

AMENDED AGENDA



CITY OF MONTEBELLO CALL AND NOTICE OF A SPECIAL CITY COUNCIL MEETING AGENDA

MONDAY, MARCH 13, 2023 AT 6:00 PM

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA**

TELECONFERENCE LOCATION FOR MAYOR PRO TEM PERALTA:

**1027 SHIELA CT.
MONTEBELLO, CA 90640**

NOTICE IS HEREBY GIVEN that a Special Meeting for the City of Montebello City Council is hereby called to be held on **Monday, March 13, 2023 at 6:00 p.m. at City Hall, Council Chambers, located at 1600 West Beverly Boulevard, Montebello, CA 90640**. The meeting will be live streamed and can be watched on the City's website and YouTube Channel via the following link: <https://www.montebellocal.gov>, and may also be viewed on Spectrum Public Access Channel 3 for all Spectrum cable subscribers.

This City Council Meeting will be held in person and will meet at **City Hall – City Council Chambers, 1600 West Beverly Boulevard, Montebello, California.**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act (ADA) any person with a disability who requires special accommodations in order to participate in a meeting should contact the Administration Office at (323) 887-1437 Monday-Thursday from 7:30 a.m.-5:30 p.m. Please call 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II 1203). If you require translation services, please contact the City Clerk's office 48 hours before this meeting. **Si necesita servicios de traducción, comuníquese con la Oficina del Secretario Municipal 72 horas antes de esta reunión.** 如果您需要翻译服务, 请在会议前 72 小时联系市书记员办公室.

RULES OF DECORUM:

As established by Resolution No. 23-17, adopted on February 22, 2023: Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any speaker who becomes boisterous while addressing the Council/Agency or who otherwise disrupts the orderly conduct of the Council/Agency business shall be called to order by the Mayor/Chairperson. If the conduct continues, the Mayor/Chairperson may bar the speaker from speaking and/or attending the meeting. Any disruption of the meeting shall be addressed in a manner consistent with AB 1100. The sergeant-of-arms shall enforce the rules of decorum and remove and/or arrest any person upon the direction of the Presiding Officer, or upon his or her own discretion, as applicable.

PUBLIC COMMENTS:

In-Person: For those interested in participating during the Public Comment period(s) or public testimony period for Public Hearings of the City Council meetings, ***you may only address the City Council in person the day of the meeting.*** The public may ***only*** address the City Council during this Special Meeting on items which have been described in the notice of this meeting, in accordance with Government Code Section 54954.3(a). Speakers will be required to fill out a speaker card provided at the door and submit it to City Clerk staff prior to each Public Comment announcement period; Public Hearing items do not require a speaker card. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person; staff will number and call each speaker card in the order received. **There is no Closed Session; Regular Session begins at 6:00 p.m.**

AGENDA MATERIALS: The agenda/agenda packet are available for public inspection at City's website at: [Agendas, Minutes, and Videos](#).

**IN CONSIDERATION OF OTHERS, PLEASE TURN OFF, OR MUTE, ALL CELL PHONES AND PAGERS.
THANK YOU FOR YOUR COOPERATION.**

OPENING CEREMONIES

CALL TO ORDER - 6:00 P.M.

ROLL CALL

PUBLIC COMMENTS ON AGENDA ITEMS ONLY (30 MINUTES)

At this time, the general public may ***only*** address the City Council during this Special Meeting on items which have been described in the notice of this Special meeting in accordance with Government Code Section 54954.3(a). Please be aware that the maximum time allotted for members of the public to speak on shall not exceed three (3) minutes per person. State Law prohibits the City Council from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor.

REGULAR SESSION

CORRECTIONS TO THE AGENDA - CITY MANAGER

REGULAR BUSINESS

1. STUDY SESSION TO ESTABLISH RULES OF ORDER OF THE CITY COUNCIL/AGENCY MEETINGS

RECOMMENDATION: It is recommended that the City Council:

1. Review the attached draft City Council/Agency Meeting Rules of Order Handbook; and
2. Discuss and establish new rules of order of the City Council/Agency meetings and incorporate the same into a Rules of Order Handbook or by modifying Resolution No. 23-17, or both; and
3. Take such additional, related action that may be desirable.

ADJOURNMENT

The City of Montebello will adjourn to the next **Regular Meeting on Wednesday, March 22, 2023 at 6:00 p.m.** which can be live streamed at <https://www.montebellocal.gov> (Click on Live Stream).

Date and Posted: March 9, 2023 at 2:00 p.m.

I, Alicia Fernandez, Sr. Deputy City Clerk for the City of Montebello hereby certify that the foregoing Notice of the Special Meeting was posted at City Hall and the City's website and delivered to each member of the City of Montebello City Council no less than 24-hours before the start of the Special Meeting.

A handwritten signature in black ink, appearing to read 'Alicia Fernandez', written over a horizontal line.

Alicia Fernandez, Sr. Deputy City Clerk



ITEM # 1

**CITY OF MONTEBELLO
SPECIAL CITY COUNCIL AGENDA STAFF REPORT**

TO: Honorable Mayor and City Council Members

FROM: Arnold M. Alvarez-Glasman, City Attorney

BY: Arnold Glasman, City Attorney

SUBJECT: STUDY SESSION TO ESTABLISH RULES OF ORDER OF THE CITY COUNCIL/AGENCY MEETINGS

DATE: March 13, 2023

RECOMMENDATION(S):

It is recommended that the City Council:

1. Review the attached draft City Council/Agency Meeting Rules of Order Handbook; and
2. Discuss and establish new rules of order of the City Council/Agency meetings and incorporate the same into a Rules of Order Handbook or by modifying Resolution No. 23-17, or both; and
3. Take such additional, related action that may be desirable.

FISCAL IMPACT:

At this point it cannot be determined if there will be a fiscal impact related to the recommended actions.

BACKGROUND/DISCUSSION:

At its meeting of October 27, 2022, the City Council adopted Ordinance No. 2443 amending and restating the rules of order for the conduct of all City Council and Successor Agency meeting, proceedings, business, and rescinding Resolution Nos. 89-70, 06-22, 11-89 and 19-124.

At the City Council meeting of January 11, 2023, the City Council introduced and

SPECIAL CITY COUNCIL AGENDA REPORT - MEETING OF MARCH 13, 2023

Page 2 of 2

conducted the first reading of Ordinance No. 2459 which would repeal the previously adopted Ordinance No. 2443. Ordinance No. 2459 was adopted at the City Council meeting of January 25, 2023 and took effect on February 24, 2023.

On February 22, 2023, the City Council adopted Resolution No. 23-17 (Attachment "2") that established temporary rules of order with the intention to conduct a study session and establish permanent rules of conduct for City Council/Agency meetings.

The attached draft City Council/Agency Meeting Rules of Order Handbook has been submitted by Mayor Torres (Attachment "1") for review and discussion by the City Council. In Attachment "1," Mayor Torres has provided a proposed set of procedures with citations to other rules in effect in other cities. The Mayor has indicated that the city rules were obtained from those cities surveyed when the previous Ordinance No. 2443 was adopted. Also attached is Resolution No. 23-17 for reference purposes. There are differences between Resolution No. 23-17 which was crafted and finalized by the City Attorney's office and the language contained in the draft Handbook.

ENVIRONMENTAL IMPACT:

N/A

ANALYSIS:

N/A

SUMMARY:

It is recommended that the City Council review the attached draft City Council/Agency Meeting Rules of Order Handbook submitted by Mayor Torres and discuss and establish rules of order of the City Council/Agency meetings. It is also recommended that if there is a need to change any of the provisions of recently adopted Resolution No. 23-17, direction should also be provided.

ATTACHMENT(S)

1. Attachment A - Draft City Council/Agency Meeting Rules of Order Handbook
2. Attachment B - Resolution 23-17

NEXT STEPS:

N/A

City Council/Agency Meeting Rules of Order

I. Meetings Open to the Public.

The Council and Agency are subject to the Brown Act Open Meetings Law. (Government Code 54950 et seq). All meetings of the Council and Agency are open to the public, except for closed sessions which are authorized to be held in accordance with the applicable provisions of the Brown Act.

II. City Council/Agency Meetings and Agenda Materials.

A. Regular Meetings. Regular meetings of the City Council and Agency shall be held at the City Hall Council Chambers at 1600 West Beverly Boulevard, Montebello, California, except as otherwise provided from time-to-time and authorized by the Brown Act. The regular meetings of the City Council and Agency shall be held on the second and fourth Wednesdays of each month. According to the Brown Act, regular meeting agendas shall be posted on the City's website and at City Hall no later than 72 hours prior to the meeting; however, it is the policy of the City of Montebello to post the agenda five (5) business days prior to the meeting. The City Council Closed Session will start at 6:00 p.m. The Agency Chairperson may recess the Agency meeting to take up City Council closed session items. Closed Session shall not exceed 1 hour. If at the end of the hour Closed Session items remain for discussion, council may recess closed session to consider regular business and reconvene closed session at the end of the regular business portion of the meeting. If there is no Closed Session, the regular meeting will start at 7:00 p.m.

Whenever the day for holding any of the meetings falls on a holiday, the meeting shall be held on the next business day unless otherwise ordered by the City Council/Agency at a prior meeting.

B. Special Meetings. Special meetings may be called by the Mayor/Chairperson or Council/Agency majority with a minimum of 24 hours' notice, or because the meeting will be held on a different day of the week, at a different time, or in a different location as authorized by the Brown Act. Special meeting agendas shall be posted on the City's website and at the meeting location in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted materials. The Council/Agency shall provide notice as soon as the date, time and location of the meeting is established, especially when the special meeting is for the purpose of conducting a Study Session. The Council/Agency will make every effort to avoid posting the agenda or notifying the city council with only 24 hours' notice.

1. Study Sessions. Study Sessions are meetings during which the Council/Agency receives information about Council/Agency business in an informal setting. Study sessions are intended to encourage in-depth discussion, provide factual presentations by City staff, allow for detailed questioning and brainstorming by the Council/Agency on issues of significant interest, including but not limited to Council/Agency policy matters, budget and financial matters zoning applications, major public works projects, and other related topics. The Council/Agency may discuss the material freely without following formal rules of parliamentary procedure and the Mayor/Chairperson shall have discretion to determine the appropriate process for conducting the study session, including when public comment and oral communications will be heard. The general rules of decorum apply. Staff may be directed to bring matters back for Council consideration at future meetings, as no action can be taken.

C. Broadcasting of Meetings. All Council/Agency regular and special meetings, including study sessions, shall be live streamed on the City's website and broadcast on the City's Government

Commented [DT1]: Redundant with Section II.E.

Commented [DT2]: Special Meetings
Palo Alto pg. 5 B Reasons
Palo Alto pg. 12 R. Mayor and Council call

Commented [DT3]: Study Session
Palo Alto pg. 13 top Factual presentation by staff,
questioned by council, Mayor presides.

Access Channel (Channel 3) unless the City/Agency is unable to do so due to unforeseen technical circumstances or circumstances beyond City/Agency control in which case the meeting shall be audio recorded.

D. Cancelled Meetings. The City Council/Agency regular meetings may, by resolution, be cancelled during the regularly scheduled second meetings of November and December, or any other meetings the council deems appropriate.

E. Agenda Materials. The City Clerk's office shall post the agenda materials and supplemental agenda materials on bulletin boards outside the entrance to City Hall in locations that are freely accessible to the public and the City's agenda website. The agenda packets are available for public inspection at the City's website. The agenda cover sheets may also be mailed or emailed upon written request.

The Council/Agency shall not take any action on any item which does not appear on the posted agenda except as follows in accordance with Government Code Section 54942.2:

1. Emergency Situation. An emergency situation, as defined in Cal. Govt. Code § 54956.5 exists. Before proceeding to act upon an emergency item not appearing on the agenda, the Council/Agency shall by a majority vote determine that an emergency situation exists and that prompt action is required by the Council/Agency. The Council/Agency shall include in the minutes of its meeting the facts upon which it relied in finding the existence of an emergency situation.

2. Need to Take Action on Non-Agenda Items. The Council/Agency may act upon an item not appearing on the agenda if it finds, by a two-thirds vote of the members present at the meeting or if less than two-thirds of the members are present, by a unanimous vote of the members present, that there is a need to take immediate action on the non-agenda item and such need to act came to the Council/Agency attention after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be (presented and) included in the minutes supporting the action taken.

3. Held over items. Items not appearing on the posted agenda for a specific meeting may be acted upon at that meeting if:

- a) The item appeared on a properly posted agenda for a previous meeting;
- b) The previous meeting occurred not more than five calendar days prior to the date of the meeting at which the item is proposed to be considered; and
- c) The item was continued from a previous meeting of the meeting at which action is proposed to be taken.

III. Order of Business

The business of the City Council and Agency at regularly scheduled meetings shall be disposed of in the following order:

1. Call to Order - 6:00 p.m
2. Roll Call
3. Announcement of Closed Session Items
4. Public Comments on Closed Session Items
5. Closed Session

Commented [DT4]: Broadcast if not shall be audio recorded.
Los Altos pg. 12 8.2

Commented [DT5]: Action on non-posted agendas
Manhattan Bch pg. 2 H 1 & 2

Commented [DT6]: Is a super majority vote currently required by Montebello?

6. Closed Session Report

If there is no Closed Session, the regular meeting will start at 7:00 p.m.

7. Invocation
8. Pledge of Allegiance
9. Corrections to the Agenda
10. Ceremonial Items/Presentations
11. Public Comments on Non-Agenda Items. Each speaker will have 3 minutes. All other comments which exceed the initial 30-minute period, unless otherwise provided by a majority of Council/Agency to extend time, will be continued to the end of the meeting.
12. Staff Communications on Items of Community Interest
13. Public Hearing
14. Old Business
15. Regular Business
16. Consent Calendar (Routine and Non-Controversial Matters)
17. Public Comments on Non-Agenda Items. Continued from the initial Public Comment period if necessary.
18. AB 1234 Travel Reports
19. Council/Agency Orals
20. Closed Session. Continued from the initial Closed Session period if necessary.
21. Adjournment

The Mayor shall have the discretion to change the order of business. Council/Agency members may change the order of business by majority vote of the Council/Agency.

Commented [DT7]: Newport Beach, pg. 3

IV. Placement of Items on City Council Meeting Agenda

A. Agenda Items. A Council/Agency member, including the Presiding Officer, may bring a matter of business before the City Council during Council/Agency orals to add an item to a future agenda with a majority vote of the Council/Agency. The Presiding Officer shall coordinate with the City Manager or City Attorney as to the requisite time in which to present the matter(s) for City Council consideration at the next available agenda. All individual Council/Agency agenda items shall be placed on the future agenda under Regular Business.

Commented [DT8]: Placement of Agenda Items Eastvale pg. 10 9A and 9B paraphrased.

B. Other Agenda Items. The Mayor/Chairperson, City Manager or City Attorney may place items on future agendas. The City Manager, in coordination with the City Attorney, shall be responsible for scheduling all other agenda items through an agency review meeting which shall be held any time before the city council meeting.

Commented [DT9]: Placement of Agenda Items Eastvale pg. 10 9A and 9B paraphrased.

Pasadena p. 5 C1

C. Tentative Council Calendar. The Tentative Council Calendar shall list items pending to come before Council/Agency within the next 12 month period and will be included as part of each council meeting's agenda packet. City staff will post the Tentative Council Calendar on the city's website and make updates to the Tentative Council Calendar as necessary.

Commented [DT10]: Los Altos p. 15 10.8

D. Consent Calendar Categories. The consent calendar section is where administrative and non-controversial items shall be presented. The Mayor/Chairperson and City Manager should be sensitive to high dollar value items and consider placing those items in the regular business section.

Commented [DT11]: Consent Calendar sensitivity Palo Alto pg. 9 L

1. Ordinances, Resolutions, and Contracts. All ordinances, resolutions and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council/Agency unless ordered by a majority vote of the Council/Agency, or requested by the Mayor/Chairperson, or City Manager, or prepared by the City Attorney on his or her initiative. The following ordinances and resolutions may appear on a consent calendar:

- a) Second Reading of Ordinances.
- b) Resolutions that are ceremonial in nature.
- c) Budget amendments that accept funding such as grants or gifts provided the council has previously approved the activity or program.
- d) Resolutions approving funding applications, such as grants or loans, provided that the program or activity has been previously approved by Council.

2. Administrative Matters Including Contracts, Appointments, Approval of Applications, and Any Other Matter.

V. General Requirements

A. Attendance. Council/Agency Members, the City Clerk, City Attorney, and City Manager, along with any other city officers and department heads that have been requested shall be present except during recognized absences. The Council/Agency expects its members to attend regularly and notify the Mayor/Chairperson, City Clerk, Deputy City Clerk, City Manager, or Assistant City Manager of any planned absences at least two (2) hours prior to the start of any meeting, or as soon as practicable. Notification shall be made via formal written and/or digital notice, or confirmed verbally.

B. Quorum. In a five-member body, three (3) members of the Council/Agency shall constitute a quorum and shall be sufficient to transact business. If less than three Council/Agency members appear at a regular meeting, the Mayor/Chairperson, Mayor Pro Tem/Vice Chairperson in the absence of the Mayor/Chairperson, any Council/Agency member in the absence of the Mayor/Chairperson and Mayor Pro Tem/Vice Chairperson, or in the absence of all Council/Agency members, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the Council/Agency may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all Resolutions and non-urgency Ordinances must receive three (3) affirmative votes for approval.

When the November 2022 election results are certified and elected officials are sworn into office, the temporary seven-member legislative body established by Montebello Municipal Code section 2.08.050(G) shall require four members of the Council/Agency to constitute a quorum and that shall be sufficient to transact business. If less than four Council/Agency members appear at a regular meeting, the Mayor/Chairperson, Mayor Pro Tem/Vice Chairperson in the absence of the Mayor/Chairperson, any Council/Agency member in the absence of the Mayor/Chairperson and Mayor Pro Tem/Vice Chairperson, or in the absence of all Council/Agency members, the City Clerk or Sr. Deputy City Clerk, shall adjourn the meeting to a stated day and hour. Business of the Council/Agency may be conducted with a minimum of four members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all Resolutions and non-urgency Ordinances must receive four affirmative votes for approval or more affirmative votes if otherwise established by law, ordinance, or contract. This paragraph will sunset on the date that the members elected from Districts 2

and 4 take their oath of office as a result of the election occurring in November 2024, reverting the legislative body from seven members to five members, but shall not affect the required votes as otherwise established by law, ordinance or contract.

C. Teleconference Attendance of Council/Agency Members at Meetings. The specific requirements relating to teleconferencing per the Brown Act shall apply to Council/Agency members. At least a quorum of the Council/Agency must participate from a location within the City (Government Code Section 54953(b)(3)).

Commented [DT12]: Palo Alto pg. 6, 2.4 B

If these two threshold requirements are met, the Council/Agency member who will be appearing telephonically must ensure that:

- The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.
- The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.
- The teleconference technology used is open and fully accessible to all members of the public to participate, including those with disabilities.
- Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council/Agency from the remote location that they would if they were present in Council Chambers.
- The teleconference location must not require an admission fee or any payment for attendance.
- All votes must be by roll call.
- If the meeting will include a closed session, the Council/Agency member must also ensure that there is a private location available for that portion of the meeting.

D. Approved Teleconference Guidelines for Council/Agency Members. Council/Agency member must give notice in advance of the publication of the agenda to the City Clerk's office. The notice must include:

- The address at which the teleconferenced meeting will occur;
- The address the Council/Agency packet should be mailed to;
- Who is to initiate the phone call to establish the teleconference connection; and
- The phone number of the teleconference location. If cellular telephones are used to participate in teleconferenced meetings, Council/Agency members need to ensure the speaker phone option is functioning.

The Council/Agency member is responsible for posting the Council/Agency agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by emailing, faxing or mailing the agenda to whatever address or fax number the Council/Agency member requests; however, it is the Council/Agency member's responsibility to ensure that the agenda arrives and is posted. If the Council/Agency member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the advance written notice above.

The Council/Agency member must ensure that the location will be publicly accessible while the meeting is in progress.

The Council/Agency member must state at the beginning of the meeting that the posting requirement was met at the location and that the location is publicly accessible and must describe the location.

E. Closed Session. Closed session is the only type of agenda item that the public cannot observe. State law allows closed session to discuss pending litigation, employment matters, real estate negotiations, and certain other matters as authorized by the Brown Act. To the greatest extent possible, the City Attorney and City Clerk shall use standardized agenda descriptions that are consistent with Government Code section 54954.5. Closed session will be scheduled at the beginning of Council/Agency meetings to the extent possible and appropriate. The item or items to be considered in closed session will be announced by reference to the appropriate agenda number or letter.

1. Public Comments. Members of the public are permitted to make public comments on closed session matters. The City Clerk shall be present in the open session to record Council attendance and any statements made during the Public Comments period or by the Council.

2. Attendance. The City Manager and City Attorney, and/or their designees shall attend closed session unless it is necessary to excuse them. Only such additional staff shall attend as are necessary and then only if the legal privileges of confidentiality obtained in an executive session are not waived.

3. Minutes. The City Attorney shall record the information necessary to comply with state law.

4. Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality. Council/Agency may be asked to return all written materials distributed during closed session. Any breach of releasing confidential information by any Council/Agency member may result in revoking or suspending the member's right to receive further confidential information or other remedies as authorized by law.

5. Public Reports. State law requires the Council/Agency to make a public report after a closed session when certain kinds of action are taken. Reports from closed sessions shall be made by the City Attorney or such other City representative as designated by Mayor/Chairperson. Such designated person is the only individual authorized to make public statements concerning the closed session.

F. Ceremonial Items/Presentation. Items presented during this item are limited to: community and Council/Agency presentations, proclamations, certificates of recognition, awards, and guest introductions. All presentations and exhibits are encouraged to be submitted in advance.

Nationally Recognized Health and Heritage months will also be acknowledged during this item. The list of approved nationally recognized health and heritage months are hereby attached as "Exhibit A". The approved list is subject to change based upon approval, removal, or amendment by Resolution or Consensus of the City Council.

Proclamations are issued for matters of local, regional, or national significance and are generally issued to organizations or events residing in, or occurring within the City of Montebello, multi-jurisdictional agencies, or any purpose deemed appropriate by the Mayor/Chairperson or a simple majority of the city council. Proclamations are ceremonial and do not carry any legislative or legal value. A Proclamation/Certificate Form, attached as "Exhibit B" (Exhibit B is subject to change based upon approval, removal, or amendment by Resolution or Consensus of the City Council), must be completed and submitted to the City Clerk's office by the Mayor/Chairperson for all Proclamation requests.

Commented [DT13]: Primarily Palo Alto pg. 13-14, Comment. Palo Alto #5 refers to informing of roll call votes in certain situations.

Los Altos pg. 21-22, Section 12. Incorporated 12.3 for Confidentiality

Mayor/Chairperson and Council/Agency members will strive to submit requests at least two weeks in advance. This allows the Public Affairs office to process based on eligibility requirements. Proclamations must also be formally accepted by a recipient of the non-profit organization. The primary reasons for issuance include, but are not limited to:

- Recognition of an organization's event or special action.
- Recognition of a national or state non-profit event that coincides with a local event.
- Significant historical commemorations.
- Recognition of extraordinary achievement for which formal language is provided.

Proclamations will not be issued for:

- Events or organizations with no direct relationship to the City of Montebello.
- Campaigns or events contrary to city policies.
- Commercial/for-profit purposes.
- Conflicts with federally recognized months, weeks or days of observance.

Certificate of Recognition (COR) are issued to recognize special events, significant achievements, organizations, businesses, or individuals in and near the City of Montebello. The Mayor/Chairperson and Council/Agency members may issue Certificates of Recognition. Mayor/Chairperson and Council/Agency members will strive to submit requests at least two weeks in advance. A Proclamation/Certificate Request Form is attached as "Exhibit B." The primary reasons for issuance include, but are not limited to:

- Retirement – employment with their current employer for a significant number of years.
- Birthday – a significant birthday.
- Wedding, church, or pastoral anniversary – 25 years or more.
- Significant education/life achievement.
- Exemplary service or significant contributions by an organization, business, or individual to the City of Montebello.
- New business openings (only at the request of the City of Montebello Chamber's Office).
- Approved Nationally Recognized Health & Heritage months.
- Or as otherwise directed by the Mayor/Chairperson or Council/Agency.

Additional Details:

1. Mayor/Chairperson shall distribute proclamations/certificates of recognition during each presentation, or at the end of the presentation. If the recipient does not receive the proclamation/certificate during the time it is presented it can be picked up the next business day from the City Clerk's office.

2. The Council/Agency will be available for pictures during the meeting in which the proclamation/certificate is presented. If a picture is scheduled outside of the meeting the proclamation/certificate is presented, all members of the Council/Agency will be notified in advance through written invitation.

G. Preparation of Minutes. City Clerk staff shall prepare "Action Minutes" of all public meetings of the City Council/Successor Agency. Action Minutes include very little narrative, if any, only motions and votes shown in the record. Staff shall prepare Summary Minutes for Public Hearing items. Any Council/Agency member shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Council entered in the minutes. Such dissent or protest to be

Commented [DT14]: Separate paragraph or numbered under G.
Newport Beach pg. 8, #9. Also see #10.

Palo Alto pg. 9 (H)

entered into the minutes may be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons..."

Commented [DT15]: Giving voice to the minority/dissent.

H. Voting Procedures. On the consideration of every motion, the vote shall be taken by consensus vote, roll call, or electronic device, and entered in full upon the record. A simple majority vote of those in attendance, unless a full majority of the entire body is otherwise required by law (i.e. ordinances or resolutions), is needed to pass a motion. A super majority (two-thirds majority) vote is needed as per Rosenberg's Rules or as required by law.

1. Roll Call Voting. Every non-urgency Ordinance and any Resolution or order for franchises or payments of money shall require three (3) affirmative votes. An urgency Ordinance and certain resolutions shall require four (4) affirmative votes (e.g., adding matters to the agenda Resolution of Necessity). A roll call vote shall be used in these cases with the Mayor/Chairperson called last. Other questions before the Council shall not require a roll call vote unless one is requested by a Council/Agency member.

Commented [DT16]: Eastvale pg. 7, 5 A (Roll Call)
5 B (Effect of Silence -yes)
Palo Alto pg. 19 #7 (Effect of Silence- yes)

2. Effects of Silence. Unless a Council/Agency member audibly votes in the negative, disqualifies himself or herself, or expressly declines to vote, his or her silence or any abstention shall be recorded as an affirmative vote on the matter before the Council/Agency.

3. Change of Vote. Council/Agency members may change their votes before the next item on the agenda is called or before adjournment of the meeting in which the vote is cast.

Commented [DT17]: (Palo Alto pg. 19 #5)

4. Failure to Vote. It is the responsibility of every Council/Agency member to vote unless disqualified for cause accepted by the Council/Agency or by opinion of the City Attorney; however, no Council/Agency member can be compelled to vote.

Commented [DT18]: (Palo Alto pg. 19 #8)

5. Abstaining from Vote. Council/Agency members may abstain if they are not sufficiently informed about an agenda item, or, e.g. when there was a prior hearing and they were unable to view the prior meeting before the current meeting.

Commented [DT19]: Palo Alto pg. 19 #9

6. Disqualification for Conflict of Interest.

a) Financial. A Council/Agency Member who disqualifies him or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the discussion or the vote.

b) A party to the matter. A Council/Agency Member who disqualifies him or herself due to being a party to the matter, personal bias, or the appearance of impropriety shall disclose the nature of the conflict and may not participate in the discussion or the vote.

Commented [DT20]: Palo Alto p. 10 #10
Newport Beach p. 11 B

A Council/Agency member who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission of the Presiding Officer to step down from the dais. A Council/Agency member stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

7. Tie Votes. Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Council/Agency voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Council/Agency may make a motion to continue the matter to another date. Any continuance hereunder shall suspend the running or

calculation of any time in which action of the Council/Agency is required by law. Nothing herein shall be construed to prevent any Council/Agency member from agendizing a matter that resulted in a tie vote for a subsequent meeting.

Commented [DT21]: Palo Alto pg. 20 #11

8. Reconsideration. A motion to reconsider the vote on any action taken by the Council/Agency at either this meeting or the previous meeting may be made only by one of the Council/Agency members who voted with the prevailing side.

Commented [DT22]: Reconsideration Newport Bch: pg. 11 F
also in:
Eastvale pg. 8C
Palo Alto pg. 20 #12 detailed
Los Altos pg. 18-19, 11.8 A-C more detailed.

I. Council/Agency Member Request for Research or Information. Requests for staff support should be made to the City Manager, Assistant City Manager, or Department Directors with a copy to the City Manager. Any request which would require more than one hour of staff time to research a problem or prepare a response will require the approval of a simple majority of the Council/Agency at a regular or special meeting, or study session. This will ensure that staff resources are allocated in accordance Council/Agency priorities. Once notified that a request for information or staff support would require more than one hour, the Council/Agency member may request that the City Manager place the request on an upcoming Council/Agency agenda. This section does not include requests for information related to the knowledge base and data city staff relies on for day-to-day operation. Information should be provided to all Council/Agency members. Documents that are deliberative, public, and for council decision such as ordinances, resolutions, and policies, shall be provided in their native format to Council/Agency upon request. In many cases, the City Manager encourages direct contact with department directors within this policy guideline thus enabling the councilmember to get appropriate information quickly and easily.

Commented [DT23]: One hour rule from Palo Alto pg. 31 H, no reference to \$\$, request goes to appropriate senior staff member - listed on pg. 30 B
Title from Newport Bch. Pg. 13-14 detailed section.

Commented [DT24]: Newport Bch p. 13 A1

J. Channel Communications through the Appropriate Senior City Staff. Questions of City Staff should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, Deputy City Clerk, or Department Heads. The City Manager, should be copied on any request to Department Heads. Councilmembers should not set up meetings with department staff directly, but work through Department Heads who will attend any meetings with Councilmembers. When in doubt about what staff contact is appropriate, councilmembers should ask the city manager for direction. However, nothing in these protocols is intended to hinder the access of Council-appointed liaisons or commissioners/committee members may require in order to fulfill their unique responsibilities.

Commented [DT25]: Palo Alto p. 30 B

K. Confidentiality. No Council/Agency member or public employee shall, except as required in the performance of his duties, or in the course of any conduct reasonably believed to be in the performance of his duties, disclose confidential information gained by reason of his official position, nor shall he otherwise use the information for his personal interest. Confidential information shall include any information/materials declared as confidential by law and/or the City Attorney.

VI. Public Comments. Members of the general public have the right to address the Council/Agency on non-agenda and agenda items that fall under the subject jurisdiction of the Council/Agency.

Commented [DT26]: Newport Bch pg. 3-4 paraphrase
Palo Alto pg. 2 and 9 (I)
Eastvale pg. 2 D

A. Public Comment/Non-Agenda Matters. During the Public Comment period any member of the public may address the Council/Agency on any non-agenda item generally considered to be within the subject matter jurisdiction of the Council/Agency. Speakers shall be limited to three (3) minutes, with a total limit of thirty (30) minutes for Public Comments at the beginning of the meeting. Mayor/Chairperson, in his/her discretion, and/or in consultation with the body, may limit or extend time for public comment as he/she may find reasonable under the circumstances. Public Comments on non-agenda items will continue, if necessary, after all other business of the meeting is concluded.

State law does not permit the Council/Agency to act on or discuss an item raised during Public Comment, but Council/Agency members may ask brief clarifying questions and may ask City staff

to follow up any concerns that are raised. Alternatively, the Council/Agency may request the issue to be agendized for discussion at a future Council/Agency meeting.

B. Agendized Matters. Members of the public can speak on each individual item on the agenda including Consent Calendar items. Comments on Consent Calendar items will be heard at the time the item is up for discussion. Speakers shall limit their comments to matters relevant to the item on the agenda. Speakers shall be limited to three (3) minutes on each item. A Council/Agency member wishing to ask questions of a member of the public should first be recognized by the Presiding Officer.

C. The public does not need to be given an opportunity to speak on an item that has already been considered by a legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.

D. Speaker Cards. Members of the public that are interested in making public comments must complete a Speaker Card and submit it to City Clerk staff before the conclusion of public comments on non-agenda items for live meetings, or in accordance with Assembly Bill 361 for video/audio meetings. A separate speaker card must be submitted for each agenda item. Upon receipt of the card, the City Clerk shall deliver it to the presiding officer. The public will be called upon during the Council/Agency meeting – Closed Session begins at 6:00 p.m. and Regular Session begins no earlier than 7:00 p.m., following Closed Session. If there are no Closed Session items, Regular business will start at 7:00 p.m. Members of the public must be present until the item for consideration is heard. Any requests to provide public comment which are submitted after the deadlines indicated above will not be addressed at the Council/Agency meeting with the exception of non-agenda item comments which will be held over to the next regularly scheduled meeting. Although it is recommended, speaker cards are not required to be filled out for Public Hearings. Speaker cards for Public Comment on Non-Agenda items will be accepted until the public comment period is concluded. Speaker cards for Consent Calendar items will be accepted until consideration of the item.

E. Written Comments. Members of the public that are interested in submitting written comments may do so via electronic mail at: ccpubliccomment@montebellocaloca.org. Written comments will be provided to members of the City Council and will be entered into the record of the proceedings to the extent they relate to matters listed on the posted agenda or otherwise address matters/issues within the subject matter jurisdiction of the City Council. Persons submitting written comments are encouraged to identify the specific item(s) on the agenda their comment(s) relate to or whether they relate to non-agendized matters. Written comments may be read aloud and shall be included as part of the meeting minutes, or in accordance with Assembly Bill 361 for video/audio meetings.

VII. Procedure for the Conduct of City Council/Agency Meetings.

A. Role of Mayor/Chairperson. The Mayor/Chairperson shall be the Presiding Officer at all meetings of the Council/Agency. In the absence of the Mayor/Chairperson, the Mayor Pro Tem shall be the presiding officer. It shall be the duty and responsibility of the Mayor/Chairperson to ensure that the rules of decorum and procedure contained herein are observed. The Mayor/Chairperson shall maintain control of communication between Council/Agency members, city staff, and the public. The presiding Officer shall serve as the parliamentarian and decide all questions of order under these rules, with the assistance of the City Attorney. Any such decision shall be final unless overriding by a majority vote of the Council/Agency members present and shall be binding and legally effective for purposes of the matter under consideration.

Commented [DT27]: Non agenda items will be heard at the end of the meeting.

Commented [DT28]: Pasadena p. 10 C

Commented [DT29]: A. Role of Mayor
Eastvale pg. 1 B
1st paragraph modified.
2nd paragraph included. parliamentarian

B. Communication between council
Eastvale pg. 1-2 C 1,2,4,.

C. Communication with public
Eastvale pg. 2 D 1-4 paraphrased.

B. Communication between Council/Agency Members at Meetings. Council/Agency members shall request the floor from the Mayor/Chairperson before speaking. The Mayor/Chairperson must recognize any Council/Agency member who seeks the floor when appropriately entitled to address the City Council. No Council/Agency member shall speak again until all Council/Agency members have had the opportunity to speak. When one Council/Agency member is speaking, other Council/Agency members shall not interrupt, disrupt, or disturb the speaker.

C. Communication with Members of the Public Addressing the Council/Agency. On specific agenda items, Council/Agency members may question any person addressing the Council at the conclusion of that person's testimony. A Council/Agency member wishing to ask questions of a member of the public should first be recognized by the Mayor/Chairperson. Communication shall be confined to a brief question and answer format. Once the speaker is seated, the presiding officer may refer an issue or public inquiry to the City Manager or staff for a brief response, further review, and/or further action, if appropriate. Alternatively, the Council/Agency may request the issue be agendaized for discussion at a future Council/Agency meeting. Any staff member with an item on the agenda will be available to the Council/Agency to answer questions arising during discussions between Council/Agency members and among Council/Agency members and members of the public. Members of the public shall direct their questions and comments to the Council/Agency body.

D. Rules of Procedure. In all matters not otherwise provided for herein the proceedings for the body shall be governed under "Rosenberg's Rules of Order", the most current edition.

VIII. Procedure for Addressing the City Council/Agency.

A. Specific Speaker Requirements. When a speaker is called, the speaker shall promptly approach the audience microphone and is requested but not required to give his/her name, whom they represent and/or city of residence in an audible tone of voice for the records. Failure to approach the audience microphone when called may preclude an opportunity to speak during that subject public comment period. A member of the public shall only address the body from the audience microphone, unless authorized by the Mayor/Chairperson to speak from another location. Speakers will be permitted to complete their comments without interruption. The maximum time for addressing Council/Agency shall be limited to three (3) minutes per speaker; however, the Mayor/Chairperson may either extend or reduce the maximum time to such period of time as determined by a majority of the Council/Agency. No person shall be permitted to interrupt members of the body, staff presentations, or members of the public who are at the microphone during a meeting.

B. Spokesperson for a Group. In order to expedite Council/Agency business and to avoid repetitious presentations, whenever an organization or group of persons wishes to address the Council or Agency on the same subject matter, it shall be proper for the presiding officer to inquire whether the organization or group has a spokesperson. If so, spokespersons may be allotted up to six (6) minutes to speak.

C. Technology. Use of technology in the meeting room (such as Power Points and overhead displays) is restricted to members of the Council/Agency, staff, city consultants, applicants for a quasi-judicial approval, and appellant's quasi-judicial approval. All presentations shall be submitted to the city clerk no later than 3 p.m. on the day of the meeting in which they are being presented. All supplementary materials shall be distributed to council by email, and posted on the city website.

D. Recording. Any person may record a meeting unless the body finds that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

Commented [DT30]: Moved to public comments

Not relevant to new council procedure

Addressed in Decorum

E. Public Hearings. Except as provided otherwise by law, public hearings shall be conducted as follows:

1. Order of Business, Generally.

- a) Staff Presentation. Staff shall present the staff report or summarize the nature of the hearing and the issues to be resolved by the Council/Agency followed by clarifying questions from the Council/Agency.
- b) The Mayor/Chairperson Shall Open the Public Hearing.
- c) Applicant/Appellant Presentation. The applicant or appellant and any representative shall have a reasonable amount of time to present evidence and testimony relevant to any issue before the Council/Agency.
- d) Public Comments. Speakers wishing to address the Council/Agency on public hearing items shall not be required to fill-out a speaker card in order to be called on to speak. The presiding officer shall invite public testimony in support or opposition from members of the audience. All members of the audience shall be given a reasonable opportunity to speak not to exceed three (3) minutes, unless otherwise extended by a vote of Council/Agency. Extensions of time shall be granted in one (1) minute increments. All are entitled to submit written evidence which will be part of the public record and subject to public disclosure. The Mayor/Chairperson may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. A group of speakers can delegate a single speaker to represent the group.
 - (1) Limitations. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer, with the approval of the Council/Agency, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony.
- e) Questions by Council/Agency. Council/Agency members may ask questions of the staff, presenters, public or each other during the public hearing portion only after being recognized by the Mayor/Chairperson.
- f) Rebuttal. Prior to the closing of the public hearing, the Mayor/Chairperson will provide the Applicant/Appellant the opportunity for a rebuttal which shall be limited to no more than five (5) minutes.
- g) Deliberation. Upon closing of the public hearing by the Mayor/Chairperson, no additional public testimony shall be solicited or received by the Council/Agency without reopening the public hearing through the Mayor/Chairperson with consensus of the Council/Agency.

Commented [DT31]: Review Hearings with no time limit
Pasadena pg. 7-9
Eastvale pg. 11-12
Newport Beach pg. 6-8
Manhattan Beach pg. 3-4
Palo Alto pg. 21-23

Los Altos pg. 16-18 some time limits

The Council/Agency shall initiate deliberations. During deliberations, each member of the Council/Agency shall have the opportunity to comment on or discuss testimony given during the public hearing. A motion may be introduced on the matter or by vote of the body be continued or recontinued to any subsequent meeting of the Council/Agency.

2. Quasi-Judicial Land Use Hearings. A “quasi-judicial” hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty, or property.

a) Quasi-Judicial Land Use Proceedings Defined. Quasi-judicial hearings include hearings involving the following matters:

- (1) Conditional Use Permits.
- (2) Variances.
- (3) Home improvement exceptions.
- (4) Design enhancement exceptions.
- (5) Subdivisions other than final map approvals.
- (6) Architectural review.
- (7) Assessment protest hearings.
- (8) Other matters as determined by the City Attorney.
- (9) Appeals related to any of the above.
- (10) Environmental review relating to any of the above.

Commented [DT32]: Palo Alto p. 21 section X

b) The following shall occur at the conclusion of staff presentations and before the Mayor/Chairperson opens the public hearing. These rules are intended to assure that the Council/Agency decision making on matters is based upon facts and evidence known to all parties and to support the role of commissions in making independent recommendations to the Council/Agency.

- (1) Disclosure. The Mayor/Chairperson shall inquire whether any member of the Council/Agency has had ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. Any member of the Council/Agency announcing an ex parte contact shall state for the record the nature and content of the contact. If such contact impairs the member’s impartiality, the member shall state this fact and abstain from participation in the matter.
- (2) Call for Abstentions. The Mayor/Chairperson shall inquire whether any member of the Council/Agency must abstain from participating in the hearing due to a conflict of interest. Any member of the Council/Agency announcing a conflict of interest

shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

3. Public Documents. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents.

IX. Council/Agency Orals.

A. The purpose of Council/Agency Orals is to allow Council/Agency to question staff briefly on matters which the Council/Agency has taken action or given direction, to make general comments as a reference to staff on factual matters of community concern; and provide updates or make brief announcements in a manner consistent with Government Code Section 54952.2.

Commented [DT33]: Palo Alto pg. 12 N

B. All City Council/Agency requests for oral communications to be placed on an agenda shall be expressed in complete sentences and shall provide sufficient information to be in compliance with the Brown Act. All oral communications shall provide a brief, general description of each item of business to be transacted or discussed at the meeting and need not exceed 20 words.

C. Placing items on a future agenda. Any Council/Agency member may bring a matter of business before the Council during Council/Agency orals to add an item to a future agenda. Placing an item on a future agenda requires a simple majority roll call vote. At that time, the Mayor/Chairperson shall coordinate with the City Manager or City Attorney as to the requisite time needed for City Staff to fully research the matter(s) requested and a reasonable time in which to present the matter(s) for Council/Agency discussion and/or action. All individual Council/Agency agenda items requested shall be placed on the future agenda under Regular Business.

Commented [DT34]: Eastvale pg. 10 A
Los Altos pg. 15 10.9

D. Commission/Committee appointment recommendations may be made during Council/Agency Orals. Pending background check clearance, all appointments will be made at a future meeting during presentations. Commission/Committee appointments do not need a vote of the city council unless as otherwise required by resolution or ordinance of the Agency/Council.

X. Standards of Decorum.

A. The Mayor/Chairperson shall be the presiding officer at Council/Agency meetings. In the absence of the Mayor/Chairperson, the Mayor Pro Tem/Vice Chairperson shall be presiding officer. It shall be the duty of the Mayor/Chairperson to ensure that the rules of decorum and procedure contained herein are observed.

Commented [DT35]: Decorum

B. Council/Agency Members: Council/Agency members shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the Council/Agency is maintained at all times. Council/Agency members shall maintain a polite, respectful

A. Intro: Eastvale pg. 1 B
B. Council: Eastvale pg. 1 A
C. Staff: Eastvale pg. 3 2A
D. Speaker Newport Bch pg. 9 #2 ,
See 2nd part of section
E. Audience Language from GC 54957.9
Language from GC 54957.95
F Criticism Language from GC 54957.3c
G. Signs Eastvale pg. 3 bottom
G. Enforce Eastvale pg. 6 4A
See Montebello Res.06-22 pg. 4

and courteous manner when addressing one another, the City Staff, and members of the public during Council/Agency meetings.

C. City Staff. City staff shall not engage in dialogue with members of the public during City Council meetings and shall limit conversations between themselves as much as possible. City Staff shall direct all comments and presentations to the Council/Agency and/or Presiding Officer. When addressed by a Council/Agency member, Staff shall respond in a polite, professional, and courteous manner. All requests to speak by members of the City Staff shall be made to the Presiding Officer.

D. Speakers. Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any speaker who becomes boisterous while addressing the Council/Agency or who otherwise disrupts the orderly conduct of the Council/Agency business shall be called to order by the Mayor/Chairperson. If the conduct continues, the Mayor/Chairperson may bar the speaker from speaking and/or attending the meeting.

E. Members of the Audience. Pursuant to Government Code section 54957.9 in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer may order the meeting room cleared and continue in session. 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 54957.95 the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes but is not limited to, one of the following: (a) a failure to comply with reasonable and lawful regulations adopted by the legislative body, or (b) engaging in behavior that constitutes use of force or a true threat of force. "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

The presiding officer shall have the right to terminate any oral communication where such is not within the subject matter jurisdiction of the Council/Agency or is redundant or repetitious. Debates between Council/Agency members and the public should be discouraged.

F. Pursuant to Government Code section 54954.3 (c) the Council/Agency shall not prohibit public criticism of the policies, procedures, programs or services of the City or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or Council/Agency members disagree with the viewpoint being expressed.

Commented [DT36]: Eastvale pg. 2 D5

G. Signs, placards, banners, horns, noise-making devices, or other similar items shall not be permitted in the audience if the presence of such objects disturbs, disrupts, impedes or otherwise renders the orderly conduct of the Council/Agency meeting infeasible, or block the view of any other person in attendance.

H. Enforcement of Rules. The Chief of Police, or his/her designee shall be sergeant-at-arms of the Council/Agency meetings. The sergeant-at-arms shall carry out all orders and instructions given by

the presiding officer for the purpose of maintaining order and decorum at Council/Agency meetings. The sergeant-of-arms shall enforce the rules of decorum and remove and/or arrest any person upon the direction of the Presiding Officer, or upon his or her own discretion, as applicable.

RESOLUTION NO. 23-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, ESTABLISHING RULES OF ORDER FOR THE CONDUCT OF ALL CITY COUNCIL AND SUCCESSOR AGENCY MEETINGS, PROCEEDINGS AND BUSINESS

RECITALS

WHEREAS, section 54954(a) of the Government Code requires a legislative body of a local agency to provide by ordinance, resolution, bylaws, or other form the conduct of business by the legislative body; and

WHEREAS, the City Council of the City of Montebello ("City") has, by prior Resolutions, the last of which was Resolution No. 89-70, 06-22, and 11-89, adopted rules for the conduct of its City Council ("Council") and Successor Agency ("Agency") meetings.; and

WHEREAS, the City Council has, by prior Resolutions, the last of which was Resolution No. 19-124, canceled on an annual basis the City Council meeting in the First week of July and the second meeting of November and December to honor future summer vacations and holiday schedules; and

WHEREAS, on October 27, 2021, the City Council adopted Ordinance No. 2443 amending and restating the rules of order for the conduct of all City Council and Successor Agency meeting, proceedings, business, and rescinding Resolution Nos. 8970, 06-22, 11-89 and 19-124; and

WHEREAS, on January 25, 2023, the City Council repealed Ordinance No. 2443 and as a result repealed Chapter 2.14 "City Council/Agency Meeting Rules of Order" of the Montebello Municipal Code, causing the previously rescinded Resolution Nos. 89-70, 06-22, 11-89 and 19-124 to become reinstated, except as provided herein; and

WHEREAS, from time-to time there is a need to update and restate such rules, whether as a result of subsequent policy decisions and to ensure the orderly conduct of city business; and

WHEREAS, the City has received a letter expressing certain legal concerns regarding the alleged curtailing of free speech rights protected by the First Amendment in Ordinance No. 2443 and threatened legal action; and

RESOLUTION NO. 23-17

Page 2 of 12

WHEREAS, the City Council desires to amend and restate the rules of order to facilitate effective and efficient meeting management, greater transparency, and meaningful public participation; and

WHEREAS, the City Council wishes to establish new rules of order for the conduct of City Council and Successor Agency Meetings by the adopted of this Resolution ("Rules of Conduct").

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO HEREBY RESOLVES, FINDS, AND DECLARES AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. RULES OF ORDER. The temporary rules of order for the conduct of City Council and Successor Agency Meetings shall be established as the following:

CITY COUNCIL/AGENCY MEETING RULES OF ORDER

Section 1. Open to the Public.

The Council and Agency are subject to the Brown Act Open Meetings Law. (Government Code section 54950 et seq). All meetings of the Council and Agency are open to the public, except for closed sessions which are authorized to be held in accordance with the applicable provisions of the Brown Act.

Section 2. Time and Place of Council/Agency Meetings.

Regular Meetings. Regular meetings of the City Council and Agency shall be held at the City Hall Council Chambers at 1600 West Beverly Boulevard, Montebello, California 90640, except as otherwise provided from time-to-time and authorized by the Brown Act. The regular meetings of the City Council and Agency shall be held on the second and fourth Wednesdays of each month. Regular meeting agendas shall be posted on the City's website and at City Hall no later than 72 hours prior to the meeting.

Closed Session. The City Council Closed Session will start at 6:00 p.m. The Mayor/Chairperson may recess the City Council/Agency meeting to discuss closed session items. Closed Session shall not exceed 1 hour. If at the end of the one-hour Closed Session items remain for discussion, Council may recess closed session to consider regular business and reconvene closed session at the end of the regular

RESOLUTION NO. 23-17

Page 3 of 12

business portion of the meeting. If there is no Closed Session, the regular meeting will start at 6:00 p.m.

Special Meetings. Special meetings are “Special” because the presiding officer or majority of the legislative body can call them on a minimum of 24 hours’ notice, as authorized by the Brown Act. Special meetings need not be held at City Hall, as long as the alternate location is within the City. Special meeting agendas shall be posted on the City’s website and at the meeting location, if located away from City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted materials. The Council/Agency will make every effort to provide notice well in advance of 24 hours, especially when the special meeting is for the purpose of conducting a Study Session.

Study Sessions. Study Sessions are meetings during which the Council/Agency receives information about Council/Agency business in an informal setting. The informal study session setting is intended to encourage in-depth discussion and detailed questioning and brainstorming by Council/Agency on issues of significant interest, including but not limited to City/Agency policy matters, budget and financial matters zoning applications, major public works projects and other related topics. The Council/Agency may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for future Council/Agency consideration as no action can be taken at a study session. The Decorum rules still apply to the behavior of the Council/Agency and public.

Holidays. Whenever the day for holding any of the meetings falls on a holiday, the meeting shall be held on the next business day unless otherwise ordered by the City Council/Agency at a prior meeting.

Agenda Materials. The City Clerk office shall post the agenda materials and supplemental agenda materials on the City’s agenda website. The agenda packets are available for public inspection at the City’s website. The agenda cover sheets may also be emailed upon written request.

Broadcasting of Meetings. All regular Council/Agency meetings shall be live streamed on the City’s website and broadcasted on the City’s Government Access Channel (Channel 3) and will be video-recorded, unless the City/Agency is unable to do so due to unforeseen technical circumstances or circumstances beyond the City’s/Agency’s control, in which case the meeting will be audio recorded.

Section 3. Cancelled Meetings.

RESOLUTION NO. 23-17

Page 4 of 12

The City Council/Agency regular meetings may, by resolution, be cancelled during the regularly scheduled second meetings of November and December, or any other meetings the council deems appropriate.

Section 4. General Requirements.

Attendance. Council/Agency Members, the City Clerk, City Attorney, and City Manager, along with any other city officers and department heads that have been requested to be present, shall take their regular stations in the Council chamber prior to the start of any meeting, except during recognized absences. The Council/Agency expects its members to attend regularly and notify the City Clerk, Senior Deputy City Clerk, Assistant City Manager, or City Manager of any planned absences at least two (2) hours prior to the start of any meeting. Notification shall be made via formal written and/or email notice, or confirmed verbally.

Quorum. The City of Montebello has a five-member body, three (3) members of the Council/Agency shall constitute a quorum and shall be sufficient to transact business. If less than the quorum Council/Agency members appear at a regular meeting, the Mayor/Chairperson, Mayor Pro Tem/Vice Chairperson in the absence of the Mayor/Chairperson, any Council/Agency member in the absence of the Mayor/Chairperson and Mayor Pro Tem/Vice Chairperson, or in the absence of all Council/Agency members, the City Clerk or Senior Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

The Council/Agency shall not take any action on any item which does not appear on the posted agenda except as follows in accordance with Government Code Section 54942.2:

1. Emergency Situation. An emergency situation, as defined in Cal. Govt. Code § 54956.5 exists. Before proceeding to act upon an emergency item not appearing on the agenda, the Council/Agency shall by a majority vote determine that an emergency situation exists and that prompt action is required by the Council/Agency. The Council/Agency shall include in the minutes of its meeting the facts upon which it relied in finding the existence of an emergency situation.
2. Need to Take Action on Non-Agenda Items. The Council/Agency may act upon an item not appearing on the agenda if it finds, by a two-thirds vote of the members present at the meeting or if less than two-thirds of the members are present, by a unanimous vote of the members present, that there is a need to take immediate action on the non-agenda item and such need to act came to the Council/Agency attention after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be (presented and) included in the minutes supporting the action taken.
3. Held over items. Items not appearing on the posted agenda for a

RESOLUTION NO. 23-17

Page 5 of 12

specific meeting may be acted upon at that meeting if:

- a) The item appeared on a properly posted agenda for a previous meeting;
- b) The previous meeting occurred not more than five calendar days prior to the date of the meeting at which the item is proposed to be considered; and
- c) The item was continued from a previous meeting of the meeting at which action is proposed to be taken.

Tentative Council Calendar. The Tentative Council Calendar shall list items pending to come before Council/Agency within the next 12 month period and will be included as part of each council meeting's agenda packet. City staff will post the Tentative Council Calendar on the city's website and make updates to the Tentative Council Calendar as necessary.

Consent Calendar Categories. The consent calendar section is where administrative and non-controversial items shall be presented. The Mayor/Chairperson and City Manager should be sensitive to high dollar value items and consider placing those items in the regular business section.

Ordinances, Resolutions, and Contracts. All ordinances, resolutions and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council/Agency unless ordered by a majority vote of the Council/Agency, or requested by the Mayor/Chairperson, or City Manager, or prepared by the City Attorney on his or her initiative. The following ordinances and resolutions may appear on a consent calendar:

- 1. Second Reading of Ordinances.
- 2. Resolutions that are ceremonial in nature.
- 3. Budget amendments that accept funding such as grants or gifts provided the council has previously approved the activity or program.
- 4. Resolutions approving funding applications, such as grants or loans, provided that the program or activity has been previously approved by Council.

Section 5. Teleconference Attendance of Council/Agency Members at Meetings.

The specific requirements relating to teleconferencing per the Brown Act and related amendments shall apply to Council/Agency members. At least a quorum of the Council/Agency must participate from a location within the City (Government Code Section 54953(b)(3)).

RESOLUTION NO. 23-17

Page 6 of 12

If these two threshold requirements are met, the Council/Agency member who will be appearing telephonically must ensure that:

- The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.
- The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.
- The teleconference technology used is open and fully accessible to all members of the public to participate, including those with disabilities.
- Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council/Agency from the remote location that they would if they were present in Council Chambers.
- The teleconference location must not require an admission fee or any payment for attendance.
- All votes must be by roll call.
- If the meeting will include a closed session, the Council/Agency member must also ensure that there is a private location available for that portion of the meeting.

Approved Teleconference Guidelines for Council/Agency Members.

Council/Agency member must give notice in advance of the publication of the agenda to the City Clerk's office. The notice must include:

- The address at which the teleconferenced meeting will occur;
- The address the Council/Agency packet should be mailed to;
- Who is to initiate the phone call to establish the teleconference connection; and
- The phone number of the teleconference location. If cellular telephones are used to participate in teleconferenced meetings, Council/Agency members need to ensure the speaker phone option is functioning.

The Council/Agency member is responsible for posting the Council/Agency agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by emailing, faxing or mailing the agenda to whatever address or fax number the Council/Agency member requests; however, it is the Council/Agency member's responsibility to ensure that the agenda arrives and is posted. If the Council/Agency member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the advance written notice above.

RESOLUTION NO. 23-17

Page 7 of 12

The Council/Agency member must ensure that the location will be publicly accessible while the meeting is in progress.

The Council/Agency member must state at the beginning of the meeting that the posting requirement was met at the location and that the location is publicly accessible and must describe the location.

Notwithstanding the above, any temporary or permanent statutory regulations, authority or restrictions established by the provisions of the Brown Act, as amended, shall apply for teleconferencing or other remote participation and shall be incorporated in and apply to these Rules of Conduct.

Section 6. Order of Business.

Call to Order – 6:00 p.m.

Roll Call

Announcement of Closed Session Items

Public Comments on Closed Session Items

Closed Session

Closed Session Report

Invocation

Pledge of Allegiance

Corrections to the Agenda

Ceremonial Items/Presentations

Public Comments on Non-Agenda Items - Each speaker will have 3 minutes. All other comments which exceed the initial 30-minute period, unless otherwise provided by a majority of Council/Agency to extend time, will be continued to the end of the meeting. Note: Public Comments for Public Hearings, Regular Business and/or Consent Calendar shall be received at the time that matter of business is heard.

Staff Communications on Items of Community Interest

Public Hearing

Regular Business

Consent Calendar

Public Comments on Non-Agenda Items. (Continued from the initial Public Comment period if necessary.)

AB 1234 Travel Reports

Council/Agency Orals

Closed Session. (Continued from the initial Closed Session period if necessary.)

Adjournment

RESOLUTION NO. 23-17

Page 8 of 12

The Mayor shall have the discretion to change the order of business. Council/Agency members may change the order of business by majority vote of the Council/Agency.

Section 7. Procedure for Addressing the City Council/Agency.

When a speaker is called, the speaker shall promptly approach the audience microphone and is requested but not required to give his/her name, whom they represent and/or city of residence in an audible tone of voice for the records. Failure to approach the audience microphone when called may preclude an opportunity to speak during that subject public comment period. A member of the public shall only address the legislative body from the audience microphone, unless authorized by the Mayor/Chairperson to speak from another location.

During the Public Comment period any member of the public may address the Council/Agency on any non-agenda and agenda item at the time set forth in the order of business. Speakers shall be limited to three (3) minutes, with a total limit of thirty (30) minutes for Public Comments at the beginning of the meeting for non-agenda items. Mayor/Chairperson, in his/her discretion, and/or in consultation with the legislative body, may limit or extend time for public comment as he/she may find reasonable under the circumstances. Public Comments on non-agenda items will continue, if necessary, after all other business of the meeting is concluded. No person shall be permitted to interrupt members of the body, staff presentations, or members of the public who are at the microphone during a meeting.

Members of the public can speak on any item on the agenda including Consent Calendar items. Comments on Consent Calendar items will be heard at the time the item is up for discussion or at the beginning of the Consent Calendar being consider at the direction of the Mayor/Chair.

In order to expedite Council/Agency business and to avoid repetitious presentations, whenever an organization or group of persons wishes to address the Council or Agency on the same subject matter, it shall be proper for the presiding officer to inquire whether the organization or group has a spokesperson. If so, spokespersons may be allotted up to six (6) minutes to speak. A Council/Agency member wishing to ask questions of a member of the public should first be recognized by the Presiding Officer.

State law does not permit the Council/Agency to act on or discuss an item raised during Public Comment, but Council/Agency members may ask brief clarifying questions and may ask City staff to follow up any concerns that are raised. Alternatively, the Council/Agency may request the issue to be agendized for discussion at a future Council/Agenda meeting.

RESOLUTION NO. 23-17

Page 9 of 12

Any person may record a meeting unless the body finds that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

Section 8. Agency/Council Oral Reports and Action Items.

The purpose of Council/Agency Orals is to allow Council/Agency to question staff briefly on matters which the Council/Agency has taken action or given direction; to make general comments as a reference to staff on factual matters of community concern; and provide updates or make brief announcements in a manner consistent with Government Code Section 54952.2.

All Council/Agency requests for oral communications to be placed on an agenda shall be expressed in complete sentences and shall provide sufficient information to be in compliance with the Brown Act. All oral communications shall provide a brief, general description of each item of business to be transacted or discussed at the meeting and need not exceed 20 words. If a Council/Agency oral communication fails to comply with these requirements, the City Manager will not place the newly requested item on the agenda.

Any Council/Agency member may bring a matter of business before the Council during Council/Agency orals to add an item to a future agenda. Placing an item on a future agenda requires a majority roll call vote. At that time, the Mayor/Chairperson shall coordinate with the City Manager or City Attorney as to the requisite time needed for City Staff to fully research the matter(s) requested and a reasonable time in which to present the matter(s) for Council/Agency discussion and/or action. All individual Council/Agency agenda items requested shall be placed on the future agenda under New Business.

Commission/Committee appointment recommendations may be made during Council/Agency Orals. Pending background check clearance, all appointments will be made at a future meeting during presentations. Commission/Committee appointments do not need a vote of the City Council unless as otherwise required by resolution or ordinance of the Agency/Council.

Section 9. Standards of Decorum.

The Mayor/Chairperson shall be the presiding officer at Council/Agency meetings. The Chairperson shall be the presiding officer at Agency meetings. In the absence of the Mayor/Chairperson, the Mayor Pro Tem/Vice Chairperson shall be presiding officer. It shall be the duty of the Mayor/Chairperson to ensure that the rules of decorum and procedure contained herein are observed.

The presiding officer shall have the right to terminate any oral communication where such is not within the subject matter jurisdiction of the Council/Agency or is

RESOLUTION NO. 23-17

Page 10 of 12

redundant or repetitious. Debates between Council/Agency members and the public should be discouraged

Council/Agency Members: Council/Agency members shall conduct themselves in an orderly, professional, and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the Council/Agency is maintained at all times. Council/Agency members shall maintain a polite, respectful, and courteous manner when addressing one another, the City Staff, and members of the public during Council/Agency meetings.

City staff shall not engage in dialogue with members of the public during City Council meetings and shall limit conversations between themselves as much as possible. City Staff shall direct all comments and presentations to the Council/Agency and/or Presiding Officer. When addressed by a Council/Agency member, Staff shall respond in a polite, professional, and courteous manner. All requests to speak by members of the City Staff shall be made to the Presiding Officer.

Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any speaker who becomes boisterous while addressing the Council/Agency or who otherwise disrupts the orderly conduct of the Council/Agency business shall be called to order by the Mayor/Chairperson. If the conduct continues, the Mayor/Chairperson may bar the speaker from speaking and/or attending the meeting. Any disruption of the meeting shall be addressed in a manner consistent with AB 1100.

Section 10. Enforcement of Decorum.

The Chief of Police, or his/her designee shall be sergeant-at-arms of the Council/Agency meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at Council/Agency meetings. The sergeant-of-arms shall enforce the rules of decorum and remove and/or arrest any person upon the direction of the Presiding Officer, or upon his or her own discretion, as applicable.

Section 11. Handbook of Procedural Rules.

The council shall adopt by resolution a handbook of procedural rules governing any aspect of the conduct of meetings and hearings for the council and its standing committees, including but not limited to agenda requirements, the order of business, rules of order, rules of evidence, closed session procedures and rules for public participation in meetings. The handbook of procedural rules shall be deemed guidelines and failure to comply with any procedural rule shall not be the basis for challenge to or invalidation of any action of the council, nor shall they be construed to create any independent remedy or right of action of any kind.

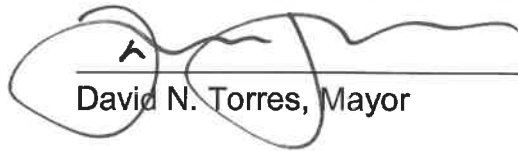
RESOLUTION NO. 23-17

Page 11 of 12

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this resolution. This Resolution shall remain in effect until the City Council conducts a study session and adopts a final Resolution setting the Rules of Order of the City Council/Agency meetings.

SECTION 3. This Resolution to the extent that any provision is inconsistent with previous Resolutions Nos. 89-70, 06-22, 11-89 and 19-124, which adopted rules of conduct for City Council and Successor Agency meetings shall regulate and control the conduct of City Council/Agency meetings.

APPROVED AND ADOPTED THIS 22nd DAY OF FEBRUARY 2023.



David N. Torres, Mayor

ATTEST:



Christopher Jimenez, City Clerk

APPROVED AS TO FORM:



Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF MONTEBELLO)



I, Christopher Jimenez, City Clerk of the City of Montebello, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 23-17 was passed and adopted by the City Council of the City of Montebello, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 22nd day of February 2023 and that said Resolution was adopted by the following vote, to-wit:

RESOLUTION NO. 23-17

Page 12 of 12

AYES: Peralta, Tamayo, Torres

NOES: Melendez

ABSTAIN: Jimenez

ABSENT: None

The undersigned, City Clerk of the City of Montebello, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of said City which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

DATE:

2/22/2023



Christopher Jimenez, City Clerk