

Subject: Re: Where is this limitation of speech authorized??? Fwd: And another question

From: "Carol A. Overland" <overland@legalelectric.org>

Date: 7/26/2026, 11:08 PM

To: "Biese, Kim" <kim.beise@redwingmn.gov>, janie.farrar@redwingmn.gov, ron.goggin@redwingmn.gov, donald.kliwer@redwingmn.gov, vicki.lambert@redwingmn.gov, becky.norton@redwingmn.gov, "Snyder, Beth" <Beth.Snyder@redwingmn.gov>, mayor.gary@redwingmn.gov, administration@redwingmn.gov

Here we go again.

First, I object to the misrepresentation in the Staff Report of the valid concern I raised about the Public Comment introduction, and secondly, the attempt to keep complaints about you electeds out of public view, proposing the language that should be stricken:

~~If a person wishes to make a complaint against an elected or appointed City official, the person should do so with the Council President in writing or in a private meeting.~~

Just NO! The rest of it, **IF** you all are clear on what an attack is and accountability, it should be OK.

The misrepresentation in the staff report:

Earlier this year, a resident challenged the statement that introduces Public Comment, which advises that comments directed at an identifiable individual are not permitted, whether or not the person is named, asserting that the restriction was unlawful. In response, the City temporarily paused enforcement of this provision pending legal review by the City Attorney.

The concern I raised, well, it's two fold:

1) Where did that introductory language come from? It's NOT the language in the Rules of Order and Procedures, easily verifiable with a quick look at Section 9(e). Who made up that language and inserted it into every Council meeting?

2) As below in my May and June emails, my concern was the limitation of statements regarding elected officials, and I've been improperly gaveled about that, as have others, and so my question: *"Does this include a comment about a Council member, about a specific statement or vote, a blanket prohibition of making an evidence-based, fact-based comment about a Council member (that is NOT threatening, profane, lewd, vulgar, obscene, harassing, or abusive.)?"*

Apparently, based on the repeated use of the word "attack" in that staff report, someone(s) do not understand the distinction between a comment and an "attack." An evidence-based, fact-based comment about a Council member, a vote, a policy, a statement, is NOT an attack (meaning a comment, not threatening, profane, lewd, vulgar, obscene, harassing, or abusive.) A public statement

regarding elected official(s) behavior, being held accountable for bad decisions, bizarre statements, and unauthorized "speaking for the City" is not an attack.

For example, calling out the Mayor for lobbying for nuclear, for Xcel, in North Dakota, and questioning whether the Council knew and had authorized that activity, and transcribing his statement and reading some of his words to you, word for word, and stating that his comments were inappropriate, is not an attack. It's an evidence-based, fact-based comment. And I didn't even get into his failure to disclose to ND the mess our host City is in regarding utility personal property tax revenue and Xcel's machinations to cut, cut, cut.

Election season is upon us, and your voting records are up for public discussion and criticism. I ran into a problem when working on a campaign, where the incumbent whined and wailed whenever his voting record was raised, discussing specific on the record votes, a clearly shown in the legislative record, yet he was claiming that it was an "attack," and "negative campaigning," "you're so mean..." WHAT? He didn't want to be held accountable for voting to cut school funding, promoting a constitutional amendment against gay marriage, supporting coal gasification, and voting for cuts to social programs that hurt Minnesotans. Truth about votes may hurt, but elected officials are accountable for their votes and the impacts. Oh well, that's the voting record, and being on the receiving end of criticism is the job.

It's time that the Council had a workshop with the City Attorney, or at least requestd a memo, explaining the difference between "attack" and "holding an elected official accountable." The City Attorney should also instruct the Council and staff on the meaning of "public figure" and what is and is not protected speech when the subject is a public figure, the requirement of actual malice, and where speech becomes defamation. Each of you on the Council is a public figure, and can expect to be held accountable for your individual and collective actions. Once more with feeling: Hearing criticisms is part of the job.

Decision options:

As for the options before the Council, choose number 1, and judiciously enforce with clear understanding of the meaning of "attack" and "public figure" and the need and right to hold elected officials accountabl.

Options 2, 3, and 4 are an absurd overreach, good grief...

Hoping to make it tomorrow evening, but Goodhue County Planning Commission calls...

Carol

----- Forwarded Message -----

Subject:Where is this limitation of speech authorized??? Fwd: And another question

Date:Mon, 8 Jun 2026 09:57:42 -0500

From:Carol A. Overland <overland@legalelectric.org>

To:Biese, Kim <kim.beise@redwingmn.gov>, janie.farrar@redwingmn.gov,
ron.goggin@redwingmn.gov, donald.kliewer@redwingmn.gov,
vicki.lambert@redwingmn.gov, becky.norton@redwingmn.gov, Snyder, Beth
<Beth.Snyder@redwingmn.gov>, mayor.gary@redwingmn.gov,
administration@redwingmn.gov

All -

I'm trying to track down the origin of this attempt to limit speech, and initially sent this email to Janie, individually, as she's the one who states this before public comments. No response. I'm hoping that's because there's a consultation with the City Attorney about this, or that continuation of this has been reconsidered.

Does anyone know and is willing to disclose the origin of the statement that "**comments directed at an identifiable individual are not permitted, whether or not a person is named. This includes references made by job titles, roles, department or other identifying descriptions.**"

I have searched the Rules & Procedures and find nothing...

Carol

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Subject:And another question

Date:Wed, 27 May 2026 14:16:42 -0500

From:Carol A. Overland <overland@legalelectric.org>

To:Farrar, Janie <Janie.Farrar@redwingmn.gov>

Janie -

Question: At every meeting you say something like this, from last night's meeting:

***Please remember personal attacks, disparaging remarks or comments directed at an identifiable individual are not permitted, whether or not a person is named. This includes references made by job titles, roles, department or other identifying descriptions.** Comments of that nature may be ruled out of order.*

Reviewing the Rules & Procedures I find this:

e. Speakers may not make allegations, charges, or complaints against any City employee or community member. If a person wishes to make an allegation or to file a charge or complaint against an employee, the person should do so with the Council Administrator in writing or in a private meeting, or with the individual designated in City policy to receive the allegation, charge, or complaint.

f. Speakers may not make comments or gestures that are threatening, profane, lewd, vulgar, obscene, harassing, or abusive.

Rules & Procedures covers "employees" which is different than elected officials. What does "individual" mean in this context? Does this include a comment about a Council member, about a specific statement or vote, a blanket prohibition of making an evidence-based, fact-based comment about a Council member (that is NOT threatening, profane, lewd, vulgar, obscene, harassing, or abusive.)

The part that's bold and underlined above I'm not finding in Rules & Procedures. ???

Carol

On 6/8/2026 9:57 AM, Carol A. Overland wrote:

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"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

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