emails

- Now: Since late 2014, all emails read and sent by Commissioners on their @cityofgainesville.org accounts have been released online to the public every evening. This practice has an arguably chilling effect on communication with the Commission. Members of the public who understand that their messages and concerns will be publicly broadcast may be reluctant to send email. More often, though, members of the public are not aware of this practice until their message is already sent because there is no way to warn them on the front end. It is also clear that Commission email accounts have been targeted by spammers and others as a free source of advertising as their messages are publicly broadcast daily.
- Other Practices: Of the 34 cities studied in this research, only Gainesville engages in this practice. The Alachua County Commission also publishes their email daily. The city of Jacksonville publishes only email messages transmitted to the full Commission body every day. Otherwise, in all jurisdictions, emails are available via public records request. There is no law that requires publication of all emails; this is a practice adopted by the City Commission approximately five years ago.
- Recommendation Options:
  - i. No Changes to Current Practice, or
  - ii. The Commission institute the online contact form referenced above and discussed in more detail below.
    1. Messages submitted via this platform may be made available pursuant to a public records request, or
    2. Messages submitted via this platform may be published daily to the city website. The contact form would then include a disclaiming note alerting the public that their messages will be published, and/or
  - iii. All other incoming email to the Commission should be made available via public records request.

### In Person at Public Meetings

Overview: Presently there is no structured system for managing public comment during meetings or providing follow-up when needed. Jurisdictions everywhere struggle to balance providing robust opportunity for public input at meetings with the need to conduct business and move the agenda forward. All studied jurisdictions have systems in place focused on creating an orderly and welcoming environment for the community to engage their public officials. And, all studied jurisdictions' rules provide for the body to waive these policies and practices by vote when in the public interest.

### General Public Comment

For the purposes of this report, General Public Comment is an opportunity to address the Commission on any subject not listed on the current business agenda.

- Now: Members of the public who wish to speak at General Public Comment have three opportunities at each Commission meeting – at the start of the 1:00pm agenda, at the start of the 5:30pm agenda and at the close of business. There is no requirement or opportunity

for speakers to sign-up or register. When the comment period begins, the floor is open for anyone to approach the podium and begin speaking. The comment period is closed when no other speakers wish to approach. Per the existing Commission rules, each General Comment Period is limited to 30 minutes. “A person who has addressed the Commission during one general public comment period in a meeting will be recognized by the presiding officer to speak after other persons who have not spoken are given the opportunity address the Commission, time permitting. Public comment at the end of the evening meeting is reserved only for those persons who did not speak at the 1pm or 5:30pm general public comment periods.” In the four Commission meetings in April and May, 2019, there were the following numbers of general public comment speakers: 19 (57 minutes), 12 (36 minutes), 28 (84 minutes), and 19 (57 minutes). These numbers reflect some speakers taking advantage of multiple general public comment opportunities in the same meeting.<sup>18</sup>

- Other Practices:

- Not all jurisdictions provide a General Public Comment opportunity at every meeting. Miami (FL), Miramar (FL), West Palm Beach (FL), Cambridge (MA), Cedar Rapids (IA), and Madison (WI) encourage residents to contact their elected officials prior to business meetings and do not offer general public comment. In Hollywood (FL), General Public Comment is at the Commission’s discretion and is only offered at the start of their evening Commission sessions. Durham (NC) only hears general public comment at work sessions, rather than at regular business meetings.
- Like Gainesville, some jurisdictions limit the total amount of time allotted for General Public Comment<sup>19</sup> while others limit the total number of speakers.<sup>20</sup> Fort Lauderdale (FL) prioritizes speakers who have not been heard from before or recently. In St. Petersburg (FL), only city residents, owners of property in the city, owners of businesses in the city and their employees may speak at general public comment. In Pompano Beach (FL), city residents and taxpayers speak first during general public comment. Austin (TX) specifies that members of the public may only speak at general public comment once out of every three scheduled meetings.
- All studied municipalities agree that speakers may have no more than one opportunity per meeting for General Public Comment. Some jurisdictions hear general public comment only once toward the start of the meeting<sup>21</sup> while others hear general public comment at the end of the agenda.<sup>22</sup>
- Orlando (FL) does not televise the general public comment portion of their meeting, which is the last item on the agenda. There is no law or legal requirement that the entire meeting be televised. The purpose of General Public Comment is for the Commissioners to hear citizens’ concerns.

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<sup>18</sup> An evaluation of four Commission meetings in April and May indicate that general public comment speakers are regularly speaking multiple times during each meeting. Across those four meetings, individuals spoke in multiple general comment periods per meeting 16 times. In most meetings, at least one member of the public spoke at each of the three general comment periods.

<sup>19</sup> Bellingham WA, Winston-Salem NC

<sup>20</sup> Fort Lauderdale, Austin TX, Asheville NC

<sup>21</sup> Charlottesville VA, Clearwater, Coral Springs, Ithaca, Lawrence KS, Miami Gardens, Ocala, Palm Bay

<sup>22</sup> Asheville NC, Orlando, Jacksonville, Colorado Springs CO, Hialeah, St. Petersburg, and Lakeland (which does have a public announcement portion of the agenda at the beginning of the meeting)



- Recommendation Options:
  - 1) No Changes to Current Practice, or
  - 2) Remove General Public Comment from the meeting agenda and ask the public to contact the Commission by other means with these concerns, or
  - 3) Revisit the number of General Public Comment opportunities available at each meeting or how many speaking opportunities each community member may have. This would equitably level the playing field for speakers who are unable to be present at both 1pm and 5:30pm by providing every interested member of the public with the same three minutes to address the Commission on items outside their business agenda, and/or
  - 4) Revisit the number of consecutive meetings at which a member of the public might speak, and/or
  - 5) Accept General Public Comment via other mechanisms (i.e. email, online form, etc.).

#### Public Comment on Agenda Business Items

- Now: Members of the public may speak to an agenda item when that item is before the Commission and the presiding officer calls for comments. State law requires that citizens be given a “reasonable opportunity to be heard on a proposition before a board or commission.” This opportunity “need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action.”<sup>23</sup>
- Other Practices:
  - Miami (FL) and Madison (WI) have created “Early Public Comment” to accommodate speakers who are unable to stay for their business item to be called by the Commission.<sup>24</sup> Early Public Comment is listed toward the beginning of the agenda and allows comment on agenda items before they are called. By participating during this period, the speaker waives their opportunity to speak again when the agenda item is officially called.
  - Hialeah (FL) limits speakers on agenda items to three in favor of the item and three opposed to the item.
  - Many jurisdictions also incorporate written public comment into the record for community members who are uncomfortable or unable to speak at the meeting.
  - There is also flexibility regarding the point at which public comment is heard. It need not be triggered by a motion and could be heard at any point, including all during an Early Public Comment period.
- Recommendation Options:
  - 1) No Changes to Current Practice, or

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<sup>23</sup> FL Statute 286.0114(2)

<sup>24</sup> [https://library.municode.com/wi/madison/codes/code\\_of\\_ordinances?nodeId=COORMAWIVOICH1--10\\_CH2STRUGOCOCO\\_2.29PERIADCOCO](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH2STRUGOCOCO_2.29PERIADCOCO)

- 2) Create Early Public Comment to accommodate members of the public who are unable to stay for the length of the meeting. Speaking during early public comment waives time during the agenda item, and/or
- 3) Accept Public Comment via other mechanisms (i.e. email, online form, etc.), and/or
- 4) Adjust the point in the Commission’s discussion at which public comment is heard.

### Timing/Aggregation

- **Now:** Speakers are granted three minutes for all forms of public comment. Visible lighting alerts the speaker when 1 minute remains and the presiding officer alerts the speaker when time has expired. There is presently no mechanism for a member of the public to transfer their time to another speaker.
- **Other Practices:**
  - But for a few outliers, three minutes is the standard speaking time. Orlando (FL), Lakeland (FL), Cedar Rapids (IA), and Durham (NC) allow five minutes. Miami (FL) allows two minutes. Palm Bay (FL) offers two extra minutes to speakers who register in advance of the meeting. In Hollywood (FL), if more than 10 speakers have registered, the Commission may reduce all speakers’ time from three minutes to two minutes.
  - Some places, like Gainesville, Hollywood and Jacksonville, do not allow members of the public to transfer their speaking time. Others, including Tampa (FL), Clearwater (FL), Austin (TX), Charlottesville (VA), and Asheville (NC), have created systems that encourage groups of speakers to aggregate their comments in exchange for additional time. For example, in Asheville, a speaker representing a group of three or more persons who are all present in the chamber may have up to 10 minutes at the podium.<sup>25</sup> In Clearwater, a speaker representing a group may speak for three minutes plus one additional minute for each person in the audience who waives their right to speak, up to 10 minutes total. In all examples of aggregation, those members of the public who transfer their time to another affirmatively waive their right to speak on the subject at any point in the meeting.
- **Recommendation Options:**
  - 1) No Changes to Current Practice, or
  - 2) Modify the length of speaking time, and/or
  - 3) Create a system whereby groups might aggregate their comments. It is not clear that this is a system that serves an existing need but might be worth remembering if a need arises.

### Sign-Up/Registration

- **Now:** There is no consistent system for speakers to register for public comment. At times in the past when a public comment period has been particularly crowded, the Commission has asked speakers to register using Comment Cards presently provided in the auditorium.

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<sup>25</sup> <https://www.ashevilenc.gov/civicax/filebank/blobdload.aspx?blobid=30568>

- Other Practices: Every city studied has some form of sign-up or registration for those wishing to speak during public comment, both for general topics and on agenda items. These policies keep meetings organized, allow for better records of the meeting, and provide a way for Commissioners and staff to follow-up with speakers.
  - 1) Registration policies are organized in three basic categories:
    - a. Register at least one day before the meeting either online or by calling the clerk's office:
      - i. Coral Springs (FL)<sup>26</sup> and Orlando (FL)<sup>27</sup> require registration at least one day prior to the meeting.
      - ii. Fort Lauderdale (FL) requires registration six days prior to the meeting.<sup>28</sup>
      - iii. Durham (NC) requires speakers to register 10 calendar days before the meeting for general public comment. This allows City staff adequate time to review the citizen's concerns in advance with the goal of providing input or feedback at the meeting. Speakers must register by the start of the business meeting if speaking to an agenda item.<sup>29</sup>
      - iv. Austin (TX), allows speakers to register for general public comment for a 7-day window that closes 14 days before the meeting. For agenda items, speakers may register starting when the agenda is released and until the last person who has registered to testify on the time begins their testimony.<sup>30</sup>
      - v. In Charlottesville (VA), the city clerk opens a lottery the morning after the last Commission meeting for a complex general public comment speaker registration system that results in a list of speakers totaling 16 people. To speak to an agenda item, speakers register on a sign-up sheet posted 30-minutes prior to the start of the meeting.<sup>31</sup>
    - b. Sign up at the meeting but prior to speaking:
      - i. Many jurisdictions register speakers in the hours before the meeting using "Comment" or "Speaker's Request" cards submitted to the Clerk. Clearwater (FL), Ocala (FL), Jacksonville (FL), Lakeland (FL), Tallahassee (FL), Hollywood (FL), West Palm Beach (FL), Palm Bay (FL), Pompano Beach (FL), Port St. Lucie (FL), Madison (WI), and Cambridge (MA) all use versions of this system and require that sign-up be complete either before the business meeting is called to order or before the item is called.
      - ii. Tampa (FL), Bellingham (WA), Cedar Rapids (IA), and Winston-Salem (NC) all require registration on sign-in sheets posted either inside or directly outside of the hearing chambers. These are generally posted 30-minutes

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<sup>26</sup> <https://www.coral springs.org/government/city-clerk/public-comment-form>

<sup>27</sup> <http://www.cityoforlando.net/cityclerk/wp-content/uploads/sites/12/2014/03/AppearanceRequestForm101613.pdf>

<sup>28</sup> <https://www.fortlauderdale.gov/home/showdocument?id=21554>

<sup>29</sup> <https://durhamnc.gov/FormCenter/City-Council-11/Request-to-Appear-Before-the-Durham-City-56>

<sup>30</sup> [https://austintexas.gov/department/city-council/2019\\_general\\_citizen\\_communication\\_schedule.htm](https://austintexas.gov/department/city-council/2019_general_citizen_communication_schedule.htm)

<sup>31</sup> <http://www.charlottesville.org/departments-and-services/departments-a-g/city-council/community-matters-request-to-speak>

to an hour before the start of the meeting and must be complete prior to the meeting being called to order.

c. No Advance Sign-Up Required:

- i. Even jurisdictions that do not require advance sign-up do require that speakers ultimately register their contact information before speaking.
  - ii. St. Petersburg (FL) and Lawrence (KS) post sign-in sheets on the podium which speakers complete either directly before or after their comments.
- 2) Jurisdictions vary on what type of information is required from the speaker at the time of registration. Some ask for name, address, email/phone, and the substance of their public comment. Others require a combination of these items.
  - 3) In every studied jurisdiction that required pre-registration, speakers were called to the podium by name by either the presiding officer, the city manager or the city clerk. Some jurisdictions specify that speakers are called in the order of their registration. Others are silent on the order of speakers.
  - 4) Austin (TX) specifies that if a person is registered to speak and the item is continued or rescheduled, the speaker must re-register for the new meeting date.

• Recommendation Options

- 1) No Changes to Current Practice, or
- 2) Require all Public Comment speakers to register either via the online contact form (details below) or via Comment Card in the auditorium.<sup>32</sup>
  - a. Speakers must register by a deadline set prior to the start of the meeting, or
  - b. Speakers may register until a set time during the meeting, or
  - c. Speakers may register until the comment period during which they wish to speak closes, and/or
- 3) Require that registration include designated contact and other specific information, and/or
- 4) Require speakers to register for each item to which they wish to speak, and/or
- 5) Require speakers to re-register if an item is continued or rescheduled.

Speaking to the Commission (generally)

- Now: The current Commission rules require that, once recognized, speakers should provide their name, limit their remarks to the established time, and address all remarks to the Commission as a body and to no individual member thereof.
- Other Practices: Commissioners have noted that having additional identifying information from speakers would assist in orienting them while listening to remarks.
  - Hialeah (FL), Hollywood (FL), Miami (FL), Pompano Beach (FL), Port St. Lucie (FL), West Palm Beach (FL), Cedar Rapids (IA), Colorado Springs (CO), and Lawrence (KS) all require that speakers provide their full address from the podium. Jacksonville (FL) requires that the speaker specify their county of residence.

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<sup>32</sup> There are some logistical challenges and other questions associated with instituting a new registration system which must be considered and carefully navigated. An adjustment period will be natural as these new logistics are navigated.

- Other options include indicating whether a speaker is a resident of the city, in what neighborhood/part of town they live, or their commission district.
- All studied jurisdictions require that speakers address their remarks either to the body as a whole or to the body via the presiding officer. No studied jurisdiction permitted remarks directed to any particular elected official or public servant or any engagement thereof.
- Some rules specified that the purpose of comment periods is for elected officials to collect information from the public and not to engage in conversation or debate from the dais.
- Recommendation Options:
  - 1) No Changes to Current Practice, or
  - 2) The Commission could establish a rule, which could be voluntary, asking speakers to provide any other orienting information that would be useful when listening to public comment, and/or
  - 3) The Commission could establish a rule, consistent with current law, requiring speakers representing a group or acting as a lobbyist to specify such at the start of their remarks.

### Civility and Rules of Decorum

Maintaining a respectful and productive discourse without infringing on the public’s ability to speak freely remains a source of tension for legislative bodies nationwide. Similarly, legislative bodies are challenged to respectfully navigate disruptions so they can work productively, without infringing on free speech.

- Now:
  - Civility: The current Commission rules state that “[m]embers of the public are not permitted to possess food, drink, props, signs, posters, or other similar material in the meeting room. Speakers at the podium addressing the Commission may use the City’s overhead projection system, as part of his/her comment as long as they are not obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of these Rules, the violator may, after warning, be ordered removed from the room as provided in Rule 13.” Rule 13 designates the city manager as sergeant-at-arms, who may be directed by the presiding officer to maintain order. Recently, Commissioners have expressed concern about personal attacks made during public comment.<sup>33</sup> An abbreviated civility statement is presently posted on the speaker’s podium in the auditorium.
  - Consequences of Violating these Rules: The current Commission rules indicate that the presiding officer may direct an individual to leave the podium when their speaking time has expired. If an individual causes a disruption in the Commission meeting site: “[t]he presiding officer will inform the individual causing the disruption to cease disruptive activity. If the disruption fails to stop: (1) The presiding officer will inform the individual

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<sup>33</sup> An evaluation of four Commission meetings in April and May revealed 10 total instances of personal attacks of Commissioners and staff during public comment.

causing the disruption that their actions are contrary to the orderly running of the meeting and that the individual is to cease such action or the Sergeant-at-Arms will be instructed to remove the individual from the meeting site. (2) The presiding officer will revoke the individual's participation to attend the meeting and direct that the individual leave the meeting site. The presiding officer will inform the individual that if the individual is directed to leave and fails to do so, the individual will be subject to arrest for trespass."<sup>34</sup> The rules are silent as to whether and how an ejected individual might be readmitted to the meeting.

- The City Attorney's Position: The City Commission's current rules are largely not based on the content of speech but are, rather, reasonable restrictions on the time, place, and manner of that speech. Generally, the Commission may take steps to prevent or address disruptive behavior that impacts the Commission's ability to function, as long as any restrictions are content-neutral. The City Attorney's office has prepared a legal memorandum delving deeper into this subject and to which we defer.
- Other Practices: The civility standards of the studied jurisdictions largely resemble Gainesville's current rules and discouraged any person from interrupting the body's proceedings or behaving in a disorderly fashion. Some jurisdictions did include additional specifications. Some jurisdictions also post their civility clause or abbreviated statements on the walls of the hearing chamber or at the podium in front of the speaker. In some jurisdictions the presiding officer reads the civility clause aloud before each general public comment period.
  - 1) Civility:
    - a. No personal attacks/slander or profanity (Cape Coral (FL), Clearwater (FL), Hialeah (FL), Hollywood (FL), Jacksonville (FL), Lakeland (FL), West Palm Beach (FL), Austin (TX), Colorado Springs (CO), Bellingham (WA), Asheville (NC), Cedar Rapids (IA))
    - b. No distribution of handouts or materials to the audience (Cape Coral (FL))
    - c. No inflammatory statements or those inciting violence (Clearwater (FL), Lakeland (FL), Charlottesville (VA))
    - d. No solicitation for politically funded events or campaign events (Hollywood (FL), Bellingham (WA), Charlottesville (VA))
    - e. Applause is only permitted in connection with awards, presentations and proclamations. (St. Petersburg (FL))
    - f. As noted above, the City Attorney's office has expressed concern regarding any restriction on the content of speech alone
  - 2) Consequences of Violating the Civility Clause:
    - a. Presiding officer may suspend the meeting until order is restored (Hialeah (FL), Clearwater (FL), Charlottesville (VA))
    - b. Presiding officer may rule violator "Out of Order" (Lakeland (FL), Durham (NC), Asheville (NC), Madison (WI))

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<sup>34</sup> <https://gainesville.legistar.com/View.ashx?M=F&ID=7549770&GUID=EB4DD8A4-B9BD-4A38-BADA-13272C825EC6>

- c. Violating individual may be barred from speaking for the rest of the meeting (Bellingham (WA), Austin (TX))
  - d. Presiding officer “may set other reasonable viewpoint-neutral limits to prevent disruption of business.” (Bellingham (WA))
  - e. Presiding officer may take whatever action is necessary to restore peace and order to the proceedings. (West Palm Beach (FL), Colorado Springs (CO))
  - f. Presiding officer may require individual to exit the meeting room and premises (Tampa (FL), Jacksonville (FL), Hollywood (FL), Hialeah (FL), Clearwater (FL), Cape Coral (FL), Charlottesville (VA))
    - i. The expelled person may be readmitted to the meeting with a motion passed by the body (Cape Coral (FL), Palm Bay (FL), Charlottesville (VA))
    - ii. The expelled person shall not be readmitted during the same meeting (Clearwater (FL), Pembroke Pines (FL), Port St. Lucie (FL), Tampa (FL))
- Recommendation Options:
    - 1) No Change to Current Rules and Practice, or
    - 2) Modify the civility clause to better align with existing commission and City Attorney concerns, and/or
    - 3) Modify the consequences of violating the civility clause to better align with existing commission and City Attorney concerns, and/or
    - 4) Create an exception allowing applause only following the presentations of proclamations and awards.

## **Other Recommendations**

### **Online Contact Form**

- Now: The Commission does not employ the use of an online contact form/webform.
- Other Practices: Some city commissions and councils have created an online form for the public’s use in communication. There is a variety and range of functionality in these forms. Some simply replace the body’s general email inbox, in this case [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org). These jurisdictions including Clearwater (FL), Tallahassee (FL), Tampa (FL), Madison (WI), Austin (TX), Winston-Salem (NC), and Charlottesville (VA). Other online contact forms provide a method of public comment collection, including Fort Lauderdale (FL). Still other jurisdictions use an online option to sign up to speak at a public meeting. These include Coral Springs (FL), Fort Lauderdale (FL), Orlando (FL), Austin (TX), Cambridge (MA), Durham (NC), and Charlottesville (VA).
- Recommendation Options:
  - 1) No Change to Current Practice, or
  - 2) Develop an online form that will offer three functionalities:<sup>35</sup>

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<sup>35</sup> Additional items for discussion include what identifying/contact information to request via the online form and which of these fields should be required in order to submit a message.

- a. Provide a streamlined method to provide general public comment and requests for assistance to all Commissioners at once.
  - b. Provide an online option to offer public comment on items of business before the Commission. Those received before a designated time certain could be incorporated into the record/backup and distributed to Commissioners prior to their business meeting.
  - c. Allow the members of the public to sign up for public comment (both general and to a specific agenda item) in advance of the meeting, and/or
- 3) Ensure that the form's results integrate with the new Customer Relationship Management (CRM) system, when brought online.

### **Town Halls**

- **Now:** The only formal opportunity for community members to interface with the Commission, as a body, is during formal business meetings at City Hall or GRU.
- **Other Practices:** The Commission might consider hosting Town Hall events in the community on a quarterly or semi-annual basis. Held at a school, church or community center, these could be structured as General Public Comment sessions held closer to where people live. Or, events could be focused on particular topics of interest and study. Providing the public with opportunities to meet the Commission in their own neighborhoods might be a powerful way to build trust and new lines of communication with residents who are unable to attend traditional public meetings. If held quarterly, these Town Halls could rotate to each city district over the course of a year.
- **Recommendation Options:**
  - 1) No Change to Current Practice, or
  - 2) Consider adding Town Hall meetings to the Commission schedule.

### **Times Certain**

- **Now:** At times, the public turns out in large numbers on a particular agenda item of interest. Depending on its placement on the agenda, these residents are left waiting for lengthy periods of time to hear their item.
- **Other Practices:** It is certainly not possible to anticipate every agenda item of particular public interest. To the extent possible, however, the Commission and Clerk might consider remaining alert to these opportunities and scheduling them for times certain. This measure of goodwill toward the community's time might be appreciated and might encourage the public to participate more if their waits are minimized.
- **Recommendation Options:**
  - 1) No Change to Current Practice or,
  - 2) As a practice, be alert to agenda items that might attract particular public interest and schedule them for a time certain.



### **Agenda Language**

- **Now:** Agendas for public meetings contain some guiding language for attending residents, including information about civility and public comment.
- **Other Practices:** Some jurisdictions' agendas include additional explanatory information within the agenda documents themselves to better orient attendees to the categories of business and rules for engagement.
- **Recommendation Options:**
  - 1) No Change to Current Practice or,
  - 2) Update standard agenda language to reflect any changes made as a result of this research and include better explanations of the categories of business scheduled for the meeting.

### **ADDITIONAL RESOURCES**

- Alachua County, FL: <https://alachuacounty.us/Pages/AlachuaCounty.aspx>
  - Rules of Procedure: <https://alachuacounty.us/depts/hr/pages/PManual.aspx?nPolicyId=16-57>
- Asheville, NC: <https://www.ashevillenc.gov>
  - Rules of Procedure: <https://www.ashevillenc.gov/civicaX/filebank/blobload.aspx?blobid=30568>
- Austin, TX: [www.austintexas.gov](http://www.austintexas.gov)
  - Rules of Procedure: <https://www.austintexas.gov/edims/document.cfm?id=279629>
  - Contact Form: <http://www.austintexas.gov/email/all-council-members>
  - Citizen Participation Information: <http://www.austintexas.gov/department/citizen-participation-council-meetings>
- Bellingham, WA: <https://www.cob.org>
  - Guidelines for Public Comment Period and Public Hearings: <https://www.cob.org/Documents/council/Guidelines-Public-Comments-Council.pdf>
  - Guide to City Council Meetings: <https://www.cob.org/gov/council/Pages/guide.aspx>
- Cambridge, MA: <https://www.cambridgema.gov>
  - Rules of Procedure: <https://www.cambridgema.gov/~media/Files/citycouncil/20182019rulesadoptedon180129.ashx>
  - Public Comment Instructions: <https://www.cambridgema.gov/~media/Files/cityclerksoffice/meetingattachments/2018publiccommentinstructionsandprocedures.pdf>
  - Speaker Sign-up: <https://www.cambridgema.gov/Departments/citycouncil/publiccommentsignupform>
  - Tips about the City Council: <https://www.cambridgema.gov/Departments/citycouncil>
- Cape Coral, FL: <http://www.capecoral.net/index.php>
- Cedar Rapids, IA: [www.cedar-rapids.org](http://www.cedar-rapids.org)

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- Rules of Procedure:  
[http://cms.revize.com/revize/cedarrapids/CityCouncil/Council\\_Procedural\\_Rules.pdf](http://cms.revize.com/revize/cedarrapids/CityCouncil/Council_Procedural_Rules.pdf)
- Citizen Participation Guidelines: [http://www.cedarrapids.org/local\\_government/city\\_council/city\\_council\\_meetings/open\\_meetings.php](http://www.cedarrapids.org/local_government/city_council/city_council_meetings/open_meetings.php)
- Charlottesville, VA: [www.charlottesville.org](http://www.charlottesville.org)
  - Rules of Procedure: <https://www.charlottesville.org/departments-and-services/departments-a-g/city-council/council-meeting-procedures>
  - Public Comment Form: <https://www.charlottesville.org/departments-and-services/departments-a-g/city-council/submit-a-comment-to-city-council>
  - Requests to Speak: <http://www.charlottesville.org/departments-and-services/departments-a-g/city-council/community-matters-request-to-speak>
- Clearwater, FL: <https://www.myclearwater.com/>
  - Rules of Procedure: <https://www.myclearwater.com/home/showdocument?id=2082>
  - City Council Policy Manual: <https://www.myclearwater.com/home/showdocument?id=2080>
  - Online Contact Form: [https://iframe.publicstuff.com/#/?client\\_id=592&request\\_type\\_id=1012770](https://iframe.publicstuff.com/#/?client_id=592&request_type_id=1012770)
- Colorado Springs, CO: <https://coloradosprings.gov>
  - Rules of Procedure: [https://coloradosprings.gov/sites/default/files/082316\\_rules\\_and\\_procedures\\_of\\_city\\_council.pdf](https://coloradosprings.gov/sites/default/files/082316_rules_and_procedures_of_city_council.pdf)
- Coral Springs, FL: <http://www.coralsprings.org/>
  - Rules of Procedure: [https://library.municode.com/fl/coral\\_springs/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2AD\\_ARTIINGE\\_S2-2CICOMEGE](https://library.municode.com/fl/coral_springs/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTIINGE_S2-2CICOMEGE)
  - Speaker Sign-up (with rules) and Public Comment Form: <https://www.coralsprings.org/government/city-clerk/public-comment-form>
- Durham, NC: <https://durhamnc.gov>
  - Rules of Procedure: <https://durhamnc.gov/DocumentCenter/View/10129/Council-Rules-of-Procedures?bidId=>
  - Citizen Participation Guidelines: <https://durhamnc.gov/1345/Citizen-Participation-Request-to-Appear>
  - Sign-up to Speak: <https://durhamnc.gov/FormCenter/City-Council-11/Request-to-Appear-Before-the-Durham-City-56>
- Fort Lauderdale, FL: <https://www.fortlauderdale.gov/>
  - Sign-up to Speak: <https://www.fortlauderdale.gov/home/showdocument?id=21554>
- Gainesville, FL: <http://www.cityofgainesville.org/>
  - Rules of Procedure: <https://gainesville.legistar.com/View.ashx?M=F&ID=7549770&GUID=EB4DD8A4-B9BD-4A38-BADA-13272C825EC6>

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- Hialeah, FL: <http://www.hialeahfl.gov/>
  - Rules of Procedure: <http://www.hialeahfl.gov/DocumentCenter/View/3040/City-Council-Rules-and-Regulations-PDF>
- Hollywood, FL: <http://www.hollywoodfl.org/>
  - Rules of Procedure: <http://www.hollywoodfl.org/143/Meeting-Procedures>
- Ithaca, NY: [www.cityofithaca.org](http://www.cityofithaca.org)
  - Rules of Procedure: <https://ecode360.com/8385508>
- Jacksonville, FL: <http://www.coj.net/>
  - Rules of Procedure: <http://www.coj.net/city-council/rules-of-the-council>
  - Emails sent to full body are published daily: <http://www.coj.net/city-council/view-city-council-email>
- Lakeland, FL: <http://www.lakelandgov.net/>
  - Policy Statement on Public Participation in Meetings: <http://www.lakelandgov.net/media/1800/commission-meeting-participation.pdf>
- Lawrence, KS: <https://lawrenceks.org>
- Madison, WI: [www.cityofmadison.com](http://www.cityofmadison.com)
  - Rules of Procedure: [https://library.municode.com/wi/madison/codes/code\\_of\\_ordinances?nodeId=COO\\_RMAWIVOICH1--10\\_CH2STRUGOCOCO\\_2.29PERIADCOCO](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COO_RMAWIVOICH1--10_CH2STRUGOCOCO_2.29PERIADCOCO)
  - Online contact form: <http://www.cityofmadison.com/council/contact/index.cfm>
  - Sign-up to Speak: <http://www.cityofmadison.com/Council/meetings/Register.cfm>
- Miami, FL: <https://www.miamigov.com/Home>
- Miami Gardens, FL: <https://www.miamigardens-fl.gov/>
- Miramar, FL: <https://www.miramarfl.gov/>
- Ocala, FL: <https://www.ocalafl.org/>
- Orlando, FL: <https://www.orlando.gov/Home>
  - Sign-up to Speak: <http://www.cityoforlando.net/cityclerk/wp-content/uploads/sites/12/2014/03/AppearanceRequestForm101613.pdf>
  - Public Comment Information: <https://www.orlando.gov/Our-Government/Mayor-City-Council/City-Council-Meetings>
- Palm Bay, FL: <https://www.palmbayflorida.org/>
  - Rules of Procedure: <https://www.palmbayflorida.org/home/showdocument?id=16683>
- Pembroke Pines, FL: <http://www.ppines.com/>
  - Rules of Procedure: [http://library.amlegal.com/nxt/gateway.dll/Florida/pembroke/titleiiiadministration/chapter30citycommission?f=templates\\$fn=default.htm\\$3.0](http://library.amlegal.com/nxt/gateway.dll/Florida/pembroke/titleiiiadministration/chapter30citycommission?f=templates$fn=default.htm$3.0)
- Pompano Beach, FL: <http://www.pompanobeachfl.gov/>
  - Rules of Procedure: [http://library.amlegal.com/nxt/gateway.dll/Florida/pompano/titleiiiadministration/chapter30citycommission?f=templates\\$fn=default.htm\\$3.0](http://library.amlegal.com/nxt/gateway.dll/Florida/pompano/titleiiiadministration/chapter30citycommission?f=templates$fn=default.htm$3.0)
- Port St. Lucie, FL: <https://www.cityofpsl.com/>
  - Rules of Procedure: <https://www.cityofpsl.com/home/showdocument?id=46>

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- St. Petersburg, FL: <http://www.stpete.org/>
- Tallahassee, FL: <https://www.talgov.com/Main/Home.aspx>
  - Rules of Procedure: <https://www.talgov.com/uploads/public/documents/commission/policy/108.pdf>
  - Online contact form: <https://www.talgov.com/Main/email.aspx?emailto=ccaides>
- Tampa, FL: <https://www.tampagov.net>
  - Rules of Procedure: <https://atg.tampagov.net/sirepub/cache/2/fxhfkrrw1cyctawpu3vuwlslr/478840207242019120203234.PDF>
  - Online contact form: [https://apps.tampagov.net/appl\\_customer\\_service\\_center/form.asp?strServiceID=43](https://apps.tampagov.net/appl_customer_service_center/form.asp?strServiceID=43)
  - Public Comment Information: <https://www.tampagov.net/city-council/info#comment>
- West Palm Beach, FL: <http://www.wpb.org/#/welcome>
  - Rules of Procedure: [https://wpb.org/Meetings-Events/General-Rules-\(1\)](https://wpb.org/Meetings-Events/General-Rules-(1))
- Winston-Salem, NC: [www.cityofws.org](http://www.cityofws.org)
  - Online contact form: <http://www.cityofws.org/Departments/City-Council/Comments>