

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE COUNCIL RULES AND PROCEDURES TO CHANGE THE TIME OF REGULAR MEETINGS, UPDATE THE RULES OF PROCEDURE, CLARIFY DECORUM REGULATIONS, AND ADDRESS TELECONFERENCING, AND REPEALING RESOLUTION NO. 2013- 019.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Section 409 of the City Charter and Sections 2-100 et seq. of Santa Ana Municipal Code call for the City Council to adopt rules and procedures for the scheduling and conducting of meetings of the City Council.
- B. The Ralph M. Brown Act found at Chapter 9, Part 1 of Division 2 of Title 5 of the California Government Code beginning with Section 54950 (the "Brown Act") sets forth statewide standards for meetings of local agencies including the Santa Ana City Council.
- C. The City Council desires to amend the City Council Rules and Procedures to change the time of regular meetings, updates the rules of procedure, clarify decorum regulations, and address teleconferencing.

Section 2. City Council meetings, time and place.

- (a) Regular meetings of the City Council shall be on the first and third Tuesdays of each month beginning on January 1, 2014. The meeting shall begin between the hours of 3:00 P.M. and 5:00 P.M. for Closed Session followed by the Regular Open Meeting at 5:30 P.M., with the specific time legally noticed and posted on the agenda. The City Council shall publicly convene the meeting and then recess to conduct closed or executive sessions. Regular meetings of the City Council shall be convened in the Council Chamber or as noted on the agenda and time as specified on the agenda. After being convened, all meetings may be adjourned to such other place or places as the City Council may order.
- (b) Notwithstanding any other provision of this resolution, any regular meeting of the Council may be set, canceled, or rescheduled to a different date, time, or location by resolution duly adopted by the affirmative votes of a majority of the City Council or by any other manner as provided by law.

The date, time, and location of any meeting set or rescheduled to a different date, time, or location shall be noticed and posted in the manner provided by law.

- (c) Special meetings of the City Council may be held at such locations as stated in the action calling such meetings and otherwise in conformance with the Brown Act. A special meeting may be called by the Mayor or the Mayor Pro Tem by either of them contacting the City Clerk and requesting orally or in writing the call of a special meeting. A majority of the members of the City Council can also call a special meeting by delivering a written notice to the City Clerk of a request for a special meeting. Upon receiving a request from the Mayor, Mayor Pro Tem, or a majority of the City Council, the City Clerk shall notice the special meeting.
- (d) All meetings are scheduled to terminate at 12:00 A.M. (midnight). At 11:00 P.M., the City Council shall determine which of the remaining agenda items can be considered and acted upon prior to 12:00 A.M. midnight, and will continue all other items on which additional time is required until a future City Council meeting. A two-thirds (2/3) vote of the Council is required to extend a meeting beyond 12:00 A.M. midnight to discuss specified items.

Section 3. Agenda.

The City Clerk shall prepare an agenda for each regular and special meeting of the City Council containing all items known by such officer to be considered. The order of placing items on the agenda shall be approved from time to time by the City Council. The agenda shall contain such information as required by the Brown Act. In addition, the agenda shall contain the following sections to provide for reporting by the City Council: AB1234 reports, Council Committee reports, and Regional Agency reports.

Section 4. Rules of Procedure.

Procedures before the City Council shall be governed by the most current edition of Rosenberg's Rules of Order. Application of such procedures shall be vested in the sound discretion of the presiding officer.

Section 5. Decorum; Time limits and other regulations for speaking.

(a) The City Council shall preserve decorum and an orderly procedure during debate. Councilmembers desiring to speak shall seek recognition from the presiding officer. Upon being recognized, a Councilmember shall confine their comments to the questions under debate. A Councilmember, once recognized, should not be interrupted unless a point of order is raised by another member. The presiding officer should not recognize a Councilmember to speak who has already spoken on a matter under debate until all other Councilmembers who wish to be heard have spoken. A Councilmember should limit themselves to three (3) minutes at any one time without permission of the presiding officer. At the end of each meeting, the presiding officer

shall recognize each Councilmember who may speak up to three (3) minutes on matters of public or community interest.

(b) The agenda for all regular meetings of the City Council shall provide members of the public the opportunity to address the City Council on agendized matters and non-agendized matters as required by the Brown Act. All requests to speak shall be submitted in writing to the City Clerk. No such requests shall be accepted after the public comment session begins without permission of the presiding officer. The agendas for adjourned, special, and emergency meetings of the City Council shall provide for public comment as provided in the Brown Act.

(c) Subject to (d) below, members of the public shall be given a total of three (3) minutes to: (i) address the City Council on any and all matters contained on the City Council agenda as well as the agendas of any of the City's related entities, such as the Successor Agency (formerly the Community Redevelopment Agency) or the Housing Authority, if those entities have meetings scheduled at the same time, and/or (ii) address any matters of public interest provided that they are within the jurisdiction or official business of the City of Santa Ana. The presiding officer shall have the discretion to reduce the time allotted to speakers.

(d) For general public hearings, members of the public shall be given three (3) minutes to address the City Council for each duly noticed hearing, unless continued prior to taking testimony.

i. For public hearings related to land use, entitlements, or appeals, the applicant/appellant and/or their representative(s) whose matter is the subject of the public hearing shall be given ten (10) minutes for their initial presentation. Members of the public shall be given three (3) minutes to address the City Council on the subject of the public hearing. The applicant/appellant and or their representative(s) shall be given five (5) minutes for rebuttal comments.

(e) Upon being recognized by the presiding officer, a speaker should step to the designated speaker location, state their name and address for the record, identify the matter by agenda designation (if applicable), and direct remarks to the City Council as a body and not to any individual member thereof. A speaker shall not be denied an opportunity to speak if they do not wish to state their name and address for the record. No person other than members of the City Council and the person having the floor may be permitted to enter into the discussion without permission of the presiding officer.

(f) It shall be within the sound discretion of the presiding officer to set a maximum time for public comment. In setting any limit, the presiding officer shall take into consideration the level of public interest in the matters in question, the length of the meeting and the need to provide for an orderly and effective meeting. As a means of limiting time while maximizing the public's opportunity to address the City Council, if a group of people seeks to address the City Council on the same matter or topic, the

presiding officer may direct the group to designate a spokesperson or limited number of speakers to address the City Council.

(g) The following rules shall apply to all persons addressing the City Council. All speakers are requested to:

- direct all testimony to the City Council or the presiding officer and not individual Councilmembers,
- when speaking on agenda matters, limit comments to the agenda item(s),
- when speaking on non-agenda matters, limit comments to matters within the jurisdiction or official business of the City of Santa Ana, and,
- refrain from profane language, racial epithets, and libelous or slanderous statements that disturb the decorum of the meeting.

(h) The presiding officer shall have the power and responsibility to enforce decorum and order of the meeting as set forth in Section 2-104(c). Among other means of enforcement, the presiding officer may order the podium microphone turned off and/or video broadcast interrupted when the presiding officer has determined that an individual or group has disrupted the meeting, or the individual or group has exceeded their allotted time to speak without permission of the presiding officer. Pursuant to the procedures set forth in the Brown Act, and legally required warnings, the presiding officer may order the meeting space cleared to restore order. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The presiding officer, upon consultation with the City Clerk and the City Attorney, may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.

(i) All cell phones, pagers, or electronic devices belonging to the public, press, or personnel that may be disruptive must be placed on vibrate mode/quiet or be turned off while a meeting is in session.

Section 6. Teleconferencing.

Remote participation in a City Council meeting shall be governed by the teleconferencing provisions set forth in the Ralph M. Brown Act (Government Code Section 54950, *et seq.*) and by a Teleconferencing Policy duly adopted by the City Council.

Section 7. The provisions of Sections 4, 5, and 6 of this resolution shall apply to meetings of committees of the City Council, as may be modified from time to time by such committees.

Section 8. This Resolution shall supersede Resolution No. 2013-019 and shall take effect immediately upon its adoption by the City Council. The City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this 18th day of July 2023.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
SONIA R. CARVALHO, City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. _____ to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2023.

Date: _____

Jennifer L. Hall, City Clerk
City of Santa Ana