



Albemarle County

Legislation Text

File #: 20-364, **Version:** 1

AGENDA DATE: 6/17/2020

TITLE:

Rules for the Public's Use of the County Courthouse Grounds

SUBJECT/PROPOSAL/REQUEST: Adoption of proposed Rules for the Public's Use of the County Courthouse Grounds

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Henry, Kamptner, Lantz, Stewart, Freitas, Carr

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board's current Rules for the Community Use of County Facilities, adopted October 16, 2019, govern the public's use of the County's Office Buildings located at 401 McIntire Road (COB-McIntire) and 1600 5th Street (COB-5th), but not other County facilities.

The proposed Rules (Attachment A) would establish rules for how the public may use the County Courthouse Grounds, which is composed of the property owned by the County on which the Albemarle County Circuit and General District Courts, along with related offices and the offices of the Clerk of the Circuit Court and the Commonwealth's Attorney (collectively, the "Courts and the Offices"), are located. More specifically, the Grounds are located on part of the block commonly known as "Court Square," bounded on the west by the City of Charlottesville's Court Square Park, on the north by East High Street, on the east by Park Street, and on the south by East Jefferson Street, as shown on the map identified as Appendix A to Attachment A.

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: The proposed Rules pertain to the Courthouse Grounds only. They do not pertain to the buildings on the Grounds, which are under the control of the Courts and the Offices. Because almost every court to address the issue has held that the grounds of a courthouse are *not* a "traditional public forum" like a public park or a public sidewalk, the proposed Rules do not open the Grounds to all activities. Instead, the Rules will allow the public to use the Grounds to get to and from the buildings to conduct business in the Courts and the Offices, to actively travel from one abutting public sidewalk to another, and for selective activities such as historic tours, classes, and other activities specified in the Rules. All of these activities would be subject to them not disrupting the business of the Courts and the Offices. Like the rules that apply to COB-McIntire and COB-5th, the proposed Rules place the County Executive and his delegates in charge of the Courthouse Grounds.

The proposed Rules were shared with the Circuit Court (Judge Higgins), the Clerk of the Circuit Court, the

Commonwealth's Attorney, and the Sheriff. As of this writing, staff has not received any comments. Since sharing the proposed Rules, staff has made one revision to provide some flexibility related to selective access - a clause was added to Section 5(B)(3) to authorize the County Executive to allow other activities similar to those identified in that section with the prior consent of the Circuit Court.

BUDGET IMPACT: In the near future, enforcement of this policy by the Police Department or the Sheriff's Office could result in overtime costs due to maintaining security of the courthouse grounds and its buildings. In the long term, staff does not expect these Rules to have any significant budget impact.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Rules (Attachment A), inclusive of any changes requested by the Board on June 17.

ATTACHMENTS:

A - Rules for the Public's Use of the County Courthouse Grounds