

ATTACHMENT 3

Open Letter to the following addressees, delivered to the Hesperia City Hall and the Daily Press's Victorville Office and mailed to the Sun, Press-Enterprise, and LA Times this Monday morning, and intended for inclusion in my Ephemeral Press of February 7th, to be distributed at tomorrow evening's Hesperia City Council Meeting:

February 6, 2017

Paul Russ, Mayor, Hesperia City Council
Russell Blewett, Mayor Pro Tem
Larry Bird, Council Member
Bill Holland, Council Member
Rebekah Swanson, Council Member
Nils Bentsen, City Manager
Eric L. Dunn, City Attorney

Re Your honor oaths of office to "support and defend" our Constitution against all enemies, foreign *and domestic*.

With copies to:

Los Angeles Times, Los Angeles
Press-Enterprise, Riverside
San Bernardino County Sun, San Bernardino
Victor Valley Daily Press, Victorville

Dear Council Members,

According to the agenda for Tuesday evening's City Council Meeting, Item 8, you five elected Council Members propose to adopt the new 2017 City Council Procedures Manual for conducting public meetings with only five minor housekeeping changes from last years Procedures Manual, on pages 13, 20, 41, 34 and 47.

In my lay opinion, any City Council Member who didn't have their fingers crossed when they pledged, on their honor, to "support and defend" our Constitution against all enemies, foreign and domestic, would insist on at least the following substantive additional changes to bring the Procedures Manual into compliance with the First Amendment, or decline to vote for the Manual's approval.

The text in red to be deleted, with this text added.

Page 14: Conduct of City Council: City Council Members shall:

- Treat each other and everyone with courtesy; ~~and refrain from inappropriate behavior and derogatory comments;~~
- Be fair, impartial and unbiased when voting; ~~on quasi-judicial actions;~~
- ~~Use the electronic speaker sequencing system to inform the Mayor of their wish to speak and shall be acknowledged by the Mayor before speaking;~~
- Move to require the Mayor to enforce the rules and the Mayor shall do so upon an affirmative vote of a majority of the Members present;
- ~~Preserve order and decorum during the meeting;~~
- ~~Not delay or interrupt the proceedings or the peace of the City Council meetings, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the City Council or the presiding~~

~~officer, except as otherwise herein provided;~~

- Support the laws established by the City Council;
- Abide by the Rule of Procedure in conducting the business of the City of Hesperia; and
- Refrain from the use of personal cellular telephones, personal computers, and other personal electronic devices during public hearings unless used solely to view agenda packet contents or content or materials related to an agenda item.

Pages 17, 18: Members of the public:

~~• Attending City Council meetings shall observe the same rules and decorum applicable to the Members and staff as noted in this Chapter;~~

- May attend meetings at any teleconference locations in accordance with the Brown Act;
 - Wishing to speak to an agenda item may submit a Request to Speak slip to the City Clerk, with individuals called to the rostrum in the order received, or wait until the last Speaker Slip is called and the Mayor asks if anyone else wishes to speak, and raise their hand;
 - ~~Must~~ May approach the podium when recognized by the Mayor; ~~and speak only from the podium. Stamping of feet, whistles, yells or shouting, and / or similar demonstrations are unacceptable public behavior and will be prohibited by the City Council;~~
 - Wishing to submit an item for consideration at a future City Council meeting ~~provide documents to the Council~~ shall comply with Chapter 8 Section B of these Rules;
 - Speakers wishing to submit electronic media as part of their public comment, must submit it to the City Clerk's Office via thumb drive or compact disk (CD) at least 24 hours prior to the City Council Meeting in order to be screened for computer virus. ~~and offensive, or inappropriate content.~~ The City Clerk will have it available at the next City Council Meeting during the public comment portion of the meeting. The City is not responsible for inaccurate information displayed as part of a public comment presentation;
 - Must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Council meetings; and
 - ~~Wishing to speak to the Council should complete, and turn into the City Clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda (public comment) item which they wish to address; and~~
 - May contact the staff person with questions concerning Consent Calendar items prior to the meeting to reduce the need for discussion of Consent Calendar items.
- ~~Lobbyists must identify themselves and their client(s), business or organization they represent before speaking to the Council.~~

Further, an honorable City Council Member would insist on the following changes to the meeting rules printed on the meeting agendas:

Prior to action of the Council, any member of the audience Public Assembly will have the opportunity to address the City

Council and ~~members of the legislative body~~ Public Assembly on any item listed on the agenda, including items on the Consent Calendar moved at the speaker's request to the New Business portion of the meeting for a full hearing including a staff report. ~~including those on the Consent Calendar. Comments are limited to three (3) minutes for Public Comments, Consent Calendar, and New Business and five minutes (5) for Public Hearings. Please submit a Comment Card to the City Clerk with the Agenda item noted.~~

Individuals submitting Request to Speak Slips to the City Clerk will be called to the rostrum in the order received. However you may wait until the Speaker Slip requests are exhausted and raise your hand when the Mayor asks if anyone else wishes to be heard.

If necessary in order to accommodate all wishing to be heard in the three hours set aside for the meeting, a five minute limit may be imposed on rostrum speakers for that meeting.

Stating your name before making your presentation is helpful for follow-up, but not necessary.

~~Public Comments: Please complete a "Comment Card" and give it to the City Clerk. Comments are limited to three minutes per individual. State your name and address before making your presentation. Disclosure of your address is optional, but very helpful in the follow-up process.~~

concurrence of more than one member" a Brown Act violation may also be a felony conspiracy by two or more people, in violation of Penal Code 182, to prevent the due administration of the Brown Act.

Conclusion

With these additional changes to the Procedures Manual and the meeting rules printed on the Council's Meeting Agendas,... "the open exchange of diverse opinions" *allowed* at these City Council meetings... that "knowledge in the making" intended by the First Amendment's three meeting rules will produce the wisest community decisions, measured by the needs and goals of the community. Or either our Founding Fathers were fools.

And without these proposed additional changes,, the adoption of the 2017 City Council Procedures Manual at the City Council's February 7th meeting as proposed will make crystal clear that each of you five Council Members no longer have the honor you once pledged to "support and defend" our Constitution, but have become what each of you were were supposed to defend our Constitution against, it's domestic enemies.

For a better Hesperia,



Bob Nelson
15381 Wells Fargo St
Hesperia, CA 92345

PS: It is absolutely true, as the new Procedures Manual again points out three times, that according to the Brown Act, it's violation is only a misdemeanor.

Equally true, and presumably at least important for you five and the community and free press to know, as then California Attorney General John Van de Kamp warned in his "Open Meeting Laws" booklet published in 1984 by the AG's Office, on page 25, "because meetings usually require the