

COMMENTS ON RESOLUTION 10322  
NOVEMBER 19, 2019  
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Rule 10

Numbers 6, 7, 11 and 12:

These paragraphs are far too subjective to be useful. They open up the possibility of chilling free speech and appear to me to be unconstitutional.

Particularly this:

*“Speakers are prohibited from using vulgar, discriminatory, profane or impertinent speech, or personal attacks and personal accusations, which disrupt, disturb or impeded the orderly conduct of the meeting....”*

The First Amendment guarantees the right to speech that might offend, even so-called hate speech. That means oral personal attacks and personal accusations ARE ALSO PROTECTED UNDER THE FIRST AMENDMENT, unless there is a call for, or an imminent threat of, violence contained therein. Additionally, by including the word “or” in “*or incite violence*” at the end above the statement, you are clearly showing that you have made a distinction between vulgar, discriminatory, profane, impertinent speech, personal attacks, personal accusations and inciting violence. So you ~~are~~ attempt to chill free speech by including both in this resolution.

I have further concerns about the subjective nature of much of this rule.

For example, what defines a disturbance? Will it be considered a disturbance if a commissioner is merely confronted by something they don't want to hear? What is a threatening object? You're asking citizens to acquiesce to unreasonable search and seizure, for unknown objects which may actually be benign.

If the commissioners are so sensitive that they feel they must be protected from oral personal attacks and personal accusations, then perhaps they shouldn't be commissioners. If you don't like the heat, get out of the kitchen.

Rule 8:

Thank you for reiterating that elected Great Falls officials must comply with MCA and OCCGF ethics.

But the last paragraphs in 8.3 and 8.4 are troubling: “...*shall disclose ex parte communications which relate to matters pending on the meeting's agenda.*”

In my opinion, this is not transparent enough and not inclusive enough for ex parte communications.

If the commissioners speak to parties regarding a matter that could come before the commission for a decision, those communications also should be revealed, whether the decision is imminent for that meeting or instead, for a future meeting.

The Maclean comes to mind. The public was not aware for a long time that two commissioners were negotiating a potential contractual agreement until I and my friend Pam made it public. It would have behooved the commission to reveal the nature and content of those negotiations and communications as they were happening, in order to be more transparent.

In 8.11.1, the resolution states, “*Ordinarily, an ordinance does not require a public hearing prior to final adoption.*”

Does this mean that the commission can decide that it doesn't need to open the meeting up for public comment on ordinances? This is not my or many other citizens, understanding of the process. We have been constantly told that an ordinance is presented in one meeting and then at the next meeting it is voted on. It has been the case as long as I've attend these commission meetings that the commission has allowed public comment on proposed ordinances.