

CITY OF TEMECULA

CITY COUNCIL POLICY



Title:	Public Participation at Meetings
Policy No.:	TBD
Approved:	September 28, 2021
Revised:	TBD

PURPOSE:

The purpose of this City Council policy is to ensure that the community can formally address their local representatives in a public meeting regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

PUBLIC PARTICIPATION IN COUNCIL MEETINGS

Audience Decorum. Members of the audience have the right to express their views about items on the agenda or issues within the jurisdiction of the City subject to the time, place and manner rules described in this Policy. Actions expressing the views of members of the public, such as clapping, whistling; stomping; sign waving are permitted as free speech so long as the actions do not disturb, disrupt, or otherwise impede the orderly conduct of the meeting. The Council expects persons speaking at City Council meetings to do so in a civil manner that promotes the free exchange of ideas and encourages public participation.

Request to Speak Form. Members of the public may address the City Council during Public Comments and before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor. Any person wishing to speak, whether during Public Comments, Consent Calendar, or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk or Deputy City Clerk before the Mayor calls for Public Comments or calls the particular agenda item. A speaker is not required to list his or her name and address, but doing so does help the Council and staff to provide follow-up information to the speaker if needed. Speakers shall be called in the order their Request to Speak form is received by the City Clerk or Deputy City Clerk.

Speak Only Once. Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law.

Addressing the Council. Comment and testimony shall be directed to the Council through the Mayor. Dialogue between and inquiries from citizens at the podium and individual Council Members, members

of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor.

Public Comments to City Council

Non-Agenda Items and Consent Calendar. The public has right to comment on matters within the jurisdiction of the City that are not listed on the agenda as provided in this Policy. The agenda shall provide for such public comments. Public Comments will be heard at the meeting in the manner noted on the agenda. A maximum of thirty (30) minutes shall be allowed for such public comments. A member of the public who wishes to speak under Public Comments may fill out a Public Comment Request to Speak form and submit it to the City Clerk or Deputy City Clerk before the Mayor calls for Public Comments. Persons may speak under Public Comments for three (3) minutes. Deferral of one speaker's time to another is not permitted.

State law prohibits the City Council from taking action on any item not listed on the agenda unless the Council makes a determination that an emergency exists or that the need to take immediate action on the item arose subsequent to the final posting of the agenda. Council Members or staff members may provide brief response to comments, ask brief questions of the speaker, refer the speaker to staff or another agency, or request that the matter be placed on an agenda in a manner that is consistent with the City Council policy for the placement of items on a future agenda. Council Member or staff responses shall not exceed three (3) minutes each.

Consent Calendar Items. Members of the public who wish to speak on a Consent Calendar item will be allowed to speak for a maximum period of 30 minutes prior to the consideration of the Consent Calendar. Persons may speak on Consent Calendar items for three (3) minutes each. Deferral of one speaker's time to another is not permitted.

Agenda Items. The public has a right to comment on agenda items. A member of the public who wishes to speak on an agenda item may fill out a Request to Speak form and submit it to the City Clerk or Deputy City Clerk before the Mayor calls the agenda item. Subject to the special provisions discussed below for Public Hearings, persons may speak about an agenda item for a maximum of five (5) minutes. Deferral of one speaker's time to another is not permitted. In the event there is a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak on the item.

Disruptive Behavior Prohibited at Council Meetings. The Council expects persons speaking at the City Council meeting to do so in a civil manner that promotes the free exchange of ideas and encourages public participation. Any person who engages in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any City Council meeting shall, upon an order by the Mayor, or the presiding officer, or a majority of the City Council, be barred from further audience before the City Council during that meeting.

Examples of disruptive behavior. Examples of behavior that can actually disrupt, disturb, or otherwise impede the orderly conduct of a City Council meeting include, but are not limited to, the following:

- (1) Speaking without being recognized by the Mayor or the presiding officer.

- (2) Continuing to speak after the allotted time has expired.
- (3) Speaking on an item at a time not designated for discussion by the public of that item.
- (4) Throwing objects.
- (5) Speaking on an issue that is not within the jurisdiction of the City Council.
- (6) Speaking to the audience rather than to the City Council.
- (7) Interrupting a person who is speaking to the City Council during such person's allotted time.
- (8) Preventing a person from speaking to the City Council during such time as is allocated for comments from the public.
- (9) Wearing of a mask, costume, disguise or other regalia or paraphernalia that actually disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.
- (10) Uttering loud, threatening, or abusive language that actually disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.
- (11) Clapping, whistling, stomping feet, and sign waving that actually disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.

Enforcement. The rules of conduct for City Council meetings set forth in this section shall be enforced in the following manner:

- (1) *Warning to desist.* Whenever practicable, the Mayor, or the presiding officer, or a majority of the City Council shall give a warning to a person whose behavior is actually disrupting, disturbing or otherwise impeding the orderly conduct of a City Council meeting. The warning shall identify the disruptive behavior and the manner in which the person must comply. A warning shall not be necessary when it would not be effective due to extraordinary circumstances. Examples of extraordinary circumstances in which no warning is required include situations in which a warning would be difficult to hear over the noise of the disturbance; situations involving an immediate threat to public safety such as the throwing of objects or the display of a weapon; and situations involving a person who has been warned about the same type of disruptive behavior at a City Council meeting held within the prior thirty (30) calendar days.
- (2) *Recess.* If, after receiving a request from the Mayor, the person persists in violating the rules, the Mayor may order a recess. Any representative of law enforcement who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating the rules and that he or she is requested to cease such conduct.
- (3) *Order barring person from meeting.* The Mayor, or the presiding officer, or a majority of the City Council may issue an order barring a person from the remainder of a City Council meeting if such person was warned at that City

Council meeting about disruptive behavior and such person again engages in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of the meeting. Additionally, the Mayor, or the presiding officer, or a majority of the City Council may issue an order barring a person from the remainder of a City Council meeting without a warning if there are extraordinary circumstances and the person engages in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of the meeting.

- (4) *Removal.* If a person barred from the remainder of a City Council meeting does not voluntarily exit the Council chambers, the Mayor, or the presiding officer, or a City Council majority may direct the Sergeant-at-arms to remove that person from the Council chambers and exclude that person for the remainder of that meeting.
- (5) *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 disrupt, disturb or otherwise impede the orderly conduct of such meeting and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, City Council may order that the meeting room may be ordered cleared and the meeting shall continue in session. The motion to clear the room shall be by a vote not less than three members of the City Council in favor. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.
- (6) *Violation of the California Penal Code.* A person or persons who substantially impairs the conduct of a City Council meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

Unlawful behavior. The following conduct shall be unlawful:

- (1) Engaging in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of a City Council meeting after receiving a warning at that meeting from the Mayor, or the presiding officer, or a City Council Member.
- (2) Refusing to leave the Council chambers after being barred for the remainder of a City Council meeting by the Mayor, or the presiding officer, or a City Council majority.
- (3) Returning to the Council chambers before the conclusion of a City Council meeting after being barred for the remainder of that meeting by the Mayor, or the presiding officer, or a City Council majority.

Sergeant-at-arms. The Sheriff, or such members of the Sheriff's Department as he or she may designate, shall attend each Council meeting and shall be Sergeant-at-arms of the City Council unless otherwise directed by the City Manager. The Sergeant-at-arms shall

carry out all lawful orders given by the Mayor, or the presiding officer, or a majority of the City Council for the purpose of maintaining order at City Council meetings. The Sergeant-at-arms shall have the authority and power to enforce the orders of the Mayor, or the presiding officer, or a majority of the City Council relating to the order and conduct of City Council meetings. Any Council Member may move to require the Mayor, or presiding officer, to enforce the rules of conduct and a majority vote of the Council shall require him or her to do so.

Motion to Enforce. If the Mayor fails to enforce the rules of decorum set forth herein, any Council Member may move to require the Mayor to do so, and an affirmative vote of three members of the Council shall require the Mayor to do so. If the Mayor fails to carry out the will of the majority of the Council in this matter, the Council by an affirmative vote of three Council Members may designate another Council Member to act as Mayor for the limited purpose of enforcing the rules of decorum established herein for that meeting.

PUBLIC HEARINGS

Process and Procedures. The City Council conducts Public Hearings on applications, projects, and other matters as required to provide due process of law. The following outlines the process under which Public Hearings will be conducted. Staff will review the application/project/matter, will prepare a staff report, and may make a recommendation or propose alternatives to the City Council prior to the Public Hearing.

A notice of the Public Hearing shall be posted, published, and mailed as required by law and the Temecula Municipal Code. The members of the City Council will receive the staff report for the application/project/matter in the agenda packet prior to the meeting. This provides the Council with an opportunity to study the staff report, which will become part of the hearing record, and to become familiar with the project prior to the Public Hearing. When the Public Hearing is called, staff shall summarize the application/project/matter as contained in the staff report or request a continuance to a future meeting. The City Council may ask questions for clarification. Once the Public Hearing is opened, the applicant/property owner and the appellant is entitled to present the application/project/matter in person or through a representative. Following this presentation, members of the public shall be called upon to speak on the application/project/matter in the order their Request to Speak forms are received by the City Clerk or Deputy City Clerk. Once the members of the public have spoken, the applicant/property owner and the appellant shall be provided an opportunity to rebut any testimony or evidence provided by opponents or by staff. The rebuttal shall be limited to answering or refuting testimony of the public or staff. Following each presentation, members of the City Council may question the speakers. Following rebuttal, the item is then before the City Council for discussion and clarification.

When all parties have been heard and there are no additional requests to speak, the Mayor may close the Public Hearing and any member of the Council may make a motion to:

- (1) Reopen the Public Hearing and continue it to a date certain to allow for further study or discussion; or
- (2) Adopt the resolution or ordinance for approval or denial of the project, with or without changes, as recommended in the Staff Report; or

(3) Direct Staff to prepare a different resolution or ordinance than the one recommended for adoption on the Consent Calendar at the next regular meeting of the City Council.

The applicant may withdraw the application/project/matter at any time before a vote is taken by the City Council. An appellant may withdraw its appeal at any time prior to the opening of the public hearing.

Speaker Time Limits for Public Hearings

At Public Hearings involving land use matters the property owner or the applicant/property owner has the burden of proof and, therefore, shall be allowed fifteen (15) minutes for an initial presentation by its development team and an additional ten (10) minutes for rebuttal by its development team following the other comments on the matter. The Mayor may allow more time if required to provide due process for the property owner or applicant. An appellant, other than the property owner or applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property which is the subject of the Public Hearing, shall be allowed fifteen (15) minutes to present the appellant's position to the Council. The Mayor may allow more time if required to provide due process for the appellant. All other members of the public may speak during the Public Hearing for a maximum period five (5) minutes each. Deferral of one speaker's time to another is not permitted. In the event there is a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak.

Policy Applicable to All Public Meetings of the City. The above-referenced public participation standards of this Policy shall apply to all public meetings of the City including City Council and all commissions, boards and committees of the City.