



Rules of Procedure
City of Tacoma | City Attorney's Office
Committee Meeting/GPFC
April 15, 2025
ITEM #

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PURPOSE OF PRESENTATION

THE PURPOSE OF THIS PRESENTATION:
The purpose of this presentation is to discuss the City Council's authority to establish rules of procedure governing meetings of the City Council and its committees and the limitations upon that authority.

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AGENDA



- **City Charter**
 - **Rules of Procedure**
 - **Presiding Officer**
- **Common Law**
- **Consent Agenda**
- **Public Comment/Community Forum**

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CITY CHARTER



SECTION 2.9 OF CITY CHARTER

Subject to the limitations imposed by law and by this charter, the Council shall establish its own rules and order of business . . .

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CHARTER CONT'



SECTION 2.4 OF THE CITY CHARTER

The Mayor shall become . . . **presiding officer of the City Council** . . . and shall be the **official head** of the City government for **purposes of ceremony** . . .

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PRESIDING OFFICER



DUTIES OF PRESIDING OFFICER – RULE 47.7

- **Opens the meeting,**
- **Determines that a quorum is present,**
- **Announces the order of business,**
- **Recognizes members who are entitled to the floor, and**
- **States and puts to vote motions that come before the body [City Council].**

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COMMON LAW

COMMON PARLIAMENTARY LAW

The powers and privileges which are necessary to the proper exercise of its appropriate functions are inherent in the [legislative body] and are to be ascertained primarily by a reference to the **COMMON PARLIAMENTARY LAW**

State v Fluent, 30 Wn. 2d 194, 203 (1948) 7

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COMMON LAW CONT'

FAILURE TO FOLLOW PROCEDURES:

However, the failure of a city council to follow parliamentary procedures will **not invalidate legislative action when the requisite number of members has agreed to the particular measure.**

Hasit, LLC v City of Edgewood, 179 Wn. App 917, 936 (2014) 8

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CONSENT AGENDA

PURPOSE:

The purpose of the consent agenda is to streamline meeting procedures by grouping **routine, non-controversial items** as one agenda item that may be approved collectively by a single motion or resolution.

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PUBLIC PARTICIPATION

QUESTION:

DOES THE PUBLIC HAVE **THE RIGHT TO PARTICIPATE IN THE BUSINESS MEETING OF THE CITY COUNCIL?**

ANSWER:

NO, WITH SOME EXCEPTIONS

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EXCEPTIONS



- STATE LAW
- PUBLIC HEARINGS
- PUBLIC FORUMS

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STATE LAW



RCW 42.30.240 PROVIDES IN PERTINENT PART:

... the governing body of a public agency shall provide an opportunity at or before every regular meeting **at which final action is taken** for public comment. The public comment required under this section **may be taken orally at a public meeting, or by providing an opportunity for written testimony** to be submitted before or at the meeting ...

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PUBLIC HEARINGS



- **Public hearings may be mandated under state law or by the City Code.**
- **Requires the City Council to allow public testimony during the hearing portion of the Council meeting on the topic for which the hearing is required.**

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PUBLIC FORUMS



FOR PURPOSES OF THIS DISCUSSION A PUBLIC FORUM WOULD BE CHARACTERIZED AS:

An opportunity intentionally established by the City Council for members of the public to participate in a council business meeting.

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LIMITED PUBLIC FORUM

LIMITED PUBLIC FORUM:

“[T]he entire city council meeting held in public is a limited public forum.”

Norse v Santa Cruz, 629 F. 3d 966, 975 (9th Cir. 2010); White v Norwalk, 900 F. 2d 1421, 1425 (9th Cir. 1990)

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LIMITED PUBLIC FORUM

WHAT IS A LIMITED PUBLIC FORUM?

Limited public forums are government property limited to use by certain groups or dedicated solely to the discussion of certain subjects.

Walsh v Enge, 154 F. Supp 3d 1113, 1127 (2015)

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LIMITED PUBLIC FORUM

WHAT RESTRICTIONS UPON SPEECH ARE ALLOWED IN A LIMITED PUBLIC FORUM?

The City council can regulate not only the **time**, **place, and manner** of speech in a limited public forum, but also the **content** of speech.

Norse, 629 F.3d at 975

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LIMITED PUBLIC FORUM

WHAT RESTRICTIONS UPON SPEECH ARE NOT ALLOWED IN A LIMITED PUBLIC FORUM?

Restrictions upon speech that are not **viewpoint neutral** or **reasonable**.

Walsh, 154 F. Supp 3d at 1127

The Government cannot **suppress expression** merely because a public **official opposes the speakers' view**.

Degrassi, 207 F. 3d. At 646

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PROFANITY

CAN THE PRESIDING OFFICER CENSURE PROFANITY OR REQUIRE COURTEOUS CONDUCT?

- A speaker cannot be prohibited from speaking unless the conduct of the speaker creates an actual disruption of the meeting.
- Requirements for courteous expression of opinions necessarily require **content-based** distinctions upon speech based upon **personal values and opinions.**

Richard v City of Pasadena, 889 F. Supp 384, 391 (1995)

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PROFANITY

JUSTICE HARLAN OF THE US SUPREME COURT:

. . .[T]he State has no right to cleanse public debate to the point where it is grammatically palatable to the most squeamish among us. . . For, while the particular four-letter word [*the F*** word*] being litigated here is perhaps more distasteful than most others of its genre, it is nevertheless often true that **one man's vulgarity is another man's lyric.**

Cohen v California, 403 U.S. 15, 25 (1971)

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RULES OF DECORUM

- **Rules of decorum are constitutional if they only permit a presiding officer to eject an attendee for **actually disturbing or impeding a meeting**.**

Norse, 629 F. 3d at 975.

- **Presiding Officer has broad discretion to order removal of "disruptive" speaker so long as ruling **not based on viewpoint of speaker**.**

Kindt, 67 F.3d at 270-71

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RULES OF DECORUM

WHAT IS AN ACTUAL DISRUPTION?

“Actual disruption means actual disruption. It does not mean **constructive disruption, **technical** disruption, **virtual** disruption, *nunc pro tunc (retroactive)* disruption, or **imaginary** disruption. The City cannot define disruption so as to include non-disruption”**

Norse, 629 F. 3d at 976.

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RULES OF DECORUM

CONSISTENT ENFORCEMENT OF RULES

Rules of decorum must be enforced in a consistent and non-discriminatory manner. For example, if the presiding officer allows some speakers to speak longer than others, this raises the issue of whether the moderator has done so because the moderator **favors one person's speech** over another person's speech.

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TAKEAWAYS

- Council may adopt its rules of procedure in conformance with applicable law
- Council must follow common parliamentary procedures
- Mayor is the presiding officer
- Consent agenda is intended to expedite council business
- Council can adopt reasonable time, place and manner regulations that are viewpoint neutral.
- Council can only remove someone who has actually disrupted the council meeting.

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DISCUSSION - QUESTIONS 

THIS CONCLUDES THE PRESENTATION

ARE THERE QUESTIONS?

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