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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: July 7, 2009

SUBJECT: Consideration of a Resolution Rescinding Resolution No. 5183 and Adopting the Rules of Order for the Conduct of City Council Meetings

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 6203 which will rescind Resolution No. 5183 and amend the City Council Agenda's "Order of Business" to move the three minute "Audience Participation" portion of the agenda closer to the beginning of the meeting, as was directed by the City Council at the June 16, 2009 City Council meeting.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Rules of Order to conduct City Council meetings are established and adopted by a Resolution. As new City Councilmembers are elected, the Rules of Order are often subject to review and ultimately new Resolutions need to be proposed and adopted to reflect the changes being requested by Council.

The last time that Council reviewed the Rules of Order was on July 18, 1995, when the City Council adopted Resolution No. 5183 changing the City Council meeting start time from 7:30 p.m., to 6:30 p.m.

In addition, Resolution No. 6132 was adopted by City Council on April 15, 2008, selecting an appropriate adjournment time for City Council meetings. The language pertaining to Resolution No. 6132 is also restated and referenced in Resolution No. 6203.

DISCUSSION:

At the City Council meeting of June 16, 2009, the Council directed staff to revise the current Rules of Order for the Conduct of City Council meetings, by moving the three minute "Audience Participation" portion of the agenda closer to the beginning of the meeting, after "Community Announcements." Direction was also given to set a time limit of three minutes per person for "Audience Participation" with a total time limit of fifteen minutes for this section. Council

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direction also included the request to add language on the City Council Agenda clarifying that for “Audience Participation” priority will be given to those citizens who did not speak at the previous City Council meeting.

For Council consideration, attached is Resolution No. 6203 which provides for the proposed changes as discussed above.

Attachment: Resolution No. 6203

RESOLUTION NO. 6203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, RESCINDING RESOLUTION NO. 5183 AND ADOPTING RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS

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

SECTION 1. Resolution No. 5183 is hereby rescinded.

SECTION 2. MEETING TIMES

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 the hour of 6:30 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.

Per Resolution No. 6132, the City Council shall adjourn each regular meeting thereof by 10:30 p.m. unless four-fifths (4/5) of the Councilmembers present vote to waive or extend the required adjournment time. Any item of business commenced prior to 10:30 p.m. may be completed without the necessity of a four-fifths (4/5) vote to waive or extend the adjournment time. Upon adjournment, those Public Hearing and General Business 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.

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 as well as a statement that reports and documents relating to each agenda item (Agenda Packet) 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 and the Police Department.

- 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.
- 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 member 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 no 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, Committee and Travel Reports," or wherever deemed appropriate.

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 application, if on 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 not public input once the Council starts deliberation on the matter before them unless Council request 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.

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 City Council agenda. The first audience participation, "Community Announcements," 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 shall take place immediately following "Community Announcements" titled "Audience Participation". 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 "Audience Participation" portion of the meeting citizens 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 "Audience Participation" portion of the meeting shall be limited to a period not-to-exceed fifteen (15) minutes unless this time is extended by the Mayor with the consent of the Council.
5. During the "Audience Participation" portion of the meeting, and at the discretion of the Mayor, priority will be given to those citizens that have not spoken at a recent City Council meeting.

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. Community Announcements
6. Audience Participation
7. Public Hearings
8. General Business
9. Items Removed From The Consent Calendar
10. City Manager Report(s)
11. Other Council Business, Committee And Travel Reports
12. 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 Grand 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. 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 Councilmembers 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 "ITEMS REMOVED FROM THE CONSENT CALENDAR." The audience may comment on any Council, staff or audience pulled consent item. The entire Consent Calendar with the exception of those specially called, 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 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. This Resolution shall take effect immediately.

SECTION 11. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

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 7th day of July, 2009.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk