



**RESOLUTION 2022-038 OF THE LEWISVILLE TOWN COUNCIL  
POLICY ESTABLISHING CONTROL ACCESS TO TOWN-OWNED, CONTROLLED, AND LEASED  
PROPERTY INCLUDING PHOTOGRAPHING, VIDEOING AND/OR SOUND RECORDING WITHIN  
NON-PUBLIC FORUMS**

**WHEREAS**, the Town of Lewisville attempts to be as transparent as possible; and,

**WHEREAS**, the Town of Lewisville wants to be open and welcoming of its citizens; and,

**WHEREAS**, there are certain areas of the Town of Lewisville workplace which for safety, confidentiality, and other reasons need to be secure; and,

**WHEREAS**, the Town of Lewisville needs a policy governing certain controlled access to Town Government areas.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Lewisville Town Council that based upon the foregoing, it is in the best interest of public safety, health and welfare of the citizens of Lewisville that the Town Council adopt the attached policy regarding the control of access to Town-owned, controlled, and leased property that the Town utilizes for its purposes including photographing, videoing and/or sound recording within non-public forums

Adopted this the 12<sup>th</sup> day of May 2022.

\_\_\_\_\_  
Mike Horn, Mayor

ATTEST:

\_\_\_\_\_  
Dora Moore, Town Clerk



## **POLICY ESTABLISHING CONTROL ACCESS TO TOWN-OWNED, CONTROLLED, AND LEASED PROPERTY INCLUDING PHOTOGRAPHING, VIDEOING AND/OR SOUND RECORDING WITHIN NON-PUBLIC FORUMS**

The Town of Lewisville finds it in the best interest of public safety, health and welfare of the individuals of Lewisville to adopt a policy regarding control access to Town-owned, controlled and leased property that the Town utilizes for its purposes.

### **Control of Access to Town property**

**Forums** – Consistent with decisions of the U.S. Supreme Court, public access to areas within enclosed facilities owned, controlled, and leased by the Town of Lewisville that the Town utilizes for its purposes may be restricted depending upon whether such areas are classified as “designated public forum”, “limited designated public forum”, or “nonpublic forum.” How areas within enclosed facilities owned, controlled, and leased by the Town of Lewisville are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of Town employees in the conduct of their business; there are certain areas which, while primarily intended for the use of Town employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with Town employees; and, there may be certain areas which are primarily intended for the convening of public meetings and/or gatherings.

**Management of Forums** – The Town Manager is hereby authorized to manage public access to enclosed Town-owned, controlled, and leased property that the Town utilizes for its purposes. In the performance of such responsibilities, the Town Manager shall have the authority to identify which areas are to be considered designated public forum[s], limited designated public forum[s], or nonpublic forum[s].

**Separation of Forum(s)** – Upon the classification of areas within enclosed Town-owned, controlled, and leased property that the Town utilizes for its purposes, the Town Manager is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he/she deems necessary and appropriate to separate designated public forums from nonpublic forums, including but not limited to, the use of physical barriers and signage. The Town Manager shall also have the authority to develop and implement procedures to regulate and control public access within Town-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of Town employees and officers, and to minimize potential disruptions to the work of Town government. Any person who engages in conduct that causes disruptions to the work of Town government shall be deemed to no longer be present within Town-owned, controlled, or leased property on legitimate public business.

**Nonpublic Forum Areas** – The following areas of Town-owned, controlled or leased buildings that the Town utilizes for its purposes are considered nonpublic forum areas. Individuals that wish to enter these

areas must have an appointment with an employee that works in the area OR they must have business with a Town department that is located in the nonpublic forum area. If the individual has business with the department but no appointment, the individual must be escorted to the department they have business with by an employee of that department. It shall be a violation of this Policy to be in a nonpublic forum without authorization. Unauthorized persons found by the Town Manager or his/her designee to be within a nonpublic forum and who refuses to leave the premises upon request to do so, shall be considered a trespasser. For such conduct, law enforcement, at its option, at the request of the Town, may issue a trespass warning notice, followed by such criminal legal action as Law enforcement deems proper.

**The following areas are considered nonpublic forum areas:**

1. **Town Hall** – The Council Chambers and conference rooms in Town Hall are hereby declared nonpublic forums unless or until a public meeting is convened in such areas pursuant to such notice. All Town employee work areas within Town Hall are designated as work areas and shall be considered as nonpublic forums. Members of the public are prohibited from entering Town employee work areas without being escorted by a Town employee.
2. **Town Hall Annex** – All areas beyond the lobby are considered nonpublic forum and members of the public are prohibited from entering any of these areas without being escorted by a Town employee or officer.
3. **Mary Alice Warren Community Center** – The reception desk area is considered work area and is a nonpublic forum. Members of the public are prohibited from entering this area without being escorted by a Town employee.

**Photographing and/or Video Recording in Nonpublic Forums** – Except within the Town Council chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Policy to photograph and/or record and/or video and/or sound within Town-owned, controlled, and leased property that the Town utilizes for its purposes, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities by law enforcement personnel. In addition to being a violation of this Policy, if anyone is observed to be photographing, videoing and/or recording sound within Town-owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited under this Policy, such refusal shall be considered to be a disruption to the work of Town government. Therefore, such persons shall be deemed to no longer be present within the Town-owned, controlled, or leased property that the Town utilizes for its purposes on legitimate public business. The Town Manager and his designees are hereby authorized on behalf of the Town of Lewisville to request any person who refuses to cease the unconsented to photographing, videoing and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to photographing, videoing and/or sound recording, and refuses to immediately leave the premises following the request of the Town Manager or his designee to do so, shall be considered a trespasser. Law enforcement, at its option, at the request of the Town may issue a trespass warning notice, followed by such criminal legal action as law enforcement deems proper.