

PUBLIC HEARING GUIDELINES

Even for municipalities that are conducting virtual meetings under [the Association's recommended procedures](#), public hearings remain a challenge. Those South Carolina municipalities that have attempted to conduct virtual public hearings have encountered a range of issues, from disruptive attendees to a general difficulty with maintaining order.

Generally, then, municipalities should probably delay any non-essential public hearings. For public hearings that cannot be delayed, municipalities may explore a variety of options, from pre-meeting submissions to live participation.

Public hearings do not require that the meeting be livestreamed or otherwise broadcast to the general public. As with physical meetings, municipalities are free to determine whether their meetings should be broadcast. Instead, the public hearing laws require that the municipality provide appropriate notice to the public of the public hearing, allow interested members of the public to attend the designated forum, and invite members of the public to provide comment or input subject to applicable conditions and rules.

Municipalities should seek to allow input during a virtual public hearing from as many members of the public as possible. On the other hand, they should also remember that an ordinary public hearing requires that citizens attend the meeting at a specific date and time, in person — a public hearing need not necessarily be more accessible simply because it is virtual. Citizen participation in an ordinary public hearing may also be subject to reasonable rules such as time limits and relevancy requirements. Municipalities may further require citizens to sign up before a specified time in order to be called upon, and to identify themselves and provide their address before speaking. There is no reason to conclude that similar requirements may not be imposed on virtual public hearings.

Methods of possible participation include:

- **Pre-Meeting Written Submissions.** The municipality may invite members of the public to comment by (1) sending an e-mail to a designated municipal contact person, (2) using a public comment web form, and/or (3) submitting a written statement at a physical address during regular business hours. The public comment procedures should specify a deadline (date and time) for submission and a word limit. Submissions received prior to the deadline should be read aloud (subject to any ordinary rules on time limits, decorum, and relevancy) by the presiding officer during the public hearing period.
- **Written Comments Through Technology.** The municipality may use technology that allows participating members of the public to type comments into the platform. Those comments may then be read by or shared with members of the public body and other participants. GoToMeeting includes a comment feature. Municipalities should be aware, however, that open comments are easily subject to abuse.
- **Spoken Comments Through Technology.** The municipality may use technology that allows participating members of the public to speak during the public hearing, subject to the FOIA requirement that all persons in attendance be able to hear the speaker. Municipalities that have experimented with this solution report that it is hard to maintain order when all participants can speak at any time, and that background noise and feedback have been a problem. Therefore,

municipalities considering this approach should be sure that the technology platform allows the host to mute selected participants until such participants are invited to comment.

- **Callback Procedure.** The municipality may use a callback procedure. Under this procedure, members of the public may submit a request for callback form. The public comment procedures should specify a deadline for submission and may provide a hard time limit for the input. The public comment procedures should also provide that no contact will be re-attempted with members of the public who fail to answer a callback.

Regardless of the format selected, municipalities should be sure that all required notices of the public hearing are provided and that the notices contain clear and complete instructions on how the public may comment.