

**BEN FRANKLIN TRANSIT
RESOLUTION 17-2024**

**A RESOLUTION REGARDING PUBLIC PARTICIPATION AT PUBLIC MEETINGS OF
THE BOARD OF DIRECTORS**

WHEREAS, BFT is subject to the Open Public Meetings Act under RCW 42.30; and

WHEREAS, BFT permits public attendance at Board Meetings as required by law; and

WHEREAS, BFT permits public comment at Board Meetings as required by law; and

WHEREAS, BFT has experienced disruptions of the Board Meetings from the public;
and

WHEREAS, BFT has the authority under RCW 42.30.240(4) to place limitations on
public comment; and

WHEREAS, BFT has the authority under RCW 42.30.050 to establish procedures for
addressing interruptions and disruptions of Board Meetings caused by the
public;

NOW, THEREFORE, BE IT RESOLVED BY THE BEN FRANKLIN TRANSIT BOARD OF
DIRECTORS THAT:

1. The Policy Regarding Public Participation at Public Meetings is hereby adopted and
approved.

APPROVED AT A REGULAR BEN FRANKLIN TRANSIT BOARD OF DIRECTORS meeting
held Thursday, April 11, 2024, 7122 W. Okanogan Place, Building E, Kennewick, Washington.

ATTEST:



Anel Montejano, Clerk of the Board



William McKay, Chairman

APPROVED AS TO FORM BY:



Jeremy J. Bishop, Legal Counsel

POLICY REGARDING PUBLIC PARTICIPATION AT PUBLIC MEETINGS

I. Public Comment at Regular Board Meetings

- A. Public comment periods are opportunities for members of the public to comment on items on the meeting's agenda. The agenda for a particular Board meeting may specify the total time allotted for the public comment period and for time limits for individual comments. If no such designation is made on the agenda, the time limit shall be 30 minutes overall and 3 minutes per speaker.
- B. Public comment at Regular Board meetings shall be limited to matters on the Meeting Agenda and other matters directly related to, or under the direction of, the Ben Franklin Transit Board of Director's Authority; and
- C. The Board Chair shall ensure that all public comment is in accordance with this policy.
- D. Individuals who wish to speak will first be taken from those who sign up for public comment via the BFT website. Thereafter, if time permits, other members of the public who are present and request to speak will be selected by the Board Chair.
- E. When recognized by the Board Chair, the individual shall approach the podium (if capable), state the individual's name for the record, identify in which jurisdiction they reside, and identify the item to which the individual will speak. At the Board Chair's discretion, this Rule may be waived in the interest of personal safety of the person speaking.
- F. Board meetings are electronically recorded; therefore, speakers wishing to address the Board during the established public comment period shall speak only from the microphones provided for public speakers.
- G. If no speakers sign up to address the Board, or if the public comments conclude before the 30-minute time period has elapsed, the comment period shall be closed, and the Board shall resume its business, with no further opportunity for public comment at that meeting.

H. No public comments addressing the merits of a quasi-judicial action shall be permitted at any Board meeting.

I. Public Comment periods for the public to address the Board, but not for the Board to address the public.

II. Disruptions of Board Meetings

A. Disruptions of Board meetings are prohibited. Disruptions include but are not limited to the following:

1. Failure of a speaker to comply with the allotted time established for the individual speaker's public comment;
2. Outbursts from members of the public who have not been recognized by the Board Chair for public comment;
3. Comments that are not in compliance with these rules or on which a public hearing is being held;
4. Delaying the orderly conduct or progress of the public comment period, including a failure to respect the process of accommodating individuals who wish to provide public comment;
5. Use of an allotted individual comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernible message;
6. Standing in the center aisle or front row of the audience unless speaking as recognized by the Board Chair, waiting to speak during the public comment period, or gathering meeting materials distributed by Legislative Department staff;
7. Holding or placement of a banner or sign in the Board Meeting room in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a meeting;

8. Behavior that intentionally disrupts, disturbs, or otherwise impedes attendance or participation at a meeting; or

9. Failure to follow the direction of a Board Chair or security official related to disruptions described herein.

B. Signs may be displayed during meetings in a manner consistent with these Rules. Any written communication intended for the Board of Directors may be submitted to the Board Clerk, or via the BFT website, for distribution to the intended recipient(s).

C. The Board Chair shall preserve the order and decorum of a meeting at all times. If an individual fails to comply with these rules, the Board Chair may issue an oral or written warning to the individual that the individual's behavior is out of order. An oral or written warning may be issued based on an individual's prior conduct at a meeting. If the individual continues to engage in activity that violates these rules, any Board Member may:

1. Terminate the individual's comment period;
2. Direct security staff to assist an individual to the individual's seat; or
3. Direct security staff to remove the individual from the meeting room.

D. Any individual ordered to be removed from a meeting pursuant to these rules shall be excluded from returning to that same meeting from which the individual was removed.

E. If an individual fails to comply with the requirements of these rules over the course of multiple meetings, any Board Member may exclude the individual from participation in future public comment periods before the Board or exclude the individual from attendance at future Board meetings.

F. The Board Member imposing the exclusion shall inform the individual of the specific reason for, and the specific terms of, the exclusion.

G. An initial and any subsequent exclusion of an individual from future participation in public comment periods or future attendance at Board meetings may be issued for up to 45 calendar days.

H. If an individual is subject to an exclusion from future attendance at Board meetings for a period of 45 calendar days, and further engages in activity that violates these rules, within 90 days after the termination of the exclusion period, an additional exclusion from future attendance at Board meetings may be issued for up to 90 calendar days.

I. If an individual is subject to an exclusion from future attendance at Board meetings for a period of 90 or more calendar days, and further engages in activity that violates these rules, within 90 days after the termination of the exclusion period, an additional exclusion from future attendance at Board meetings may be issued for up to 180 calendar days.

J. The preceding periods of exclusion are subject to increase, or decrease, at the discretion of the Board Chair, dependent upon the seriousness of the disruption, the number of disruptions, and the individual's prior record of conduct at Board meetings.

K. When issuing an exclusion from future public comment periods, or from future attendance at Board meetings, the Board Member shall include specific notification that the individual may submit written comments to the Board Clerk, or via the BFT website, for distribution to the Board at future public comment periods.

IV. Abusive and Harassing Behavior During Board Meetings

A. Engaging in abusive or harassing behavior may subject an individual to immediate removal from a meeting and an exclusion from future attendance at Board meetings for a period of up to one year.

B. Abusive and harassing behavior means actions that purposefully or recklessly alarm other individuals and serve no legitimate advocacy purpose. Abusive and harassing behavior includes but is not limited to the following:

1. The use of obscene language and gestures;
2. Assaults or threatening behavior; or
3. Sexual misconduct, such as indecent exposure, offensive touching, or sexual harassment, including threats of such behavior.

C. Engaging in abusive or harassing behavior may subject an individual to criminal sanctions in addition to enforcement of the Council Rules.

V. Appeals of Meeting Exclusions; Other Authority

A. The decision of any Board Member to impose a sanction or exclusion for disruptive activity may be overruled by a majority vote of those Board Members in attendance either at the meeting where the disruption took place or at the next regularly scheduled Board meeting.

B. Any individual excluded from participation in future public comment periods or from attendance at future Board meetings for a period of more than two calendar days may appeal the exclusion by submitting a written appeal to the General Counsel within five business days after receiving notice of the exclusion. Upon receipt of a written appeal, the Board of Directors shall consider the appeal at its next regularly scheduled open public meeting. The individual's exclusion from public comment periods or from attendance at Board meetings shall remain in effect during the Board's consideration of the appeal.

VI. Interruption(s) to Board Meetings and Committee Meetings.

A. It is the responsibility of the Board Chair to maintain order and adjourn any meeting as the Board Chair deems necessary.

B. Pursuant to RCW 42.30.050, If a meeting is interrupted by any person or by a group or groups of persons so as to render the orderly conduct of the meeting not feasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the Board conducting the meeting may order the meeting room cleared and continue in session, or may adjourn the meeting and re-convene at another location selected by majority vote of the Board Members present. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this provision. The Board may establish procedures for re-admitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.