

Draft ordinance on sharing time during public comments

April 25, 2019

WHEREAS, the City of Elk Grove City Council meets twice a month, on the 2nd and 4th Wednesday, in Council Chambers at Elk Grove City Hall at 8400 Laguna Palms Way, Elk Grove, California 95758; and

WHEREAS, the California Government Code, Title 5, Division 2, Part 1, Chapter 9, sections 54950 – 54963, known as the Ralph M. Brown Act, governs the conduct of City Council meetings; and

WHEREAS, the City Council wants its meetings to be transparent and to encourage residents' participation in its meetings, and to learn from the information that residents present during public comments; and

WHEREAS, the City Council wants to exceed the requirements of the Ralph M. Brown Act in terms of transparency and resident participation in its meetings, and has the power to do so; and

WHEREAS, the City Council has adopted rules for the conduct of public comments at its meetings and has the power to amend those rules; and

WHEREAS, the City Council's current rules allow for 3 minutes per speaker and do not allow for a speaker to yield his or her time to another speaker so that the latter may speak for 6 minutes, for example, or any longer; and

WHEREAS, during the time that the City Council was considering bringing Wal-Mart into the City, the City Council did allow speakers to yield their time to another speaker; and

WHEREAS, there are currently some complex issues before the City, on which the City has not taken final action but on which plans are currently being developed and refined for certain developments; namely the proposed hospital at California Northstate University and the proposed zoning code amendment by AT&T and proposed agreements between the city and AT&T and Verizon regarding the permitting and installation of 4G and 5G cell antennas on light poles and utility poles in the public right of way, and there will be other complex issues in the future; and

WHEREAS, many Elk Grove residents have expressed their opposition to these certain developments, based on the expected impacts on our City, its residents, our quality of life, and the expectations that residents have of future development; and

WHEREAS, every speaker should speak respectfully to the Council even if he or she disagrees with what has been said or done or is being done on a given issue; and

WHEREAS, if the City Council were to allow a speaker to yield his or her time to another speaker it would not make meetings any longer compared to if every speaker spoke for 3 minutes; and

WHEREAS, it is not possible to address and present complex issues to the City Council in 3 or even 3 ½ minutes; and

WHEREAS, the Elk Grove Unified School District Board of Trustees, used to and may still allow a speaker to yield his or her time to another speaker; and

WHEREAS, not every resident who has an opinion on a pending issue is equally comfortable speaking in public or equally informed on the issues; and

WHEREAS, it would serve the City’s interests in having transparent meetings and encouraging residents’ participation in its meetings, and the City Council would learn new things from residents if speakers were allowed to yield 2 minutes of their time to another speaker and give up the other 1 minute (yielding it back to the City Council); and

WHEREAS, the City Council can change its rules for public comments to allow a speaker to yield 2 minutes of his or time to another speaker and give up the other 1 minute (yielding it back to the City Council) and can further adopt rules for how speakers can do that, without upsetting the smooth and orderly conduct of City Council meetings.

Now therefore, in light of all the above, be in resolved by the Elk Grove City Council that:

#1 The City Council’s rules for public comments are amended so that:

#a A speaker may yield 2 minutes of his or her time to another speaker and give up the other 1 minute (yielding it back to the City Council), up to a limit of four (4) speakers doing so, which then would give the latter speaker a total of eleven (11) minutes to speak in public comments.

#b A speaker who wishes to yield his or her time for public comments to another speaker as described must indicate on the blue speaker card that the City makes available, by checking the box for this option, that he or she wants to do so, and writing in the name of the speaker to whom he or she wishes to yield time.

#c The City Council will describe this option on the blue speaker card and leave a box on that card that a speaker can check to show that he or she selects this option and a space for the speaker to write the name of the speaker to whom he or she wishes to yield time.

#d The City Council may describe this procedure on its meeting agendas.

#2 This ordinance will be effective immediately upon its adoption by the City Council, or as soon thereafter as the law permits.

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Adopted by the Elk Grove City Council on this ____ day of _____, 2019, in Elk Grove, California.

Mayor Steve Ly

Vice Mayor Patrick Hume

Council Member Stephanie Nguyen

Council Member Steve Detrick

Council Member Darren Suen

City Clerk Jason Lindgren

City Attorney Jonathan Hobbs