



Standard

1. Authority

RMC 2.04.060 authorizes the City Manager to issue rules or administrative regulations not inconsistent with general law, the Charter or ordinances of the City, outlining the general procedure for the administration of City activities under the City Manager's jurisdiction.

2. Policy

The City recognizes the rights, privileges and limitations of use of government facilities by the public, and strives to ensure that such use conforms to the requirements of the law.

3. Purpose

The purpose of this policy is to identify the permissions and limitations of public use of Richland City Hall and other City-owned facilities available for public use.

4. Application

This policy applies to Richland City Hall, the Richland Public Library, the Richland Community Center, and any additional City-owned facility open to the public and containing public meeting space. Any city facility not identified by this policy is considered closed to public use and constitutes neither a public forum nor a limited public forum.

Practice

1. Definitions

- a. "Candidate" means any individual who seeks nomination for election or election to public office. A person seeks nomination for election or election to public office when one of the following occurs: 1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual's candidacy for office; 2) announces publicly or files for office; 3) purchases commercial advertising space or broadcast time to promote the individual's candidacy; or 4)

gives consent to another person to take on behalf of the individual any of these actions.

- b. “City-owned facility” means any building, structure, or property owned or leased by the City, its agents, agencies, or departments.
- c. “Constitutionally protected speech” means speech that is protected under the First Amendment of the United States Constitution from government curtailment. All speech is considered constitutionally protected unless it falls within several limited exceptions, generally classified as incitement, obscenity, fighting words and threats.
- d. “Election campaign” means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.
- e. “Public forum” or “open forum” means a forum that is open to all speech and expression protected under the First Amendment. Streets, parks, and sidewalks are considered open to public discourse by tradition and are designated as traditional public forums.
- f. “Public meeting” means a properly noticed regular or special meeting, hearing, or workshop held by a public agency or a governing body of the public agency under the Open Public Meetings Act, Chapter 42.30 RCW. A public meeting may or may not include the opportunity for participation from the public.
- g. “Limited public forum” means a nonpublic forum that has been specifically designated by the government as open to certain groups or topics. Government can regulate the content of speech in limited public forums. Viewpoint discrimination is not allowed.
- h. “Meeting room” means a conference room or other gathering space in a City-owned facility that is suitable for meetings.
- i. “Nonpublic forum” means government-owned properties that are not traditional public forums or forums set aside for a particular form of speech.
- j. “Speech” means any form of expression ranging from verbal communication to writings and pictures to expressive conduct like music, interpretive dance or symbolism.

- k. “Traditional public forum” means public parks, streets, and sidewalks that have traditionally been open to all forms of speech. Government regulation of speech based on reasonable, content-neutral time, place and manner restrictions in a traditional public forum is subject to strict scrutiny. Viewpoint discrimination is not allowed.

2. Public Use of City-Owned Facilities

- a. Meeting Rooms: Meeting space is available for rent¹ in the Richland Public Library and at the Richland Community Center. No conference rooms in Richland City Hall are available for rent; provided, however, that state or local government agencies may use the Richland City Hall Council Chambers for official government business depending on availability. Government agencies are also able to reserve Shops Room 110 or the Richland Police Department Training Room to host business-related training events. All fees for room rental are available in the City of Richland’s posted fee schedule.
- b. Study Space at Richland Public Library: Dedicated study space is available at the Richland Public Library. Priority use will be given to those seeking to study, and anyone not using the space as intended will be asked to vacate if a priority use demand is made. .
- c. Posting of Notices: The City maintains one or more bulletin boards throughout various city facilities, including Richland City Hall. City-owned bulletin boards or other designated posting areas are for government-related messages only. The City does not intend to create a public forum of any nature by hosting bulletin boards for city information. Postings unrelated to city business will be promptly removed. *Note: This provision shall yield to any contrary provision existing in a current or future contract or collective bargaining agreement, or to established past practice related to the posting of union information.*
- d. Parks: Richland’s parks are recognized as traditional public forums and may be used by citizens consistent with that designation unless the space is reserved for private use by a patron under a special event contract, permit, or similar arrangement.

3. Campaign Limitations in City-Owned Facilities

- a. Citizens who are candidates for elective office must adhere to the limitations found in RCW 42.17A.555 related to the use of city facilities (as defined below) for

¹ Use of library meeting space is free for non-commercial patrons.

election campaign purposes. This is especially critical for councilmembers during re-election campaigns.

- b. Employees must not use city facilities to support any election campaign.
- c. No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.
- d. For purposes of this section, “city facilities” include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.

4. First Amendment/Free Expression in City-Owned Facilities

- a. The First Amendment of the U.S. Constitution provides protection to and opportunity for free speech in public forums, subject to reasonable, content-neutral time, place and manner restrictions. However, speech in a limited public forum may be limited by the government to certain groups or topics. The City intends to recognize and/or create public fora as follows:
 - 1. **Public Meetings:** Public meetings of the Richland City Council or other governing bodies of the agency (i.e., boards, commissions or committees) are public forums subject to reasonable, content-neutral, time, place and manner restrictions. No disruptive or threatening speech will be tolerated. Individuals who disrupt the proceedings will be expelled from the meeting pursuant to RCW 42.30.050.
 - 2. **Plazas, Patios & Parking Lots adjacent to City Facilities:** Plazas, patios and parking lots adjacent to City-owned facilities are not traditional public forums. Further, the City does not intend to recognize any plazas, patios or parking lots as limited public forums. These locations are nonpublic forums not open to public speech or expression.
 - 3. **Lobbies & Lounges:** The following lobbies are intended by the City of Richland to be regarded as limited public forums allowing City-sanctioned speech only (music, art, civic-related activities):

- a. Richland City Hall Lobby – Permissible speech-related activities include census tables/voting centers.
- b. Richland Public Library Lobby – Permissible speech-related activities include temporary display of family-friendly art in response to a call for artists, non-disruptive live instrumental music, census tables/voting centers.
- c. Richland Community Center Lobby – Permissible speech-related activities include temporary display of family-friendly art in response to a call for artists, non-disruptive live instrumental music, census tables/voting centers.

The lounge located in the north corner of the Richland Community Center is not a limited or traditional public forum. This space is considered a nonpublic forum not open to public speech or expression.

4. Private Meeting Spaces: The City does not regulate speech in meeting spaces rented for private use. Individuals renting meeting space for private use are to abide by the posted rules, including liability for property damage and prohibitions on unlawful conduct.
5. Any City-owned facility space accessible by the public but not expressly identified by this policy shall be considered a nonpublic forum unless it otherwise meets the definition of a traditional public forum.

5. Public Filming in City-Owned Facilities

- a. The City recognizes the public's right to video record public officials executing their official duties in a public space, subject to reasonable time, place and manner restrictions.
 1. Video recording of city officials is allowed in any area of a City facility otherwise open to the public that has not been marked as "authorized personnel only" or otherwise secured from public access.
 2. Video recording must not interfere or impede City staff's ability to carry out official duties.
 3. Video recording is allowed at council meetings and other open public meetings so long as the behavior of the person filming does not result in disruption of the meeting due to noise, lighting, or obstructing a view.

4. City staff who are uncomfortable being video recorded may remove themselves from the situation, but must substitute their presence with a supervisor or peer (i.e., staff cannot close a customer service window to avoid being recorded).
5. Because permission is not needed, City staff must not instruct the public to stop video recording in an effort to withdraw consent.
6. Staff are to provide the fullest assistance possible to every citizen visiting a City facility, regardless of whether or not that individual engages in video recording city employees from a public vantage point.
7. Citizens engaging in protected First Amendment activities remain liable for conduct that constitutes assault or harassment. "Assault" is defined as the unwanted harmful or offensive touching of another person. "Harassment" under the Richland Municipal Code involves maliciously doing any act which is intended to substantially harm the person threatened with respect to his or her physical or mental health or safety. Staff and citizens are encouraged to call 9-1-1 if they are assaulted or placed in reasonable fear of assault by any citizen.
8. The City will take civil trespass action against a citizen who causes unreasonable disruption or commits a crime in a city facility.
9. It is unlawful for any individual to audio record a private conversation without first obtaining the consent of all the persons engaged in the conversation. RCW 9.73.030.

Responsibilities

Employees are responsible for reviewing, understanding and adhering to this policy in their interaction with the public.

Supervisors, managers, and directors (referred to as supervisors) are responsible and accountable for answering questions related to this policy, and assisting staff in adhering to this policy in their interaction with the public.

The **City Manager** is responsible for overall City compliance with this policy.

Guide

Consistent with the City's shared values of *teamwork*, *integrity* and *excellence*, this policy is intended to clarify the public's use of city facilities, and to provide guidance for city staff who frequently interact with the public.

Approval



Interim City Manager

Responsible Administrator: City Attorney's Office

Revision History:

Created – March 8, 2021