

RESOLUTION NO. 15-6988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

The following rules of order and decorum for the conduct of City Council meetings are hereby adopted:

TABLE OF CONTENTS

| | Page |
|--|------|
| <u>SECTION 1. SCOPE</u> | 3 |
| <u>SECTION 2. MEETINGS</u> | 3 |
| 2.1 Regular Meetings | 3 |
| 2.2 Special Meetings | 3 |
| 2.3 Special Emergency Meetings | 4 |
| 2.4 Closed Sessions | 4 |
| 2.5 Quorum | 4 |
| 2.6 Adjourned Meetings | 4 |
| 2.7 Recording of Meetings | 5 |
| <u>SECTION 3. POSTING OF NOTICE AND AGENDA</u> | 5 |
| 3.1 Posting of Notice and Agenda | 5 |
| 3.2 Location of Posting | 5 |
| 3.3 Posting for Regular meetings | 5 |
| 3.4 Posting for Special meetings | 6 |
| 3.5 Affidavit of Posting | 6 |
| <u>SECTION 4. AGENDA – CONTENTS</u> | 6 |
| 4.1 Description of Matters | 6 |
| 4.2 Availability of Agenda | 6 |
| 4.3 Limitations of Actions by Agenda | 6 |
| 4.4 Submittal of Written Materials by the Public | 7 |
| <u>SECTION 5. ORDER OF BUSINESS</u> | 7 |
| 5.1 Commencement of Meeting | 7 |
| 5.2 Order of Business | 7 |
| a. Call to Order | 7 |
| b. Pledge of Allegiance | 8 |
| c. Roll Call | 8 |
| d. Report of Closed Session | 8 |
| e. Announcements | 8 |

| | | | |
|----|--|--|----|
| 1 | f. | Presentations | 8 |
| | g. | Public Participation | 8 |
| 2 | h. | Consent Calendar | 8 |
| | i. | Public Hearings | 8 |
| 3 | j. | Excluded Consent Calendar | 8 |
| | k. | Municipal Matters | 9 |
| 4 | l. | City Manager's Report | 9 |
| | m. | Councilmember Comments | 9 |
| 5 | n. | Other Matters from City Council | 9 |
| 6 | o. | Adjournment | 9 |
| 7 | <u>SECTION 6. PUBLIC COMMENT</u> | | 9 |
| | 6.1 | Public Comment | 9 |
| 8 | 6.2 | Limitations | 10 |
| | 6.3 | Procedure | 10 |
| 9 | 6.4 | Written communications to Council | 10 |
| 10 | <u>SECTION 7. PUBLIC HEARINGS</u> | | 10 |
| 11 | 7.1 | Time for consideration | 10 |
| | 7.2 | Continuance of Hearings | 10 |
| 12 | 7.3 | Conduct of Hearings | 10 |
| | 7.4 | Evidence | 12 |
| 13 | 7.5 | Definition of "Ex Parte" Communication | 12 |
| 14 | <u>SECTION 8. PROCEDURES FOR CONDUCT OF MEETINGS</u> | | 12 |
| 15 | 8.1 | Robert's Rules | 12 |
| | 8.2 | Motions | 12 |
| 16 | 8.3 | Voting | 13 |
| | 8.4 | Adjournment | 13 |
| 17 | <u>SECTION 9. DECORUM</u> | | 13 |
| 18 | 9.1 | Rules for City Councilmembers | 13 |
| 19 | a. | Role of the Presiding Officer | 13 |
| 20 | b. | Communication with Councilmembers | 14 |
| 21 | 9.2 | Communication with Members of the Public Addressing the Council | |
| 22 | 9.3 | Rules for City Staff | 14 |
| | a. | Decorum | 14 |
| 23 | b. | Roles of the City Manager | 15 |
| 24 | 9.4 | Rules for the Public | 15 |
| | a. | Members of the Audience | 15 |
| 25 | b. | Persons Addressing the City Council | 15 |
| 26 | 9.5 | Enforcement | 15 |

1 **SECTION 1. SCOPE.**

2 1.1 This Resolution shall establish the procedures for the conduct of all meetings of
3 the City Council of the City of Hermosa Beach. The purpose of this Resolution is to provide that
4 the City Council's meeting procedures will be consistent with the Brown Act (Government Code
5 Section 54950 *et seq.*) and establish procedures that will be convenient for the public and
6 contribute to the orderly conduct of the City's business. The procedures herein are in addition
7 to, and not in place of, applicable ordinances and statutes, and in the event of conflict
8 between this Resolution and applicable ordinances or statutes, the latter shall govern.

9 **SECTION 2. MEETINGS.**

10 2.1 Regular Meetings. Pursuant to the authority set forth in Municipal Code section
11 2.04.010, the City Council shall conduct its Regular meetings on the 2nd and 4th Tuesdays of each
12 month. The Regular meetings of the City Council shall commence at 6:00 p.m. Only Closed
13 Sessions (and public comment associated therewith) and Study Sessions may be held between 6:00
14 p.m. and 7:00 p.m. (and no other public agenda items) unless a Regular meeting is adjourned to or
15 a Special meeting called for that time. No Closed Session or Study Session will be held during
16 that hour unless the posted agenda of that evening's Regular meeting indicates that such session
17 will take place; in the absence of such notification in the agenda, the Regular meeting shall
18 commence at the hour of 7:00 p.m. Regular meetings shall be conducted in the location set forth
19 in Municipal Code section 2.04.020. Closed Sessions shall be conducted in the location identified
20 in the agenda.

21 2.2 Special Meetings. A Special meeting may be called at any time by the Presiding
22 Officer or by any three members of the City Council. Written notice of any such meeting must
23 be given to all members of the City Council and to all newspapers, radio and television
24 stations, or other public media of general Hermosa Beach coverage who have submitted a
25 written request to the City Clerk for such notification. Such notice may be given either personally
26 or by mail, but must be received at least 24 hours before the time set for the Special meeting. The
27 call and notice shall specify the time and place of the Special meeting and the business to be
28

1 transacted. Such notice is not necessary for any member who submits a written waiver of
2 notice to the City Clerk at or before the time set for the meeting or for any member who is actually
3 present at the special meeting.

4 2.3 Emergency Meetings. An emergency meeting may be called by the Presiding
5 Officer or by a majority of the City Council where there exists:

6 a. a work stoppage, crippling disaster or other activity which severely
7 impairs public health, safety or both, as determined by the City Council; or

8 b. such other circumstances specified by State law as authorizing the
9 conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and
10 conducted in accordance with procedure set forth in State law.

11 2.4 Closed Sessions. The City Council may hold Closed Sessions during a Regular or
12 Special meeting, or at any time otherwise authorized by law, to consider or hear any matter which
13 it is authorized by State law to hear or consider in Closed Session. During Closed Session, the
14 City Council may exclude any person or persons which it is authorized by State law to exclude
15 from a Closed Session. The City Manager shall keep a record of action taken and the vote thereon.
16 The City Attorney shall make such reports as are required by the Brown Act.

17 2.5 Quorum. Three members of the City Council shall constitute a quorum and shall be
18 sufficient to transact business. If fewer than three Councilmembers appear at a Regular meeting,
19 any member, or if all members are absent, the City Clerk shall adjourn the meeting to a stated day
20 and hour. All Council actions require the affirmative votes of a majority of the quorum, with the
21 exception of those actions required by State law to have a specific minimum number of votes.

22 2.6 Adjourned Meetings. The City Council may adjourn any Regular, Adjourned
23 Regular, Special or Adjourned Special meeting to a time and place specified in the order
24 of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are
25 absent from any Regular or Adjourned Regular meeting, the City Clerk may declare the meeting
26 adjourned to a stated time and place and shall cause a written notice of the adjournment to
27 be delivered personally to each Councilmember. A copy of the order or notice of adjournment

1 subsection, the minutes of the meeting at which the determination is made shall reflect what
2 circumstances gave rise to the need to take action after the agenda was posted.

3 c. Where the item upon which action is to be taken was included on a properly
4 posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar
5 days prior to the date of the meeting at which action is to be taken, and at the prior meeting the
6 item was continued to the meeting at which action is being taken.

7 4.4 Submittal of Written Materials by the Public. Written materials pertaining to
8 matters listed on the agenda of a Regular City Council meeting must be submitted by noon of the
9 Tuesday before the meeting in order to be included in the agenda packet. However, written
10 materials received after that deadline will nonetheless be posted under the relevant agenda item on
11 the City's website at the same time as they are distributed to the City Council and provided to the
12 City Council and the public at the meeting. Written correspondence of a general nature addressed
13 to the City Council will be handled in accordance with section 6.4.

14 **SECTION 5. ORDER OF BUSINESS.**

15 5.1 Commencement of Meeting. In the event that the posted agenda calls for a Closed
16 Session, the Mayor or the City Attorney shall announce the intention of the City Council to recess
17 into a Closed Session and shall state the basis therefore. Public comment shall be taken on the
18 Closed Session agenda.

19 At the time set for each Regular meeting, the Councilmembers, City Manager, City
20 Attorney and City Clerk shall take their regular places in the Council Chamber. The
21 Presiding Officer shall call the meeting to order and the business of the Council shall be taken up
22 for consideration and disposition in the order set forth in Section 5.2 except that with the consent
23 of a majority of the Council, items may be taken up out of order.

24 5.2 Order of Business. The order of business at meetings of the City Council
25 shall be as follows, in accordance with the procedures specified below:

26 a. CALL TO ORDER

27 The Presiding Officer shall call the meeting to order.

1 b. PLEDGE OF ALLEGIANCE

2 The Presiding Officer shall designate a person to lead the Pledge of Allegiance.

3 c. ROLL CALL

4 The City Clerk shall call the roll of the Councilmembers and the names of those
5 present shall be entered on the minutes. The order of roll call shall be alphabetical with the Mayor
6 Pro Tempore called fourth and the Mayor called last.

7 d. REPORT OF CLOSED SESSION

8 The Mayor or the City Attorney shall announce the basis for the Closed Session and
9 those actions taken as are required to be reported by the Brown Act.

10 e. ANNOUNCEMENTS

11 Councilmembers may make any announcements at this time.

12 f. PRESENTATIONS

13 This time is reserved for the reading and awarding of proclamations and
14 commendations for members of the community, service organizations and others that have merited
15 recognition by the Council. In addition, visiting dignitaries may be introduced at this time.

16 g. PUBLIC PARTICIPATION

17 Oral and written comments from members of the public are accepted here as set
18 forth in Section 6, herein. All comments from members of the public relative to Consent Calendar
19 items must be heard at this time unless a Councilmember agrees to remove a Consent Calendar
20 item at the request of a member of the public made at this time.

21 h. CONSENT CALENDAR

22 Items of a routine nature may be approved by the City Council in a single motion
23 by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the
24 approval of each matter or recommendation included therein.

25 i. PUBLIC HEARINGS

26 The Council shall conduct all public hearings as set forth in Section 7.

27 j. EXCLUDED CONSENT CALENDAR

28

1 Items removed from the Consent Calendar for discussion shall be heard at this time.

2 k. MUNICIPAL MATTERS

3 The Council shall take up all matters of new and old business.

4 l. CITY MANAGER' S REPORT

5 This section is set aside for the City Manager to update the Council on important
6 items initiated by staff or previously requested by the City Council.

7 m. COUNCILMEMBER COMMENTS

8 This portion of the meeting shall be set aside for general comments, reports of
9 meeting attendance, requests of staff, and/or other issues of concern from members of the City
10 Council, and brief responses to audience comments. No extensive discussion of these comments is
11 permitted.

12 n. OTHER MATTERS FROM CITY COUNCIL

13 Direction from the City Council to place items of business on a future agenda shall
14 be given at this time by a majority of the Council. No discussion, action or public comments shall
15 be taken at this time.

16 o. ADJOURNMENT

17 **SECTION 6. PUBLIC COMMENT.**

18 6.1 Public Comment. During the Public Participation section of the agenda, any
19 member of the public may address the City Council on items appearing on the Consent Calendar.
20 Comments concerning other items on the agenda will be heard at the time the item is considered
21 during the course of the meeting; however, they may be offered at this time if the member of the
22 public cannot be in attendance later in the evening.

23 Members of the public may also comment upon any other items of interest that are within
24 the subject matter jurisdiction of the City Council at this time. Any Councilmember may request
25 that matters addressed under Public Participation be placed for action on a subsequent agenda;
26 however, no action shall be taken on items not appropriately placed on the agenda except in
27 a situation as described in Section 4.3.

1 b. Call for a report on written communications received by the City
2 pertaining to the item being heard.

3 c. With respect to quasi-judicial matters, request that each Councilmember
4 report on any ex parte communications, as defined in Section 7.5.

5 d. Request that staff present the staff report and any other relevant evidence.
6 Presentation of the staff report prior to the formal opening of the public hearing shall not prevent
7 its consideration as evidence. Any such evidence shall be made a part of the record of the public
8 hearing.

9 e. The Presiding Officer shall then recognize the proponents or appellants in
10 the case, who shall be permitted ten (10) minutes to present evidence related to the matter under
11 consideration.

12 f. The Presiding Officer shall then recognize members of the public. No
13 person may speak without first being recognized by the Presiding Officer. Members of the City
14 Council who wish to ask questions of the speakers or each other during the public hearing may do
15 so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and
16 not to debate the merits of the item under consideration. Members should avoid debate and
17 expressions of personal opinion until after the close of the public testimony portion of the public
18 hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process
19 to all affected persons. Comments from the public shall be limited to three (3) minutes per
20 speaker for public hearings, unless the City Council affirmatively decides otherwise.

21 g. Following public comments, the proponents or appellants may present a
22 wrap-up or rebuttal statement, not to exceed five (5) minutes in length.

23 h. The Presiding Officer shall then close the public testimony portion of the
24 public hearing. Councilmembers may still, however, ask questions of staff or members of the
25 public. Upon conclusion of Council deliberations and immediately prior to a motion, the Presiding
26 Officer shall formally close the public hearing. Upon formally closing the public hearing,
27 no additional public testimony shall be solicited or received without reopening the hearing.

1 The hearing may not be reopened unless it is determined that no one in the audience has left the
2 room since closure of the hearing. In the event the Presiding Officer is unable to make that
3 finding, the hearing may not be reopened unless it is renoticed for a future meeting.

4 i. The City Council shall then take action.

5 7.4 Written Evidence. All persons interested in the matter being heard by the City
6 Council shall be entitled to submit written evidence of any kind. All such evidence presented shall
7 be retained by the City Clerk as part of the Clerk's record.

8 7.5. Definition of "Ex Parte" Communication. "Ex parte communication" shall mean
9 any oral or written communication between a member of the Council and any person, which meets
10 all of the following requirements: (i) it is directed toward the merit or outcome of a quasi-judicial
11 matter within the Council's jurisdiction; (ii) an application, recommendation or appeal on the
12 matter has been submitted to the Council; (iii) the communication imparts substantive factual
13 information which constitutes the basis of or otherwise influences the Councilmember's
14 deliberation or decision on the matter; (iv) the information is not included in the staff report or
15 other written materials contained in the agenda of the meeting at which the matter is to be heard or
16 otherwise on the official record of the proceeding on the matter; and (v) the communication does
17 not occur in a public meeting as defined in the Ralph M. Brown Act (California Government Code
18 Section 54950, *et seq.*).

19 **SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS.**

20 8.1 Robert's Rules. Unless otherwise specified in this Resolution or by other ordinance
21 or resolution, meetings of the City Council will be conducted to the extent practicable in
22 accordance with the most recently revised edition of Robert's Rules of Order. In the event of any
23 conflict between Robert's Rules and this Resolution, the Municipal Code or of State law, the latter
24 three sources of authority shall govern.

25 8.2 Motions. The Mayor or any member of the Council may bring a properly
26 agendized matter of business before the Council by making a motion. Before the matter can be
27 considered or debated it must be seconded. Once the motion has been properly made and
28

1 seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to
2 debate to the moving party and, thereafter, to any Councilmember properly recognized by the
3 Presiding Officer. Debate shall be closed upon consent of a majority of the City Council. Once
4 the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will
5 be allowed, unless the Council overrules the Presiding Officer by a majority vote. A motion that
6 results in a tie vote does not pass.

7 8.3 Voting. Every Councilmember should vote unless disqualified by reason of a
8 financial or common law conflict of interest. A Councilmember may change his or her vote prior
9 to the time that the Presiding Officer or City Clerk announces the outcome of the vote on the
10 motion, and not after.

11 8.4 Adjournment. The City Council shall adjourn each Regular meeting by 10:30 p.m.
12 unless a majority of the members present vote to extend the adjournment time. Notwithstanding
13 the foregoing, any item of business commenced prior to 10:30 p.m. may be completed without the
14 necessity of an adjournment extension vote. Upon adjournment, those items of business not
15 completed shall be continued to the next Regular City Council meeting unless the Council
16 schedules the items for an Adjourned meeting to take place prior to the next meeting.

17 **SECTION 9. DECORUM.**

18 9.1 Rules for City Councilmembers. Members of the City Council shall conduct
19 themselves in an orderly and businesslike manner to ensure that the business of the City shall
20 be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process
21 of the City Council is maintained at all times. Members of the Council shall maintain a polite,
22 respectful and courteous manner when addressing one another, City staff and members of the
23 public during meetings.

24 a. Role of the Presiding Officer. The Presiding Officer of the City Council,
25 who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence
26 any other member designated by the City Council, shall be responsible for maintaining the
27 order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules
28

1 of operation and decorum contained herein are observed. The Presiding Officer shall maintain
2 control of communication between Councilmembers and between the Council, staff and the public.

3 b. Communication with Councilmembers.

4 1) Councilmembers should request the floor of the Presiding Officer
5 before speaking.

6 2) A Councilmember who is speaking shall attempt to avoid repetition
7 and shall endeavor to limit his or her comments to the subject matter at hand. Councilmembers
8 should endeavor to express their views without engaging in lengthy debates.

9 3) When one Councilmember is speaking, other Councilmembers shall
10 not interrupt or otherwise disturb the speaker.

11 9.2 Communication with Members of the Public Addressing the Council.

12 a. Councilmembers may, after requesting the floor of the Presiding Officer,
13 question a person addressing the Council at the conclusion of the person's comments or upon
14 expiration of the person's time to speak.

15 b. Councilmembers shall not engage the person addressing the Council in a
16 dialogue with the City Council or City staff, but shall confine communication to a question and
17 answer format.

18 c. If a member of the audience has addressed the Council on matters which
19 are not on the agenda, Councilmembers shall refrain from extended discussions of the matter.
20 If a Councilmember so wishes, the Councilmember may, during the Councilmember Comments or
21 Other Matters portion of the meeting, direct the City Manager to place the matter on the next
22 agenda.

23 9.3 Rules for City Staff.

24 a. Decorum. City staff shall not engage in public dialogue or debate with
25 members of the public during public meetings. When addressed by the Council, staff shall respond
26 in a polite and respectful manner.

1 b. Role of the City Manager. The City Manager's duties during City
2 Council meetings include keeping a record of concerns raised by the Council regarding staff
3 matters and directions for future staff action.

4 9.4 Rules for the Public.

5 a. Members of the Audience. Members of the audience shall not engage in
6 disorderly or boisterous conduct, including the utterance of loud, threatening or abusive
7 language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise
8 render the orderly conduct of the City Council meeting unfeasible. A member of the audience
9 repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding
10 Officer or a majority of the City Council, be subject to ejection from that meeting.

11 b. Persons Addressing the City Council.

12 1) Any person wishing to speak shall approach the speaker podium
13 when called upon by the Presiding Officer.

14 2) No person shall address the City Council without first being
15 recognized by the Presiding Officer.

16 3) Each person addressing the City Council shall do so in an orderly
17 manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other
18 disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the
19 Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding
20 Officer or a majority of the City Council, be subject to ejection from that meeting.

21 4) Persons addressing the City Council shall adhere to the time limit
22 established for public comment and conclude their comments when requested to do so by the
23 Presiding Officer.

24 9.5 Enforcement.

25 a. Upon a violation of the rules of order and decorum established in Section
26 9.4 of this resolution, the procedure to enforce the rules is as follows:

1 1) Warning. The Presiding Officer shall request that a person who is
2 violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding
3 Officer, the person persists in the violation, the Presiding Officer shall order the person to leave
4 the City Council meeting. If the person does not leave the meeting, the Presiding Officer may
5 order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms
6 to remove the person from the City Council chambers.

7 2) Removal. Any law enforcement officer who is serving as sergeant-
8 at-arms at the City Council meeting shall carry out the orders and instructions given by the
9 Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the
10 Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council
11 meeting any person who is disturbing the proceedings of the City Council.

12 3) Resisting Removal. Any person who resists removal by the
13 sergeant-at-arms may be charged with any applicable ordinance or law.

14 4) Motion to Enforce. If the Presiding Officer of the City Council fails
15 to enforce the rules of order and decorum set forth above, any member of the City Council may
16 move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City
17 Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the
18 will of the majority of the City Council, the majority may designate another member of the City
19 Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum
20 established above.

21 5) Clearing the Room. If a meeting of the City Council is disturbed or
22 disrupted in such a manner as to make infeasible or improbable the restoration of order, the
23 Presiding Officer or a majority of the City Council may exercise the authority granted in the
24 California Government Code Section 54957.9 by ordering the meeting room cleared and
25 continuing in session in the manner authorized by Section 54957.9 of the Government Code.
26 Members of the press shall be permitted to remain unless they have participated in the disruption.

27 **SECTION 10.** Resolution No. 12-6787 is hereby rescinded.

1 **SECTION 11.** The City Clerk shall certify to the passage and adoption of this Resolution,
2 shall enter the same in the book of original Resolutions of said city; and shall make a minute of the
3 passage and adoption thereof in the records of the proceedings of the City Council at which the
4 same is passed and adopted.

5
6 **PASSED, APPROVED AND ADOPTED** this 28th day of July, 2015.

7
8 *Nanette Barragan*
9 _____
10 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

11 ATTEST:

11 APPROVED AS TO FORM:

12
13 _____
14 City Clerk

12 _____
13 City Attorney

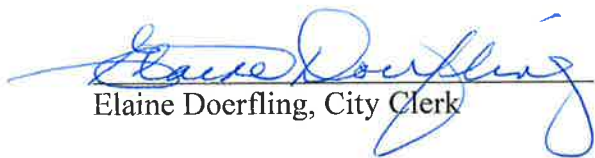
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 15-6988 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on July 28, 2015.

The vote was as follows:

AYES: DiVirgilio, Fangary, Petty, Tucker, Mayor Barragan
NOES: None
ABSTAIN: None
ABSENT: None

Dated July 28, 2015


Elaine Doerfling, City Clerk