

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION BY THE CITY TO ADOPT A POLICY REGARDING  
RESTRICTED PLACES WITHIN CITY-OWNED BUILDINGS**

**WHEREAS**, the City has determined a need to establish a policy regarding the general public's access to various spaces within city-owned buildings; and

**WHEREAS**, the City has developed such a policy; and

**WHEREAS**, it is the responsibility of the City Council to be the body to approve all policy decisions on the behalf of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF PRAIRIE GROVE, ARKANSAS:**

That the City Council hereby approves the Prairie Grove Forum Classification Policy, attached to this Resolution, dated January 22, 2024.

**PASSED AND APPROVED** on this 22nd day of January 2024.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
David Faulk, Mayor

\_\_\_\_\_  
Christine Kelly, Clerk

# Prairie Grove Forum Classification Policy

## Policy Regarding Forum Classification of Certain City Controlled Properties, and the Regulation of Video and Audio Recording in Certain City Controlled Properties

### PURPOSE

The City of Prairie Grove (the “City”) is committed to protecting the rights of citizens under the First Amendment of the United States Constitution and the Constitution of the State of Arkansas, while also protecting the health, safety, welfare, and personal privacy of the public employees and the general public who do business with or use the services of the City. This policy (the “Policy”) is intended to delineate certain portions of City Controlled Property that are accessible to and observable by the general public as Traditional Public Forums, while classifying other portions of City Controlled Public Property as Non- or Limited-Public Forums which are accessible on a limited basis. This Policy is also intended to establish rules of conduct that are applicable to all property controlled by the City, and specify certain procedures for Municipal employees who encounter citizens who wish to access City Controlled Property for observational and recording purposes.

### Definitions

“**City Controlled Property**” or “**City Property**” means any real property owned by the City or in which the City has a property interest or property management responsibility.

“**Public Area**” or “**Traditional Public Forum**” means any area on City Controlled Property that is generally open to general public access and occupancy that is not otherwise designated as a “Limited Access Area” or a “Limited Public Forum.”

“**Limited Access Area**” or “**Limited Public Forum**” are both intended to mean any designated area on City Property that is not generally open to or occupied by the public; is open to or occupied by the public on only a limited, as-needed, or by-invitation basis; or is in an area generally open to or occupied by the public in close proximity to private third parties conducting business with Municipal employees. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The City and employees thereof shall retain the right to verbally instruct third parties that an area is a Limited Access Area. The Mayor has the authority to designate areas as Limited Access Areas or Limited Public Forum.

“**Rules of Conduct**” means the specific guidelines set forth in this policy.

Rules of Conduct Applicable to City Controlled Property. The following Rules of Conduct apply to all City Controlled Property, including both Public Areas (Traditional Public Forums) and Limited Access Areas (Limited Public Forums).

- a) No person shall enter City Property for any purpose other than to conduct legitimate business with offices or tenants located therein, to enjoy publicly accessible amenities in Public Areas, or to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights.
- b) No person shall engage in activity that disrupts or interferes with the normal operation or administration of City business occurring at or on City Controlled Property, lawful use by officers

and/or employees of the municipality, lawful use by authorized users of City Controlled Property, or other City permitted activities. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Additionally, conduct that would violate Federal or State Law or this and other Local Rules of Conduct shall not be permitted merely because the conduct involves photography, audio, or visual recording.

- c) No person shall loiter, stalk, harass, threaten, assault, batter, intimidate, or otherwise compromise the wellbeing and safety of employees or private third parties lawfully using City Controlled Property and engaging in business therein.

#### Rules of Conduct Specific to Limited Access Areas (Limited Public Forums)

- a) Limited Access Areas shall be accessible only to the following: (i) employees, elected officials, and appointed officials of the City; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting legitimate business with City employees.
- b) Photography, audio recording, and visual recording is prohibited in Limited Access Areas. Documents or other items to be photographed should be transported to public areas to be photographed, recorded, or otherwise copied or reproduced.

#### Security Procedures

- a) Any person may photograph, film, or record audio of any Public Area, including but not limited to all officials, employees, or third parties who may be present in those areas.
- b) Officials and Employees of the City should refrain from engaging with photographers and/or videographers wherever possible. Officials and Employees of the City should monitor photographers and/or videographers who enter on to City Controlled Property, but should refrain from engagement unless the official or employee has witnessed and can articulate the violation of any Law or Rule of Conduct. In the event that confrontation is deemed necessary, every effort should be made to respond calmly without escalating the encounter.
- c) Employees of the City are not required to respond to questions or demands from any photographer or videographer.
- d) A City officer or employee who does not wish to be photographed or recorded may retire to a Limited Access Area.
- e) An employee of the City may invite a private third party who is conducting legitimate business with the City and who does not wish to be photographed, filmed, or recorded to retire to a Limited Access Area in order to accomplish any business or transaction. Photography and recording is not allowed in Limited Access Areas by any party.
- f) City Law Enforcement Officers may approach photographers and videographers upon a complaint from a member of the public or an employee of the City that the activity is suspicious or based upon their own observation that the activity is suspicious or inconsistent with this Policy. This policy neither limits nor expands the authority of Law Enforcement Officers to initiate and pursue investigations, perform pat downs or frisks based upon reasonable suspicion, or to conduct searches based upon probable cause in accordance with legal authority. Photography, audio recording, or video recording does not, in and of itself, rise to the level of reasonable suspicion or probable cause.