

From: [Randy Johnson](#)
To: [Council](#); [Berglund, Lisa](#); [Rose, Debra](#)
Subject: Fw: Public Comment for Item 7 at the 11/01/2022 council meeting, re: Minutes for 10/18/2022.
Date: Tuesday, November 15, 2022 12:39:28 PM
Attachments: [LF Council - 11-15-2022 - Meeting Minutes.docx](#)

Please make the attached word document and the 3 emails found below part of the public record for General Public Comments at the Nov 15, 2022.

Thank you.

Randy Johnson

From: Randy Johnson [REDACTED]
Sent: Tuesday, November 8, 2022 6:49 PM
To: Neves, Keith <kneves@lakeforestca.gov>
Cc: Lake Forest City Council <Council@lakeforestca.gov>; Rose, Debra <drose@lakeforestca.gov>
Subject: Re: Public Comment for Item 7 at the 11/01/2022 council meeting, re: Minutes for 10/18/2022.

Thank you for the update, Mr. Neves.

Actually, as I recall, I reviewed the minutes for Oct 18 (Item 7) on Nov 01 prior to the council meeting and did not see the added language you quoted below posted to those minutes, which is the reason I addressed the issue on Nov 01 during my public comment. I reviewed the Oct 18 minutes in Item 7 very carefully on the day (Nov 01) before I spoke.

If what you claim is accurate, why didn't any staff member (city manager, city clerk, city attorney or a city council member) speak up and advise that your quoted language was added to the Oct 18 minutes on Oct 28 when I addressed the matter during my public comments on Item 7? As a matter of fact, Mark Tettemer asked the city attorney for his legal opinion and inquired whether other cities record official council directives to city managers in their minutes. Mr. Richardson said there was no legal requirement and it's at the discretion of each individual city. Remember? If the added language was actually in the minutes at the time of that dialog, why wasn't it verbally addressed immediately by staff or council during Item 7 - and why did it take you until Nov 08 to notify me by email? None of this makes a bit of sense.

I sent the city council and the city manager an email, dated Oct 27, that addressed this matter in detail. The email you replied to shown below. No one responded back to me or mentioned anything about the minutes being updated on Oct 28. Why? Now you reply by email on Nov 08, a full week after the meeting in question.

Also, to my recollection, in the past whenever council gave an official directive to the city

manager or to a member of the staff, and there was a majority agreement in favor of such a directive, it was posted in the minutes. That's the reason minutes exist. In part, to record official actions taken by the council. This was an official action that actually changed a current practice. Your quoted statement "*Council gave direction to provide a brief description of comments made by the public*", does not mention that council members Clrbo, Moatazedi and Tettemer, entered into a majority agreement to direct City Manager Rose to add public comment descriptions to the minutes. In my opinion, the wording still lacks transparency and is incomplete.

Yes, I would like some answers to the questions I've posed above. This all boils down to respect and transparency for our residents and the general public. Until I see some lasting improvement in this area, I'll continue to raise these issues.

I'd prefer that you respond to me in writing by email.

Thank you.

Randy Johnson, Lake Forest Resident.

From: Neves, Keith <kneves@lakeforestca.gov>

Sent: Tuesday, November 8, 2022 2:28 PM

To: Randy Johnson [REDACTED]

Subject: FW: Public Comment for Item 7 at the 11/01/2022 council meeting, re: Minutes for 10/18/2022.

Randy,

Staff corrected the minutes and reposted the agenda on the morning of October 28, 2022, for Item #7 Minutes of the Regular Meeting under #4 to include "Council gave direction to provide a brief description of comments made by the public". I know you downloaded the Agenda on Thursday night and didn't see the updated version unless you were to download it again after the City reposted on Friday morning. I cannot change that now and apologize for any inconvenience that has caused you, moving forward staff will follow what Council has directed and post correct minutes in a timely matter. Please call me if you would like to discuss further my direct line is below.

Sincerely,

Keith D. Neves
Assistant City Manager
City of Lake Forest
949 461-3431

From: Randy Johnson [REDACTED]
Sent: Thursday, October 27, 2022, 9:57 PM
To: Cirbo, Doug <dcirbo@lakeforestca.gov>; Moatazedi, Neeki <nmoatazedi@lakeforestca.gov>; Pequeno, Robert <rpequeno@lakeforestca.gov>; Tettermer, Mark <MTettermer@lakeforestca.gov>; Voigts, Scott <svoigts@lakeforestca.gov>; Rose, Debra <DRose@lakeforestca.gov>
Subject: Public Comment for Item 7 at the 11/01/2022 council meeting, re: Minutes for 10/18/2022.

Lake Forest Council and City Manager.

You may recall on Item 4 at the Oct 18, 2022 council meeting I requested the council to have the staff restore a description of public speaker comments in the council meeting minutes, which was previously a long-held tradition in the City of Lake Forest.

Under Item 4 by the consensus agreement of 3 council members (Cirbo, Moatazedi, Tettermer), City Manager Rose was directed to ensure a written description of public speaker comments would be included in future meeting minutes.

Item 7 for the upcoming council meeting on Nov 01, 2022 contain the meeting minutes for Oct 18, 2022. In those minutes there is no mention whatsoever that the council deliberated and 3 council members gave the aforementioned directive to City Manager Rose.

During a council meeting any time a council majority gives open direction to a city manager to ensure a future action is performed, it's essential that it's noted in the minutes. Such an important directive should never be omitted. As it stands now, the Oct 18, 2022 meeting minutes are incomplete.

Re: Item 7 at the Nov 01, 2022 council meeting, I request for the council to instruct the city manager and/or the city clerk to include in the meeting minutes for Oct 18, 2022 a description of the council directive communicated to the city manager on Oct 18, 2022 **for the record**.

Please make this email part of the official public record under Item 7 for the Nov 01, 2022 council meeting.

Thank you.

Randy Johnson

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CAUTION: Think Security! This email is not from someone at the City of Lake Forest. Do not click any links or open any attachments you are not expecting.

TO: Lake Forest Council, City Manager Rose.

FROM: Randy Johnson, Lake Forest Resident

DATE: Nov 15, 2022

SUBJ: **Meeting Minutes (Cont. from 11/01/22 CC Meeting, Item 7)**

In lieu of speaking at this evening's council meeting, I request this written comment be made part of the public record under general public comments.

This comment regards an email I received from Asst. City Manager Keith Neves on Nov 08, 2022 (see attached) in response to my email I sent to the City Council and City Manager on Oct 27, 2022, re: Public Comment for Item 7 at the 11/01/2022 council meeting, re: Minutes for 10/18/22.

On Nov 08 I sent an email reply to Mr. Neves. (see attached). I had some questions and asked Mr. Neves to reply in writing. No response received. As a result, I'm submitting this written public comment with those same questions and more.

The attached emails describe the situation. In brief, I wanted to know why the city clerk did not include a statement in the Oct 18, 2022 meeting minutes which acknowledged that the council gave the city manager a directive (by council majority) to include a description of public speaker comments in all future minutes.

In his email on Nov 08, Mr. Neves claimed that the city clerk did not include a statement regarding the directive in the initial Oct 18 minutes posted at the city website on Thursday Oct 27 (Item 7) for the Nov 01 agenda. Mr. Neves wrote that the city clerk edited the initial posting by adding the statement re: Item 7, as follows: "*Council gave direction to provide a brief description of comments made by the public*". Mr. Neves wrote the minutes were updated and reposted the next day on Friday Oct 28.

In my email response (Nov 08) I informed Mr. Neves that I carefully checked the Oct 18 meeting minutes on Nov 1 and did not see the additional statement. I rechecked the agenda prior to speaking to the council at the Nov 1 meeting.

After my public comment, Councilman Tettemer asked the city attorney for his legal opinion and inquired whether other cities record official council directives to city managers in their minutes. The City Attorney said there was no legal requirement to do so and that it's at the discretion of each individual city.

My Questions:

- (1). If Staff knew that the Oct 18 minutes were edited and the minutes were reposted to the agenda on Oct 28 with the aforementioned statement, why didn't staff bring this to my attention and to the attention of the council and the city attorney at the time the matter was publicly discussed on Nov 01? Why the silence? If there was a viable explanation why was it concealed, particularly after the council and the city manager were in receipt of my Oct 27 email and were aware of the problem well in advance of the Nov 01 council meeting?
- (2). Why did Mr. Neves wait until Nov 08 to respond to my email, dated Oct 27? A short email reply on Oct 29, 31 or during the workday on Nov 1 would have clarified the matter immediately prior to the council meeting.
- (3). There was a majority agreement vote taken on Item 7. Councilmen Tettemer, Cirbo and Councilwoman Moatazedi gave a directive to the city manager. It was suggested that a council majority was needed. Mayor Pequeno and Councilman Voigts were both silent. No mention of a consensus majority or the names of our council members who contributed to the majority vote. Votes and who contributed to those votes are routinely noted in meeting minutes. Why were the details of this vote omitted?
- (4). At the Nov 01 council meeting City Attorney Richardson responded to Councilman Tettemer's question with his legal opinion of "no legal requirement". I have a question for the city attorney that I would like answered at the Nov 15 meeting. First, please note the wording of the Lake Forest City Code below:

The "Lake Forest, California Municipal Code" is shown on the city website. Under Title 2 Administration and Personnel, Chapter 2.10 addresses the functions and duties of the City Clerk. Under 2.10.030 Functions, in part, it's stated "The principle functions of the city clerk shall be to: A. Attend all meetings of the City Council and be responsible for the recording and maintenance of a record of all the actions of the council".

City clerks record minutes as the official record of council meetings. Every city I know of provides these minutes that is a record of all the actions of the council.

Question for the City Attorney: In the City Code, what does "recording and maintenance of a record of all actions of the council" reference if it's not the meeting minutes? If meeting minutes are part of the "record" wouldn't a council directive ("action") be a requirement for the minutes under the LF City Code?

I would greatly appreciate answers from staff and/or council to my questions at the Nov 15 council meeting in accordance with the city policies on open government and transparency. By doing so, you will save me from attending the next council meeting and asking you in person.

From the city's website on the "Transparency" page:

"The City is committed to open and transparent government and strives to consistently meet its community's expectations by providing excellent service in a positive, timely, and transparent manner. It is the duty of City government to serve the public, reaching its decisions and conducting its activities in full view of the public."

We expect the city to honor this stated 'Transparency' commitment. If the city intends to disregard its own commitment, please remove the entire "Transparency" page from the city website.

Thank you.

Randy Johnson, Lake Forest Resident, District 5.



City of Lake Forest REQUEST TO SPEAK

PC
Andrea
Alexander

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: 11/16/22

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 #: Consent Calendar E Bikes
- ☒ I am speaking under Public Comments (subjects NOT on the current agenda)

Name:

Andrea Alexander

Address:

City:

Phone:

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.



City of Lake Forest REQUEST TO SPEAK

PC
Andrew
O'Connor

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: 11/15/22

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: Andrew O'Connor

Address: _____

City: _____ 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.



City of Lake Forest REQUEST TO SPEAK

PC
Bob
Holtzclaw

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: 11-15-2

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: Bob Holtzclaw

Address: _____

City: _____ 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.