

Date: 7-17-07

To: Mayor and City Council

From: Councilmember Dona Spring

Subject: Amendments to the Berkeley City Council Rules of Procedure

Recommendation:

That the Council conduct a workshop/special meeting in September, 2007 to consider and discuss proposals regarding establishing the rules of public comment and land use public testimony.

Background:

The rules drafted by Mayor Bates are unacceptable. They give the Mayor total discretion on who can speak and how much time is allowed per speaker as well as time allotted per topic. Members of the public and Councilmembers deserve to have more certainty in knowing in advance of the meeting who and for how long they will be allowed to address the council with public comment. If there is a public hearing on land-use matters, then members of the public need to know how long they will get to speak. This open ended approach, essentially allows all public comment (even during land-use public hearings) to be dictated by either the will or the whim of the Mayor, violates the spirit of fair play as well as the Brown Act.

The re-examination of the historical 30 minutes of public comment allowed at the beginning of the council meeting was triggered by the threat of a lawsuit from BOLD and the First Amendment Center. The proposal by Mayor Bates will be vigorously opposed by both of these organizations thereby defeating the majority of the effort to make Berkeley City Council public comment comply with the Brown Act.

The Council should set this matter for a special meeting/workshop to flush out the issues and fully discuss the pros and cons of alternatives structuring of public comment. This would also allow the public to comment on proposals and express their concerns.

Please consider the following alternatives for organizing public comment:

Let those who want to speak have two minutes. If more than 18 individuals wish to speak on matters on the agenda (outside of public hearings) then reduce the time to one minute each, but allow people to cede their one minute to one other individual. Speakers cannot accrue more than two minutes to three minutes. People will be allowed to speak during public comment at the beginning of the meeting or right before the agenda item is taken up

Second alternative:

Public comment periods on consent items or on action items shall not exceed 12 minutes. Each speaker shall be granted up to 2 minutes. If more than six speakers submit cards to speak, six speaker cards shall be selected by lottery by the City Clerk. No speaker shall be allowed to speak more than two times at public comment sections (this limit does not include public hearings).