

CITY OF SEAL BEACH

Council Policy

SUBJECT COUNCIL RULES OF PROCEDURE					
SECTION	INDEX NO.	CURRENT REVISION	REVISION DATES	COUNCIL APPROVAL	CITY MANAGER approval
100	03	Res #7461	10/23/2023	Res #6495 07/28/2014	N/A

1. SCOPE

The successful operation of a municipality requires that standards be established to define the roles, responsibilities and expectations of the governing board and staff in the operation of the organization. These standards will promote communication, understanding and trust among members of the City Council, the public and City staff concerning their roles, responsibilities and expectations, and public participation in the process.

2. PURPOSE AND INTENT

This policy establishes rules of decorum for Council/staff interaction and procedure for orderly conduct of City Council meetings, special meetings, and study sessions. Due to the informal nature of workshops, study sessions and joint meetings, the presiding officer may deviate from these rules, provided all deviations comply with the Brown Act.

The establishment and periodic review of these City Council rules will help protect free speech and civil discourse and facilitate the orderly, efficient conduct of productive, issue-based City Council meetings.

3. MEETING POLICY

These rules are designed to comply with the City Charter and applicable state law, including the Ralph M. Brown Act (Brown Act), and apply to all meetings of the City Council. Any act that the Mayor is authorized to perform may be performed by the Mayor Pro Tem in the Mayor's absence.

City Council Meetings shall be conducted according to Article IV of the City Charter, provisions of the Government Code that pertain to holding meetings in public (Section 54950 - 54963; the Brown Act), and Robert's Rules of Order, Newly Revised, if the Charter, the Brown Act, or these Rules do not address a subject.

4. ORDER OF AGENDA

A. Matters shall be heard in the order printed on the City Council agenda. However, with Council approval, if several community members are present to speak on that specific agenda item or if the Council otherwise determines that it is in the public interest to change the order of the agenda, the Council may hear agenda items out of their prescribed order on the printed agenda. The appropriate time to rearrange the order of the agenda is while considering the approval of the agenda. Consideration of approval of the agenda, including removal of items listed on the Consent Calendar, shall occur after oral communications on all agendas of the City Council and City commissions, committees, and boards.

B. At the time the Council considers approval of the agenda, the Council may approve a request by the City Manager to change the agenda.

C. Consent Calendar. During consideration of approval of the agenda:

1. A Council Member may remove items listed on the Consent Calendar for individual consideration.

2. Upon request by the City Manager, City Attorney or member of the public, the presiding officer may remove items listed on the Consent Calendar for individual consideration.

D. At any time during a council meeting, any Council Member may request an item be placed on a council agenda within two regular Council meetings. In addition, the Mayor may place items on the next council agenda at any time that complies with the Brown Act posting of agenda requirements. All agenda matters including ordinances, resolutions and contract documents shall, before presentation to the Council, be 1) examined and approved as to form and legality by the City Attorney and 2) examined and approved for administration by the City Manager (or in his/her absence, his/her designee).

E. Reading of Minutes. Unless a member of the Council requests a reading of the minutes, the minutes may be approved without reading if the City Clerk has previously furnished each member with a copy. Directions for changes in the minutes shall be made only by a majority action of the Council.

5. CLOSED SESSIONS

A. Purpose. It is the policy of the Council to conduct local government business at open and public meetings, except in certain limited situations as authorized by California State law, for those matters properly considered within a closed session meeting. Examples of business that may be conducted in closed session include personnel evaluations, threats to public safety, labor negotiations, pending litigation, real estate negotiations, and consideration of a response to an audit report from the Bureau of State Audits.

B. Rule of Confidentiality. The Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties. Council Members shall keep all written materials and verbal information properly provided to them in closed session in complete confidence to ensure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, or, as appropriate, the City Attorney and/or the City Manager, except where authorized by a majority of the City Council.

C. The Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the Council, City Attorney, and City Manager shall adhere to a strict policy of confidentiality of closed sessions.

D. Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, documents, or votes made in a closed session unless the Council authorizes the disclosure. Violations can be addressed through injunctions, disciplinary action, and referral to the grand jury.

E. Closed session business shall be described on the public agenda. Public comment on closed session items shall be allowed before convening the closed session. After a closed session, the Council shall convene the public meeting and publicly report certain types of actions if they were taken, and the vote on those actions all to be consistent with the requirements of the Brown Act.

6. CITY COUNCIL MEETING RULES OF ORDER

A. Robert's Rules of Order, Newly Revised, shall govern the proceedings of the Council in all instances not addressed by the City Charter, Brown Act, or these Council Rules of Conduct.

B. Rules of Debate.

1. Presiding officer may engage in discussion and Council votes. The presiding officer (Mayor) may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council Member by reason for his/her acting as the presiding officer.

2. Getting the Floor -- Improper References shall be avoided. Every person desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

3. Interruptions. Once recognized, a speaker shall not be interrupted unless it is to call him/her to order, or as otherwise provided in these rules. If a speaker is called to order, he/she shall stop speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

4. Motion to reconsider. Other than with respect to adoption of resolutions of final actions in quasi-judicial proceedings, a Council Member may move to reconsider action taken by the Council only on the date action was taken or at the next subsequent meeting. This motion must be made by one of the prevailing sides, but may be seconded by any member, and may be made at any time and have precedence over all other motion or while a member has the floor; it is debatable. Nothing in these rules prevents a Council Member from making or remaking the same motion or any other motion at a subsequent meeting of the Council.

5. Remarks of Council Member - When Entered in Minutes. A Council Member may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Council entered in the minutes.

6. Limitation of Debate. No Council Member shall be allowed to speak more than once upon a particular subject until each Council Member desiring to do so has spoken.

7. Each Council Member shall limit his/her comments to 15 minutes on each item on the agenda.

7. RULES OF DECORUM

A. Remarks during Council meetings. No person shall make slanderous, libelous, personal, or profane remarks, disrupt the conduct of the meeting, or make threats against any person or the public order.

B. The presiding officer shall use his/her discretion to enforce these rules. Council Members and staff shall be polite. Even under tense situations, all speakers shall refrain from the use of profanity, impolite or disrespectful remarks and offensive gestures, either towards a Council Member, staff, or the public.

C. Public remarks.

1. The City encourages the public to participate in every public meeting conducted by the City. Any member of the public may directly address the Council on any item of interest to the public, or any item on the agenda, during the portion of the agenda entitled, "Oral Communications." In addition, any member of the public may provide testimony at any public hearing. Consistent with the City's established policy, all comments shall be civil. Pursuant to the Brown Act, the Council cannot take action on or discuss any item not appearing on the posted agenda.

2. Each person desiring to address the Council shall approach the podium and when recognized by the presiding officer shall step to the microphone, state the subject he/she wishes to discuss, state whom he/she is representing if he/she represents an organization or other persons, and, unless further time is granted by majority vote of the Council, shall limit his/her remarks to no more than 5 minutes. In certain matters, the presiding officer may limit remarks to 3 minutes. In order to effectively enforce the time limit, the Mayor Pro Tem shall monitor the time for each speaker and inform the Council when the time limit has been reached. The presiding officer shall strictly enforce the time limit in order to ensure that all members of the public have an opportunity to speak and that the Council is able to complete the public's business. Individual speakers may not use the allocation of other persons. Individual speakers may not speak twice on the same agenda item. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person other than the speaker may speak without the permission of and through the presiding officer.

3. Each person will be allowed to present information to the City Council. Any printed information is optional and shall be given to the City Clerk and shall consist of at least 15 copies for the City Council, City Staff, and public. The person can present a PowerPoint presentation, during "Oral Communications", if the presentation is provided to the City Clerk in advance, by noon on the Friday before a City Council meeting. Any presentation will not exceed the 5-minute time limit. (revised 07/11/11)

4. Speakers shall refrain from attacking the character of any person. The presiding officer, subject to appeal to the Council, shall be the judge of whether speakers are impugning character. (See: Rules Of Decorum - Section 7 E.2.)

5. The presiding officer shall not recognize the same person to speak more than once on the same subject except at the discretion of the City Council unless that person is deemed to be able to give expert advice needed by the Council in their deliberations.

6. Spokesperson for Group of Persons. In order to expedite matters and to avoid repetitious presentations, any group of persons wishing to address the Council on the same subject matter is encouraged to choose a spokesperson to address the Council.

D. Relevancy. At public hearings, speakers shall confine their remarks to those that are relevant to the subject of the hearing. The presiding officer, subject to appeal to the Council, shall be the judge of relevancy.

E. Members of the Audience.

1. A person in the audience who engages in disorderly conduct such as stamping of feet, whistling, using profane language, yelling, or any other type of demonstration, the conduct of which disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the presiding officer, shall, upon instructions from the presiding officer, be removed from the Council Chambers by the Sergeant at Arms.

2. It is the policy of the Council that all members of the public have the right to address the Council and that right includes the right to make remarks that members of the Council may find critical, unpleasant, or even offensive. The Brown Act states that the Council "shall not prohibit public criticism of the policies, procedures, programs or services of the City or the acts or omission of the City Council." However, the Brown Act also provides that nothing in such provision "shall confer any privilege or protection for expression beyond that otherwise provided by law." Moreover, the Brown Act also recognizes it is also important that

a proper standard of behavior be maintained during meetings and that the City Council is able to complete the public's business in a timely manner. Therefore, the public should respect the order, procedures, and decorum of City Council meetings. Persons addressing the City Council shall adhere to time limits.

F. City Council Remarks.

1. Council Members shall address the public and staff in a courteous manner. While the Council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb a member while speaking or refuse to obey the orders of the presiding officer. Council Members shall not leave their seats during the meeting without first obtaining the permission of the presiding officer.

2. Each individual Council Member shall respect the interpersonal style and individual points of view of the other Council Members and shall respect each other's right to disagree. All Council Members shall exhibit a high degree of decorum and courtesy during the City Council meetings, towards other Council Members, the public, and City staff.

3. Council Members may discuss non-agenda items under any of the following exceptions. Council Members may briefly respond to statements made or questions posed by persons once the presiding officer closes Oral Communications. In addition, on his/her own initiative or in response to questions posed by the public, a Council Member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. Furthermore, the Council may provide a reference to staff or other resources for factual information, request that staff report back to the Council at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda.

4. Council Members shall not make hostile remarks. Council Members shall not engage in debate with a member of the public at a Council meeting. If a speaker from the public attacks a Council Member, the presiding officer may ask the staff for input, if appropriate. If a speaker from the public makes inflammatory or erroneous statements, after the conclusion of the public input, the presiding officer shall then afford each Council Member the opportunity to briefly respond.

5. Council Members shall keep open minds on all issues prior to deliberation immediately prior to a vote. Council Members shall base their decisions in quasi-judicial matters upon the evidence, including testimony presented at the public hearing.

6. There shall be no “grandstanding” on any issue. In this context, “grandstanding” means the misuse of the Council dais in a disrespectful and inappropriate manner to state a point of view in a negative manner. “Grandstanding” includes: personally attacking another Council Member, staff or member of the public, walking off the Council dais or leaving any meeting in anger or disgust; emphasizing a political point of view unrelated to the issue before the Council solely for the purpose of playing to the audience; using the dais for non-City business; addressing the media for political purposes rather than addressing the Council as a body; or purposely misstating the facts of an issue for political purposes.

7. During deliberation on any issue, each Council Member has the right to express his/her opinions as to the issue and be a passionate advocate for a position or point of view. However, City policy is established by the majority and not by any individual Council Member. Council Members, who are in the majority, shall respect the right of the minority to express disagreement with the majority. Once the decision is reached, Council Members who are in the minority on an issue shall respect the authority of the majority.

8. A Council Member shall retain all of his/her rights and privileges of the dais.

G. Comments regarding City employees. Council Members shall not make comments regarding City personnel matters. Any concerns by a Council Member about the performance of a City employee should be discussed privately with the City Manager. Council Members shall refrain from engaging in personal attacks on staff at any time.

H. Employees. Members of the City staff and employees shall observe the same rules of order and decorum applicable to the City Council. Members of the City staff may leave their seats during a meeting without first obtaining the permission of the presiding officer.

I. Enforcement of Decorum. The Chief of Police, or such member of the police department as he/she may designate, shall be Sergeant at Arms of the City Council and shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings. A Council Member may move to require the presiding officer to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to do so.

J. Violation of the Rules of Decorum. Upon violation of the rules of decorum, the established procedure to enforce the rules shall be as follows:

1. Warning. Any person making slanderous, libelous, personal, or profane remarks or who becomes boisterous during a City Council meeting shall be called to order by the presiding officer. The presiding officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the presiding officer, the person persists in violating the rules, the presiding officer shall order a recess. Any representative of law enforcement who is present at the meeting when any violations occur shall be authorized to warn the person that his/her conduct is violating the rules and that he/she is requested to cease such conduct. If upon resumption of the meeting the violation persists, the presiding officer shall order another recess, whereupon the presiding officer shall have the authority to ask the law enforcement personnel to remove the person from the meeting and/or to cite the person as being in violation of Penal Code Section 403.

2. Motion to Enforce. If the presiding officer fails to enforce the rules of decorum set forth herein, any Council Member may move to require the presiding officer to do so, and an affirmative vote of a majority of the Council shall require the presiding officer to do so. If the presiding officer fails to carry out the wishes of the majority of the Council in this matter, the majority may designate another Council Member to act as presiding officer for the limited purpose of enforcing the rules of decorum established herein.

3. Clearing the Room. Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the City Council, the meeting room may be ordered cleared and the meeting shall continue in session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session pursuant to the Government Code Section 54957.9. Nothing in this section shall prohibit the Council from readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

4. Violation of the California Penal Code. Any person who, without authority of law, willfully disturbs or breaks up any meeting, is guilty of a misdemeanor and may be prosecuted under Penal Code Section 403 for disturbing a public meeting.

8. VOTING

A. Failure to Vote. Every Council Member present will cast a vote unless he/she disqualifies himself/herself by reason of conflict of interest.

1. In the event of a conflict of interest due to a financial interest in the decision, a councilmember must: (i) identify the financial interest that gives rise to the conflict in detail sufficient to be understood by the public (except that disclosure of the exact street address of a residence is not required); and, (ii) publicly state his or her recusal from the matter; and, (iii) leave the room until after the disposition of the matter unless the matter appears on a consent calendar.

2. In addition to a conflict due to financial interest, there are other reasons to abstain, including the following: the Council Member does not wish his/her position to become known, he/she has no preference of position on the issue, has a common law conflict of interest, or is not in a position to vote in favor or against a matter due to absence.

3. For purposes of action of the Council, an abstention shall neither be counted for the majority nor for the minority and shall therefore have the effect as though no vote were cast in result of the vote when counted. The recorded and published vote, however, shall show the abstention.

B. Tie Vote. Tie votes shall be lost motions and may be reconsidered.

C. Changing Vote. A member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up. A Council Member who publicly announces that he/she is abstaining from voting on a particular matter may not subsequently withdraw his/her abstention.

9. COUNCIL MEETING TIME LIMITS

A. Establishing Meeting Time Limit. The City Council shall not consider any new agenda item after 11:00 p.m. at any meeting. No later than 10:45 p.m. the City Council shall determine by a vote thereof to continue the meeting until the remaining agenda items are resolved or reschedule the remaining items to a date certain prior to, the next meeting, or continue the items until the next meeting.

B. Final Adjournment Hour. The City Council shall adjourn any meeting no later than 11:59 p.m. on the date of said meeting.

C. Waiver of Time Limit. The Council may waive these time limits by majority vote.

10. CITY COUNCIL RELATIONSHIP WITH CITY STAFF

A. Article III of the City Charter provides that the City of Seal Beach operates under the Council-Manager form of government; Article VI of the City Charter defines the duties of the City Manager. Section 406 of the City Charter says that neither the City Council nor any of its members shall interfere with the execution by the City Manager of his/her duties.

B. The Council is the City's policy-making body, and the City Manager administers the Council's policies. The Council holds the City Manager responsible for the administration of the City departments. The overall internal administration by the City Manager is necessary in order to assure efficient and economic operations of the various departments pursuant to the Council's direction. The practices of each department are subject to review and control by the City Manager.

C. Except for purposes of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager and shall not give orders to any subordinate of the City Manager, either publicly or privately.

D. Council Member Requests (revised 12/09/13)

1. All Council Member requests for written reports or research shall be addressed to the City Manager. The City Manager shall inform all Council Members that a Council Member has made such a request. Any Council Member may request a copy of any written material provided to the requesting Council Member.

2. If the City Manager determines that responding to a Council Member's request for a report or research: (1) is outside the scope of the Council's previously stated policies, goals, or objectives; and (2) would require more than 4 hours of staff time for a response, the City Manager may place the item on a future Council Agenda for further direction from the entire Council.

3. Council Members should contact the City Manager as early as possible if they desire to have any additional written material prior to a City Council meeting. If a Council Member has questions, needs clarification, or needs additional material, he or she shall advise the City Manager as early as possible before a City Council meeting so the staff can meet his or her needs.

4. Council Members may contact the City Attorney at any time and ask questions and make inquiries. However, individual Council Members may not direct the City Attorney to perform research or perform legal services without the City Council, as a body, first providing that direction at a City Council meeting.

E. City Council agenda reports should be provided to the City Council as early as possible before a meeting but no later than the Friday before that City Council meeting.

F. Staff reports shall give professional input on the issue, including areas of potential controversy and concern, shall try to present all sides of an issue, and shall recommend areas for discussion and decision by the City Council. Once a decision is made by the Council, it shall be fully supported, accepted, and implemented by staff.

G. Any project requested by an individual Council Member must be authorized by the City Manager. If the City Manager deems the project to be outside the bounds of direction or policy from the Council given at a Council meeting, the Council Member making the request may bring the request to the full City Council. Staff responses to requests for written information from one Council Member shall be copied to all Council Members.

H. An exception to the above guidelines may be staff work required in support of a Council Member designated by the City Council to represent the City in an intergovernmental role (e.g., membership on Joint Powers Authority), or relative to a special assignment (e.g., a special task force).

11. CITY COUNCIL NORMS AND CITY COUNCIL AND CITY MANAGER COMMITMENTS

A. CITY COUNCIL NORMS

1. Maintain a citywide perspective, while being mindful of our districts.
2. Move from “I” to “We,” and from campaigning to governing.
3. Work together as a body, modeling teamwork and civility for our community.
4. Assume good intent.
5. Disagree agreeably and professionally.
6. Utilize long range plans to provide big picture context that is realistic and achievable.

7. Stay focused on the topic at hand. Ensure each member of Council has an opportunity to speak.
8. Demonstrate respect, consideration, and courtesy to all.
9. Share information and avoid surprises.
10. Keep confidential things confidential, e.g., Closed Session meetings.
11. Respect the Council/Manager form of government and the roles of each party.
12. Communicate concerns about staff to the City Manager; do not criticize staff in public.

B. CITY COUNCIL AND CITY MANAGER COMMITMENTS

1. Agree to follow our agreed upon norms and protocols.
2. Agree to respect each other's roles.
3. Each person shall contribute to the "care and feeding" of the partnership.
4. Respect the chain of command and use established processes.

12. ISSUANCE

Approved by City Council November 09, 2009, by Resolution No. 5919.

Modified by City Council:

July 11, 2011, by Resolution No. 6160

December 9, 2013, by Resolution No. 6422

July 28, 2014, by Resolution No. 6495

June 12, 2023, by Resolution 7411

October 23, 2023, by Resolution 7461