

Board Public Comment Policy (200.6)

Since the Board recognizes its responsibility to provide a reasonable opportunity to members of the public to be heard on propositions before the Board, the following shall apply to public appearances before the Board:

1. In accordance with §286.0114, Florida Statutes, as may be amended from time to time, the public shall be given a reasonable opportunity to be heard on a proposition before the Board. For purposes of this policy, a “proposition before the Board” means an item on the Board’s Agenda for the meeting at which members of the public are requesting to be heard.
2. The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes, unless extended by the Board Chairperson (or other presiding member in the absence of the Board Chairperson).
3. The opportunity to be heard is subject to all College policies and procedures, and does not prohibit the Board from maintaining orderly conduct or proper decorum in a Board meeting.
4. The opportunity to be heard may or may not occur at the same meeting at which the Board takes action, as long as the opportunity occurs at a meeting during the decision-making process and is within reasonable proximity in time before the Board takes official action.
5. Any person or group who wishes to be heard on an Agenda item during a Board meeting must observe the following:
 - a. Complete a “Request for Public Comment” form prior to the meeting. Forms shall be available on the College’s website, as well as outside the Board Room at least thirty (30) minutes prior to the scheduled start of the meeting.
 - b. If written materials are requested to be distributed in conjunction with the Request for Public Comment, no less than seven (7) copies must accompany the form. Any written materials submitted may be retained as part of the public record of the meeting.
 - c. Persons may submit completed forms and any related documents to the Office of the President during normal operating hours on Monday through Thursday or to any Security Officer who is present in the Board Room on the day of the meeting at least fifteen (15) minutes prior to the meeting’s Call to Order.
 - d. In order for meetings to proceed in an efficient and orderly manner, the Board Chairperson may in his or her absolute discretion:
 - (1) Limit the number of speakers, shorten or lengthen the time allowed to speakers, or designate a representative to speak on behalf of a group or faction consisting of 5 or more individuals.
 - (2) Interrupt, warn, or terminate public comment when a person’s allotted time has elapsed, or is unrelated to the Agenda item identified by the person’s request, or when it is personally directed, abusive, obscene, or irrelevant.

- (3) Request any individual to leave the meeting when that person does not observe reasonable decorum.
 - (4) Request the assistance of security and/or law enforcement in the removal of a disobedient person when that person's conduct interferes with the orderly progress of the meeting.
 - (5) Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.
 - e. When recognized by the Board Chairperson, an individual or representative may approach the audience podium, state their name and address for the record, and be heard on the Agenda item identified by the individual or representative's Request for Public Comment. Reasonable accommodations will be made for individuals or representatives with a disability who wish to be heard.
 - f. All statements shall be directed to the Board as a whole, and not to individual members. Staff members shall not be expected to answer questions from members of the public unless called upon by the Board Chairperson or the President.
 - g. The use of audio/visual equipment to make or supplement public comment is not permitted absent prior authorization of the Board Chairperson or the President.
6. The opportunity to be heard shall be limited to five (5) minutes for an individual or for a representative of a group or faction. The time periods may be extended at the sole and absolute discretion of the Board Chairperson. Persons allowed to make public comment may not cede all or part of their allotted time to other individuals or representatives.
 7. Individuals and representatives will generally be permitted to speak in the order in which their Request for Public Comment forms are received, however the Board Chairperson shall have the authority to arrange the order of speakers in any manner deemed appropriate for the orderly conduct of the meeting.
 8. Requests to address the Board for items not on the Board's Agenda must be received by the Office of the President no later than 5:00 p.m. on the Thursday preceding the Board meeting. Such requests shall be evaluated by the Board Chairperson. In reaching a decision to grant or deny such requests, the Board Chairperson shall consider the following:
 - a. the number of items on the Board's Agenda;
 - b. the number of requests made or anticipated to speak on Agenda items;
 - c. the substantive nature of the requested matter;
 - d. the prior presentation or consideration of the matter by the Board;
 - e. the likelihood of disruption if the request is granted; and

- f. whether the interests of the College would be advanced by granting the request.

Unless required by applicable law, such requests shall be denied with respect to any ongoing legal or personnel matter, or any matter that has not been fully exhausted through internal administrative channels.

9. The opportunity to be heard does not apply to the following:
 - a. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act.
 - b. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations.
 - c. A meeting that is exempt from §286.011, Florida Statutes, as may be amended (the Public Meetings Law).
 - d. A meeting at which the Board is sitting in its quasi-judicial capacity.
10. Notwithstanding the provisions of this section, at no time may the number of individuals present in the Board Room exceed the allowed number of occupants established by the Brevard County Fire Marshal. In such a case, the College may restrict access to the Third Floor of Building 8 (Melbourne Campus) to anyone who, if present inside the Board Room, would cause the maximum number of occupants to be exceeded.
[§1001.64; §112.311, Fla. Stat. (2016)] [§286.0114, Fla. Stat (2016)]