

El Dorado County Meeting Room Policy



September 17, 2019
Discussion

Current Resolution



El Dorado County Resolution No. 83-95, approved on April 4, 1995, governs the current use of County meeting rooms and conference rooms.

The Resolution is outdated, difficult to administer, and requires review to meet current needs and to reflect current law.

The public has limited access to information about the use of meeting rooms because the governing document is a Resolution instead of a County Policy.

Current Use of Meeting Rooms

Resolution 83-95



- A. County department heads or their representatives
- B. County commissions, committees
- C. El Dorado County Central Committees
- D. Other governmental agencies authorized by the Chief Administrative Officer or the Board of Supervisors
- E. Private corporations that are under contract with the County to provide a service to the public.
- F. Recognized community-based organizations may use the Library meeting rooms or the Community Services meeting rooms for meetings associated with public purposes.

First Amendment



Regulating public use and access to meeting rooms involves First Amendment guarantees, specifically the right to freedom of speech and expression.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

First Amendment



The extent of restrictions on speech depends on the nature of the forum.

- Traditional Public Forum
- Nonpublic Forum
- Limited Public Forum
- Designated Public Forum

Options



The Board has three general options in adopting a policy regulating the use and access of the meeting rooms:

- (1) preserve the nonpublic forum status of the meeting rooms
- (2) create a limited public forum for use by certain groups or for discussion of certain topics; or
- (3) create a designated public forum and open up the meeting rooms to all speech and expressive activity, without reference to the activity's content.

Nonpublic Forum



A public building operated for the purpose of conducting county business is considered a nonpublic forum.

The Board could deem the meeting rooms a nonpublic forum and reserve the meeting rooms for conducting County business or use only.

Nonpublic Forum Policy Example



County meeting rooms are for the conduct of County government business.

County meeting rooms may be used by
The Board of Supervisors
County Departments/agencies
County commissions and committees

Nonpublic Forum Policy Example



County meeting rooms can be used by groups formed and authorized by County departments and agencies for the purpose of furthering the provision of County provided services or programs.

Limited Public Forum



A limited public forum is created when the government opens a nonpublic forum to others but reserves access to it for only certain groups or for the discussion of certain topics.

Restrictions must be viewpoint neutral and reasonable in light of the purpose served by the forum.

The Board could deem all or some meeting rooms to be used by groups for a non-commercial purpose.

Limited Public Forum Policy Example



County meeting rooms may be used for Non-County government business

Agencies and officers of federal, state or other local governments for government functions may use County meeting rooms.

Limited Public Forum Policy Examples



County meeting rooms may be used by medical support groups formed by clinical leaders with the goal of sharing information and managing through a disease state.

County meeting rooms may be used by registered or recognized County employee organizations.

Limited Public Forum Policy Example



County meeting rooms may be used for noncommercial purposes.

*Current Resolution allows public use for Libraries and Senior Center only.

*Current Resolution requires a fee

Designated Public Forum



A designated public forum is one which the government has intentionally opened for use by the public as a place for speech or expressive activity.

A designated public forum is treated as a traditional public forum, and is subject to the same strict scrutiny standards. Any regulations must be supported by a compelling government interest and must be consistently applied in practice.

Meeting Room Hours of Use by Public



Should public use of meeting rooms be only during normal operating hours?

If meeting rooms are outside of normal operating hours, are County staff required to be present?

Issues -Meetings Outside Operating Hours



Staff Costs

- Department Staff

- Facilities staff

- Contract custodians

Utilities

- Heating, cooling, lights

Security

- Setting building security

- Locking doors

- Clearing the building

Liability

- Theft, damage, injury

Fees



If fees are charged, it creates additional administrative burden on staff to collect.

Fees must be charged for meeting room use if the meeting does not serve a public purpose.

Staff Recommendation



County Departments - continue to use meeting rooms for County business only.

Library - continue primary use for County business and continue use by public groups

HHSA/Senior Services – continue primary use for County business

Next Steps



Draft County Meeting Room policy (in progress)

Review by County Counsel and Risk Management

Review by Department Heads

Bring final draft to the Board of Supervisors for approval