

Mount Vernon, 9/25/22

From:

Axel Ebermann, Resident of Mount Vernon

Dear Public Officials,

In your referral package for the City Council Committee Meeting on September 26, are two items (*Recording at City Hall and Safety Glass for the Clerk's and Registrar's Office*) that I would like to address because they continue an unfortunate trend at Mount Vernon City Hall:

Restriction of access and transparency in a public space.

Let me share the experience of a Mount Vernon resident when going to City Hall during business hours.

The Entrance

As a so-called visitor, you are not allowed to enter through the main entrance into the beautiful lobby, you are directed to the dingy back entrance. This already makes clear that as a resident you are a second-class citizen. Employees and other dignitaries can still enter through the front door. This was not always like this. When did this policy change, and is there a valid reason for it?

The Interrogation

Once inside you are accosted by a uniformed Mount Vernon Police Officer who wants to know every detail of why you are going to City Hall:

- Your name
- Which department you want to go to
- Who you are going to visit
- The exact nature of your visit

This is entirely unreasonable. As a Mount Vernon resident and taxpayer, I should not have to subjugate to an interrogation by a uniformed and armed police officer just to be allowed to enter a public space, such as City Hall. Residents may not be comfortable discussing the reason for their visit with the police officer. It certainly does not help that the officers in this position tend to be condescending and abrasive. Again, it was not always like that. What happened?

Recording at City Hall

The City Clerk proposes prohibiting all audio and video recording at City Hall except during public meetings. Considering that City Hall is a public space this seems excessive and unreasonable. The fact that city hall employees may dislike this kind of activity is not a valid enough argument to restrict recording at City Hall wholesale. Charging residents with trespassing while recording at City Hall seems excessive and hostile.

Most activities performed at City Hall constitute 'public service'. Government should by default be as transparent and accessible as possible. If employees at City Hall are uncomfortable with the 'public' portion of 'public service' they may be better suited for a different line of work. Just to clarify: Of course, there need to be certain restrictions on what can be recorded at city hall. However, this should be addressed in a nuanced fashion, not in this draconic, wholesale fashion.

Safety Glass for the Clerk's and Registrar's Office

This would be another element that would signal to the public that they are unwelcome. What specific threats do the employees of those offices face that they would need to be behind safety glass while conducting business? There are already plexiglass barriers for Covid safety. When was the last time an employee of those offices was injured in the line of duty? Is there a real threat – or do certain staff members just prefer to be physically separated from the public they serve?

In the latter case, the funds should ideally not be used for safety glass barriers but for education sessions on customer service.

RSVP Requests for Public Hearings

Another new unfortunate development is that residents are being asked to RSVP for public events. The recent hearing on the formation of a Civilian Complaint Review Board (CCRB) is one example of that (see attachment).

The public should never have to RSVP to attend a public hearing. I know the clerk's office stated that they wanted to gauge attendance, but that was not clarified anywhere on the flyer and would still not make the RSVP request for a public hearing appropriate.

The Larger Picture

All of these measures combined, paint a picture that public access and transparency are being restricted at City Hall, and that residents are made to feel unwelcome and treated as second-class citizens, who can only address officials through bulletproof glass.

I sincerely hope that you consider the above points and focus on making City Hall a welcoming and inclusive public space for residents and the greater public.

Thank you for your consideration.

Best

Axel Ebermann

YOU ARE INVITED TO PARTICIPATE!

CITY COUNCIL CONNECTIONS: POLICE OVERSIGHT AND WHAT IT LOOKS LIKE IN MOUNT VERNON, NEW YORK

**WEDNESDAY, SEPTEMBER 21ST AT
7:00PM IN CITY COUNCIL CHAMBERS
1 ROOSEVELT SQUARE, MOUNT VERNON, NY**



*A CITY COUNCIL INITIATIVE TOWARD ADDRESSING
CONCERNS AND PRIORITIES OF OUR COMMUNITY*



PANELISTS



NAIROBI VIVES, ESQ.

*Chair,
Albany Community Police Review Board*



PAUL COLLINS-HACKETT

*Secretary,
Albany Community Police Review Board*



DR. PAUL L. DAVIS

*Member,
Westchester Coalition for Police Reform*



MICHELE ANDRE

*Program Manager,
Albany Community Police Review Board*

Register In Advance

REGISTRATION LINK:

[CCRBFORUMMVNY.EVENTBRITE.COM](https://ccrbforummvny.eventbrite.com)

ALL CITIZENS ARE WELCOME AND ENCOURAGED
TO ATTEND IN-PERSON OR ONLINE.

ZOOM LINK: [JOIN ZOOM MEETING HERE](#)
HTTPS://ZOOM.US/
MEETING ID: 875 8432 8728
PASSCODE: 029166

MOUNT VERNON RESIDENTS! YOU ARE INVITED TO PARTICIPATE IN AN INTERACTIVE CONVERSATION ON THE DEVELOPMENT OF A CIVILIAN COMPLAINT REVIEW BOARD (CCRB).

THIS FORUM IS FACILITATED AND MODERATED BY THE CITY COUNCIL. THE GOAL IS TO DISCUSS AND ORGANIZE THE DESIGN OF A CCRB OR SIMILAR AGENCY IN MOUNT VERNON, AND TO INFORM LEGISLATION. THIS IS AN OPPORTUNITY FOR LEARNING AND DIALOGUE TOWARDS A BETTER MOUNT VERNON.



OFFICE OF THE CITY CLERK
 ONE ROOSEVELT SQUARE
 MOUNT VERNON, NEW YORK 10550
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TANESIA M. WALTERS
 City Clerk

DONNA M. JACKSON
 Deputy City Clerk

September 23, 2022

Honorable City Councilmembers
 City Hall
 1Roosevelt Square
 Mount Vernon, NY 10550

LPW

2022 SEP 23 PM 1:45
 T. Walters
 City Clerk

RE: The Restriction and Prohibition of Video and Audio Recording inside City Hall

Dear Honorable City Council members:

There has been an uptick in intrusive video and audio recording within the internal agencies of City Hall, which have caused the interruption of daily business, the possible breach of confidentiality and the breach of security and privacy of the people conducting confidential and sensitive business in these agencies. The justification is the citing of the First Amendment rights.

First Amendment right to record generally encompasses both video and audio recording, and supports the right of citizens to film public officials, and public officials in public places, however the first amendment right does not give right to video and audio recording in restricted and prohibited areas, in general "nonpublic fora", and furthermore, "Like all First Amendment protections, this right is "subject to reasonable time, manner and place restrictions." Smith v. City of Cummings, 212 F. 3d 1332 (11th Cir. 2000).

Traditionally public spaces within city hall where meetings are held are considered "public fora" and the expectation of video and audio recording while a public meeting is being held maybe necessary and is permitted. However, in the "nonpublic fora" such as within the internal agencies of City Hall and inside the halls of City Hall during business hours, is restricted and in some instances prohibited. Unconsented video and audio recording will cause interruption of employees conducting City business, and if the videos are circulated on the internet as it is generally the purpose of the recordings, the internet views may cause harm and unwarranted attention and or danger to our employees. Furthermore, constituents conducting their personal business does not consent to being recorded and this may be considered a breach of their privacy and security. In Sheets v. City of Punta Gorda, Florida the courts stated that

SEP 28 2022

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City Clerk

DONNA M. JACKSON
Deputy City Clerk

"The Government, like any private landowner, may preserve the property under its control for the use to which it is lawfully dedicated." Likewise, a government "workplace, like any place of employment, exists to accomplish the business of the employer." "It follows that the Government has the right to exercise control over access to the [government] workplace in order to avoid interruptions to the performance of the duties of its employees."

Indeed, there is a First Amendment right to record matters of public interest, however if that recording interferes with the conduct of daily business, the interruption of employees performing their job functions, and where expressed permission wasn't granted then the First amendment right does not apply. The governing body of City Hall reserves its right to protect City Hall for the use to which it is lawfully dedicated. The purpose of City Hall is to conduct "legitimate public business." Therefore, this local law will restrict recording within City Hall without the consent of those being recorded, with the exception public meetings and events.

No video or audio recording is allowed in the restricted prohibited areas of city Hall unless licensed or privilege to do so. Anyone video and audio recording in a restricted area within City Hall will be a trespasser. "A person commits an offense of defiant trespass if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by actual communication to the actor. The right to record in City Hall is not absolute. It is subject to reasonable time, place, and manner restrictions." Violators will be subject to a fine of \$5000 and or any further penalties.

Respectfully,

Tanesia M. Walters, J.D., M.P.A.
City Clerk



CITY OF MOUNT VERNON, NEW YORK

OFFICE OF THE CITY CLERK

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DONNA M. JACKSON
Deputy City Clerk

September 23, 2022

Honorable City Council Members
Of the City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

LPW

RE: Transfer of funds for safety equipment.

Dear Honorable Council Members:

The Office of the City Clerk requests that the City Council approve legislation to permit the Office of the City Clerk to use funds from account code A1410.401, "Office Expense to cover the cost of installing safety glass partitions in both the City Clerk and Registrar offices. The installation of safety glass partitions will aid in security measures needed for these offices.

The cost should not exceed Twenty Thousand dollars (\$20,000) and will be performed by Tri County Office Furniture.

If you should require any additional information, please feel free to contact me. I thank you for your time and consideration of this matter.

Respectfully,

Tanesia M. Walters, J.D., M.P.A.
City Clerk

TMW/nss

SEP 28 2022