

# Public Hearing Comment Management

Approaches to allotting time and ceding minutes

Prepared by Jennifer Cecil , Colorado Springs Planning Commission Alternate Member

*in response to July 6, 2023 Informal Work Session Meeting Agenda Item 9 - Discussion of Informal Updates/Presentations, question posed by Chair Hente regarding best practices*

# Overview

## Current COS Practice

- [COS City Council Rules](#)
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## [Related Rulings](#)

# City Council Rules

Rules and Procedures of City Council, last amended October 25, 2022

## Part 2 – City Council Meetings

### Section 2 Regular Meetings, Subsection B (2-2.B.6)

6) Citizen Discussion for Items not on Agenda – limited to items not pending before City Council on the agenda. Each speaker is limited to three (3) minutes to discuss items of interest that are not on the agenda and not repetitious. The President may modify time limits and limit citizen discussion to a fixed time period, subject to a determination otherwise by approval of an appropriate motion by City Council. Time limits will be strictly enforced by the President and time will be kept by the City Clerk or designee. (2011)

## Part 2 – City Council Meetings

### Section 7 Public Participation (2-7)

#### 2-7 PUBLIC PARTICIPATION (2021)

A. Persons, including Councilmembers, shall be permitted to address the City Council on topics relevant to City Council business during the Citizen Discussion period of the meeting or on other agenda items. City Council may allow members of the public to address the City Council electronically and/or telephonically.

B. A member of the public desiring to address the City Council shall sign up to speak, including his or her name, and the agenda topic on which he or she desires to speak. The President, or designee, may group related comments. When called upon by the President or designee, the person shall step to the podium, state his or her name, and speak clearly into the microphone, unless authorized otherwise by the President or designee. The public may only approach the dais with the permission of the President.

## Part 2 – City Council Meetings

### Section 7 Public Participation (2-7) cont.

#### C. Time Limits

1) The Citizen Discussion period of the meeting is a limited public forum offering citizens the opportunity to provide input to the City Council on items that are not on the Regular Meeting agenda. The Citizen Discussion period of the meeting shall be limited to a total of no more than one (1) hour. Members of the public shall be permitted to speak for three (3) minutes each. The President may modify the one (1) hour time limit or limit comments to a different fixed time period, subject to a determination otherwise by approval of an appropriate motion by City Council.

2) Members of the public shall limit testimony to three (3) minutes per person. (The President may modify the time limits listed.) The President may limit comments on any one subject under City Council consideration to a fixed time period, subject to a determination otherwise by approval of an appropriate motion by City Council.

#### D. Remarks to be Germane

1) Topics shall be relevant and germane to City Council business, and shall be related to items over which the City has jurisdiction and those items which are not pending quasi-judicial matters.

2) The President shall rule on the germaneness of public comments. Abusive, personal, impertinent, irrelevant, slanderous or profane remarks, or loud, threatening, personal, or abusive language shall not be allowed.

# City Council Rules

Rules and Procedures of City Council, last amended October 25, 2022

## Part 2 – City Council Meetings Section 7 Public Participation (2-7) cont.

E. Councilmembers, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations, or recommendations of any City employee, or any person speaking.

F. Any person who makes threatening, abusive, personal, impertinent, irrelevant, slanderous, or profane remarks which genuinely disrupt, disturb, or otherwise impede the orderly conduct of the City Council Meeting, or who otherwise engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council Meeting, or jeopardizes the City Council's ability to proceed with its business, shall be, upon the direction of the President or a majority of the City Council, barred from further attendance at that City Council Meeting. In that event, it would be the duty of a law enforcement officer, upon the request of the President, to issue such commands and take such actions as may be necessary to eliminate the disruptive conduct and restore peace and order to the proceedings. At any point, the President is authorized to recess the meeting until peace and order can be restored.

## Part 6 – Public Hearings Section 1 General Procedures for Legislative Public Hearing (6-1)

### 6-1 GENERAL PROCEDURES FOR LEGISLATIVE PUBLIC HEARING

A. A legislative public hearing shall be conducted to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is related to the purpose of the public hearing. Members of the public shall limit testimony to three (3) minutes per person. The President has the authority to limit debate to a reasonable length of time to be equal for both positions, subject to a determination otherwise by action of the entire City Council on motion. (2011)

## Part 6 – Public Hearings Section 1 General Procedures for Legislative Public Hearing (6-1) cont.

B. Each legislative item shall be presented in the following order:

- 1) City staff will present the item with a recommendation.
- 2) Supporters of the request will be heard.
- 3) Opponents of the item will be heard
- 4) The City Council will discuss the item and render its decision.

C. Any person speaking may be questioned by a Councilmember. The City Council, at its discretion, may establish a reasonable time limit for each speaker.

The President shall rule upon all disputed matters of procedure, unless, on motion duly made, the President is overruled by a majority vote of Councilmembers present. (2011)

D. The Colorado Rules of Evidence shall not apply, and City Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E.] All parties who desire to submit exhibits to the City Council for the purposes of inclusion in the record shall submit twelve (12) copies to the City Clerk who shall mark the exhibit and distribute it to the City Council. A digital copy may also be submitted to the City Council Administrator. One (1) copy of each exhibit may be displayed so that all of City Council can simultaneously observe it. (1982; 2000; 2011; 2021)

# City Council Rules

Rules and Procedures of City Council, last amended October 25, 2022

## Part 6 – Public Hearings

### Section 2 General Procedures for Quasi-Judicial Matters

#### Subsection C (6-2.C)

C. Applicants and appellants will each have standing as a party and generally be limited to thirty (30) minutes per side during quasi-judicial hearings. Those offering testimony who are not applicants or appellants will generally be limited to three (3) minutes per person. Time limits may be modified at the discretion of the President. In appeals from decisions of subordinate boards and commissions and hearing officers, City Council reserves the right to limit the hearings to the matters raised on appeal (2022).

**Current Rules and Procedures are silent on the process/procedure for ceding minutes.**

## Regular Meetings

- Limited to 3 min per speaker, may not be repetitious
- Must sign-up giving name and topic
- Total Citizen Discussion cannot exceed 1 hour
- Disruption not tolerated

## Legislative Public Hearings

- 3 min per person
- Order: Staff > Supporters > Opponents > Council
- President may adjust time limits and total time given to each side

## Quasi-Judicial Public Hearings

- Applicants and appellants each have 30 min
- Other supporters/opponents are limited to 3 min

# Public-Facing Information

## Make a Public Comment

The public can email general comments or comments regarding a specific agenda item in advance of a meeting to: [AllCouncil@coloradosprings.gov](mailto:AllCouncil@coloradosprings.gov)

Those who wish to comment in-person may attend the Regular Meeting and sign up to speak in Council Chambers. Public comment is only accepted during Regular Meetings and not during Work Sessions.

Those who wish to comment by phone during the Regular Meetings should submit their name, telephone number, and the topic or agenda item to [AllCouncil@coloradosprings.gov](mailto:AllCouncil@coloradosprings.gov). Participants may then use the call-in number listed on the meeting agenda.

## Rules and Procedures of City Council

The purpose of the Rules and Procedures of City Council is to address the duties, functions and procedures not outlined elsewhere in the City Charter and City Code of the City of Colorado Springs. The [Rules and Procedures of City Council](#) are periodically updated, with the most recent revision dated, October 25, 2022.

- Both Screenshots above are from the City Council's page.
- Neither the [Boards, Commissions and Committees](#) page nor the [Planning Commission](#) page speak to the procedures for participation directly.

# How do other jurisdictions manage?



# Denver, CO

## Things to know about speaking at a hearing:

- You can sign up to speak starting at 3:00 p.m. on the day of the hearing. The sign-up period ends at 5:30 p.m.
- You may speak in person or via Zoom. You'll be sent information about the location and the link you need after you sign up.
- Hearings are held at 5:30 p.m. on Mondays during the regular City Council meeting. Keep in mind that the council may have some other business to do before the hearing begins. You should plan on being present in the chamber or on Zoom shortly before 5:30 p.m.
- Each speaker will have 3 minutes to speak. There is a countdown clock, so you'll know how much time you have left. You cannot give your unused time to other speakers.
- Please turn off cell phones or other devices that might make noise during your comments.
- Begin by stating your name, city of residence, and if you feel comfortable doing so, your home address.
- Please refrain from profanity or personal attacks during your comments.

## February 2022:

- People who haven't spoken at a public comment session in the last 90 days speak first
- People who haven't spoken in the last week speak second
- Those who spoke in the last week speak last

([https://denvergazette.com/premium/denver-city-council-changes-public-comment-to-prioritize-new-speakers/article\\_3ab28de8-8df3-11ec-be80-33660dac2d53.html](https://denvergazette.com/premium/denver-city-council-changes-public-comment-to-prioritize-new-speakers/article_3ab28de8-8df3-11ec-be80-33660dac2d53.html))



# Mead, CO

## Public Comment Guidelines

- All individuals who wish to speak during a public comment period on the agenda must sign in using a sheet made available by the Town Clerk. The sign-up sheet shall contain columns for each speaker's name and address.
- Individuals who wish to make general announcements, address a topic whether it is on the agenda or not, or who wish to address specific agenda items for which there is not a separate public hearing scheduled must do so during one of the two available "public comment" sections of the agenda.
- Individuals who wish to address the Board during a public hearing item, should sign in on the sign-up sheet available for the specific public hearing.
- Speakers are requested to keep comments short. Each speaker will be given a maximum of three (3) minutes to address Board of Trustees, unless such time limit is waived by the Mayor. Individuals representing a group, recognized by the Mayor, shall be given up to five (5) minutes to speak or such time limit as may be set in advance of the public comment period by the Board of Trustees.
- Speakers shall be heard in the order in which they signed up to do so (on the sign-up sheet).
- Speakers should come to the podium to speak. Speakers are requested to speak into the microphone; giving their name and address before addressing the Board of Trustees. All comments shall be addressed to the Board as a whole and not to any individual Board Members

## Upcoming Events

Board of Trustees  
07/31/2023 - 6:00pm

Coffee with the Mayor  
08/05/2023 - 8:00am

Board of Trustees  
08/14/2023 - 6:00pm

[View the Board of Trustees Calendar](#)

# Bellevue, WA

[Home](#) » [City Government](#) » [Departments](#) » [City Clerk's Office](#) » Public Meetings Speaker Registration

## Public Meetings Speaker Registration



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[City Clerk's Office](#)

[Boards and Commissions](#)

[City Code](#)

[Hearing Examiner's Office](#)

[Interlocal Agreements](#)

[Ordinances](#)

The city holds hybrid and virtual meetings, using web conferencing technologies to maintain social distancing protocols. We require at least one direct form of contact, either email or phone, to coordinate your speaker registration.

Select the public meeting below to access a speaker registration form. Except for City Council, these forms are opened for registrations after the meeting agenda is publicly posted and closed before the meeting begins.

Public Hearing registration available now:

- [City Council](#)
- [Environmental Services Commission](#)
- [Hearing Examiner](#)

# Dallas, TX

## SECTION 1 - REQUIRED REGISTRATION INFORMATION

- 1.1. A person wishing to address the city council must first register with the City Secretary's Office (SEC) and provide the following information [CCR 6.3(a)]:
  - Name
  - Residence address
  - Daytime telephone number
  - Subject matter to be presented and whether the subject is on the current city council meeting agenda.
- 1.2. No person may register to speak during an open microphone period more than once within any 30-day period. [CCR 6.3(f)(4)]
- 1.3. SEC verifies above-noted information as well as previous registration records.

# Sacramento County, CA

## Speaker Time Limits

In the interest of facilitating the conduct of the County's business, members of the public (speakers) who wish to address the legislative body during the meeting will have specific time limits as enumerated below. Consent matters are acted upon as one unit, while Public Hearings and separate matters are acted upon individually. Matters not on the posted agenda will be discussed in accordance with the order of the agenda. Speakers should not expect Board members to comment on or respond to comments directly during the meeting. The Board may request county staff to follow up with a speaker or provide additional information after the meeting or at a later date. The Chairperson, at their discretion, may increase or decrease the time allocation. Each speaker shall limit remarks to the specified time allotment as follows:

- Speakers will have 2-minutes total for a single and/or multiple consent item(s)
- Speakers will have 2-minutes total for each hearing item
- Speakers will have 2-minutes total for each separate item
- Speakers will have 2-minutes total for any matter not on the posted agenda

## In-Person Public Comment

- Speakers will be required to complete and submit a **speaker request form** to Clerk staff. The Chairperson will invite each individual to the podium to make a verbal comment.

## Telephone Public Comment

- On the day of the meeting dial (916) 875-2500 to make a verbal public comment (follow the prompts for instructions). Refer to the agenda and listen to the live meeting to determine when is the best time to call to be placed in queue for a specific agenda item. **Callers may be on hold for up to an extended period of time and should plan accordingly.** When the Chairperson opens public comment for a specific agenda item or off-agenda matter, callers will be transferred from the queue into the meeting to make a verbal comment. Each agenda item queue will remain open until the public comment period is closed for that specific item.

# Speaker Cards

## CITY OF LOS ANGELES SPEAKER CARD

NOTE: THIS IS A PUBLIC DOCUMENT SUBJECT TO POSTING ON THE CITY'S WEBSITE. YOU ARE NOT REQUIRED TO PROVIDE PERSONAL INFORMATION IN ORDER TO SPEAK, EXCEPT TO THE EXTENT NECESSARY FOR THE PRESIDING OFFICER TO CALL UPON YOU

Date 1/10/17

**THE CITY COUNCIL'S RULES OF DECORUM WILL BE ENFORCED.**

Council File No., Agenda Item, or Case No. 14-1604, 15-0554 (1)

I wish to speak before the ENTERTAINMENT & FACILITIES  
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? ( ) For proposal ( ) Against proposal (x) General comments  
Name: Claire EVANS

Business or Organization Affiliation: The TRIFORIUM PROJECT

Address: 6515 POLLARD ST. LOS ANGELES CA 90042  
Street City State Zip

Business phone: (503) 593-0103 Representing: The TRIFORIUM PROJECT

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Client Address: \_\_\_\_\_  
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.



## CITY COUNCIL MEETING SPEAKER'S REQUEST CARD

DO NOT WRITE IN THIS BOX - FOR MUNICIPAL USE ONLY  
Agenda Item # \_\_\_\_\_ Public Speaker # \_\_\_\_\_

Please give this card to the Assistant City Clerk before speaking at the podium.

Before addressing the Council, please state your name for the record.

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Phone Number/ Email \_\_\_\_\_

RESIDENT  NON-RESIDENT  OTHER \_\_\_\_\_  
(Self, Name of Organization or Other Party)

Regarding Agenda Item Number \_\_\_\_\_

Topic \_\_\_\_\_  FOR  AGAINST

Note: All information provided on this card is public information and may be disseminated. Submission of information is voluntary and not a requirement to speak. While the City embraces the right of public participation, it acknowledges that public comments must, at times, be limited to allow for all speakers the opportunity to speak.

# Speaker Cards

## LAND USE MATTERS & COUNCIL COMMITTEE MEETINGS

(please print clearly)

Date: \_\_\_\_\_

Presiding Officer: \_\_\_\_\_

I would like to speak regarding \_\_\_\_\_

In Support       In Opposition       Info. Only

Name: \_\_\_\_\_

Representing: \_\_\_\_\_

Address: \_\_\_\_\_

Remarks: \_\_\_\_\_

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance

## Speaker Rules- Land Use Matters (Zoning Dockets, HDLC, VCC, NCDAC Appeals and Design Review Dockets) (Council Rule 10.2(B))

A speaker can request to speak on any land use items on the agenda.

Public comment is limited to no more than 5 speakers on each side of the issue, no more than 3 minutes per person.

A speaker may assign any remaining time to another speaker, provided that person has filled out a speaker card, but no speaker may be allowed to speak for more than 3 minutes.

The provisions of this Rule do not apply to general matters on the agenda, which are covered by the provisions of Regulation 4.

*I hereby affirm that the written or oral statements I give before the City Council or any Council Committee thereof will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.*

\_\_\_\_\_  
Signature of Speaker

**Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.**

# Speaker Cards



## Request to Address the City Council

Name: \_\_\_\_\_  
(Please Print)

Residence Address: \_\_\_\_\_  
\_\_\_\_\_ Zip \_\_\_\_\_

Phone No. (Optional) \_\_\_\_\_

Date: \_\_\_\_\_ Item No.: \_\_\_\_\_  
(See Agenda & Summary Report)

Do you represent an organization? \_\_\_\_\_  
\_\_\_\_\_  
(Name of Organization)

**Note: Once completed, this card becomes a public document.**

(See Reverse Side for Instructions)

CM-003/m rev. 12/04



## Request to Address the City Council (Speaker's Card)

Name: \_\_\_\_\_  
(Please Print)

City of Florence

A City in Motion

City Council Meeting Date: \_\_\_\_\_ Agenda Item No.: \_\_\_\_\_

Brief Overview of What You Wish to Discuss: \_\_\_\_\_  
\_\_\_\_\_

Do you represent an organization?  Yes  No Name of Org.: \_\_\_\_\_

Residence Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email (Optional): \_\_\_\_\_ Phone No. (Optional): \_\_\_\_\_

Would you like to be added to the City of Florence Email Distribution Lists?

Newsletter  City Council

**NOTE: ONCE COMPLETED, THIS CARD BECOMES A PUBLIC DOCUMENT**

(See Reverse Side for Instructions)

## INSTRUCTIONS

Please fill out and hand to the City Clerk. The City Clerk will advise the Mayor when requests to speak are in hand.

To allow opportunity for all to speak, time limits have been set for speakers wishing to address the Council, and each speaker may only speak once to each agenda item. Under normal circumstances, those time limits are:

**Oral Communications - 4 minutes**

**Applicant/appellant - 10 minutes**

**Individual (1-5) speakers - 3 minutes**

**Individual (5-30) speakers - 2 minutes**

**Individual (30+) speakers - 1 minute**

**Rebuttal by applicant/appellant - 5 minutes**

**In special circumstances, the Mayor may establish longer and/or shorter limits.**

A timing/lighting system will be activated at the beginning of a presentation. A green light will indicate the beginning of the time period; a yellow light will appear when 1 minute remains; a red light will appear when time has lapsed. Time limits will be strictly enforced by the Mayor to ensure equal opportunity and treatment of all speakers. Speakers may not cede any part of their allotted time to another speaker.

# Pre-Registration & Cards

Requiring registration by a time and date deadline prior to a meeting.

Frequently close of business the day prior to the meeting is used.

**Pro:** Allows staff time to organize speaker information

**Con:** Requires residents to take two actions (prior registration & meeting attendance), burdensome

## In-Person



## Online



\* Additional work for staff, risk of impersonation



# Live Registration & Digital Cards?

## Pros:

- Creates a record that is easily scanned
- Holds members of the public wishing to comment accountable for identifying themselves

## Cons:

- Speakers could perceive a risk of harassment if sharing contact information
- Requires technological capability to move to break out rooms on the phone

## Solution?

- Webform
  - Should have clear and manageable open/close period
  - Needs time/date stamping functionality
  - Backend spreadsheet that auto-sorts the order of registrations and counts per item
- Short URL or QR code for signing up on site and added to agenda
- Requires internet connection (a device may need to be available for members of the public who do not have one)

# Related Rulings

*State v. Patterson*, 196 Wn. App 451, 460, 389 P.3d 612, 616 (2016)

- Virtual Meetings: rubric of free speech does not include the intent to substantially interfere with a meeting.

*Steinburg v. Chesterfield County Planning Comm'n*, 527 F.3d 377 (4th Cir. 2008),

- Limits on relevance and duration upheld Planning Commission meeting was a "limited public forum" that could be managed by the government entity

*Acosta v. City of Costa Mesa*, 718 F.3d 800 (9th Cir. 2013),

- A person's speech must actually disrupt a meeting before that person may be removed from the meeting

*Collinson v. Gott*, 895 F.2d 994 (4th Cir. 1990)

- A two-minute limitation per speaker is constitutionally permissible

*McClure v. City of Hurricane*, 2011 WL 1485599 (S.D.W.Va.)

- A developer was not denied his First Amendment rights when he was denied permission to speak at meeting on an issue that was in litigation

*Eichenlaub v. Township of Indiana*, 385 F. 3d 274 (3d Cir. 2004)

- A citizen's First Amendment rights were not violated when he was not allowed to speak at a public hearing for being "repetitive and truculent."

*Freeland v. OrangeCounty*, 273 N. C. 452 (1968)

- A limit on the number of persons that were allowed to speak on a zoning petition was upheld; the court found that the governing body was not required to hear all persons in attendance without regard to time

*Sa'ad El-Amin v. West*, (E. D. Va. 1988) (1988 U.S. Dist. Lexis 17511)

- a Richmond City Council rule limiting the number of appearances any one individual could make during the citizens' comment period within a defined period of time was constitutional

## More Recent U.S. Supreme Court Decisions:

- [\*Matal v. Tam\*](#) (2017)
- [\*Ianacu v. Brunetti\*](#) (2019)