



MEMORANDUM

TO: Mayor Mary Katherine Greenlaw and members of City Council
FROM: Tonya Lacey, Clerk of Council; Kathleen Dooley, City Attorney
SUBJECT: Public comment speaker rules
DATE: October 6, 2021 (for the October 12, 2021 Council Meeting)

ISSUE

Shall City Council revise its rules for public comment at its regular meetings?

RECOMMENDATION

This decision lies within the sound discretion of the Council, and involves the balancing of numerous public interests in a sometimes complex and fluid public meeting environment.

DISCUSSION

City Council hears comments from the public at each regular meeting. The rules for public comment are stated on each meeting agenda:

- Comments may be made in person or in writing;
- Written comments must be delivered to the Clerk of Council at least four hours in advance of the meeting in order to be read aloud at the meeting;
- Speakers must identify themselves by name and address, including zip code
- Speaker remarks are limited to three minutes or less
- Speakers must address a topic of City business
- Public comment time is limited to a total of 40 minutes, with priority for comments from City residences or businesses

City Council made the decision to continue to accept written public comment when it returned to the in-person meeting format at the end of the pandemic state of emergency.

At the meeting itself, the Mayor recognizes speakers in the audience who have signed up to speak, and then the Clerk of Council reads written comments aloud. The 40-minute maximum public comment time has not been a factor. The three-minute time limit on speaker remarks is occasionally a factor.

Council has been asked to reconsider the three-minute time limit on speaker remarks.

Generally speaking, time limits for speaker remarks help the governing body balance a number of interests that intersect at a public meeting, such as:

- Allowing sufficient time to communicate each speaker's message;
- Hearing from as many members of the public as possible;
- Providing for public observation of the work remaining on the meeting agenda (i.e. not too late at night);
- Leaving time for work remaining on the meeting agenda (i.e. not too late at night)

There is no magic to setting the speaker time limit. The attached table shows that many Virginia localities use the three-minute rule, but not all do, and a five-minute rule is equally reasonable.

One local practice that may appeal to City Council is from Roanoke City, where the amount of time allowed to each speaker is automatically adjusted based on the number of speakers who have signed up. If five or more speakers have signed up (in Roanoke City they sign up to address items on the meeting agenda) then the time limit is automatically reduced from five minutes to three minutes. This would seem to be a clear but responsive rule that would promote all of the intersecting interests.

Another approach for the Council to consider is to not apply any aggregate time limit (i.e. not the 40-minute rule) for speakers who come to the meeting in person, but continue to apply this time limit to the written comments (for which it was first adopted).

We would be happy to serve as a resource to the Council and to perform any additional research the Council may desire as it works with this issue.

Attachments:

- Table of time limits from other Virginia localities

Jurisdiction	Time for each speaker
Stafford County	3 minutes
Spotsylvania County	3 minutes
Prince William County	
King George County	3 minutes
Caroline County	3 minutes
City of Manassas	3 minutes
Town of Herndon	3 minutes ¹
City of Falls Church	3 minutes ²
City of Charlottesville	3 minutes ³
City of Staunton	5 minutes
City of Harrisonburg	5 minutes
City of Alexandria	3 minutes
City of Williamsburg	5 minutes

¹ Comments from the Audience are limited to 45 minutes or approximately 15 speakers.

² The Mayor may shorten the time allowed each speaker, depending on the length of the agenda and number of speakers. A chair or representative of a board, commission, or committee may make a 5-minute oral summary of the written report.

³ City Council hears up to 16 speakers at “Community Matters” and there is also time at the end of the meeting for Matters by the Public. There is no limit on the number of speakers at the end of the meeting; the same three-minute time limit applies for each speaker.

City of Roanoke	3 or 5 minutes ⁴
Town of Blacksburg	3 minutes

⁴ On any single agenda item, one to four speakers will be allotted five minutes each and five or more speakers will be allotted three minutes each.