

# ALBANY CALIFORNIA



CITY OF ALBANY  
1000 SAN PABLO AVENUE  
ALBANY, CA 94706  
[www.AlbanyCA.org](http://www.AlbanyCA.org)

31 August 2021

## MEMORANDUM

To: Albany City Council Members

From: Vice Mayor Jordan

Re: Public comment on reports

## RECOMMENDATION

That the Council adopt the proposed amendments in its Procedures & Policies to provide each attendee one minute to comment on each report.

## BACKGROUND

Several times this year a member of the community has expressed to the Council under Good of the City a desire to ask questions regarding the City Manager's report. Exploring the issue with City staff outside the context of a Council meeting, the City Attorney has relayed State law does not require providing time for comments on reports because they are not items of consideration. Furthermore, they are not required to be agendaized under the Brown Act. As such, the City Attorney advises that the appropriate mechanism for providing for public comment on reports is amending the Council Procedures & Policies.

## DISCUSSION

By Section B-3, contents of agenda, of the Council Procedures & Policies the agenda of each regular Council meeting includes reports by the City Manager report, Council subcommittees, and regional body appointees, and of meetings and events attended by each Council member. Section D-2, right to address Council, lists the sections of the agenda on which attendees may comment to the Council. The reports are not included in the list.

Section B-3 gives the purpose of the City Manager's report as providing, "verbal and/or written reports regarding matters of interest to the Council. The Manager has means of informing the Council outside of meetings of the body, such as email to the Council, they regularly utilize. As such, part of the purpose of the City Manager's report in practice is informing meeting attendees of matters of interest. This effectiveness of the report relative to this purpose is reduced and at

times perhaps even perceptually negated, by attendees' current inability to ask follow-up or clarifying questions.

The purpose of the various Council reports is primarily so members can inform each other of their activities between meetings. Council members have no other means to so inform the entire Council without risking violating the Brown Act. This purpose suggests allowing attendee comment on these reports is not as consequential as allowing them on the City Manager's report. However, the Council serves the City's residents. Not providing attendees the opportunity to ask clarifying question or offer information on these reports does not serve them.

### **SUSTAINABILITY CONSIDERATIONS**

None

### **SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS**

The suggested Council Procedures & Policies changes will provide meeting attendees the opportunity to comment on every Council agenda. Access is a component of inclusivity. The ability to comment is a component of access. As such, the adopting the changes increases inclusivity.

### **CITY COUNCIL STRATEGIC PLAN INITIATIVES**

Increasing access to the Council as proposed accords with the Strategic Plan objective to "connect with and engage community" under goal 2, "engage our diverse community."

### **FINANCIAL CONSIDERATIONS**

Providing for attendee comment on reports during the Council's meetings will extend meeting times. If such allowance is adopted as proposed, each attendee commenting on a report would have up to one minute. Reports are generally not controversial though. Few attendees generally comment on non-controversial items generally. These suggest providing for attendee comment on reports will not extend Council meetings more than ten minutes on average. If so, the financial impact of allowing such comments is *de minimus*. If the impact in practice is more substantial, the Council can rescind or alter its procedures to reduce the impact.

### **Attachment:**

1. Council Procedures & Policies with recommended adjustments.

## **D-2. RIGHT TO ADDRESS COUNCIL**

Subject to the provisions of Sections D-3, D-4, and D-5, members of the public shall have the right to address the Council on each item on the agenda, during consideration of items under the following headings of business:

Closed Sessions

Study/Workshop Sessions

Ceremonial Matters

Good of the City/Public Comment

Consent Calendar

Presentations

Public Hearings

Unfinished Business

New Business

Future Agenda Items

Once interested persons have addressed the Council during the public comment period for said item, those parties may not speak to the item again.

## **D-4. TIME LIMITATION**

It is the intent of the City Council to hear various perspectives on matters on its agenda. Generally speaking, the time period for public comment on items on the agenda shall be three (3) minutes, except for reports for which the time period shall be one (1) minute primarily for the purpose of asking clarifying questions. In some instances, the number of people who wish to speak, the number of other items on the agenda, and the time available on the agenda may cause the Presiding Officer to limit the time period for public comment.

The Presiding Officer has the discretion to limit the overall time period for public comments and limit the time allowed per speaker. The overall time period that the Presiding Officer may set shall be reasonable for the subject matter at hand and allow for a variety of perspectives to be expressed. A typical time limit may be in the range of one to two hours. In addition to or in replacement of an overall time limit on public comment, the Presiding Officer may limit each public comment to less than three (3) minutes. The Presiding Officer will endeavor to allow up to two (2) minutes per speaker, but there may be circumstances in which in the judgment of the Presiding Officer, the City Council would be better served setting a limit of one (1) minute per speaker in order to hear from more speakers. Speakers are not permitted to yield their time to any other speaker. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group so as to avoid unnecessary repetition.

The Presiding Officer may allocate a block of time to organized parties to an issue, with consideration for equal time to issues with opposing sides. A typical time limit for such presentations is five (5) to fifteen (15) minutes. The allocation

and length of a block of time shall also consider whether it will contribute to Council's intent to hear various perspectives on an issue, provide relevant expertise, and be an efficient use of Council meeting time.