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To: Elisa Tinti, City Clerk  
Andrea Shaut, Council President  
Laws and Rules Committee Members

RE: Public Comment for Laws and Rules Public Hearing

DATE: August 25, 2022

I am providing a transmission which I sent prior to your August 17 Laws and Rules meeting for your consideration to discuss.

Because there has not been a resolve to the negligence of the City Clerk's Office failing to give proper notification to the affected property owners regarding the public hearing scheduled for this evening, I suggest that the City Clerk's Office refresh themselves on how to plan and conduct a public hearing by referring to the [Department of State's Guide: Conducting Public Meetings and Public Hearings.](#)

In this guide, it clearly states the following:

"Nearly all of a municipal board's work is performed in meetings or hearings that are open to the public. Such meetings are subject to several state and local procedural requirements, as well as the political climate of the locality.

Taken together, these requirements can confuse, intimidate and stymie even the most experienced of boards. For this reason, it is the intent of this publication to educate and refresh municipal officials on several of the procedures governing public meetings and hearings. Only with a working knowledge of state procedural requirements will municipal officials be free to focus on the current issues and political needs of their communities.

CONDUCTING A PUBLIC HEARING The following is a list of steps and suggestions to help in preparing for a public hearing. 1. Determine Hearing and Notice Requirements — The board should consult with its attorney in order to determine what hearing and notice requirements must be satisfied, as well as the **possible necessity of sending special notices to specific individuals, other municipalities, boards or other levels of government affected by the proposed action.**

CONCLUSION Actions taken at meetings at which the Open Meetings Law is not complied with are at serious risk of being overturned in court. Fortunately, the goal of most local governments is service to the community, not the mere avoidance of legal hassles. For this reason, municipal officials should regard open meeting procedures as serving more than just the State's objective of keeping local government business open to the public. These procedures give the public the full opportunity to observe and to participate in its own governance, and they help confirm the local government's accountability to its constituents. In addition, fairness in applying hearing procedures results in proper accord for the rights of all parties, a better airing of public opinion on community issues, and ultimately greater public confidence in the decisional process."

Elisa Tinti, City Clerk  
Andrea Shaut, Council President  
Laws and Rules Committee Members

Page 3 August 25, 2022

Copy of previous transmission on August 17, 2022  
for Laws and Rules Meeting

Greetings...

Because most committee meetings do not permit the public to make comments, I am bringing this concern to your attention for tonight's Laws and Rules meeting in the hope that you will deliberate and come to a resolution regarding the public hearing scheduled for Thursday, August 25.

When the legal notice for the August 25 public hearing appeared in the newspaper of record on August 9, 2022, you had to search to the very end of the posting for the subject matter, which was very vague.

I followed up on the scheduling for this public hearing and viewed the posting on the City website which indicated you could send comments to the City Clerk by **12 noon Thursday, August 25**. However, the legal notice that was mailed to some residents over the weekend indicated that comments could be sent in by **3 pm on August 25**.

To add to my frustration regarding the manner in which this public hearing has been handled by the City Clerk's Office, my neighbor received a copy of the notification in the mail on **Saturday, August 13**. After submitting the below FOIL request, I received the notice and a brief list of people who were notified from the City Clerk Monday afternoon. After viewing the short list, I noticed that very few of my neighbors, including myself, and other residents who live in the immediate vicinity of the Golden Hill housing development project, received notification. I brought this to the City Clerk's and Council President's attention as this is not **acceptable** when all residents and stakeholders should be advised that this public hearing is taking place.

Quite frankly, a simple remedy would be to refer to the September 29, 2020 Public Hearing Notice and list of people the communication was sent to regarding the rezoning of parcels around Golden Hill and Lawton Park which had been initiated by former Ward 5 alderman. You don't need to re-invent the wheel when you have previous documents to refer to.

Two days later, I am still waiting for an explanation why this oversight occurred and how it's going to be resolved. (End of transmission)

Submitted by Ellen DiFalco  
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