

**Town of Dedham**  
**Adopted by Select Board 9.14.23**

### **Public Comment Periods Policy**

#### **Policy # -23 Guidelines for Public Comment Periods**

**A. Purpose:** These guidelines are adopted to facilitate orderly and efficient public comment periods at meetings of public bodies. They will protect the ability of the residents of Dedham, and other persons, to provide feedback or information to pertinent public bodies regarding matters of public interest, Town initiatives, operations, services, and programs. To allow speakers a fair opportunity to address a public body, and to ensure the public body may accomplish its stated business, these guidelines seek to ensure compliance with the Open Meeting Law and meet other legal obligations. Meetings of public bodies in the Town of Dedham should be places to engage in orderly and peaceable discourse.

**B. Authority:** *Principles of free speech and free petition to the government, fundamental rights protected by the United States and Massachusetts Constitutions, prohibit public bodies from preventing all speech that may be upsetting or offensive.* As such, the guidelines establish reasonable time, place, and manner restrictions sufficient to facilitate orderly and peaceable public comment periods at meetings of elected and appointed public bodies of the Town.

Meetings of public bodies are subject to the requirements of the Open Meeting Law, G.L. c.30A, §§18-25. The law empowers the chair of a public body to preside at and regulate the proceedings of meetings. Pursuant to G.L. c. 30A, §20(g), no person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. Any person wishing to speak at an open meeting must first be recognized by the chair. All questions raised and comments made by a duly-recognized speaker must be directed to the chair. The chair is authorized to maintain order, and, although a rare occurrence, has authority, after appropriate warnings are ignored, to take action up to and including removal of a person who is disrupting a meeting.

**C. Application:** To secure the rights of the public to participate in public comment periods in the Town of Dedham in a manner consistent with law, and, to thereby protect the Town and members of elected and appointed bodies from civil rights claims, this policy shall apply to all public bodies in the Town of Dedham.

#### **D. Procedures:**

1. A. There shall be three types of public comment at board and committee meetings in the town of Dedham. The first, referred to as "**General Public Comment**", shall be used when the public is invited to speak to any matter within that board's jurisdiction. The second, referred to as "**Limited Public Comment**" shall be used when the public is invited to speak to a particular matter. The third, **public hearings**, called pursuant to the requirements of a statute, bylaw or regulation, shall not be strictly governed by this policy, provided, however, that paragraphs 4, 7, 8 and 9 of this section D, and Section E of this policy, shall be applicable to public hearings.

B. All agendas of multiple-member bodies in the town of Dedham shall include a 10-minute period for **General Public Comment**, subject to paragraph 3. Where to place General Public Comment on the agenda is at the discretion of the chair. If general public comment is invited at another time during the meeting, this policy shall govern.

C. If **Limited Public Comment** is invited concerning a particular matter, this policy will apply, except that the chair has discretion to determine in advance the length of the public comment period and the amount of time all speakers will be allocated, and speakers shall limit their comments to those reasonably related to the agenda item under discussion.

2. While statements during **General Public Comment** are not required to address an agenda item for that particular meeting, such comments must relate to a matter within the public body's jurisdiction. Public comments on matters outside the public body's jurisdiction may be ruled out of order by the chair. To avoid due process issues, a person seeking to provide comments on a matter scheduled for a public hearing by the same body on the same date will be asked to defer until the public hearing.
3. To participate in **General or Limited Public Comment**, an individual must, prior to the start of the comment period, sign a list for such purposes made available at the meeting location. Speakers will be recognized in the order in which their names appear on the list; provided, however, that speakers from the same organization, subject to paragraph 7, shall be recognized together and speak in whatever order they would like.
4. When recognized, and before making other remarks, a speaker at any public comment period under this Policy will first provide their name, street, and municipality of residence, and, if applicable, whether they are speaking on behalf of themselves or another, such as a Dedham board or committee or a client. A speaker that is also a member of a public body should indicate whether they are speaking on their own behalf or on behalf of the public body.
5. At **General Public Comment**, each speaker will be allowed to speak once for up to 3 minutes; provided, however, that if more than 3 persons have signed up to participate at any one public comment period, the time allotted for speakers will be 2 minutes. The chair will curtail verbal comments exceeding the allotted time.
6. To ensure broad participation by the public, the chair will recognize no more than two speakers at **General Public Comment** representing a single group or organization concerning the same topic. Persons speaking on their own behalf will not be subject to the limitations set forth in this paragraph.
7. A recognized speaker at a **General or Limited Public Comment** period may not cede or assign their time to another unless such assignment is required as a reasonable accommodation for such person because of a disability, and both names appear on the sign in list; all speakers who may need an accommodation are strongly encouraged to contact Town staff or the chair of the public body at least 48 hours prior to the meeting.

8. Upon closing of any of the public comment periods addressed by this Policy, further public comments shall not be heard.
9. Meetings may continue after any of the public comment periods addressed by this Policy; those wishing to leave before the meeting adjourns are encouraged to leave in a quiet and orderly fashion.

#### **E. Disruptive Conduct/Unprotected Speech:**

Disruptive conduct and engaging in other unprotected speech, including but not limited to the following, may be grounds for the chair of a public body to curtail speech and take other action as appropriate:

1. Speaking without being recognized;
2. Continuing to speak after the chair has curtailed additional verbal comment;
3. Interrupting a recognized speaker;
4. Speaking about matters not within the jurisdiction of the public body;
5. Speaking over a recognized speaker;
6. Engaging in conversations with others while another is speaking;
7. Making true threats of violence; and
8. Making comments inciting imminent lawlessness.

#### **F. Public Body Response**

1. A public comment period is a listening session, and the public body is there to listen.
2. Matters raised during public comment periods are not required to, and are unlikely to, be addressed or resolved by the public body at the same meeting.
3. At the sole discretion of the chair of the public body, matters raised during public comment may or may not appear on a future agenda or be referred to the Town Manager for appropriate action, if any.
4. Persons needing more time to provide a public body with additional detail or information about a matter raised during public comment are encouraged to contact the office of the Town Manager who, with the chair of the public body, will coordinate an appointment with the public body, as appropriate.
5. To the extent that, in Dedham, the Charter provides public bodies with only limited responsibility for appointing or supervising staff, employee personnel issues are more likely to fall within the jurisdiction of the Town Manager. The chair will encourage people to allow the Town to use existing administrative procedures to resolve personnel issues.
6. Public comment related to operating issues including but not limited to repairs, maintenance, safety, and other day-to-day administrative issues will be referred to the Town Manager for appropriate action consistent with the powers and duties of the Town Manager under the Charter.
7. A public body cannot demand that persons attending meetings or participating in public comment be civil to one another, the Town, or the members of the public body. Nevertheless, members of public bodies, and

those that appear before them, are encouraged to: make any/or all residents of the Town feel welcome and respected; show respect for others by listening to them speak; acknowledging that while speakers may have a different viewpoint from the public body or members thereof, or other residents, different perspectives are valuable; avoid disclosing personal information without permission of that person; and disagree with each other without being disagreeable.

#### **G. Enforcement**

Concerns about public comment periods may be brought to the attention of the Town Manager, who will review the same, discuss with the chair of the public body, and take appropriate action. Failure to comply with this policy may be grounds for removal of an appointed official.