

RESOLUTION NO. 12-6411

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL
AMENDING THE RULES OF ORDER FOR THE CONDUCT OF CITY
COUNCIL MEETINGS

RECITALS

- A. Periodically, the Manhattan Beach City Council reviews and amends its rules of order for the conduct of City Council meetings to facilitate greater public participation and effective meeting management.
- B. California's open meeting law, the Brown Act (Government Code Section 54950 et seq. ("Brown Act")) requires that agendas for regular meetings provide an opportunity for members of the public to directly address the legislative body on any item on the agenda before or during consideration of that item that is within the subject matter jurisdiction of the legislative body.
- C. The rules of order adopted by the City Council include provisions for "Public Participation" in compliance with the Brown Act and set forth various opportunities for members of the public to participate in City Council meetings.
- D. The Brown Act provides that a local agency may adopt reasonable regulations to ensure compliance with the public participation provisions of the Brown Act, including but not limited to regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.
- E. The City Council desires to amend the rules of order to facilitate greater public participation and effective meeting management.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH
DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Resolutions Nos. 6203, 6364 and any other Council resolutions affecting the conduct of city council meetings are hereby repealed.

Section 2. MEETING TIMES

- A. The regular meetings of the City Council of the City of Manhattan Beach shall be on the first and third Tuesday of each month beginning at 6:00 p.m. Whenever the day and the time for holding any of the meetings falls on a holiday, the meeting shall be held on the next business day unless otherwise ordered by the Council at a prior meeting. The sessions shall be held in the City Council Chambers at City Hall in the City of Manhattan Beach unless otherwise ordered by the City Council.
- B. All public hearings and "General Business" agenda items which have not been introduced by 10:30 p.m. will be continued to the next regular City Council meeting, or to another time set by the City Council prior to adjournment, unless the City Council votes to suspend this rule. Any public hearing or General Business item commenced prior to 10:30 p.m. may be completed without the necessity of a vote to suspend this rule.
- C. The City Council shall adjourn each regular meeting by 11:00 p.m. Upon adjournment, all agenda items not completed shall be continued to the next regular City Council meeting, or to such other time set by the Council prior to adjournment.
- D. By a 4/5th vote, the Council may waive or extend the deadlines specified in Sections B and C of this Section.

Section 3. AGENDA

- A. A written agenda shall be prepared for each regular and adjourned regular meeting of the Council.
- B. The agenda must contain a brief general description of each item of business to be transacted or discussed at that meeting.

- C. Each agenda shall contain a clear statement of the time and location of the meetings. Each agenda shall state that reports and documents relating to each agenda item (the "Agenda Packet") are available for public inspection at the City's main library and the Police Department at least 72 hours in advance of any regular Council meeting. In addition, the Agenda Packet is on file in the office of the City Clerk and is available for public inspection and copying as of 8:00 a.m. on Monday prior to the Council meetings, unless the Monday falls on a holiday, in which case the Agenda Packet will be available at 8:00 a.m. the following day.
- D. The agenda shall be posted not less than 72 hours in advance of the regular meeting.
- E. The agenda shall be posted on bulletin boards outside each entrance to the City Hall, in locations that are freely accessible to the public. The agenda is also posted on a bulletin board inside the main library. The agenda also shall be posted on the City's website. The agendas and Agenda Packets may be provided via other electronic means, as approved by Council. The person posting the agenda shall complete and sign a certificate of posting.
- F. The call and notice of a special meeting shall be posted in accordance with the Brown Act.
- G. Emergency meetings pursuant to Government Code Section 54956.5 and other applicable law can be held without complying with the agenda requirements of this Section 3.
- H. The Council shall not take any action on any item which does not appear on the posted agenda except as follows in accordance with Government Code Section 54956.5:
 1. Emergency Situation. An emergency situation is defined as a work stoppage or other activity which severely impairs public health, safety or both, or a crippling disaster which severely impairs public health, safety, or both. Before proceeding to act upon an emergency item not appearing on the agenda, the Council shall by a majority vote determine that an emergency situation exists and that prompt action is required by the Council. The Council shall include in the minutes of its meeting the facts upon which it relied in finding the existence of an emergency situation.
 2. Need to Take Action on Non-agenda Items. The Council may act upon an item not appearing on the agenda if it finds, by a two-thirds vote of the members present at the meeting or if less than two-thirds of the members are present, by a unanimous vote of the members present, that there is a need to take immediate action on the non-agenda item and such need to act came to the Council's attention after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be included in the minutes supporting the action taken.
 3. Held Over Items. Items not appearing on the posted agenda for a specific meeting may be acted upon at that meeting if:
 - a. The item appeared on a properly posted agenda for a previous meeting; and
 - b. The previous meeting occurred not more than five calendar days prior to the date of the meeting at which the item is proposed to be considered; and
 - c. The item was continued from the previous meeting to the meeting at which action is proposed to be taken.
- I. Other Council Business, Committee and Travel Reports: During this portion of the agenda, Council members may provide brief reports on meetings attended at the expense of the City, pursuant to AB 1234, and discuss any agenda item placed on the agenda by an individual Council member in accordance with the Brown Act. As to items placed on the agenda by a Council member, no staff time shall be incurred in connection with such item, other than incidental time, such as reproducing correspondence or making minor revisions to conform a resolution provided by an outside entity to the City's resolution format.

Section 4. PUBLIC PARTICIPATION

- A. ITEMS TO BE PLACED ON AGENDA
 1. Persons desiring to place items on the agenda shall submit a request, in writing, to the City Manager stating the nature of business and as much detail as possible.

2. The City Manager will determine if the request is appropriate as a Council agenda matter or if some other form of response should be made by the City to the request.

B. PUBLIC HEARINGS

1. The City Clerk shall establish the procedural fact of the notice of hearing and informs whether further correspondence has been received.
2. The Mayor opens the public hearing.
3. Staff shall present its report on the matter.
4. The applicant, if applicable, shall then be permitted to make its presentation to the Council.
5. Members of the public shall then be permitted to speak on the matter. Each person speaking will be requested to give his or her name and address of residence or street mailing address, in writing, for the record. Each person speaking, other than the applicant, may speak for up to three minutes unless the Council permits a longer period.
6. The applicant shall be given an opportunity for rebuttal following public comment.
7. The Mayor, with the consent of the Council, may establish a maximum period of time for public testimony during the hearing.
8. The Mayor may ascertain if there are many persons for or against the matter, and if so, to request that they appoint a spokesperson.
9. The Mayor shall close the public hearing.
10. There will be no public input once the Council starts deliberation on the matter before them unless Council requests additional information from staff or reopens the public hearing.
11. The Council may, by motion, continue the public hearing to a specific date and time. Such motion may be made either before or after the close of the public hearing.

C. ADDITIONAL PUBLIC PARTICIPATION

1. In addition to providing to the public the opportunity to speak on public hearings, the City Council provides four additional opportunities for members of the public to directly address the Council during: (a) Community Announcements; (b) Audience Participation; (c) Individual agenda items; and (d) Removed Consent Calendar items.
 - (a) Community Announcements: Toward the beginning of the agenda, speakers may provide brief announcements, not-to-exceed one minute in duration for any speaker, of community events.
 - (b) Audience Participation: Immediately following "Community Announcements," speakers may comment on any item of interest to the public that is within the subject matter jurisdiction of the legislative body, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City with the consent of the majority of the Council. Each speaker may speak for up to three minutes, unless the time is extended by the Mayor with the consent of the majority of the Council.
 - (c) Items on the Agenda: Speakers may directly address the legislative body on any item on the agenda before or during consideration of that item. Each speaker may speak for up to three minutes, unless the time is extended by the Mayor with the consent of the majority of the Council.

Section 5. ORDER OF BUSINESS

A. The business of the City Council shall be considered in substantially the following order, except as may otherwise be ordered by the Mayor or a majority of the Council:

1. Pledge to the Flag
2. Roll Call
3. Ceremonial
4. Approval of the Agenda

By motion of the City Council this is the time to notify the public of any changes to the agenda and/or rearrange the order of the agenda.

5. Community Announcements
6. Audience Participation
7. Consent Calendar
8. Public Hearings
9. General Business
10. Items Removed from the Consent Calendar
11. City Manager Report(s)
12. Other Council Business, Committee and Travel Reports
13. Adjournment

Section 6. CONSENT CALENDAR DEFINED

A. Those items on the City Council agenda which are considered routine by the City Manager shall appear on a separate section on the agenda and shall include, but not be limited to, the following items:

1. Approval of Minutes
2. Approval of Minute Actions
3. Acceptance of Grant Deeds/Grants of Easement
4. Notices of Completion for Projects
5. City Treasurer's Report
6. Approval of Plans and Specifications and Call for Bids
7. Bid Awards
8. Approval of Records Destruction
9. Approval of Leases and Agreements
10. Approval of Annexations
11. Receive and File or Refer Correspondence
12. Approval or Receive and File Commission or Board Resolutions or Actions
13. Appointments/Resignations/Personnel Actions

- 14. Claims against the City
- 15. Resolutions of Intent or Calling of Hearings
- 16. Approval of Demands

B. With the exception of items previously removed from the Consent Calendar, the entire Consent Calendar is voted upon by roll call under one motion. The Mayor will first ask the staff, public and the Councilmembers if there is anyone who wishes to speak on any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered at the portion of the agenda under "ITEMS REMOVED FROM THE CONSENT CALENDAR."

Section 7. RECORDING OF COUNCIL VOTES

When deemed appropriate, and as required by State law, the votes taken by Council shall be recorded by use of electronic means or an oral roll call vote by the City Clerk, or other staff person as appointed by City Council.

Section 8. SPEAKER TIME LIMITS

When deemed appropriate, the City Clerk, or other staff person as appointed by the City Council, shall keep track of the time limits for audience or Council comments by use of an electronic device.

Section 9. COUNCIL AUTHORITY

The Council shall have the authority to waive provisions of the procedures established by this Resolution unless the procedure is required by law. Failure of the Council to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Council.

Section 10. Section 3C provides that the Agenda Packet will be available for public inspection at the City's main library and the police station at least 72 hours in advance of any regular Council meeting. However, the City's main library will be closed for construction subsequent to the adoption of this Resolution. During that construction and at other times when the above locations are inaccessible to the public, the City Clerk's office shall designate one or more alternative locations.

Section 11. This Resolution shall take effect immediately. The City Clerk shall make this Resolution available for public inspection upon its adoption.

Section 12. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED this 16th day of October, 2012.

Ayes: Howorth, Montgomery, Tell, Lesser and Mayor Powell.
 Noes: None.
 Absent: None.
 Abstain: None

/s/ Wayne Powell
 Wayne Powell, Mayor
 City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
 Liza Tamura, City Clerk