



City of La Habra Heights AGENDA REPORT

To: Mayor and City Council Meeting: September 11, 2014

From: Shauna Clark, City Manager *Shauna Clark 9/10/14*

SUBJECT: CEASE REPLAY OF PUBLIC COMMENTS ON TIME WARNER CABLE

Two Council members have requested a discussion on ceasing to televise the public comments portion of Council meetings. All other portions of the meetings would continue to be televised. In addition, public comments would be replayed in full on the Granicus system.

BACKGROUND

The Brown Act guarantees the right of the public to speak on any subject on the City Council agenda either before or during the consideration of the item and on any subject under the jurisdiction of the City. The Brown Act grants all legislative bodies the right to limit the total amount of testimony on particular issues and for each individual speaker. Empowered by Municipal Code Sec. 2.5, the Council has adopted Rules of Decorum which grant a maximum of five minutes to speak on any agenda item or any matter not on the agenda but under the jurisdiction of the City. Staff found nothing in the Rules of Decorum or Municipal Code that requires the City to broadcast Council meetings.

Law enforcement has cautioned the City not to air information about patrol coverage, vacant properties, or other statements that would make La Habra Heights more enticing to criminals. During public comments a few residents continue to talk about their perception that the City has a lack of patrol coverage and/or an unacceptable response to crimes. A recent burglary prompted residents to call members of the Council and request that public comments no longer be televised.

The City Council and Planning Commission have asked speakers to refrain from accusatory comments about staff. They have not complied. In meeting after meeting over the last three years, residents have accused staff of fraud, lies, deceit, accepting kickbacks, stealing from City coffers, abusing city employees, abusing the children of a resident, making backroom deals, discrimination, and erring on decisions. Although the statements are false, they are hurtful and damaging to morale and the reputations of those accused. Repeated enough times, and the public begins to believe there must be some truth. Staff and council members are asked frequently why the Mayor, who is the Chair of the meetings, allows these statements to be made. Apparently, there is nothing that can prevent a speaker from accusing staff and Council of crimes and malfeasance; however, the City of La Habra Heights does not have to legitimize and further exacerbate the damage by replaying the comments on government access channels.

The City has also received complaints that public comments are debasing property values by portraying La Habra Heights as an undesirable community. Despite evidence to the contrary, comments describe the City as undergoing a crime wave and being a dangerous place for children and families.

Responding to these public comments places a time burden on staff at an additional cost to operations. Responses are necessary because the statements made at the podium are misleading and further complicate the ability to accomplish the City's mission.

Even if the Council were to direct that public comments no longer be replayed, the City's online feed (through Granicus) would still air the entire meeting on demand. In addition, the City retains a complete copy of the meeting that can be obtained through a public records request.

FISCAL IMPACT

The fiscal impact not replaying public comments on PEG channels would likely be limited to the cost of editing the content that is given to Time Warner. As public comments are now delivered in one segment of the agenda, editing time would be limited.

RECOMMENDATION

- A. Direct staff to ensure that the replay content for Time Warner does not include the public comments portion of City Council (and Planning Commission) meeting(s) except comments made during public hearings

-or-

- B. Direct staff to _____