

**CITIZEN TESTIMONY
SUBMITTED FOR
SEPTEMBER 13, 2023
CITY COUNCIL MEETING**

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From: Daniel Howlett <danielhowlett@gmail.com>
Sent: Monday, September 11, 2023 11:12 AM
To: Luke Shepard <lukeshepard@corb.us>
Cc: Mary McGinnis <marymcginniscitycouncil@gmail.com>; Kristine Hayes <kristineforrockaway@gmail.com>; Penny Cheek <pennycheek@live.com>; Alesia Franken <alesiafrankenrbcitycouncil@gmail.com>; Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>; Tom Martine <tmartine13719@gmail.com>
Subject: Public Testimony for the September 13th council meeting

Mr Shepard,

Please include the following testimony for the 9-13 council meeting, including the 2 attachments.

Dear city councilors, city manager, and mayor:

I am writing to express my disappointment in the latest council decision to reduce the citizen speaking time at the meetings from 5 minutes to 4 minutes. This decision was based on a false pretense that too many citizens were taking up too much time, despite the fact that it's not a problem; few people ever speak at all. All five of the city councilors voted unanimously to reduce citizen input time from 5 to 4 minutes. Only mayor McNeilly advocated for the continuation of the 5 minute rule for citizen input. For the record, councilors Cheek and Martine wanted to reduce the speaking time even further from 5 down to 3 minutes. This decision does not reflect the will of the voters. Currently, only 2 out of the 5 councilors have ever had to run against an opponent to win their council seat.

This discussion to reduce the citizens' speaking time happened in the June 2023 city council workshop, a public meeting that does not allow for citizen input. These meetings are rarely well attended by the public, but they are available online. The subsequent council vote on updated city rules and procedures failed to specifically mention this important detail of restricting citizen free speech, and the people didn't realize the change until after the vote. In a functioning democracy, the topic of reducing citizen input speaking time should have been openly presented and discussed in a public forum that allowed for public commentary. In review of the draft proposal, it appears that it was the city staff who suggested the change from 5 to 3 minutes of speaking time. It appears that the city manager overstepped his authority. He should be taking direction from the councilors, not the other way around. See attached.

This decision follows a sad history of discrimination against the people of Rockaway Beach. In 2002, only after public pressure, the previous mayor Sue Wilson finally conceded and allowed citizens 5 minutes to speak, after years of illegally limiting citizens to 3 minutes, in a clear violation of city ordinance 33.30. When an ethics complaint was made in July 2022 to city manager Luke Shepard, no action was taken. See attached. This type of undemocratic behavior has consequences. In 2002, ex-mayor Sue Wilson and ex-councilor Terry Walhood both lost the election by a landslide.

The council should be encouraging people to engage more, not limiting their freedom of speech. Citizen Input is a critical part of local government, with checks and balances to keep our leaders honest. Sadly, the message you are sending is that you don't care. We need to support and elect local leaders that expand city engagement, not restrict it.

Daniel Howlett

Council meeting follow up

2 messages

Daniel Howlett <danielhowlett@gmail.com>
To: Luke Shepard <Lukeshepard@corb.us>

Tue, Jul 26, 2022 at 9:19 AM

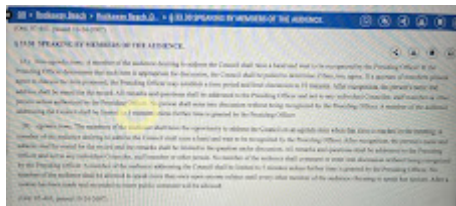
Mr Shepard,

1. I'm following up from the council meeting discussion about an election debate. I would like to move forward with planning a candidate debate. I would hope that this event would be shot on video and posted online for citizens who can't attend to watch. It would be great if we could find an impartial moderator to lead the debate. What would be the best way to do this? Will the city give resources to support a debate? A few names of previous debate organizers were mentioned at the meeting. How do we start the process?

2. I'm increasingly concerned with the competency of our elected leadership and I'd like to make a formal ethics complaint against mayor Sue Wilson. The attached Ordinance 33.30 says that any local citizen who wants to speak at a city council meeting is allowed up to 5 minutes of time. The mayor has taken it upon herself to violate this ordinance and restrict citizen speaking time to 3 minutes. This move to stifle free speech is illegal and anti-democratic. It is a violation of our protected right to freedom of speech. No one is above the law, not even the mayor. What is the consequence of violating this ordinance?

Daniel

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Luke Shepard <lukeshepard@corb.us>
To: Daniel Howlett <danielhowlett@gmail.com>

Tue, Aug 2, 2022 at 8:29 AM

Daniel Howlett,

Thank you for reaching out. Please see my responses below in red.

Sincerely,

Luke Shepard, City Manager

City of Rockaway Beach

P.O. Box 5 1 Rockaway Beach, Oregon 97136

P: 503.374.1752 / Lukeshepard@corb.us

From: Daniel Howlett <danielhowlett@gmail.com>

Sent: Tuesday, July 26, 2022 9:19 AM

To: Luke Shepard <lukeshepard@corb.us>

Subject: Council meeting follow up

Mr Shepard,

1. I'm following up from the council meeting discussion about an election debate. I would like to move forward with planning a candidate debate. I would hope that this event would be shot on video and posted online for citizens who can't attend to watch. It would be great if we could find an impartial moderator to lead the debate. What would be the best way to do this? Will the city give resources to support a debate? A few names of previous debate organizers were mentioned at the meeting. How do we start the process? **Oregon election law does not allow the city to allocate resources to these types of activities or compel candidates to participate. Cities and their staff must remain neutral. There may have been debates in the past election years, but I believe they were hosted by a third party.**

2. I'm increasingly concerned with the competency of our elected leadership and I'd like to make a formal ethics complaint against mayor Sue Wilson. The attached Ordinance 33.30 says that any local citizen who wants to speak at a city council meeting is allowed up to 5 minutes of time. The mayor has taken it upon herself to violate this ordinance and restrict citizen speaking time to 3 minutes. This move to stifle free speech is illegal and anti-democratic. It is a violation of our protected right to freedom of speech. No one is above the law, not even the mayor. What is the consequence of violating this ordinance? **While I can't give you legal advice, please be aware that context is important, and one must consider how an individual sentence fits within the whole of the code or section in question. I will say that this particular code could do with an update.**

[Quoted text hidden]

Rules of Procedure for Council Meetings

- 3.12.E. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing
- 3.12.F. Speakers are limited to **three** minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the **30-minute** period.
- 3.12.G. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.

~~3.12.H. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.~~

3.13 **Decisions.** The Council shall not make a decision on any item that affects the public, or any individual member of the public, unless the item is on the posted agenda, except in the case where an emergency is declared.

3.14 **Voting Generally.**

- 3.14.A. The vote on every motion shall be taken by roll call. Members shall not explain their votes during roll call. Names of voters in favor and against shall be entered in full upon the record. Any member of the Council may change his or her vote prior to the next order of business.
- 3.14.B. An affirmative vote of the majority of the full council eligible to vote shall be required to adopt ordinances, order appropriations, authorize loans, fill vacancies on the council, further reconsider a motion, or amend these Rules.
- 3.14.C. An affirmative vote of the majority of the Council present eligible to vote shall be required to adopt the consent calendar, adopt resolutions, and pass any motion before the Council other than those referred to above.
- 3.14.D. An affirmative vote of two-thirds of the Council present shall be required in the event of an emergency.