NORFOLK

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April 28, 2015

R-10

To the Honorable Council
City of Norfolk, Virginia

Re: Resolution - Rules Governing Conduct of Council Meetings

Dear Ladies and Gentlemen:

Attached please find a resolution amending the rules governing the conduct of council meetings by adding sections regulating public comments that are repetitive or made in the form of personal attacks.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Resolution

810 Union Street, Suite 900 • Norfolk, VA 23510
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3/13/15 JEC:11

Form and Correctness Approved: RAP

By Jack E Good
Office of the City Attorney

Contents Approved:

By
DEPT.

NORFOLK, VIRGINIA

Resolution

A RESOLUTION ADOPTING RULES REGULATING THE CONDUCT OF PERSONS ATTENDING MEETINGS OF THE CITY COUNCIL.

- - -

WHEREAS, the Council has a significant governmental interest in maintaining the civility and decorum of those portions of its meetings open to the public and in ensuring that the public's business is conducted without disruption in a dignified, orderly and efficient fashion fair to all members of the public; and

WHEREAS, the Council deems it appropriate and desirable to establish rules regulating public conduct at the meetings, including both the conduct of those members of the public merely attending its meetings and of those speaking at them; and

WHEREAS, Section 10.1 of the Charter of the City of Norfolk, authorizes the Council to create its own rules of procedure; now, therefore

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1:- That in accordance with Section 10.1 of the City Charter, the following rules are hereby established relating to the conduct of all persons attending and/or participating in meetings of the City Council:

Rule 1

No signs, posters, placards, or similar or like objects shall be affixed to the walls, doors, etc. of the City Council Chambers or any adjoining areas or City offices, except by City staff in connection with business, and then only with permission of the City Manager.

No sign, placard, poster, or similar or like object which may be carried by hand shall be permitted in the City Council Chambers or any adjoing areas or City offices.

Rule 2

All persons desiring to address the City Council at one of its meetings shall register to speak by providing their name, address and the subject about which they wish to speak to the City Clerk or his designee no less than ten (10) minutes before the beginning of the meeting. Requests to address items not on the agenda will be taken up at the conclusion of the agenda, and will be subject to the limitations set out in Rule 6.

Rule 3

All persons attending meetings of the City Council must be recognized by the presiding officer before speaking. In return, subject to the limitations in Rules 6 and 7, the presiding officer and other members of the City Council shall courteously receive the comments made by such persons.

Rule 4

(a) All persons permitted to address the City Council at a meeting shall be limited to three (3) minutes, provided however, that the presiding officer may, for reasons other than the content of the speech, permit a longer period.

(b) The presiding officer may, in his or her discretion, limit the aggregate amount of time to be devoted to a particular agenda item or topic, and if there are opposing viewpoints, may apportion the time allowed for the expression of each viewpoint as reasonably equal as possible.

Rule 4A

All persons attending a meeting shall remain seated, unless they are required to stand because of recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting. Attendees should, to the extent possible, avoid leaving or entering once a meeting has begun. No one is permitted to approach closer to the dais than the lectern without permission of the presiding officer.

Rule 5

When a speaker is recognized by the presiding officer, he or she shall:

(a) Come forward to the speaker's podium (speakers shall not be permitted to bring anything other than notes or exhibits to the speaker's podium);

(b) State the speaker's name and address;

(c) State the speaker's position;

(d) If representing a group, ask the persons represented to stand (except with the permission of the presiding officer, no other persons shall be permitted to accompany a speaker to the speaker's podium);

(e) Provide any written statement or other materials to the City Clerk or his designee for the record.

Rule 6

(a) In general, the presiding officer may prevent or discontinue speech that he reasonably perceives to be, or imminently to threaten, a disruption of the orderly and

fair progress of the meeting whether by virtue of its irrelevance, its duration or its very tone and manner.

(b) The public comment periods of any meeting are divided into two categories, comments upon specific items on the agenda and comments upon new business. All public comment must be relevant. Comments upon specific agenda items must address the subject of the agenda item. Comments on new business must address new subjects. The presiding officer may, therefore, prevent or discontinue comments from any speaker that are irrelevant to the subject at hand.

(c) A personal attack, in the sense of an insult directed at a person and not speech directed at substantive ideas or procedures at issue, is irrelevant and threatens to disrupt the orderly conduct of a meeting. The presiding officer may, therefore, prevent or discontinue comments from any speaker that amount to a merely personal attack regardless of whether it is directed at the Council or any of its members, city administrators or members of the public.

(d) While relevant public comment is encouraged, repetitive or cumulative comment minimizes the significance of preceding remarks, prevents other topics and viewpoints from being adequately addressed and is generally burdensome to the public, wasteful of the Council's time and disruptive of meetings. The presiding officer may, therefore, prevent or discontinue comments from any speaker if they are cumulative or repetitive, or if the presiding officer determines that there has already been adequate comment or debate on that subject at the current meeting and/or at prior meetings. During the new business public comment period, the presiding officer may limit or discontinue comments as cumulative and not new business where a speaker (or speakers) has repeatedly expressed the same viewpoint on the same subject over a series of recent meetings.

(e) The presiding officer may also refuse to allow comment or continued comment by any speaker who has directed or is directing profane, vulgar, obscene or threatening speech towards the Council, any of its members, or to any member or members of the public, or has engaged or is engaging in distracting or disruptive conduct.

(f) No person shall be denied the opportunity to address the Council solely because of his or her viewpoint or the content of his or her speech.

Rule 7

Any person who fails or refuses to obey the rulings and directions of the presiding officer, or who otherwise disrupts the meeting in any manner, shall be requested by the presiding officer to leave the meeting room for the remainder of that meeting. If any person refuses to follow the directions of the presiding officer, the presiding officer shall cause such person to be removed from the meeting. Any person ejected or removed from a meeting shall be excluded from further attendance at that meeting, unless granted permission by the presiding officer to return.

The presiding officer shall order removed from a meeting any person who commits any of the following acts at a meeting of the Council:

(a) Profane, vulgar, obscene or threatening speech directed at the Council or members of the public; Disorderly, disruptive, distracting contemptuous or insolent behavior toward the Council or any member thereof, tending to interrupt the due and orderly course of said meeting;

(b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

(c) Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Council;

(d) Usage or ringing of cell phones, pagers, or other electronic communication devices in a meeting; or

(e) Any other unlawful interference with the due and orderly course of said meeting.

Rule 8

All individuals desiring to attend a meeting of the City Council, as a condition of attendance, shall be subject to a search of their persons and property by metal detector and/or by other appropriate means, at the direction of the City Council.

Rule 9

The activation or use of cell phones, pagers, or other electronic communication devices capable of emitting sounds is prohibited.

Rule 10

Cameras, video recorders and other recording devices may not be used any closer to the dais than the lectern without permission from the presiding officer. In addition, the presiding officer may, in his or her discretion, limit the use of such equipment if its use would interfere with the meeting.

Section 2:- That this resolution shall be in effect from and after its adoption.