

MARCH 2022

# Managing Angry Mobs Disrupting Governing Board Meetings

By Dr. Frank Benest, Rusty Kennedy and Erica L. Manuel

**H**as a meeting of your governing board (or a nearby governing board) been disrupted and plunged into chaos by any of the following:

- A group of QAnon believers ranting that city council members are communists due to equity and inclusion efforts and threatening to run elected officials out of town
  - » (<https://www.mercurynews.com/2021/10/25/los-gatos-who-is-this-far-right-group-thats-been-disrupting-council-meetings-for-months/>)
- Anti-police advocates demanding that the city council defund police and refusing to let anyone else speak
  - » (<https://www.kcra.com/article/black-lives-matter-protesters-disrupt-stockton-council-meeting/8964052#>)
- Angry anti-vax, anti-mask protestors shouting down health officials at a county board meeting
  - » (<https://www.sandiegouniontribune.com/news/politics/story/2021-11-04/sd-me-bos-decorum>)
- Parents raging against teachers and materials examining the history of racial discrimination and inciting violence against school board members and teachers
  - » (<https://www.cbs8.com/article/news/local/parents-rally-at-poway-unified-district-office-over-virtual-meetings-and-critical-race-theory/509-0123f1a4-ee73-4c57-97f3-1ba78aef36c9>)

Angry outbursts, hateful speech and unruly behavior not only disrupt governing board meetings but also increase polarization in the community and make serious discussion and problem-solving, including compromise, nearly impossible.<sup>1</sup>

These kinds of uncivil and even threatening occurrences used to be uncommon. But in the past several years, these once extraordinary events have become increasingly ordinary.

## Disruptive Behaviors

---

“These once extraordinary disruptive occurrences have become increasingly ordinary.”

---

Our country has a long history and tradition of constitutionally protected free speech. However, certain **behaviors** may disrupt the governing board meetings of cities, counties, school districts, and special districts and thus prevent the governing board from addressing the business before the board. Some of these typical behaviors include:

- Verbally and even physically threatening elected and appointed public officials, staff or other members of the public
- Vilifying someone based on their perceived race, religion, sexual orientation, or gender identity
- Shouting or booing from the audience so someone cannot address the governing board
- Refusing to give up the microphone and leave the podium so others can speak

## Purpose of Governing Board Meetings

To put this growing problem into context, we must first remind ourselves of the purpose and functions of governing board meetings. Public meetings are conducted by governing boards to accomplish the following:

- Identify the priorities and goals of the local government agency
- Allocate resources to achieve the priorities and goals
- Discuss and approve laws (ordinances) and regulations to promote public safety, public health, and the general welfare of the people in the jurisdiction

- Conduct the normal business of the local government (for example, approve contracts for service)
- Ensure a **safe environment** for anyone to comment, provide input, or protect any action or policy of the local government, or to simply talk directly to the governing board about any concern

The disruptive behavior of frustrated and angry individuals or groups can prevent the governing board from doing its business and/or prevent other individuals and groups from safely communicating at governing board meetings.

Therefore, how do public officials manage these challenging situations so governing boards can conduct business and allow everyone to safely communicate in public meetings?

## Why So Much Rage?

While it is the responsibility of elected and appointed officials to manage any disruptive behavior at a public meeting, it is helpful to first exercise a bit of empathy and try to comprehend the sources of the rage exhibited by different groups.

---

“Despair often precedes rage.”

---

There may be any number of reasons that people feel frustrated and angry and thus have reached a point of disrupting a public meeting and blocking civil discourse. The sources of rage likely go beyond disinformation fueled by social media. Certain groups feel that their needs have been long ignored or discounted; their civil or human rights have been abused by authorities; their family’s safety or health or economic stability have been threatened; or in some other way they have been devalued. Some people are in fact frustrated and angry about racial, gender-based or religious discrimination, or the safety protocols that keep children out of schools, or their perception that their rights as parents are being ignored. Despair often precedes rage.

In this age of divisiveness, local government officials must lead by example and deeply listen, acknowledge legitimate concerns, and try to respond in positive ways. So, even if anti-police groups are angry and disruptive, public officials should seek

first to understand. They should ensure that official responses are measured and respectful and include a commitment to explore meaningful solutions to legitimate issues being raised, such as alternative ways of responding to mental health calls.

If people feel that government experts are ignoring their needs, they may rebel even in the face of science or other “facts.” Simply put, if you want people to listen to you, you must also listen to them.<sup>ii</sup>

With that in mind, local government leaders must also take appropriate actions to help manage disruptive behaviors that prevent jurisdictions from conducting the public’s business at governing board meetings.

## Differentiating Free Speech from Disruptive Behavior

---

“Officials must differentiate between free speech, hate speech, and disruptive behavior.”

---

Before developing a plan of action, local government officials must differentiate between free speech — including offensive or hate speech — and disruptive behavior.

**Free speech** is the political right guaranteed by the First Amendment to the U.S. Constitution to express one’s opinion orally, in written form, through the internet, or through art forms, with a few exceptions including libel, slander, obscenity, copyright violation, sedition, inciting violence, “fighting words,” or imminent threats. In California, the Brown Act guarantees public input at governing board meetings.

**Hate speech** is legally protected speech that vilifies an individual or group based on their perceived race, religion, sexual orientation, ethnicity, gender, or disability, but does not rise to the level of a criminal threat or inciting violence, in which case it would be termed a hate crime.

**Disruptive behaviors** are actions that prevent the governing board from conducting its business. Disruptive behavior includes:

- Yelling and screaming
- Excessive profanity or slander
- Specific threats that the speaker and their supporters are capable of carrying out

- Inciting violence or using “fighting words”
- Exceeding their allotted minutes (usually 2-5 minutes) to address the governing board
- Speaking without being recognized by the presiding officer

The right to free speech actually permits offensive speech, and even hate speech. A governing board cannot enforce rules that prohibit offensive or hate speech, but it can take action to address any speech that becomes behavior disrupting the meeting.<sup>iii</sup>

## Planning for the Worst

In this time of widespread distrust and divisiveness, a governing board and the agency’s administration must plan for the worst. Just like a local government must plan for a natural disaster, local leaders must also be prepared for the possibility that one or more groups may disrupt governing board meetings.

To get started, the mayor/board chair (and perhaps the vice-mayor/vice-chair) and the chief executive should assemble an ad hoc team including the agency’s attorney, the city clerk or clerk of the board, the police chief or sheriff, and the staff person handling the audio visual at in-person meetings or the video conference technology for virtual meetings.

The response strategy that is developed needs to include a number of increasingly strict measures (see below) to ensure transparency and good governance, while also minimizing any disruptive behavior. Once a plan is drafted, it can be shared with the other members of the governing board so they are prepared for the presiding officer to initiate the plan if any group tries to take over a meeting of the board.

## Adopt a Code of Conduct

Unfortunately, a lack of civility<sup>iv</sup> among board members has become increasingly common in some jurisdictions. The governing board needs to model positive behaviors promoting civil discourse, such as respect for community members and staff people even if the governing board member disagrees with them. Role modeling is one of the most powerful ways that adults as well as children learn. Therefore, the

governing board should formally discuss and adopt a code of conduct setting expectations and protocols for their own interaction.

The board should also adopt a similar Code of Conduct for any community participants who are attending in-person or virtual meetings of the board. A Code of Conduct as it pertains to what a person says, should be thought of as guidelines that you **promote** but **not necessarily enforce**, such as:

- Respect all people.
- Refrain from personal threats or attacks.
- No profanity or obscenity.
- Refrain from hateful epithets and demeaning language based on hate of a person’s race, religion, sexual orientation, ethnicity, gender, or disability.
- Respect all people that are present or watching.
- No applause, cheering, booing or heckling from the audience. *(This one you can enforce.)*
- Obey the direction of the presiding officer as to when and how long they can speak. *(This one you can enforce.)*
- No yelling or screaming. *(This one you can enforce.)*

Any Code of Conduct for participants should be posted in the board chambers and visible to all attendees, attached to the speaker request forms, and posted on the podium where a speaker may place their notes. At every meeting, after welcoming everyone, the presiding officer should start the meeting by emphasizing the Code and encouraging everyone to abide by it in order to ensure civil discourse.<sup>v</sup>

The chief executive and board chair should also ensure that governing board members, the clerk of the board, attorney, and police officers assigned to meetings are trained in the Code of Conduct and the practical steps identified below that the presiding officer may take should individuals or groups try to disrupt board meetings.

## Ten Strategies to Manage Disruption

Here are some in-meeting practical suggestions to limit disruption.

### 1. Enforce the time period for speakers

Assuming that the speaker’s offensive speech is not actually disrupting the meeting, let the speaker present their views and grievances for the 3-5 minutes allotted. The presiding officer or any board members should avoid interrupting the speaker even if the speech is hateful (see definition above). If the presiding officer does interrupt the speaker, the mayor or chair should direct the clerk to stop the clock on the speaker’s time limit. This allows the presiding officer to object without abridging someone’s freedom of speech.

If the speech is hateful, the presiding officer can inform the person that their language, bigotry, hate, epithets, or profanity are unwelcome and that such offensive speech interferes with the ability of those present to listen or take any of their points seriously.

### 2. Incorporate a “Governing Board Members Response” and/or “Chief Executive Response” Section on the Agenda

Right after the “Public Comments” section of the agenda, the governing board can incorporate a “Governing Board Members Response” or “Chief Executive Response” element on the agenda after “Public Comments” have been closed. (This is important. You do not want the Public Comments portion of the agenda to continue after responding to hateful speech or the misstating of facts).

This “response” allows any member of the governing board to share their perspectives, publicly state their objections to the offensive or hateful views that might have been aired under Public Comments, and a return to a more civil, respectful meeting environment. If the speaker misstated any data or told any lies, the presiding officer can ask the chief executive to state the facts for the record.

### 3. Have a Law Enforcement Presence

The mere presence of a uniformed officer or officers may limit some disruptive behavior. If someone needs to be removed from the chambers (see below), the governing body can immediately rely on the officer to take appropriate action.

### 4. Use the Gavel and/or Mute the Microphone

If the speech becomes actually disruptive behavior, the presiding officer can gavel a member of the public to silence or instruct staff to mute their microphone. (Muting the microphone is notably easier in a virtual meeting because the speaker cannot shout over the efforts of the presiding officer, as may occur in an in-person meeting.)

### 5. Deal with the Issue Outside the Board Meeting

A governing board meeting is typically not the best setting for authentic public engagement among all key stakeholders.<sup>vi</sup> So if an issue is generating intense and angry speech or disruptive behavior, it may be a good idea for the governing board to ask the chief executive to confer with legal counsel for an appropriate way to schedule and organize an in-person public forum or community meeting that is not an official meeting of the governing board. The purpose of such a meeting would be to responsibly address a contentious issue by understanding all views and identifying appropriate actions that may be taken by the governing board.

### 6. Call a Recess

If the conduct is not brought within control or additional speakers or audience members continue the disruption, the presiding office may consider calling a break for a few minutes before proceeding. This can cool down anger and give police or other staff who may have some relationships with members of the disruptive group time to talk with the members of the public and establish more civil and respectful behavior upon resumption of the meeting.

The presiding officer can also use the time to consult with the agency attorney, chief executive, and the police officer on hand to determine what actions should be taken if the disruption continues after the break.

## 7. Give a Police Warning or Request Police Intervention

Uniformed law enforcement officers can remove disruptive participants if their behavior warrants it. It is recommended that elected officials not be publicly prescriptive in telling law enforcement to remove an individual (or even arrest a disruptive individual). Rather, with the advice of the agency's attorney, the presiding officer should ask for law enforcement intervention, and allow the law enforcement professional to make the judgment call about how to control the situation.

Again, elected officials need to allow law enforcement personnel to decide on the appropriate action to be taken. Law enforcement personnel may want to take into consideration such things as the individual's likely reaction, progressive steps of warnings, audience reaction, the use of minimally necessary force, the prevention of violence, objective standards of enforcement, and the definition of "disruption."

Law enforcement efforts to engage with community members, build positive relationships, and establish good rapport with residents, especially before they speak at the public podium, can help law enforcement become positive "influencers" in handling some potentially unruly members of the public.

Importantly, the chief executive and police chief should also prioritize the key skillsets necessary for the assignment. Some considerations for the officers selected for the assignment may include good communication skills, positive reputation in the community, proven de-escalation proficiency and other inter-personal skills.

## 8. Clear the Chambers

If the meeting is willfully interrupted, and you have consulted your attorney for an objective legal opinion of that judgment, and asked law enforcement to intervene and effect warnings and ultimately remove an individual, you can also have the room cleared before proceeding. Clearing the room can be done if you find that the disruptions are preventing you from doing the people's business. Members of the press, unless involved in the disruption, should be allowed

to remain in the session while the remainder of the agenda items are discussed and acted upon. You may also set rules for readmitting individuals if the governing board wishes.

## 9. Adjourn the Meeting

If the other tactics do not manage the disruption, the meeting can be adjourned to a future time when the business of the public body can be continued.

## 10. Move to a Virtual Meeting

If angry mobs have caused chaos at board meetings on numerous occasions, local agency officials may consider conducting future meetings in a virtual environment (even in the absence of COVID) for a period of time. Virtual meetings allow the governing board to better manage disruptive behavior by muting anyone who is disruptive and turning off their video. Consult with legal counsel to determine the best way to make this transition without violating any open meeting laws. Once the governing board and members of the public re-establish civil discourse and behavior the meetings can return to in-person.

## Debrief Your Efforts

Since disruptive behavior is usually not a one-time occurrence, it is recommended that governing board members and their executive staff take the following steps to learn from past experiences and develop a right-sized solution that achieves the agency goals:

- **Debrief after every occurrence.** The executive team and the chair/vice-chair should debrief after each governing board meeting at which people exhibit anger and hostility. There are three classic debrief questions that will help your agency learn from the experience:
  1. In trying to limit the disruption, what did we do well?
  2. In trying to minimize the disruption, what could we have done better?
  3. If there are future occurrences, what can we do to enhance our response to conduct a more productive meeting for all?

Your answers can then be shared and used to inform your response to the next occurrence.

- **Incorporate lessons into training.** Based on your debriefings and the lessons learned, the chief executive can update the training for governing board members, law enforcement officers assigned to public meetings, the clerk of the board, and the agency attorney.
- **Reach out to colleagues in other agencies.** Elected and appointed officials should reach out to colleagues in other local government jurisdictions and ask them how they have handled hostile crowds and thus learn from their experiences.
- **Use the resources from ILG and other partner associations.** As a go-to resource, the Institute for Local Government (as well as their affiliate associations, the League of California Cities, CSAC, and CSDA) offer resources to help you learn how to fulfill your role as staff member, elected or appointed official of local government. See below for some additional resources.

## No Perfect Solution

There is no perfect solution to this dilemma. Public officials are sworn to uphold the Constitution, including the right to free speech, but offensive and hateful speech may turn into behavior that disrupts public meetings and further polarizes the community. Consequently, governing boards and their executive staff must work to protect free speech, even hateful speech, while taking practical steps to minimize disruptive behavior.

As public servants, local agency staff, elected and appointed officials have an obligation to model good leadership while also promoting good governance. Doing so will likely require a unique combination of empathy, civility, preparation and patience.

---

*Dr. Frank Benest is the former City Manager of Palo Alto. Rusty Kennedy is the former Executive Director of the Orange County Human Relations Commission. Erica L. Manuel is the CEO & Executive Director of the Institute for Local Government.*

**Note:** *This article does not constitute legal advice. Please consult with your agency legal counsel to ensure compliance with any current laws or regulations.*

## NOTES & REFERENCES

- i “Outbursts and disruptions at public meetings reveal breakdown in civic discourse,” Deborah Sullivan Brennan, *The San Diego Union Tribune*, November 4, 2021.
- ii “Overcoming the Arrogance of Expertise,” Career Compass #89, Dr. Frank Benest, International City/County Management Association, March 30, 2021.
- iii “Civility Needed to Stem Eroding Confidence in Democratic Institutions,” Erica L. Manuel, CalMatters, November 2020. <https://calmatters.org/commentary/my-turn/2020/11/civility-needed-to-stem-eroding-confidence-in-democratic-institutions/>
- iv “Free Speech vs Hate Speech—Practical Guidelines for Managing Public Forums,” Rusty Kennedy, Orange County Human Relations Commission, January 2014. <https://www.ca-ilg.org/meeting-resource-center-tools-effective-meetings?page=>
- v *Same as Footnote iv.*
- vi For helpful tips on conducting community meetings that address contentious issues, go to “Dealing with Angry Crowds,” Career Compass #15, Dr. Frank Benest, International City/County Management Association, Dec. 7, 2010. <https://www.ca-ilg.org/meeting-resource-center-tools-effective-meetings?page=>

## ADDITIONAL ILG RESOURCES

- Sample Codes of Conduct – <https://www.ca-ilg.org/codes-conduct-civility-and-ethics>
- Sample Civility Policies – <https://www.ca-ilg.org/post/sample-civility-policies-0>
- Additional Leadership & Governance resources – [www.ca-ilg.org/leadership](http://www.ca-ilg.org/leadership)