RESOLUTION NO. 16-0049

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AMENDING AND RESTATING THE RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS

RECITALS

A. California's open meeting law, the Brown Act (Government Code Section 54950 et seq.("Brown Act")), mandates that city councils adopt rules for "the conduct of business" (Government Code Section 54954) and requires that agendas for regular meetings provide "an opportunity for members of the public to directly address the legislative body on any item of interest to the public" including agenda items before or during the legislative body's consideration of the item that is within the subject matter jurisdiction of the legislative body (Government Code Section 54954.3). Periodically, the Manhattan Beach City Council reviews and amends its rules of order to facilitate the efficient and transparent conduct of the City's business at a reasonable hour.

B. Government Code Section 54954.3(b) provides that city councils "may adopt reasonable regulations to ensure the intent" of the Brown Act is carried out. The primary intent of the Brown Act is that the people's business be conducted openly and transparently, after providing an opportunity to the largest number of members of the public to directly address the council before the council takes action on any item. The rules of order, as amended by the City Council, provide an opportunity for members of the public to directly address the City Council on any item on the agenda before consideration of the item, in full compliance with the Brown Act, at a reasonable time.

C. The City Council desires to amend the rules of order to facilitate effective and efficient meeting management, greater transparency and meaningful public participation.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. 15-0048 is hereby repealed.

Section 2. Meeting Times

A. The regular meetings of the Manhattan Beach City Council shall be on the first and third Tuesday of each month beginning at 6:00 p.m. and ending at 11:00 p.m. on the same day. The City Council may, by a 4/5th vote extend the meeting. Whenever the day 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 City Council at a prior meeting. The meetings shall be held in the Manhattan Beach City Hall City Council Chambers unless otherwise ordered by the City Council.

Section 3. Agenda

A. A written agenda shall be prepared for each City Council meeting.

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. Each agenda shall state that reports and documents relating to each agenda item (the "Agenda Packet") are available for public inspection at the City's main library and the Police Department at least 72 hours in advance of any regular Council meeting.

D. The agenda shall be posted in full compliance with the Brown Act on bulletin boards outside each entrance to City Hall, in locations that are freely accessible to the public. The agenda is also posted on a bulletin board at the main library. The agenda also shall be posted on the City's website. The agendas and agenda packets may be provided via other electronic means. The person posting the agenda shall complete and sign a certificate of posting.

F. The call and notice of a special meeting shall be posted in accordance with the Brown Act.

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 Section 3.

H. The City 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 54954.2:

1. Emergency Situation. An emergency situation, as defined in Government Code Section 54956.5, exists. Before proceeding to act upon an emergency item not appearing on the agenda, the City Council shall by a majority vote determine that an emergency situation exists and that prompt action is required by the City 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. Need to Take Action on Non-agenda Items. The City Council may act upon an item not appearing on the agenda if it finds, by a two-thirds vote of the members present at the meeting or if less than two-thirds of the members are present, by a unanimous vote of the members present, that there is a need to take immediate action on the non-agenda item and such need to act came to the Council's attention 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 for a specific meeting may be acted upon at that meeting if:

   a. The item appeared on a properly posted agenda for a previous meeting;

   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.

Section 4. Public Participation

A. Requests for Items to be Placed on Agenda

1. Any person who wants the Council to consider an item shall submit a request, in writing, to the City Manager, with as much detail as possible.

2. The City Manager may either place the item on the agenda or respond to the request.

B. Opportunities for Public Comment

1. City Council and Community Organization Announcements of Upcoming Community Events. Toward the beginning of the agenda, City Council Members and community organization representatives may provide brief announcements, not-to-exceed one minute in duration for any speaker, of upcoming community events.

2. Public Comment. Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. Each speaker may speak for up to three minutes per matter, up to a total of six minutes if a speaker wants to comment on more than one matter. With respect to non-public hearing agenda items, speakers may provide their comments during "Public Comment" or at the time the agenda item is being considered. Speakers shall provide their comments at "Public Comment" on any item on the Consent Calendar that has not been previously removed by the Council for individual consideration. With respect to public hearing agenda items, speakers are encouraged to speak during the public hearing, if they want their comments to be included in the record of the public hearing. Unless a majority of the Council objects, the Mayor may provide to speakers more or less time to speak.

3. Public Hearings. Speakers may address the City Council on the subject matter of the public hearing, in accordance with the following process:

a. The City Clerk shall certify that public hearing has been duly noticed and inform whether further correspondence has been received.

b. The Mayor shall open the public hearing.

c. Staff shall present its report on the matter.

d. The Mayor will invite the applicant (if applicable) and the appellant (if applicable) to present oral and written evidence.

e. The Mayor will invite members of the public to speak. The Mayor may inquire if there are many persons who wish to speak, and if so, to request that they appoint a spokesperson. Each speaker will be requested to provide his or her name for the record. The Mayor will provide three minutes to each speaker, unless the Mayor establishes a shorter or longer period.

f. The Mayor will provide an opportunity for rebuttal to the applicant and appellant.

g. The Mayor shall close the public hearing.

h. There will be no additional evidence presented after the close of the hearing unless the Mayor reopens the public hearing.

i. 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.

Section 5. Order of Business

A. The business of the City Council shall be considered in substantially the following order, except as may otherwise be ordered by the Mayor or a majority of the Council:

1. Pledge to the Flag

2. Roll Call

3. Ceremonial

4. Approval of the Agenda

By motion of the City Council, this is the time to: (a) notify the public of any changes to the agenda; (b) remove items from the consent calendar for individual consideration; or (c) rearrange the order of the agenda.

5. City Council and Community Organization Announcements of Upcoming Events (up to a maximum of one minute each)

6. City Manager Report

7. City Attorney Report

8. Public Comment

Members of the public may address the Council regarding any matters within the subject matter jurisdiction of the City Council, including any agenda item. Pursuant to the Brown Act, the Council cannot discuss or take action on any items not on the agenda unless authorized by law. Matters not on the agenda may, at the Council's discretion, be referred to the City Manager and placed on a future agenda. Each speaker may speak for up to three minutes per matter, up to a total of six minutes if a speaker wants to comment on more than one matter. With respect to non-public hearing agenda items, speakers may provide their comments at this time or at the time the agenda items is being considered. Speakers shall provide their comments at this time on any item on the consent calendar that has not been previously removed by the Council for individual consideration.

Members of the public wishing to speak are asked to come forward to the microphone and state his or her name for the record. Each speaker may speak for three minutes per item up to a total of six minutes. Unless a majority of the Council objects, the Mayor may provide more time or less time to the speaker. Any documents for review should be presented to the City Clerk for distribution.

9. Planning Commission Quasi-Judicial Decisions (receipt and file)

10. Consent Calendar

Items on the consent calendar are considered to be routine and customary and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. The Mayor shall move such items removed to a later portion of the agenda.

11. Public Hearings

12. Old and Continued Business

13. New Business

14. City Council Reports, Other City Council Business, and Committee and AB 1234 Repor
ts

Council members may provide brief reports, including reports on meetings and conferences attended at the expense of the City, and discuss any agenda item placed on the agenda by an individual Council Member at a prior meeting. As to items placed on the agenda by a Council Member, no staff time shall be incurred in connection with such item, other than incidental time, such as reproducing correspondence or making minor revisions to conform a resolution provided by an outside entity to the City's resolution format.

15. Forecast Agenda and Future Discussion Items

16. Informational items (for items that do not require Council action, such as minutes of city commissions.)

17. Closed Sessions

18. Adjournment

Section 6. Recording of City Council Votes

When deemed appropriate, and as required by State law, the votes taken by City Council shall be recorded by use of electronic means or an oral roll call vote by the City Clerk or designee.

Section 7. Council Authority

A super majority of 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 8. This Resolution shall take effect immediately.

Section 9. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED July 19, 2016.

Ayes: Burton, Powell, Howorth, Lesser and Mayor D'Errico
Noes: None
Absent: None
Abstain: None

TONY D'ERRICO
Mayor, City of Manhattan Beach

ATTEST:

LIZA TAMURA City Clerk