

ATTACHMENT

For Item

#10

Tuesday,
December 5, 2023

PUBLIC COMMUNICATION RECEIVED BY THE
CLERK OF THE BOARD

From: henkinp@earthlink.net
To: [FGG, Public Comment](#)
Subject: [External] Re: PROPOSED AMENDMENT TO BOARD OF SUPERVISORS PROCEDURES
Date: Wednesday, November 15, 2023 4:17:56 PM

Good Afternoon, Sir,

Have you forwarded this to the CAO and do you know if she forwarded it on? Am I following the correct procedure?

Regards,

Paul

-----Original Message-----

From: <henkinp@earthlink.net>

Sent: Nov 12, 2023 3:20 PM

To: Clerk of the Board <PublicComment@sdcountry.ca.gov>

Subject: PROPOSED AMENDMENT TO BOARD OF SUPERVISORS PROCEDURES

To the Clerk of the Board: Good Morning, Sir,

Rule 2j(3) says "Requests for placement of items on the agenda by other persons or agencies must contain a brief summary of the subject matter of what is proposed to be orally presented to the Board; copies of any supporting documentary material, if appropriate; and the name(s) of the person(s) who will make the presentation. The request(s) will be referred by the Clerk to the Chief Administrative Officer, who shall make a recommendation to the Chairperson. With the concurrence of the Chairperson, the Chief Administrative Officer may place the request as an item on the agenda, with the recommendation of the Chief Administrative Officer, on the date designated by the Chairperson."

My name is Paul Henkin. I am proposing the following amendment to the San Diego County Board of Supervisors Rules of Procedure.

Please let me know whether I need to make a presentation in-person, virtually, or at all.

On October 10, 2023 (00:40:30) a speaker on non-agenda, whose grandbaby was apparently mistreated during a custody fight, was cut off and his daughter was reduced to tears. Also on October 10, 2023 (00:56:01,) a speaker on non-agenda was called 'out of order' which is ridiculous for non-agenda.

This sort of thing is happening too often. Speakers seem to be intimidated and the Board's reputation for fairness diminished thereby.

This proposed amendment is an experiment to allow the speakers on non-agenda matters reasonable time to make their speeches, to trust that they will respect the time of others, and to add a tone of civility to this section of the proceedings.

I admire the politeness shown by the Clerk of the Board at the San Diego City Council, whose actions should be your model.

I propose that the Board of Supervisors add to rule 4a(7) (non-agenda):

"Non-Agenda Public Communication: Notwithstanding other time limits imposed by the Chairperson or Board, There will be a total of thirty (30) minutes scheduled at the beginning of the Tuesday and Land Use sessions for members of the public to address the Board on any subject matter within the jurisdiction of the Board and which is not an item on the agenda for that session. Each speaker must file with the Clerk a written in-person or online Non-Agenda Public Communication Request to Speak form prior to the scheduled opening time of the session.

"During this time, there shall be 5 in-person and 5 online speakers (or

more if time allows) on non-agenda items.

"Each speaker shall be allowed to speak for 3 minutes, or longer with the permission of the Chairperson.

"Each speaker shall begin his or her remarks by saying briefly how the Supervisors can help them or how this is within the Board's jurisdiction.

"After two and one-half (2-1/2) minutes, not interrupting whole sentences if possible, the Clerk shall say 'Excuse me. There are other people waiting to speak. Please respect their time and conclude your remarks. At that time, the speaker may make a request for more time to the Chairperson. The chairperson shall allow or not with a brief reason.

"After three (3) minutes, not interrupting whole sentences if possible, the Clerk shall say 'please conclude your remarks. Thank you for your ideas.'

"The same procedures shall apply to speakers on non-agenda items at the end of the meeting, except that there shall be no 30 minute limit on how long all the speakers can speak.

"Any person filing a Public Communication Request to Speak form after the time deadline established by this subsection shall not be allowed to make a presentation to the Board. All issues raised by a speaker will be automatically referred to the Chief Administrative Officer. No other action may be taken by the Board at this time.

"This version of sub-section a(7) shall become inoperative in three months (90 days) from the implementation of this amendment, unless made permanent, and the previous version of subsection a(7) shall be restored."

I believe that this, instead of further restrictions on public speaking, is

more likely to produce good results. Thank you.

Respectfully,

Paul Henkin
henkinp@earthlink.net

From: henkinp@earthlink.net
To: [Council District 4 - Monica Montgomery Steppe](#); [Desmond, Jim](#); [Anderson, Joel](#); [Vargas, Nora \(BOS\)](#); [Lawson-Remer, Terra](#)
Cc: [FGG, Public Comment](#)
Subject: [External] AMENDING THE RULES OF PROCEDURE (please file with agenda item 10)
Date: Thursday, November 30, 2023 9:17:33 AM

Hi Supervisors,

I think it is good that you are allowing clapping during the Ceremonial Presentations (rule 4f,) but you must allow any non-disruptive behavior. You cannot limit peoples' expression to approval only. That is not free speech.

What people object to is arbitrary speaking time changes. In fact, The Chairperson may limit the time for presentation and the number of persons who may address the Board on any agenda item (rule 4a.) So this is nothing new. What is new is putting it in every subitem possible. This is intimidation and instigation. Polls suggest many people fear public speaking. This fear can come from concerns about being judged negatively or having ideas that people will ridicule or reject. Allowing cheering and booing or other forms of heckling discourages people from sharing their views (even silence or no applause can be perceived as rejection).

(Tips for Promoting Civility in Public Meetings December 2011

Institute for Local Government www.ca-ilg.org

(<https://webmail1.earthlink.net/folders/INBOX.Sent/messages/11342/www.ca-ilg.org>))

"Both loud or prolonged clapping or other expression and no clapping or expression can be hurtful."

Hence, Brown Act 94597.95 strikes a balance between expression which is actually disruptive and that which is not: "54957.95. (a) (1) In addition...the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting...

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting..."

I am glad that you are keeping the Code of Civil Discourse as the standard (4m,) because there are instigations from both sides. In fact, whoever is in charge needs to realize the folly of arbitrarily calling non-agenda speakers out of order, or non-disruptive clapping or comments. I am guessing that behavior would improve on all sides.

You should also define what is routine for placement of the consent calendar (rule 2b,) so that you include rule or ordinance changes and appointments in regular discussion, as they should be.

I am disappointed that you are still limiting our speaking time on the consent calendar since appointments, ordinances, and rules changes are definitely not routine.

On rule 4a(2,) I think that speaking time allowed on the consent calendar items should be allotted according to the number of items - 2 min. for up to 10 items, and 15 seconds for each additional item.

On rule 4a(7,) it is a silly and self-defeating idea to limit public input time on a purely discretionary basis. Some of these items may be helpful, or complaints which may take a full 2 minutes or longer, Moreover, if you suddenly change the speaking time, the speaker may not get his or her main point across, and be tempted to use unconventional means to get his or her point across, such as rumor, newspaper, TV, or political protest.

But if you limit the peoples' expression arbitrarily, they will take it to the streets - much as how the American Revolution started.

Regards,

Paul Henkin
henkinp@earthlink.net