MEDIA ADVISORY

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Prepared statement by Wildwood Councilman Steve Taylor, Ward 4, regarding status of "Free Speech Amendment". To be read at tonight's City Council Meeting.

"Mr. Mayor pro tem, Councilmembers, thank you for the opportunity to address you. I do not typically speak during the public comment period because I am a member of the council myself, and this is primarily a time for residents to be heard.

"Today I am doing so because of an unusual circumstance. The Mayor has denied my request to talk about our public speaking rules from the dais. I have essentially been prohibited from discussing legislation from the dais that would eliminate rules instituted by the Mayor that prohibits residents from asking questions of elected officials.

"For background, I would like to state that on September 19th I sent an email to the Mayor. It said, "As I would like to discuss the history of our rules for public participation, please add to the 9/24 council agenda under miscellaneous the item "Public Participation". These types of requests are usually perfunctory and seen as a basic courtesy to members of the City Council. **My request was denied.** As a result, I am here speaking before you during the public participation section of our meeting.

"Although I am disappointed in the Mayor's decision, it is his prerogative. I would also like to thank the Mayor pro tem, Mr. Garritano, for being professional and courteous regarding this matter.

"As many of you on the Council know, I have long been interested in amending our rules for public participation. I would like to allow residents to ask direct questions of their representatives.

"In fact, I campaigned on this. I knocked on many doors in my ward and found that an overwhelming majority of residents believe that they should be allowed to ask questions of their elected officials.

"On July 19th, I introduced an amendment to our code at the Administration / Public Works Committee meeting. The legislation would allow more freedom of speech by Wildwood residents before their elected officials. They would be able to ask a direct question, and if an elected official wished to give a brief response they could do so as directed by the Mayor.

"Councilmember Garritano, who is chairman of the committee was very accommodating and allowed for an in-depth discussion of the proposed legislation. As a result of the discussion, changes were made to the amendment to accommodate concerns and opinions and it was placed on the Committee's agenda for future action.

"On September 11th the amendment was again taken up by the Committee. Council members and the City Attorney had a robust discussion of the proposed legislation including policy and legal considerations. The committee voted to 4 to 2 in favor of the amendment.

"On the next day, September 12th I was sent an email by the City Administrator. It said, "At your convenience, please send me the final language from last night's discussion, so we have it for the 9/24 work session,". That same day I spoke with the Mayor pro tem and we both believed the legislation would be before the committee today, as this would have been the normal order of business.

"Two days later, on September 14th I received a text from the Mayor. He informed me the amendment would not be placed on the 9/24 Work Session agenda, but rather he would be postponing it until the 10/8 council meeting. In a subsequent phone conversation, the Mayor explained that he was intending to postpone the amendment because he was on vacation. I told the Mayor that, although I understood his interest, I did not agree that it was a good idea to do so.

"I did not agree because for the Mayor to unilaterally postpone an agenda item is a bad practice in that it is rife for abuse. Once we start down that road, any Mayor could potentially postpone agenda items until a favorable composition of council members are present for a vote. I believe that a much better way to handle this would have been for the Mayor pro tem to request a postponement due to the Mayor's vacation schedule and then let the Council take a vote on the matter. We would thus have avoided any appearance of impropriety.

"On September 14th, I sent a letter to the entire council, the Mayor and the City Administrator and City Attorney characterizing what I believed to be an irregular handling of the amendment.

"Shortly thereafter, on the same day I received an email from the Mayor stating that he "could not begin to express his disappointment" that I had written the aforementioned email to the Council. In another email cc'd to the entire council the Mayor stated that the amendment might not even be placed on the 10/8 agenda since in his opinion, it might "be out of order." In essence the work of the committee might be indefinitely postponed. This claim seemed retaliatory. Moreover, the Mayor's concerns with the amendment was flawed in that it was critical of language currently in the code an did not have anything to do with the legislation's new wording. Regardless, any such issues should be addressed by the council as the city's legislative body.

"It is troubling that an amendment, which was thoroughly vetted in committee is now being characterized as possibly "out of order" by the Mayor. Moreover, his unwillingness to allow even the discussion of the legislation during his absence compounds the irregularity with which this amendment has been handled. This is especially true when the Mayor had the opportunity to participate in the amendment's consideration in committee.

"The purpose of the "Free Speech Amendment," as it has been dubbed by the media, has had extra hurdles unnecessarily placed before it. In my estimation, the main reason for this opposition is that it seeks to roll- back rules instituted by a Mayor that increasingly situating himself as the only elected City official who enjoys direct, real-time communication with residents during public events as codified in statute.

"Our current rules forbid a resident from asking a Councilmember a question during a meeting like this. Such a question, which would have the benefit of being on the record and livestreamed for the edification of the public is shunted into a one-on-one communication dynamic between the resident and their councilperson. Such communication is valuable, but does not replace the transparency of an on the record inquiry. At best, questions to the council may sometimes be addressed by an anonymous employee on the city's website. Yet, the Mayor can at his discretion offer insight and points of clarification in response to questions or comments during these meetings.

"Parallel with these new rules and restrictions, the Mayor is holding city promoted events with residents. I am not in principle opposed to these meetings. They are popular and informative, but it should be noted that council members are not allowed to comment at the meetings. In

short, the Mayor seems to be enjoying a growing monopoly on public exchanges with residents during public meetings.

"I am not claiming that this is by design, but planned or not the consequences are real. It is in this context that I find the refusal by the Mayor to allow discussion of public participation rules when he is on vacation troubling.

"As the original author of the "Free Speech Amendment", I intend to make a motion that the legislation be prepared to be placed on the 10/8 Council agenda. I have been informed by our city attorney that it is within the power of the Council to do so. I have received assurances from the Mayor pro tem that I would be allowed to do so during the miscellaneous section of the agenda.

"I respectfully request that you as members of the city's legislative body vote in favor of allowing the "Free Speech Amendment" to proceed to the next stage so that it can be considered by the full Council. It is the right thing to do. Please give the "Free Speech Amendment" a fair hearing. We can do this. We are council members, and we don't need to wait for the Mayor to come home to do the right thing."