



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:**     **October 23, 2023**

**ITEM TITLE:**       **Adopt a Resolution Adopting a Meeting Decorum and Civility Policy  
for Public Meetings.**

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt a Resolution adopting a meeting decorum and civility policy.

Based on recent events, the City Council should consider and develop policies authorized under the Brown Act at Sections 54954.3, 54957.9, and 54957.95. This will provide guidance for the Mayor and Chairs of City Brown Act bodies should disruptive behavior occur at meetings and would operate to establish reasonable standards to protect the public's rights to address the City Council and commissions should further disruptive behavior incidents occur.

Attachment 1 is a proposed Decorum and Civility Policy. It was developed through a review of state law and other agency policies. The draft policy is intended to be comprehensive in dealing with disruptive behaviors and is not specific to video conferenced meetings that use technology such as Zoom.

### **FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

### **BACKGROUND:**

Government Code Section 54954.3(a) provides that unless an exception applies, every agenda for regular and special meetings of the City Council, Commissions and Standing Committees must provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body.

Section 54954.3(b) provides that the City Council may adopt reasonable regulations to ensure public participation, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

The Brown Act provides that the City Council is not allowed to prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. (Government Code Section 53954.3(c)). The Brown Act recognizes a general exception intended to cover first amendment issues providing that this section does not confer any privilege or protection for expression beyond that otherwise provided by law.

Government Code Section 54957.9 provides that 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 members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. If such a room clearing is ordered, 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, are allowed to attend such a cleared session. The City Council is allowed to establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Government Code Section 54957.95, which became effective on January 1, 2023, provides that in addition to the provisions Sections 54954.3 and 54957.9, the Mayor or official presiding over or conducting a meeting or their designee may remove, or cause the removal of, an individual for behavior disrupting the meeting.

Under this law, prior to removing an individual, the presiding member or their designee must first 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 member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This limitation does not prevent removal of a person or persons making a “true threat of force” as defined in the statute.

#### ANALYSIS:

The mayor as presiding officer has discretion to control the conduct of the meeting, balancing the public’s free speech rights with the body’s ability to consider and deliberate without being thwarted through disruptive behavior. A city council meeting is a limited public forum, allowing reasonable limitations on speech to allow the body to conduct business. Consistent with this, the Brown Act allows both the establishment of reasonable regulations to ensure public participation in Section 54954.3, and addresses how to readmit members of the public after a disruption. Reasonable policy guidance will provide the mayor or presiding officer an opportunity to warn and to point to a policy violation in managing a meeting and disruptive behavior.

The law allows the presiding officer to limit discussion to the issues at hand and to those matters under the jurisdiction of the City.

The City has some rules for the conduct of meetings. Roberts Rules of Order provide guidance on parliamentary procedures. The City limits speakers to two minutes and there is an initial time limitation on the general public comment period.

The City currently has no written policies on the conduct of meetings to address intentional disruptions and removal, other than as generally provided in state law and historical practice.

The “Zoom Bombers” plaguing Bay Area and California cities appear to be coordinating their behavior to disrupt meetings, disguising themselves as concerned citizens, only to launch into obscene and offensive behaviors, not relevant or pertinent to the item under discussion, and intended to cause disruption to the meetings. Disruption includes shocking the members of the legislative or other Brown Act bodies and the public in attendance. The use of Zoom for public comment creates challenges in controlling disruptive behavior during public meetings since persons on Zoom can be anonymous. Zoom participation can be from anywhere in the world and persons from outside of San Carlos and the state. As such, those intending to disrupt a meeting are not subject to California or local jurisdiction. Removal after an intentional disruption can be

accomplished with the click of a button, but must still comply with the Brown Act rules for public participation.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Adopt a Resolution adopting a meeting decorum and civility policy for public meetings; or
2. Do not adopt the meeting decorum policy; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Gregory Rubens, City Attorney

Approved for submission by:

A handwritten signature in black ink, appearing to read "J. Maltbie", is written above a horizontal line.

Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Resolution  
Exhibit A to Resolution - Meeting Decorum and Civility Policy