

RESOLUTION NO.13-0066

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL  
AMENDING AND RESTATING 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, as it currently exists or is hereafter amended (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. Resolution No. 12-6411 is hereby repealed.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.

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 in full compliance with the Brown Act.
- C. Each agenda shall contain a clear statement of the time and location of the meetings in full compliance with the Brown Act. 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 station at least 72 hours in advance of any regular Council meeting.

- D. The agenda shall be posted in full compliance with the Brown Act.
- 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 54954.2:
  - 1. Emergency Situation. An emergency situation, as defined in Government Code Section 54956.5, exists. 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 inform whether further correspondence has been received.
2. The Mayor shall open 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 provide his or her name for the record. Each person speaking, other than the applicant and, if applicable, the appellant may speak for up to three minutes unless the Council permits a longer period of time. The Mayor may provide additional time to applicants and appellants. Any time provided for public testimony during public hearings is in addition to any of the amount of time specified in the following section (“Additional Public Participation”).
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 the following additional opportunities for members of the public to directly address the Council, for up to a cumulative amount of 15 minutes at any one Council meeting:
  - (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 upcoming community events.
  - (b) Public Comments on Non-Agenda Items: 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. 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 speaker has already exceeded his maximum accumulated time.

(d) Additional Public Comments: Speakers may comment on any item of interest to the public that is within the subject matter jurisdiction of the legislative body. 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 speaker has already exceeded his maximum accumulated time.

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 of Upcoming Events
6. Public Comments on Non-Agenda Items (for a maximum of 30 minutes)
7. City Manager Reports
8. City Attorney Report
9. Councilmember Announcement and Reports
10. Consent Calendar
11. Public Hearings
12. General Business
13. Items Removed from the Consent Calendar
14. Additional Public Comment
15. Other Council Business, Committee and Travel Reports, and Items for Future Discussion
16. Adjournment

Section 6.        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 7.        SPEAKER TIME LIMITS

In addition to time allotted during public hearings, speakers may speak up to 15 minutes at any one council meeting. 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 8.        COUNCIL AUTHORITY

A majority of 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 9.        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 is currently closed for construction. 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 10.       This Resolution shall take effect immediately. The City Clerk shall make this Resolution available for public inspection upon its adoption.

Section 11.       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 \_\_\_\_ day of October, 2013.

- Ayes:
- Noes:
- Absent:
- Abstain:

\_\_\_\_\_  
 DAVID J. LESSER  
 Mayor, City of Manhattan Beach

ATTEST:

\_\_\_\_\_  
 LIZA TAMURA  
 City Clerk