

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING SECTION 2.04.030 OF THE TEMECULA MUNICIPAL CODE TO PROHIBIT CONDUCT AT CITY COUNCIL AND OTHER PUBLIC MEETINGS THAT ACTUALLY DISRUPTS, DISTURBS OR OTHERWISE IMPEDES THE ORDERLY CONDUCT OF MEETINGS

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.04.030 of the Temecula Municipal Code is hereby amended to read as follows:

2.04.030 Conduct Prohibited at City Council Meetings that Disrupts, Disturbs or Otherwise Impedes the Orderly Conduct of City Council Meetings

A. 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. 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.

B. 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.

C. 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 and could be removed from the meeting or prosecuted.

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.

7) Violations of this Section may also be enforced pursuant to the provisions of Chapters 1.16, 1.20 and 1.21 of this Code. The administrative penalty for violation of this section pursuant to Chapter 1.21 shall be five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for the second and each subsequent offences or such other amount as may be set by Resolution of the City Council.

D. 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.

E. 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.

F. 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.

G. Application to all City Meetings. The provisions of this section shall apply to all public meetings of all commissions, boards and committees of the City as well as the City Council meetings. The term "Mayor" shall be construed to mean presiding office of the commission, board

or committee, and “City Council” shall be construed to mean the legislative body of the commission board or committee.

Section 2. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 12th day of October, 2021.

Maryann Edwards, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2021-04 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 28th day of September, 2021, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 12th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk