



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**July 18, 2023**

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**TOPIC:** City Council Meetings Rules and Procedures

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**AGENDA TITLE**

Review and Consider Amending City Council Meetings Rules and Procedures Including Teleconference Options

**RECOMMENDED ACTION**

1. Adopt a resolution amending the rules and procedures for City Council meetings to change the time of regular meetings, update the rules of procedure, clarify decorum regulations, and address teleconferencing.
2. Approve a revised Teleconferencing Policy (with or without provisions for AB 2449).
3. Provide direction to staff regarding the continued use of Zoom/teleconferencing for public participation in City Council meetings.

**DISCUSSION**

Santa Ana Charter Section 409 states that the City Council shall provide, by ordinance or resolution, for the time, place, and manner of holding its meetings. Charter Section 411 further states that the City Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. Practically, the requirements of these two sections have been met with the adoption of one resolution, currently Resolution No. 2013-019 (Exhibit 4).

**Rules and Procedures**

Staff recommends adopting a new resolution amending the rules and procedures for City Council meetings (Exhibit 1) to provide clarity and address certain topics, as follows:

- City Council meeting start times: the current resolution states that Closed Session will begin no sooner than 5:00 PM and the Regular Open Meeting will begin at 5:45 PM. Any changes to these specific times require the meetings to be noticed as Special Meetings. Staff proposes that the start time of Closed Session be amended to begin anywhere between 3:00 PM and 5:00 PM, depending on the number of Closed Session agenda items, and the Regular Open Session to begin as soon as 5:30 PM. The specific start time will be noticed on the posted agenda.

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- City Council meeting end times: In November 2021, the City Council discussed the possible implementation of a curfew/termination time for City Council meetings. This practice is in place at other jurisdictions including the Cities of Irvine, Mission Viejo, Orange, San Clemente, Berkeley, Palo Alto, and Palm Springs. The proposed resolution calls for meetings to terminate at 12:00 AM (midnight), with the City Council determining at 11:00 PM which of the remaining agenda items can be considered and acted upon prior to 12:00 AM midnight and continuing all other items to a future City Council meeting. The City Council could vote to extend a meeting beyond 12:00 AM midnight to discuss specified items by a two-thirds (2/3) vote.
- Rules of Procedure: City Council meetings currently follow Robert's Rules of Order, Newly Revised. Staff recommends changing to Rosenberg's Rules of Order, which have become the municipal government standard over the past several years and include more streamlined and easier to understand rules for the conduct of meetings.
- Public Hearing Speaking Limits: For clarity and to establish specific timeframes, a new subsection has been added to the resolution for public hearings related to land use, entitlements, and appeals to provide the project applicant/appellant ten (10) minutes for their initial presentation and five (5) minutes for rebuttal comments following other public comments during the hearing.
- Decorum Enforcement: Language has been added clarifying procedures pursuant to recently enacted State law regarding the right of the presiding officer to clear the meeting room if there is a disturbance.
- Teleconferencing: A new section has been added to specifically state that the City Council shall follow the provisions of the Ralph M. Brown Act regarding teleconferencing and a Teleconferencing Policy, to be discussed below.
- Clerical Edits: Clerical edits have been made to change the title of the City Clerk, provide for gender-neutral pronouns, and for capitalization and punctuation standardization.

### Teleconferencing

On March 21, 2023, the City Council received and filed a report regarding the Brown Act and Teleconferencing Provisions (Exhibit 5), providing information about the manner under which teleconferencing for legislative bodies is authorized under the Ralph M. Brown Act (Government Code Section 54950 et seq.). Staff has subsequently found that in June 2021, the City Council was provided with a City Clerk Policy Regarding Teleconferencing that is now outdated and needs to be updated to include more recent changes to State law. Staff recommends that City Council approve an amended Teleconferencing Policy, and in doing so, the City Council has two options:

- 1) Adopt a policy that restricts City Councilmembers to only participate in meetings remotely via the traditional/pre-pandemic provisions for teleconferencing including, but not limited to, advanced notice of need to teleconference, address

of teleconferencing location included on agenda, posting of agenda at teleconference location which shall be open and accessible to members of the public, but no requirement for individual teleconferencing capabilities by members of the public. (Exhibit 2)

- 2) Adopt a policy that also provides City Councilmembers the ability to participate in meetings remotely under the provisions of AB 2449 for Just Cause/Emergency Provisions (effective through January 1, 2026) including, but not limited to, notification at the earliest opportunity, limited use of provision, disclosures of other adults present, use of both audio and visual technology, and public comment via the teleconferencing platform in real time. (Exhibit 3)

#### Use of Zoom for Public Participation

Prior to the declared State of Emergency related to COVID-19, City Council meetings were held in the Council Chamber with in-person participation by members of the City Council and members of the public who wished to address the City Council. City Council meetings were live-streamed to the internet and broadcast on the City's cable television channel for public viewing. During the declared State of Emergency and to provide for the health and safety of all participants, the City implemented Zoom/teleconference participation, in addition to the live-streaming and broadcasting, for both members of the City Council and for members of the public wishing to address the City Council.

Governor Newsom ended the declared State of Emergency related to COVID-19 effective February 28, 2023 and the City Council terminated the proclamation of a local emergency regarding the Coronavirus (COVID-19) pandemic on April 18, 2023. Since that time, the City has continued to allow remote public participation in City Council meetings as a matter of convenience to the public and not under any legal requirement.

Staff seeks direction from the City Council regarding continuing to allow remote public participation in City Council meetings or discontinuing the use of remote public participation. Members of the public would continue to have the ability to attend City Council meetings in person, submit written correspondence, and view meetings via the internet/cable television.

#### **FISCAL IMPACT**

There is no financial impact association with this action.

#### **EXHIBIT(S)**

1. Resolution Amending Rules and Procedures
2. Teleconferencing Policy without provisions of AB 2449
3. Teleconferencing Policy including provisions of AB 2449
4. Resolution No. 2013-019 (existing resolution amending rules and procedures)

5. Staff Report Dated March 21, 2023, Receive and File a Report Regarding the Brown Act and Teleconferencing Provisions ([link](#))

Submitted By: Jennifer L. Hall, City Clerk, and Sonia R. Carvalho, City Attorney

Approved By: Kristine Ridge, City Manager