

	PUBLIC PARTICIPATION POLICY	DOCUMENT TYPE: POLICY
		DOCUMENT NO: POC-02
		BOARD COMMITTEE: CUSTOMER SERVICE
		ORIGINATION DATE: 06/13/2011
		LAST UPDATED: 12/14/2020

1.0 PURPOSE

- 1.1 To state the policy for members of the public and non-members of the Board to speak to or address the MSD Board and Board Committees during open meetings.

2.0 SCOPE

- 2.1 This policy shall apply to members of the public and non-members of the MSD Board.

3.0 DEFINITIONS

- 3.1 **Electioneering:** To publically advocate or endorse, or to seek the endorsement of a candidate, political party, or political cause.
- 3.2 **Endorsement or Promotion:** A public or official statement of support or approval of any commercial product or service.
- 3.3 **Interest Group:** Group whose members have a common cause for which they seek to influence public policy.
- 3.4 **MSD Ratepayers:** Any property owner subject to the fees and charges established under MSD's Schedule of Rates Rentals & Charges.
- 3.5 **Organization:** A body of people organized for a particular purpose to pursue collective goals (e.g. agency, business, association, firm, etc.).

4.0 POLICY STATEMENT AND POLICY

4.1 POLICY STATEMENT

- 4.1.1 The MSD Board welcomes members of the public and non-members of the Board to attend open meetings of the Board and Board Committees.
- 4.1.2 Members of the public and non-members of the Board may speak to or address the Board or Board Committee pursuant to the guidelines outlined in this Public Participation Policy.
- 4.1.3 In the event of an emergency or unforeseen circumstance that affects the ability of the Board to effectively manage Board and/or Board Committee Meetings or to accommodate speakers, MSD reserves the right to suspend the public participation policy during Board and Board Committee meetings.

4.2 IN PERSON BOARD MEETING POLICY

- 4.2.1 MSD shall place a Sign-In Sheet at the Customer Relations Desk located in the lobby at 700 West Liberty Street, Louisville, Kentucky, 40202.
- 4.2.2 Anyone wishing to speak to or address a sitting Board Committee during their meeting shall sign in at least ten (10) minutes prior to the posted beginning of the committee meeting.
- 4.2.3 Anyone wishing to speak to or address the sitting Board during its regularly scheduled meeting shall sign in no later than 12:50 PM EST. In the event of a special called

meeting, anyone wishing to speak to or address the sitting Board must sign in at least ten (10) minutes prior to the posted start time of the special meeting.

- 4.2.4 Each speaker should print his or her name, complete address, organization or interest group represented and the topic to be addressed on the Sign-In Sheet. The date and time of sign in should be noted as well. Any speaker requesting an accommodation due to a disability should make a note on the Sign-In Sheet.
- 4.2.5 The first five people to sign in shall speak at a meeting. Each speaker will speak in the order in which the speaker signed in. Each speaker shall be provided up to five minutes. The Board or Committee Chair may allow additional time and speakers at his/her discretion.
- 4.2.6 Speakers shall not use props, displays, or any other objects during their presentations. However, informational handouts may be given to the Board Assistant either prior to the meeting or following the meeting for dissemination purposes. Speakers and persons within the audience are allowed to have signs in the Board room that are no larger than 8 ½ x 11 inches. However, such signs may not be attached to any sort of stick and must not be displayed higher than shoulder level.
- 4.2.7 Only one speaker per organization or interest group may address the Board at any meeting if there are others awaiting a chance to speak. MSD ratepayers will be granted priority over speakers who are not MSD ratepayers.
- 4.2.8 When directed by a Board member, the Executive Director shall assign an appropriate person to provide a written response to concerns raised by Speakers within a reasonable time with copy to all Board members.
- 4.2.9 The Board expects orderly and judicious behavior in the Board Room. In the event that the Board or Committee Chair considers any person out of order, he/she shall so advise the person and request him or her to act appropriately. If the person does not comply with the request, the Chair may advise the MSD Safety and Security Officer or Board designee that the speaker is out of order. The MSD Safety and Security Officer or Board designee will have discretion to escort the person from the Board Room if necessary. A person will be considered out of order if he or she fails to comply with this Policy or otherwise engages in behavior that disrupts the meeting.
- 4.2.10 Speakers must not engage in electioneering nor the endorsement or promotion of any commercial product or service. Speakers must not discuss specific personnel matters or pending or proposed litigation.
- 4.2.11 The Board has established several forums to address specific types of issues and concerns. If a Speaker has a specific issue or concern that is properly brought into one of those forums, the Speaker should not raise the concerns to the Board or a Board Committee prior to exhausting the procedures of the particular forum. The forums include the following:
 - 4.2.11.1 **Citizens' Complaints:** Pursuant to KRS 76.180, the Board has adopted a procedure which designates a hearing officer for the hearing, review, and resolution of citizens' complaints and grievances. Citizens' complaints and grievances that concern the following may be initiated with a call, letter, or email to MSD's Customer Relations Department.
 - a. Prioritization of sewer and drainage service requests conducted by the district's maintenance or operations departments;

- b. Billing grievances involving the accuracy of individual or residential bimonthly sewer and drainage bills, sewer assessments, and the district's billing policies and procedures;
- c. Reimbursement for plumber's bills;
- d. Inadequate property restoration by district's crews or contractors; and
- e. Rude or inappropriate behavior by district employees.

- 4.2.11.2 **Rates Rentals & Charges:** Any property owner who considers that the wastewater or drainage service charges applied to the owner's parcel are inaccurate or otherwise disagrees with the determination of the charge may apply to MSD's Financial Director for a rate review, stating in writing the grounds for the adjustment. The Financial Director investigates and reports to the Executive Director who makes a determination. Any decision reached may be brought before the MSD Board in writing with notice and substance of the appeal sent to the Board's Assistant within fifteen (15) days after the owner receives the Executive Director's decision.
- 4.2.11.3 **Wastewater/Stormwater Discharge Regulations:** MSD's published Wastewater/Storm-water Discharge Regulations set uniform requirements for discharge into the public sewer system and contain Section 6.20 allowing any person aggrieved by an order or determination of the Executive Director to appeal the order or determination to the Board by filing a written notice of appeal with the Chair of the Board within ten (10) days of receipt of the order or determination.
- 4.2.11.4 **Floodplain Management Ordinance:** The Board of MSD also sits as the Floodplain Board. Louisville Metro's Floodplain Management Ordinance, codified at Chapter 157 of the Louisville Metro Code of Ordinances, contains procedures for the granting of variances upon application and after a public hearing at §157.04(B). MSD is the administering agency of the Ordinance and is empowered to issue Notices of Citation which may be appealed by requests for a hearing before the Floodplain Board pursuant to §157.05(D).
- 4.2.11.5 **Collective Bargaining Agreement:** The Board has adopted Collective Bargaining Agreements with the National Association of Government Employees as the employee unit representative of employee unit Local R5-189 and the Laborers' International Union of North America, as the employee unit representative of employee unit Local 576. The Agreements contain a Grievance Procedure that includes an appeal to the Board.

4.3 **VIRTUAL BOARD MEETING POLICY**

- 4.3.1 For all virtual Board and Board Committee meetings the provisions of 4.2 shall apply except as set forth below.
- 4.3.2 Anyone wishing to speak to or address a sitting Board Committee during their meeting shall submit a request in writing via email to BoardInfo@LouisvilleMSD.org at least twenty four (24) hours prior to the beginning of the committee meeting.
- 4.3.3 Anyone wishing to speak to or address the sitting Board during its regularly scheduled meeting shall submit a request in writing via email to BoardInfo@LouisvilleMSD.org at least twenty four (24) hours prior to the beginning of the Board meeting.
- 4.3.4 Each speaker shall provide his or her name, complete address, organization or interest group represented and the topic to be addressed in the email. Any speaker requesting an accommodation due to a disability should provide that information in the email.

- 4.3.5 The first five people to submit written requests shall speak at the meeting. Each speaker will speak in the order in which the request was received. Each speaker shall be provided up to five minutes. The Board or Committee Chair may allow additional time and speakers at his/her discretion.
- 4.3.6 Speakers shall not use props, displays, or any other objects during their presentations. However, informational handouts may be emailed to the Board Assistant at BoardInfo@LouisvilleMSD.org either prior to the meeting or following the meeting for dissemination purposes.
- 4.3.7 The Board expects orderly and judicious behavior in the Board Room. In the event that the Board or Committee Chair considers any person out of order, he/she shall so advise the person and request him or her to act appropriately. If the person does not comply with the request, the Chair may advise the Board Assistant to mute or virtually disconnect the person. A person will be considered out of order if he or she fails to comply with this Policy or otherwise engages in behavior that disrupts the meeting.

5.0 PROCEDURES AND RELATED DOCUMENTS

- 5.1 The Policy Review Committee shall have the authority to grant final approval of procedures affiliated with this policy.
- 5.2 The Division Director that oversees this policy shall have the authority to grant final approval of work instructions affiliated with this policy.
- 5.3 Procedures and work instructions must be developed in compliance with the Policy Development Policy, Procedures and Related Documents.
- 5.4 The Division Director that oversees this policy shall be responsible for ensuring the development, training, and implementation of Procedures and Related Documents in accordance with this policy.
- 5.5 Related Documents include:
 - 5.5.1 Procedures
 - 5.5.2 Work instructions
 - 5.5.3 Sign-In Sheet

6.0 PENALTIES


- 6.1 Failure to comply with this policy may disqualify a member of the public or non-member of the Board from speaking to or addressing the Board or Board Committee.

7.0 LOCATION

- 7.1 The original signed policy is on file with the MSD Secretary.
- 7.2 An electronic copy of this policy is available on MSD's external Internet website and internal Intranet website. A paper copy of this policy will also be available at the Customer Relations Desk.
- 7.3 The Procedures and Related Documents will be available on MSD's internal Intranet website.

8.0 TRAINING

- 8.1 Members of the MSD Board and Board Committees, Executive Director, Board, Director of Records and Information Governance Program, Facilities, Safety & Security Director and Customer Relations staff shall receive an initial training session subsequent to policy approval.

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Revisions to this policy will be communicated to these individuals subsequent to their effective date.

9.0 REVIEW CYCLE

9.1 This policy will be reviewed once every three years . Additional reviews and/or revisions may be performed as appropriate. Approval for the review and/or revisions must be obtained from the Policy Administrator, Policy Review Committee, Executive Director, and the MSD Board and its Customer Service Committee.


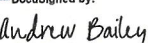
10.0 AUDIT

10.1 The provisions of this Policy, Procedures and Related Documents are subject to audit by MSD's Internal Audit Department, as well as external, regulatory, and contract auditors.

11.0 HISTORY

ORIGINATION DATE	
06/13/2011	Original Policy - Previous Policy Name: Policy on Participation of the Public and of Non-Board Members in Board Meetings and Board Committee Meetings
06/24/2014	Amend Section 4.2.2 to allow up to five speakers with maximum of five minutes.
08/28/2017	Amend Section 4.2.8.5 to include MSD's collective bargaining agreement with the Laborers' International Union of North America, Local 576; replace Audit Committee with Customer Service Committee at Section 9.1.
3/1/19	Annual review Update titles in 8.0 Training session (Board, Policy & Records Program Manager and Facilities, Safety & Security Director).
10/1/2020	Added 4.1.3, Deleted MSD Facilities/and or employees in 4.1.3, Changed heading in 4.2, Added the Section 4.3 Virtual Board Meeting Policy, Title Change in 8.1, Review Cycle changed to 3 years in 9.1

12.0 APPROVAL

 Paula Purifoy, Policy Owner	12/16/20 Date
 James A. Parrott, Chair, Policy Review Committee	12-14-20 Date
 James A. Parrott, Executive Director	12-14-20 Date
DocuSigned by:  Andrew Bailey, Chair, MSD Board Customer Service Committee	12/15/2020 Date
DocuSigned by:  Marita Willis, Chair, MSD Board	12/15/2020 Date

DISCLAIMER: MSD reserves the right to review and update this policy as deemed necessary, at any time, with or without notice.