

Public Input Decorum

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Background

- Meetings are better with clear procedures
- Life is better when we're all nice
- Decorum, diplomacy, respect all help
- Usually public address entire council, not individual councilors
- Insulates single councilors from public
- Is that good or bad?

Council Last Week

- Loss of decorum
- A citizen spoke to an individual councilor
- Mayor said that broke protocol
- Interruptions, frustration, ...

City Guidelines

- Executive order 151 sets policy for CityLink which publishes council meetings
- Governs endorsements, forums, ballot issues, ...
- City ordinance 30.015 "Addressing the council ..."
- "(e) All remarks shall be addressed to the city council as a body and not to any member thereof."
- First amendment trumps both
- "Congress shall make no law ... abridging the freedom of speech"

Supreme Court Ruling

- Pleasant Grove City v. Summum, 2009
- "government entities are strictly limited in their ability to regulate private speech in such 'traditional public fora.'"
- "Reasonable time, place, and manner restrictions are allowed, see *Perry Ed. Assn.*, supra, at 45, but any restriction based on the content of the speech must satisfy strict scrutiny, that is, the restriction must be narrowly tailored to serve a compelling government interest"

Strict Scrutiny

- Three requirements from Wikipedia:
 - 1) Compelling government interest (i.e. national security)
 - 2) Narrowly tailored
 - 3) Least restrictive implementation

Recommendations

- It's gentler to address the whole council instead of individual councilors
- City can not legally require doing so
- City ordinance 30.015 violates Constitution and needs updated
- I asked city attorney Stacy Kooistra to confirm

Another Issue

- The public has been scolded for clapping and cheering at council meetings
- Councilors encouraged standing ovation
- Public clapping is therefore OK

Enjoy Life

