

From: [Zac Bowling](#)
To: [City Clerk](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Trish Spencer](#); [John Knox White](#); [Tony Daysog](#)
Subject: [EXTERNAL] Public comment on item 6-C
Date: Tuesday, February 16, 2021 6:30:47 PM

Evening mayor and council,

I think the proposed resolution is a good start and would certainly speed up the pace of the meetings.

I have one issue however. The reduction of public comment time in some circumstances to one minute is straddling the line of what I would consider "reasonable".

While the Brown Act requires public comment at public meetings it doesn't state a specific minimum time. However it does state (since AB 1783) that "[t]he legislative body of a local agency may adopt *reasonable* regulations to ensure that the intent [of providing an opportunity for every member of the public to address the body] is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker."

While one minute is not entirely unprecedented, it's typically only done in larger cities under extreme circumstances (well in excess of 12 speakers, sometimes closer to 25-30) and it's typically not the norm. In my limited experience this would be the first time I have seen one minute public comments in a city the size of Alameda.

I know it's fair to say that Alameda sees more than the typical amount of civic engagement from our citizens compared to other cities, but it doesn't seem entirely in line with the spirit of the Brown Act to cap at one minute to limit that engagement. In 1992 the state attorney general's opinion on the matter was that "reasonable" was likely closer to five minutes. In 2018, in *Ribakoff v. City of Long Beach, et al*, the court's opinion was that three minutes was reasonable but no other cases have been brought forward that I have found that have tested any lesser amount of time as being reasonable.

As a compromise, two minutes, just across the board, seems more to fit the "reasonable" test of the Brown Act better. One minute is barely enough to complete a full thought and public comment shouldn't be limited to what you can fit in a tweet. It's especially hard when English is not your first language or where you might be disabled in some way that could slow you down from fitting in your entire comment in that one minute.

An alternative solution if we want to keep one minute would be to amend the rules to allow a public commenter the ability to yield time from speaker to another who can better represent their position better. Such a solution would not take any additional time than would otherwise be taken with individual speakers.

Thanks for your consideration,

Zac Bowling