



Legislation Details (With Text)

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

Sponsors: Larry Phillips

Indexes: Council

Code sections: 1.24.095 -

Attachments: 1. Ordinance 18008.pdf, 2. Att 1 Proposed Ordinance 2015-0065.doc, 3. 2015-0065 Amendment 1.docx, 4. 2015-0065 Staff Report revised .doc, 5. 2015-0065 Staff Report.doc

Date	Ver.	Action By	Action	Result
3/30/2015	2	Metropolitan King County Council	Hearing Held	
3/30/2015	2	Metropolitan King County Council	Passed	Pass
3/18/2015	1	Committee of the Whole	Recommended Do Pass Substitute	Pass
2/2/2015	1	Metropolitan King County Council	Introduced and Referred	

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

D. Disruptive behavior by some individuals during meetings has prevented the convening body from accomplishing its business in a reasonably efficient manner. The disruptive behavior of such individuals has escalated in frequency and duration of disruption. Examples of the disruptive behavior that have occurred include: refusing to stop speaking when their comment or testimony period has expired; repetitious speech; speaking in loud voices directed at no one or indiscriminately at others attending a meeting causing the others in attendance to be unable to hear the proceedings; using signs that block the view of others attending the meeting; standing during meetings, which has resulted in blocking either the views of others or reasonable ingress or egress of other audience members and staff; and during testimony period, refusing to speak to the subjects or ordinances at issue. Such individuals have repeatedly disregarded the directions from the chair regarding public participation rules, disrupted the orderly running of the meeting, been ruled out of order and refused to abide by that ruling and then been removed from meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

posted on the door to the chambers for the duration of the exclusion period.

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

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

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

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

SECTION 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.