

From: ajregister@yahoo.com
To: [Lemos, June](#)
Cc: jay@mcn.org; [Jacob Patterson](#)
Subject: Public Comment: A Policy for the Handling of Voluminous Written Public Comments (6/14/21 City Council meeting)
Date: Sunday, June 13, 2021 1:16:44 PM

<https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=4977532&GUID=6B76F34B-3FDE-4A61-9F20-2BCA07994998&Options=&Search=>

Hi June,

A cursory reading of the memo and statute leads me to believe that the balance between the public's right to know and participate versus the burden on the city are met.

Comments should be made as early as possible and the 72-hour deadline seems reasonable to me.

However, early publication of issues in their entirety must occur, such issues being the ones subject to discussion/scrutiny by the City (via the council or otherwise).

Those who choose to participate at the last minute due to intent or neglect burden the city and confuse the issues. Early participation by the public is advised.

Special accommodation should generally not be required or extended. However, exigent or unforeseeable circumstances should be accommodated as circumstances dictate with the benefit of the doubt going to the innocent/vulnerable/public party, generally.

Generally, no sandbagging either by the city or the public with an emphasis on disclosure early and often.

Thanks very much. The efficient and consistently reliable handling of day-to-day matters by the city and staff are the oil that keeps the city's engine politic from seizing. Thank you.

Best Regards,

Andrew Jordan
Fort Bragg, CA

From: noreply@civicplus.com
To: [City Council](#); [Lee, Will](#); [Norvell, Bernie](#); [Peters, Lindy](#); [Albin-Smith, Tess](#); [Morsell-Haye, Jessica](#)
Subject: Online Form Submittal: Contact Us (Dropdown)
Date: Monday, June 14, 2021 9:15:59 AM

Contact Us (Dropdown)

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(Section Break)

Whom would you like to contact?	City Council
Question / Comment	<p>This is in regards to tonight's agenda item 21 274 addressing "voluminous comments". While I suspect the subject is more about different circumstances, the timing is terrible. As some of you who follow social media may have noticed, there is much outrage over the smell of the waste water treatment sludge. Once this agenda item was mentioned, it was assumed that it was an attempt to suppress the reaction to the odor. I realize you're in a tough spot on the treatment problem and am sympathetic, however I'd suggest you don't make it worse with this item. At the very least, you should make sure during discussions that public comments about the treatment plant won't be disallowed or made difficult and that the reason for the item has more to do with the technical difficulties of certain other submissions than it does with the righteous comments of angry citizens. You also might remind us all that you live here, too, and don't like the smell any better than we do. However you address the voluminous comment item, please take into consideration that this is now a hot button issue and you'll need to tread carefully, Good luck..</p>

From: [Jacob Patterson](#)
To: [Lemos, June](#)
Subject: Public Comment -- 6/14/21 CC mtg., Item No. 8E, Public Comment Procedures
Date: Monday, June 14, 2021 9:43:20 AM

City Council,

As you consider this agenda item, please consider my opinions and observations. First, I don't agree that the City's only legal obligations regarding public comments are described accurately in the staff report. It describes accurate obligations per Government Code section 54957.5 but doesn't cover the full extent of that obligation, which has been clarified by interpretive case law, and other applicable regulations. I think the "voluminous" public comments policy change makes sense but a clear metric needs to be established that will determine which written comments need to be published electronically and which do not. That is, what is the size cutoff for electronic publication and will there still be a placeholder published online to alert readers to the existence of the additional large or alternative public comment that will need to be reviewed in person? I fully support a different approach to electronic-format attachments and public comments that cause technological issues but don't see a clear connection to that limited issue and all the recommended policy changes, which will apply to all written public comments, including simple email messages or letters that don't include any technologically challenging or large attachments.

Moreover, the City should consider adopting a policy about accepting hyperlinks to files and documents within an email as equivalent to the document being included in full as an electronic attachment to the parent email. This relates to what is included or not included in the formal administrative record for an agenda item that involves a public hearing. Planning Commission Chair Logan requested this at a recent meeting but it would probably take formal policy adoption by you to accomplish that goal. Doing that would eliminate many examples of large or technologically challenging electronic format public comments. A similar approach should be considered to accept, as timely submitted, any City document that is "incorporated by reference" in an email or letter public comment (e.g., staff reports, meeting minutes, and other agenda materials from past distinct agenda items) rather than requiring the person wishing to submit it to actually download the PDF file from the City's Legistar and then submitting them as formal public comments on the subsequent agenda item. These policy changes actually address the underlying issue that has created a handful of upload issues for written public comments but don't paint an alleged solution with an overbroad brush...

If you adopt the policy changes recommended by staff, the only thing I would add to the amended procedures (besides my above suggestions) is expanding item # 1 to explicitly clarify that the written public comments submitted after the publication of the agenda (i.e., most of them since there is nothing to review or respond to until the agenda and packets are published, which is sometimes much closer to the 72-hour minimum than the several extra days earlier mentioned in the report) will be made available for public inspection at City Hall during regular business hours but that the physical collection of public comments will also be brought to the meeting itself so the public can review later-submitted comments in person at the meeting not just at City Hall prior to 5 PM. That is also a requirement but isn't referenced in the proposed agenda language. A person coming to the meeting needs to have full access to comments submitted prior to the meeting itself as well. That said, City Hall isn't always open and I really don't see a benefit to take a race-to-the-bottom approach for public participation by only doing the absolute legal minimum (if that) as a matter of policy. Keep in mind that

most agenda items don't have significant numbers of public comments and many public comments I and others submit are at least partially based on what we read in other public comments.

I am concerned about arbitrary and capricious application of these policies since the City has not been consistent with how they publish written public comments. For example, because I also believe that public comments are better as early as possible, particularly complex or lengthy comments, I started "pre-submitting" some public comments about pending agenda items. I did that for a Planning Commission public hearing, actually submitting a public comment prior to the publication of the agenda packet so it could be included along with the other agenda materials. Was my extra-early public comment included at publication? No, in fact, even though other written public comments submitted post-publication of the agenda were uploaded periodically leading up to the meeting, my early public comment was not included and was not published until a few hours prior to the Planning Commission meeting along with the actual later-submitted written public comments. If the City is going to publish written public comments to ensure maximum feasible transparency, and you should, why would we allow the City staff to pick and choose which comments to upload and which to withhold until the last possible time? That is an actual problem that should be addressed but this staff report doesn't address it, instead, it seeks further limits on public participation by making it exceedingly difficult for any interested member of the public to see what other people have to say about a pending agenda item. In fact, it deprives the public of the opportunity to see what the applicant has to say for permits unless you have time during business hours, when many people are busy working, to trek into City Hall and review public comments in person.

Ironically, this policy change of only minimally meeting applicable transparency requirements, will probably result in an increased burden to staff time because it means that staff will always have to print physical copies of all public comments as they are received and distributed to the City Council, Committees, or the Planning Commission (assuming this will go on PC agendas too not just yours) and keep them in an accessible location at City Hall. It can't possibly take a burdensome additional amount of time to upload the PDF of the same printed comments to Legistar on the afternoon of the meeting as the City has been doing. This also means that a member of the public will have to always visit City Hall the afternoon prior to any meeting to review public comments submitted within 72 hours of a meeting, which is when most public comments are submitted because most people only have time to read through agenda packets on the weekend and not during work hours. Many people work and are busy and don't those people deserve the same access to relevant information as they have been getting, if not more? It is certain City staff's job to process public comments and no real public interest appears to be advanced by reducing transparency and making access to information more difficult, particularly since staff is already going to have to continually update the physical public comment collection at City Hall as comments are processed.

This reminds me of the change this past year of deleting the City's webpage with information and documents about pending project permit reviews, which used to be published and easy for anyone to access and review electronically rather than having to go in person (something we couldn't do when City Hall was closed to the public because of Covid-19) or formally request access to those records through Public Records Act requests but staff has been implementing a series of changes that diminish transparency and the Council shouldn't allow another such change. Instead, we should seek to increase transparency and move more documents and records to electronic availability for all to see from home. Not everyone lives within a short

distance of City Hall and with Zoom participation for public comments still available, it seems counterproductive to force those people to trek into town every Monday afternoon before a meeting if there is an important agenda item they are interested in. What about unvaccinated members of the public who can't get vaccinated because of medical conditions? Will the City force them to come in person and read public comments because they don't want to upload them to Legistar?

I am aware of no other jurisdiction that is complaining about publishing written public comments on their Legistar agenda materials. Perhaps staff needs to publish comments differently and should consider publishing them as individual attachments rather than in a combined packet. That is how Mendocino County publishes public comments and it makes it much easier to verify that there aren't duplicates and to ensure that all timely public comments are included. A few in-house procedural changes like that should first be explored before you formally adopt a policy that limits transparency and the public's timely and convenient access to information that everyone is entitled to review.

Make no mistake, this appears to be more about suppressing public participation--attempts of which are occurring with alarming regularity of late--and reducing transparency rather than solving an actual problem. Please don't go down that road without first exploring less impactful alternatives to how public comments are processed and managed in an efficient but complete manner.

Best regards,

--Jacob

Public comments re: City Council meeting 6-14-2021 item # 8E 21-274 Receive Report and Provide Direction to Staff Regarding a Policy for the Handling of Voluminous Written Public Comments

I am alarmed by the attitude of some council members and city staff lately as far as being open and receptive to public input. We could come up with better projects for our City if we would work together instead of you feeling that the public is in the way. You ask us for surveys when you want it or have to have it, but truly innovative things can only happen when we work together. And we need that as just the water & waste water issues alone need innovative approaches. As you know it takes a village not only to raise a child, but also to come up with great solutions.

It took a lot to persuade that the public comment section of City Council meetings were no longer at the end of city council meetings.

On 4-26-2021 the City Receive provided direction to Staff on how to interpret existing language in the Coastal and Inland Land Use and Development Codes. Council directed that property owners and residents within 300 feet of the subject property have a right to request a hearing on a minor use permit or appeal a decision without charge; persons outside 300 feet must pay the specified fees. (see staff report). It became clear that the City does not want to get any input from anyone that might not live within the city limits.

Now the public is told that in order to educate Staff, City Council and Planning Commissioners that they need to wait until the agenda is published, which lately with the two public hearings about the Caltrans ADA project and the Grocery Outlet project which was not much before the required 72 hours, and then race to city hall and drop of "voluminous information" in order for Staff, City Council and Planning Commissioners and the public to see. What means voluminous? Some of these 1,000 public comment pages listed were duplicates. The software is only as smart as the person who feeds it to the software.

The city has curtailed public information and the one informative link Active Planning Environmental Reports and Studies for Proposed Development Applications and Supporting Documents has been narrowed down to 2 entries ([Grocery Outlet Initial Study & Avalon Hotel Initial Study](#)). MND's have been farmed out to out of town rental environmental consultants who have no knowledge of our town and staff has not scrutinized their input. Grocery Outlet did not need to submit all the documents that were required from them at the time of the Hare Creek mall even though we still have serious water & waste water issues, just to name these two items.

So far the public was assured that their comments would be uploaded the next day. That is no longer the case. If these comments are uploaded "as soon as possible" deadline for appeals need to be extended to 20 days or staff hired to deal with these comments the day after a meeting.

With Covid public input has already been curtailed.

The Government Code does not address public hearings, just meetings. Public hearings dealing with MND's, EIR's, etc. need to abide by regulations governing them.

Public hearings are designed so that the public can find out about a project. With Covid & virtual hearings that process has been basically made impossible. Not everyone has fast speed internet and can access zoom or access the meeting on a smart phone as they wait outside Town Hall wanting to speak while missing what has been said while they are waiting outside for a turn to speak. The public has the right to be informed and able to see all the information on the city's web page and not just 72 hours before a hearing.

PUBLIC RESOURCES CODE – DIVISION 20 of the CALIFORNIA COASTAL ACT was designed to protect the “widest opportunity for public participation.” According to Section 65033 of the State Planning, Zoning, and Development Law (Government Code) the Legislature recognizes the importance of public participation at every level of the planning process. It is therefore the policy of the state and the intent of the Legislature that each state, regional, and local agency concerned in the planning process involve the public through public hearings, informative meetings, publicity and other means available to them, and that at such hearings and other public forums, the public be afforded the opportunity to respond to clearly defined alternative objectives, policies, and actions.

The CEQA Guidelines, at Title 14, California Code of Regulations Section 15201 about PUBLIC PARTICIPATION, or any of the CEQA (Public Resources Code section 21000 and after) contain many specific provisions about required notice of environmental documents, and opportunities for public comments on them relating to the a project proposal. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities.

If your software system is not able to deal with a lot of information get a different one. Provide a space where documents submitted by the public can be viewed online. With the Grocery Outlet public comments documents were separated in 3 parts where it makes no sense anymore.

You claim transparency, but to the public it does not feel like that.

Sincerely,

Annemarie Weibel
6-14-2021
aweibel@mcn.org

From: jay@mcn.org
To: [Lemos, June](#)
Cc: [Smith, John](#)
Subject: Public Comment re Receive Report and Provide Direction to Staff Regarding a Policy for the Handling of Voluminous Written Public Comments
Date: Monday, June 14, 2021 4:45:39 PM

Hi June,

I just got back to my little laptop and apologize for the delay.

My dental work lasted much longer than I anticipated and my mouth is so numb I can't drink or even eat anything and have to be very careful if I talk not to bite down on the inside of my mouth. I go back for round two tomorrow.

Thank you for accommodating me today.

Public comment starts below.

I want to comment o the subject line

Dear Council Members,

I hope you will do more research before moving forward with such a time limit for Public Comment.

For Council Meetings 72 hours I believe would be 6:00 PM on Friday.

I don't think they would get them until Monday anyway because City Hall is closed on Sat and Sun.

I checked to see what program the BOS in Mendocino County use for posting Agendas.

Ted Williams responded that they use Granicus.

If you would take the time to look at their Agendas the public Comments are all listed individually by name.

Therefore making it easier to read each one without having to scroll thru pages and pages.

This became an issue most recently because of the Planing Commission Meeting regarding Grocery Outlet.

It was a nightmare trying to scroll thru pages and pages.

I would like to encourage you to recommend to staff to do a little more research and reach out to Lindsey at the County Office who Ted Williams told me does the BOS agendas.

I really like their format and it seems it could be done for any agendas the City of Fort Bragg needs to publish.

I would like to thank the Mayor, Vice Mayor and Council Member Tess and Commissioner Logan for responding to my email and or phone call regarding my questions as to when an elected or appointed person actually read the agenda and Public Comments. I was trying to get a feel if the 72 hour timeline was really that necessary.

Best Reegards,
Jay