



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 31, 2015

Ordinance 18008

Proposed No. 2015-0065.2

Sponsors Phillips

1 AN ORDINANCE relating to rules related to conduct by
2 the public for public comment, testimony and attendance at
3 council and council committee meetings; and amending
4 Ordinance 11683, Section 10, as amended, and K.C.C.
5 1.24.095.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 **SECTION 1. Findings:**

8 A. The meetings of the King County council, its standing, regional and special
9 committees are limited public forums.

10 B. It is constitutionally permissible for the council to implement rules of decorum
11 that preserve the orderly and efficient running of its meetings.

12 C. Rules of decorum may regulate the time, place and manner of speech in a
13 limited public forum as well as the content of speech as long as content-based regulations
14 are viewpoint neutral and enforced that way.

15 D. Disruptive behavior by some individuals during meetings has prevented the
16 convening body from accomplishing its business in a reasonably efficient manner. The
17 disruptive behavior of such individuals has escalated in frequency and duration of
18 disruption. Examples of the disruptive behavior that have occurred include: refusing to
19 stop speaking when their comment or testimony period has expired; repetitious speech;

20 speaking in loud voices directed at no one or indiscriminately at others attending a
21 meeting causing the others in attendance to be unable to hear the proceedings; using signs
22 that block the view of others attending the meeting; standing during meetings, which has
23 resulted in blocking either the views of others or reasonable ingress or egress of other
24 audience members and staff; and during testimony period, refusing to speak to the
25 subjects or ordinances at issue. Such individuals have repeatedly disregarded the
26 directions from the chair regarding public participation rules, disrupted the orderly
27 running of the meeting, been ruled out of order and refused to abide by that ruling and
28 then been removed from meetings.

29 E. The rules established in this ordinance are intended to further clarify public
30 attendance at and participation in meetings and to provide guidance to members of the
31 public wishing to express their views during the public comment and testimony portions
32 of council or committee meetings, preserve the council's ability to conduct its meetings in
33 an orderly and efficient manner, and preserve alternative means of communication of an
34 individual's message should that individual be restricted from speaking during the public
35 participation portion of a meeting.

36 SECTION 2. Ordinance 11683, Section 10, as amended, and K.C.C. 1.24.095 are
37 each hereby amended to read as follows:

38 A. The council encourages public participation in the legislative process. To
39 preserve order and decorum and in the interest of efficiency, the council or committee
40 chair may impose time and subject matter limits on public comment or testimony. The
41 following rules shall apply at any meeting of the council and its standing committees,

42 regional committees or special committees at which public comment or testimony is
43 taken:

44 1. It shall be at the discretion of the committee chair whether to allow either
45 public comment or testimony at a committee meeting;

46 ~~((A.))~~ 2. At least seven days must elapse after introduction of a proposed
47 ordinance, other than an emergency ordinance, before the council may conduct the
48 required public hearing on the proposed ordinance. The council must conduct a public
49 hearing before adopting an ordinance. Public testimony at the hearing must be germane
50 to the proposed ordinance and must be made in such a manner as to comply with the
51 requirements imposed by the chair under Rule 2.B, K.C.C. 1.24.015.B. ~~((The chair shall~~
52 ~~liberally construe this rule as it relates to public testimony.))~~; and

53 ~~((B.))~~ 3. The council shall allow general public comment on matters relating to
54 county government at its meeting on the fourth Monday of each month, or the fourth
55 Tuesday if the fourth Monday is a state or county holiday. General public comment is
56 limited to fifteen minutes and each person making general public comment may speak for
57 two minutes. General public comment may not be used for the purpose of assisting a
58 campaign for election of any person to any office or for the promotion of or opposition to
59 any ballot proposition. General public comment may not address any ordinance that is on
60 that day's council agenda for public hearing. General public comment must be made in
61 such a manner as to comply with the requirements imposed by the chair under Rule 2.B,
62 K.C.C. 1.24.015.B. ~~((The chair shall liberally construe this rule as it relates to general~~
63 ~~public comment.))~~

64 B. Disruptions of council and committee meetings are prohibited. Disruptions
65 include, but are not limited to:

66 1. Speech by an individual after expiration of the time allotted for the speaker's
67 public comment or testimony;

68 2. Speech by an individual who has not been recognized by the chair for public
69 comment or testimony, who is speaking in a volume louder than a low, conversational
70 level appropriate for communication between persons seated next to each other in the
71 council chambers, or whose speech is audible by others;

72 3. Comments or testimony that does not comply with subsection A of this
73 section;

74 4. Standing, except when: entering or leaving the chambers, providing comment
75 or public testimony after being called on by the chair, or as necessary to obtain a copy of
76 meeting materials from staff; or

77 5. Holding or placing a banner or sign during a meeting in a way that may
78 endanger other individuals or that obstructs the free passage or view of others attending
79 or viewing the meeting.

80 C. If an individual engages in disruption of the meeting, including but not limited
81 to any of the actions described in subsection B of this section, the chair may rule the
82 individual out of order, direct the individual to cease the activity and impose other
83 reasonable conditions for the individual's continued presence at the meeting.

84 D. If the individual does not immediately comply with the chair's order, the chair
85 may direct the removal of the individual from the meeting.

86 E. Unless otherwise ordered by the chair, any individual ordered to be removed
87 from a meeting is excluded from returning to that meeting, unless the decision of the
88 chair is overruled by a majority vote of those members in attendance. Any two members
89 may place before the body the question of whether to permit the individual to return to
90 the same meeting.

91 F.1. If an individual is removed either from two or more committee meetings
92 within a fifteen day period or from two or more consecutive meetings of the council, the
93 chair of the council may exclude the individual from participation in public comment or
94 testimony periods at future council or committee meetings.

95 2. The chair shall notify the individual in writing of the type of exclusion, the
96 specific reasons for the exclusion and the specific terms and length of the exclusion.

97 3. The notice of exclusion shall advise that the individual may submit written
98 comments to the clerk for distribution to the councilmembers at future public comment or
99 testimony periods.

100 4. The notice of exclusion shall be filed with the clerk, who shall post it on the
101 door to the council chambers and on the council's web page, provide a copy of the notice
102 to members and mail the notice to the individual's last known address, if any. The notice
103 is effective when posted. The exclusion order shall remain posted on the door to the
104 chambers for the duration of the exclusion period.

105 G.1. In determining the scope and length of an individual's exclusion allowed
106 under subsection F. of this section, the chair may consider the seriousness of the
107 disruptions to the orderly conduct of the meeting, the number of disruptions in which the
108 individual participated and other reasons deemed relevant by the chair.

109 2. The chair may issue an exclusion from future participation in public comment
110 or testimony periods for up to twenty-eight calendar days.

111 3. At the next regular meeting of the council, following the filing and posting of
112 the exclusion notice, the exclusion order may be overruled or modified by a majority vote
113 of those councilmembers in attendance. Any two members may place before the body
114 the question of whether to overrule or modify the exclusion decision.

115 H. Any individual excluded from participation in future public comment or
116 testimony periods may appeal the exclusion by submitting a written appeal to the clerk of
117 the council within five calendar days after the exclusion notice is posted. The clerk shall
118 distribute copies of the appeal to all councilmembers. The council shall consider the
119 appeal at the next regularly scheduled council meeting if any two members place it before
120 the body. The individual's exclusion from public comment or testimony periods shall
121 remain in effect during the council's consideration of the appeal.

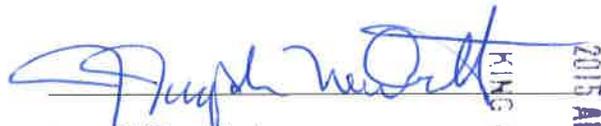
122 SECTION 3. Severability. If any provision of this ordinance or its application to

123 any person or circumstance is held invalid, the remainder of the ordinance or the
124 application of the provision to other persons or circumstances is not affected.
125

Ordinance 18008 was introduced on 2/2/2015 and passed by the Metropolitan King County Council on 3/30/2015, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr.
Upthegrove
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

2015 APR -3 AM 9:40
KING COUNTY COUNCIL
CLERK

RECEIVED

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 3rd day of April, 2015.


Dow Constantine, County Executive

Attachments: None