



REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: January 11, 2022

SUBJECT: Public Comment Policy for City Council and Board and Commission Meetings and discussion regarding health and safety protocols related to in-person City Council meetings

ISSUING DEPARTMENT: City Manager/City Clerk

SUMMARY:

Issue:

Consideration and potential adoption of a Public Comment Policy for City Council and Board and Commission meetings and discussion of health and safety protocols related to in-person City Council meetings

Recommendation:

1. Discuss and consider the proposed Public Comment Policy
2. Provide direction to staff regarding in-person City Council meetings

Fiscal Impact:

There is no fiscal impact associated with the recommended actions.

Strategic Goals:

- Maintain a financially sound and affordable City government

BACKGROUND:

The City's Public Comment Policy describes the process by which members of the public may offer public comments during meetings. Earlier this year, the City Council formed an Ad-Hoc Subcommittee, comprised of Mayor Arapostathis and Councilmember Parent, to discuss a potential City Public Comment Policy for City council and Boards and Commissions. On December 14, 2021, the Public Comment Policy Ad-Hoc Subcommittee provided an update regarding its efforts. As part of that discussion, the City Council requested information

regarding future in-person City Council meetings. This report provides an update regarding recommendations from the City Council Ad-Hoc Subcommittee with respect to the Public Comment Policy and information regarding in-person City Council meetings.

DISCUSSION:

In response to the COVID pandemic, the State of California issued Executive Order N-25-20, which allowed local governments to hold public meetings via teleconference. Consistent with the flexibility provided by the Executive Order, the City began leveraging technology to provide members of the public with opportunities to offer comments during public meetings both virtually and electronically. The City Council Ad-Hoc Subcommittee discussed ways to update the Public Comment Policy to formally incorporate this technology into current and future public meetings. The City Council Ad-Hoc Subcommittee recommends the following proposed changes to the Public Comment Policy which would facilitate public comment prior to and during City Council meetings:

- **Live Audio Public Comment:** The City would continue the use of live audio public comment through a live-streaming service. The proposed updated Public Comment Policy establishes a procedure for the City Council to receive live audio-comments for both general comment and on specific agenda items. Section 2(1)(f) and (g) of the proposed Public Comment Policy formalize the process currently used to solicit public comments over live stream.
- **E-Comments:** The City has the ability to accept written comments through its updated agenda management system; comments received in writing prior to the meeting would be incorporated into the public record but would not be read aloud. E-Comments may be submitted up until 24-hours prior to a regularly noticed public meeting and would be accepted until 2 hours prior to a special meeting. Staff updated Section 3 of the Public Comment Policy to reflect these changes.

The City recently completed technology upgrades in the City Council Chambers. The recently installed equipment enables City Council meetings as well as board and commission meetings to be streamed online and accept live public comment. If approved by the Council, staff is ready to implement the proposed Public Comment Policy for City Council and Board and Commission meetings beginning with the January 25, 2022, City Council meeting.

In-Person Meetings

City Council meetings are currently conducted pursuant to the provisions of California Government Code section 54953(e), added by Assembly Bill 361, which allows the City to use teleconferencing and provide the public an opportunity to address the City Council via a call-in option or an internet-based service option. The City Council recently requested an opportunity to discuss how the City would provide members of the public with the option of attending City Council meetings in person while adhering to the public health order. Staff surveyed neighboring cities in San Diego County that have been hosting in-person meetings and found these cities generally implement the following measures to protect public health:

- Reducing the amount of seating in the city council chambers
- Recommending wearing of masks regardless of vaccination status
- Posting signage with updated guidance from the California Public Health Department

Staff did not find cities in the region requiring proof of vaccination to attend a public meeting. In such cases, members of the public entering a city council chamber without a face covering are self-certifying that they are fully vaccinated.

On December 15, 2021, the California Department of Public Health issued an updated mandate wherein masks are required for indoor public spaces regardless of vaccination status. The current mask mandate would require members of the City Council, staff, and the public to wear a mask during the meeting. There are no other specific regulations for in-person meetings at this time. Since mid-December, the San Diego region experienced an increase in COVID cases with Omicron being the dominant variant. Staff reached out to other San Diego County cities to learn how these cities are managing City Council meetings in response to the recent increase in COVID cases. The City of San Marcos plans to temporarily return to virtual meetings and Solana Beach, Imperial Beach, and Del Mar have postponed plans to return to in-person meetings at this time. Encinitas, Escondido, and Vista will continue to conduct in-person meetings. The State recently made the determination to extend the mask mandate through February 15, 2022. Any further policy direction on this matter is within the discretion of the City Council.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Megan Wiegelman
City Clerk

Attachment(s):

- A. Updated City Council Public Comment Policy
- B. San Diego County cities in-person meeting protocols matrix



Number	
Department	City Clerk
Issued	
Revised	
Pages	
Signed	

Policy & Procedure

PUBLIC COMMENT FOR CITY COUNCIL AND BOARD AND COMMISSION MEETINGS

1. PURPOSE

The opinions of the citizens of La Mesa are an important factor in helping the Council, Boards, and Commissions make decisions. Public participation in the meetings assures a transparent and accountable local government.

2. POLICY

The public may address the Council, Board, or Commission ("legislative body") during general public comment at the beginning of each meeting and during the public comment portion of each item on the agenda. Each member of the public will have three minutes to address the Council, Board, or Commission, unless the Mayor or Chair publicly requires less time or authorizes additional time in advance. For efficiency purposes, groups or organizations are encouraged to appoint a spokesperson to speak on behalf of a common interest group or organization. Time cannot be combined or yielded to another speaker (e.g. no time donations). Speakers that require a translator will be given double the allotted time.

- **General Public Comment:** Occurs at the beginning of a meeting. This portion of the meeting is set aside to give the public an opportunity to speak on any City-related item that **does not** appear on the agenda. State law prohibits the legislative body from taking action or engaging in discussions on items **not** listed on the agenda. If appropriate, comments may be referred to staff or placed on a future agenda.
- **Agenda Item Public Comment:** The public is able to provide comments on each item on the agenda. Comments are to pertain to the specific agenda item. The Mayor or Chair will announce when public comment is open for an item and when it has closed. Public Comment for any items on the Consent Calendar will be taken prior to the consideration of the Consent Calendar (the Consent Calendar is a grouping of routine matters to be approved in one motion).

Public comment at meetings of a legislative body may be presented in one of three ways:

1) In-person Public Comment

- a) Members of the public wishing to address the legislative body should submit a "Request to Speak" card prior to general public comment or the item they wish to speak on.
 - i. Public Comment or the number of the agenda item should be written on the upper right hand corner of the "Request to Speak" card.
- b) If a member of the public would like to comment on an item but would rather write the comment rather than speak aloud, they may complete a "Written Statement" card.
 - i. "Written Statement" cards are reviewed by the legislative body and will be made a part of the record.
 1. The Mayor or Chair may choose to read aloud the submitted "Written Statement" cards.
 - ii. "Written Statement" cards should be submitted prior to general public comment or the coinciding agenda item.
- c) The "Request to Speak" cards and "Written Statement" cards are to be submitted to the staff person running the meeting (e.g., City Clerk or staff liaison).
- d) City staff will arrange the "Request to Speak" and "Written Statement" cards in the order received and by agenda item and then provide to the Mayor or Chair.
- e) The Mayor or Chair will open public comment and call the name of the first "Request to Speak" card.
- f) Following the last "Request to Speak" card, the Mayor or Chair will close in-person public comment and move to live audio comments.
- g) If there are no in-person comments, following the staff report, the Mayor or Chair will ask if there are any speakers for live audio comment (live audio public comment) for the item.
 - i. Staff will inform the Chair of any hands raised.
 - ii. If no hands are raised, the Mayor or Chair will announce that Public Comment is closed for that item.

2) Live Audio Public Comment

- a) One staff person may be dedicated to the public comment component.
- b) Following in-person public comment, the Mayor or Chair will move to live audio public comment.
- c) Staff will announce the number of people queued for live audio comment following the in-person public comments;
 - i. If there are no live audio comments, the Mayor or Chair will announce that Public Comment is closed.
 - ii. If there are people queued for live audio comment, following the first speaker, the Mayor or Chair will announce that the time to raise hands is now closed.
- d) The staff person will allow the first attendee in the queue to speak.

- i. Staff will announce the name of the person and inform the attendee they may unmute their microphone and will have three minutes (or the allotted time determined by the Mayor or Chair) to address the legislative body.
 - ii. When the person has completed their comment or the allotted time has expired, the staff person will revoke the attendee's ability to talk .
 - 1. The staff person should also remove the person from the queue or lower the person's hand if raised electronically.
 - e) The public comment portion is over after the last person in the queue has spoken.
- 3) Electronic Comments (eComments)
- a) eComments will be activated once an agenda is published.
 - i. Council agendas are published a minimum of 72 hours prior to the Tuesday Regular meeting. All Board and Commission agendas are posted a minimum of 72 hours prior to their Regular meeting date. For Special meetings, the agendas are posted no less than 24 hours prior to the meeting.
 - b) A member of the public who wishes to submit an eComment will need to locate the meeting in "upcoming meetings" and click the comment bubble icon and then the item they wish to comment on.
 - c) eComments may be submitted when the agenda is published and up until 24 hours prior to the meeting.
 - i. For Special meetings, eComments may be submitted up until 2 hours prior to the meeting.
 - d) eComments are limited to 300 words and one comment per email address per item.
 - e) eComments will be posted to the agenda following the close of the eComment submission period (24 hours prior to the meeting).
 - i. Once posted, the eComments may be viewed by the legislative body and members of the public.
 - f) eComments will not be read aloud as a regular meeting item; however any member of the legislative body or member of the public may do so during their respective comment time.

All agendas shall provide information on the three ways in which public comment may be presented at a meeting of the legislative body.

City	Holding In-Person Meetings	Requiring ALL attendees to wear masks	Requiring Proof of Vaccination	Limiting the Number of Attendees	Requiring Attendees to Sit 6 Feet Apart
Carlsbad	No	N/A	N/A	N/A	N/A
Coronado	Yes	Yes	No	Just started limiting capacity to 50% again	Yes, half our chairs are removed and spaced out
Del Mar	No (likely will not resume in person meetings until March/April 2022)	N/A	N/A	N/A	N/A
Encinitas	Yes	Yes	Not at this time	Not at this time	Not at this time
Escondido	Yes	No. We only require non-vaccinated individuals to where masks	No	No	No
Imperial Beach	No, will continue virtual meetings	N/A	N/A	N/A	N/A
Lemon Grove	Yes	Yes (stated on our agenda)	No	Not stated on our agenda but we are limiting the seating that we put out to ensure social distancing	Yes
National City	No, will continue virtual meetings through January	N/A	N/A	N/A	N/A
Poway	Yes	No	No	No	No
San Diego	No	N/A	N/A	N/A	N/A
San Marcos	Reverting back to virtual meetings	N/A	N/A	N/A	N/A
Solana Beach	No, will continue virtual meetings	N/A	N/A	N/A	N/A
Vista	Yes	Those that are NOT fully vaccinated are required to wear masks	No	No (this is very seldomly a problem for us - on a "busy" night we might get two or three dozen people	No (again, not usually a problem for us)