

RESOLUTION NO. 13-4451

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST HOLLYWOOD ESTABLISHING
RULES FOR THE CONDUCT OF CITY COUNCIL
MEETINGS AND RESCINDING RESOLUTION NO.
94-1316

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY RESOLVE AS FOLLOWS

The following rules of order and decorum are hereby adopted:

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SECTION 1. SCOPE.

1.1 This resolution shall establish the procedures for the conduct of all meetings of the City Council of the City of West Hollywood. The purpose of this resolution is to provide that the City Council's meeting procedures will be consistent with the Brown Act (Government Code Sections 54950 et seq.), establish procedures which will be convenient for the public and contribute to the orderly conduct of the City's business. The procedures herein are in addition to, and not in place of, applicable ordinances and statutes, and in the event of conflict between this resolution and applicable ordinances or statutes, the latter shall govern.

SECTION 2. MEETINGS.

2.1 Regular Meetings The City Council shall conduct its regular meetings at the time and place established by ordinance.

2.2 Special Meetings. A special meeting may be called at any time by the Mayor or by any three members of the City Council. Written notice of any such meeting must be given to all members of the City Council and to all newspapers, radio and television stations, or other public media of general West Hollywood coverage who have submitted a written request to the City Clerk for such notification. Such notice may be given either personally or by mail, but must be received at least 24 hours before the time set for the special meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Such notice is not necessary for any member who submits a written waiver of notice to the City Clerk at or before the time set for the meeting or for any member who is actually present at the special meeting.

2.3 Special Emergency Meetings. A special emergency meeting may be called by the Mayor or by a majority of the City Council where there exists:

- a. a work stoppage, crippling disaster or other activity which severely impairs public health, safety or both, as determined by the City Council; or
- b. such other circumstances specified by State law as authorizing the conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and conducted in accordance with procedures set forth in State law.

2.4 Closed Sessions. The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. The Assistant City Manager shall keep a record of action taken and the vote thereon. The City Attorney shall prepare such reports as are required by the Brown Act.

2.5 Quorum. Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Council members appear at a regular meeting, any member, or if all members are absent, the City Clerk, shall adjourn the meeting to a stated day and hour.

All Council actions require a minimum of three (3) affirmative votes even if only three (3) members are in attendance, with the exception of those actions required by State law to have four (4) affirmative votes.

2.6 Adjourned Meetings. The City Council may adjourn any regular, adjourned regularly, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all Members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three (3) hours before the adjourned meeting. 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 meeting was held, within twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

2.7 City Manager's Participation in Meetings. The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the discussions of the City Council but shall not have a vote.

SECTION 3. POSTING NOTICE AND AGENDA.

3.1 Posting of Notice and Agenda. For every regular or special meeting, the City Clerk or designee shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all the items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

3.2 Location of Posting. The notice and agenda shall be posted in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted material. Specifically, the notice and agenda shall be posted at the places indicated below, and/or at such other locations(s) as the City Clerk may designate: City Hall, Plummer Park, West Hollywood Sheriff Station.

3.3 Posting for Regular Meetings. For any regular meeting of the City Council,

the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

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

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

SECTION 4. AGENDA-CONTENTS

4.1 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description need not set out the specific action or alternatives which will be considered by the City Council, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda

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

- a. Upon a majority determination that an "emergency situation", as defined by State law, exists.
- b. Upon a determination by a two-thirds (2/3) vote of the City Council, or if less than two-thirds of the Members are present, that there is a need to take immediate action and that the need to take action came to the attention of the City subsequent to the agenda posting. If the City Council makes a determination pursuant to this subsection, the minutes 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.
- c. Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar days prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was continued to the meeting at which action is being taken.

SECTION 5. ORDER OF BUSINESS

5.1 In the event that the posted agenda calls for a closed session, the Mayor or the City Attorney shall announce the intention of the City Council to recess into a closed session and shall state the basis therefor.

At the time set for each regular meeting, the Council members, City Manager, and as appropriate, City Attorney and City Clerk shall take their regular places in the Council Chamber. The Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in the posted agenda.

The order of business at meetings of the City Council shall be placed on the agenda substantially according to the agenda template (See Attachment A).

SECTION 6. PUBLIC COMMENT

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

Members of the public may also comment upon any other item of interest that are within the subject matter jurisdiction of the City Council at this time or later in the meeting under the second Public Comments heading. Any Council member may request that matters addressed under Public Comments or Council member's comments be placed for action on a subsequent agenda; however, no action shall be taken on items not appropriately placed on the agenda except in a situation as described in Section 4.2.

Speakers may only speak once on any agenda item. Donating public comment time to others is prohibited.

Abusive, derogatory and slanderous language is inappropriate.

Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.

Speakers and any other members of the public will not approach the dais at any time without prior consent from the Mayor of the meeting.

6.2 Limitations. Meeting attendees are afforded a specific amount of time to speak on any agenda item during public comment as designated in the

legislative body's bylaws; the time limit for the City Council is two minutes. The time limit may be adjusted by the Mayor when fairness or other circumstances make it appropriate. Applicants and appellants in land use hearings are accorded more time to make their presentations.

6.3 Procedure.

a. To be allowed time to address the City Council, each speaker must fill out a Speaker Request slip before discussion on the agenda item begins. This slip shall contain the name and city of residence of the speaker, the subject or subjects upon which the speaker wishes to address the City Council and shall be signed by the speaker.

b. Upon addressing the City Council, each speaker must first state his or her name and city of residence and then identify the subject or subjects upon which she intends to speak.

6.4 Written Communications to Council. Persons who wish to address an issue on the agenda for the official record may submit written material to the Council in lieu of or in addition to speaking under the Public Hearings or Public Comments sections of the meeting. Such written correspondence should be forwarded so as to be received by the City Clerk by noon of the Friday before the regular Council meeting. The City Clerk will ensure that the correspondence is photocopied and distributed to all Councilmembers prior to the Council meeting, and that a note indicating the author and subject of such receipt of said correspondence is reflected in the meeting minutes.

SECTION 7. COUNCIL MEMBERS' COMMENTS

In addition to receiving comment from the public, there are two specific items on the agenda for receiving general comments, announcements, and requests of staff and/or other issues of concern from members of the City Council. These matters may not be discussed, and if they do not concern an item on the agenda, shall be handled by the Mayor according to the same procedures set out for Public Comment in Section 6.1. No action may be taken on such matters without their first being properly placed on a subsequent agenda.

SECTION 8. PUBLIC HEARINGS

Matters which are required to be heard in a noticed Public Hearing shall be conducted in the following manner:

8.1 Time for consideration. Matters noticed to be heard by the City council shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

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

8.3 Conduct of Hearings When a matter for Public Hearing comes before the City Council, the Mayor shall open the public hearing and

- a. Call for a report on noticing from the City Clerk;
- b. Call for a report on written communications received by the City pertaining to the item being heard;
- c. Request that staff present the staff report and any other relevant evidence. Presentation of the staff report prior to the formal opening of the Public Hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the Public Hearing;
- d. The Mayor shall then recognize the proponents or appellants in the case, who shall be permitted 5 minutes to present evidence related to the matter under consideration.
- e. The Mayor shall then recognize members of the public who have completed a speaker's request slip for this issue and submitted to the City Clerk. No person may speak without first being recognized by the Mayor. Members of the City Council who wish to ask questions of the speakers or each other during the Public Hearing may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public testimony portion of the Public Hearing. The Mayor shall conduct the hearing in such a manner as to afford due process to all affected persons. Meeting attendees are afforded a specific amount of time to speak on any agenda item during public comment as designated in the body's bylaws; the time limit for the City Council is two minutes. The time limit may be adjusted by the Mayor when fairness or other circumstances make it appropriate. Applicants and appellants in land use hearings are accorded more time to make their presentations.
- f. Following public comments, the proponents or appellants may present a wrap-up or rebuttal statement, not to exceed two (2) minutes in length.
- g. The Mayor shall then close the public testimony portion of the Public Hearing. Council members may still, however, ask questions of staff or members of the public. Upon conclusion of Council deliberations and immediately prior to a motion, the Mayor 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 Mayor is unable to make that finding, the hearing may not be reopened unless it is re-noticed for a future meeting.

8.4 Evidence. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record. Prior to declaring the public hearing open, the Mayor may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker.

SECTION 9. PROCEDURES FOR THE CONDUCT OF MEETINGS

9.1 Robert's Rules. Unless otherwise specified in this Resolution or by other ordinance or resolution, meetings of the City Council shall be conducted 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 source of authority shall govern.

9.2 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 Mayor shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council member properly recognized by the Mayor. Debate shall be closed upon consent of a majority of the City Council. Once the matter has been fully debated and the Mayor calls for a vote, no further debate will be allowed, unless the Council overrules the Mayor by a majority vote.

SECTION 10. DECORUM.

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

a. Role of the Presiding Officer. The Presiding Officer of the City Council, who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence any other member designated by the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Councilmembers and between the Council, staff and the public.

b. Communication with Councilmembers.

- 1) Councilmembers should request the floor of the Mayor before speaking.
- 2) A Councilmember who is speaking shall attempt to avoid repetition and shall endeavor to limit their 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.

10.2 Communication with Members of the Public Addressing the Council.

a. Councilmembers may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions shall be directed to the person through the Mayor.

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 conducted through the Mayor.

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 Councilmember Comments portion of the meeting, direct the City Manager to place the matter on the next agenda.

10.3 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.

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.

10.4 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.

Persons in the audience will refrain from creating, provoking or participating in any type of unwelcome physical contact.

Persons in the audience and City officials will place cellular phones on silent or vibrate modes and refrain from placing or taking calls while the meeting is in session.

Appropriate attire, including shoes and shirts are required at public meetings at all times.

No food, drink (other than bottled water with a cap), will be allowed in public meetings, except as otherwise pre-approved by staff. Drinks with caps or lids will be allowed.

All persons entering public meetings including their bags, purses, briefcases and

similar belongings, may be subject to search for weapons and other dangerous materials.

Participation in meetings is in the public domain; speaker slips are public records; meetings are both cablecast and streamed live over the internet; minutes of meetings will reflect the information on speaker slips and participation in meetings are posted on the City's website.

b. Signs, Objects or Symbolic Material.

1) Objects and symbolic materials, such as signs or banners, will be allowed in public meetings with the following restrictions:

- No objects will be larger than 2 feet by 3 feet.
- No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
- The items cannot create a building maintenance problem or a fire or safety hazard.

2) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting. Objects that are deemed dangerous or a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals if a threat exists or is perceived to exist.

c. Persons Addressing the City Council.

1) Any person wishing to speak during the Public Comments portion of the meeting or on a Public Hearing item shall first complete a speaker request slip and submit the slip to the City Clerk prior to the calling of the Public Comment or Public Hearing portion of the agenda.

2) No person shall address the City Council without first being recognized by the Mayor.

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 Mayor or a majority of the City Council, be subject to ejection from that meeting.

4) Speakers may only speak once on any agenda item. Donating public comment time to others is prohibited.

5) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected and approved by security staff.

10.5 Enforcement.

a. Upon a violation of the rules of order and decorum established in

Section 10.4 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 Mayor, the person persists in the violation, the Mayor shall order the person to leave the City Council meeting. If the person does not leave the meeting, the Mayor 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.

The Mayor may delegate enforcement authority for meeting decorum to the sergeant-at-arms at the beginning of each meeting. In such cases, the sergeant-at-arms shall enforce the provisions of this section unless overruled by a majority vote of the Council.

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 Mayor for the purpose of maintaining order and decorum. Upon instruction of the Mayor, it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person who is disturbing the proceedings of the City Council.

3) Resisting Removal. Any person who resists removal by the sergeant-at-arms may be charged with a violation of the rules of order and decorum as well as any other applicable ordinance or law.

4) Motion to Enforce. If the Mayor of the City Council fails to enforce the rules of order and decorum set forth above, any member of the City Council may move to require the Mayor to do so, and an affirmative vote of a majority of the City Council shall require the Mayor to do so. If the Mayor fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Mayor for the purpose of enforcing the rules of order and decorum established above.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 20th day of May, 2013 by the following vote:

AYES:	Councilmember:	Duran, Heilman, Prang, and Mayor Land.
NOES:	Councilmember:	Mayor Pro Tempore D'Amico.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



ABBE LAND, MAYOR

ATTEST:



COREY SCHAFFER, CITY CLERK