



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Cohen and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Liza Tamura, City Clerk

**DATE:** June 16, 2009

**SUBJECT:** Consideration of Moving the Three Minute Audience Participation Portion of the Agenda to the Beginning of the Meeting

---

**RECOMMENDATION:**

Staff recommends that the City Council discuss and provide direction as to whether to consider moving the three minute "Audience Participation" portion of the agenda to the beginning of the meeting.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

Currently, in order to encourage public participation, the Manhattan Beach City Council Agenda has two places on the agenda for public comments.

Community Announcements take place at the beginning of the meeting and are intended for announcing public events and information of public interest.

Under "Audience Participation", which occurs at the end of the meeting, audience members can speak on any item of City business **not** on the agenda.

**DISCUSSION:**

At the request of Councilmember Powell, Council has agreed to consider changing the City Council Agenda order; therefore, Resolution No. 5183 must be amended. Resolution No. 5183 defines the Rules of Order for the Conduct of City Council meetings.

Attachment: Resolution No. 5183

1 RESOLUTION NO. 5183

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
3 OF MANHATTAN BEACH, CALIFORNIA, RESCINDING  
4 RESOLUTION NO. 5001 AND ADOPTING RULES OF  
5 ORDER FOR THE CONDUCT OF CITY COUNCIL  
6 MEETINGS

7 THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES  
8 RESOLVE AS FOLLOWS:

9 SECTION 1. Resolution 5001 is hereby rescinded.

10 SECTION 2. MEETING TIMES

11 The regular meetings of the City Council of the City of  
12 Manhattan Beach shall be on the first and third Tuesday of each  
13 month beginning at the hour of 6:30 p.m. Whenever the day and  
14 time for holding any of the meetings falls on a holiday, the  
15 meeting shall be held on the next business day unless otherwise  
16 ordered by the Council at a prior meeting. The sessions shall be  
17 held in the City Hall of the City of Manhattan Beach unless  
18 otherwise ordered by the City Council. Regular meetings of the  
19 City Council shall adjourn by 11:00 p.m. unless authorized to  
20 extend beyond that time by a majority of the City Council. All  
21 items on the agenda not acted upon shall be continued to the next  
22 scheduled meeting unless otherwise disposed of by the Council.

23 SECTION 3. AGENDA

- 24 A. A written agenda shall be prepared for each regular and  
25 adjourned regular meeting of the Council.
- 26 B. The agenda must contain a brief general description of each  
27 item of business to be transacted or discussed at that  
28 meeting.
- 29 C. Each agenda shall contain a clear statement of the time and  
30 location of the meeting as well as a statement that reports  
31 and documents relating to each agenda item (Agenda Packet)  
32 are on file in the office of the City Clerk and are available  
for public inspection and copying as of 8:00 a.m. on Monday  
prior to the Council meetings.
- The Agenda Packet is also available for public inspection as  
of 5:00 p.m. on Friday prior to regular Council meetings at  
the main library.
- D. The agenda shall be posted not less than 72 hours in advance  
of the regular or adjourned regular meeting to which it  
relates.
- E. The agenda shall be posted on bulletin boards outside each  
entrance to the City Hall, in locations which are freely  
accessible to the public. The agenda is also posted on a  
bulletin board inside the main library. The agendas and  
agenda packets may also be provided via other electronic  
means, as approved by Council. The person posting the agenda  
shall complete and sign a certificate of posting.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

- F. In addition to other notice requirements, the call and notice of a special meeting shall be posted at the locations specified in subparagraph E. Where feasible, an agenda shall be prepared for the special meeting in accordance with the procedures described in this paragraph.
- 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 paragraph.
- 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. "Subsequent Need" Items. The Council may act upon an item not appearing on the agenda if it finds, by a two-thirds vote or by an unanimous vote if less than two-thirds but more than a quorum of its members are present, that the need to take action on the non-agenda item is required because the need to act arose 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 may be acted upon at a 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. Any member of Council may place an item on the agenda to be considered under "Other Council Business", or wherever deemed appropriate.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

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. After the City Clerk establishes the procedural fact of the notice of hearing and informs whether further correspondence has been received, staff shall present its report on the matter. The applicant, if one exists for the matter, shall then be permitted to make its presentation to the Council.
2. Members of the public shall then be permitted to speak on the matter.
3. 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.
4. Each person speaking, other than the applicant, shall be limited to three (3) minutes unless the Council permits a longer period.
5. Applicant shall be given an opportunity for rebuttal following public comment.
6. The Mayor, with the consent of the Council, may establish a maximum period of time for public testimony during the hearing.
7. Mayor may ascertain if there are many persons for or against the matter, and if so, to request that they appoint a spokesperson.
8. There will be no public input once the Council starts deliberation on the matter before them unless Council requests additional information from either Staff or the public.
9. The Council shall close the public hearing by motion.
10. 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 and, if made after the close of the public hearing shall automatically rescind the motion closing the public hearing.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

C. PUBLIC PARTICIPATION

- 1. Provision is made on the Council agenda for two opportunities for citizen comments. These comment areas are generally for items that are not on the Council agenda. The first audience participation is early on the agenda to provide for brief announcements or comments, not to exceed one minute in duration for any speaker.
- 2. The second audience participation opportunity is near the end of the agenda. Each speaker shall be limited to three (3) minutes, unless the time is extended by the Mayor with the consent of the Council.
- 3. During the second audience participation session persons may address the City Council on any items pertaining to the subject matter jurisdiction of the City. A determination of whether an item is appropriate for discussion shall be made by the Mayor with the consent of the Council.
- 4. The second audience participation portion of the meeting shall be limited to a period not to exceed thirty (30) minutes unless this time is extended by the Mayor with the consent 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 be otherwise ordered by the Mayor or Council:

- 1. Pledge to the Flag
- 2. Roll Call
- 3. Ceremonial
- 4. Consent Calendar
- 5. First Audience Participation
- 6. Appealable Items
- 7. Community Affairs
- 8. Ordinances/Special Resolutions
- 9. Scheduled Items, i.e., Public Hearings, etc.
- 10. Special Call Items
- 11. City Manager/Staff Reports
- 12. Second Audience Participation
- 13. Other Council Business
- 14. Adjournment

SECTION 6. CONSENT CALENDAR DEFINED

A. Those items on the City Council Agenda which are considered routine by the City Manager shall appear as 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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

- 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. Those items so approved under the heading "CONSENT CALENDAR" shall be enacted with one vote. The Mayor will first ask the staff, public and the Council members if there is anyone who wishes to speak in relation to the Recommended Council Action of any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually at the portion of the Agenda under "SPECIAL CALL ITEMS or APPEALABLE ITEMS". The audience may comment on any Council, staff or audience pulled consent item. The entire Consent Calendar with the exception of those specially called or appealable items, is then voted upon by roll call under one motion.

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 an electronic voting device operated by the Recording Secretary, or other staff person as appointed by City Council.

SECTION 8. SPEAKER TIME LIMITS

When deemed appropriate, the Recording Secretary, or other staff person as appointed by 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. This resolution shall take effect immediately.

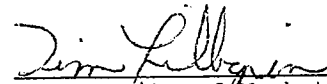
SECTION 11. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to

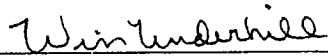
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 18th day of July, 1995.

Ayes: Napolitano, Barnes, Cunningham, Mayor Lilligren  
Noes: None  
Absent: Jones  
Abstain: None

  
\_\_\_\_\_  
Mayor, City of Manhattan Beach,  
California

  
\_\_\_\_\_  
City Clerk