

South Bay Cities Council of Governments

June 12, 2023

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, Executive Director

SUBJECT: Clarification to Public Comment Statement on Agendas

BACKGROUND

As a public agency governed by the Brown Act, the South Bay Cities Council of Governments (SBCCOG) allows for public comment at meetings of its Board of Directors, Steering Committee, Transportation Committee, and other meetings as required. It recently came to SBCCOG staff's attention that the current agenda language prescribing the rules of public comment were ambiguous and required clarification as to what items the public can comment on and during what part of the agenda.

ANALYSIS

SBCCOG staff reviewed public comment statements and rules on city agendas from all SBCCOG member cities. SBCCOG staff evaluated the following aspects:

- Time allotted to an individual to provide comments on agenda and non-agenda items
- At what point during the meeting public comment was solicited for agenda items and non-agenda items
- Limitations on total time allocated to public comment on an agenda
- Situations where the Mayor/Council may modify public comment processes

There are a wide variety of policies regarding when the public can provide comment during a meeting and on what items. Most cities take public comment at the beginning of the meeting, while some also include a second public comment opportunity. For example, Carson, includes a one-hour public comment session on agenda items at the beginning of the meeting, with a second opportunity to address the Council on non-agenda items at the end of the meeting prior to adjournment. Similarly, Inglewood includes two distinct agenda item and non-agenda item comment opportunities. However, Redondo Beach includes a 30-minute non-agenda item comment opportunity following their Consent Calendar and allows comments on agenda items before Council action on each item. Gardena allows public comments on agenda and non-agenda items during the public comment portion as well as comments on agenda items before Council action on that item. El Segundo limits all public comment (agenda and non-agenda items) to the public comment portion of the agenda.

Most cities allow an individual to speak for a period of up to 3 minutes during their allowed opportunity(ies). Torrance allows for up to 1 minute during one of its two public comment opportunities; El Segundo allows up to 5 minutes during its combined agenda/non-agenda items public comment opportunity; and Inglewood allows for 3 minutes on agenda items and 1 minute on non-agenda items. Several cities state that this time allotment may be reduced due to time

constraints at the discretion of the Mayor and/or City Council. Some cities such as Inglewood also allow the Mayor/Council to request one speaker to represent a group of speakers if that group is all providing the same comments on the same item.

Current SBCCOG public comment statement: *“Unless otherwise noted in the Agenda, the Public can only comment on SBCCOG related business that is within the jurisdiction of cities and/or items listed on the Agenda during the Public Comment portion of the meeting. The time limit for oral comments is three (3) minutes per person. When called on, please state: Your name and residence and the organization you represent, if appropriate.”*

Based on this review and current SBCCOG public comment policies, SBCCOG staff is recommending the following clarified statement:

“The Public Comment portion of the meeting is the Public’s opportunity to provide comments on non-agenda items within the jurisdiction of the SBCCOG/cities and each speaker is limited to three (3) minutes. Comments on agenda items may be made following the staff report on the item and each speaker is limited to three (3) minutes per item. Time allotments may be reduced due to time constraints at the discretion of the Chair. When called on, please state: Your name and residence and the organization you represent, if appropriate.”

RECOMMENDATION

Recommend the Board of Directors approve the new public comment agenda statement to be used on all Brown Act governed agendas.

Prepared by: David Leger