



## **CITY OF COMMERCE AGENDA REPORT**

**TO:** Honorable City Council

**Item No.** \_\_\_\_\_

**FROM:** City Administrator

**SUBJECT: ORAL COMMUNICATIONS/PUBLIC COMMENT AT THE CITY COUNCIL MEETINGS**

**MEETING DATE:** January 16, 2018

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### **RECOMMENDATION:**

City Staff recommends that the City Council consider changing the time allocated for public comments at the City Council meetings from five minutes to three minutes, and approve public comments guidelines.

### **ANALYSIS:**

Members of the public may address the City Council in a variety of ways and during Public Comment period. At the beginning of every meeting, members of the public may address the City Council on items that not on the printed agenda. Commerce Municipal Code Section 2.08.051 entitled "Oral Communication to Council" states that these oral communications should be done in accordance with the regulation which may be adopted by the City from time to time. It is recommended to reduce the time for public comment to three minutes, which is the average time allocated by other cities in California (please see attachment 1 –survey of cities). Any member of the public is allowed to speak during the public comment, and the time allocation may be extended by the presiding officer/Mayor should the speaker request the extension. It is recommended to approve the following guidelines for the public comment/communications to the City Council.

### **PUBLIC COMMENT GUIDELINES**

Members of the public may address the City Council in a variety of ways. The following are guidelines for providing public comments:

1. During Public Comment period, at the beginning of every meeting, members of the public may address the City Council on items that are not on the printed agenda. For Public Hearing Items, the Presiding Officer will invite comments from the public in support of, or in opposition to each specific Agenda Item following the staff report and any questions from Council to Staff.

2. Individuals desiring to speak shall:

2.01 Address the Council from the podium after giving name and City of residence. Speakers shall direct their comments to the Council, not the audience.

2.02 Limit comments to three minutes or to the interval specified by the Presiding Officer. The Presiding Officer, with the majority of Council Members, may reopen the public comment period to hear additional public comment. Council Members may ask questions of anyone present without reopening the public comment period. A speaker may not yield their time to another speaker.

2.03 Each person addressing the City Council shall do so in an orderly manner and the Council respectfully requests that speakers refrain from making repetitious, slanderous or irrelevant remarks, or engaging in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council present, be subject to ejection from that meeting.

2.04 Persons addressing the Council shall address the Council as a whole and shall not engage in a dialogue with individual Council Members, City staff or members of the audience. No questions shall be asked of a Council Member or a member of City staff without first obtaining permission of the Presiding Officer. The Presiding Officer shall determine whether, or in what manner, an answer will be provided. Any person violating this rule while addressing the Council shall be called to order by the Presiding Officer.

3. Except as otherwise permitted by the Brown Act, action may not be taken on issues not listed on the agenda. Staff may be asked to follow-up on such items.

4. Council Members actions

4.01 Council Members may question the person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.

4.02 Council Members 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 Presiding Officer.

4.03 If a member of the audience has addressed the Council on matters which are not on the agenda, then Council Members shall refrain from extended discussion of the matter. If a Council Member so wishes, then the Council Member may seek to have the City Administrator place the matter on the next agenda.

5. Upon violation of the rules of order and decorum established in Sections 1-3 of these guidelines, the procedure to enforce the rule shall be as follows:

5.01 Warning. The Presiding Officer shall request a person who is violating the rules of decorum cease such conduct. If, after receiving a warning from the Presiding Officer, the person persists in disturbing the meeting, the Mayor shall order the person to leave the City Council meeting. If the person does not leave the meeting, then the Presiding Officer 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.

5.02 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 Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, 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.

5.03 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.

6. 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, then the Presiding Officer 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.

**FISCAL IMPACT:**

None.

**RELATIONSHIP TO 2016 STRATEGIC GOALS:**

This agenda report relates to the strategic goal "Community Quality of Life. "

Respectfully submitted by: Edgar Cisneros, City Administrator

Recommended by: Lena Shumway, Administrative Services Director & City Clerk

Reviewed by: Noel Tapia, City Attorney