



**HAMPTON CITY COUNCIL
CITIZEN PARTICIPATION POLICY**

ARTICLE I – PURPOSE AND APPLICABILITY

- 1.1 This Citizen Participation Policy (the “Policy”) is adopted pursuant to the authority set forth in the Hampton City Charter and Hampton City Code to assist the city council in the orderly conduct of City business consistent with applicable law. [Hampton City Charter § 3.04; Hampton City Code § 2-42].

ARTICLE II – PRESIDING OFFICER RESPONSIBILITIES

- 2.1 The mayor shall preside over the meetings of the city council and the vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor. In the absence or disability of both the mayor and the vice-mayor, the city council shall by majority vote of those present, choose one of their number to perform the duties of mayor. [Hampton City Charter § 3.06; Hampton City Code § 2-39].

ARTICLE III – PUBLIC ACCESS TO COUNCIL MEETINGS

- 3.1 All meetings of the city council shall comply with the Virginia Freedom of Information Act, and—with the exception of lawfully called closed session meetings—shall be open to the public. Members of the public shall be admitted up to the legal capacity of the meeting room. Overflow seating shall be made available to the extent it is reasonably practicable to do so. Public attendance at city council meetings is conditioned upon compliance with the Policy.
- 3.2 All individuals desiring to attend a meeting of the city council may be subject to a search of their persons and property by metal detector and/or by other appropriate means, at the direction of the city council or city manager.
- 3.3 Prohibited Objects. No person shall be permitted to enter a city council meeting with the following items:
- a. Large objects that may be used as weapons, including but not limited to batons, sticks, knives, or other cutting tools;
 - b. Large banners, signs, flags, or other displays;
 - i. Permitted banners, signs, flags, or other displays shall be limited to 3'x5'; composed of paper, cardboard, foamboard, or fabric; and shall not contain wood, metal, or plastic supports or handles.
 - c. Megaphones, bullhorns, whistles, or other devices designed to emit loud noises;
 - d. Laser pointers, flashlights, or other devices designed to emit lights;
 - e. Food or drink; and
 - f. “Selfie” sticks.

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The city manager may amend the list of prohibited items from time to time provided that appropriate signage is placed at the entrance(s) to the meeting room notifying citizens of such prohibited items.

- 3.4 Media Equipment. Individuals shall be permitted to bring tripods and video equipment, provided that such equipment is set up in the aisles in such locations as may be designated by the city council or City staff members at the meeting. Space for tripods and video equipment may be limited to Qualified Mass Media Outlets, as defined herein, due to limited space or capacity, at the discretion of the mayor or City staff. For purposes of this Policy, “Qualified Mass Media Outlets” shall mean television, radio, or news organizations that have broadcasting and/or publication abilities that extend beyond social media.
- 3.5 No signs, posters, placards, or similar objects shall be affixed to the walls, doors, etc. of the meeting room, except by City staff in connection with business, and then only with permission of the city manager.
- 3.6 Seating Arrangements. Only city council members, designated City staff, and those authorized by the mayor, city council, or city manager are permitted to sit on the dais or to be within the rail in the front of the city council chamber. No one is permitted to approach closer to the dais than the lectern without permission of the mayor. [Hampton City Code § 2-41]. In addition, all persons attending a meeting shall remain seated in the audience, unless directed to stand by the mayor or other City staff. Attendees should, to the extent possible, limit conversation when entering and exiting the meeting room after the meeting has begun so as to limit disruption of the meeting.

ARTICLE IV – DECORUM AND ORDER DURING MEETINGS

- 4.1 Members of the public shall refrain from private conversations while the city council is in session and must be recognized by the mayor before addressing the city council. When applicable, individuals shall also comply with the city council’s “City Council Public Hearing & Public Comment Protocol,” which is published on the City’s website and available at the city council meetings, when speaking on a public hearing agenda item or during the general public comment period.
- 4.2 Audience Decorum. No person shall address the city council while seated or standing in the audience area. Stomping of feet, whistles, yells, heckling, clapping, and other similar behavior from the audience which may interfere with the meeting, is prohibited. The emission of sounds from cell phones or any other device capable of emitting sounds is prohibited. Upon the request of a member of city council, a member of the audience shall be permitted to address the city council at a time other than during public comment or a public hearing.
- 4.3 Speaker Decorum. Once designated by the mayor to speak on an agenda item, individuals shall comply with the city council’s “City Council Public Hearing & Public Comment

Protocol.” In general, the mayor may prevent or discontinue speech that he or she reasonably perceives to be a disruption, or imminently to threaten, a disruption of the orderly and fair progress of the meeting whether by virtue of its irrelevance, its duration, or manner. Speakers shall further conform to the following:

- a. **Refrain from personal attacks, threatening language, and other comments that may incite violence.** A personal attack, in the sense of an insult directed at a person and not speech directed at substantive ideas or procedures at issue, is irrelevant and threatens to disrupt the orderly conduct of a meeting. The mayor may, therefore, prevent or discontinue comments from any speaker that amounts to a merely personal attack regardless of whether it is directed at the city council or any of its members, City staff, or members of the public.
 - b. **Refrain from off-topic speech.** All public comment must be relevant. Comments upon specific public hearing agenda items (e.g., use permits, rezonings, and real estate dispositions) must address the subject of the agenda item. Comments during the general public comment period must address only topics the city council has the authority to act upon, as further described in the “City Council Public Hearing & Public Comment Protocol.” The mayor may, therefore, prevent or discontinue comments from any speaker that are irrelevant.
 - c. **Refrain from campaign-related speech.** Members of the public are prohibited from campaigning for public office or otherwise engaging in election-related speech in the meeting room, when not directly related to an issue before the city council.
- 4.4 **Presentations.** Members of the public shall only be permitted to use the City audio-visual equipment during their allotted speaking period after submission of the material to be displayed to the office of the clerk for virus screening and software compatibility no less than two (2) business days prior to the scheduled meeting. [Hampton City Code § 2-43].

ARTICLE V – ENFORCEMENT OF RULES

- 5.1 The mayor shall preserve order and decorum over city council meetings and is authorized to unilaterally enforce compliance with the Policy by declaring individuals out of order and taking any of the following other actions, as applicable.
- a. **Points of Order.** Any city council member may take notice of any point of order and ask the mayor to rule upon such point and to enforce the city council’s established procedures. The mayor shall rule on any point of order, and any ruling of the mayor may be appealed to the city council as a whole by request of any member, which shall be decided by consensus or informal polling by the clerk of the city council.

- b. **Termination of Microphone and Speaking Time.** Failure to come to order after notification by the mayor may result in the applicable microphone(s) being shut off, the forfeiture of any remaining speaking time, or, at the discretion of the mayor, imposition of other remedies. The mayor may further order such individuals to return to their seat.
- c. **Removal of Individuals.** The mayor or city manager may eject from the meeting room any person who:
 - 1. Violates the Policy or other city council procedures and who fails to come to order after a warning by the mayor;
 - 2. Disrupts any meeting of the city council if such disruption prevents or interferes with the orderly conduct of such meeting; or
 - 3. Disrupts any meeting in a manner that has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed.

Any person so removed shall not be permitted to re-enter for the remainder of the meeting unless specifically permitted by the mayor. In ordering the removal of such person, the mayor or city manager may call upon the aid, if necessary, of any persons, such as law enforcement officers. [Hampton City Code § 24-12].

If warranted, any person may be charged with disorderly conduct pursuant to Hampton City Code § 24-12.

- d. **Clearing the Chamber.** In case of disturbance or disorderly conduct, the mayor shall have the chamber cleared. [Hampton City Code §§ 2-39, 24-12]. In such an event, the city council shall automatically stand at recess and the television live streaming will be terminated.
 - e. **Recess.** Any member of city council may make a motion to recess in order to take a short intermission and then resume business at the point it was interrupted. A recess motion can be adopted by general consensus of city council members.
- 5.2 A uniformed law enforcement officer shall act as sergeant-at-arms/bailiff for the city council and shall furnish whatever assistance is needed to enforce the Policy or other procedures of the city council at the direction of the mayor or city manager.
- 5.3 Any person who has been removed from a city council meeting and who, at a later meeting, again engages in behavior justifying removal may also be barred from attendance at future city council meetings for a specified and reasonable period of time not to exceed six months. Written notice of such fact shall be provided by the mayor on behalf of the city council.

Any person previously barred, for any period of time, who subsequently engages in behavior justifying removal shall be barred for a period of one year.



Any individual barred from attendance at future city council meetings may appeal, in writing, within 10 days of receipt of written notice by the city council of such decision. Such appeal shall be heard at the next regular city council meeting and the decision may be overturned or modified by majority vote of the city council.

Last Amended:

- March 9, 2022