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**VIA ELECTRONIC MAIL**

Santa Ana City Council  
22 Civic Center Plaza  
Santa Ana, CA 92701

**Re: Support — Agenda Item No. 25:**

Members of the City Council:

I write on behalf of the First Amendment Coalition to support Agenda Item No. 25 to rescind the “Guidelines for filming, photography and recording of City Santa Ana public meetings.” The policy interferes with the ability of the press to exercise editorial discretion in covering public meetings and runs afoul of the Ralph M. Brown Act’s provisions guaranteeing the public’s ability to record.

We urge you to immediately withdraw the policy and commit to adhering to the Brown Act and respecting press rights.

The relevant portion of the Brown Act is clear:

Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitute, a persistent disruption of the proceedings. Govt. Code § 54953.5(a).

The act thus guarantees the right to record city council meetings unless the city council makes a reasonable finding that the recording cannot continue without persistent disruption of the meeting. A minimal or fleeting disruption is not sufficient.

My organization, joined by a coalition of press groups, [wrote to you](#) in December to protest the city’s restrictive policy on recording. The city attorney responded to say the policy would be revised. However, as documented in the [Voice of OC](#), the city instituted a revised policy, and that policy is being used to interfere with photojournalists’ ability to do their jobs. Voice of OC Publisher Norberto Santana Jr., rightfully questioned the purpose of the policy, writing that, “In 15 years of publishing news photos from all over Orange County – including cities, the county government and special districts – I have never received a complaint from any public body – including Santa Ana – about disruptive behavior from a photographer working with Voice of OC.” He added: “Being confined to taking photos from staged areas or from audience seats is not how photojournalism works.”

Given the Brown Act gives the city council necessary tools for taking action against a person who causes a persistent disruption, and given the First Amendment's protections against discriminating against members of the press who may at times photograph or record meetings, the city should immediately move forward with abandoning its policy.

We urge all members of the council to support the proposal by Councilmembers Vazquez and Lopez.

Thank you for your consideration.

FIRST AMENDMENT COALITION



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