



Agenda Item #: _____






Staff Report

City of Manhattan Beach

TO: Honorable Mayor Powell and Members of the City Council

THROUGH:  David N. Carmany, City Manager

FROM: Roxanne Diaz, City Attorney 
Liza Tamura, City Clerk 
Clay Curtin, Management Analyst 

DATE: June 5, 2012

SUBJECT: Resolution Amending the City Council Rules of Order Regarding the Time Limits for Public Participation during City Council Meetings and Amending Resolution No. 6203

RECOMMENDATION:

It is recommended that the City Council discuss and provide direction to Staff regarding increasing the total time limit for audience participation during City Council meetings. A draft resolution is provided for the City Council's consideration. Upon direction from the City Council, the City Attorney can fill in the blank regarding the time limit for audience participation and make other revisions as directed. Accordingly, the City Council, if desired, can make a motion to adopt: "A Resolution of the City Council of the City of Manhattan Beach, California, Amending the Rules of Order Pertaining to Public Participation and Amending Resolution 6203" with any amendments as directed by the City Council.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

On May 15, 2012, Mayor Powell requested that the City Council place on the agenda for action a proposal to increase the total time allotted for audience participation. Accordingly, Staff is providing this report and a draft resolution for the City Council's consideration.

DISCUSSION:

The City Council has adopted by resolution "Rules of Order" that govern a variety of subjects regarding the conduct of public meetings such as but limited to meeting times, agenda preparation, and rules for conducting public hearings. The Rules of Order also covers matters regarding public participation including when members of the public can provide public comments during City Council meetings.

Specifically, the Rules of Order provide that there are two opportunities for public comments. The

first audience participation opportunity is entitled “Community Announcements,” which is for brief announcements generally intended for announcing public events and information of public interest. The second audience participation opportunity is entitled “Audience Participation” and is intended for speakers to address the City Council on matters not on the agenda but within the subject matter of the City Council. The “Audience Participation” portion of the meeting is limited to a total time-period not to exceed 15 minutes, unless the time is extended by the Mayor with the consent of the City Council. The last time the Rules of Order were amended was in July 2009, where an amendment was made to move the audience participation item closer to the beginning of the City Council meeting and a total time limit of 15 minutes was adopted.

On May 15, 2012, Mayor Powell requested that the City Council consider increasing the time limit for Audience Participation. A variety of options is available to the City Council in this regard. The City Council can choose to increase the current maximum time-period of 15 minutes to a different maximum time-period. For example, the City of Torrance limits its first audience participation period to a maximum of 30 minutes. Similarly, the cities of El Segundo and Redondo Beach also have a maximum time limit of 30 minutes. Other cities in the South Bay, such as the cities of Hermosa Beach, Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills, Rolling Hills Estates and Lawndale, do not impose a maximum time period. It was noted that no South Bay city has a maximum time-period of less than 30 minutes. Another option is a hybrid where there are two audience participation periods with a maximum time limit on the first audience participation period and no time limit on the second period, which is generally placed towards the end of the City Council agenda. The City of Torrance has this model.

The City Attorney has prepared a draft resolution that: (i) removes the 15 minute maximum time limit for “Audience Participation” and provides a blank space for a revised time-period as directed by the City Council; and (ii) makes non-substantive revisions to clarify this section of the Rules of Order such as using the term “public comments” rather than “citizen comments” to be more inclusive, tracking the language used by the Brown Act when describing the purpose of the public comment period and clarifying that consent of the City Council means a majority of the City Council. A redline of these changes are depicted in the draft resolution. The resolution can also include any additional changes requested by the City Council with regard to the time limits for public participation. These changes can be read into the record and the resolution, as amended, could be adopted if the City Council so desires.

Last, as the City Council is aware, in 2011 an Ad Hoc Open Government Committee was formed, consisting of Mayor Pro Tem Lesser and Councilmember Howorth, to review all Open Government Initiatives, conduct research, and report their recommendations to City Council. Over the course of the past year, the Ad Hoc Open Government Committee held numerous publicly noticed meetings to gather input regarding the goals of the Ad Hoc Committee and to identify a list of “Open Government” initiatives. Subsequently, twenty-eight (28) initiatives were identified and categorized into “Effectiveness Areas.” One of the items identified in the “Public Forums, Hearings, and Meetings” category was to evaluate the policy on time limits for audience participation. Accordingly, the item before the City Council for consideration would complement the work of the Ad Hoc Open Government Committee as well as meet one of the goals of the City Council’s Strategic Plan of advancing open government initiatives.

CONCLUSION:

In conclusion, Staff seeks City Council direction on whether the time limit should be extended for

audience participation.

Attachments: A. Resolution No. 6364
B. Redline version of Resolution No. 6364

RESOLUTION NO. 6364

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING THE RULES OF ORDER PERTAINING TO PUBLIC PARTICIPATION AND AMENDING RESOLUTION 6203

Whereas, on July 7, 2009, the City Council adopted Resolution 6203 setting forth rules of order for the conduct of City Council meetings;

Whereas, California's open meeting law, the Brown Act, codified at Government Code Section 54950 et. seq., ("Brown Act") requires that every agenda of a legislative body of a local agency provide an opportunity for members of the public to address the legislative body on any item of interest that is within the subject matter jurisdiction of the legislative body;

Whereas, the rules of order adopted by the City Council include provisions for "Public Participation" in compliance with the Brown Act and sets forth various opportunities for members of the public to participate in City Council meetings;

Whereas, 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;

Whereas, the City Council desires to amend the provisions regarding public participation as set forth herein;

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

SECTION 1. The recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. Paragraph C of Section 4 of Resolution 6203 is hereby amended in its entirety as follows:

"C. PUBLIC PARTICIPATION

1. Provision is made on the Council agenda for two opportunities for public comments. These comment areas are generally for items that are not on the City Council agenda but on items of interest to the public that are within the subject matter jurisdiction of the legislative body.
2. 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, regarding community announcements.
3. 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 majority of the Council.
4. During the "Audience Participation" portion of the meeting, members of the public may address the City Council on any items that are within the subject matter jurisdiction of the City Council. A determination of whether an item is appropriate for discussion shall be made by the Mayor with the consent of the majority of the Council.

5. The "Audience Participation" portion of the meeting shall be limited to a period not-to-exceed _____ unless this time is extended by the Mayor with the consent of the majority of the Council.

6. During the "Audience Participation" portion of the meeting, and at the discretion of the Mayor, priority will be given to those members of the public that have not spoken at a recent City Council meeting."

SECTION 3. 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 4. Except as amended herein, the provisions of Resolution 6203 shall remain in full force and effect.

SECTION 5. This Resolution shall take effect immediately upon adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2012.

Ayes:
Noes:
Absent:
Abstain:

Wayne Powell, Mayor
City of Manhattan Beach, California

ATTEST:

Liza Tamura, City Clerk

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

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1-2. 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, ~~regarding community announcements.~~

2-3. 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 ~~majority of the~~ Council.

3-4. During the "Audience Participation" portion of the meeting, ~~members of the public citizens~~ may address the City Council on any items ~~that are within pertaining to~~ the subject matter jurisdiction of the City ~~Council.~~ A determination of whether an item is appropriate for discussion shall be made by the Mayor with the consent of the ~~majority of the~~ Council.

5. 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 majority of the Council.

4.6. During the "Audience Participation" portion of the meeting, and at the discretion of the Mayor, priority will be given to those members of the public citizens that have not spoken at a recent City Council meeting."

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Roxanne Diaz, City Attorney