

2024 PLANNING COMMISSIONERS ACADEMY

Managing Public Meetings in a Contentious Era

*Presented by Larry Koman,
Talyn Mirzakhanian, and
Brendan Kearns*

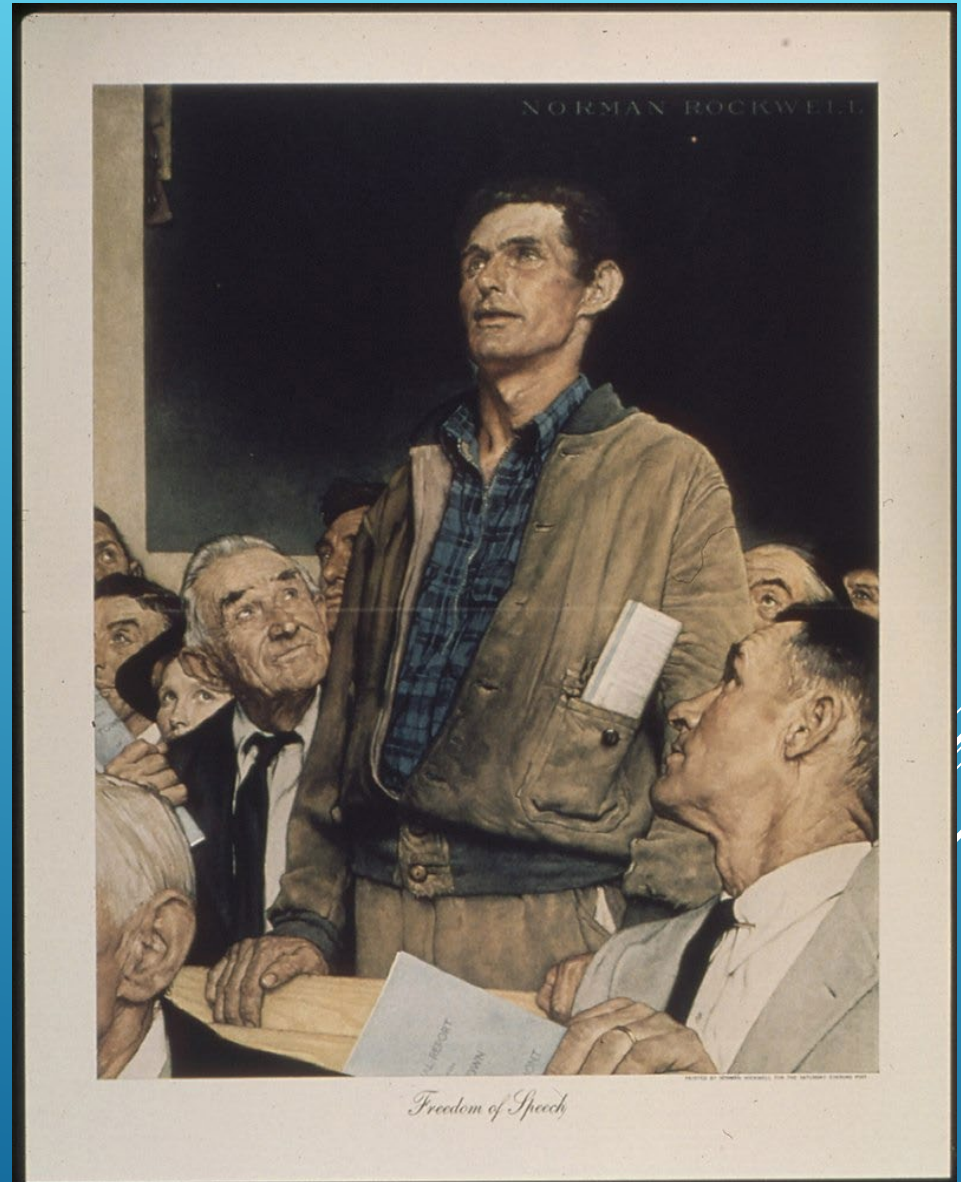
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And a special
thanks to
Fiona Kearns
for PowerPoint
design advice



WHY PUBLIC MEETINGS MATTER

- Often a member of the public's only non-services based interaction with the City
- Transparency and inclusion foster public trust
- Government “by the people”



“A GROWING PROBLEM”: DISRUPTIONS ON THE RISE

**A 2022 report from the State Assembly
Committee on the Judiciary:**

*“Public meetings, particularly those at the local government level . . . , are impacted by public behavior that is **so disruptive and disrespectful that the meetings cannot continue**, ultimately interfering with the public’s constitutional right to address local officials, express their preferences and grievances, and otherwise weigh in on important local issues affecting their community.”*

“A GROWING PROBLEM”: DISRUPTIONS ON THE RISE

The Judiciary Committee’s report identified several examples of this troubling trend:

- The Mayor of Los Gatos faced **targeted bullying and harassment efforts** at public meetings, including anti-LGBTQ rhetoric
- The Placentia-Yorba Linda Unified School Board was **forced to end multiple meetings early** due to meeting disruptions
- San Diego Board of Supervisor meetings made national headlines, in part, due to **racist comments** and **threats of violence**

THE LEGAL FRAMEWORK

*“Those wise restraints that
make men free.”*


John MacArthur Maguire

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A “RIGHT OF ACCESS...”

California Constitution, Art. 1, Sect. 3(b):

“The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”

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THE BROWN ACT



A POLICY OF OPEN GOVERNMENT


Government Code Sect. 54950:

*“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of **the people's business**. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly.”*

OPEN MEETING RULE

Government Code Sect. 54953(a):

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter”

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AGENDA REQUIREMENTS

- Agendas must be publicly accessible and distributed in advance to those who request copies
- Agendas must be posted on the City's website
- No discussion or action on items not posted on the agenda
 - *Absolute rule for special meetings*
 - *Exceptions for regular meetings*

EXCEPTIONS ALLOWING LIMITED DISCUSSION OF NON-AGENDA ITEMS

- Brief responses to public comments
- Questions for clarifications/refer to staff
- Brief announcement or report on activities
- Request for future report
- Agree to place item on future agenda
- Emergency situation exists requiring immediate action

PUBLIC PARTICIPATION

The public has a right to speak on:

- Any item within the subject matter jurisdiction of the body (regular meetings only)
- A specific item of business on the agenda (any meeting, including special and emergency meetings)

REGULATING PUBLIC SPEAKERS

Planning Commissions may adopt reasonable regulations of public participation, including, but not limited to the following:

- Time limits
 - Follow the agenda
 - Address only the Commission
 - Speak in order or when recognized
- 
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REGULATING PUBLIC SPEAKERS

Planning Commission may NOT:

- Prohibit public criticism of the City or the Commission
- Require speakers to “register” before providing public comment

ADDRESSING DISRUPTION

The Planning Commission Chair may remove an individual from a meeting for actual disruptive behavior if the Chair first warns the individual that:

- Their behavior is disruptive, and
- Failure to cease their disruptive behavior could result in removal from the meeting

ADDRESSING DISRUPTION

- Behavior is disruptive only if it **actually disrupts, disturbs, impedes, or renders infeasible** the orderly conduct of the meeting.
- Disruptive behavior may include noncompliance with the Planning Commission's established rules of decorum, such as speaking out of turn or exceeding established time limits.

EXTREME SITUATIONS

- If the individual disrupting the meeting is using force or a true threat of force, they may be removed without a prior warning to cease their behavior.
- If there is a willful interruption of a meeting by a group or groups so as to “render the orderly conduct of such meeting infeasible,” the room may be cleared and business can continue with the press allowed to stay.

POTENTIAL CRIMINAL PENALTIES

Under **Penal Code Section 403**, willful disruption or break-up of a lawful assembly or meeting is a misdemeanor

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TIPS FOR EFFECTIVE MEETINGS

“One important key to success is self-confidence. An important key to self-confidence is preparation.”

Arthur Ashe

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PREPARE, PREPARE, PREPARE

- Read the staff report and attachments
- Provide staff with any questions you may have in advance of the meeting
- Questioning whether to bring up a non-agendized item at the meeting?
 - *Ask the staff liaison in advance if there is an appropriate opportunity*
- Confirm your attendance with the staff liaison in a timely manner


ROLE OF THE CHAIR

- Serves as Presiding Officer at Commission meetings and facilitates its proceedings
 - Solicits opinions from Commissioners
 - Ensures a focused discussion and fair process
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R-E-S-P-E-C-T

- It is always best to treat the audience with respect and in a manner that responsible adults prefer to be treated – *even when the audience is rude or worse*
 - Serves as an example of thoughtful, dignified behavior
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RESPONDING TO RUDE (OR WORSE) PUBLIC COMMENTARY

- Rise above it by ignoring it, smiling, and thanking each speaker for his/her comments
 - Compliment good behavior
 - Meet with the offenders privately to see if their concerns can be resolved
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BODY LANGUAGE MATTERS

- Avoid (or at least minimize) nodding or shaking your head in response to public comments
 - Rolling your eyes, crossing your arms, turning your chair, etc. indicates to the speaker (and audience) that you are not listening
 - Making eye contact, sitting still, etc. indicates that you are listening
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ON THE DAIS . . .

- Minimize interruptions of staff presentations, unless there's a pressing issue that needs further explanation or clarification: **Remember, you will have ample opportunity to weigh in later in the proceedings!**
- Listen carefully to your fellow Commissioners, even if you disagree
- Avoid distractions, **especially texting**

REDUCE THE INTIMIDATION FACTOR

- Keep the audience fully informed:
People are more likely to participate if they don't feel lost and intimidated
 - Be firm about heckling, booing and harassment of other speakers or City staff
 - Use study sessions to tackle difficult and time-consuming issues in a more informal setting
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2024 PLANNING COMMISSIONERS ACADEMY

Thank you!

Any questions?

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EFFICIENT PUBLIC MEETINGS ARE IMPORTANT

- A meeting will often be the only non-services based interaction a member of the public has with the agency.
 - Public meetings establish the “face” of an agency.
 - Transparency and inclusion build public trust, credibility, and confidence.
 - Efficiency, process, and preparation are key.
- 

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THE RALPH M. BROWN ACT



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AGENDA REQUIREMENTS

Exceptions Allowing Limited Discussion of Non-agenda Items:

**Brief
response to
public
comments**

**Questions
for
clarification
/ refer to
staff**

**Brief
announce
ment or
report on
activities**

**Request for
future report**

**Agree to
place item
on future
agenda**

**Emergency
situation
exists
requiring
immediate
action**

AGENDA REQUIREMENTS

- Must establish a quorum to transact business
- Default Rule: More than half the Commission (quorum 3 of 5 member commission)
- A majority of a quorum is sufficient to make a decision (unless some special rule applies)
- Less than a quorum can adjourn a meeting

GENERAL MEETING RULES

PUBLIC PARTICIPATION



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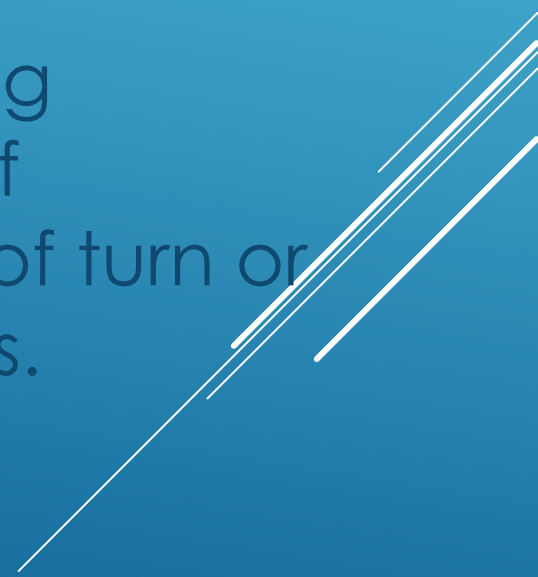
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- Confirm your attendance with the staff liaison in a timely manner

PREPARE, PREPARE, PREPARE

- Serves as Presiding Officer at Commission Meetings and facilitates its proceedings
- Solicits opinions from Commissioners
- Ensures a focused discussion and fair process
- Does Chair participate less?
 - ▶ *Chair can participate in all discussion and in same manner; privilege to go last*
 - ▶ *Chair can make and second any motion*

ROLE OF THE CHAIR

- It is always best to treat the audience with respect and in a manner that responsible adults prefer to be treated – *even when the audience is rude or worse*
- Serve as an example of thoughtful, dignified behavior

R-E-S-P-E-C-T

- Rise above it by ignoring it, smiling, and thanking each speaker for his/her comments
- Periodically remind the audience to be civil and observe the City's adopted rules of decorum
- Meet with the offenders privately to see if their concerns can be resolved
- Compliment good behavior

RESPONDING TO VICIOUS PUBLIC COMMENTARY

- Be aware of your body language, both positively and negatively
- Reaching for the microphone is a non-disruptive way to ask for the floor
- Crossing your arms, rolling your eyes, turning your chair, etc., indicates to the speaker that you are not listening
- Facing the speaker, sitting still, making eye contact, indicates that you are listening

BODY LANGUAGE MATTERS

- Pay attention – It builds trust and credibility.
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 - *Tell people what is going on as you work through the agenda*
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