



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published February 11th, 2015

Orinda City Council Clarifies Policies and Procedures for Public Meetings

By Laurie Snyder

On Jan. 13, Orinda City Attorney Osa Wolff began a report to the Orinda City Council by stating, "The city takes very seriously its obligations to comply with state, federal and local open meeting laws and rules about transparency." That report was prepared jointly with City Manager Janet Keeter and City Clerk Michele Olsen, and guided council's annual review of its policies and procedures manual (P&P). The resulting public discussion clarified practices which have been termed nonsensical by some but that are, in fact, grounded in the Brown Act.

City policies dictate that all public remarks at council meetings be directed to the mayor and council as a whole, rather than to a specific council member. Per Section 4.1 of the P&P manual: anyone may address council during the public forum period about items "within the subject matter jurisdiction of the Council and ... not otherwise on the agenda" unless he/she cannot be present for items scheduled to be addressed later. Per Section 5.2, "as prescribed more fully in [the Brown Act]," council may not take action on items which are not on the agenda unless there is an immediate need for action, such as the Tarabrook sinkhole emergency, or when a matter is continued from a prior meeting.

Slightly more latitude may be allowed during policy discussions or quasi-judicial public hearings such as design reviews. Applicants, their attorneys and architects have 15 minutes to testify, as do appellants. Others are then each given three minutes - except when the mayor deems it necessary to "direct a like-minded group to appoint a spokesperson" to "preserve order and eliminate repetitious testimony."

Booing, clapping or similarly boisterous behavior is also prohibited. Per the California League of Cities, the Brown Act empowers council to "adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech," and permits police to remove disruptors.

Changes proposed Jan. 13 clarify that members of the public may, if they choose, speak anonymously during public comment periods. "That is already our policy, but this makes it clear," said Wolff. The changes also make clear that public forum dialogue between council and audience members is not permitted.

During council's deliberation, Council Member Eve Phillips requested further edits. "I know it says that completing this [speaker card] is optional," but reiterating this on the card might be helpful "since it's been ... not always so clear in the past that name and address, and telephone number, email, etc. is not required." Asked by Mayor Steve Glazer why this was necessary since the card already states that completion is optional, Phillips continued, "I don't believe that's been fully understood by the public."

Of the roughly 20 speaker cards submitted Jan. 13, Glazer said about 14 provided addresses while all gave names - "except for the gentleman who wouldn't spell or pronounce his last name." In previous meetings, when council members have requested name clarifications, they indicated they were doing so to simply be polite and not mangle an occasionally challenging pronunciation.

"I know names has been a contention thing, and I think people have assumed that their name was required," explained Phillips, who reiterated later, "I think that it's very important to allow people to speak without necessarily saying what their name is or spelling their last name. So, I want to make sure people are aware that's not required to speak in a public forum."

Glazer observed that the "biggest misunderstanding that I think I feel when we're engaged in public forum is that, 'Why aren't you addressing? Why aren't you saying something, and why can't we talk about this problem whatever it is?'"

No input was provided by audience members Jan. 13 or on Jan. 20 when the changes were formally adopted by council.

The Ralph M. Brown Act

Passed in 1953 by the California State Legislature as a simple, 686-word statute to guarantee the public's right to attend and participate in the meetings of California city and county public governing bodies, the Ralph M. Brown Act (aka "the Brown Act") now spells out everything from when meeting agenda must be released to what recourse officials have when meetings are so disrupted by agitators that average citizens are unable to exercise their own individual rights to engage with elected officials.

For more information, visit the California League of Cities' guide to the Brown Act at <http://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/OpenPublic2010.aspx>.

Reach the reporter at: laurie@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA