

**CITY OF GOLD BAR, WASHINGTON
RESOLUTION NO. 24-05**

**A RESOLUTION OF THE CITY OF GOLD BAR, WASHINGTON AMENDING POLICIES AND
PROCEDURES FOR THE COUNCIL FOR THE CITY OF GOLD BAR**

WHEREAS, the process for allowing public comment during normal council meetings has changed because of the way meetings are held; and

WHEREAS, best practice procedures have been updated; and

WHEREAS, there has been a significant increase in council meetings in other cities becoming disrupted due to the public comment period ; and

WHEREAS, allowing the procedures for public comment to be clearly understood will help keep disruptions at a minimum and allow the council to conduct city business;

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Gold Bar that the Council Policies and Procedures be amended as follows.

Section I Title 11, Public Participation
Section II Severability
Section III Effective Date

Section I, Title 11, Public Participation

The Council is authorized by the Revised Code of Washington (RCW) 35.23.270 to develop polices and procedures to govern the conduct of Council meetings.

State laws and regulations, and the city's specific rules of procedure, have higher standing than *Robert's Rules of Order* or other parliamentary authorities.

The purpose of a Council meeting is to conduct city business and ~~as such council meetings are considered a 'limited public forum' that is held in public but is not a public meeting. Council meetings are not public forums, although they are open public meetings. The purpose of a public comment period is for the council to receive input from its community. It is, in fact, a one-way communication to the council to inform the governing body of their views. This is an important function, and it is critical for elected officials to listen with care to the public and to consider what they hear during their deliberation process. Limiting public comment time in the meeting is not a violation of the first amendment.~~ The Open Public Meetings Act ~~does not requires~~ that citizens be allowed to ~~participate and~~ speak at council meetings ~~other than public hearings where final actions are taken, but limiting public comment time is not a violation of first amendment rights. However, it is understood that in order for Council business to be conducted, public opinion may be beneficial.~~

Council meetings will allow one citizen comment period on the agenda. Placement near the beginning of the agenda will allow citizens to comment on agenda items, or to bring items to the attention of the Council. However, the following criteria for citizen comments will adhered to. These policies apply to those attending in person and remotely. The Mayor or city staff may explain basic rules for participation for those attending remotely. It is recommended that city staff provide a handout for citizens attending in person, to be available with a public comment sign-in sheet.

- a. The citizen comment period will not take up more than fifteen (15) minutes of a Council meeting unless the Council elects, by motion and majority vote, to allow a longer comment period, for example, when controversial items are on the agenda or when a larger than normal number of citizens sign up to speak.

b. A citizen may address the Council for no longer than three minutes. If the citizen does not end their comments when told their time is up, the Mayor may utilize the gavel to end that citizen's comment period. If a citizen still does not end their comments, the Mayor will issue one verbal warning that they must end their comments or be removed from the Council chambers. If a citizen ~~still refused~~ continues to refuse to end their comments, the Mayor may elect to utilize the City's Chief of Police to escort the citizen to their seat, or remove them from the building, as allowed in RCW 9A.84.030(1)(a)(b). Alternatively, the Mayor may choose to temporarily adjourn the meeting and ask councilmembers, staff, and audience members to exit the chambers. The meeting shall be reconvened after resolution of the disturbance.

If an individual fails to comply over the course of multiple meetings, the Mayor may exclude that individual from participation in future public comment periods or from future council meetings.

c. To address the Council, a citizen must sign in prior to the meeting. Citizens will be allowed to speak in the order in which they have signed in. All comments must be addressed to the Mayor and Council only, and not to the audience.

d. In general it is best not to respond at all to public comment and specifically, the public comment time shall not become discussion or debate. Extended verbal exchanges will not be allowed to continue between citizens and staff, Councilmembers, or the Mayor, beyond the allotted three minutes, although ~~The Council, Mayor, or staff may ask citizens brief specific questions with approval by the Mayor. The Mayor shall also have authority to limit the time of interaction. but the citizen comment period is not meant to conduct business or open dialog.~~ If a comment is determined to require more information, the Council may elect by motion and majority vote, to place the topic on another agenda.

~~e. Where not prohibited by law, the Mayor has the right to cut short the three minute time period in instances of personal attacks on councilmembers or staff. Councilmembers are expected to be polite to citizens appearing before them, but there is no requirement that they subject themselves to intimidation or rudeness from speakers. Engaging in shouting, use of profanity, slurs against others, or disruptive noise, detract from the ability of the Council to conduct business and may result in revoking or cutting short the citizen's three minute comment period.~~

e. Councilmembers must follow the rules of decorum but members of the public are not bound by those common courtesies. However, it shall be unlawful for any person at a council meeting to engage in disorderly, disruptive, disturbing, delaying, or boisterous conduct, where such conduct substantially interrupts, delays, or disturbs the peace and good order of the proceedings. Disorderly conduct shall be defined in a handout available to the public.

d. The following is an example of verbiage the mayor may choose to utilize when responding to incidents from online commenters.

Please terminate the call. The individual is not complying with our council rules on public comment. I apologize to the council and members of the public for the disruptive comments we have experienced tonight.

f. The following is an example of verbiage the mayor may choose to utilize after an incident has happened.

Before continuing, I want to offer a comment on behalf of our Council. We heard statements tonight that were hurtful and offensive to our community. The City Council does not condone these comments and they are actually disruptive to our meeting. We are committed to making Gold Bar a safe, inclusive, and welcoming place for all.

g. Citizens must address all comments to the Council and not the audience. Dialog between a citizen making a public comment and the audience, will not be allowed.

~~h. Similarly, dialog between audience members during any portion of a Council meeting will not be allowed.~~

~~i. Following appropriate rules of order, if a Councilmember wishes to address a citizen during the public comment portion or in general, the Councilmember shall first seek permission of the Mayor. The Mayor shall have the authority to limit the time allowed for dialog between a Councilmember and an audience member.~~

The citizen comment period exists to allow a fair hearing of issues at Council meetings within the following parameters:

- a. The Council should listen actively to its critics to learn and understand, not to argue, dispute, or silence those critics. Respect and courtesy is expected from all parties.
- b. The Council may elect to appoint a spokesperson to work further with the citizen on items of conflict or items needing further research and response that cannot happen within the constraints of a three-minute comment period.
- c. The Council should always be factual when responding to critics. Personal and emotional responses are not appropriate for a Council meeting.

Section II, Severability

This resolution is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Section III, Effective Date

This Resolution shall take effect from, and after, its passage and approval, as provided by law.

Resolved this _____ day of _____, 2024.

APPROVED:

ATTEST/AUTHENTICATED:

Steve Yarbrough, Mayor

Lisa Stowe, Clerk/Treasurer