

LOCAL NEWS

Exhibit A

The Daily Review

www.newschoice.com

City editor (510) 293-2420

FRIDAY November 20, 1998

Exhibit-02

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Protest over council's speaker policy

By Jeanie R. Wakeland
STAFF WRITER

SAN LEANDRO — Frequent local government critic Lou Filipovich is protesting San Leandro's latest change in rules for people who want to speak at City Council meetings.

The council now requires all who want to speak at a meeting to fill out a card giving name, address, phone number and agenda topic.

Filipovich says he believes that violates the Ralph M. Brown Act, which governs all meetings of legislative bodies in the state. At Monday night's City Council meeting, he twice tried to speak to the council without filling out a card. That resulted in a sharp verbal confrontation with City Attorney Steve Meyers.

San Leandro citizen says demand to register violates the Brown Act

"Mr. Filipovich, please fill out a speaker's card," Meyers said.

"I signed up as 'Citizen.' I'm not a citizen of San Leandro?" Filipovich asked.

"Yes, but that's not your name," Meyers said. "You must sign the card with your name."

Filipovich has filed a protest with the city and is calling for a referendum on the rule.

"The council's and the mayor's newly enacted agenda rules for public participation . . . for speaker cards are in viola-

tion of the (Brown Act)," he said in his written protest. "It also infringes and stifles the individual's right to speak. Free speech is a right protected by both federal and state constitutional law."

Filipovich, who speaks at nearly every council meeting and usually uses his full five minutes, said he also thinks time limits are a violation of free speech rights.

In one section of the Brown Act, the law says legislative bodies such as the City Council cannot require anyone to register his or her name or fill out a

questionnaire in order to attend the meeting.

But according to Meyers, a 1990 California Supreme Court decision allows cities to require registration cards for speakers.

"The state court upheld it as a reasonable regulation," he said. "The speaker card is not a condition of attending. It's a condition of speaking."

Meyers' view has support from Terry Francke of the California First Amendment Coalition. Francke, the main author of the 1994 revisions to the Brown Act, said the open meeting law prohibits requiring people to sign a roster as a condition to being admitted to a meeting.

"(But) it says nothing about requiring

Please see **Speak**, LOCAL-2

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ATTENTION READERS

The Daily Review as yet, has failed a request to make and publish corrections regarding this (Jeanie Wakeland) Staff Writer's newspaper article; based on the following facts:

It Shall Be Noted --

Staff Writer Wakeland choose to use the word "Citizen" rather than "City Citizen" in her newspaper article and is clearly stated above.

In the verbal and witnessed so-called "sharp" confrontation with City Attorney Steve Meyers, Lou Filipovich said. "I signed up as CITY CITIZEN. Am I not a CITY Citizen of San Leandro?"

As of this day, there's been no official response from the City or City Attorney concerning this matter of regulating City Citizen participation in public proceedings!

Speak: Card lets body know speakers, topics addressed

Continued from LOCAL-1

some kind of identification in order to speak. The (legislative) body has a right under the law to manage time effectively. Knowing who the speakers are, and the topics they wish to address, helps them marshal the time effectively in everyone's interest," said Francke.

"Speakers can't reasonably expect anonymity in such cir-

cumstances," he said. "Of course, if the card-shuffling is manipulative to suppress certain viewpoints, that's a different matter."

Filipovich is a frequent candidate for public office. He ran for mayor of San Leandro and for a seat on the board of Oro Loma Sanitation District in June, and the San Lorenzo Unified School District board in November.

Dated December 3, 1998 --