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DEALING WITH DISRUPTIVE MEMBERS OF THE PUBLIC

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"The heckling and harassment of public officials and other speakers while making public speeches is as old as American and British politics." *In re Kay* (1970) 1 Cal.3d 930, 940.

➢ FUNDAMENTALS

FIRST AMENDMENT

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The present underlying source of the right of members of the public to attend city council meetings is the First Amendment to the United States Constitution, quoted above. However, this constitutional foundation has even earlier roots in the Declaration and Resolves of the First Continental Congress, where that body declared in 1774:

> "The inhabitants of the English colonies in North-America, by the immutable laws of nature, the principals of the English constitution, and the several charters or compacts, have the following rights: They have a right peaceably to assemble, consider their grievances, and petition the king: and that all prosecutions, prohibitory proclamations, and commitments for the same are illegal."

More than one hundred years before the Continental Congress, William Penn, after whom the State of Pennsylvania is named, was arrested in London for preaching to a group of Quakers in front of his church. Penn previously had been prohibited by local authorities "to preach in any building", so he resorted to preaching in the streets. Authorities charged him with "unlawful assemblies and tumults", and disturbing the king's peace. When the jury returned a verdict of "guilty of speaking in Grace Church Street", London's mayor, who was one of ten judges presiding over the trial, shouted "was it not an unlawful assembly? You mean he was speaking to a tumult of people there?" Ultimately, the jurors refused to find Penn guilty of this charge, and several jurors were imprisoned by the court for disobeying the court's instructions to find Penn guilty of this more serious charge. This incident may well have influenced the Continental Congress, and later the drafters of the Bill of Rights.

One hundred years later, in *United States v. Cruikshank*, 92 U.S. 542 (1876), the United States Supreme Court held that the "right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for any thing else connected with the powers and duties of the national government, is an attribute of national citizenship, and, as such, under

the protection of, and guaranteed by, the United States."

This ruling was later extended to the states under the 14th Amendment in *De Jonge v. Oregon*, 299 U.S 353 (1937), where the U.S. Supreme Court unanimously held that:

> "[P]eaceable assembly for lawful discussion cannot be made a crime. The holding of meetings for peaceable political action cannot be proscribed. Those who assist in the conduct of such meetings cannot be branded as criminals on that score. The question, if the rights of free speech and peaceable assembly are to be preserved, is not as to the auspices under which the meeting is held but as to its purpose; not as to the relations of the speakers, but whether their utterances transcend the bounds of the freedom of speech which the Constitution protects. If the persons assembling have committed crimes elsewhere, if they have formed or are engaged in a conspiracy against the public peace and order, they may be prosecuted for their conspiracy or other violation of valid laws. But it is a different matter when the State, instead of prosecuting them for such offenses, seizes upon mere participation in a peaceable assembly and a lawful public discussion as the basis for a criminal charge."

De Jonge had been charged with "criminal syndicalism" for assisting in the conduct of a meeting of the Communist Party. His conviction was overturned by the Supreme Court, with the concluding statement: "The defendant was none the less entitled to discuss the public issues of the day and thus in a lawful manner, without incitement to violence or crime, to seek redress of alleged grievances. That was of the essence of his guaranteed personal liberty."

BROWN ACT

Expanding on the First Amendment, California has the Brown Act, also known as the "open meeting law" or the "sunshine law". The opening section of the Brown Act tracks the broad liberties established nearly 200 years before:

> "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.
>
> "The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." *Government Code Section 54950*

The Brown Act requires that every agenda for regular meetings must provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, and which is within the subject matter jurisdiction of the legislative body, before or during consideration of the item. *Government Code Section 54954.3.* Similar rules apply to special meetings. Furthermore, the legislative body is not permitted to enact regulations

prohibiting public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. *Government Code Section 54954.3(c).*

Therefore, members of local agency legislative bodies can expect some level of hostility, abuse and criticism, all of which are protected not only by the First Amendment, but by the Brown Act. "Public office is no place for the thin-skinned." *Pittsburg Unified School Dist. v. California School Employees Assn.*, (1985) 166 Cal.App.3d 875, 899. Indeed, in *In re Kay* (1970) 1 Cal.3d 930, the California Supreme Court held that:

> "Audience activities, such as heckling, interrupting, harsh questioning, and booing, even though they may be impolite and discourteous, can nonetheless advance the goals of the First Amendment. For many citizens such participation in public meetings, whether supportive or critical of the speaker, may constitute the only manner in which they can express their views to a large number of people; the Constitution does not require that the effective expression of ideas be restricted to rigid and predetermined patterns." *Id.* at 939.

However, some boundaries are essential, for city council meetings would serve little purpose if, in every instance, the free exercise of First Amendment and Brown Act rights trumped the right of the city council to conduct its business. Therefore, the Brown Act does permit some leeway in dealing with disruptions during council meetings:

> "In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. 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 section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting." *Government Code Section 54957.9*

The important point to bear in mind is that mere disruption, including heckling, booing, and applauding, is not enough to clear the room. The meeting must be *disrupted* by such conduct, *and* the disruption must be so pervasive that removal of those creating the disruption is insufficient to regain order. The boundaries of what constitutes such a disruption are not entirely clear, however, since no reported California state court case discusses the outer limits of Section 54957.9.

LOCAL PROCEDURES

Local procedures are therefore often the most effective method of dealing with disruptive members of the public, given the broad language of both the First Amendment and the Brown Act. Indeed, the Brown Act specifically authorizes cities to enact "reasonable regulations"

governing public comment at city council meetings, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. *Government Code Section 54954.3(b).* While many cities have ordinances regulating conduct during city council meetings, there are few reported decisions dealing with the validity of such ordinances.

One federal case provide some guidance, however. In *White v. City of Norwalk*, 900 F.2d 1421 (1990), the Ninth Circuit Court of Appeals dealt with a claim by a participant in a Norwalk city council meeting that his First Amendment rights had been violated by Norwalk's ordinance, which stated:

> "Each person who addresses the Council shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer or a majority of the Council, be barred from further audience before the Council during that meeting. . . ."

White argued that the first sentence of this ordinance violated the First Amendment, because it regulated the *content* of his speech. The City countered by stating that the second sentence of this ordinance qualified the first, such that only those remarks that resulted in a disruption or an impediment to the orderly conduct of the meeting were prohibited.

The Court agreed with the City's position, recognizing the special nature of a city council meeting:

> "We are dealing not with words uttered on the street to anyone who chooses or chances to listen; we are dealing with meetings of the Norwalk City Council, and with speech that is addressed to that Council. Principles that apply to random discourse may not be transferred without adjustment to this more structured situation. City Council meetings like Norwalk's, where the public is afforded the opportunity to address the Council, are the focus of highly important individual and governmental interests. Citizens have an enormous first amendment interest in directing speech about public issues to those who govern their city. It is doubtless partly for this reason that such meetings, once opened, have been regarded as public forums, albeit limited ones. **On the other hand, a City Council meeting is still just that, a governmental process with a governmental purpose. The Council has an agenda to be addressed and dealt with. Public forum or not, the usual first amendment antipathy to content-oriented control of speech cannot be imported into the Council chambers intact."** (emphasis added).

The Court recognized that a speaker may disrupt a city council meeting by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies. The Court noted that the meeting is disrupted because the city council is prevented from accomplishing its business in a reasonably efficient manner. The Court finally recognized that such conduct may interfere with the rights of other speakers.

Therefore, in enacting "reasonable regulations" governing the public's exercise of First Amendment and Brown Act rights to address the City Council, cities should bear in mind that restrictions based on reasonable "time, place and manner", as opposed to content-based restrictions, will be more resistant to legal challenge. Speaking time limits as short as one minute exist, but more commonly the limits are three minutes or five minutes. Many cities limit the total amount of public comment time, regardless of the number of speakers, and some cities divide the total amount of public comment time by the number of speakers, allocating an equal amount of time to each. Still other cities permit an initial time allocation, then an additional amount when all other speakers have had the opportunity to speak.

As to the place where, and the manner in which comments will be permitted, most cities provide a podium and microphone for the speaker. For persons with mobility impairments preventing access to the podium microphone, portable microphones allow such persons to address the City Council more effectively. However, with the advent of newer technologies in city council chambers, such as laptop computers, laser pointers, LCD projectors and object scanners, city councils are faced with adapting traditional regulations on speech to devices that could never have been imagined by those who drafted the First Amendment.

On the topic of repetition, the *White v. Norwalk* Court correctly recognized that "the point at which speech becomes unduly repetitious or largely irrelevant is not mathematically determinable. The role of a moderator involves a great deal of discretion." The determination of "relevance" in a city council meeting is not bounded by the same restrictions imposed in a courtroom, so it is often easier to allow a speaker to run out the allotted time than to engage in argument over whether the statements being made are either relevant or non-repetitious.

In any event, city councils are well advised to consult with legal counsel (1) prior to adopting regulations governing the exercise of free speech rights during council meetings and (2) prior to enforcing those rules during a council meeting.

➢ DISRUPTIVE PERSONALITY TYPES

Who are the people that disrupt public meetings? The vast majority of those who attend city council meetings do so quietly and respectfully. However, there are those who test the bounds of the First Amendment, the Brown Act and local ordinances, not to mention the patience of elected officials, at every turn. While each has his or her own specific reasons for coming to city council meetings, there appear to be disruptive personality types common to many cities.

CRITICIZER

"The City Council just can't get anything right."

This personality type frequently denigrates the city council, staff, and other members of the audience, without contributing constructively to the discussion of the matter at hand. For this personality type, nothing can be done correctly if it is done first by a city council. In addition, this personality type will speak frequently, sometimes on every item on an agenda, if for no reason other than to point out typographical errors in staff reports.

KNOW-IT-ALL

"Your staff is misleading you, so you should listen to me."

This personality type will not necessarily chime in as often as the Criticizer, but there will be significant information provided by this personality type that differs from the information being provided by city staff or the proponents or opponents of a particular issue before council. The information often may be incorrect, or even fanciful, but this personality type seems to sincerely believe that he or she knows more than those who have presented facts on a particular matter, and that this information is vital to a correct decision by the council.

AMATEUR CITY ATTORNEY

"I've conducted my own legal research. Your city attorney is committing malpractice."

This personality type will frequently cite court cases, statutes and other legitimate legal authorities in an attempt to sway the council. This personality type may even have formalized legal training, but should be distinguished from attorneys appearing before council on behalf of a client. This personality type can be very intimidating because of the threats of lawsuits, reports to the district attorney or grand jury, or other legal action against the city.

CAMERA PANDERER

"I'm bringing up this issue for the folks at home watching tonight."

This personality type is most easily identified by his or her ignoring the city council during public comment and facing the camera in those council chambers with television cameras. This personality type will say just about anything to remain on camera, often for the full allotted speaking time. The goal of this personality type is to maximize camera time, regardless of the issue at hand. Like the Criticizer, this personality type will speak on many items on the agenda.

MEETING WRECKER

"I don't care what you say, mayor, I'm taking all the time I need to address this issue."

This personality type has one goal: to ensure a disruption of the city council meeting. This personality type will test every council regulation on public comment, including allotted speaking time, microphone usage, and threatening body movements. Of these personality types, this one is probably the least predictable, for although the end result can be predicted with some regularity, the actual means to reach that point are not capable of ready classification.

CHARACTER ASSASSIN

"The mayor is a thief, the city manager a liar and the city attorney a hired gun."

This personality type requires the thick skin alluded to by the California Court of Appeal in *Pittsburg Unified School Dist. v. California School Employees Assn.*, discussed above. This personality type will focus solely on the personalities involved, not the issues. For this personality type, every decision, regardless of the issue, can be boiled down to some fatal flaw in the character of the person making it.

➢ APPROACHES

LISTEN FOR LEGITIMATE CRITICISM

With most, if not all of the disruptive personality types, there will eventually come a time when a legitimate criticism can be distilled from their comments. In other words, every dog has its day. Too often, city councils dismiss, or even ignore, disruptive personality types. Some council members even step off the dais and leave the council chambers every time a particular speaker steps to the podium. With the Character Assassin and the Meeting Wrecker, such conduct by the council only exacerbates the situation, because it provides a jumping off point for the speaker. The Criticizer will use council's apparent apathy as further evidence that the council cannot do anything correctly. The Camera Panderer may not even notice that council is ignoring him because he is focused on the camera alone. The Know-it-All and the Amateur City Attorney are the most likely to raise a *legitimate* issue, because these two types are at least focused on the issue before council. Nonetheless, with respect to the remaining personality types, if the city council maintains the appearance of listening, even when the comments are acerbic or distasteful, one issue is removed from the floor, the too-often heard comment that "council is not listening to the people." The difficulty for council members in this approach is the setting aside of natural biases and prejudices against the disruptive personality types, and the active listening to comments made. It is challenging to pick out ten seconds of legitimate issues during five minutes of criticisms, insults and invective, but the very act of a council member attempting to do so maintains for the speaker the appearance that the council member is listening and may, under the right circumstances, agree with the speaker.

ARRANGE ORGANIZED SUPPORT

One difficulty of spending one council meeting after another listening to the criticisms leveled by the disruptive personality types is that council members may begin to doubt their own effectiveness as council members. The old adage that a lie becomes true the more it is told applies here. If a disruptive personality type such as the Criticizer attends every meeting and finds absolutely nothing to praise in the council's actions, and there is no contrary argument raised by the public, even the most civic-minded council member can begin to doubt the reasons for running for council in the first place. What council members must bear in mind, however, is that the vast majority of the hundreds and thousands of voters who originally put them on the council typically do not attend council meetings. They give their blessing to the council's policies at the ballot box. Unfortunately, this occurs only every two years during an election. The time between elections is when council members must consider arranging organized support from time to time, not only to give a more balanced view of city government to those who may be watching at home or those who are attending their first council meeting, but also to boost the spirits of council members. If a controversial matter comes to council, with significant community support of council's position, council members should consider inviting those supporters to the council meeting. Council members should use this approach judiciously, however. The Criticizer will pick up on the tactic if it is done frequently, and council members will be accused of having no real support for their policies. In addition, the Meeting Wrecker and, to a lesser extent, the Camera Panderer, love a crowd, so if this approach is used too often, council members play into these two disruptive personality types. With the Character Assassin,

even one supporter speaking in a council member's favor can blunt the personal criticisms leveled at a council member. Furthermore, a supportive crowd may tire of the baseless criticisms of council and the grumbling of a large audience, as opposed to the grumbling of the council, may be taken more to heart by the disruptive personality type.

KEEP CONTROL OF MEETINGS

This approach cannot be overstated. While this approach often falls to the chair of the meeting, other council members can provide guidance to the chair by pointing out breaches of the orderly conduct of a meeting as they occur. There are a number of tools that council members can use to keep control of meetings.

First, the ordering of the agenda is a powerful tool, and one that is infrequently used. The common tactic of leaving controversial items to the end of an agenda, in the hopes that it will thin the crowd of disruptive personality types, seldom works. Worse, it invites public comment and additional possible disruptions on matters that, at any other meeting, might not so much as evoke a yawn from the audience. It also guarantees a longer council meeting. It is far better to put such matters at the very beginning of the agenda, when council members are fresh and less prone to react, from fatigue alone, to the disruptive personality types. The same is true with the general public comment period, i.e. the one reserved for addressing matters not on the agenda. The purpose of a city council meeting is to allow the council to meet, deliberate and determine the methods and means to implement policy. While the notion of a council meeting simply as a "town hall" meeting, where the citizens of the republic may voice their generalized grievances to their representatives, may have historical roots, the issues facing today's city councils require significant time expenditures and often enormous staff-level preparation. Therefore, it is better to place the general comment period after the specific, agendized business of the council has been considered. Many of the disruptive personality types will not stay at the council meeting *solely* for the general public comment period if it is placed at the end of the meeting. In addition, those who have legitimate concerns or grievances may prefer to address these non-agendized issues at a time other than a council meeting, either through meetings with staff or individual council members. Raising concerns for the first time at the council level ambushes both council and staff, and the motives for such behavior should be examined closely before any action is taken on the comments.

The use of speaker cards is another effective tool. While the Brown Act forbids a council from conditioning attendance at a council meeting on providing the attendee's name or other information (*Government Code Section 54953.3)*, the use of speaker cards to regulate those who address council has been approved in at least one case, *Kindt v. Santa Monica Rent Board*, 67 F.3d 266 (9th Cir. 1995). Speaker cards allow the chair to control the length of public comment through the ordered calling of speakers, and notice to the next speaker that his or her opportunity is approaching. This approach further eliminates the often time-consuming jockeying for position among speakers, and the habit of many of the disruptive personality types of ensuring they are the last one to speak on any item. In those cities that prohibit speakers from addressing the council without completing a speaker card, this tool also eliminates the casual speaker, who may be waiting for a later agenda item, from using the entire allotted speaking time to simply agree or disagree with a prior speaker.

Where the disruptive personality types frequently impede the progress of council meetings, sometimes more drastic tools are needed. As set forth previously, the Brown Act permits the council to clear the council chambers when a disruption renders the orderly conduct of the council meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. Clearing a council chamber for this reason is often a political decision, because council members will be roundly criticized for such action, both by those who created the disturbance, and those who, while not directly involved in the fracas, have to leave the room anyway. A preferred alternative to the formal clearing of the room is a short recess. While the precise timing of such a move depends on the nature and tone of the particular council meeting, even a five minute break, facially denominated as a water fountain or restroom break, can ease tempers and give the council a much-needed respite from the disruption that is occurring, or may be brewing. Furthermore, it makes clear that the council is running the meeting, not the public.

Criminal prosecution of disruptive personality types, while possible, is seldom advisable. Where physical violence is threatened or other security issues result from the disruptive personality type that cannot be addressed through civil injunctions, criminal prosecution may be the only solution. However, many of the disruptive personality types are professionals in their roles, and they are aware of where the line is drawn between the exercise of First Amendment rights and illegal disruption of a public meeting. *Penal Code Section 403* provides that:

> "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor."

The difficulty with proceeding criminally is that, unless the breach of the peace of a council meeting is prosecuted under the City's municipal code, an outside prosecutor, usually the district attorney, has the discretion to prosecute a violation of *Penal Code Section 403.* Because a violation of Section 403 is a misdemeanor, many prosecutors may be reluctant to file unless the facts are so clear, and there are sufficient reliable witnesses to support a conviction. Furthermore, the mere act of arresting a disruptive personality type for violation of Section 403 plays into at least two of the disruptive personality types, the Camera Panderer and the Meeting Wrecker. Indeed, the Meeting Wrecker may intentionally attempt to get arrested, both to disrupt the meeting, and to provide a justification for future disruptive conduct at other meetings. The Supreme Court, in *In re Kay* (1970) 1 Cal.3d 930, 943, held that, to construe *Penal Code Section 403* in a manner that would not violate the First Amendment requires a showing that the speaker

> "substantially impaired the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable man should have known."

This determination may often be difficult to make during the heat of spirited debate, and if there is a question whether this standard has been met, it is far better to use less drastic measures, such as clearing the room, or taking a recess, than starting down the path of a criminal prosecution. Council members should also give a clear warning to the disruptive person that further conduct

of this type will result in removal from the meeting, and possibly prosecution. In addition, the council must consider who will take the responsibility for the arrest of the disruptive speaker. If the council regularly has a police officer present at the meeting, the decision is somewhat easier, but in cities where such police present is not the standard, the council is faced with a very difficult decision.

DON'T BE AFRAID TO SAY "NO"

Because of the political nature of a council seat, it is often difficult for council members to state, unequivocally, that the answer is "No". If the disruptive personality types do not clearly hear that their concerns are not going to be dealt with, the speaker may continue coming to meetings in the hopes that council will eventually succumb to the speaker's pressure. Worse, succumbing to pressure from a disruptive personality type rewards the disruptive behavior and encourages future similar conduct. Council members are called on during every meeting to make difficult decisions, and frequently, those decisions involve the careful balancing of interests within the community. Council members are aided in those determinations by the constructive comments of those who address the council, and that conduct should be encouraged and rewarded. Those who speak to the council only to disrupt the process of the council meeting do nothing to assist the council in making the difficult decisions.

➢ STRATEGIES

This portion of the paper is designed to provide simple strategies to deal with the disruptive personality types. Of course, these must be considered as very general strategies that may not work with a specific disruptive personality type. With many of the disruptive personality types, however, council members are familiar enough with the person in question to have some idea of what reactions will result from a particular council action.

MAINTAIN APPEARANCE OF EYE CONTACT

City council members are frequently criticized for not listening to the public. While many times the council is simply not listening to *this* particular speaker, maintaining the appearance of listening may reduce the number of times this comment is raised. One method is to maintain the appearance of eye contact by looking at the speaker's ear, or to the side of the speaker's head at eye level. Direct eye contact with a speaker can be intimidating for some council members, particularly when the speaker is very angry, so this method allows a council member to appear to be listening without the intimidation factor of actual direct eye contact.

RESPOND TO QUESTIONS IF APPROPRIATE

Once in a while, a disruptive personality type will raise a legitimate question. Dismissing the question out of hand because of the source rarely placates the disruptive personality type. Those in the audience who may be attending their first meeting, and who are not familiar with "the usual suspects", may view the council's disdain for a legitimate question by the disruptive personality type as disdain for the public in general. Thus, if the question is a legitimate one, and one that can be easily answered, council members should consider responding briefly to the question. Such a response lends an air of legitimacy to the entire meeting and can foster greater confidence in the elected officials.

REFER LEGITIMATE MATTERS TO STAFF

Sometimes, the questions raised by the disruptive personality types cannot be answered quickly at a council meeting. They can, however, be quickly answered by staff after a council meeting when staff has had a few minutes to review the issue. Council members should not attempt to quickly respond to such a concern if the council members do not have the information at their ready disposal to correctly answer the question. As with responding to legitimate questions, referring legitimate concerns to staff, when done judiciously, maintains the appearance that council members are responsive, or at least listening. This strategy also takes the focus away from the speaker and out of the meeting, for resolution at a later time, and the council meeting can proceed.

AVOID DEBATES

Council members have the right under the Brown Act to briefly respond to statements made or questions posed by persons exercising their public testimony rights. *Government Code Section 54954.2.* However, this is not always the appropriate approach when dealing with disruptive personality types. Rarely does a council member win a debate with such a speaker, for sometimes, the entire point of the speakers comments is to elicit a debate with council members. By engaging in a debate with a disruptive personality type, the council loses control of the meeting, and council contributes to the disruption initiated by the disruptive personality types. With the Meeting Wrecker, a debate is often the first step in trying to disrupt the meeting. For the Camera Panderer, a debate only increase the amount of time on camera, thus fulfilling this personality type's primary goal. With the Know-it-All or the Amateur City Attorney, the facts being presented by the speaker are often either factually or legally incorrect, but council members will seldom be able to turn the minds of these personality types with correct information. The better practice is to keep the meeting moving, and allow these personality types to have their say. If some response is absolutely necessary, whether to correct gross factual inaccuracies or to simply point out where the correct information is found, council members should wait until the very end of the public comment period, give the response, and move on to the next item of business. If a matter legitimately requires more study, continue the item to another meeting. Endlessly arguing with those who disagree with council members neither sways the dissenters, nor contributes to the orderly conduct of a council meeting.

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