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Public Comment

Ernest Burgess

From: Josh McCreary <jmccreary@mborolaw.com>
Sent: Monday, September 10, 2012 9:09 AM
To: Ernest Burgess
Cc: 'Evan Cope'; 'James Cope'
Subject: time limits on public comment

Mayor: This email is in response to the question about limiting public comment at the County Commission meetings. I understand from your prior email to me that we only need to respond to you and do not need to provide a broader memorandum or other response. With that in mind, it does not appear there is any prohibition on limiting public comment. For the most part, this is likely to come up on land use matters where a public hearing is required before passage. The relevant statutes, while requiring a public hearing, do not give insight into the parameters of the hearing. To that end, there is no per se prohibition on public comment limitations.

While there does not appear to be a prohibition, there is reference to such limitations in Robert's Rules of Order. The revised 10th Edition at pages 93-94 specifically references possible time limitations on public comment by the chair or internal rule.

I also spoke with CTAS on the issue. They concurred with the above opinion. They also said that most of the larger counties have such a restriction in their bylaws. They suggest the chair announce any such restriction at the start of the public hearing with specific reference to the applicable bylaw provision.

I hope this is responsive. Let me know if you need anything else. Thanks,

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- L. PUBLIC – Members of the public may address the Commission by a majority vote of the Commission members present. It is recommended, however, that such a person make every effort possible to appear before the appropriate committee of the Commission before asking for the privilege to address the Commission. Also, for a scheduled public hearing, any person may address the Commission during the hearing. In all cases, the Commission may set a limit on the period of time a person is allowed to speak. If the Commission does not do so, the Chairman shall have the authority to limit the speaker to a reasonable time.