

TO: Wildwood City Council Members  
Mayor of Wildwood, Jim Bowlin  
City Administrator, Ryan Thomas

Cc: City Attorney, John Young, Esq.

FROM: Ward 4 Councilmember Steve Taylor

DATE: September 17, 2018

RE: Status of "Free Speech" Amendment (aka Administration/ Public Works Committee's Amendment to Amend Public Participation Rules)

Recently an amendment allowing greater freedom of speech at Wildwood City Council meetings that was passed by a standing committee and (per the City Administrator) was on its way to the Work Session agenda of the next city council meeting, has been diverted. The amendment in question was voted out of Administration Public Works Committee on 9/11, and was to be placed on the 9/24 Work Session agenda. The legislation might now have been indefinitely postponed for no legitimate reason as it has been characterized as "out of order" by the Mayor. Numerous and confusing maneuvers to delay the legislation seem arbitrary and contrary to good order of our legislative process. I will give a brief outline of events and then make a request of the Mayor, the Mayor *pro tem* and the City Administrator at the conclusion of this memo.

On September 11<sup>th</sup>, a proposed amendment to our municipal code was passed by the Administration / Public Works Committee. The amendment would provide residents the ability to directly address members of the Council or Mayor, which would in effect roll back rules restricting speech that were instituted during the present Mayor's administration. The amendment was previously discussed by the committee and amended to accommodate concerns of various committee members. On the evening of the vote the City Attorney was present and participated in an extensive discussion of the amendment prior to the committee voting in favor of its passage.

On September 12<sup>th</sup> the City Administrator sent an email to me stating, "At your convenience, please send me the final language from last night's discussion, so we have it for the 9/24 work session". On that same day, I spoke with the Mayor *pro tem* (who is also Chair of the Administration / Public Works Committee) about whether the amendment should be placed on the Work Session agenda of 9/24, or the regular City Council agenda on 9/24. We anticipated that regardless of which agenda, the amendment would come before the Council at its 9/24 meeting.

On September 14<sup>th</sup> I received a text from the Mayor stating that he would place the amendment on the Work Session Agenda for the 10/8 Council meeting rather than the 9/24 meeting. In a subsequent phone conversation, the Mayor clarified that he had a personal interest in the amendment and would not be able to attend the 9/24 Council meeting as he was on vacation, which was his reason for delaying it until the 10/8 Work Session. As it is clearly not in the public interest to suspend city business to accommodate vacations this delay seemed capricious and arbitrary, underscored by the fact that the Mayor *pro tem* and the City Administrator had already indicated that it was appropriate to move forward as usual.

On September 14<sup>th</sup> after my conversation with the Mayor, I sent an email to all council members, the Mayor, and the City Administrator regarding postponement of the amendment whereby I stated, "I am concerned that this extraordinary measure not be taken as it sets a very bad precedent". In response, the Mayor sent an email arguing that the amendment "may be out of order" and that he might further postpone it beyond 10/8. The suggestion by the Mayor that the amendment is "out of order" not only seems retaliatory for my September 14<sup>th</sup> email to the council, but is also based on problematic assertions. Among those are the Mayor's claim that provisions in the amendment violate *Robert's Rules of Order*. This claim ignores Section 110.220 of our municipal code, which states that *Robert's Rules* is our parliamentary authority, **"in all cases where they are not inconsistent with Statute or with the Rules of Procedure herein or here after adopted."** Since the amendment seeks to amend the Rules of Procedure section as it pertains to public participation, there is no conflict. Ironically, several other objections by the Mayor challenged language of the code as currently written rather than the new language which is being proposed by the amendment, and therefore these objections are irrelevant.

It is vexing that an amendment that was thoroughly vetted in committee with participation by the City Attorney and then passed by the same committee, is now being mischaracterized as "out of order" by the Mayor. This is all being done after the City Administrator had already asked for the language so that it could be placed on the 9/24 Work Session agenda.

As the original maker of the amendment:

- 1) I hereby request that the amendment in question be placed on the Work Session agenda for the 9/24 Council meeting as initially indicated by the City Administrator.
- 2) I hereby request that the item "Status of the Administration / Public Work Committee's proposed amendment to the Rules of Procedure section of Wildwood's Municipal Code," be placed under "Miscellaneous" on the 9/24 City Council agenda.

Please give the "Free Speech Amendment" a fair shot. It is not "out of order" and should not have to face extra hurdles to be considered by the Wildwood City Council.