

Corey Shaver

From: David Brennan
Sent: Monday, August 15, 2011 12:44 PM
To: Corey Shaver
Cc: Hal DeGraw
Subject: FW: Agenda

Corey,

This should be put in Council correspondence. I will advise the Mayor of its' existence.

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From: Robert Lobell [mailto:robertgvnc@hotmail.com]
Sent: Monday, August 15, 2011 9:33 AM
To: David Brennan
Cc: stephen greenberg
Subject: Agenda

Dear Mr. Brennan:

On your advice, please place the letter found below on the City Council meeting agenda as formal correspondence; Mayor McKay is being asked to respond in public. Thank You, Robert Lobell, Nevada City.

August 13, 2011

City Council; City of Nevada

Dear Council Member:

Regarding the Nevada City, City Council meeting August 10, 2011:

Knowing that Stephen Greenberg opposed a proposed local ordinance which criminalizes obstruction of public property in Nevada City, Mayor David McKay apparently assumed that Greenberg had misrepresented the ordinance when conducting a survey of downtown businesses. Specifically, McKay essentially accused Greenberg of having falsely portrayed the ordinance as being anti-loitering, as opposed to being merely anti-obstruction, on the belief that anti-loitering would have less public support. Consequently, McKay dismissed Greenberg's survey as biased, which showed, contrary to McKay's expectations, little support for the ordinance by Commercial Street business owners and employees.

When Greenberg attempted to correct McKay by asserting that he had shown the actual ordinance with its anti-obstruction language to those he had surveyed, McKay gaveled Greenberg down for having attempted to speak after the public comment period had closed, denying Greenberg a fair response to McKay's accusation. Using McKay's reasoning, Greenberg would be justified in assuming, because McKay favors the new ordinance, that McKay was therefore compelled to discredit Greenberg's survey. However, instead of asking Greenberg to explain how the survey was actually conducted, McKay instead chose to discredit the survey by discrediting Greenberg.

Had the City Council's procedures for conducting their meetings been less restrictive, Greenberg would have been able to set the record straight. Currently, once the period for public comment is closed, Council members then discuss the issues among themselves, including their responses to the public commentary. However, the public may then no longer comment on the Council members' comments. Granting that time does not allow for endless debate, should procedures not afford the public the opportunity to correct apparently false or inaccurate statements by the Council? What is the purpose of procedure if not to assure that all pertinent information has been taken into account in order to arrive at sound decisions - the Council should change its procedures to allow for a one minute response by the public, especially when a Council member's apparent mis-statement references a particular individual, as with Greenberg.

That Greenberg was not allowed to respond to McKay may have served McKay's interests, but it certainly did not serve the interests of the public. McKay's actions border on slander, and he owes Greenberg a formal public apology. He also needs to afford Greenberg the opportunity to confirm the survey procedure, and to include it in the public record.

Thank You,
Robert Lobell
101 Providence Mine Road, Nevada City