

309 Cedar PMB #14B
Santa Cruz, CA 95060

September 16, 2004

Mayor Scott Kennedy
809 Center St.
Santa Cruz, CA 95060

Dear Mayor Kennedy,

I formally request that you correct the Brown Act violations that occurred at the July 13, 2004 City Council meeting during the Afternoon Session.

Specially, items #6, #15, #16, and #21 were denied any meaningful public comment period in violation of Sections 54954.3(a) and 54954(c) of the Ralph M. Brown Act in the Government Code. Those were the items that I specifically requested brief speaking time on as mandated by law. Instead of allowing me to speak on these items, you placed them at a time uncertain many hours ahead, making it impossible, as a practical matter, to address them as is my right. This violates Section 5.4954.3(a) which provides "Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before ordering the legislative body's consideration of the item..."

The only item you did allow me to speak on (item #11) was one which several business owners (the Overbecks) were also interested in addressing. The only person required to wait many hours to a time uncertain was me. This kind of preferential discrimination violates Section 54954(c) which provides "The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body..."

This practice of postponing selected consent agenda items for many hours to a time uncertain is one you have repeatedly used. The effect of such postponement is to discourage public comment on the items since waiting for many hours to a time uncertain is not possible for working people and has the practical impact of simply eliminating public comment on the item.

I request that these Brown Act violations be cured or corrected within 30 days by rehearing the item with adequate notice and adequate time for public input at a time certain. I also request you refrain from repeating such consent agenda manipulations in the future. The practice discourages public participation and leaves those who attend meetings or watch them on community television with the impression that City Council, under your chairmanship, is only willing to allow timely input from those with whom they agree.

In the past few years, the Mayor and City Council have routinely ignored earlier Brown Act correction requests, in my case, not even giving the courtesy of a response. If you refuse to correct the Brown Act violations mentioned above, please clarify in writing your rationale for selectively denying me personally the opportunity to speak on Consent Agenda items and whether you will be continuing this "you may speak only if you wait many hours until an uncertain time" procedure in the future.

Sincerely,
Robert Norse (423-4833)

Cc: *Santa Cruz Sentinel*, *Santa Cruz Metro*, Grand Jury, D.A. Bob Lee, *San Jose Mercury News*, Terry Franke, *First Amendment Foundation*, *Good Times*, *Mid-County Post*, *City on a Hill Press*