

RESOLUTION NO. 18-0028

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

RECITALS

- A. California's open meeting law, the Brown Act (Government Code Section 54950 et seq. ("Brown Act")), mandates that city councils adopt rules for "the conduct of business" (Government Code Section 54954) and requires that agendas for regular meetings provide "an opportunity for members of the public to directly address the legislative body on any item of interest to the public" including agenda items before or during the legislative body's consideration of the item that is within the subject matter jurisdiction of the legislative body (Government Code Section 54954.3(a). Periodically, the Manhattan Beach City Council reviews and amends its rules of order to facilitate the efficient and transparent conduct of the City's business at a reasonable hour.
- B. Government Code Section 54954.3(b)(1) provides that city councils "may adopt reasonable regulations to ensure the intent" of the Brown Act is carried out. The primary intent of the Brown Act is that the people's business be conducted openly and transparently, after providing an opportunity to the largest number of members of the public to directly address the council before the council takes action on any item. The rules of order, as amended by the City Council, provide an opportunity for members of the public to directly address the City Council on any item on the agenda before consideration of the item, in full compliance with the Brown Act, at a reasonable time.
- C. The City Council desires to amend the rules of order to facilitate effective and efficient meeting management, greater transparency and meaningful public participation.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. Meeting Times

- A. Regular meetings of the Manhattan Beach City Council shall be held the first and third Tuesday of each month beginning at 6:00 p.m. and ending at 11:00 p.m. the same day. The City Council may, by a majority vote, extend the meeting. Whenever the day for holding a meeting falls on a holiday, the meeting shall be held the next business day unless otherwise ordered by the City Council at a prior meeting. Meetings shall be held in the Manhattan Beach City Hall City Council Chambers unless otherwise ordered by the City Council.

Section 2. Agenda

- A. A written agenda shall be prepared for each City Council meeting.
- 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 meeting.

- D. 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. Agenda packets are also available on line on the City's website and the County Library located at 1320 Highland Avenue, Manhattan Beach.
- E. The agenda shall be posted in full compliance with the Brown Act on bulletin boards outside the two main entrances to City Hall, in locations that are freely accessible to the public. The agenda also shall be posted on the City's website. The agendas and agenda packets may be provided via other electronic means. 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 2.
- H. The City 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 City Council shall by a majority vote determine that an emergency situation exists and that prompt action is required by the City 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 City 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;
    - 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.

Section 3. Requests for Items to be Placed on Agenda

- A. Any person who wants the City Council to consider an item shall submit a request, in writing, to the City Manager, with as much detail as possible. The City Manager may either place the item on the agenda or respond to the request.

- B. The City Manager may place items on the agenda.
- C. A Council Member may request an item be placed on a future meeting agenda if supported by a second member.

Section 4.     Order of Business.     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:

- A. Pledge to the Flag
- B. Roll Call
- C. Ceremonial Calendar
- D. Approval of the Agenda and Waiver of Full Reading of Ordinances

By motion of the City Council, Council shall: (a) notify the public of any changes to the agenda; (b) remove items from the Consent Calendar for individual consideration; or (c) rearrange the order of the agenda.

- E. Community Announcements of Upcoming Events (up to a maximum of one minute each): Community organization representatives, City staff members, and City Council Members may provide brief announcements, not-to-exceed one minute in duration for any speaker, of upcoming community events.
- F. Public Comments: Speakers may comment for up to three minutes on any matter within the subject matter jurisdiction of the City Council, including items on the meeting agenda.

Speakers who wish to comment on Public Hearing agenda items are encouraged to comment when those items are heard so their comments may be included in the record.

Unless a majority of the Council objects, the Mayor may provide speakers with more or less time to speak.

- G. Consent Calendar
  - 1. Items on the Consent Calendar are considered routine and customary. They are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda." Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

- H. Items Removed from the Consent Calendar: Each speaker may comment up to two minutes on any item pulled from the Consent Calendar.

- I. Public Hearings: Speakers may address the City Council on the subject matter of the Public Hearing, in accordance with the following process:
  - 1. The City Clerk shall certify the Public Hearing has been duly noticed 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 Mayor shall invite the applicant (if applicable) and the appellant (if applicable) to present oral and written evidence.
5. The Mayor shall invite members of the public to speak. The Mayor may inquire if there are many persons who wish to speak, and if so, to request they appoint a spokesperson. Each speaker will be requested to provide his or her name for the record. The Mayor shall provide three minutes to each speaker, unless the Mayor establishes a shorter or longer period based on the number of individuals who wish to speak.
6. The Mayor may provide an opportunity of rebuttal.
7. The Mayor shall close the public hearing.
8. No additional evidence shall be presented after the close of the Public Hearing unless it is reopened by the Mayor.

J. General Business: Each speaker may comment for up to two minutes on any individual item on the agenda at the time the matter is being considered. Unless a majority of the Council objects, the Mayor may provide speakers with more or less time to speak.

K. City Council Reports including AB 1234 Reports

Council members may provide brief reports, including reports on meetings and conferences attended at the expense of the City, and discuss agenda items placed on the agenda by an individual Council Member at a prior meeting. 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.

L. Future Agenda Items

A Council Member may request an item be placed on a future meeting agenda if supported by a second member.

M. City Manager Report

N. City Attorney Report

O. Informational Items (e.g., minutes of city commissions and quasi-judicial decisions of the Planning Commission)

P. Closed Session

Q. Adjournment

Section 5. Recording of City Council Votes

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

Section 6. Council Authority


By motion of the Council adopted by a two-thirds vote, the Council has 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 7. This Resolution shall take effect immediately.

Section 8. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on March 6, 2018.

AYES: Lesser, Montgomery, Hersman, Napolitano and Mayor Howorth.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.



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AMY HOWORTH  
Mayor

ATTEST:



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LIZA TAMURA  
City Clerk