

~~RESOLUTION NO. 15-6988~~ CITY OF HERMOSA BEACH

~~A 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

~~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 meeting agenda types meetings are hereby adopted:~~

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8           **SECTION 1. SCOPE.**

9           ~~1.1 This Resolution shall establish the~~ procedures follow~~for the conduct of all~~  
10 ~~meetings of~~

11           ~~the City Council of the City of Hermosa Beach. The purpose of this Resolution is to~~  
12 ~~provide that the City Council's meeting procedures will be consistent with the Brown Act in~~  
13 ~~accordance with~~ (Government Code Section 54950 *et seq.*;) and

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

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

21           **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA**  
22 **BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

23           **The following rules of order and decorum for the conduct of City Council meetings are hereby**  
24 **adopted.**

1 SECTION 1. SCOPE.

2 1.1 **RESOLUTION NO. 15-6988** is hereby rescinded and the rules of order and  
3 decorum for City Council meetings and other City Boards and Commissions are hereby adopted.

4 SECTION 2. MEETINGS.

5 2.1 Regular Meetings. Pursuant to the authority set forth in Municipal Code section  
6 2.04.010, the City Council shall conduct its meetings pursuant to the dates and times fixed by  
7 Resolution and approved by the City Council each December for the following year.~~Regular~~  
8 ~~meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month. The Regular meetings of the City~~  
9 ~~Council shall commence at 6:00 p.m. Only Closed Sessions (and public comment associated~~  
10 ~~therewith) and Study Sessions may be held between 6:00 p.m. and 7:00 p.m. (and no other~~  
11 ~~public agenda items) unless a Regular meeting is adjourned to or a Special meeting called for~~  
12 ~~that time. No Closed Session or Study Session will be held during that hour unless the posted~~  
13 ~~agenda of that evening's Regular meeting indicates that such session will take place; in the~~  
14 ~~absence of such notification in the agenda, the Regular meeting shall commence at the hour of~~  
15 ~~7:00 p.m. Regular meetings shall be conducted in the location set forth in Municipal Code~~  
16 ~~section 2.04.020. Closed Sessions shall be conducted in the location identified on the agenda.~~

17 2.2 Other Meetings. All other meeting types shall be called and noticed according to  
18 applicable local and State law.

19 2.3 ~~2.2~~ Special Meetings. ~~A Special meeting may be called at any~~  
20 ~~time by the Presiding Officer or by any three members of the City Council. Written notice of~~  
21 ~~any such meeting must be given to all members of the City Council and to all newspapers,~~  
22 ~~radio and television stations, or other public media of general Hermosa Beach coverage who~~  
23 ~~have submitted a written request to the City Clerk for such notification. Such notice may be~~  
24 ~~given either personally or by mail, but must be received at least 24 hours before the time set~~  
25 ~~for the Special meeting. The call and notice shall specify the time and place of the Special~~  
26 ~~meeting and the business to be transacted. Such notice is not necessary for any member who~~

1 submits a written waiver of notice to the City Clerk at or before the time set for the meeting or for  
2 any member who is actually present at the special meeting.

3 ~~2.3 — Emergency Meetings. An emergency meeting may be called by the Presiding  
4 Officer or by a majority of the City Council where there exists:~~

5 a. ~~— a work stoppage, crippling disaster or other activity which severely  
6 impairs public health, safety or both, as determined by the City Council; or~~

7 b. ~~— such other circumstances specified by State law as authorizing the  
8 conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and  
9 conducted in accordance with procedure set forth in State law.~~

10 ~~2.4 — Closed Sessions. The City Council may hold Closed Sessions during a Regular  
11 or Special meeting, or at any time otherwise authorized by law, to consider or hear any matter  
12 which it is authorized by State law to hear or consider in Closed Session. During Closed  
13 Session, the City Council may exclude any person or persons which it is authorized by State  
14 law to exclude from a Closed Session. The City Manager shall keep a record of action taken  
15 and the vote thereon. The City Attorney shall make such reports as are required by the Brown  
16 Act.~~

17 ~~2.5 — Quorum. Three members of the City Council shall constitute a quorum and shall  
18 be sufficient to transact business. If fewer than three Councilmembers appear at a Regular  
19 meeting, any member, or if all members are absent, the City Clerk, shall adjourn the meeting  
20 to a stated day and hour. All Council actions require the affirmative votes of a majority of  
21 the quorum, with the exception of those actions required by State law to have a specific  
22 minimum number of votes.~~

23 ~~2.4 Recording of Meetings. 2.6 — Adjourned Meetings. The City  
24 Council may adjourn any Regular, Adjourned Regular, Special or Adjourned Special meeting  
25 to a time and place specified in the order of adjournment. If a quorum is not present, less than  
26 a quorum may so adjourn. If all members are absent from any Regular or Adjourned Regular  
27 meeting, the City Clerk may declare the meeting adjourned to a stated time and place and  
28 shall cause a written notice of the adjournment to be delivered personally to each  
Councilmember. A copy of the order or notice of adjournment shall be conspicuously posted on  
or near the door of the place where the Regular, Adjourned Regular, Special or Adjourned Special~~

1 meeting was held, within twenty four (24) hours after the time of adjournment. When a Regular or  
2 Adjourned Regular meeting is adjourned as provided herein, the resulting Adjourned Regular  
3 meeting shall be a Regular meeting for all purposes. When an order of adjournment of any meeting  
4 fails to state the hour at which the Adjourned meeting is to be held, it shall be held at the hour  
5 specified for Regular meetings.

6 ~~2.7~~ Recording of Meetings. All open and public meetings of the City Council shall be  
7 cablecast and webcast live or videorecorded for airing on the City's government channel and  
8 viewing on the City's website. ~~In that~~ event that technical difficulties ~~beyond the City's control~~  
9 prevent the cablecasting, webcasting and/or recording of a meeting, the City Attorney, in  
10 consultation with the City Manager and City Council, may ~~determine in its discretion~~ decide  
11 whether or not to proceed with the meeting pursuant to State law.

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

13 3.1 ~~Posting of Notice and Agenda.~~ For every Regular meeting, the City Clerk or his/her  
14 designee shall post an agenda containing a brief description of all of the items of business to be  
15 discussed at the meeting. For every Special meeting, the City Clerk or designee shall post a notice  
16 of the meeting, specifying the time and place at which the meeting will be held, and an agenda  
17 containing a brief description of all the items of business to be discussed at the meeting. The notice  
18 and agenda for a Special meeting may be combined in a single document.

19 ~~3.2~~ Location of Posting. The City Clerk shall designate the location between City Hall  
20 and the Police Department as the City's official physical posting location, which is a place ~~The~~  
21 notice and agenda shall be posted in a place to which the public has unrestricted access during at  
22 least normal business hours and where ~~postings~~the notice and agenda are not likely to be removed  
23 or obscured by other posted material. ~~The~~ Specifically, the notice and agenda shall be posted  
24 at the places indicated below, and/or at such other locations(s) as the City Clerk may designate:  
25 City Hall, the Police Station, and the City library. The agenda shall also be posted on the City's  
26 website shall serve as the digital posting location.

27 3.3 ~~Posting for Regular Meetings.~~ For any Regular meeting of the City Council, the  
28 notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the  
meeting.

1           ~~3.4 — Posting for Special Meetings. For any Special meeting of the City Council, the~~  
2 ~~notice and agenda shall be posted no later than twenty four (24) hours prior to the time set for the~~  
3 ~~meeting.~~

4           ~~3.5 — Affidavit of Posting. Immediately following the posting of the notice and agenda,~~  
5 ~~the City Clerk or designee shall complete an Affidavit of Posting, in a form developed by the City~~  
6 ~~Clerk. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting,~~  
7 ~~and shall be signed under penalty of perjury. The City Clerk shall retain all such affidavits, together~~  
8 ~~with a copy of each notice and agenda so posted, in his or her files. The affidavit notice and agenda~~  
9 ~~shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government~~  
10 ~~Code Section 34090, shall not be destroyed by the City Clerk thereafter without the written consent~~  
11 ~~of the City Attorney.~~

12           ~~**SECTION 4. WRITTEN COMMENTS — AGENDA — CONTENTS.**~~

13           ~~4.1     Description of Matters. All items of business to be discussed at a meeting of the City~~  
14 ~~Council shall be briefly described on the agenda. The description should contain sufficient detail so~~  
15 ~~that a person otherwise unaware could determine the general nature or subject matter of the item by~~  
16 ~~reading the agenda. Closed Session agenda items shall be described with particularity to the extent~~  
17 ~~feasible without compromising the confidentiality of the Closed Session.~~

18           ~~4.2 — Availability of Agenda. The agenda of each Regular meeting shall be made available~~  
19 ~~to the public not later than the Friday preceding the Council meeting.~~

20           ~~4.3 — Limitation of Actions by Agenda. No action shall be taken by the City Council on~~  
21 ~~any item not appearing on a posted agenda, subject only to the exceptions listed below:~~

22           ~~a. — Upon a majority determination that an "emergency situation," as defined by~~  
23 ~~State law, exists.~~

24           ~~b. — Upon a determination by a two-thirds (2/3) vote of the members present, or~~  
25 ~~if less than two-thirds of the members are present, by unanimous vote, that there is a need to take~~  
26 ~~immediate action and that the need to take action came to the attention of the City subsequent to the~~  
27 ~~agenda posting. If the City Council makes a determination pursuant to this subsection, the minutes~~  
28 ~~of the meeting at which the determination is made shall reflect what circumstances gave rise to the~~  
~~need to take action after the agenda was posted.~~

1 e. ~~Where the item upon which action is to be taken was included on a properly~~  
2 ~~posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar days~~  
3 ~~prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was~~  
4 ~~continued to the meeting at which action is being taken.~~

5 ~~4.4 Submittal of Written CommentsMaterials by the Public. Written comments shall~~  
6 ~~include emails, ecomments, or lettersmaterials pertaining to matters listed on the agenda of a~~  
7 ~~Regular City Council meeting must be submitted by noon of the Tuesday before the meeting in~~  
8 ~~order to be included in the agenda packet. However, written materials received after that deadline~~  
9 ~~will nonetheless be posted under the relevant agenda item on the City's website at the same time as~~  
10 ~~they are distributed to the City Council and provided to the City Council and the public at the~~  
11 ~~meeting. Written correspondence of a general nature addressed to the City Council. The subject of~~  
12 ~~each written comment should refer to an item listed on the agenda for a specific City Council~~  
13 ~~meeting. All written comments should be addressed to the City Council and submitted to the City~~  
14 ~~Clerk. will be handled in accordance with section 6.4.~~

15 ~~4.2 Timeline for Submitting Written Comments. All written comments should be~~  
16 ~~submitted to the City Clerk by the deadline set forth on the meeting agenda. Instructions for~~  
17 ~~submitting a written comment shall be included in the agenda, delivered to the City Council, and~~  
18 ~~made public before the meeting.~~

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

20 ~~5.1 Commencement of Meeting. In the event that the posted agenda calls for a~~  
21 ~~Closed Session, the Mayor or the City Attorney shall announce the intention of the City Council to~~  
22 ~~recess into a Closed Session and shall state the basis therefore. Public comment shall be taken on~~  
23 ~~the Closed Session agenda.~~

24 ~~At the time set for each Regular meeting, the Councilmembers, City Manager, City Attorney~~  
25 ~~and City Clerk shall take their regular places in the Council Chamber. The Presiding Officer shall~~  
26 ~~call the meeting to order and the business of the Council shall be taken up for consideration and~~  
27 ~~disposition in the order set forth in Section 5.2 except that with the consent of a majority of the~~  
28 ~~Council, items may be taken up out of order.~~

~~5.2 Order of Business. The order of business at meetings of the City Council shall be as~~  
follows, in accordance with the procedures specified below:



1 a. ~~CALL TO ORDER~~

2 The Presiding Officer shall call the meeting to order.

3 b. ~~PLEDGE OF ALLEGIANCE~~

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

5 e. ~~ROLL CALL~~

6 The City Clerk shall call the roll of the City Council beginning with  
7 Councilmembers, and the names of those present shall be entered on the minutes. The order of roll  
8 call shall be alphabetical with the Mayor Pro Tempore called fourth and the Mayor called last.  
9 Members present and absent shall be entered into the minutes.

10 ~~d. REPORT OF CLOSED SESSION~~ REPORT

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

13 e. ~~ANNOUNCEMENTS~~

14 Councilmembers may make any announcements at this time.

15 1. APPROVAL OF AGENDA

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

18 PROCLAMATIONS/f. PRESENTATIONS

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

22 2. CITY MANAGER REPORT

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

24 g. ~~PUBLIC COMMENT~~ PARTICIPATION

25 Oral ~~and written~~ comments from members of the public are accepted here as set forth  
26 in Section 6, herein. All comments from members of the public relative to Consent Calendar items

1 must be heard at this time unless a Councilmember agrees to remove a Consent Calendar item at  
2 the request of a member of the public made at this time.

3 3. CITY COUNCILMEMBER COMMENTS

4 Councilmembers may briefly respond to public comments, ask a question for  
5 clarification or make brief announcements or report on activities or meetings  
6 attended.

7 h. ~~CONSENT CALENDAR~~

8 The City Council may approve items ~~Items~~ of a routine nature ~~may be approved by~~  
9 ~~the City Council~~ in a single motion  
10 by adopting adoption of the Consent Calendar. ~~Before~~ ~~The~~ approval of the Consent Calendar,  
11 the City Council may pull an item(s) for separate discussion. ~~shall signify the approval of each~~  
12 ~~matter or recommendation included therein.~~

13 4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE  
14 DISCUSSION

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

17 i. ~~PUBLIC HEARINGS~~

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

19 j. ~~EXCLUDED CONSENT CALENDAR~~

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

21 k. ~~MUNICIPAL MATTERS~~

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

23 5. FUTURE AGENDA ITEMS

24 Two Councilmembers may direct. ~~CITY MANAGER'S REPORT~~

1 ~~This section is set aside for the City Manager to update the Council on important~~  
2 ~~items initiated by staff to bring back an informational item or previously requested by the City~~  
3 ~~Council.~~

4 m. ~~COUNCILMEMBER COMMENTS~~

5 ~~This portion of the meeting shall be set aside for general comments, reports of~~  
6 ~~meeting attendance, requests of staff, and/or other issues of concern from members of the City~~  
7 ~~Council, and brief responses to audience comments. No extensive discussion of these comments is~~  
8 ~~permitted.~~

9 n. ~~OTHER MATTERS FROM CITY COUNCIL~~

10 ~~Direction from the City Council to place items of business on a future agenda shall~~  
11 ~~be given at this time by a majority of the Council may direct staff to bring back an action item. -~~  
12 No discussion, action or public comments shall be taken at this time.

13 e. ~~ADJOURNMENT~~

14 ~~**SECTION 6. PUBLIC COMMENT.**~~

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

19 ~~**6. ADJOURNMENT**~~

20 ~~**SECTION 6. PUBLIC COMMENT.**~~

21 6.1 ~~General Public Comment.~~ -During the ~~first general Public CommentParticipation~~  
22 section of the agenda, any member of the public may address the City Council on items appearing  
23 on the Consent Calendar. Comments concerning other items on the agenda will be heard at the time  
24 the item is considered during the course of the meeting; however, they may be offered at this time  
25 if the member of the public cannot be in attendance later in the evening. ~~At this time, members~~

1 Members of the public may also comment upon any other items of interest that are within  
2 the subject matter jurisdiction of the City Council. ~~at this time.~~ Any Councilmember may request  
3 that matters addressed under Public ~~CommentParticipation~~ be placed for information or action on a  
4 subsequent agenda under FUTURE AGENDA ITEMS; however, no action shall be taken on items  
5 not appropriately placed on the agenda except ~~upon~~ in a majority determination that an “emergency  
situation” exists as defined by State law. described in Section 4.3.

6 ~~6.2 Limitations.~~ The public comment period during the general Public Comment shall  
7 be limited to no more than two (2) three (3)  
8 minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend  
9 **the time and doing so will not be arbitrary or unfair.**

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

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

22 6.2 Public Comment for Agenda Items. Any member of the public may address the City  
23 Council on agenda items appearing on the City Council agenda. After the staff presentation and any  
24 clarifying factual/technical questions by the City Council, the Presiding Officer shall then solicit  
25 public comment. Each speaker under this public comment period shall be limited to no more than  
26 three (3) minutes for each speaker, unless the Presiding Officer determines that good cause exists  
27

1 to extend the time and doing so will not be arbitrary or unfair. The Presiding Officer may allow  
2 additional time for the spokesperson of a group if doing so will limit the number of persons speaking  
3 and avoid repetitious presentations. Public comment will be taken first by those physically in City  
4 Council Chambers during the time the item is called. Public comment will then be opened up to  
5 those viewing the meeting via remote public participation options or listening in telephonically and  
6 will similarly be limited to three (3) minutes. Unless mandated by law, this remote participation is  
7 done as a courtesy only and is not guaranteed. The City reserves the right to terminate this medium  
8 at any time and for any reason.

9       6.3 Procedure.—Upon addressing the City Council, each speaker may choose to state  
10 his or her name and city of residence and then identify the subject or subjects upon which he or she  
11 intends to speak. Speakers shall address their comments or questions to the City Council as a whole,  
12 and not to any particular Council or staff member or to the audience.

13  
14 ~~6.4 Written Communication to Council. Persons who wish to address an issue to the~~  
15 ~~City Council for the official record may submit written material to the Council in lieu of or in~~  
16 ~~addition to speaking under the Public Participation section of the meeting. Such written~~  
17 ~~correspondence must be delivered to the City Clerk by noon of the Tuesday one week before the~~  
18 ~~Regular Council meeting in order to be included on the agenda.~~

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

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

22       7.1 Time for Consideration. ~~consideration.~~—Matters noticed as public hearings  
23 shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter \_\_\_  
24 as is reasonably possible, and shall continue until the same has been completed or until other  
25 disposition of the matter has been made.

26       7.2 Continuance of Hearings.- Any public hearing being held or noticed or ordered to be  
27 held by the City Council may, by order or notice of continuance, be continued or re-continued to  
28 any subsequent meeting ~~in the manner provided for under Section 2.6.~~

1           7.3 Conduct of Hearings. ~~—When a matter for public hearing comes before the City~~  
2 Council, the Presiding Officer shall open the public hearing and follow the process as legally  
3 required.÷

4           a. ~~Call for a report on noticing from the City Clerk.~~

5           b. ~~Call for a report on written communications received by the City pertaining~~  
6 ~~to the item being heard.~~

7           c. ~~With respect to quasi-judicial matters, request that each Councilmember~~  
8 ~~report on any ex parte communications, as defined in Section 7.5.~~

9           d. ~~Request that staff present the staff report and any other relevant evidence.~~  
10 ~~Presentation of the staff report prior to the formal opening of the public hearing shall not prevent its~~  
11 ~~consideration as evidence. Any such evidence shall be made a part of the record of the public~~  
12 ~~hearing.~~

13           e. ~~The Presiding Officer shall then recognize the proponents or appellants in the~~  
14 ~~case, who shall be permitted ten (10) minutes to present evidence related to the matter under~~  
15 ~~consideration.~~

16           f. ~~The Presiding Officer shall then recognize members of the public. No person~~  
17 ~~may speak without first being recognized by the Presiding Officer. Members of the City Council~~  
18 ~~who wish to ask questions of the speakers or each other during the public hearing may do so.~~  
19 ~~Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to~~  
20 ~~debate the merits of the item under consideration. Members should avoid debate and expressions of~~  
21 ~~personal opinion until after the close of the public testimony portion of the public hearing. The~~  
22 ~~Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected~~  
23 ~~persons. Comments from the public shall be limited to three (3) minutes per speaker for public~~  
24 ~~hearings, unless the City Council affirmatively decides otherwise.~~

25           g. ~~Following public comments, the proponents or appellants may present a~~  
26 ~~wrap-up or rebuttal statement, not to exceed five (5) minutes in length.~~

27           h. ~~The Presiding Officer shall then close the public testimony portion of the~~  
28 ~~public hearing. Councilmembers may still, however, ask questions of staff or members of the public.~~  
~~Upon conclusion of Council deliberations and immediately prior to a motion, the Presiding Officer~~  
~~shall formally close the public hearing. Upon formally closing the public hearing, no additional~~

~~public testimony shall be solicited or received without reopening the hearing. The hearing may not be reopened unless it is determined that no one in the audience has left the room since closure of the hearing. In the event the Presiding Officer is unable to make that finding, the hearing may not be reopened unless it is renoticed for a future meeting.~~

~~i. The City Council shall then take action.~~

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

1 and, thereafter, to any Councilmember properly recognized by the Presiding Officer. Debate shall  
2 be closed upon consent (implicit or explicit) of a majority of the City Council. Once the matter has  
3 been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed,  
4 unless the Council overrules the Presiding Officer by a majority vote. A motion that results in a tie  
5 vote does not pass.

6 8.3 Voting. Every Councilmember should vote unless disqualified by reason of a  
7 financial or common law conflict of interest. A Councilmember may change his or her vote prior to  
8 the time that the Presiding Officer or City Clerk announces the outcome of the vote on the motion,  
9 and not after.

10 ~~8.4 Adjournment. The City Council shall adjourn each Regular meeting by 10:30 p.m.  
11 unless a majority of the members present vote to extend the adjournment time. Notwithstanding the  
12 foregoing, any item of business commenced prior to 10:30 p.m. may be completed without the  
13 necessity of an adjournment extension vote. Upon adjournment, those items of business not  
14 completed shall be continued to the next Regular City Council meeting unless the Council schedules  
15 the items for an Adjourned meeting to take place prior to the next meeting.~~

## 16 SECTION 9. -DECORUM.

17 9.1 Rules for City Councilmembers. Members of the City Council shall conduct  
18 themselves in an orderly and businesslike manner to ensure that the business of the City shall be  
19 attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of  
20 the City Council is maintained at all times. Members of the Council shall maintain a polite,  
21 respectful and courteous manner when addressing one another, City staff and members of the public  
22 during meetings.

23 a. ~~Role of the Presiding Officer.~~ The Presiding Officer of the City Council,  
24 who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence any  
25 other member designated by the City Council, shall be responsible for maintaining the order and  
26 decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules of operation  
27 and decorum contained herein are observed. The Presiding Officer shall maintain control of  
28 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 ~~Councilmember Comments or Other Matters~~ 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,  
~~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~~infeasible. 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,

1 it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person  
2 who is disturbing the proceedings of the City Council.

3 ~~3)~~ Resisting Removal.- Any person who resists removal by the sergeant-  
4 at-arms may be charged with any applicable ordinance or law.

5 ~~4)~~ Motion to Enforce. -If the Presiding Officer of the City Council  
6 fails to enforce the rules of order and decorum set forth above, any member of the City Council may  
7 move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City  
8 Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the  
9 will of the majority of the City Council, the majority may designate another member of the City  
10 Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum  
11 established above.

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

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

21 ~~SECTION 10. Resolution No. 12-6787 is hereby rescinded.~~

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

1 PASSED, APPROVED ~~and~~ **AND** ADOPTED this ~~23rd Day~~ ~~28th day~~ of ~~January, 2024~~ ~~July, 2015~~.

2  
3 Mayor Justin Massey

4  
5 \_\_\_\_\_  
6 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA ~~California~~

7  
8  
9 **ATTEST:**

**APPROVED AS TO FORM:**

10 \_\_\_\_\_  
11 Myra Maravilla

Patrick Donegan

12  
13 \_\_\_\_\_  
14 City Clerk

\_\_\_\_\_ City Attorney