

City of Brookings Policy: CC 1010	Title: Public Comment Policy	
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Introduction

The Brookings City Council encourages all residents to attend its meetings and welcomes their views on matters within the Board’s jurisdiction, whether expressed in person, electronically, or by written communication. All comments made by the public and members of the City Council must be civil and respectful.

All regular and special meetings of the Brookings City Council shall be open to the public and shall conform to the Open Meetings Laws of South Dakota. The public is precluded from attending an executive session of the Brookings City Council.

Authority of the Chair

In accordance with the Brookings City Charter, the Chair of the Brookings City Council is the designated individual who presides over City Council meetings. No person shall address a meeting of a public body without permission of the Chair, and all persons shall, at the request of the Chair, be silent.

If a person:

- Speaks out of order,
- Expresses obscenities, threats, or inflammatory words, or
- Engages in other disorderly conduct during a meeting.

The Chair shall have the right to rule said person out of order, and may take steps to maintain order.

Procedure for General Public Comments

1. Public comment will occur in the regular meeting during the Open Forum, except as otherwise determined by the Chair.

2. The Chair will commence the Open Forum with the following statements, “All speakers are asked to present their comments in a respectful and courteous manner, and within the 3-minute time limit. If obscenities, threats or inflammatory words are expressed during this meeting, you will be asked immediately to stop commenting. The comments and views expressed by the public are those of the speakers and do not necessarily reflect the views or positions of the City of Brookings or City Council.” This statement will be listed on the agenda. The streaming video will contain a brief narrative consistent with this policy.

3. Each person wishing to provide public comment in writing shall deliver such public comment to the City Clerk. To be included in the public record, written public comment must identify the person offering the public comment and their city of residence and the agenda item for which public comment is being offered or whether it is being offered as general public comment. Any public comment that does not include the name of the person submitting it will not be forwarded to the Council. Such public comment must be received by the City Clerk by 5 p.m. of the meeting day. Any public comment received after the deadline will not be posted prior to the meeting.
4. Each person wishing to provide live public comment is encouraged to make such public comment in person at the location advertised by the City Clerk. Individuals who wish to comment are asked to sign in with the City Clerk upon arrival at the meeting. If the City provides remote, electronic, or virtual options for providing live public comment, then the City Clerk shall, in advance of each meeting, post on the City's website how to provide such public comment. Please note that the primary format for providing live public comment is in person. The City cannot and does not guarantee remote, electronic, or virtual access to meetings.
5. Comments will be limited to 3 minutes per person. Verbal comments will be curtailed by the Chair once they exceed the time limits.
6. Speakers will begin their remarks by clearly stating their first and last name and city of residence for the record.
7. All comments must be made from the podium and must be directed to the Chair, unless the Chair determines otherwise. All others will be ruled out of order.
8. Speakers may not assign their time to another speaker, and in general, extensions of time will not be permitted. However, speakers who require reasonable accommodations for a speech-related disability or who require language interpretation services, or any other accommodations may request those accommodations from the City Clerk. Accommodations will be provided as the City is able. Speakers are encouraged to notify the City Clerk by email, or by phone at least 48 hours in advance, if possible, of the meeting if they wish to request an extension of time for one of these reasons.
9. Although the Public Comment time may be used to address questions to the Council, a speaker is not entitled to a response to any such question.
10. The Chair shall have the right to interrupt a speaker in order to enforce decorum and applicable rules. Other members of the City Council can call for a point of order.
11. The Chair reserves the right to terminate speech that is not Constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments

that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests.

Interruptions and Other Disturbances:

Members of the public are required to act with decorum and to address the Governing Body and each other with respect. No person shall interrupt the proceedings of the City Council or cause any other form of disturbance or disruption. In furtherance of this general rule, the following specific rules shall apply to persons attending any meeting of the City Council:

- a) Members of the public shall not engage in audible conversation or making noise in a way that inhibits individuals from hearing and/or participating in a public meeting, or disrupts the conduct of business by the Council.
- b) Unless otherwise approved in advance of a Council meeting by the Chair or the Chair's designee, no sign or placard greater in size than 8.5" by 11" may be brought into the meeting room at any time. When a sign larger than 8.5" by 11" is authorized by the Chair or the Chair's designee, no such sign or placard shall be displayed in a manner that will inhibit individuals from viewing a public meeting, or that will otherwise disrupt the conduct of business by the Council. All signs must be consistent with restrictions set forth in the authority of the chair section.
- c) Members of the public shall remain seated or stand without causing obstruction at all times; however, any person may enter and leave the meeting room at any time, provided such entrance or exit is made quietly and in an orderly fashion.
- d) No person may be physically aggressive, impertinent, threatening, or otherwise uncivil, uttering fighting words, speeches invasive of the privacy of individuals, unreasonably loud speech, and speeches so disruptive of the proceedings that the business of the City is substantially interrupted.
- e) It shall be the duty of the Chair to preserve order and decorum. Any member of the public engaging in disruptive behavior that interferes with the Governing Body's ability to conduct the business of the City may, after a warning, be subject to removal from the meeting. The Chair may limit the comments of any person who engages in this conduct. No person may continue to speak after the Chair has taken the floor from that person. The following specific conduct is prohibited during any meeting of the Council:
 - a. Conduct in violation of any City ordinance, state or federal law, or any rule or regulation implementing state or federal law;

- b. Interruption of speakers; name calling; boisterous remarks; yelling; excessive loud commentary as determined by the Chair;
 - c. Offensive use of abusive, obscene, profane, or threatening language or gestures;
 - d. Acting or behaving in such an unreasonable manner so as to provoke a breach of the peace; and
 - e. Any other act designed to intimidate, threaten, or harm persons, or damage or destroy property.
 - f. The Chair shall have the right to interrupt a speaker in order to enforce these rules or other applicable rules of order. Any member of the governing body may call for a point of order to address any potential violations of this policy.
- f) Members of the public shall silence all electronic devices.

Response to Public Comments

- a) Upon closing of the Open Forum period, further public comments pertaining to items not on the agenda will not be heard, unless approved by the Council.
- b) During the Open Forum Period. City Council will generally listen rather than respond to comments.
- c) Public comments related to repairs, maintenance, safety issues or general information will be referred to the appropriate department through the City Manager.

Enforcement

The standards of process and decorum set forth in these Rules will be enforced with necessary means, up to and including eviction from the premises of the meeting at the order of the Chair or a majority of the Members. In addition, a person who violates the standards of process and decorum will be subject to other action as deemed necessary by the Chair and Members. The removal of an offender from a public meeting shall proceed as follows:

- a) The Chair shall give the offender notice that they are violating certain terms of these Rules and is subject to removal from the public meeting; however, depending on the severity and nature of an act performed by a disruptive individual, the Chair may call for immediate removal of the offender from the meeting room.

- b) If the offender continues to violate any of the provisions of these Rules after receiving the above notice, the Chair may order the removal of the offender from the meeting room. If the offender continues the disturbance outside the meeting room, such that the orderly conduct of business by the Council is disrupted, the offender may be removed from the premises.
- c) The offender has no right to appeal from an order of the Chair requiring the removal of the offender from the meeting room or from the City/County Building or meeting premises.
- d) The offender removed from the premises may be criminally charged for any violation of applicable law.
- e) Any offender found in violation of these Rules may be suspended from the opportunity to speak at a public meeting of the City Council. The first such suspension of an offender shall not be for a period of greater than one month. A second such suspension within a 12-month period shall not be for a period of greater than two months. A third such suspension within a 12-month period shall not be for a period of greater than three months. Any additional suspensions within a 12-month period shall not be for a period of greater than 12 months. Any violators can continue to utilize the public comment section of the meeting within the electronic Granicus system.