TO: City Council

FROM: Office of the City Manager

SUBJECT: ADOPTION OF A RESOLUTION TO ESTABLISH CITY COUNCIL MEETING PROTOCOLS

STAFF RECOMMENDATION

It is recommended that the City Council adopt the attached resolution establishing City Council Meeting protocols.

BACKGROUND AND OVERVIEW

The City of Simi Valley does not have formal City Council meeting protocols in place. Staff recommends that the City Council consider the proposed protocols and adopt the attached resolution establishing formal protocols for the purposes of ensuring efficient City Council meetings.

FINDINGS AND ALTERNATIVES

Staff surveyed the following cities to obtain their rules and standards for rules and procedures in the operation of their City Council meetings:

- City of Moorpark
- City of Thousand Oaks
- City of Camarillo
- City of Oxnard
- City of San Buenaventura
- City of Torrance
- City of Santa Clarita
- City of Irvine
- City of Chino Hills

The communities surveyed addressed a broad range of areas in their protocols documents. Some were as brief as four pages, and others were as long as 70 pages.
While there are a number of areas that could be considered for the establishment of City Council meeting protocols, staff recommends that the City Council begin by adopting protocols in the following areas:

- Protocols for Public Statements
- Protocols for the use of a Translator
- Decorum for members of the public during City Council Meetings
- Procedure for the Enforcement of the Rules of Decorum
- The Process for City Council Members to add future items to City Council agendas.
- Responses by City Council Members to Public Statements

Staff is also including an optional item for the City Council’s consideration with regard to responses to Public Statements.

**Public Statements**

The City’s Municipal Code provides guidance related to when City Council Meetings shall be held, how they are noticed, the number of City Council members needed for a quorum, and how motions shall be processed, among other matters.

However, the Municipal Code does not address public participation at the meetings, otherwise known as Public Statements. In the interest of facilitating the City Council’s conduct of the City’s business, the City Council has historically provided for three minutes per speaker and the Mayor has had the ability to limit Public Statements to a total of 45 minutes if there are a significant number of speakers. While this has been an option, this optional practice has not been memorialized. Staff recommends that this be formally added to the City Council Meeting Protocols document to be formally exercised when needed.

Another area of Public Statements staff recommends be addressed is the time at which speaker cards may no longer be submitted. In the past, the City Council has allowed speaker cards to be submitted during the Public Statements item and more recently, speaker cards have been removed and all cards must be submitted at the time Public Statements begins. Staff recommends that once the Public Statements item is opened, that no additional speaker cards be accepted, and any remaining cards be removed from the front of the City Council Chamber to alleviate confusion. Additionally, it is recommended that speaker cards be distributed to individuals only as opposed to a single person receiving more than one speaker card, allowing for distribution to persons that are not present. The Mayor, or Chair, of the meetings has the discretion to make exceptions if he/she feels it is necessary.

Additionally, while it has been the practice of the City Council to allow public speakers to address the Council only one time, except in the event of a Public Hearing, staff recommends the practice be formalized to include one speaker, one card.

The procedural recommendations for Public Statements during City Council meetings are as follows:
1. Each speaker has three (3) minutes to address the City Council. When their time commences, the green light on the lectern will light up. When 30 seconds is remaining, the light will turn yellow, and at the conclusion of their time, the light will turn red. When the light turns red, the speaker must conclude their comments and leave the lectern.

2. If there are a significant number of speakers, at the discretion of the Mayor or Chair of the meeting, the total amount of time for Public Statements may be limited to 45 minutes. Each speaker’s time will be shortened proportionately or as otherwise determined by the Chair for the orderly conduct of the meeting.

3. Speaker cards may be submitted to the City Clerk only until the beginning of Public Statements.

4. Speaker cards will only be distributed at the City Council meeting.

5. Once Public Statements begins, the City Clerk will no longer distribute speaker cards and no additional cards will be accepted.

6. Speakers will be called in the order their cards are received to the extent feasible.

7. Each speaker may speak one time only during Public Statements. If a speaker wishes to address multiple topics they must do so during their three minutes.

8. Speakers cannot donate or concede any part of their allotted time to another speaker.

9. Based upon First Amendment rights, speakers may read a statement authored by another person during Public Statements during their three minutes, however, they will not be provided an additional three minutes to make their own personal statements.

10. Members of the public unable to attend the City Council meeting but wishing to make comments are directed to send an email or written correspondence to the City Clerk’s office with their comments for inclusion in the Clerk’s files of the proceeding.

11. Members of the public must bring their own electronic equipment, except for a projector, for electronic presentations to the City Council. City equipment, except for a projector, will not be used for presentations by the public. It is incumbent upon the presenter to ensure their electronic equipment is compatible with the City’s projector.

12. All remarks shall be addressed to the Council and not to the audience.

13. In observance of the Brown Act, Council Members must refrain from engaging in dialogue with members of the public during public statements.

14. At the Mayor, or Chair of the meeting’s discretion, a speaker’s time may be extended.

Use of a Translator

Staff recommends that the City Council adopt protocols regarding the use of a translator at City Council meetings. While an agency is not required to provide translation services, in order to facilitate the inclusion of all members of the public it represents in its public decision making, staff recommends that the City Council adopt the following policy:
1. The City shall provide a translator if one is requested by a member of the public with a 48 hour advance notice. If a 48 hour advance notice is not provided, the member of the public may provide their own translator.

2. Per California Government Code 54954.3, if an individual utilizes a translator during Public Statements, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

3. If the City provides a translator or translation equipment that allows for the simultaneous translation of the testimony, then no additional time shall be granted.

Decorum for Members of the Public:

In order to facilitate an orderly City Council Meeting, members of the public will observe the following Rules of Decorum during City Council meetings:

1. There shall be no yelling, or “speaking out of turn,” from the audience at either the City Council or speakers at the lectern.

2. There shall be no clapping or booing of speakers addressing the City Council.

3. Speakers shall abide by time limits provided for under Public Statements.

4. Speakers shall leave the lectern when their time to speak has ended and the red light on the lectern has begun blinking.

5. Failure to abide by speaker time limits may result in removal from the lectern, and potentially removal from the meeting if speaking continues.

6. Although any member of the public has the right to criticize City policies, procedures, programs, services, or actions, remarks shall be limited to the matters related to the subject matter jurisdiction of the City Council/Commission, or Board.

7. Off-topic, purely personal remarks toward any individual are disruptive and should not be allowed.

8. Signs are permitted, provided they do not block the view of the meeting of other attendees or otherwise disrupt the meeting.

The Chief of Police or other members of the Police Department shall serve as the Sergeant at Arms and enforce the Rules of Decorum at the request of the Mayor or Chair.

Procedure for Enforcement of the Rules of Decorum:

1. The Mayor, or Chair of the meeting, issues a warning to the individual who is violating the rules of decorum and advises them that they are out of order, and to cease the conduct that is disruptive or otherwise is impeding the conduct of the City Council Meeting.
2. If the person does not cease the conduct immediately or if the conduct is repeated and disrupts the meeting, the Mayor or Chair of the meeting, may order the person to leave the meeting.

3. If the person does not leave, the Mayor, or Chair of the meeting, asks the Sergeant at Arms to remove them from the meeting.

4. If the disturbance is caused by a group, and such disturbance renders the orderly conduct of the meeting unfeasible, the Mayor, or Chair of the meeting, may order the room cleared pursuant to Government Code Section 54957.9 and continue in session pursuant to the requirements of that Section.

5. The Mayor and City Council also may choose to recess or adjourn the City Council meeting.

Council Member Requests for Future Agenda Items

From time to time, the City Council members may request that items be brought forward for discussion at a future City Council meeting. In order to ensure that requests for future agenda items are handled consistently, staff recommends that the City Council adopt the following procedure:

1. During a City Council meeting, under the item, “City Council/Board Member/Special District Member Requests for Future City Council Agenda Items” any City Council Member may request that a matter be placed on a future agenda item for discussion.

2. At the time the City Council Member requests the item, the Mayor may ask the City Council for concurrence to add the item to a future meeting agenda. Council Members should not discuss the substance of the item at this time.

3. Concurrence is two or more City Council Members verbally agreeing that the item should be brought back for a full City Council discussion, including the requestor.

4. Concurrence that staff time and City resources be devoted to the requested item does not signify approval of the item. It only indicates that the City Council wishes to have it studied further and move forward with a discussion.

5. Upon concurrence that the item shall be researched and agendized, the City Manager will determine when to place the item on a future agenda based on the time necessary to complete the research, staff workload considerations, and effect on City Council established priorities.

Responses by City Council Members to Public Statements

Council Members should each limit their responses to Public Statements, if any, to an aggregate of no more than ninety (90) seconds to ensure compliance with the Brown Act.

An optional area for the City Council’s consideration is the Mayor, or Chair of the meeting, extending the privilege of the floor to an individual Council Member whose integrity, character, or motives, were assailed, questioned or impugned during Public Statements for a period of no more than an additional sixty (60) seconds in aggregate to respond to the statements.
The above protocols are intended to be a beginning and that City Council Meeting Protocols be a process subject to amendment. As additional protocols arise, either through staff initiative or City Council direction, staff will return to the City Council for inclusion in the adopted protocols. At this time, staff recommends that the provisions above be adopted by resolution in their entirety to facilitate the orderly and efficient conduct of the public’s business.

The following alternatives are available to the City Council:

1. Adopt the attached resolution establishing City Council meeting protocols for the purpose of ensuring efficient City Council meetings;

2. Adopt the attached resolution establishing City Council Meeting Protocols for the purpose of ensuring efficient City Council meetings with the optional provision including the Mayor extending the privilege of the floor to a Council Member whose character has been impugned;

3. Modify and adopt the attached resolution establishing City Council Meeting Protocols for the purpose of ensuring efficient City Council meetings;

4. Do not adopt the attached resolution establishing City Council Meeting Protocols for the purpose of ensuring efficient City Council meetings;

5. Provide staff alternate direction.

Staff recommends Alternative No. 1.

**SUGGESTED CITY COUNCIL MOTION**

I move to adopt the attached resolution establishing City Council meeting protocols for the purpose of ensuring efficient City Council meetings.

**SUMMARY**

The City of Simi Valley does not have formal City Council meeting protocols in place. Staff recommends that the City Council consider the proposed protocols and adopt a resolution establishing formal protocols for the purpose of ensuring efficient City Council meetings.

Samantha Argabrite
Deputy City Manager

Prepared by: Samantha Argabrite, Deputy City Manager

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY ESTABLISHING CITY COUNCIL MEETING PROTOCOLS

WHEREAS, the City Council wishes to establish protocols to govern the conduct of City Council meetings; and

WHEREAS, these protocols are designed to improve the procedures and processes at City Council meetings for the purposes of conducting the peoples’ business; and

WHEREAS, the City Council finds and determines that the establishment of protocols for City Council meetings will promote the understanding of the operation of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council approves the City Council Meeting Protocols attached hereto as Exhibit 1, effective immediately.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 26th day of August, 2019.

Attest:

Julia Fritz, Acting City Clerk

Keith L. Mashburn, Mayor of the City of Simi Valley, California

Approved as to Form:

Lonnie J. Eldridge, City Attorney

Approved as to Content:

Brian Paul Gabler, Interim City Manager

Samantha Argabrite
Deputy City Manager
It is the policy of the City Council to establish City Council meeting protocols to ensure efficient City Council meetings as established in Resolution No. 2019-36.

Section 1 - Public Statements

1. Each speaker has three (3) minutes to address the City Council. When their time commences, the green light on the lectern will light up. When 30 seconds is remaining, the light will turn yellow, and at the conclusion of their time, the light will turn red. When the light turns red, the speaker must conclude their comments and leave the lectern.

2. If there are a significant number of speakers, at the discretion of the Mayor or Chair of the meeting, the total amount of time for Public Statements may be limited to 45 minutes. Each speaker’s time will be shortened proportionately or as otherwise determined by the Chair for the orderly conduct of the meeting.

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13. In observance of the Brown Act, Council Members must refrain from engaging in dialogue with members of the public during public statements.

14. At the Mayor, or Chair of the meeting’s discretion, a speaker’s time may be extended.

Section 2 - Use of a Translator

1. The City shall provide a translator if one is requested by a member of the public with a 48 hour advance notice. If a 48 hour advance notice is not provided, the member of the public may provide their own translator.

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4. Speakers shall leave the lectern when their time to speak has ended and the red light on the lectern has begun blinking or is illuminated.

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Section 4 - Procedure for Enforcement of the Rules of Decorum:

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**Section 5 - Council Member Requests for Future Agenda Items**

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5. Upon concurrence that the item shall be researched and agendized, the City Manager will determine when to place the item on a future agenda based on the time necessary to complete the research, staff workload considerations, and effect on City Council established priorities.

**Section 6 - Council Member Responses to Public Statements**

Council Members should each limit their responses to Public Statements, if any, to an aggregate of no more than ninety (90) seconds to ensure compliance with the Brown Act.

**HISTORY**

August 26, 2019    Policy A-40    Presented to the City Council for adoption.