

CITY OF SEBASTOPOL CITY COUNCIL  
AGENDA ITEM REPORT FOR MEETING OF: April 2, 2024

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To: Honorable City Councilmembers  
From: Mayor Rich  
Subject: Suspension of Zoom Virtual Format for City Meetings

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**RECOMMENDATIONS:** That the City Council Consider Suspension of Zoom Virtual Format for City Meetings and Retention of In Person Only Meetings for approximately two months.

**EXECUTIVE SUMMARY:** In recent months, there has been an uptick in racist, hateful, and sometimes vulgar and offensive remote public comments during public meetings, not just the City of Sebastopol but also throughout California. This is commonly known as "Zoom bombings" — people interrupting online meetings by saying or displaying lewd, racist, or offensive material. It has become an ongoing problem throughout the state and around the country and unfortunately for Sebastopol it is progressively getting worse.

These incidents interfere with the public’s right to weigh in on important local issues, slow routine business, and take a mental toll on city officials, staff and members of the public. The volume of these comments have prevented the city’s ability to conduct orderly and efficient public meetings. Also, this speech could be perceived as demeaning, discriminatory, or harassing.

**BACKGROUND AND DISCUSSION:**

Prior to the most recent meeting of March 19, 2024, the Council and public endured "Zoom bombings" which disrupted the public comments portion of the Council agenda whether it was for public comment for items not on the agenda or public comment during agenda items. These zoom bombings contained what could be termed as hate speech, vulgar comments, and foul language. At recent meetings, the Mayor and City staff muted those individuals but not until such time that some of the offensive comments were made in public. In light of those zoom bombings the Council heard an agenda item on December 19, 2023 to return to in person meetings only. The Council at that time voted to retain the hybrid format (in person and zoom meeting format).

Current Council protocols for public comment are as follows:

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA (FIRST COMMENT PERIOD)

*Up to Twenty (20) Minute Time Limit (Two Minutes for up to ten speakers). Additional public comment will be held at the end of the discussion and action items for up to an additional twenty (20) minutes. Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or number of speakers.*

*Process for calling on Speakers: Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker in person to be called on first then one speaker remote to be called on second with additional speakers to be called on in the same manner) based upon the time limit.*

ADDITIONAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA (SECOND COMMENT PERIOD):

*At the end of the meeting after the Regular Calendar Agenda item Discussion and/or Action Section of the Agenda, three minutes per speaker for up to twenty (20) minutes total for public comments but can be reduced at Mayor's discretion depending upon the number of speakers or Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or*

*number of speakers.*

*A total of 40 Minutes will be allocated for Public Comments for Items Not on the Agenda (This includes 20 minutes at the beginning of the meeting and 20 minutes at the end of the meeting). Mayor has discretion to allow for additional time beyond the 20 minutes allocated for each public comment period dependent upon the subject matter or number of speakers.*

*Yielding Time: Speakers may not "yield" a portion of their allotted time to others.*

*The Mayor has the authority to limit or extend the time allowed for speakers dependent on the number of speakers in attendance.*

At the last meeting, the Council once again experienced a disruption of meetings due to public comment. Since that meeting, the Mayor has requested that the City suspend use of the in person/zoom virtual format for City meetings and return to in person only meetings for all city meetings. The request is that in theory the Zoom platform has facilitated or provided opportunities for inappropriate public comments causing distress to, and having a chilling effect on, public comment by those in attendance or viewing on line, and causing elected officials and staff running the meeting with the challenging difficulties of having to assess every individual comment and its effect, on a moment's notice.

The City values public participation and the primary goal of any of our public meetings is to encourage participation in our local governance but we are now faced with deciding how to move forward such as continuing to allow the live remote public comment and brace for comments, or limit online access to viewing only.

The point of a public meeting is to allow members of the public who have an interest in local government to be able to speak their minds about what's happening and to present ideas of ways to do things better in a safe, non confrontational or abusive environment. Sebastopol is an inclusive City, values the input of the community, but also has a duty to protect the Council, staff, and members of the general public who may be greatly affected by the recent comments in public comment.

Current Government Code for use of AB 2449 states:

*The City's current in person and virtual/remote meeting is compliant the Brown Act. Traditional Brown Act and AB 2449 requirements can be utilized for all City meetings as long as required notice and posting is conducted per the Brown Act.*

*Please Note, the Brown Act authorizes the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting. Specifically, Government Code section 54957.95 provides:*

*"Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).*

*(b) As used in this section:*

*(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:*

*(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.*

*(B) Engaging in behavior that constitutes use of force or a true threat of force.*

*(2) "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat."*

AB 2449 prohibits councilmembers from participating virtually in meetings pursuant to the provisions of AB 2449 unless the option to participate virtually through an audio-visual platform is also available to members of the public. Accordingly, if zoom participation is suspended for members of the public, Councilmember will not be able to attend Council meetings virtually pursuant to AB 2449. Councilmembers may continue to participate remotely in compliance with the Brown Act's traditional teleconference requirements.

A suspension period could reduce online disruptions to meetings and allow the Council to devote its attention to the important work of the City. If the Council supports in person meetings only, City staff would remove the zoom virtual format and retain Live Stream for streaming to the internet.

Suspending the use of Zoom for acceptance of public comment for City Meetings does not legally require the City to terminate the use of Zoom completely. Zoom can continue to be used for members of the public to view Council meetings, without the ability to provide comment. Similarly, the City can continue to allow consultants to participate in meetings via Zoom, even if the public is not allowed to comment through Zoom.

**STAFF ANALYSIS:**

Staff did not have the time available analyze the impacts from suspension of the zoom virtual meeting format and return to in person meetings only. Suspending the acceptance of public comments via Zoom will eliminate that avenue for public comment, members of the public may continue to provide comment via email if they are unable to attend the meeting in person.

**Items for consideration / analysis would be (not all items are listed below that would need to be reviewed or protocols changed):**

Length of Suspension (contracts would need to be reviewed for Audio/Visual consultants/closed captioning (if required); this could be a cost savings, but not yet researched

Occupancy of Youth Annex (Based upon occupancy load, the current occupancy load is 61; however, that number will be reduced depending upon number of tables, podium, screen/projector; fire access.

If in person, review of use of speaker cards for members of the public to speak (policy/process for speakers)

Consultants costs for attending in person only meetings

Impact on seniors; parents; community members who may be travelling and want to comment on an City related item, to name a few

Return to Traditional Brown Act requirements for Council attendees

**COMMUNITY OUTREACH:**

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

**FISCAL IMPACT:**

There is no known fiscal impact at this time as the City staff has not had time to research contracts for potential contractual savings (if any). However it would be assumed that there would be some costs savings with removal of zoom virtual meeting format.

**OPTIONS:**

1. Direct staff to prepare temporary amendments to the public comment protocols for in person meetings only;
2. Direct that the City Council continue to use in person and zoom virtual meeting format; or
3. Provide different direction to staff regarding zoom virtual meeting format.

**ATTACHMENTS:** None

APPROVALS:

Department Head Approval: Approval Date: 3-28-2024

CEQA Determination (Planning): Approval Date: 3-28-2024

The proposed action is not a project under the California Environmental Quality Act (CEQA)

Administrative Services (Financial) Approval Date: 3/28/24

Costs authorized in City Approved Budget:  Yes  No  N/A

Account Code (f applicable) \_\_\_\_\_

City Attorney Approval: Approval Date: 3-28-2024

City Manager Approval: Approval Date: 3-28-2024