

**Switzer, Donna**

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**From:** Jim Mosher <jimmosher@yahoo.com>  
**Sent:** Sunday, October 4, 2020 2:45 PM  
**To:** supplementalcomm@surfcity-hb.org  
**Subject:** Comment on Oct 5 HB Council Item 14

I am very much a proponent of civility at public meetings, but I have these comments regarding your October 5, 2020, City Council agenda [Item 14](#):

1. As a resident of Newport Beach, I was surprised the City of Huntington Beach posts agenda materials without an accompanying staff report and with the materials that are posted, including the proposed resolution and ordinance, posted in a non-searchable PDF image format. That format appears contrary to [Section 6253.10](#) of California's Public Records Act.

2. As to the proposed [Ordinance No. 4220](#):

a. The "Findings" section claims the ordinance balances rights, but does not, as required by [Article 1, Section 3\(b\)\(2\)](#) of the California Constitution, explain how the proposed new restrictions to participating in meetings do so.

b. The prohibition against use of "profanity" when addressing the Council in clause (c) appears to be an impermissible content-based restriction on the public's right to free speech. In addition, the words that constitute "profanity" are not explained.

c. The prohibition in that clause and in clause (d) against what the City officials regard as "yelling" or "screaming" also seems suspect unless it is limited to cases in which the speaker's action actually prevents the progress of the meeting, rather than merely being unpleasant to the listeners. Clause (c) is written as two separate sentences that specify two separate prohibitions. Unlike the audience interruptions addressed in the first sentence, the second sentence does not say that yelling, screaming or profanity by a person invited to speak has to create a disruption before it can be prohibited.

d. Section 1 has two subsections "E" and the word "[Dais](#)" is misspelled in clause (b) of Section 2, suggesting the ordinance has not been carefully reviewed.

e. Considering the existing legal mechanisms for dealing with disruptions to the progress of public meetings provided by California [Government Code Section 54957.9](#) and [Penal Code Section 403](#), I would suggest the Council consider simply requesting civility at its meetings, rather than attempting to codify restrictions on participation.

-- Jim Mosher, Newport Beach

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 10/5/2020

Agenda Item No.: 14(20-1909)