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in times
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City elected officials go into public service because we love our communities, we have big ideas, and we like a good challenge. We know how much community collaboration it takes to bring an idea to fruition.

Good consensus-building, robust stakeholder buy-in, and rigorous public engagement are important ingredients for getting things done at city hall.

As city leaders, we know that civility throughout the policy process—from idea to execution—is vital for everyone involved. Yet many local officials experience bullying, harassment, and threats through social media, mail, email, and public forums—even at the office or the grocery store. City leaders can also experience derision and divisiveness from other elected officials, especially in an era when legitimate policy debate sometimes devolves into hyperpartisanship and name-calling.

A decline in civility can be disheartening—for elected officials, for our dedicated staff, and for the members of the public who invest their time and energy into what should be a productive process. When the dialogue descends into disrespect and disorder, we may wonder where to turn next. The natural urge may be to engage on the same level, but that's not the answer. The role of city leaders is

to lift our communities up, not tear others down.

Serving as a mayor or councilmember comes with great responsibility: to be the shining example of courageous leadership, thoughtful discourse, and community peacemaking. This *Cityvision* issue offers ideas and inspiration to help us all walk the talk. These stories and conversations highlight the importance of civility in bringing good ideas to life and helping our residents and our cities be their best. After all, we know that strong cities make a great state.

This is my last magazine issue as AWC president, and I want to thank the AWC Board of Directors and city and town leaders for the opportunity to serve in this role. It has been a pleasure and an honor to represent the courageous and hardworking city leaders of our state.

Kent Keel
Councilmember, University Place

Cityvision

Summer 2022

1 WELCOME NOTE

5 CITYBEAT

Cities break gender barriers with emergency services staffing, rebuild from devastating disasters, and develop tools to implement equity and inclusion goals. And in our popular **NOTED** feature, we take a comprehensive look at HB 1630.

15 CITYSCOPE

Mayor Andy Ryder—now in his fifth term—talks about the art of building consensus.

18 feature CIVIC DISCOURSE

A Q&A conversation with a panel of local leaders who talk frankly about the role cities must play in combating a nationwide breakdown in decorum and civility.

29 CITYWISE

Expert perspectives on navigating the minefield of social media, public gatherings, and the proliferation of digital disinformation.

36 CITYSCOPE

An 11-term mayor looks back on a half-century of public service—and reminds us why listening matters.

▶
Harrah Mayor
Barbara Harrer on what
she's learned about
civility after 55 years
of public service.

**ELECTIVE
PROCEDURE,**
P. 36

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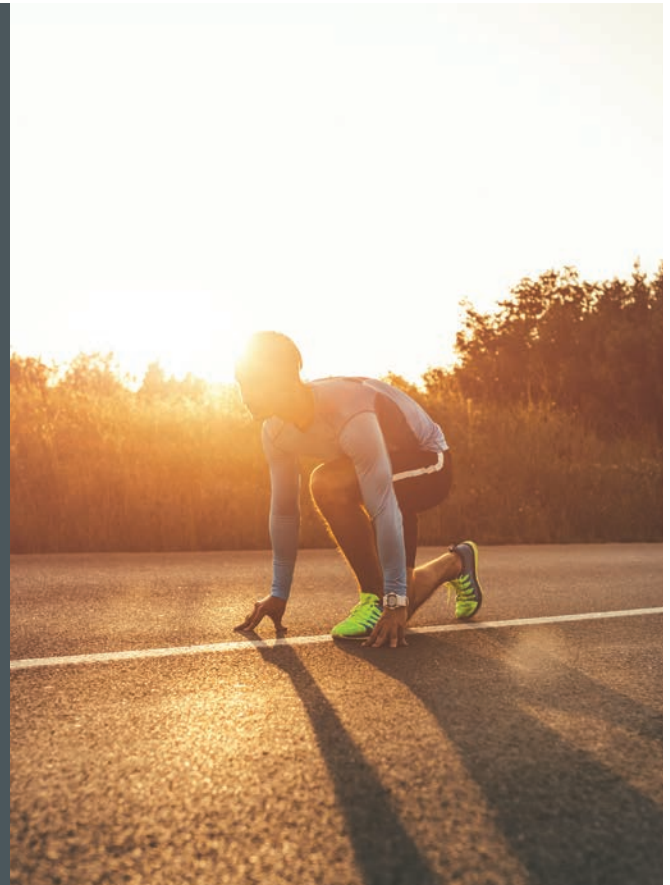
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Citybeat



Role Models

Lessons in inclusivity from Vancouver's first all-women fire crew

IN JANUARY 2022, Fire Captain Heidi Parr was on vacation when she received an unexpected text from her employer, the City of Vancouver Fire Department (VFD): “Congratulations on the first all-women crew!” As part of the VFD’s annual bidding process for open positions, firefighter Hannah Nelson and paramedic Mel Anthony had been placed on Parr’s engine at Station 2 in the city’s central Harvey Heights neighborhood, an auspicious pairing that put an all-women crew on the duty roster for the first time since the department was established in 1867.

“I hadn’t even realized that my third crew member had been assigned to me,” Parr recalls. “I was really excited because it was something that I had hoped would happen. And when it did

happen, I was just excited that it happened on its own and that it wasn’t something that was forced.”

Fire Chief Brennan Blue confirms that there wasn’t “any particular drive of management” in assembling the team. Rather, it was almost by happenstance—albeit a positive one in terms of inclusivity for the trajectory of the department.

“It’s an exciting time for the fire department,” says Blue. “Just for the fact that we’re in a position where we have enough women in our organization that we could actually have this all come to fruition.”

According to Blue, all three women in the crew are high performers among their peers, so he says **CONTINUED ON P.12 ►**



SLICE OF LIFE

From the Ashes

After a devastating fire leveled most of Malden, the community finds strength in what's left: unity.

BY LAURA FURR MERICAS

THE TOWN OF MALDEN might consider changing its name to Phoenix, because it literally is rising from the ashes.

More than 80 percent of all buildings and homes in the rural Whitman County town were destroyed on September 7, 2020, during the Babb Road Fire, which burned more than 15,000 acres. According to Mayor Dan Harwood, the fire's impact wasn't completely devastating, though. All of Malden's 200-some residents survived, as did its small community church. And today, the residents and government are working closer together than ever before to create a community they actively want to be a part of.

"We are the newest town in the state

of Washington," Harwood says. "We were basically destroyed, so we interact with our citizens and we ask them, 'What do we want our town to be?'"

The answer is: better than it was. And Malden's making progress. In addition to the 23 new homes built (plus the construction of a new fire station, which has been delayed due to material shortages), the council, with community input, is in the process of installing a high-speed fiber-optic network, improving the municipal water system, and funding an entirely new sewer system. Support for the development of tourism and recreational hiking trails has been approved, and funds are now available for a new food bank, library,

and post office. A new community center is slated to break ground this summer.


Harwood said that fostering open communication post-disaster has been key to the town's recovery, with the help of technology. Since the fire, in addition to live-streaming council meetings on Facebook, the town posts videos on YouTube for those who weren't able to tune in. Residents often reach out via the town's email and active voice-recording platform, and all local leaders have made their phone numbers public online; Harwood's cell number is even listed on the town's website for after-hours emergencies.

"We may not always agree with them, but everyone gets the chance to talk and interact with us," the mayor says. Because rebuilding will require an enormous investment, getting citizen input is critical, as is forging funding partnerships.

"WE'RE NOT DOING THIS ALONE. WE LEAP, AND WE WILL GO OUT AND ASK FOR ASSISTANCE ANYTIME BECAUSE OUR CITIZENS DESERVE THAT."

"We're not doing this alone," Harwood adds. "We leap, and we will go out and ask for assistance anytime because our citizens deserve that."

To date, Malden has been able to secure \$900,000 from the state Department of Commerce for its new fire station, plus an additional \$30,000 to add upgrades, including a gazebo and a disc golf course, to its city park. The Pine Creek Community Restoration Long-Term Recovery Organization, United Way of Whitman County, Catholic Charities Eastern Washington, and Innovia helped the town apply for and receive a \$750,000 grant from the American Red Cross to build new homes. In February 2021, FEMA awarded funding to rebuild public buildings. Other charitable organizations and individuals have stepped up, too.

"Malden couldn't have done this on our own. We would have dried up and blown away," Harwood says. "But we had citizens who wanted it, who encouraged our government to go forward." 

UNCIVIL SERVICE

The National League of Cities recently surveyed local public officials about their experiences with harassment, threats, and violence. A high number of respondents said they have experienced incidences of incivility—especially online.

81%

of local public officials surveyed say they have experienced harassment, threats, and violence

87%

of those surveyed say they have noticed changes in the levels of harassment, threats, and violence during their time in office

Where local officials say incidences of incivility have happened:

79%

SOCIAL MEDIA
(Facebook, Twitter, etc.)

66%

ONLINE
(email, public forum)

64%

PUBLIC CITY MEETINGS
(online or in person)

35%

IN PERSON
(outside of work)

34%

IN THE MAIL

26%

IN PERSON
(conducting work)

Source: National League of Cities, 2021

TOOL
KIT

PUBLIC EQUITY

Tukwila adopts internal tools to help employees realize council-adopted equity goals.

BY LAURA FURR MERICAS

IN DECEMBER 2017, the City of Tukwila’s council adopted Resolution 1921, a.k.a. the Equity Policy, an ordinance outlining Tukwila’s commitment to equal access and six goals to improve equity and inclusion in the community. In 2019, the city established the Equity Policy Implementation Committee, known as EPIC, to help city leaders put the tenets of the policy into everyday practices big or small. According to Niesha Fort-Brooks, Tukwila’s community engagement manager, the purpose of the policy is to provide guidance to city elected officials, staff, and stakeholders on how the city will promote equitable access to opportunities and services.

“The policy is the North Star,” says Fort-Brooks, who leads EPIC and notes that this year’s priorities include providing equity training for city staff, improving communications about the city’s equity and inclusion work, and continuing to improve city hiring practices (previous initiatives have included résumé masking—obscuring information revealing an applicant’s racial, ethnic, and/or sexual identity—and requiring new hires to watch an anti-bias video).

In addition to those initiatives, the committee is focused on developing an Equity Tool Kit and creating an outreach guide for equitable community engagement. Through the work of subcommittees within EPIC, the city is developing an Outreach Wizard and Matrix, which surveys employees about projects or initiatives they are working on, then provides a checklist outlining targeted outreach to be conducted at various stages to make sure a variety of community voices are represented.

A final component of the tool kit is an Equitable Outreach Guide, which will outline resources employees can turn to when conducting outreach. EPIC plans to present the final versions of these tools later this year to the city council for review. Once approved, subcommittee members will then roll out the tool kit and guide on a citywide tour to every department, including boards and commissions. In the meantime, a few city departments have already begun testing the tool kit, including the Parks & Recreation Department, which used the tools to help guide outreach for the proposed Tukwila Teen and Senior Center, currently under review.

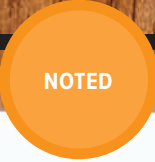
“Our goal was to reach out and talk to people in the community who are not typically a part of a process like this,” explains Nate Robinson, a member of EPIC who specializes in working with teens in the Tukwila community. Based on guidance from EPIC’s Outreach Wizard and Matrix, the department hosted 73 community engagement meetings with groups of up to 40, including individuals identified as “community champions,” conducting surveys and eliciting feedback on site placement and other specifics related to the project.

“By and large, we got amazing feedback from the community,” Robinson says. But another key to EPIC’s successful test run, adds Robinson, was involvement from members of every department of every tenure—from directors to specialists and everyone in between.

“All these things create opportunities for folks within the organization to engage with equity,” he says. “I feel like there’s momentum that’s being built.”



For more information:
tukwilawa.gov



ENGROSSED SUBSTITUTE HOUSE BILL 1630

EFFECTIVE DATE: JUNE 9, 2022

[...]

Sec. 2. RCW 9.41.305 and 2021 c 261 s 2 are each amended to read as follows:

(1) Unless exempt under subsection (3) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.300(1)(b), while knowingly being in the following locations:

(a) The west state capitol campus grounds; any buildings on the state capitol grounds; any state legislative office; or any location of a public state legislative hearing or meeting during the hearing or meeting; or

(b) City, town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the hearing or meeting.

(2) For the purposes of this section:

(a) "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's Mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse Buildings.

(b) "Governing body" has the same meaning as in RCW 42.30.020.

(c) "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake.

(3) Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from this section when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

(4) A person violating this section is guilty of a misdemeanor. Second and subsequent violations of this section are a gross misdemeanor.

(5) Nothing in this section applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license.

(6) A city, town, county, or other municipality must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at any locations specified in subsection (1)(b) of this section.

While this section applies specifically to state and local governments, HB 1630 imposes similar restrictions on school board meetings, voting centers, student engagement hubs, and ballot-counting centers.

Under RCW 9A1290, the state preempts all firearm regulations. Local gun laws and ordinances must comply with state law. Exceptions to the preemption are listed in RCW 9A1300.

Under this bill, restrictions on open carry would apply to other locations where public meetings are held for the duration of the meeting.

The RCW defines "weapon" as any firearm, explosive, metal knuckles, knives, or similar weapon capable of causing death or bodily injury.

A gross misdemeanor is a crime not classified as a misdemeanor or a felony. It carries a maximum punishment of 364 days in jail and/or a fine up to \$5,000.

A misdemeanor is the least serious level of offense in Washington. It carries a maximum sentence of 90 days in jail and/or a \$1,000 fine.

Individuals can apply for a concealed pistol license through their county sheriff's office or local police. The application process includes fingerprinting and a background check.

Under this new law, cities are required to post notice of these restrictions, including for public meetings outside of their normal chambers.



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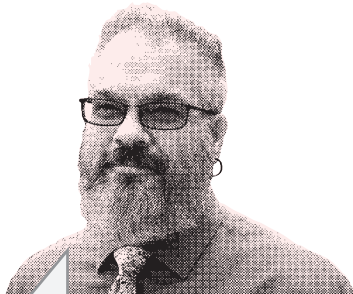
THE
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THINK OF A TIME WHEN PEOPLE IN YOUR COMMUNITY ROSE ABOVE THEIR DIFFERENCES TO ACCOMPLISH SOMETHING POSITIVE TOGETHER: WHAT WAS THE MAGIC INGREDIENT?



Proximity brings the magic! When we can get closer to understanding and empathizing with the lived experience of someone else, the results reflect a more intentional effort to collaborate and create for the betterment of a community.

—ANGIE WEAN
Councilmember, Longview



During the flooding of the Okanogan River in 2018, several hundred people came down to the most vulnerable section of our levee to help fill, haul, and place sandbags. The camaraderie and sense of community were amazing; no politics, no social complications. I think the fact that the antagonist was simple and obvious—the river must be kept at bay—made it easier for folks to rally as a community.

—JON K. CULP
Mayor, Okanogan



Over the past five years, our community has come together to rehabilitate a once-thriving blueberry farm that had fallen into neglect. Community members and church groups have partnered with the city parks department to revitalize the farm, and our crops have improved every year! The magic ingredients are shared memories, shared vision, and many people working side by side. We are stronger together!

—LYDIA ASSEFA-DAWSON
Councilmember, Federal Way

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Citybeat

Role Models *continued from page 5*

it came as no surprise to him when they were awarded the bids they requested. Allowing for their placement on the same crew? That was a no-brainer, too.

“Everyone is trained to the same standard, and everybody is held to the same standard of operation, behavior, and everything else,” he stresses. “So the expectation of any of our crews is the same regardless of gender or diversity makeup.”

“EVERYONE IS TRAINED TO THE SAME STANDARD, AND EVERYBODY IS HELD TO THE SAME STANDARD OF OPERATION, BEHAVIOR, AND EVERYTHING ELSE. SO THE EXPECTATION OF ANY OF OUR CREWS IS THE SAME REGARDLESS OF GENDER OR DIVERSITY MAKEUP.”

Operationally, Parr agrees: gender is not a factor when considering her crew’s commitment and service to the community. But for the veteran firefighter, conversations during downtime or while processing the events that unfold after a 9-1-1 call can sound different, she says, especially when she and her crew compare notes on topics like motherhood and raising teenagers.

Parr was one of two women firefighters at VFD when she first joined the department in the early 2000s. Her peer retired shortly thereafter, leaving Parr as the only woman in the department for years, she says, though recently more women have joined the force. Today, 10 of Vancouver’s 178 firefighters are women, representing about 6 percent of the total, above the national average of about 4 percent.

Parr hopes that seeing her all-women crew in action will inspire more women, especially girls, in the community to consider a career path they might have assumed was out of reach. She admits that she had never seen firefighting as an option, either, until she became a paramedic and learned more about the field’s considerable salaries, life-friendly schedules, and camaraderie.

“It’s the same for little girls, little boys, and just for people in general: if there’s something you want, you should go for it,” she says. “And if there’s an interest in something that you don’t think you can do, what’s holding you back?”

For Blue, the VFD’s milestone has implications for city leaders and affirms Vancouver’s drive for a more representative workforce.

“It’s really important that we get out there and try to recruit the best folks from a whole myriad of backgrounds and experiences,” he says. “It makes our organization stronger in the end.”

—Laura Furr Mericas



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Cityscope

Q&A

Civil Savant

Lacey Mayor Andy Ryder—now in his fifth term—talks about the art of building consensus through civility.

INTERVIEW BY LAURA FURR MERICAS



Lacey Mayor
Andy Ryder

What made you want to get involved with local government?

I was born and raised in Lacey, on Lacey Street; my relatives have been in this area since the 1800s. My parents were very active in the philanthropic community, so I was always ingrained with a sense of giving back. And politics was something that was discussed in my family quite a bit. After the presidential election of 2008, I got involved in the Lacey

Historic Commission, and then I ran for city council in 2009. Now I'm in my fifth term as mayor.

What have you learned since then regarding civility?

I've always been really honest about my opinions and the way people should treat each other and listen to each other. And I have pretty universal respect from both sides of the

CONTINUED ON P.16 ▶



political aisle, which is something that you just don't see very often today.

When Lacey's city council elected you mayor in 2014, it did so with a contentious 4-3 split. Did you reach out to those who voted against you?

Throughout that [first city council] meeting, I could tell a couple members were uneasy. I wanted to and I continue to try to build consensus. I think that is one of the most important things you can do as mayor. I ended the meeting by saying, "Keep it classy, Lacey. I call this meeting adjourned." And I have done that at the end of every regular city council meeting. At first people thought it was just a joke, but what I'm really saying is: *we need to be civil to each other.*

Is modeling civility a form of leadership?

You need strong leadership in order to implement any sort of plan. And in short, strong leaders bring people together and allow a vision to move forward that everyone can get behind. I think we've been able to achieve a lot for Lacey, where maybe other jurisdictions have struggled, because we have strong consensus on my council.

What's one accomplishment you're especially proud of?

Lacey is a strong military community. When I got elected, there were a lot of nonprofits providing services to veterans and families; they just weren't coordinated. We came up with this idea of renting a space for them, putting them all underneath one roof, and having them all



Mayor Ryder at the site of a Lacey bipartisan success

work together—kind of a one-stop shop.

The Lacey Veterans Services Hub.

We started off with 13 providers and 1,300 square feet. Now we have over 8,000 square feet, and we've become the model service provider for veterans and their families. It could only have happened with 100 percent support of my council, because we put in our general fund dollars to get this off the ground.

How did you build consensus for that, given the division on your city council?

It's one of the reasons why I really liked working on veterans' issues, because it seemed like it was one of the last issues that you could have

“BEING A GOOD ELECTED OFFICIAL IS BEING A GOOD LISTENER. EVEN IF YOU COMPLETELY DISAGREE, TRY TO AT LEAST UNDERSTAND HOW THEY CAME TO THAT CONCLUSION.”

totally bipartisan support on. We could get a big win underneath our belt and change people's lives, and then hopefully learn from this experience and [apply it] to other sectors. We've taken some of the same concepts, and we're working with our school district to find resources for students who are experiencing homelessness.

Recently you've spoken out about threats against elected officials. What prompted that?

The National League of Cities did a survey with elected officials and asked if they had faced any threats of violence in the past several years. More than 80 percent said yes. That is unacceptable. We don't expect people to agree with us all the time, but we expect people to be civil. I think it starts with the leadership. Someone has to set the example of how you treat other people.

Is that especially true for electeds?

I think a lot of elected officials have gotten elected because they've taken a hard stance on an issue and even been uncivil about it. That has attracted a new set of voters who are agreeing with that temperament. The problem is the tyranny of a minority within local government. They scream the loudest; they're the most involved; they're well organized. They can really do strong campaigns, but they don't necessarily represent the majority of your community. . . . Now you're getting into a policy that may not be what's best for your community. And that is a recipe for disaster, and it stops progress.

Bottom line?

Being a good elected official is being a good listener. Even if you completely disagree, try to at least understand how they came to that conclusion. . . . Then the next thing you have to do is find out where you can find agreement. It's not all or nothing.

BY THE NUMBERS

Lacey

Cityvision looks at how a strong military community transcends divisiveness to serve its veteran residents' needs.

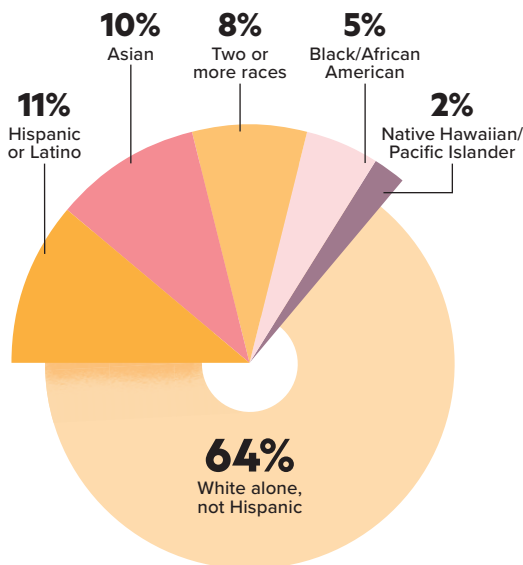
POPULATION

POPULATION DATA FROM THE 2020 US CENSUS, UNLESS OTHERWISE INDICATED



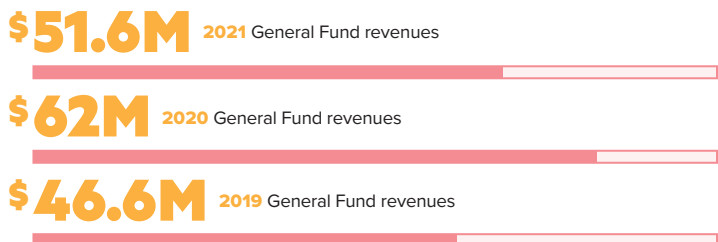
SOURCES: CENSUS.GOV

DEMOGRAPHICS



SOURCE: CENSUS.GOV

INTERNAL REVENUE



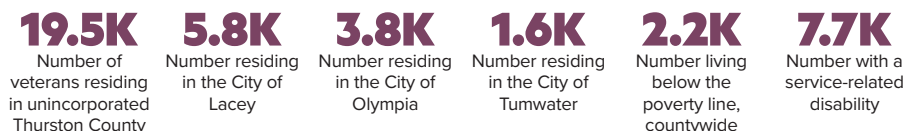
SOURCE: CITY OF LACEY

TOP 3 EMPLOYERS



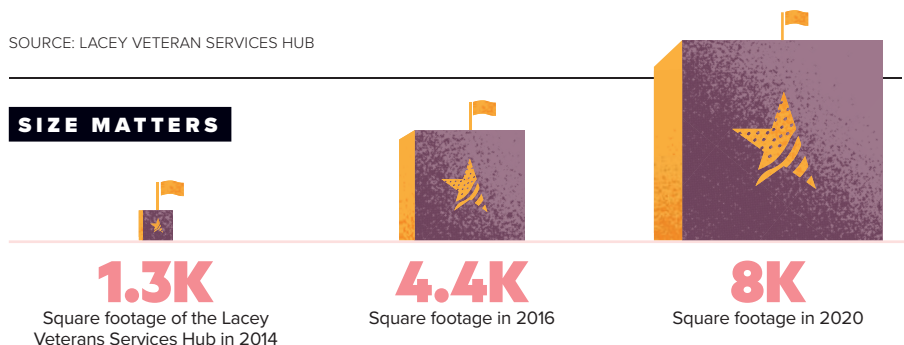
SOURCE: CITY OF LACEY

VETERAN STATUS



SOURCE: LACEY VETERAN SERVICES HUB

SIZE MATTERS

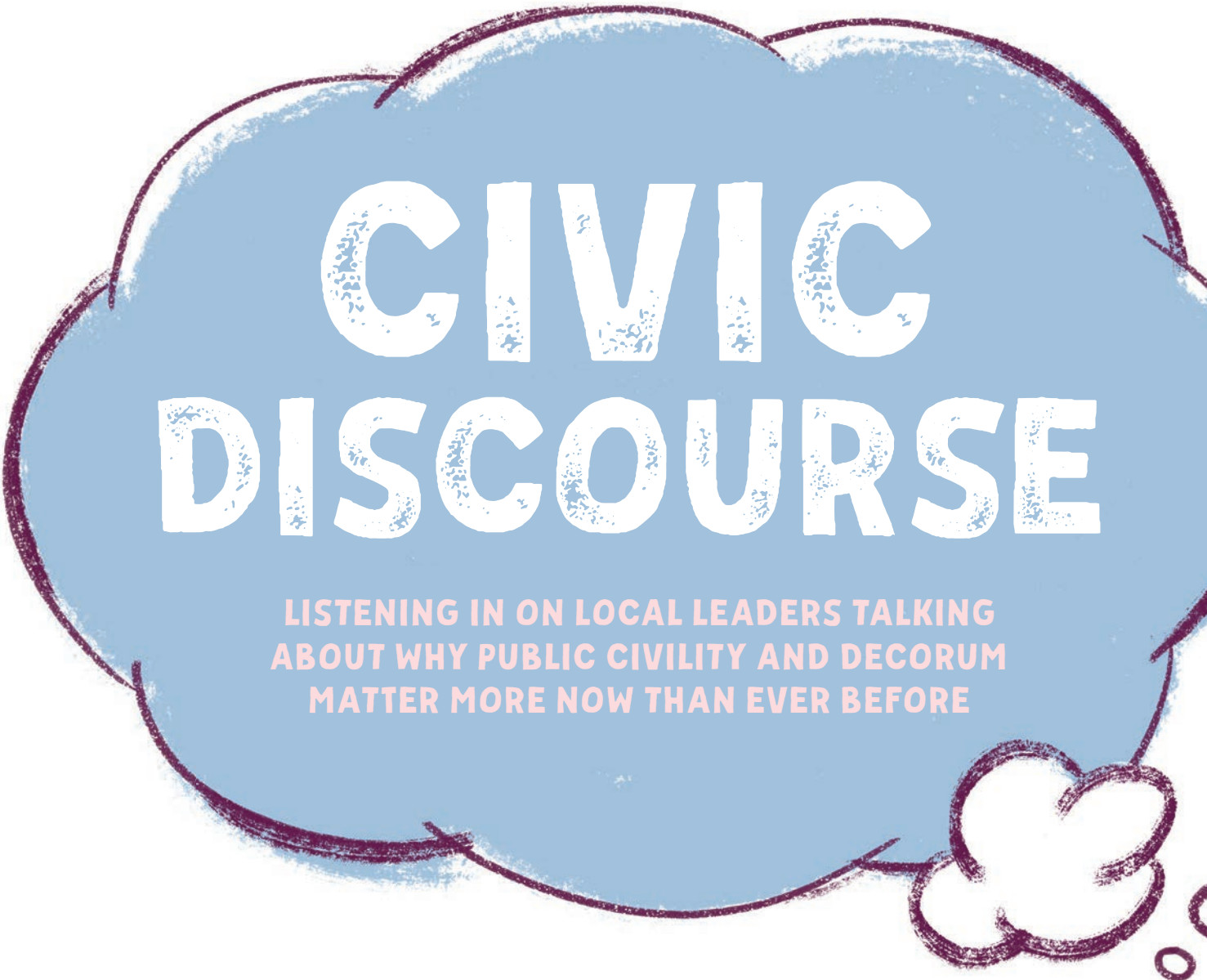


SOURCE: LACEY VETERAN SERVICES HUB

HUB OF ACTIVITY

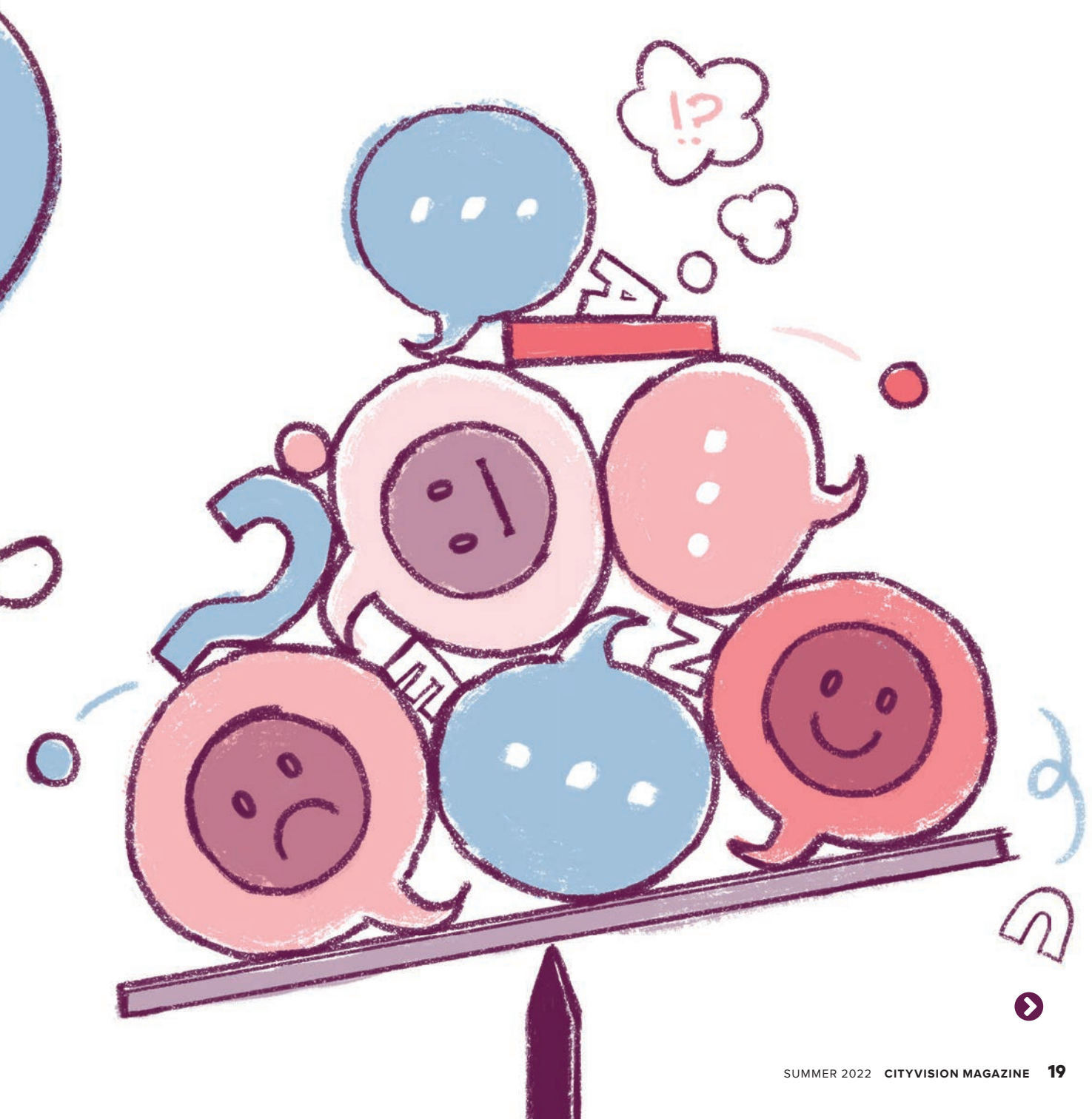
- 1.5 Number of Lacey Veterans Services Hub full-time employees
- 41 Number of volunteers
- 6.4K Average annual number of volunteer hours worked, 2018–21
- 7K Total number of appointments veterans booked in 2019
- 2.2K Number of those appointments that were for VA benefits assistance
- 1.3K Number of those appointments that were for VA mental health counseling
- \$32K Amount the Mayor's Gala raised for the center in 2019
- \$125K Annual amount of funding provided by the City of Lacey

SOURCE: CITY OF LACEY, LACEY VETERAN SERVICES HUB



CIVIC DISCOURSE

LISTENING IN ON LOCAL LEADERS TALKING
ABOUT WHY PUBLIC CIVILITY AND DECORUM
MATTER MORE NOW THAN EVER BEFORE



IN “ON THE FRONTLINES OF TODAY’S CITIES: TRAUMA, CHALLENGES AND SOLUTIONS,”

a groundbreaking study released last November, the National League of Cities found that 87 percent of local elected officials surveyed nationwide reported an increase in levels of harassment, threats, and violence during their time in office. For the cover story of this leadership-focused issue, *Cityvision* convened a panel of Washington local electeds—Pullman Councilmember Francis Benjamin, Vancouver Mayor Anne McEnerny-Ogle, Marysville Mayor Jon Nehring, and Auburn Councilmember Yolanda Trout-Manuel—who met in May via Zoom and spent an hour discussing their experiences with instances of civic incivility in their communities, their thoughts about why it’s happening now, and their ideas for what local leaders can and should do about it. What follows is a transcript of that session, which has been edited for brevity and clarity.

Cityvision: Councilmember Benjamin, as a Washington State University political science adjunct professor, you’ve researched and written about civility in politics. What’s your definition of civility, and how does leadership factor into that?

Francis Benjamin: Civility is where, in the midst of a conversation, you are focused on the individual, and you care about what they feel and why they feel the way they do. It’s showing that you care enough about the individual that you want to understand why they feel the way they do. You’re interested in their perspective. This is not necessarily agreement; you can be very civil but disagree. Another piece is having intellectual humility, that is, recognition that even though I have very strong beliefs, I also know there’s a possibility that I might be wrong. And so there is that openness to hear the information that’s presented in order to evaluate whether or not I’m wrong. If you start with that attitude, take time to find out why people feel the way they do, it can help overcome potential conflict.

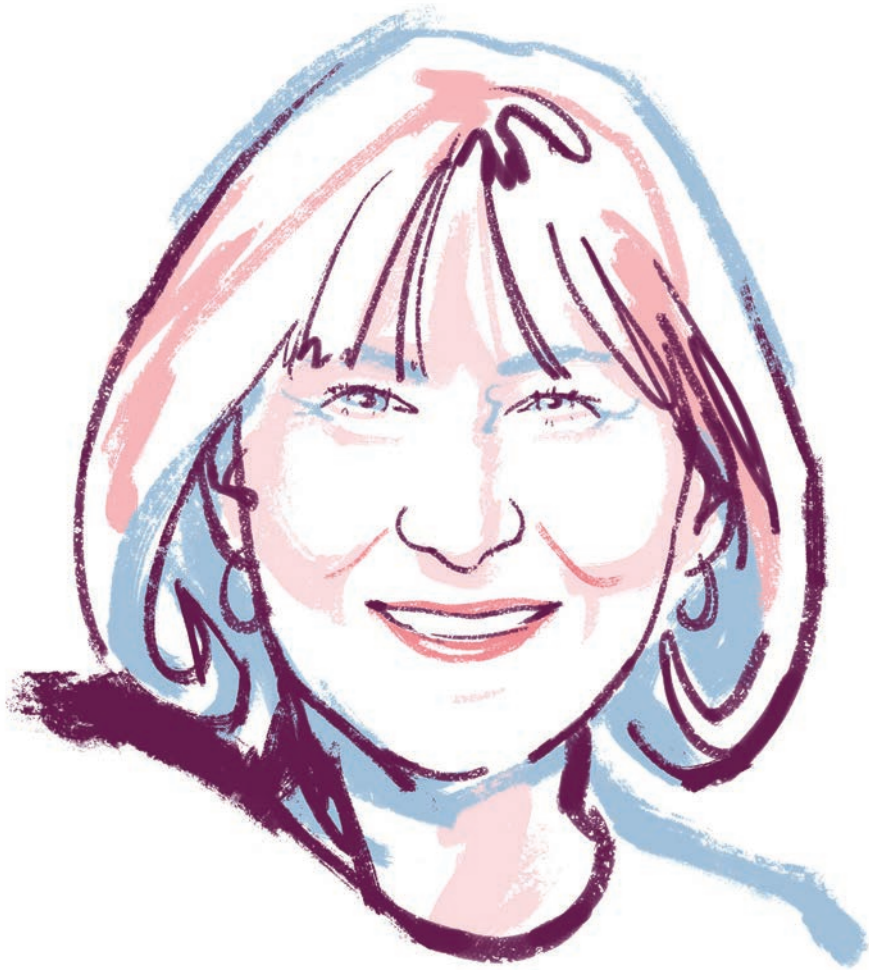
Cityvision: When do problems tend to happen?

Francis Benjamin: When the passion on a topic exceeds the value of the relationship with the person that you’re relating with: when you stop caring about the person you’re talking to and become more focused on the topic and drawing a line in the sand. If we look over the last 140 years, we’re in one of the greatest polarization times among parties, and we’re also seeing lack of trust filtering from the federal into the state and local levels.

Cityvision: What’s driving this?

Francis Benjamin: Issues that used to be seen as very nonpartisan are becoming partisan. And that’s creating a greater challenge for elected officials to be able to work together.

Yolanda Trout-Manuel: [Political] parties are what have really hurt and caused a lot of this, from what I have seen. I have had very close friends that didn’t know what party I was, and as soon as they found out what party I was, they started treating me completely different.



THAT'S WHAT HELPS WITH THAT DECISION-MAKING PROCESS: POLITENESS, COURTESY, RESPECT ON BOTH SIDES, WHETHER IT'S ALL OF THE COUNCIL BEING CIVIL TO EACH OTHER, WITH THE INDIVIDUALS THAT ARE IN YOUR AUDIENCE COMING TO TALK TO YOU, OR EVEN IF YOU'RE AT THE CARROT SECTION AT SAFEWAY.

—ANNE MCENERNY-OGLE VANCOUVER MAYOR

Cityvision: How do you think social media, and the self-selecting silos it tends to create, factors into this situation?

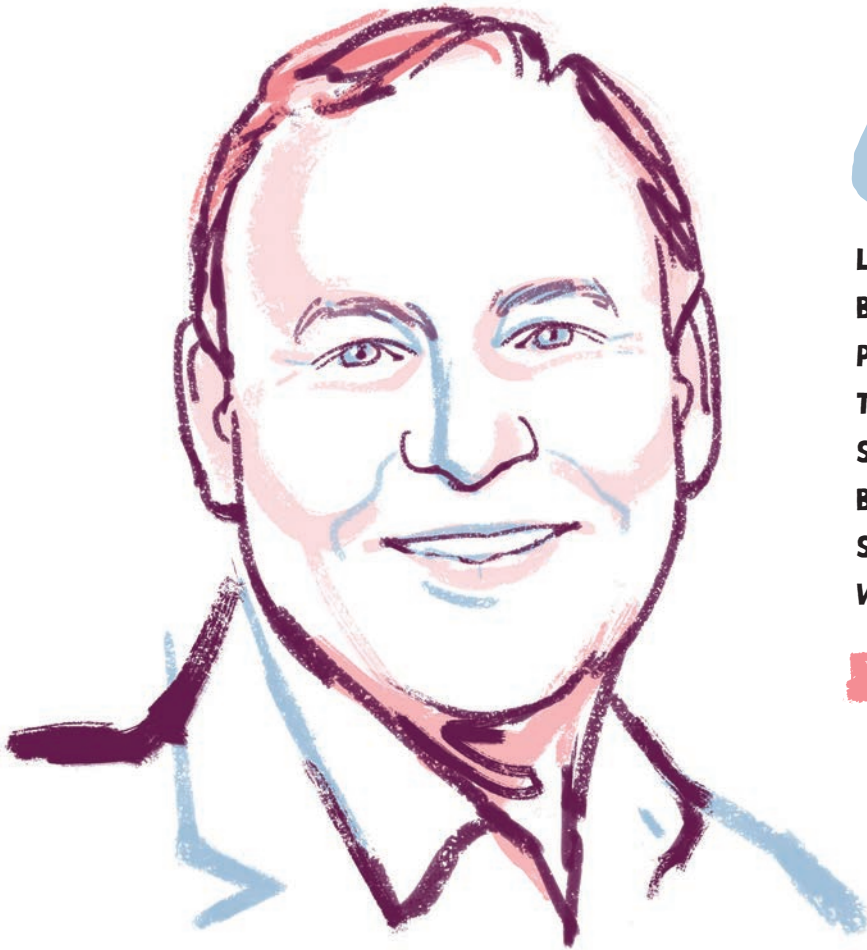
Jon Nehring: One of the things we're plagued by is that we don't seem to have anything we belong to that's bigger than ourselves. So many seem to be in an echo chamber, only wanting to hear from those who will validate what they feel. And it seems like it's more important for people now to *be* right than to *get it* right. We're not as curious anymore. When I'm confronted by somebody with an opposing point of view, I want to be genuinely curious about why they feel that way and want to find out if they could convince me that they are right. But that's almost threatening to people now. We just don't even want to hear what we don't want to hear, because our identity is all about being right.

Cityvision: Did holding public meetings only over Zoom during the pandemic also exact a toll?

Anne McEnergy-Ogle: Before the pandemic, after a city council meeting or a town hall, people would leave the building and continue the conversation in the parking lot—"What were you thinking with that comment? Did I miss something? Was I not hearing something? Were you going down a path I need to follow you on?" The conversations on a Zoom meeting stop when you press Leave Meeting; it doesn't go into the parking lot. So for two years we stopped doing that, we stopped building those relationships with colleagues, and that had a negative impact.

Cityvision: Did that also impact the relationship between city officials and the public?

Anne McEnergy-Ogle: It did. And it showed up with threats and violence and protests about the mandates for vaccines and masks, because when the governor made those mandates and we supported them, *boom*, things lit up around here. We had protesters standing out in the streets and on the sidewalks in front of the electeds' homes with long arms. And that surprised us.



LEADERSHIP SETS THE STANDARD, BOTH AT WORK AND IN POLITICS. PEOPLE ARE GOING TO LOOK TO THE LOWEST LEADERSHIP STANDARD, AND THEN THAT'S THE BAR THEY USE. THE HIGHER THE STANDARD WE CAN HAVE AS A WHOLE, IT'S BETTER OVERALL.

—FRANCIS BENJAMIN PULLMAN COUNCILMEMBER

Cityvision: Mayor Nehring, how have things played out in terms of civility, or lack thereof, in your community?

Jon Nehring: With city business, it actually hasn't been that bad. Fortunately, we have a really solid working relationship between the executive branch here and our city council. The times when there has been more division in our community have typically been when there also has been division among the governing body.

Cityvision: What's the lesson there?

Jon Nehring: Whether it's incivility among residents toward each other or residents toward city officials or among city officials and themselves, we all should have a responsibility to hold to an ideal of treating everybody civilly and with respect and dignity. But I do think as elected officials, we should hold ourselves to a higher standard. And I think we have a special responsibility with these positions to figure out a way to lead in that manner. Whether it's on Zoom or in person at council meetings, people seeing civility

being modeled by their leadership makes it a little harder for citizens to really attach themselves to a side and get uncivil.

Yolanda Trout-Manuel: For me, it's all about respect, politeness, and courtesy. How I have always led my life as a leader is to treat others the way I want to be treated, with those three words: respect, politeness, and courtesy.

Anne McEnergy-Ogle: Modeling a code of behavior, so to speak. Jon, do you communicate your conduct guidelines at each meeting or post signs in your city hall?

Jon Nehring: Good question. We really don't. It's more relationship-based, kind of back to what Francis talked about earlier. We just invest a lot in relationships. Our entire council goes to conferences together, so there's a lot of meal time and relationship time there. The pandemic did impact this, but we're back meeting live now. After our last meeting ended, people were hanging out at city hall for a half hour, 45 minutes, even an hour after that, still talking. And so I think it's just getting to know one another

outside the glare of the meeting, whether that's informally like hanging out before or after council meetings or intentionally going to a conference together every year.

Francis Benjamin: Most communities have a code of ethics but don't have a code of conduct as it relates to conduct among electeds. Where you get into trouble is when there's a conflict or one councilmember says one thing and another one says another thing, and they take offense (even though offense wasn't intended), because of the word that was used or how it was interpreted. . . . You need a code of conduct for these situations.

Cityvision: Councilmember Trout-Manuel, could you share examples of positive ways you have dealt with incivility, whether it's resident-to-council or council-to-council?

Yolanda Trout-Manuel: With my residents, what I do is I go and talk to them, and I just explain myself and the reasons why I voted the way I did. And the majority of the time I have turned them around to say, "Oh yeah, I see your point." With councilmembers, I have had to sit down and talk to them as well. . . . I just told them that we are here for our constituents, and we need to treat each other with respect.

Francis Benjamin: Leadership sets the standard, both at work and in politics. People are going to look to the lowest leadership standard, and then that's the bar they use. The higher the standard we can have as a whole, it's better overall.

Cityvision: Have you experienced instances of threats and violence or been on the receiving end of harassment or incivility in your community as a local elected official?

Yolanda Trout-Manuel: The only [time] it has happened to me is because my first language is Spanish. Some people, just because of their language or their education, they're treated differently, they're treated disrespectfully.

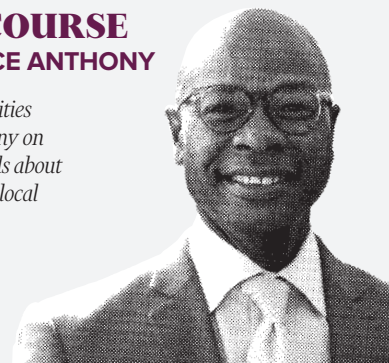
Anne McEnerney-Ogle: We've had several different incidents. We have had people show up with weapons at city hall and stand there in an intimidating fashion on a difficult issue. So we take each risk and evaluate it.

Cityvision: Councilmember Benjamin, maybe it goes back to that point you made about people getting so passionate about an issue that they draw lines in the sand.

Francis Benjamin: When cities first start out, because of their size they're mainly focused on safety and infrastructure: police, fire, roads, water, sewer, and most likely a library. But as the city grows and gets more people, the community has these social issues that it wants the city to take on. And that's where you get into some of these lines drawn in the sand, where one person feels the city needs to take on this social issue for this reason, or in this way, while somebody else has a very different view.

DAIS DISCOURSE Q&A CLARENCE ANTHONY

*National League of Cities
CEO Clarence Anthony on
what new data reveals about
the state of civility in local
government*



Why did you first get involved in local government?

I grew up in South Bay, a very poor community in agricultural South Florida. I went away, and in 1984 I came back home, and the city had changed. There were drugs being sold down the street, and nobody was doing anything about it. So I decided to go to a city council meeting, and the mayor at that time indicated that they had so many other priorities to deal with. I felt that was disrespectful and somebody needed to address the issues, so at 23 I decided to run for mayor, and I won by a "mandate" of 33 votes, which in the elections world is a win. I wanted to be a part of the solution and not just complain. I carry that same commitment today in my role as CEO of NLC.

What prompted NLC to conduct the *On the Frontlines of Today's Cities: Trauma, Challenges and Solutions* study?

The last two and a half years have been tough on America, period. With the pandemic, then the economy, and then the racial uprising, we saw a tri-pandemic. I started getting calls from municipal officials, mayors, and

councilmembers all over America that they were getting attacked and harassed, as well as their family members and their kids. We sent a survey out, and it was astonishing the level of concern our members had about their safety while being a public servant today.

What was the most surprising statistic for you?

Eighty-one percent of members surveyed said they were experiencing harassment and threats of violence, and 87 percent said they've seen an uptick during their time in office. Those are big numbers. But I think more so what surprised me was the reaction of those officials. Their reaction was, "I didn't sign up for this" and "Do I still want to serve?" Many of them made a decision that they no longer wanted to serve or they would not seek reelection.

What else surprised you?

When I was mayor, if we had a water or sewage rate hike, residents would say something like, "You just don't care that I'm gonna starve." Today, they are hurling all kinds of words and harassing [city officials] at their homes. Forty percent [of

CONTINUED ON P.25 ▶



IT TENDS TO LOWER THE TEMPERATURE WHEN WE RESPOND AND WE DON'T RESPOND IN KIND, AND JUST SAY, "HEY, LOOK, I'M NOT SURE WHY YOU FEEL THAT WAY, BUT HERE'S ACTUALLY WHAT'S HAPPENING."

—JON NEHRING MARYSVILLE MAYOR



Anne McEnergy-Ogle: And that line in the sand keeps moving. So many times, the individuals we're dealing with are not Vancouverites. They're from nearby areas, coming down to tell us what they think should happen in our city.

Cityvision: That might also be another impact of social media and Zoom meetings, where these issues that were local issues now suddenly become amplified because they reach an audience outside city limits—sometimes far beyond. And all of a sudden, you have people who aren't from or even familiar with your community who are suddenly making noise.

Francis Benjamin: Some people, their passion in life is to comment on other cities. In letters to the editor or comments on social media, if you start diving into those issues that are the most controversial, the person often doesn't even live in your town.

Cityvision: Other than adopting a code of conduct as you suggested earlier, what's one practical thing all local leaders can do to foster civility?

Francis Benjamin: Our process is critical. When government is making a decision, there are going to be winners and losers. We need to make sure the process is done in a way that people feel they've had a fair opportunity to comment on it. As long as people feel that the process was open, that everybody had their voice heard and the decisions were made in an open and fair way—nothing was done behind the scenes—even if they didn't win, they are more likely to support it and move forward.

Cityvision: And Mayor Nehring, from your point of view over in Marysville?

Jon Nehring: Especially in a growing community like ours, there usually isn't a way to give everybody what they want, but communication is so critical. Where people really seem to get angry is when they feel that they weren't included in a process. We had a group that wanted to put pallet shelters at a church that was adjacent to a significant housing area in the community, and those folks were very, very vocal—probably as vocal as I've ever seen on an issue. They felt like, "Wow, we were not

consulted enough. Why was this location chosen? Is there not a better location?"

Cityvision: What was the lesson learned from that experience?

Jon Nehring: It's just opening up lines of communication as soon as possible, and keeping them open, and letting everybody weigh in. That doesn't always make everybody happy by any stretch, but people want to be heard, and they're going to be heard one way or another. It's better if you proactively seek out their input.

Cityvision: Mayor McEnery-Ogle, what about from the larger city perspective?

Anne McEnery-Ogle: It's pretty much the same: a lot of citizen engagement. Jon, we just opened our second community of pallet shelters. We built our first one over on the east side, and neighbors near the second one we proposed went over to the first one and talked to the folks over there to see how successful it was. Because we are so large—we're nearly 200,000 people over 52 square miles—when we have a decision we need to make, the first thing my staff, our councilmembers, and I do is go out into the communities and walk the sidewalks. . . . Then, everyone has many opportunities to talk during a workshop with staff at the first reading. During the second reading at the public hearing, there are opportunities for individuals to attend via Zoom or a phone call to get those points of view out there, but then we set the boundaries of how we're going to take public communication: nothing slanderous or threatening or personally abusive. If things get heated, we take a break and calm things down, then bring the business back to order. Keep it at a positive level, but plan for the worst—and be ready, just in case.

Jon Nehring: We've got to encourage people that it's OK to not always get it right. And that occasionally means admitting maybe we're wrong. And as leaders, when we can do that, I think it sets an example. It tends to lower the temperature when we respond and we don't respond in kind, and just say, "Hey, look, I'm not sure why you feel that way, but here's actually what's happening."

Cityvision: Do you have an example of that?

Jon Nehring: We had an issue here with garbage rates. We had to raise them, and it was primarily due to our contract with Waste Management. It went out to bid; nobody bid on it, nobody wanted the business except for Waste Management, so we had to take that rate. When I got questioned by somebody [at the next council meeting], my response was, "Hey, I have to pay the same rate you do. I live here. All the councilmembers are paying this rate. We don't like it either, but if we don't pass that cost along to you, your utility's going to go bankrupt in a few months. What would you think would be a better

respondents] reported that a policy they developed caused people to come after them, which is very different from years ago, when democracy was about compromise and civility.

What's driving this incivility toward public officials?

Many factors, including hyperpartisanship, the spread of mis- or disinformation, and the growing influence of social media. I believe very strongly in diversity of opinions and ideology. But I think that lack of respect and disinformation have caused people to not be able to focus on what they have in common.

What is at risk?

It's a serious threat to our democracy. It's driving good people out of office, and others are deciding not to run. Also, it starts to minimize the diversity we all want in public officials. Our report identified examples where because people are different in some way—based upon gender, race, religion, or sexuality—they've been a target. As we saw during the pandemic, good leadership matters. Tackling issues like health care, affordable housing, crime, equity, infrastructure really requires talented and committed public servants.

What are NLC and AWC doing to improve civil discourse? What resources can local leaders turn to for help?

We always say that local

government is the closest level of government to the people, and local municipal leaders are more respected and they're trusted more than at any other level. Being able to put this issue at the forefront and expand the knowledge that public service is a great honor—that messaging is going to be very important to provide. NLC and AWC have a responsibility to step up in this area, and to give our members the solutions and tools that they need, so we are working together to create a hub of resources to address incivility and violence in local government.

Any advice for Washington's electeds?

Make sure that you pay attention to each other on the dais. Support each other by hiring mental health professionals to help local government leaders manage the trauma and, in turn, support your community more effectively. You also need to recognize that the spread of misinformation and disinformation is a continuing reality and find resources to improve online engagement. And you have to develop violence mitigation policies.

The most important takeaway?

Public officials cannot act in an uncivil way on the dais, because it impacts the entire community. Modeling civility is something that we strongly recommend local leaders do.



IF WE SEE SOMEONE [BEING UNCIVIL] AND WE DO NOTHING, THEN WE'RE APPROVING IT. AS LEADERS, WE NEED TO BE ABLE TO SAY, "STOP THIS. STOP THIS RIGHT NOW."

—YOLANDA TROUT-MANUEL AUBURN COUNCILMEMBER

option?" Nine times out of 10, they'll say, "Wow, I wasn't aware of that." Just by questioning them and asking, "Hey, what's your proposal in this situation?" That usually leads to a better mutual understanding of where we are at.

Anne McEnergy-Ogle: Jon, in that entire conversation, you were polite, you were courteous, and you showed respect. And it was a conversation. And I think that's what helps with that decision-making process: politeness, courtesy, respect on both sides, whether it's all of the council being civil to each other, with the individuals that are in your audience coming to talk to you, or even if you're at the carrot section at Safeway. All of that is calming it down and just listening.

Yolanda Trout-Manuel: Again, politeness, courtesy, and respect. It starts from the top. If we see someone [being uncivil] and we do nothing, then we're approving it. As leaders, we need to be able to say, "Stop this. Stop this right now." And until that happens, until we can all work together, this is going to continue.... At the National League of Cities conference in

November, I spoke with electeds from California, Michigan, and Oregon who had only been in office not even a year, and they're thinking of dropping out because it's so hard and mentally stressful for them. I personally told them not to quit, that there was a reason they ran [for public office], and just stick to that.

Francis Benjamin: This is a tremendously big issue.... When I approach people about running for office, they look at me and say, "Why would I subject myself to that?" We need to help people understand the value and importance of being a servant in our community, which is really what the elected officials are. But we also need to take care of them.

Cityvision: And each other.

Yolanda Trout-Manuel: When all of us can agree to disagree and come out of it still friends, we come together. And I have seen that in some of the committees that I have been on. I still have hope that we can continue to do that. I really do. **C**



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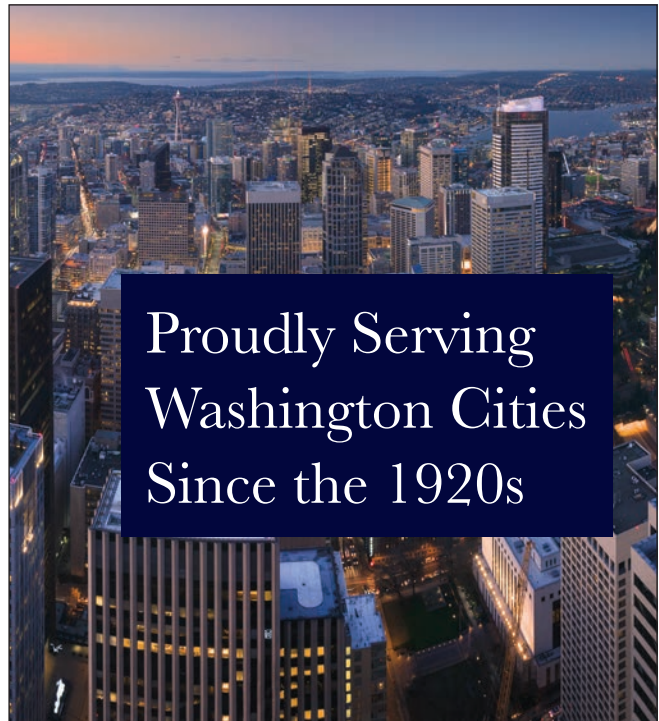
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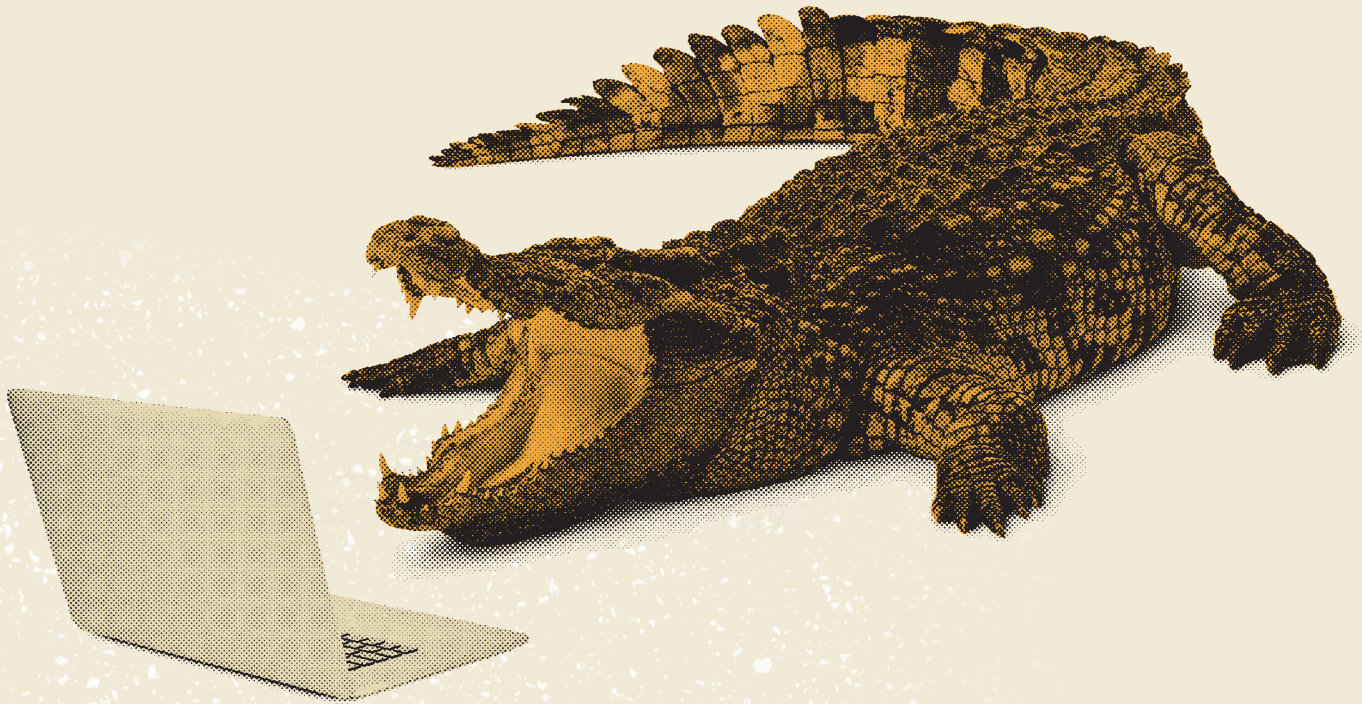
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Citywise



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When you understand how mis- and disinformation take root and spread, the more empowered you are to sort through the noise and clutter ... and respond more effectively.

— CITY 101, P.30 ▶

30 THE DYNAMICS OF MIS- AND DISINFORMATION **32** RULES FOR REGULATING PUBLIC GATHERINGS
34 TIPS FOR NAVIGATING THE RISKY MINEFIELD OF SOCIAL MEDIA



Coming to Terms

Here are a few phrases, concepts, and definitions to help explain an increasingly complex digital realm of disinformation.

Brandolini's law: Named for an Italian researcher, this idea says that the amount of time/money/energy needed to respond to misinformation online is far greater than the amount of time/money/energy it takes to create it.

Ilusory truth effect: A psychology concept that helps explain why some misinformation is so hard to shake. When we hear false or misleading information repeatedly, we may come to think of it as the truth.

Liar's dividend: For someone who knowingly spreads disinformation, the recipient doesn't need to be fooled by it for the disinformation to be successful. Seeding doubt and manufacturing uncertainty around something that's truthful is good enough.

Misinformation vs. disinformation: Misinformation is false or misleading information that is shared *unintentionally*; disinformation is false or misleading information that is shared *intentionally* and designed to misinform, confuse, or distract. Defining what is and isn't mis- and disinformation can sometimes be tricky, since they're often built around some "kernel of truth."

TRUTH OR CONSEQUENCES

The challenges of collective sensemaking during an ongoing "infodemic"

MICHAEL GRASS, CENTER FOR AN INFORMED PUBLIC

WHEN THE International City/County Management Association (ICMA) convened in Seattle in 2015, I covered the organization's annual conference for *Route Fifty*, a digital publication focused on state, county, and municipal government across the country. During one ICMA conference session, the communications director at the City of Glendale, Calif., discussed how that city navigated "e-hostility" by developing a special rumor-debunking municipal website and gave pointers on when officials should and shouldn't respond to a social media troll.

Looking back, it's all sensible advice for any local government. But our information environments are far more complicated today. The "e-hostility" of 2015 has supercharged into an "infodemic" that has inflamed tensions; undermined trust in government, media, and institutions; and led to confusion, uncertainty, and endless distractions.

I now think about these communication challenges in the context of mis- and disinformation, our focus of study at the University of Washington's Center for an Informed Public (CIP), a multidisciplinary research center where I help connect academic research, resources, and programming with the public, policy-makers, and educators.

I've come to understand some key lessons and insights that help me make sense of an often disorienting and dystopian subject area that intersects in so many parts of our lives today. I've found that when you understand the dynamics of how mis- and disinformation take root and spread, the more empowered you are to sort through the noise and the clutter, understand the importance of context and intent, and know when and how to respond more effectively.

As CIP director Kate Starbird, a UW

Human Centered Design & Engineering associate professor who studies crisis informatics, wrote during the early weeks of the pandemic in 2020: "When information is uncertain and anxiety is high, the natural response for people is to try to 'resolve' that uncertainty and anxiety . . . by using communication tools like our phones and now our social media platforms—to 'make sense' of the situation. We gather information and try to piece together an understanding, often coming up with, and sharing, our own theories of causes, impacts, and best strategies for responding."

The challenge, of course, is that this process—what researchers like Starbird refer to as *collective sensemaking*—can be messy and vulnerable to rumors, false claims, and inaccurate information. And with so many more people connected through smartphones and social media than ever before, it's far easier to introduce, share, and amplify problematic information—whether we intend to or not. It's important to remember that many people who share misinformation are doing so with good intentions. That's why responding to misinformation with an empathic approach, instead of conflict, is usually the best first step.

In the event of a natural disaster or other emergency, like an earthquake, flood, or tornado, that uncertainty and incorrect information is usually resolved relatively quickly. But during a long-term and evolving crisis, like the pandemic, it is far more difficult to resolve uncertainty, especially when those with partisan, ideological, or financial motivations actively use our emotions around uncertainty to do their dirty work by unwittingly spreading problematic information.

But disinformation doesn't need to actually fool us to be successful. Those who spread it often rely on the *liar's dividend*—they only need to stir up



uncertainty and doubt to achieve their goals of distraction and confusion. CIP cofounder Jevin West, who helped launch UW's popular "Calling BS" data-reasoning course alongside CIP faculty member Carl Bergstrom, regularly points to *Brandolini's law*: "The amount of energy needed to refute [BS] is an order of magnitude larger than is needed to produce it."

It's clear that we're overwhelmed by our information spaces, and we confront so much bad and unreliable information online that it's impossible to push back on it all. Moreover, since mis- and disinformation narratives are often built around a "kernel of truth," where false claims are connected to something that is factual or plausible, bad information can find a place to latch onto and spread despite our best efforts to keep it at bay. As Maddy Jalbert, a CIP postdoctoral fellow who studies the intersection of misinformation, memory, and cognitive psychology,

IF YOU'VE SEEN SOMETHING BEFORE, YOU'RE MORE LIKELY TO BELIEVE IT WHEN YOU COME ACROSS IT AGAIN.

recently put it: "Information can be very sticky. . . . Once we learn something, we just can't go back and erase the information."

That stickiness can be compounded by the *illusory truth effect*, which Jalbert explains is a "phenomenon that merely repeating information makes it seem more true. This occurs for true information and for false information. If you've seen something before, you're more likely to believe it when you come across it again. Before it was ever studied in a lab, demagogues knew that it worked, that just merely repeating something over and over was an effective tactic to spread that belief."

Social media platforms can exacerbate the consequences and impacts. *The Wall Street Journal's* Facebook Files investigative series looked at a Facebook algorithm change that led political parties in Europe to emphasize anger and conflict. Facebook researchers wrote: "They have learnt that harsh attacks on their opponents net the highest engagement. They claim that they 'try not to,' but ultimately 'you use what works.'"

The bigger, incredibly challenging quandary we all face, especially those who work in local communities, is: How do we incentivize calm, reasoned, and respectful civic discourse when our online environments are incentivized toward conflict and derision? There's so much work to be done to better understand the forces that are driving us apart. **C**

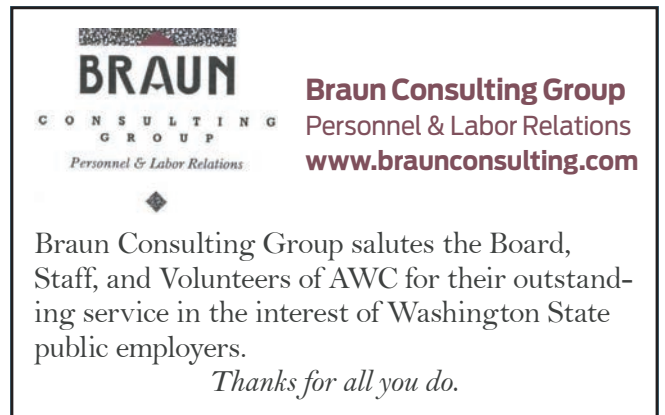
Michael Grass is the assistant director for communications at the University of Washington's Center for an Informed Public and a former journalist who previously launched and edited *Route Fifty*, a digital news publication focused on state, county, and municipal government.



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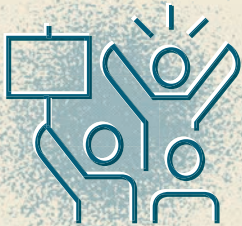
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Express Lines

When regulating public gatherings, it's common to differentiate between events where the primary purpose is conveying a viewpoint and events with a different primary purpose.

Expressive Events

Also known as "First Amendment" events, these are public gatherings where the primary purpose is conveying a viewpoint, such as a planned event where a small group of protesters who oppose a proposed local ordinance march from city hall to a city park while obeying traffic laws and staying on sidewalks. Care should be taken not to impose unreasonable restrictions on expressive events, as such restrictions may be subject to strict scrutiny by the courts.

Nonexpressive Events

These are public gatherings where the primary purpose does not involve expressive speech, such as a public footrace for more than 50 participants that will require the temporary closure of city streets. Most cities and counties adopt regulations that address nonexpressive gatherings of a certain size or nonexpressive gatherings that disrupt normal and ordinary use of rights-of-way, public property, or public facilities.

ASSEMBLY REQUIRED

What cities can and can't do when it comes to public gatherings

OSKAR REY, LEGAL CONSULTANT, MUNICIPAL RESEARCH AND SERVICES CENTER

This article was adapted from an MRSC.org blog post with permission from the author.

WE LIVE IN A TIME OF increasing political polarization during a pandemic. The right to assemble for protests and gatherings in outdoor public places is protected under both the First Amendment of the United States Constitution and the Washington State Constitution. Here are answers to common questions that arise when considering public assemblies.

Can a local government require a permit to assemble?

A local government can require a permit only if the nature or size of the gathering requires government services or crowd control. Consider a hypothetical: A group of 15 to 20 individuals plans to march from a city park to city hall chanting slogans and holding protest signs, all while obeying traffic laws and staying on the sidewalks. A city could not require a permit because the event is consistent with ordinary use of public property and the public right-of-way.

Can a local government impose permit conditions on events?

Local government's ability to restrict expressive conduct in public is limited. Known as "time, place, and manner" restrictions, these must be content-neutral, be narrowly tailored to serve a compelling government interest, and leave open ample channels for communicating information.

For nonexpressive special events, it is common to require organizers to provide liability insurance. However, the analysis changes when the event involves expressive speech or protest. Insurance can be required in some cases, but it cannot bar First Amendment activity.

For an expressive event, in theory, permit fees and costs may be recovered, but courts closely scrutinize the regulations under which fees and costs are assessed and how government officials made decisions when implementing them.

Permit fees and insurance requirements are risky in the context of political protests and gatherings. Local governments should consult their legal counsel and insurance provider before deciding whether requirements should be imposed.

What about spontaneous and recurring events?

Not all protests and gatherings are planned in advance; sometimes, they are an immediate response to a breaking news event. From a practical standpoint, cities should be prepared for the possibility of political demonstrations and gatherings with little or no advance warning. Spontaneous and recurring events are often organized and publicized through social media, making it difficult to identify individuals responsible for the event.

What happens when counterdemonstrators show up?

Counterdemonstrations raise concerns because they can increase chances of verbal or physical altercations between protest groups. Cases have upheld the ability to create separate "protest zones" for protesters. Time, place, and manner restrictions are valid so long as the reasons for them are content-neutral and not based on agreement or disagreement with the views of a protest group.

Final thought: Upholding the right to free speech and assembly is a fundamental purpose of government. But managing the city's response to demonstrations and protests can be exceedingly difficult. When in doubt, reach out to your city's legal advisor before responding to gatherings. **C**

Oskar Rey, an attorney who has practiced municipal law since 1995, served as assistant city attorney for the City of Kirkland from 2005 to 2016.



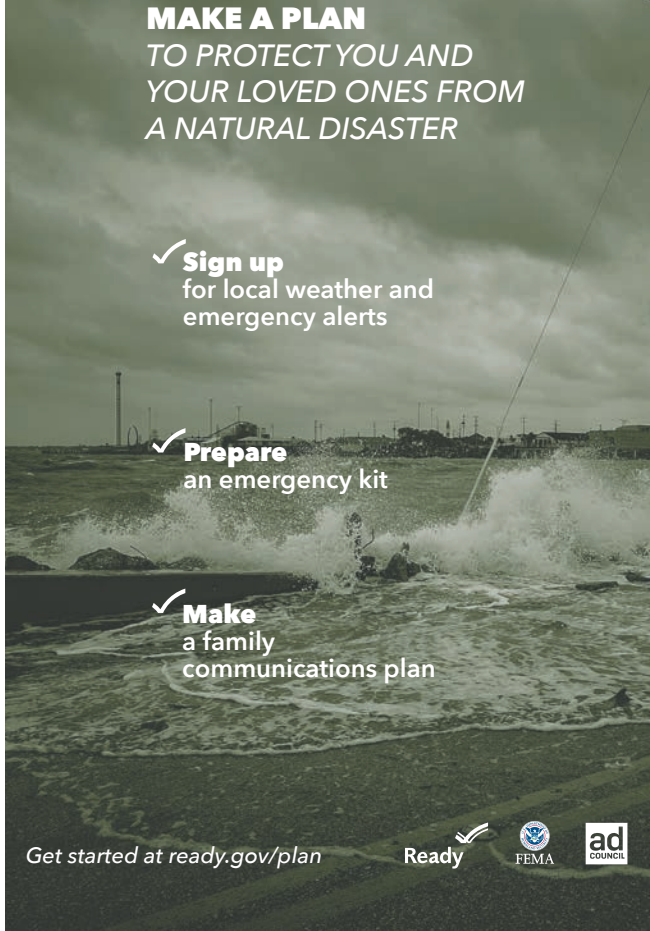


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NOTES ON POSTING

How to minimize risk when traversing the First Amendment minefield of social media

TAKI FLEVARIS AND PAUL LAWRENCE, PACIFICA LAW GROUP

A **S MANY ELECTED** officials can attest, social media platforms such as Twitter and Instagram have become useful for connecting with friends, campaigning, and doing the work of government. But given the intersection of speech and state, city elected officials and staff must keep in mind the First Amendment's potential application to social media and clearly understand how personal and official accounts are separate. In recent years, courts have been called upon to adjudicate a growing number of lawsuits in this new context. Perhaps the most famous example involved then-President Trump, who was found to have violated

the First Amendment's freedom of speech protections after blocking users from his Twitter account.

Here we summarize key legal standards and highlight three tips for elected officials to minimize their risk—so they can focus on serving the public rather than fending off lawsuits for blocking a user or removing a post.

Note: These are only general considerations; any public official or employee should consult with legal counsel about their particular situation.

Tip 1: Keep personal and official accounts separate.

The primary question in these cases is whether or not an elected official's social media account is a governmental forum subject to First Amendment scrutiny. A purely personal account does not qualify, because there is no state actor or property involved. But when an official's account is governmental in nature, the First Amendment can be triggered. Courts engage in a fact-based inquiry to make this determination, considering various factors such as account taglines or identifiers, the source of photos used, account purpose and creation, any use of public resources to access or use the account, and substantive content.

To minimize the potential for liability, elected officials should keep their personal and campaign accounts separate and distinct from official accounts to the fullest extent possible. Personal accounts should include a disclaimer, should contain only personal photos, and should





LEGAL AFFAIRS



Tangled Web

Freedom of speech is not the only legal issue officials and staff must consider in managing their online presence. Additional concerns include:

- **Defamation law**, especially with regard to any comments made about individual users or their conduct.
- **Copyright law**, especially with regard to photographs.
- **Public Records Act**. Washington's PRA applies to any records, including electronic data, used for governmental purposes.
- **Public facilities**. Washington has prohibitions against using public facilities for electoral or partisan purposes.

Note: The contours of these legal frameworks are beyond the scope of this article and should also be discussed with legal counsel.

OFFICIALS SHOULD STRIVE TO AVOID CENSORING SPECIFIC USERS AND NEVER IMPOSE RESTRICTIONS BASED ON SOMEONE'S VIEWS, AT LEAST ON ANY SOCIAL MEDIA ACCOUNTS THAT MIGHT QUALIFY AS GOVERNMENTAL.

not be managed by public staff or on government devices. The contents of the account should be personal in nature, with no official business conducted on the account. Courts have generally recognized that campaigning is personal rather than governmental, but the line can be blurry and warrants extra caution.

Taking these steps will help insulate personal accounts from First Amendment limits. Otherwise, officials should strive to satisfy First Amendment standards on all accounts.

Tip 2: Avoid censoring other users based on viewpoint.

If a social media account is deemed governmental, the key question then will be whether any private speakers have been unduly restricted or censored. In general, the ability for private users to speak on a governmental account can be broadly limited without violating the First Amendment. An account may be used solely for the government to broadcast its own message, for example, without allowing anyone else to comment. Or an account could be limited to only certain categories of private speakers or topics of discussion, if defined at a general level.

To whatever extent private speech is allowed on a governmental account, however, speakers cannot be restricted based on their particular *viewpoints*. This tends to be the most important part of the First Amendment inquiry and sometimes turns on the credibility of the explanation for the challenged restriction, whether it involved a block, post removal, or other limit on the user's ability to receive or broadcast content. To minimize the risk of a violation, officials should strive to avoid censoring specific users and never impose restrictions based on someone's views, at least on any social media accounts that might qualify as governmental.

In some cases, there might be a need to censor or restrict a single problematic user for reasons separate from their viewpoint. Courts have upheld reasons such as excessive volume or repetition, posts that are off topic, substantial interference with the flow of communication, obscene sexual content, or targeted threats. Note that profanity is sometimes treated as a viewpoint and should be approached with caution, but it probably can be restricted when children are likely to be in the audience.

Imposing restrictions for such reasons should be done carefully, including by documenting the basis and surrounding context and keeping a general record of content management over time to show consistency. It can also help to clarify in advance what categories of private speech will be allowed on the account and potential grounds on which users or content will be restricted. Likewise, it might help to identify and explain the basis for any restriction at the time it is imposed.

Tip 3: Tailor the scope and duration of any restrictions imposed.

The other key factor under First Amendment review likely will be whether any restrictions imposed were reasonable. This will depend on the circumstances. In one case, for example, an indefinite ban from a social media account for inappropriate activity was deemed unreasonable because the offending user had no opportunity to return and comply in the future. To avoid such concerns, in each case restrictions should be imposed in an incremental and proportionate manner, including with regard to duration, based on the particular concerns at issue.

Bottom line: Elected officials should make clear that their personal and official accounts are separate, should not impose restrictions based on viewpoint, and should ensure that any restrictions are appropriately targeted. When in doubt, consult with legal counsel to minimize the risk and avoid needless litigation. **C**

Pacifica Law Group is a regional firm that specializes in helping state and local government and elected officials navigate concerns related to free speech, defamation, public records, and related legal doctrines.

Cityscape

Harrah Mayor Barbara Harrer

Elective Procedure

How Washington's longest-serving mayor wins hearts, and votes, by listening

BARBARA HARRER'S estimable tenure in public service began 55 years ago, when she heard a knock on the kitchen door behind the veterinary practice her husband had opened after moving their young family from Montana to Harrah, then an agricultural community of 300 in the heart of the Yakima Valley. Standing outside their back door was a town councilmember, literally holding the keys to the city.

"He said that the clerk-treasurer had taken a job at the elementary school, and there was nobody to open town hall," recalls Harrer, who will be 90 in July and is one of Washington's longest-serving mayors, now in her 11th term. "He said if I'd be willing, all I'd have to do is go down to town hall and take payments on the sewer system. I've always liked to do things for the community, so I said yes."

She reported for duty at town hall the next morning, only to find a well-dressed stranger waiting for her in council chambers.

"I said, 'You must be the town judge,' and he said, 'I'm the state examiner,'" recalls Harrer, who was informed that town's the wastewater treatment fund was in the red. "The only bookkeeping I had was in high school, so I didn't know what to do."

Harrer wrote a letter to the Association of Washington Cities detailing the town's fiscal woes and was referred to the Municipal Research and Services Center (MRSC), which guided her through the interfund loan process. Four years after seeing Harrah through that crisis, she was elected to town council. In her second term, in 1977, the council appointed her mayor, a role she's filled ever since.

"I could not have continued as mayor if it weren't for AWC or MRSC," says Harrer, who served on the MRSC board from 1994 to 1999 and on AWC's board from 2001 to 2008. In nearly a half-century as Harrah's mayor, Harrer oversaw the drilling of the town's first well and the establishment of a municipal water system (recently, with help from Sen. Patty Murray, the town secured a

\$2 million federal grant for a second well) and an EPA-mandated \$3.5 million upgrade (funded by a USDA Rural Development grant and loan) to the town's wastewater treatment system, sometimes incurring her share of animus from local ratepayers.

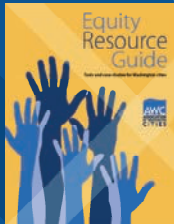
"It's wise not to get mad—I might get mad, but I don't let them know it, and I just try to listen to the other person," says Harrer. By way of example, she cites a resident who once showed up on her doorstep to deliver a tirade then bought her Pepsi when he next saw her at the general store, or the owner of the local farm shop, a vocal opponent of Harrah's municipal water system, who still delivers tomato starts for her 4-H garden. "I've always liked working with people," Harrer affirms. "I'm blessed when I meet new people. It's been a wonderful experience."

Her advice: lead by listening, do your homework, and always think before you talk. ☺



City data & resources

Explore a sampling of AWC's research and resources on city issues



AWC Equity Resource Guide:

Tools and case studies for Washington cities

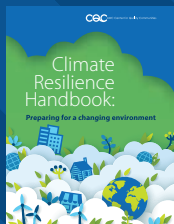
Many cities are working to advance racial equity at the local level and are looking for ideas and resources. This guide can serve as a starting point for cities seeking to do the intentional work of improving diversity, equity, and inclusion (DEI) in their communities. Find tools and resources to inspire improvements—no matter your city's size or location.



You have it, use it:

Home rule in Washington

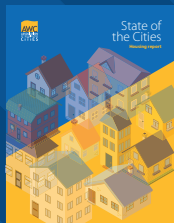
Explore the existing authority that cities have in Washington to make decisions and laws close to home. The need for local control dates back to our state's founding in 1889, when delegates assembled in Olympia to frame the state constitution with specific protections for city authority. Learn about the history of local control and the events that followed, including legal attempts to clarify or even undermine this authority.



Climate Resilience Handbook:

Preparing for a changing environment

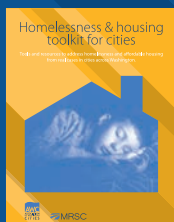
Extreme heat waves, drought, wildfires, flooding, sea level rise—cities face daunting challenges in preparing for and mitigating the impacts of climate change. AWC's Center for Quality Communities partnered with a team of climate experts on this handbook for city leaders and planners. Find tips for assessing the unique risks facing your community, guidance on developing a climate action plan, and resources to help your city prepare for climate change.



State of the Cities:

Housing report

Washington cities of every size are grappling with the lack of available affordable housing. At the same time, cities struggle with limited resources to increase available housing so that current and future residents can live and thrive there for years to come. But cities can't solve it alone. This research report explores cities' housing challenges and solutions using data, infographics, city case studies, and a rundown of available fiscal and policy tools.



Homelessness & housing toolkit for cities

This publication provides real-world examples of tools and actions Washington cities have used in responding to the issues of homelessness and affordable housing. The toolkit includes articles on housing levies, tenant protections, tax exemptions, regional coalitions, emergency rental assistance, and more. AWC and MRSC collaborated on the toolkit to highlight working examples of innovative approaches that cities take to address these challenges.

Find these and other city resources on AWC's website: wacities.org/data-resources
To request a print copy of any of AWC's publications, email general@awcnet.org

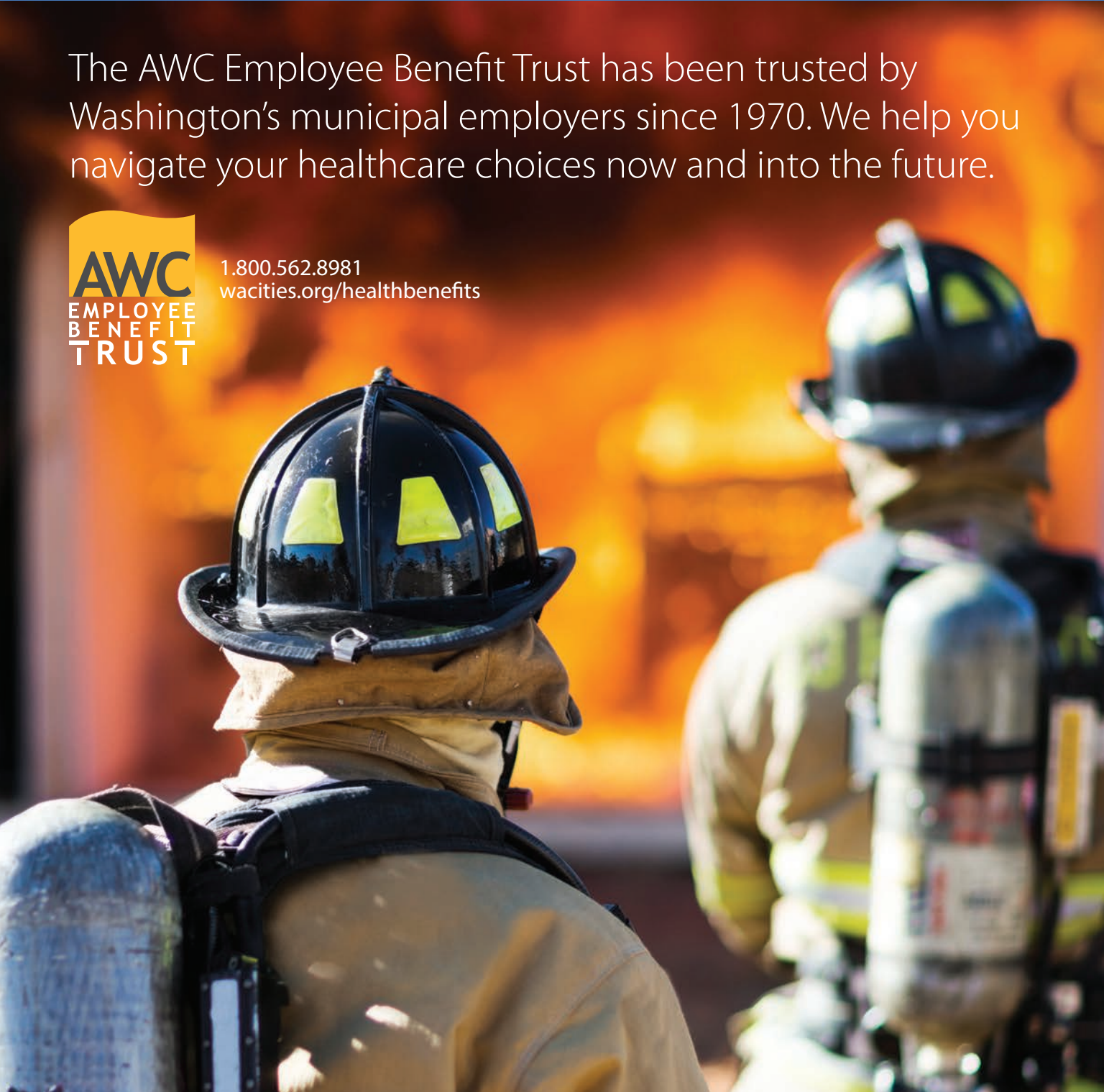


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