

# SLT council 'on air' no matter the topic

By Kathryn Reed

The brouhaha created at the April 5 South Lake Tahoe City Council meeting regarding televising public comments about non-agenda items was quelled this week when the electeds unanimously agreed to keep the camera rolling.

While legally the council has no obligation to televise any portion of its meeting, filming has occurred since 1998. The meetings are now available online – live and after the meeting – and on the cable public access channel. Audio recordings are also available, as are the minutes.

The abrupt stoppage of the airing of non-agenda item comments created a flurry of emails to the council and staff. There was outrage over it not being discussed or voted on by the entire council.

The original decision came about because some members of the public are slanderous with their comments. It's also an opportunity for people to get on a soapbox about an issue or cause.

Between the city manager, city attorney and city clerk the electeds got a refresher April 19 about the Brown Act, California's open meeting law. What was drilled into them is that they can shut down abusive language and content. The right to speak is one thing, while the actual words are another.

"There is no safe harbor for slander," City Attorney Tom Watson said.

With that, he cautioned that if someone were to make a

slandrous statement, the city could be held liable by broadcasting it.

That is in large part why previous councils from June 2003 to February 2011 did not air comments about items not on the agenda. A resident went off on his ex-employer at a meeting that was broadcast and the business owner was livid with the city.

The current council, though, believes the public's right to hear what others are saying outweighs the threat of recrimination.

Per the Brown Act the council could never take away these non-agenda item comments entirely, only the airing of them. Creators of the Brown Act saw the need for the public to be able to have interaction with electeds without having to go through staff, which is why the comment period is mandatory for all legislative bodies in the state.

Watson also talked about how the council may respond to these comments in a limited manner, especially if it means to correct misinformation. There just can't be lengthy dialog pertaining to non-agenda items otherwise that would be a Brown Act violation.

Bill Crawford, who was on the council for two terms, reminded the mayor that she has the power of the gavel, and if things really get out of hand the sergeant at arms – aka police chief – has the authority to remove someone from the podium and/or room.

Resident Ed Mosur said he wants to retain his right to criticize staff and not be told what he can or cannot say.

A change in policy going forward is people will have four minutes to make comments about non-agenda items instead of three.