



Deferral and Pooling of Public Comment Time

Prepared By: Austin Burton, Policy Research Fellow

Morgan Spicer, Interim Policy Oversight Administrator

Omichele D. Gainey, IIMC-CMC, City Clerk

Requested By: Commissioner Cynthia Chestnut

OBJECTIVE

The intent of this research is to analyze policies allowing for the deferral or pooling of public comment time amongst individuals to determine if such a practice would be beneficial for the City of Gainesville.

EXECUTIVE SUMMARY

Under a policy allowing for the deferral or pooling of public comment time, an individual in attendance at a City Commission meeting could defer or yield their speaking time to another individual, to allow the latter individual more time to speak to the topic at hand. Currently, the City of Gainesville has no such policy, but the creation of a policy could allow select neighbors time to present more cohesive and detailed arguments to the Commission than is allowed during the current 3-minute public comment period and may also reduce the number of repetitive arguments heard during public comment. However, such a policy could also create an administrative burden and may result in individuals taking advantage of loopholes in such a policy to receive additional time to speak in front of the Commission.

Municipalities approach the pooling or deferral of public comment time in different ways. Some municipalities, such as Alachua County and the City of Tallahassee, leave the allowance of public comment pooling and the specifics of the policy entirely up to the Chair of the meeting. Others, such as Tampa, Florida and James City County, Virginia, allow groups to designate a “spokesperson” to represent their group who can speak for up to 10 to 15 minutes only during public hearing portions of a meeting. In Clearwater, Florida, the chosen “representative” of a group may receive an additional minute of speaking time per individual in their group who has chosen to waive their time, and those individuals are required to fill out a formal form acknowledging that they waive their speaking time. However, many other municipalities such as Hollywood, Florida; Jacksonville, Florida; Miami Dade County, Florida; and Santa Barbara, California prohibit any such pooling or transferring of public comment time. Similarly, some municipalities such as Orlando, Florida and Shelby, North Carolina encourage the designation of a group spokesperson to avoid repetition of statements, but do not grant this spokesperson any additional speaking time.

HISTORY

City of Gainesville

Per the City of Gainesville rules resolution, there are several opportunities for members of the public to speak to items before the Commission. During General Public Comment, individuals may address the Commission on items that are not on the agenda, and each speaker is limited to a maximum of 3 minutes and total public comment period is limited to 30 minutes. Early Public Comment is an opportunity for individuals to address the Commission on items at the beginning of the morning, afternoon, and evening session. During early public comment individuals are permitted to comment on any or all items on the agenda, and speakers are limited to a maximum of 3 minutes on one agenda item or 5 minutes if speaking on multiple agenda items. Finally, there is regular Public Comment on Agenda items, where each speaker is limited to a maximum of 3 minutes and may only speak on the agenda item being considered. Members of the public are also invited to submit pre-recorded comment and e-comment,

however there is no policy which allows for the deferral or pooling of comment time to another individual.¹

DEFINITIONS & CLARIFICATION

Throughout the research of practices from other jurisdictions, some, including Tampa, Florida and James City County, Virginia, outlined specific times during a City Council or City Commission meeting when members of the audience can or cannot pool their time or transfer their time to another speaker. For those municipalities, a **public hearing** is a scheduled period of time during a City Council/Commission meeting that is for members of the public to speak on legislative items that are included in the meeting's agenda. A **public comment** period is defined by those municipalities as a period of time reserved for members of the public to speak on items that do not have a scheduled public hearing period or are not on the meeting agenda.

BEST PRACTICES AND CHARACTERISTICS

Public comment periods are a valuable time for community members to make their voices heard, as hearing input from community members can help a governing body make decisions that will result in the highest level of benefit for a community. Making the public comment process accessible to all is an important step in providing a service to all neighbors.²

The deferral or pooling of public comment time is one area that has potential to increase access to the public comment period. Under such a policy, an individual in attendance at a City Commission meeting could defer or pool their speaking time with another individual, to allow the latter individual more time to speak to the topic at hand. The ability for individuals to defer or pool their public comment time with another speaker may enable the individuals receiving the extra time to present a more cohesive and detailed argument for or against a policy compared to when a speaker is limited to a three-minute comment time. The transferring of time also has potential to aid in situations where an individual is making the effort to actively participate in their community by attending a Commission meeting, yet they do not wish to speak, by giving them the ability to yield their allotted time to another individual. Finally, allowing for the pooling of public comment time may reduce the repetitiveness of statements made before the Commission, and also may result in an overall shorter public comment period if used effectively.

Municipalities approach the pooling of public comment time in different ways. Some municipalities, such as Alachua County and the City of Tallahassee, leave the allowance of public comment pooling and the specifics of the policy, such as the amount of time one individual can speak or how many people may pool their comment time, entirely up to the Chair of the meeting. Others, such as Tampa, Florida and James City County, Virginia, allow groups to designate a "spokesperson" to represent their group only during a public hearing portion of a meeting who can speak for up to 10 to 15 minutes. In Clearwater, Florida, the chosen "representative" of the group may receive an additional minute of speaking time per

¹ Gainesville City Commission Rules Resolution No. 210548

² [Microsoft Word - Why Public Comments Matter CHLPI Branded.docx](#)

individual in their group who has chosen to waive their time, and individuals must fill out a formal form acknowledging that they waive their speaking time. However, many other municipalities such as Hollywood, Florida; Jacksonville, Florida; Miami Dade County, Florida; and Santa Barbara, California prohibit any such pooling or transferring of public comment time. The specifics of each municipality's policy is explored in more detail in the Practices from Other Jurisdictions section.

CHALLENGES

However, several challenges may arise from implementing a policy which would allow for the pooling or deferral of public comment time. It may be necessary to ensure that there are no loopholes in such a process that would allow for individuals to defer their time to another speaker, and then also speak to the same topic themselves. Ensuring that this repetition in speakers does not take place may also present an administrative challenge to those running the meeting, as close attention will need to be paid to who has waived their right to speak in order to give their time to a different speaker. Additionally, there may be concern over the potential abuse of such a policy, where an individual might routinely bring friends or children to a meeting to receive additional speaking time. Finally, if the intent behind the allowing of transferring or pooling of public comment time is to reduce the amount of total public comment time, it may be useful to establish a cap on the amount of time one individual can speak, regardless of how many individuals defer their time to that individual.

Public engagement about a reform in procedure may also need to be taken to allow neighbors to be adequately prepared for and informed of any changes made to the public comment process.

PRACTICES FROM OTHER JURISDICTIONS

Allows Public Comment Deferral or Pooling

Alachua County, Florida³

Members of the audience are only allowed to speak during one of the two public comment periods during a regular meeting. Audience members are only allowed to speak for 3-minutes for non-agenda items. Audience members are given 3-minutes to speak on agenda items, with additional minutes given at the discretion of the Chair. The Chair may allow for pooling time for persons who are in attendance at the meeting and wish to give up their time to another in attendance at the meeting, if the Chair determines that pooling time will provide for more efficient conduct of a meeting or will provide for more effective, efficient participation, or both.

During a quasi-judicial public hearing, parties may have up to 15-minutes to make their arguments and share evidence. If there are 4 or more parties with a similar agenda, they may join and speak for a maximum of 60-minutes.

Tallahassee, Florida⁴

Under current policy, the City of Tallahassee allows for groups to nominate an individual to speak on behalf of the group. Per this policy, the Chair of a meeting may require, at a meeting in which a large

³ [Resolution 2022-099 Board Rules approved 09.27.22 ADA for webpage \(powerdms.com\)](#)

⁴ [108.pdf \(talgov.com\)](#)

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number of individuals wish to be heard, that a representative of a group or faction on an item speak on behalf of the group or faction rather than each individual speaking; and may designate the length of time the representative may speak. Otherwise, speaker's comments shall be limited to three minutes.

Clearwater, Florida⁵

The public comment period is limited to 60 total minutes. Individuals are given 3-minutes to speak. Groups may elect a representative who is given 3-minutes, plus an additional minute for each person in the group the individual is representing that has waived their right to speak, for up to a maximum of 10-minutes. Comment cards are provided for individuals who waive their right to speak in order to adequately track the correct allotted time for group representatives. No person is allowed to speak more than once on the same subject at the same meeting unless granted permission by the City Council. Unused time cannot be transferred from one speaker to another. Extensions of time limits are given if approved by the Chair.

College Station, Texas⁶

Individuals must register to speak in front of the City Council. Each speaker's remarks are limited to 3 minutes. Any speaker addressing the Council using a translator may speak for 6 minutes. An individual may speak for 10 minutes on behalf of a group of 5 or more. The 5 or more individuals must sign the registration form and must be present when the speaker is introduced. Those signing may not speak individually.

San Antonio, Texas⁷

Members of the public wishing to speak during the meeting must register 15 minutes prior to the posted meeting time. Individuals are given up to 3 minutes to speak. Organizations have a total time of 9 minutes to speak if 3 representatives are registered and waiting in the queue for their name to be called. However, the Chair may reduce this time at their discretion.

Tampa, Florida⁸

Current policy of the City of Tampa allows for pooling of time up to a 10-minute maximum during scheduled public hearings only (not during public comment, which is for items without a scheduled public hearing or not on the agenda). Individuals in the audience may designate a spokesperson to speak on their behalf, thereby relinquishing their speaking time to the designated spokesperson on the public hearing agenda. A speaker's waiver form must be filled out and signed by individuals in the audience and presented to the Council. Speaking time is one minute per name on the waiver up to a maximum of 10-minutes.

During public comment of regular sessions of Council, pooling of public comment is prohibited with each individual allowed to speak for a maximum of 3-minutes.

⁵ [Clearwater City Council Rules \(myclearwater.com\)](http://myclearwater.com)

⁶ [Public Comments - City of College Station \(cctx.gov\)](http://cctx.gov)

⁷ [Public Comment \(sanantonio.gov\)](http://sanantonio.gov)

⁸ [City Council Information Resources | City of Tampa](#)

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James City County, Virginia⁹

During the public comment portion of a Board of Supervisors meeting, members of the public are allowed to speak for a maximum of 5-minutes. Speakers during this time may only speak once. During a public hearing portion, members of the public are also allowed to speak for a maximum of 5-minutes and may only speak once during the public comment period. The policy states that a group may designate a spokesperson and make a comment representing the group for up to a maximum of 15-minutes. A group is defined in the James City County policy as having four or more individuals physically present during a meeting, with three or more yielding their time to the chosen spokesperson of the group. Those who yield their time may not speak on that topic, either individually or as part of another group.

From a conversation with James City County's Deputy Clerk, their policy on groups electing a spokesperson has worked very well. It was specifically pointed out that requiring the minimum of 4 individuals within a group to be present during the Board meeting has helped keep groups from abusing the policy by sending one speaker on behalf of a group that is not physically present. Recently, a large group of teachers, around 75, were present during a Board meeting asking for higher pay. With prior knowledge of a coalition of teacher being present at the meeting, the Board reached out and suggested that a spokesperson be chosen to speak on behalf of the 75 teachers. However, there have also been situations in the past where individuals who share similar sentiments on topics of discussion don't take advantage of the group spokesperson process. For example, in the past a group of 300 members of the public came to speak on the same topic at a meeting and many chose to speak individually, rather than as a group. However, it is also of note that within the policy James City County has, the Board has the right to request speakers to keep the discussion within the scope of what the Board has the power to do.¹⁰

Does Not Allow Public Comment Deferral or Pooling

Miami-Dade County, Florida¹¹

A person may register to speak on any matter appearing on the official agenda under the "Public Hearing" section. Speakers must register with staff at least 15 minutes prior to the start of the discussion on the public hearing item. The maximum the speaker is given is 3-minutes without the ability to defer time to others.

Hollywood, Florida¹²

Citizens' comments shall be held on the third Wednesday of each month at the Regular City Commission Meeting. During these meetings, the City of Hollywood, Florida's official policy is that speaking citizens are given 3-minutes to speak and time is not transferable to other people. If more than 10 people come to make comment, the 3-minute allotment may be reduced upon discretion of the Chair.

⁹ [Public Speaker Policies | James City County, VA \(jamestownva.gov\)](https://www.jamestownva.gov/public-speaker-policies)

¹⁰ Personal Conversation, Teresa Saeed, Deputy Clerk

¹¹ [Miami-Dade County | How To Be Heard on an Issue Website](https://www.miamidade.gov/HowToBeHeardOnAnIssueWebsite)

¹² [Meeting Procedures | Hollywood, FL - Official Website \(hollywoodfl.org\)](https://www.hollywoodfl.org/MeetingProcedures)

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Jacksonville, Florida¹³

Members of the public may speak during the public comment period for 3-minutes maximum, with no transferring or giving of their time to other speakers allowed. Speakers are also allowed 3-minutes during the public hearing portion of a City Council meeting.

In a discussion with a Legislative Assistant to the City Council of Jacksonville, it was shared how there is no policy around groups speaking and being given more time. Individuals are encouraged to state whether they are part of a group during their public comment but there is no existing policy relating to defining a group, allocating more time for a spokesperson of a group to speak, or requiring people who share similar sentiments to speak collectively.

It was further explained that there are no policies on restrictions for what public comment can be used for. Each individual is able to use their time during the public comment period to speak on any matter of issue they please, whether it is under the scope of the City Council or not.¹⁴

Santa Barbara, California^{15, 16}

City Council members voted to end pooling time during public comment in early 2023. The original policy was that individuals who make public comment were allowed to ask other members of the public to fill out slips and give their time to one individual. Each individual was allowed two minutes of speaking, with each individual allowed up to 10-minutes of pooled speaking time. By ending the pooling of public comment time, the Santa Barbara City Council increased the allotted time from 2-minutes to a 3-minute maximum.

Reasoning behind the decision to eliminate pooling of public comment time was based on experience with certain individuals consistently overtaking the public comment period. Stated in the referenced article, a particular individual had a notorious reputation of consistently pooling time to speak out against the City Council, City staff, and the Mayor on a variety of issues. A 4-3 vote was the deciding factor to eliminate the pooling of time policy.

In a discussion with an executive assistant to the Mayor & City Council, Santa Barbara did away with allowing citizens to pool time due to an abuse of the process. For example, there were past experiences of parents bringing their child's soccer team to gain more time to speak on a particular issue. The Mayor saw this as an abuse of the system due to being pooling time from individuals who had no stake in particular issues that were being spoken on.

Similar to James City County, the Santa Barbara City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction. Additionally, the Council requests, particularly during contested topics such as rent control, that members of the public who still

¹³[Council Rules updated 9.13.22.pdf \(coj.net\)](#)

¹⁴ Personal Conversation with Steven Libby, Legislative Assistant to the City Council of Jacksonville

¹⁵ [Checking link \(office.net\)](#)

¹⁶ [City Council Meetings | City of Santa Barbara \(santabarbaraca.gov\)](#)

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wish to speak keep their comment to proclaiming they agree or disagree with a previous speaker but not go into detail, as many people still need to speak.¹⁷

Orlando, Florida¹⁸

The public is welcome at all meetings and invited to make a live public comment or submit written public comment in advance. The opportunity to provide public comment is available until the designated public comment portion of the item is closed. Non-repetitive comments are encouraged, and therefore, large groups are requested to name a spokesperson so as to not take up multiple time slots. There is a general time limit of 3 minutes to speak applies per issue or as officially set during the meeting.

Hendersonville, North Carolina¹⁹

The presiding officer reserves the right to alter comment period time limits. A total of 15 minutes will be set aside at the beginning of each meeting for general comments on a first come, first served basis according to the sign-up sheet and order of any digital meeting participation. Speakers will be limited to 4 minutes each, and no time may be yielded or transferred from one speaker to another. Each speaker will be concise and avoid repetition. In order to avoid repetition, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

Raleigh, North Carolina²⁰

Each speaker is allocated 3 minutes to speak. The Mayor or presiding officer may, in their discretion, increase or decrease this time allocation. A speaker may not share or relinquish any remaining time they have not used with another speaker.

Shelby, North Carolina²¹

Comments are limited to 3 minutes per speaker. A speaker cannot give their allotted minutes to another speaker to increase that person's allotted time. There is a maximum of 3 participants allowed to speak on the same topic. It is recommended that if there are several people who wish to speak on the same subject that they choose one person to speak for all.

Siler City, North Carolina²²

Each speaker shall be limited to a maximum time of 3 minutes. No time may be yielded or transferred from one speaker to another. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

McLean County, Illinois²³

¹⁷ Personal Conversation with Holly Perea, Executive Assistant to the Mayor and City Council

¹⁸ [City of Orlando | Public Meetings \(orlando.gov\)](https://www.orlando.gov/public-meetings)

¹⁹ [20-12-03_cc_public_comment_policy_0.pdf \(hendersonvillenc.gov\)](https://www.hendersonvillenc.gov/20-12-03_cc_public_comment_policy_0.pdf)

²⁰ [Public Comment Period - Sign Up to Speak | Raleighnc.gov](https://www.raleighnc.gov/public-comment-period-sign-up-to-speak)

²¹ [Public Comment Policy | City of Shelby](https://www.silercity.org/public-comment-policy)

²² [Public Comment Policy 2020 signed.pdf \(silercity.org\)](https://www.silercity.org/public-comment-policy-2020-signed.pdf)

²³ [McLean County | Public Comment Policy \(mcplan.org\)](https://www.mcplan.org/public-comment-policy)

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There shall be a maximum of 5 speakers in any public comment period. In the event more than 5 public comment cards are submitted, the Chairman of the Commission or committee shall randomly select the 5 speakers. Comments are limited to 3 minutes per speaker. A speaker cannot give his or her allotted minutes to another speaker to increase that person's allotted time.

Gaston County, North Carolina²⁴

Each speaker is allocated up to 3 minutes to speak. No public comment period shall extend beyond one hour. However, the Chair reserves the right to adjust the time limitation for individual speakers or the overall time period as necessary for the efficient and effective conduct of business. Citizens may address the Board members in public hearings provided the comments are directly related to the subject matter of the public hearing. A speaker may not share or relinquish any remaining time they have not used to another speaker. Speakers are only allowed to speak one time during the public comment period.

Issaquah, Washington²⁵

Comments from members of the public are limited to 5-minutes each. The presiding officer shall have the discretion to make exceptions to the time restrictions. For any groups in attendance that may be intending to speak on the same topic, the presiding officer will request that the group consider identifying a spokesperson and that all those who would like to indicate support of a stated position raise their hand.

RECOMMENDED POINTS FOR FURTHER DISCUSSION

Whether the pooling of comment time should be consistently allowed or allowed only at the discretion of the Chair.

Whether the City would wish to put a cap on the number of people that can transfer their time to a single individual.

Should individuals who accumulate transferred time have a cap on the amount of time they can speak.

Ensuring effective and precise management of speaker cards is of heightened importance if transferring of time were to be pursued further, with speaker cards playing an important role in ensuring individuals do not speak for additional time they are not granted.

It may be necessary to include a stipulation in any public comment deferral policy that individuals must be physically present at a Commission meeting in order to defer their time to another individual.

REFERENCES

Gainesville City Commission Rules Resolution No. 210548

²⁴ [Gaston County | Rules for Public Comment \(gastongov.com\)](https://www.gastongov.com/DocumentCenter/View/11111/2017-2018-Public-Comment-Rules)

²⁵ [Public Comment Guidelines | Issaquah, WA - Official Website \(issaquahwa.gov\)](https://www.issaquahwa.gov/DocumentCenter/View/11111/2017-2018-Public-Comment-Rules)

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[Center for Health Law and Policy Innovation at Harvard Law](#)

[Alachua County, Florida Public Comment Policy](#)

[City of Tallahassee, Florida Public Comment Procedure](#)

[City of Clearwater, Florida Public Comment Procedure](#)

[City of Orlando, Florida Public Comment Procedure](#)

[City of Tampa, Florida Public Comment Procedure](#)

[James City County, Virginia Public Speaking Policies](#)

Personal conversation with Teresa Saeed, Deputy Clerk of James City County, Virginia

[Miami-Dade County, Florida Public Comment Procedure](#)

[City of Hollywood, Florida Public Comment Procedure](#)

[City of Jacksonville, Florida Public Comment Procedure](#)

Personal conversation with Steven Libby, Legislative Assistant to the City Council of Jacksonville, Florida

[Santa Barbara City Council Votes to End Pooling of Public Comment Time](#)

[Santa Barbara, California City Council Public Comment Procedures](#)

Personal conversation with Holly Perea, Executive Assistant to the Mayor & City Council of Santa Barbara, California

[City of Hendersonville, North Carolina Public Comment Procedure](#)

[City of Raleigh, North Carolina Public Comment Procedure](#)

[City of Shelby, North Carolina Public Comment Procedure](#)

[Brunswick County, North Carolina Public Comment Procedure](#)

[McLean County, Illinois Public Comment Procedure](#)

[Gaston County, North Carolina Public Comment Procedure](#)

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[Martin County, Florida Public Comment Procedure](#)

[Martin County, Florida Rules of Procedure](#)

[Issaquah, Washington Public Comment Procedure](#)