

**CITY OF HERMOSA BEACH  
RESOLUTION NO. RES-24-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,  
CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL  
MEETINGS AND SUBSIDIARY BOARDS AND COMMISSIONS**

**WHEREAS**, all City Council meeting agenda types are posted and noticed in accordance with local and State law; and

**WHEREAS**, established meeting procedures follow the Brown Act in accordance with Government Code Section 54950 *et seq.*; and

**WHEREAS**, this Resolution establishes the procedures for the conduct of all meetings of the City Council and its subsidiary Boards and Commissions and establishes procedures that will be convenient for the public and contribute to the orderly conduct of the City's business; and

**WHEREAS**, the procedures herein are in addition to, and not in place of, applicable ordinances and statutes, and in the event of conflict between this Resolution and applicable ordinances or statutes, the latter shall govern.

**NOW, THEREFORE, 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.

**SECTION 1. SCOPE.**

1.1 Resolution No. 15-6988 is hereby rescinded and the rules of order and decorum for City Council meetings and other City Boards and Commissions are hereby adopted.

**SECTION 2. MEETINGS.**

**2.1 Regular Meetings.** Pursuant to the authority set forth in Municipal Code section 2.04.010, the City Council shall conduct its meetings pursuant to the dates and times fixed by Resolution and approved by the City Council each December for the following year. Regular meetings shall be conducted in the location set forth in Municipal Code section 2.04.020. Closed Sessions shall be conducted in the location identified on the agenda.

**2.2 Other Meetings.** All other meeting types shall be called and noticed according to applicable local and State law.

**2.3** Quorum. Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than three Councilmembers appear at a Regular meeting, any member, or if all members are absent, the City Clerk, shall adjourn the meeting to a stated day and hour.

**2.4** Recording of Meetings. All open and public meetings of the City Council shall be cablecast and webcast live or videorecorded for airing on the City's government channel and viewing on the City's website. In the event that technical difficulties prevent the cablecasting, webcasting and/or recording of a meeting, the City Attorney, in consultation with the City Manager and City Council, may determine whether or not to proceed with the meeting pursuant to State law.

### **SECTION 3. POSTING NOTICE AND AGENDA.**

**3.1** Location of Posting. The City Clerk shall designate the location between City Hall and the Police Department as the City's official physical posting location, which is a place the public has unrestricted access and where postings are not likely to be removed or obscured by other posted material. The City's website shall serve as the digital posting location.

### **SECTION 4. WRITTEN COMMENTS.**

**4.1** Description of Written Comments by the Public. Written comments shall include emails, e-comments, or letters addressed to the City Council. The subject of each written comment should refer to an item listed on the agenda for a specific City Council meeting. All written comments should be addressed to the City Council and submitted to the City Clerk.

**4.2** Timeline for Submitting Written Comments. All written comments should be submitted to the City Clerk by the deadline set forth on the meeting agenda. Instructions for submitting a written comment shall be included in the agenda, delivered to the City Council, and made public before the meeting.

### **SECTION 5. ORDER OF BUSINESS.**

**5.1** The order of business at meetings of the City Council shall be as follows, in accordance with the procedures specified below:

**1.** CALL TO ORDER

The Presiding Officer shall call the meeting to order.

**2.** PLEDGE OF ALLEGIANCE

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

**3. ROLL CALL**

The City Clerk shall call the roll of the City Council beginning with Councilmembers, the Mayor Pro Tempore called fourth and the Mayor called last. Members present and absent shall be entered into the minutes.

**4. CLOSED SESSION REPORT**

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

**5. ANNOUNCEMENTS**

Councilmembers may make any announcements at this time.

**6. APPROVAL OF AGENDA**

The City Council may change the order in which it takes up items on the agenda, remove and/or continue agenda items.

**7. PROCLAMATIONS/PRESENTATIONS**

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

**8. CITY MANAGER REPORT**

The City Manager and staff may provide brief progress reports on City business.

**9. PUBLIC COMMENT**

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

**10. CITY COUNCILMEMBER COMMENTS**

Councilmembers may briefly respond to public comments, ask a question for clarification or make brief announcements or report on activities or

meetings attended.

**11. CONSENT CALENDAR**

The City Council may approve items of a routine nature in a single motion by adopting the Consent Calendar. Before approval of the Consent Calendar, the City Council may pull an item(s) for separate discussion.

**12. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION**

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

**13. PUBLIC HEARINGS**

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

**14. MUNICIPAL MATTERS**

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

**15. FUTURE AGENDA ITEMS**

Two Councilmembers may direct staff to bring back an informational item and a majority of the Council may direct staff to bring back an action item. No discussion, action or public comments shall be taken at this time.

**16. PUBLIC COMMENT**

This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 9 during the first public participation item because there were too many prior public speakers and the thirty minute maximum time limit was exhausted.

**17. ADJOURNMENT**

**SECTION 6. PUBLIC COMMENT.**

**6.1 General Public Comment.** During the first general Public Comment section of the agenda, any member of the public may address the City Council on items appearing on the Consent Calendar. Comments concerning other items on the agenda will be heard at the time the item is considered during the course of the meeting; however, they may be offered at this time if the member of the public cannot be in attendance later in the evening. At this time, members of the public may

also comment upon any other items of interest that are within the subject matter jurisdiction of the City Council. Any Councilmember may request that matters addressed under Public Comment be placed for information or action on a subsequent agenda under FUTURE AGENDA ITEMS; however, no action shall be taken on items not appropriately placed on the agenda except upon a majority determination that an "emergency situation" exists as defined by State law.

The public comment period during the general Public Comment shall be limited to no more than two (2) minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend the time and doing so will not be arbitrary or unfair.

Further, this first Public Comment section shall be limited to a total of thirty (30) minutes. The Presiding Officer also may allow additional time for the spokesperson of a group if doing so will limit the number of persons speaking and avoid repetitious presentations. Unless required by law, public comment will only be taken by those physically in City Council Chambers. Those viewing the meeting via remote public participation options or listening in telephonically will not be allowed to make general public comments.

Pictures and pre-recorded videos will not be digitally displayed in the Council Chambers during the meeting. However, members of the public can send such items to the City Clerk for distribution to the City Council by the deadline listed on the agenda for the City Council meeting. Members of the public wishing to distribute materials to the City Council after the deadline set forth on the agenda may do so in person by providing sufficient copies for all Councilmembers, the City Manager, the City Attorney, and the City Clerk.

**6.2** Public Comment for Agenda Items. Any member of the public may address the City Council on agenda items appearing on the City Council agenda. After the staff presentation and any clarifying factual/technical questions by the City Council, the Presiding Officer shall then solicit public comment. Each speaker under this public comment period shall be limited to no more than three (3) minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend the time and doing so will not be arbitrary or unfair. The Presiding Officer may allow additional time for the spokesperson of a group if doing so will limit the number of persons speaking and avoid repetitious presentations. Public comment will be taken first by those physically in City Council Chambers during the time the item is called. Public comment will then be opened up to those viewing the meeting via remote public participation options or listening in telephonically and will similarly be limited to three (3) minutes. Unless mandated by law, this remote participation is done as a courtesy only and is not guaranteed. The City reserves the right to terminate this medium at any time and for any reason.

**6.3** Procedure. Upon addressing the City Council, each speaker may choose to state his or her name and city of residence and then identify the subject or subjects upon which he or she intends to speak. Speakers shall address their comments or questions to the City Council as a whole, and not to any particular Council or staff member or to the audience.

## **SECTION 7. PUBLIC HEARINGS.**

Matters which are required to be heard in a noticed public hearing shall be conducted in the following manner:

**7.1** Time for Consideration. Matters noticed as public hearings shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

**7.2** Continuance of Hearings. Any public hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

**7.3** Conduct of Hearings. When a matter for public hearing comes before the City Council, the Presiding Officer shall open the public hearing and follow the process as legally required.

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

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

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

**8.1** Robert's Rules. Unless otherwise specified in this Resolution or by other ordinance or resolution, meetings of the City Council will be conducted to the

extent practicable in accordance with the most recently revised edition of Robert's Rules of Order. In the event of any conflict between Robert's Rules and this Resolution, the Municipal Code or of State law, the latter three sources of authority shall govern.

**8.2** Motions. The Mayor or any member of the Council may bring a properly agendized matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer. Debate shall be closed upon consent (implicit or explicit) of a majority of the City Council. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, unless the Council overrules the Presiding Officer by a majority vote. A motion that results in a tie vote does not pass.

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

## **SECTION 9. DECORUM.**

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

- a. Role of the Presiding Officer. The Presiding Officer of the City Council, who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence any other member designated by the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Councilmembers and between the Council, staff and the public.
- b. Communication with Councilmembers.
  - 1) Councilmembers should request the floor of the Presiding Officer before speaking.
  - 2) A Councilmember who is speaking shall attempt to avoid repetition and shall endeavor to limit his or her comments to the subject matter

at hand. Councilmembers should endeavor to express their views without engaging in lengthy debates.

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

## **9.2** Communication with Members of the Public Addressing the Council.

- a. Councilmembers may, after requesting the floor of the Presiding Officer, question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
- b. Councilmembers shall not engage the person addressing the Council in a dialogue with the City Council or City staff but shall confine communication to a question-and-answer format.
- c. If a member of the audience has addressed the Council on matters which are not on the agenda, Councilmembers shall refrain from extended discussions of the matter. If a Councilmember so wishes, the Councilmember may, during the Future Agenda Items portion of the meeting, direct the City Manager to place the matter on the next agenda.

## **9.3** Rules for City Staff.

- a. Decorum. City staff shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Council, staff shall respond in a polite and respectful manner,
- b. Role of the City Manager. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the Council regarding staff matters and directions for future staff action.

## **9.4** Rules for the Public.

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

- 1) Any person wishing to speak shall approach the speaker podium when called upon by the Presiding Officer.
- 2) No person shall address the City Council without first being recognized by the Presiding Officer.
- 3) Each person addressing the City Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.
- 4) Persons addressing the City Council shall adhere to the time limit established for public comment and conclude their comments when requested to do so by the Presiding Officer.

#### 9.5 Enforcement.

- a. Upon a violation of the rules of order and decorum established in Section 9.4 of this resolution, the procedure to enforce the rules is as follows:
  - 1) Warning. The Presiding Officer shall request that a person who is violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the City Council meeting. If the person does not leave the meeting, the Presiding Officer may order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms to remove the person from the City Council chambers.
  - 2) Removal. Any law enforcement officer who is serving as sergeant-at-arms at the City Council meeting shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person who is disturbing the proceedings of the City Council.
  - 3) Resisting Removal. Any person who resists removal by the sergeant-at-arms may be charged with any applicable ordinance or law.
  - 4) Motion to Enforce. If the Presiding Officer of the City Council fails to enforce the rules of order and decorum set forth above, any member of the City Council may move to require the Presiding Officer to do so,

and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.

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

**SECTION 10.** To the extent feasible (i.e., technical and staffing limitations, nature of the agenda and business before the body, need, etc.) all subsidiary boards and commissions in the City shall adhere to these rules of order and decorum for their respective meetings.

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

**PASSED, APPROVED and ADOPTED** this 23<sup>rd</sup> Day of January, 2024.

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Mayor Justin Massey  
**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

**APPROVED AS TO FORM:**

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Myra Maravilla  
City Clerk

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Patrick Donegan  
City Attorney