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Newport to review decision process

Council members will talk tonight about making it harder to call for a second look at city judgments.

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Daily Pilot

NEWPORT BEACH — The City Council tonight will consider making it harder to call for the review of council and commission decisions to quell the number of second looks going on at city meetings.

It now takes only one City Council or Planning Commission member to call for the review of a decision made by a "lower" committee or group. A review is a more neutral way to take a second look at a decision than an appeal, where the appellant makes an argument why the previous decision was wrong.

The council is considering tightening the requirements because some officials were abusing the review process, Mayor Tod Ridgeway said.

Some residents see the effort as a means of repressing difference of opinion.

"I think the city has survived an awfully

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long time having just one [official] bring it up and it doesn't happen that often," Greenlight slow-growth movement spokesman Phil Arst said. "They're just trying to stifle dissent."

The present procedure has been in effect since 1998.

The Planning Commission has recommended requiring two City Council members to ask for a review. The commission could

still review decisions with just one member initiating the process.

One possible sticking point is that while this option would illustrate increased support by the council, it would create the potential of members discussing the initiation of the review outside of open meetings. This could violate the Brown Act, the state's open-meeting law, according to the staff report.

But Brown Act authority Terry Francke said this option would only violate the Brown Act if the council created a committee to

initiate reviews and this committee met in secret.

"Just randomly two [council members] getting together on their own or even three to talk about revisiting something else would not be a Brown Act violation," Francke said.

The proposed change would require that any request for reviews be initiated by two members of either the Planning Commission or the City Council at a regularly scheduled meeting to avoid potential violations of the Brown Act, according to the staff report.

This option would require extending the review period to 21 days to avoid cases where the next regular meeting of the Planning Commission or City Council is scheduled more than 14 days after the date of a decision. In 1994, the opportunity to review a decision was limited to 14 days.

Another option is to have a review be initiated by a simple majority vote at a regularly scheduled meeting. A single member would have the authority to extend the 14-day time limit to the next regularly scheduled meeting so a vote could be taken.