

ANTRIM COUNTY ROAD COMMISSION

POLICY 500

SUBJECT: PUBLIC ACCESS TO AND VIDEO RECORDING ON ROAD COMMISSION PROPERTY

I. PURPOSE

The Antrim County Road Commission (the "Road Commission") is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Road Commission's employees and the general public who do business with or use the services of the Road Commission. This policy ("Policy") is intended to delineate those portions of Road Commission Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Road Commission Property, and specify procedures for Road Commission employees who encounter those who wish to access Road Commission Property for observational purposes.

II. CONTENT

Definitions

"Limited Access Area" means any designated area on Road Commission Property that is not generally open to or occupied by the public or is open to or occupied by the public on only a limited, as-needed, or by-invitation basis. 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 lack of visible indications shall not prevent the Road Commission from considering or treating an area as a Limited Access Area. The Road Commission shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- a) Employee offices.
- b) Employee workspaces, including copy rooms, mailrooms, and break areas.
- c) Employee parking lots, storage areas, access points, gravel pits, or other outside areas marked for use by Road Commission employees or vehicles only.
- d) Hallways, staircases, restrooms, elevators, and other areas designed for limited or transitory occupancy or providing access solely to other Limited Access Areas.
- e) Maintenance, storage, and garage facilities.

"Private Place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or a substantial group of the public has access. Some, but not all, Limited Access Areas are also Private Places.

"Public Area" means any area on Road Commission Property that is not otherwise designated as a Limited Access Area and that is generally open to general public access and occupancy, including specifically any designated waiting or reception areas in a Road Commission building during the hours in which the building is open to the public and any room being used for a meeting

of a public body open to the public under the Open Meetings Act, MCL 15.261 *et seq.*, while the meeting is occurring.

“Road Commission Property” means any real property owned by the Road Commission or in which the Road Commission has a property interest.

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

Rules of Conduct on Road Commission Property

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Road Commission Property, the Rules of Conduct in this section apply and are to be enforced at all Road Commission Property except where specific rules of conduct or prohibitions have been adopted for designated Road Commission Property.

Rules of Conduct Applicable to All Road Commission Property. The following Rules of Conduct shall apply at all Road Commission Property, including both Public Areas and Limited Access Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Road Commission Property for any purpose other than to conduct legitimate business with the Road Commission, to lawfully assemble for public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The Road Commission may adopt specific policies with respect to Road Commission Property to manage conditions for its use, including without limitation establishing hours and terms of use, reservation protocols, use and user priority, and fees for use.
- b) No person shall engage in any activity on Road Commission Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Road Commission business at Road Commission Property, lawful use by Road Commission employees and authorized users of Road Commission Property, or Road Commission-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the well-being and safety of Road Commission employees or private third parties lawfully using Road Commission Property. Photography or video recording does not, in and of itself, violate this Rule of Conduct.
- e) A person may generally photograph or film from a Public Area without requiring permission; however, an individual shall not film or record in a Private Place, without the consent of the person entitled to privacy in that place.
- f) No person shall interfere or obstruct the free passage of Road Commission employees or authorized third parties in or on Road Commission Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography or video recording.
- g) Photographers and videographers must stay clear of and outside any designated work zone to ensure safety and minimal disruption to Road Commission operations.
- h) No person shall photograph or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties or employees and/or Road Commission information that would otherwise be exempt from disclosure under the Freedom of Information Act, MCL 15.231 *et seq.* The Road Commission may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or

service windows at which private third parties conduct business with Road Commission employees.

Limited Access Areas The following Rules of Conduct shall apply at all Limited Access Areas:

- a) Limited Access Areas shall be accessible only to the following: (i) employees and officials of the Road Commission; 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 business with Road Commission employees.
- b) Photography and video recording is prohibited in Limited Access Areas, except as follows: (i) the Managing Director may authorize video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that the Managing Director may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.

Exclusions

If a person violates these Rules of Conduct while in or upon Road Commission Property, the Road Commission will ask the individual firmly and politely to stop the behavior. If the person refuses to comply and/or is engaging in conduct that is threatening, abusive, disruptive to business operations, or creates a safety or security risk, then the Road Commission will direct such person to leave Road Commission Property for a period of up to 24 hours and contact law enforcement, as may be appropriate, to assist in enforcing that directive. It shall not be necessary for the Road Commission to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such notice of exclusion; *provided* that violation of such notice of exclusion may be deemed a trespass under applicable law.

III. RESPONSIBILITY

The Manager is responsible for administering this policy.

Date Adopted: 5/14/2024

Attest: _____
Godfrey Hoogerhyde, Jr. Chairman