

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Comment Trial Period Review DEPARTMENT: City Manager's Office PRESENTED BY: Eric Bratton, CMO Management Analyst
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PROBLEM/ISSUE STATEMENT

On April 26, 2010, the Council amended sections 5 and 6 of the Council Rules of Procedure regarding public comment during Council meetings. Staff agreed to provide Council with an update on how the changes have been working since implementation began on June 7, 2010.

BACKGROUND

The First Amendment to the U.S. Constitution limits a government's ability to restrict speech in traditional public forums, such as parks, streets and sidewalks. However, a government can restrict speech in limited public forums. A limited public forum is one created by government for a governmental purpose. As such, government can decide how, how long and what subjects can and cannot be discussed at that forum. Since the public comment period during Council meetings was created by the Council, the Council can decide which subjects are proper subjects for discussion in that forum.

It is important to remember that providing public comment during Council meetings is not the only way in which people can communicate with their elected City officials or with the City. Shoreline provides many different avenues for citizen input and is always looking for ways to improve and expand those opportunities. People can write, email or phone the full Council or individual Councilmembers on any topic they wish, except scheduled quasi-judicial items. In addition, people can fill out comment cards, which are at the back table of every Council meeting, on any topic they wish.

The City also has an electronic comment feature linked to the Council's agenda on the City's website. The comment form allows people to make electronic comments on individual agenda items directly from the City's website. The comments are delivered to the Council before the meeting and become part of the official record. All of these means of communication are open to the public and people can use them to address any issue they want at any time.

Changes to Council Rules of Procedure

The following changes were made to the Council Rules of Procedure regarding public comment and were implemented starting with the June 7, 2010, Council Study Session:

1.	Study Sessions	<ul style="list-style-type: none"> • Shift all general public comment at beginning of Council meetings to Business Meetings. • Focus public comment to agenda items after staff reports.
2.	Business Meetings	<ul style="list-style-type: none"> • "General Public Comment" will be renamed "Public Comment." • Unless it is a public hearing, shift public comments after each agenda item to beginning of Council meeting under "Public Comments." • During Public Comment portion, Presiding Officer will call individuals wishing to speak to specific agenda items first. If time remains, anyone wishing to make a general public comment on items not pertaining to the agenda may do so. • No person may use public comment to promote or oppose any candidate for public office.

Notifying the Public of Change

Before and after the changes took place, Council and staff have worked to inform the public of the changes. Such efforts included:

- Posting information on City's website.
- Posting information at back table of Council Chambers.
- Including information in the May Currents.
- Sending E-News alerts letting people know about the changes.
- Deputy Mayor informing public of changes during public comment portion of Council meetings during 4 meetings leading up to change and during trial period.
- Directing people to fill-out a comment form if time ran out during public comment and they were unable to speak.

Public Comment Guidelines

In conjunction with the changes, staff also developed public comment guidelines brochures, which are available at the back table during Council meetings, online and around City Hall. The guidelines explain the many different ways the public can communicate with the Council and staff. It also provides tips for how best to address Council during the public comment portion of meetings.

Trial Period Results

The new rules took effect on June 7, 2010. Since that time there have only been two incidences where time ran out before all individuals signed up to speak had been heard. The first was on July 19 and the second on July 26. In both instances, the Council suspended its rules to allow additional time for all to speak. In both instances, the issue being discussed was the levy lid lift.

There have been a few people that have shown up at a study session hoping to provide general public comment and been turned away. In those instances, the people generally came back the next week during a business meeting and spoke.

While a few people wrote to express their concerns regarding the changes, there was not a groundswell of opposition to the change and most speakers have been able to adjust to the new format. We have not received any comment cards from individuals saying they were denied the opportunity to speak due to time running out during a public comment portion of a meeting or due to the new format.

RECOMMENDED AMENDMENTS TO COUNCIL RULES OF PROCEDURE

Campaign Speech

In order to clarify that the restrictions on campaign speech include all candidates for public office regardless of where they file their candidacy, staff recommends Council amend the last sentence of section 6.1 as follows:

During election season, which starts when a candidate officially files their candidacy with the State or a county election office, ~~with the King County Elections Office~~ and runs through the election, no person may use public comment to promote or oppose any candidate for public office.

The change makes clear that the restrictions on campaign speech refer to any candidate for public office regardless of where the candidate files his or her candidacy.

Special Meetings

Currently, the Rules do not adequately cover public comment during special meetings. Staff recommends amending the Rules to state that public comment during special meetings will follow the same procedures as study sessions providing time for public comment after the staff report but before Council deliberation for each study or action items. In addition, if a consent item is included on a special meeting agenda and it is before the Council for the first time, then Council will provide an opportunity for public comment on that item before approval of the consent calendar. These changes help clarify when and how the public can comment on items during a special meeting.

RECOMMENDATION

No action is required at this time. Staff recommends Council pass Resolution 310 at the December 13 Council meeting.

Approved By:

City Manager



City Attorney



Attachment A: Resolution 310

RESOLUTION NO. 310

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, AMENDING COUNCIL RULES OF PROCEDURE RELATING TO STUDY SESSIONS, SPECIAL MEETINGS AND PUBLIC COMMENT

WHEREAS, Chapter 35A.12.120 RCW gives the City Council of each code city the power to set rules for conducting its business within the provisions of Title 35A RCW; and

WHEREAS, the City Council has reviewed its rules of procedure and wishes to amend provisions relating to procedures for special meetings; and

WHEREAS, the City Council also wishes to amend provisions relating to public comment to restrict campaign speech supporting or opposing individual candidates for public office; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON HEREBY RESOLVES:

Section 1. Amendments. Rules 5 and 6 of the Council Rules of Procedure are amended as follows:

5.4 The Council shall hold Study Sessions on the first and third Monday of each month at 7:00 p.m. in the Council Chamber of the Shoreline City Hall, located at 17500 Midvale Avenue N., Shoreline, Washington. Should any meeting date occur on a legal holiday, the meeting may be canceled or postponed to the same hour and place on the following day at the discretion of the Mayor in consultation with the City Manager. Study Sessions will be informal meetings for the purpose of reviewing upcoming agenda items, current and future programs or projects, public process scope, budget review, issue identification, or other information the City Manager or Council feels is appropriate. No final votes may take place at a Study Session, however, the Council may provide administrative direction to staff by consensus or vote. There will be no Study Sessions between December 15th and the end of the year.

A. Order of Business for Study Sessions. The order of business shall be as follows:

Study Session (7:00 p.m.)

1. Call to Order
2. Flag Salute/Roll Call
3. City Manager's Report and Future Agendas

- 4. Council Reports
- 5. Approval of Agenda
- 56. Study Items

The following procedure shall be used:

- Staff Reports
- Public Comment as set forth in Section 6.2
- Council discussion

- 67. Executive Session, if necessary
- 78. Adjournment

5.6 *Special Meetings* may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any four members of the City Council by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered. No Special Meetings shall be scheduled between December 15th and the end of the year. The order of business for Special Meetings shall follow Section 5.4A with the addition of Consent Agenda and Action Items sections as needed before the Study Items. Public comment for Action Items will follow the procedure found in Section 6.2. If a Consent Agenda item is before the Council for the first time, the Presiding Officer shall inquire and take public comment on the item prior to approval of the Consent Calendar.

6.1 Business Meetings. Members of the public may address the City Council at the beginning of any Business Meeting under "Public Comments." During the "Public Comment" portion of the meeting, individuals may speak to agenda items or any other topic, unless an agenda item is before the Council for the first time, in which case public comment for that item will follow the same procedures as found in Section 6.2 for agenda items. Individuals may speak for three minutes or less, depending on the number of people wishing to speak. If more than 15 people are signed up to speak each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. The total public comment period under Agenda Item 5 will be no more than 30 minutes. Individuals will be required to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers. During election season, which starts when a candidate officially files their candidacy with the State or a county election office,

~~with the King County Elections Office~~ and runs through the election, no person may use public comment to promote or oppose any candidate for public office.

ADOPTED BY THE CITY COUNCIL ON DECEMBER 13, 2010.

Mayor Keith McGlashan

ATTEST:

Scott Passey
City Clerk