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# City of Lake Forest REQUEST TO SPEAK

If you wish to speak before the City Council, please complete this form and submit to the City Clerk. There is a three (3) minute time limit per speaker. All information completed on this Speaker's Card is optional and subject to release under the California Public Information Act.

## PLEASE PRINT ALL INFORMATION LEGIBLY

Meeting Date: August 18, 2022

Please check boxes as appropriate:

- I have read and understood the Rules and Procedures for addressing the City Council.
- I would like to speak on Agenda Item #: \_\_\_\_\_
- I am speaking under Public Comments (subjects NOT on the current agenda)

Name: Randy Johnson

Address: \_\_\_\_\_

City: Lake Forest Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Council may direct follow up to your inquiry. Providing contact information allows us to communicate with you and in aiding in the completion of the Minutes.

TO: Lake Forest Council, City Attorney, City Manager

FROM: Randy Johnson 

DATE: August 16, 2022

**SUBJ: COLF PUBLIC SPEAKER POLICY**

Please find attached my written public comment submitted for the February 1, 2022 city council meeting, re: Item 6 and a follow-up email (and response) sent to Mayor Pequeno on February 2, 2022.

Of course, the intent of any city public speaker policy should be transparency, consistency and disclosure to the public of all the information available on any particular agenda item to encourage the most meaningful and effective public comment.

Despite my protests found in the referenced documents above, the city's public speaker policy continues to be plagued with problems.

In a functional representative democracy, this subject matter is so critical that discretion re: public speaker rules should be a policy set forth by vote of the entire city council and not left in the sole hands of the city's mayor. The voice of the city's residents is paramount and a vital ingredient in the public process on city affairs and compromising it in any fashion should not be acceptable to any city official.

I have taken the time to review the speaker policy employed at each council meeting for 2022 YTD. The inconsistencies in the policy are abundant and very concerning. I have taken notes of these inconsistencies and, if not addressed, I will provide an independent report, item by item, of my observations.

Suffice it to say that the policy seems to vary from meeting to meeting. At some meetings the public is allowed to listen to the city staff presentations prior to delivering a public comment. This is the optimal policy – since the residents have access to full disclosure of city information on any particular topic. Without that access, the residents are kept partially in the dark and cannot provide the most informed, meaningful and transparent feedback. However, at other meetings the Mayor calls for public comment prior to the city staff presentation. This places the public speaker at a significant disadvantage since we are prohibited from obtaining all city information available. The

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staff presentations always contain more detailed information than the staff reports posted prior to the meetings. The staff PowerPoint's are usually not made available to the public prior to the meetings. I complained about this in 2021 to both the city attorney and the city clerk on a JPIA item, to no avail.

Whether the issue regards presentations (given prior to general public comments), public hearings or discussion items – the public should be able to listen to staff or outsider presentations first for full disclosure before approaching the podium with a public comment. Any reasonable person would concur this is the best government practice. In fact, I can't think of any valid reason why the public would be prohibited from listening to staff presentations before public comments. It has the appearance of a strong-armed tactic that is used to limit disclosure to those who wish to participate in our open democracy.

On quite a number of agenda items, I noted that Mayor Pequeno failed to even ask whether the audience members desire to make a public comment. A council vote was taken without any such inquiry.

It makes me wonder why these inconsistencies are so prevalent in the city's public speaker policy. Is it content-based? Why would speakers be allowed to listen to staff presentations at some meeting prior to public comments – and denied at others? It makes no sense. It strikes me as discriminatory against those who are denied the option to listen to staff presentations.

Change is sorely needed. Mayors should not be given independent discretion on speaker policy. That power has been used irresponsibly. Something this important should be a COUNCIL policy implemented by a COUNCIL vote, and not left in the hands of one single council member.

I'm asking you to make these common-sense changes in a timely manner so the speaker policy is resident-friendly, giving those who speak before the council full access to information so we can deliver the most informed feedback.

Randy Johnson, District 5 Resident.

To: Lake Forest City Council

From: Randy Johnson, Lake Forest Resident

Date: February 1, 2022

**SUBJ: AB 361 Continuation – Agenda Item #6**

On November 2, 2021, Mayor Voigts changed the protocol for the public comment portion of the council meetings. Now public speakers at Lake Forest council meetings have to comment on all discussion items (apart from public hearing items) consecutively at the beginning of the meeting during General Public Comments.

This protocol disrespects and penalizes our public speakers, since it forbids the speaker from delivering verbal comments at the time the discussion items are first introduced. The actual item may come up for council discussion one, two or even three hours after the public speaker made his or her relevant comment on the topic at the start of the meeting. With the passage of time, this significantly degrades the influence of the public comment. Many may forget what the commenter said, or the home viewer watching the video replay afterwards may go directly to an agenda discussion item of interest (without watching the meeting in its entirety) and completely miss the public speaker's comment. Thus, the viewer is only left with the impression of staff or council's position on any particular topic, being totally unaware of the public's viewpoint. This chills the public's voice and influence in city affairs, and it should alarm anyone who believes in traditional American values that promote full citizen participation in the public process.

I've viewed parts of recent council meetings in twelve So. Orange County cities or inquired with their city clerk offices. This includes the cities of Irvine and Newport Beach. Not one other city mandates their residents to speak on all discussion items consecutively at the start of the meeting. Of course, there's a reason for that. It's unfair to the public. Even the County Board of Supervisors allows public speakers to comment at each agenda item. All have devised simple technological ways (telephonically, via ZOOM or on-line) for the speakers to comment when discussion items are first introduced, while being in full compliance with AB 361.

**Furthermore, most cities allow their public commenters to listen to the oral staff presentations given by the city representatives at the start of discussion item, as the public speakers may want to provide feedback on the city's overall position. Not in Lake Forest, where the speakers are mandated to deliver public comments before they've had a chance to listen to the city representatives. Many people speak at council meetings to address the city's opinions or research. Why force residents to speak before they've heard the city's presentation or have a full understanding of the city's viewpoint? Again, it's a disrespectful way to treat our civic-minded residents who take the time to participate in the public process.**

We have a new Mayor today, and we don't have to continue the inconsiderate ways of the past. Let's restore respect for our residents, and align ourselves with our neighboring cities in Orange County that use common sense and friendly public comment policies in conjunction with following the provisions of AB 361.

Our council meetings exist for our residents. Our residents should be allowed the opportunity to optimize their voices and their influence in a representative democracy. Suppressing the influence of public speakers at government meetings belies our traditional American values.

We ask Mayor Pequeno and the council to restore the full voice of the people who take valuable time from their day to participate in the city's business.

Randy Johnson – Lake Forest Resident – District 5

**Re: Public Comment Protocol**

Pequeno, Robert &lt;rpequeno@lakeforestca.gov&gt;

Wed 2/2/2022 4:25 PM

To: Randy Johnson [REDACTED]

Mr. Johnson,

Yes, we did change the public comment protocol. We changed, it in part because of a request, and because I prefer the pre-AB361 way of how public comments are handled. There is no reason for not announcing the change.

Robert

Sent from my iPad

On Feb 2, 2022, at 12:12 PM, Randy Johnson [REDACTED] <[REDACTED]@[REDACTED].com> wrote:

Mayor Pequeno,

You officially became the Mayor of Lake Forest and assumed that responsibility at the January 04, 2021 council meeting. At that meeting, and at the January 18, 2022 meeting, you continued the speaker protocol established by former Mayor Voigts on November 02, 2021. Of course, that protocol was to mandate public speakers at the council meetings to deliver all oral comments during general public comments (except for comments for public hearings). Speakers were not allowed to comment at the time of the introduction of the discussion calendar items.

On Monday, January 31, 2022 at about 1pm, I submitted a written comment for the record under Item 6, re: AB361. In this comment I questioned the fairness of the aforementioned speaker protocol. I sent it to the council group email - so you received it. You did not respond to my email or comment. Of interest, I checked this morning and my comment was not posted in the supplemental materials under Item 6. Resident Walter Nobrega submitted a written public comment under general public comments - and his was posted. Isn't that strange?

I watched a replay of last night's council meeting. I noted that the speaker protocol was reversed and now speakers can comment on discussion items at the time the individual items are first introduced. Speakers are no longer required to deliver all comments consecutively during the general public comment section at the start of the meetings.

Apparently, you silently revised this policy without announcing this change to the public. Very unusual. Whenever a change in a public speaker policy - or any protocol change in our public

council meeting format occurs - the mayor or the city clerk publicly announces the change to our residents at the meetings. This holds true at all public government meetings. And since you are the new Mayor - it would seem that would be your responsibility. Council meetings exist for the public. We should be updated on all changes in the meeting formats.

Is there a reason why you failed to announce this change? What prompted the change?

Thanks in advance for your reply.

Randy Johnson

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