

GOVERNING BODIES

We have several citizens who come to our meetings and want to address the council. They want to stand up at any time during the meeting and talk for as long as they want. They ask questions of all the council members and generally cause the meeting to go on much longer than necessary. Do we have to let citizens address the city council? Can we set up rules about how such public commentary will be taken?

The answer to the first question is no. You do not have to allow public commentary at all. The answer to your second question is yes. The city council may establish a set of rules or otherwise structure public comments.

The law is fairly clear that a city or town council may completely prohibit public commentary during its meetings. Such commentary is considered a privilege, not a right. (For a more detailed review of the case law on this matter, see Tom Carpenter's article, *Opening the Forum: The First Amendment and City Council Meetings*, *City & Town Magazine*, July 1997, p. 32-33.)

Recognizing, however, that it might be politically treacherous to forbid public comments, you may wish to establish some rules. Otherwise, the formal structure of the council meeting will collapse, and the meeting will last much longer than necessary. A city or town council may establish reasonable time, place and manner restrictions on citizen comments. For example, you can set aside, either at the beginning or end of the meeting, a limited time for public commentary, allow citizens to speak for two or three minutes (keeping a timer to keep this fair and equitable is a good idea), limit the number of comments on the pro or con side of a given issue and so forth. Some cities and towns require citizens to place themselves on the agenda in order to address the council, and that requirement must be met a set number of days in advance of the meeting. Again, these are local decisions that can be made by the council in light of the needs in your particular community.

Finally, a few words of caution. First, you should never regulate the content of a citizen's speech, except to the extent that it is disorderly or does not relate to the particular issue before the council. This means, for example, that the council may not forbid someone to speak solely because of the views that person wishes to express. If you allow public comments, you may not choose which comments you are willing to hear based on the speaker's viewpoint. To do so would violate the constitutional right to freedom of speech.

In addition, make sure that you are consistent in the way that you apply your rules. In other words, apply the rules to everyone in the same manner. By establishing fair and impartial rules and applying them consistently, you will enhance the value of public comments while minimizing potential disruption and unreasonably lengthy meetings.