



## Legislation Text

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**File #:** RES 17-0140, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Liza Tamura, City Clerk

George Gabriel, Management Analyst

**SUBJECT:**

Request by Councilmember Montgomery and Councilmember Lesser to Discuss Public Comment Policy During City Council Meetings.

**CONSIDER ADOPTING RESOLUTION NO. 17-0140**

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**RECOMMENDATION:**

Discuss and provide direction as to whether persons may speak twice on the same item at a City Council meeting.

**FISCAL IMPLICATIONS:**

No fiscal implications associated with the recommended action.

**BACKGROUND:**

Public comment rules are established by the City's rules of order for the conduct of City Council meetings by City Council Resolution. The resolution is typically referred to as the "Meeting Management" resolution. The City Council has periodically refined the Meeting Management Resolution several times to serve the dual goals of allowing the public ample opportunity to speak and efficiently conduct City Council meetings.

At the October 17, 2017 City Council meeting, Councilmember Montgomery and then Mayor Lesser requested that the Resolution be revisited for the purpose of discussing whether a person may speak twice on the same item (once during public comment and then later when the Council considers a specific item).

**DISCUSSION:**

As shown on the attached Legislative Digest, Staff has drafted Resolution No. 17-0140 with an amendment to Section 3 to clarify that, in addition to being offered the opportunity to speak for up to three minutes during public comment, speakers will be provided up to two minutes on agenda items when such items are being considered if such speaker has not commented on that item during public comment:

"Speakers may provide public comments on any matter that is within the subject matter

jurisdiction of the City Council, including items on the agenda including the Consent Calendar. Each speaker may speak for up to three minutes during public comment. Speakers shall provide their comments at "Public Comment" on any item on the Consent Calendar that has not been previously removed by the Council for individual consideration. The City will provide another opportunity to a speaker for up to two minutes on agenda items when such items are being considered if such speaker has not commented on that item during public comment. With respect to public hearing agenda items, speakers are encouraged to speak during the public hearing, if they want their comments to be included in the record of the public hearing. Unless a majority of the Council objects, the Mayor may provide to speakers more or less time to speak."

**Alternative:** The Council may decide that it wants to allow a person to speak on the same agenda item twice.

### **LEGAL REVIEW**

The City Attorney has reviewed this report and opined that each option: (1) not allowing a person to comment twice on the same item; or (2) providing a person two opportunities to speak on the same agenda item, fully comports with the Brown Act. Accordingly, the two options above are policy considerations to be determined by the City Council.

### **Attachments:**

1. Resolution No. 17-0140
2. Resolution No. 17-0140 (Legislative Digest)