

No change to board's public comment policy

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By Brionna Friedrich

After public outcry Tuesday, a proposed change to public comment policy for the Calaveras County Board of Supervisors failed.

The presentation of a community plan during public comment late last year that was accompanied by nearly an hour of commentary led to debate among board members on how to avoid what Supervisor Tom Tryon described as "a well organized political rally."

They charged County Administrative Officer Jeanne Boyce with investigating how other counties handled their public comment periods. Two weeks ago, Boyce returned the results of a 22-county survey recommending a significant change.

Limit public comment to 15 minutes at the start of the meeting, Boyce advised, and allow any remaining comment to continue unobstructed at the end of the regular agenda.

The idea had some support among the supervisors. Public comments can range from about 20 minutes to nearly two hours, which can throw a carefully constructed agenda out the window. Some supervisors were concerned about respecting the time of people who had taken the initiative to agendize an item and been given an estimate of when it would be heard.

"There's another element here," said Supervisor Steve Wilensky. "Courtesy. Right now we're being tremendously rude to a bunch of people who came to talk about the Williamson Act," he added, referring to a later agenda item that was ultimately heard about two hours late.

The board also discussed potential waste in the form of staff time spent waiting to testify on agenda items, or expensive

consultants paid by the hour.

County Counsel Jim Jones assured the supervisors they were entitled to make whatever policy changes they saw fit as a matter of course; no public hearing was necessary. However, Supervisors Merita Callaway, Gary Tofanelli and Wilensky insisted the item be agendized for public input.

That input came in force, with reasons ranging from the practical to the patriotic.

"I lose money every time I come here," said Michael Wietrick of Rancho Calaveras. "I've got to sit here and waste my entire day to voice my opinion."

He also suggested the board simply agendize items where there were many speakers on one topic.

"A dictatorship is more efficient than a democracy," said Valley Springs resident Will Moore. "A democracy is not supposed to be efficient. It's supposed to be a democracy."

"Some people might call this bellyaching," said MyValley-Springs.com member Colleen Platt, "but others call it free speech."

Platt said the problem with public comments was likely exaggerated, with people lumping it in with time taken discussing consent agenda items and supervisor comments. After timing public comment for the last three months, Platt discovered the public only spoke for an average of 30 minutes.

When the public had said its peace, the board hesitated to change its policy.

Supervisor Darren Spellman said his main goal in supporting the policy when it was introduced was saving staff time. Having since been informed that staffers could hear the meeting broadcast anywhere in the building, he reversed his position.

"With that objectionable element

out of the way ... I would be very much in favor of leaving it alone."

Spellman also broached the idea of night meetings as another way to get diverse public input.

"I think the chair has discretion," Tofanelli said, adding that whoever served that role could manage the period, calling staff forward first or polling the room on a particular topic. "A lot of times I enjoy sitting here and listening to people speak their mind."

"The exciting part of public comment is public comment," Callaway said. "You never know what's going to happen at public comment until it happens."

A poll of people who intend to speak would be somewhat against the spirit of the public comment period, she added, since some only choose to speak after hearing others "because it triggers thought. That's the exciting part of public comment."

Callaway did support putting some limit on the period, but closer to 40 minutes, and subsequent agenda items should be scheduled with that estimate in mind.

"I agree it should not be at the end of the meeting. It aggravates people. The end of the meeting ranges from 11 o'clock to 2 o'clock."

"I do support finding some structure," Wilensky said, "so people can believe the agenda times have some vague basis in reality."

Wilensky has also historically supported alternate meeting times, and joined in Spellman's recommendation.

"What worries me is we're taking working people and removing them from the dialogue," he said. "We see the night shift ... while the day shift is pretty much completely disenfranchised,

while retirees have greater opportunity for participation.”

Tryon was less convinced the end of the meeting presented a hardship to public commenters. “I don’t know when it was the board put it at the beginning,” he said, adding that it had been at the end when he took office.

“One of the reasons I want it at the end is I really don’t want a time limit,” Tryon said. “I don’t think where the board puts it has anything to do with anybody’s right to free speech. ... We have a responsibility to people on the agenda.”

The board ultimately split on each facet of the question. Tryon and Callaway favored three minutes per person, while Wilensky, Spellman and Tofanelli stuck with five. Tryon and Callaway supported a 30-minute time limit, and Spellman and Tofanelli stayed with no time limit, joined, after a failed attempt at compromise, by Wilensky.

The next board meeting will be held at 9 a.m. Tuesday, Feb. 8, in the Board of Supervisors Chambers, 891 Mountain Ranch Road, San Andreas. The Feb. 1 meeting has been canceled.

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