

BARNSTABLE COUNTY
In the Year Two Thousand and Twenty

Proposed Resolution 20-06

Public Participation in Barnstable County Assembly of Delegates Meetings and Hearings

Whereas, the Barnstable County Charter defines Cape Cod regional government's purposes as providing extensive services, in a fiscally sound manner, to the region known as Barnstable County, and providing the means and structure to deal with regional issues which transcend the boundaries of municipal governments; and

Whereas, the Barnstable County Assembly of Delegates exercises the legislative powers of the Cape Cod regional government; and

Whereas, the Barnstable County Charter requires that all meetings of the Assembly of Delegates be open to the public, unless an Executive Session is convened; and

Whereas, the Assembly promotes openness and transparency in government by operating in compliance with the Massachusetts Open Meeting Law (M.G.L. ch. 30A, § 18-25); and

Whereas, the Massachusetts Attorney General's interpretation of the Open Meeting Law must be respected when formulating standards of procedure for Assembly meetings inasmuch as provisions of State law may not be waived or amended by a public body; and

Whereas, the Barnstable County Regional Government Code of Conduct states that all elected and appointed members of Barnstable County Regional Government should demonstrate respect for the public and conduct themselves to maintain public confidence in County Government, including to desist from publicly criticizing an individual employee or department; and

Whereas, the Assembly of Delegates, as the legislative arm of Barnstable County Regional Government, encourages the public to be aware of and engaged in its deliberations and activities; and

Whereas, public engagement is beneficial in the policymaking process and it is valuable for the Assembly to receive the public's comments; and

Whereas, Assembly meetings include an agenda item titled, "Communications from Members of the Public," during which the public may address the Assembly at the discretion of the Assembly Speaker; and

Whereas, the Assembly holds public hearings on proposed ordinances and resolutions where public comment on the specified policy is invited; and

Whereas, the Speaker presides over Assembly meetings, with the responsibility of ensuring the orderly completion of the Assembly's business; and

Whereas, the Assembly promulgated "Assembly of Delegates Meeting Guidelines for the Public" in 2017 and it is appropriate to update those guidelines; and

Whereas, civil discourse and respectful decorum create the preferred environment for the public exchange of ideas.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates:

Sets out the following guidelines for conduct by meeting participants and will uniformly apply these guidelines to meetings of the Assembly and its committees.

- a. A member of the public should notify the Assembly of their wish to address the Assembly. In an in-person meeting, a member of the public should use a sign-in form to indicate they wish to address the Assembly. In a remote (virtual) meeting a member of the public may alert the Speaker or the Clerk in advance of the meeting by email or other communication, or may indicate their interest by using the technique indicated by the Speaker during the meeting.
- b. The Clerk of the Assembly will advise the Speaker of members of the public who wish to address the Assembly, and if known, the order in which they requested to speak.
- c. The Speaker will invite a member of the public to speak who has notified the Assembly of their interest in addressing the Assembly.
- d. When recognized by the Speaker, a member of the public should state their name, town, and subject they wish to address.
- e. Members of the public may speak at the Speaker's discretion for up to five (5) minutes unless the Speaker has modified the available time period.
- f. Signs, banners, and similar items are not permitted in the Assembly chamber during non-remote meetings.
- g. Public comment should be presented in a courteous manner.
- h. Comments in public session concerning any Barnstable County elected or appointed official, or employee, should be limited to discussion of professional competence. Comments relating to the reputation, character, physical condition or mental health of aforesaid individuals or relating to discipline, dismissal or complaints brought against

same, may only be discussed in Executive Session, after the requirements of the Open Meeting Law are observed.

- i. Under the Open Meeting Law, the Assembly is unable to discuss comments made by the public on a topic that does not appear on the agenda. However, the Speaker may add a topic raised by the public to a future agenda or refer the commenter to a County resource or other entity for assistance.
- j. The Speaker is responsible for preserving decorum at meetings and seeing that all persons and matters are treated fairly.
- k. The Speaker may rule certain comments or unruly behavior out of order and issue warnings.
- l. Under state law, the Speaker may order a person to leave a public meeting for unruly conduct, and if the party does not leave, may order a constable or other officer to remove the party from the meeting (M.G.L. ch. 30A, § 20(f)).
- m. If all efforts fail to resolve the situation, the Assembly may adjourn the meeting to another date.
- n. In a virtual (remote platform) meeting, the Speaker will provide a warning to a member of the public who is violating these guidelines and specify the reason for the warning. If the unruly behavior continues, the Speaker may have that member of the public blocked or removed from the remote meeting.

(Submitted by Brian O'Malley, Provincetown Delegate Brian O'Malley, Brewster Delegate Mary Chaffee, and Chatham Delegate Randi Potash at a virtual meeting of the Assembly of Delegates held on September 16, 2020)