

From: [REDACTED]
To: [City Council](#)
Cc: [Diana Rich](#)
Subject: Comment re Controlling Zoom Hearing Public Comments
Date: Monday, April 1, 2024 5:59:13 AM

Hello Council,

I reside on First Street and only occasionally attend city public hearings in connection with my work. At the outset, I didn't see the March 19 hearing but I'm so sorry that you and our community were subjected to the type of harassment described in Diana's e-news email.

Here are my thoughts:

My default preference is to maintain public comment via Zoom *but* not if doing so creates an unsafe, offensive environment which causes others with legitimate comments, or simply an interest in the legislative process, from participating. As with disruptive college students shouting down visiting speakers with whom they disagree, a member of the public's exercise of their First Amendment rights must be curtailed at the point where it interferes with others' exercise of *their* First Amendment rights.

If the only way to avoid an obnoxious minority from interfering with others's rights, or the orderly conduct of city business, is to shut down Zoom participation, then so be it. Comments can still be made in person or in written form.

From a technical perspective, though, is there not a solution available through the existing technology? Can the clerk not shut off the offending commenter's Zoom feed and/or kick them out of the hearing altogether? I know the BOS allows public comment only by opening up the platform one person at a time for comment and, presumably, can turn off that person's mic once they reach the 2-minute mark. They also defer all "open mic" comment unrelated to agenda items to the end of their hearings.

I realize that as a practical/legal perspective, it may be tricky to empower the clerk to turn off a commenter's mic (i.e., where is the line between heated commentary versus harassment?), but wouldn't this same dilemma exist if there were no Zoom participation and people were left to make their disruptive comments in person? In either case, either the clerk (or the Mayor?) would need to decide in the moment to shut down the harassing commentary and, if the commenter refused to leave the podium, presumably security would need to escort them away from the microphone and possibly out of the hearing forum. Is there not a Zoom equivalent to achieve that same result online?

Another idea might be to allow oral public comment to be submitted by

means of a 2-minute audio file either emailed or uploaded to the Clerk, which can then be played during a meeting and made available on the city website. Of course, that would require some time for staff to first screen the audio clip to ensure it is not part of a Zoom-bombing effort.

In short, then, I prefer maintaining Zoom participation if it can be controlled to avoid future bombing. If it cannot, then I vote to turn off Zoom participation for the public (maintaining live streaming). Removing Zoom commentary would return us to the process used by the city, and nearly all jurisdictions, before 2020 and which for years seemed to work fine. Perhaps not as convenient, particularly for those unable to attend in person but who want their comments heard audibly, but certainly better than repeating what transpired on the 19th.

Thank you for thoughtful consideration of this matter and, as always, for all your hard work to govern this wonderful, small town of ours.

Regards,

Bob Haroche

