

ORDINANCE NO. 20-1437

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY
AMENDING DOWNEY MUNICIPAL CODE ARTICLE II, CHAPTER 1, SECTION
2105 REGULATING THE RULES OF CONDUCT FOR CITY COUNCIL
MEETINGS**

WHEREAS, the City Council of the City of Downey declares that the business of the City is to be conducted in an orderly and efficient manner to facilitate thorough City Council deliberations and decision making; and

WHEREAS, the City Council values the opinions and comments of the public on matters of city business; and

WHEREAS, the City Council desires that all members of the public who attend the City Council meetings have their comments heard at the earliest point in the meeting, and that the public, in turn, may listen to the Council discussion and deliberations on such matters without distraction or disruption; and

WHEREAS, Downey City Charter Section 510, consistent with the Ralph M. Brown Act, provides, among other things, that the public shall have the right to address the Council either orally or in writing on matters of City business, but such right shall be subject to reasonable rules and regulations as adopted by ordinance or resolution; and

WHEREAS, the City Council wishes to amend the rules of conduct for city council meetings contained in Downey Municipal Code Article II, Chapter 1 to establish a three (3) minute time limit per speaker for public comments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. The City Council of the City of Downey hereby amends the City of Downey Municipal Code, Article II, Chapter 1, Section 2105 to read as follows:

SECTION 2105. RULES OF CONDUCT FOR CITY COUNCIL MEETINGS.

Conduct at City Council meetings shall be in accordance with the following rules:

- (a) Unless addressing the City Council or entering or leaving the Council Chambers or other meeting place, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in the aisles or along the walls, unless permitted by the Mayor. No person shall block any doorways.
- (b) All demonstrations, including cheering, yelling, whistling, handclapping and foot stomping which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting are prohibited.
- (c) No placards, signs, posters, packages, bundles, suitcases or other large objects shall be brought into the Council Chambers or other meeting place if doing so would disrupt, disturb or otherwise impede the orderly course of the meeting.
- (d) Smoking is prohibited in the Council Chambers or other meeting place.

(e) It is requested that all persons wishing to speak to the Council at the time designated for oral communications shall state their name, address, and the subject matter upon which they wish to speak for the record. All speakers who wish to address members of the City Council or staff must do so through the Mayor. No person shall address the Council until he or she has first been recognized by the Mayor. The decision of the Mayor to recognize or not recognize a person may be changed by order of the Council.

(f) During formal public hearings, all interested parties will be allowed to address the Council. The Mayor shall request persons wishing to address the Council to signify their interest and may limit the time allowed and otherwise coordinate the hearing proceedings. The applicant shall speak after the staff report and shall have the opportunity for rebuttal. The applicant shall not be limited by the three (3) minute time limit, but shall not be repetitious nor digress from the issues before the Council. In the interest of facilitating the business of the Council, all persons addressing the Council shall be limited to three (3) minutes unless such time is extended by the Mayor for good cause.

(g) There will be one oral communication section near the beginning of the City Council Agenda placed after public hearings. During this time members of the public may address the Council on any non-agenda item which is directly related to City business. Each person speaking shall be limited to three (3) minutes and the maximum time allowed for oral communication shall be thirty (30) minutes. For good cause the Mayor may extend the time for individual speakers or the maximum time for oral communications. The Mayor may rearrange the order of items on the agenda to ensure the orderly conduct of the meeting.

(h) The City Council will accept public comment concerning agenda items at the time the item is considered. Individuals wishing to address an agenda item may raise their hand at the time the title is announced by the City Clerk so that the Mayor can count the number of speakers. Each person speaking shall be limited to three (3) minutes per agenda item.

(i) At the time that the Consent Calendar is considered, members of the public may address the City Council on any item on the Consent Calendar. Each person shall be limited to three (3) minutes. Once all public comments on Consent Calendar items are made, the Council shall determine which items shall be removed from the Consent Calendar. All items that had been removed will be considered by the Council after the Consent Calendar is approved. The City Council may, but is not required, to allow additional public comment on items removed from the Consent Calendar.

(j) At the end of the regular City Council meeting, staff and members of the City Council may present any other business that is appropriate for City Council consideration. Unless permitted by the Brown Act, the Council may not discuss such items or take action upon them, but an individual Council Member may request that any such item be placed upon a future agenda for consideration by the Council.

(k) Members of the audience shall respect the rights of others and shall not create noise or other disturbances so as to disrupt or disturb persons who are addressing the City Council, Council Members who are speaking, or otherwise impede the orderly conduct of the meeting. All persons addressing the City Council shall speak in a civil and courteous manner and shall not yell, scream, or use foul language. Speakers shall address the agenda topic to which they are speaking on and shall not be repetitive.

(l) Photographs, audiotapes and videotapes may be taken from any seat within the Council Chamber or other meeting place or from the rear of the Council Chamber or other meeting place. Except when presentations are being made, photographs, audiotapes and videotapes may not be taken from the side or middle aisles or from the front of the Council Chambers as such practices disrupt and disturb the audience, public speakers and Council Members, and interferes with the orderly conduct of the meeting. Photographs, audiotapes and videotapes shall not be taken in any manner which disturbs or disrupts the audience, speakers or Council Members or otherwise disrupts the Council meeting.

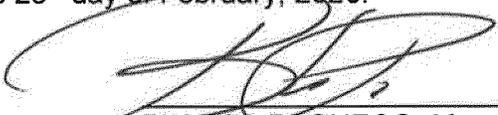
(m) Animals are prohibited in the council chambers, except for trained K-9 police dogs and trained service animals as defined under State and Federal law.”

SECTION 2. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 3. Upon the effective date of this amendment, the City Clerk is directed to place and maintain copies of the City Council meeting rules in the back of the Council Chambers for members of the public.

SECTION 4. The City Clerk shall certify the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this 25th day of February, 2020.



BLANCA PACHECO, Mayor

ATTEST:



MARIA ALICIA DUARTE, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 20-1437 was introduced at an Adjourned Regular Meeting of the City Council of the City of Downey held on the 28th day of January, 2020, and adopted at a Regular Meeting of the City Council of the City of Downey held on the 25th day of February, 2020, by the following vote, to wit:

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| AYES: | Council Members: | Ashton, Rodriguez, Saab, Frometa, Mayor Pacheco |
| NOES: | Council Member: | None. |
| ABSENT: | Council Member: | None. |
| ABSTAIN: | Council Member: | None. |

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 20-1437, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on January 30, 2020 (after introduction), and on February 27, 2020 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.



MARIA ALICIA DUARTE, CMC
City Clerk